

# **Proposed Plan Change 26: Residential Zone Intensification**

**(Intensification Planning Instrument under section 80E of the  
Resource Management Act 1991)**

**Incorporating**

## **Section 32 Evaluation Report**

**August 2022**



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Appendix 5 – Residential Modelling Medium Density Residential Standards

Appendix 6 – Water and Wastewater Infrastructure Assessment

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## **Report Information**

|                               |                                                                                                               |                   |
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| <b>Approved to notify</b>     | Strategic Planning and Policy Committee                                                                       | 9 August 2022     |
| <b>Date publicly notified</b> | 19 August 2022                                                                                                |                   |

## Executive Summary: Proposed Plan Change 26 Residential Zone Intensification

As a result of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), Waipā District Council (Council) is required to amend the operative Waipā District Plan (District Plan) to include new medium density residential standards. The medium density residential standards will apply to all relevant residential zones within the urban environments of Cambridge, Kihikihi and Te Awamutu.

Proposed Plan Change 26 is the required amendment to the District Plan and is an Intensification Planning Instrument under section 80E of the Resource Management Act 1991.

The purpose of Proposed Plan Change 26 is to incorporate the new medium density residential standards into the Waipā District Plan. As well, the Council is required to give effect to either Policy 3 or Policy 5 of the National Policy Statement on Urban Development 2020.

Proposed Plan Change 26 creates a new section 2A 'Medium Density Residential Zone' to the District Plan which sets out the new medium density residential standards along with relevant qualifying matters which enable the modification of the standards to address the issues existing in the qualifying matter areas.

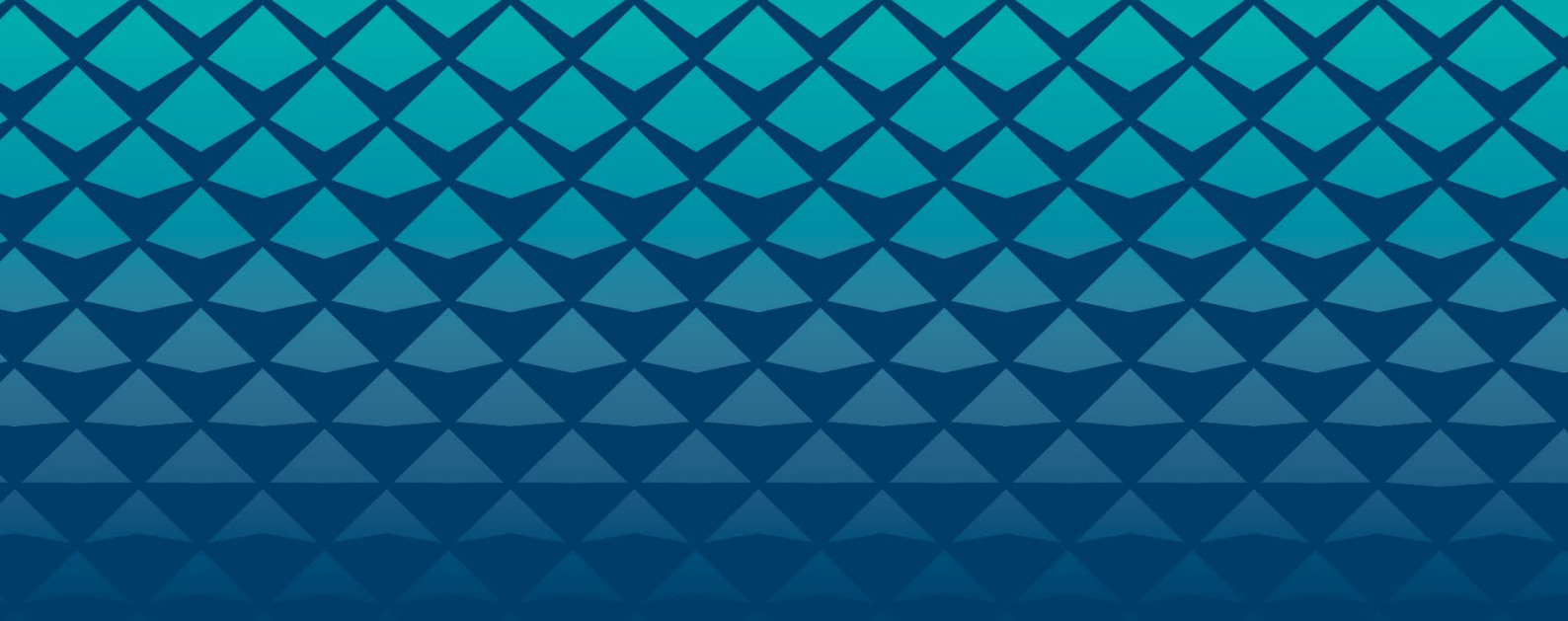
Proposed Plan Change 26 updates the financial contributions provisions in section 18 of the District Plan and includes consequential changes required in order to give effect to the legislation.

Amendments are proposed to the following parts of the District Plan:

- Definitions
- Section 01 – Strategic Policy Framework
- Section 02 – Residential Zone
- Section 15 – Infrastructure, Hazards, Development & Subdivision
- Section 18 – Financial Contributions
- Section 21 – Assessment Criteria and Information Requirements
- Appendix DG1 – Character Cluster Statements
- Planning maps.

A new section, 'Section 2A Medium Density Residential Zone' is proposed to be introduced into the District Plan.





**A**



**Part A – Proposed Plan Change 26**  
**Residential Zone Intensification**

## Part A – Proposed Plan Change 26

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### 1. Summary of proposed changes to the Waipā District Plan

#### 1.1. Introduction

The purpose of Proposed Plan Change 26 is to incorporate the medium density residential standards as set out in Schedule 3A of the Resource Management Act 1991 into the Waipā District Plan. The proposed plan change will also amend existing provisions in the District Plan to accommodate the new medium density residential standards, including consequential changes to give effect to the legislation.

Proposed Plan Change 26 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
- Section 21 – Assessment Criteria and Information Requirements
- Appendix DG1 – Character Cluster Statements
- Planning maps to show the location of the new medium density residential zones.

The following new sections are proposed to go into the District Plan:

- Section 2A – Medium Density Residential Zone
- Planning maps 56 and 57 – Qualifying Matters Policy Areas Overlays.
- Planning maps 58 and 59 – Character Clusters Policy Areas Overlays.

#### 1.2. Definitions

New definitions for the following terms are proposed as part of Proposed Plan Change 26:

- Act
- Intensification Planning Instrument
- Intensification Streamlined Planning Process
- Medium Density Residential Standards
- Qualifying Matter
- Relevant Residential Zone
- Te Ture Whaimana

The definition for 'Infill Housing' will be deleted.

### 1.3. Section 01 – Strategic Policy Framework

Proposed Plan Change 26 includes changes to reflect Te Ture Whaimana O Te Awa o Waikato - the Vision and Strategy for the Waikato River (Te Ture Whaimana) being a unique Qualifying Matter for the Waikato:

- The major change in section 1 ‘Strategic Policy Framework’ has been to relocate the subsection relating Te Ture Whaimana – the Vision and Strategy to a more prominent position in the section. It is now directly located after the introduction to the section.
- More information has also been included about Te Ture Whaimana – the Vision and Strategy such as the inclusion of the four fundamental issues that it seeks to address.
- A new cross boundary issue has been introduced in 1.4.4 to address the achievement of the objectives and strategies of Te Ture Whaimana – the Vision and Strategy for the restoration and protection of the Waikato and Waipā Rivers and their catchments.

An updated paragraph on the National Policy Statement for Urban Development 2020 has been included in the new subsection 1.1.19(d). Updates have also been made to other documents such as the Waikato Regional Policy Statement which at the time the District Plan was being developed was a proposed regional policy statement and which is now operative.

A new policy relating to towns has been introduced in new 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.

Several consequential amendments have been made. These amendments relate to a change in numbering and grammatical corrections such as deleting unnecessary punctuation or inserting punctuation where it is needed. A few consequential amendments have been made to make a sentence or paragraph easier to understand.

### 1.4. Section 02 – Residential Zone

The existing provisions in the Residential Zone have been modified to address the only other current residential zone in Karāpiro Village which sits outside of the urban environments of Cambridge, Kihikihi and Te Awamutu. These provisions would also apply to any future residential zones outside the main urban areas.

Provisions relating to the growth cell structure plans located in Cambridge and Te Awamutu where those growth cells have been developed are proposed to be deleted as they are no longer relevant to the residential zone.

As well provisions related to compact housing are also proposed to be deleted as compact housing overlays are not yet located outside of Cambridge and Te Awamutu.

Several consequential amendments have been made. These amendments relate to a change in numbering and grammatical corrections such as deleting unnecessary

punctuation or inserting punctuation where it is needed. As well a few consequential amendments have been made to make a sentence or paragraph easier to understand.

## **1.5. Proposed Section 2A – Medium Density Residential Zone**

Proposed new section 2A introduces the medium density residential standards into the Waipā District Plan through the creation of the Medium Density Residential Zone.

The existing provisions in section 2 ‘Residential Zone’ have formed the basis for the new medium density residential zone section. The medium density residential standards as set out in Schedule 3A of the Resource Management Act 1991 have been transferred directly into the following provisions:

- Objectives 2A.3.1 and 2A.3.2.
- Policies 2A.3.2.1, 2A.3.2.3, 2A.3.2.5, 2A.3.2.6 and 2A.3.2.7.

Policies relating to low density housing in Cambridge, Kihikihi and Te Awamutu have been deleted (former Policies 2.3.1.1(e) and 2.3.1.2(c)). The following provisions have also not been carried over and it is proposed that they be deleted:

- Former policy 2.3.4.2 – secondary dwelling.
- Former policy 2.3.4.3 – infill housing.
- Former policy 2.3.4.5 – compact housing.

Additional amendments have been made to provisions to achieve consistency with the medium density residential standards:

- Policy 2A.3.4.1 - building setback from road boundary.
- Policy 2A.3.4.3 – building setback side boundaries.
- Policy 2A.3.4.4 – height of buildings.
- Policy 2A.3.5.5 – outdoor living area.
- Policy 2A.3.5.6 – maximum building length.
- Objective 2A.3.6 – providing housing options.
- Policy 2A.3.7.1 to remove reference to infill housing.
- Policy 2A.3.7.2 – Development within Structure Plans.

## **1.6. Section 15 – Infrastructure, Hazards, Development & Subdivision**

A number of proposed amendments to the existing rules in this section have occurred. The sections amended are:

- Activity Classification Tables 15.4.1 – addition of a column for the Medium Density Residential Zone.
- New clause (l) in Activity Classification Table 15.4.1.1.
- Deletion of existing clause (o) in Activity Classification Table 15.4.1.1.

- New net lot area rules into performance standard 15.4.2.1.
- New rule 15.4.2.1A for subdivision in the Medium Density Residential Zone around existing or proposed dwellings.
- New provisions in rule 15.4.2.3 – lot frontage, lot shape factor and vehicle crossings for Medium Density Residential Zone and the Residential Zone.
- Deletion of rule 15.4.2.62 – Comprehensive Development Subdivision within the C1 and C2/C3 Structure Plan areas

## **1.7. Section 18 – Financial Contributions**

Section 18 has been updated to improve the Council’s ability to address any adverse effects on infrastructure that may arise from unplanned and unbudgeted intensification of housing. Adverse effects on infrastructure will now be able to be addressed through a financial contribution of money, land or a combination of both money and land. This includes the use of financial contributions for permitted activities that may not require resource consent.

Changes to Section 18 have been made to implement the legislation, and to provide for the ability for Council to take contributions to fund for the effects of unplanned and unanticipated development. These changes:

- Clarify the purpose for financial contributions and the relationship between financial contributions and development contributions.
- Clarify how financial contributions still apply and may be required for permitted developments that don’t need resource consent.
- Incorporate adverse effects consideration on the Waikato and Waipā Rivers (and their catchments) as expressed through Te Ture Whaimana which has the legal effect of a National Policy Statement.
- Provide a dollar figure per bedroom and per dwelling for financial contributions for residential amenity, Te Ture Whaimana and non-residential development.

The formula for calculating financial contributions remains unchanged.

## **1.8. Section 21 – Assessment Criteria and Information Requirements**

Amendments have been made to the following provisions:

- Restricted Discretionary Activity 21.1.2.4 to remove reference to compact housing for seven or more dwellings and visitor accommodation with the visitor accommodation overlay in C1 and C2/C3 structure plan areas.
- Restricted Discretionary Activity 21.1.2.5 to add additional assessment criteria for character clusters.
- Insert new Assessment criteria on 21.1.3 for the Medium Density Residential Zone.
- New criteria 21.1.16.4 for controlled activities being for subdivision creating residential sites in the Medium Density Residential Zone.

- New criteria 21.1.16.6 for controlled activities being for subdivision in the Medium Density Residential Zone.

## 1.9. Appendix DG1 – Character Cluster Statements

The appendix has been amended to update the reasoning behind having character cluster overlays in the operative Waipā District Plan as well as updating the descriptions for each of the character cluster areas.

## 1.10. Planning maps

The following changes have been proposed to the Waipā District Planning Maps:

- New Map 56 – Qualifying Matters – Cambridge.
- New Map 57 – Qualifying Matters – Te Awamutu.
- New Map 58 – Character Clusters – Cambridge.
- New Map 59 – Character Clusters – Te Awamutu, including Kihikihi.
- The deletion of the Zones Legend dated 1 November 2016.
- Insertion of a new Zones Legend as proposed by Plan Change 26.
- The deletion of the Policy Areas Legend dated 1 November 2016.
- Insertion of a new Policy Areas Legend as proposed by Plan Change 26.
- The deletion of Zone map 4 – Cambridge Overview and the insertion of new Zone map 4 as proposed by Plan Change 26.
- The deletion of Policy Areas map 4 – Cambridge Overview and the insertion of new Policy Areas map 4 as proposed by Plan Change 26.
- The deletion of Zone map 7 and the insertion of new Zone map 7 as proposed by Plan Change 26.
- The deletion of Zone map 8 – Ohaupo / Te Awamutu Overview and the insertion of new Zone map 8 as proposed by Plan Change 26.
- The deletion of Policy Areas map 8 – Ohaupo / Te Awamutu Overview and the insertion of new Policy Areas map 4 as proposed by Plan Change 26.
- The deletion of Zone map 12 – Kihikihi / Te Mawhai Overview and the insertion of new Zone map 12 as proposed by Plan Change 26.
- The deletion of Policy Areas map 8 – Kihikihi / Te Mawhai Overview and the insertion of new Policy Areas map 12 as proposed by Plan Change 26.
- The deletion of Zone map 22 – Hautapu Overview and the insertion of new Zone map 22 as proposed by Plan Change 26.
- The deletion of Policy Areas map 23 – Hautapu Overview and the insertion of new Policy Areas map 23 as proposed by Plan Change 26.
- The deletion of Zone map 24 – Cambridge (West) and the insertion of new Zone map 24 as proposed by Plan Change 26.

- The deletion of Policy Areas map 24 – Cambridge (Cambridge) and the insertion of new Policy Areas map 4 as proposed by Plan Change 26.
- The deletion of Zone map 25 – Cambridge (East) and the insertion of new Zone map 25 as proposed by Plan Change 26.
- The deletion of Policy Areas map 25 – Cambridge (East) and the insertion of new Policy Areas map 25 as proposed by Plan Change 26.
- The deletion of Zone map 26 – Leamington (West) and the insertion of new Zone map 26 as proposed by Plan Change 26.
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- The deletion of Zone map 28 – Cambridge Centre and the insertion of new Zone map 28 as proposed by Plan Change 26.
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- The deletion of Zone map 37 – Te Awamutu / Kihikihi Overview and the insertion of new Zone map 37 as proposed by Plan Change 26.
- The deletion of Policy Areas map 37 – Te Awamutu / Kihikihi Overview and the insertion of new Policy Areas map 37 as proposed by Plan Change 26.
- The deletion of Zone map 38 – Te Awamutu (West) and the insertion of new Zone map 38 as proposed by Plan Change 26.
- The deletion of Policy Areas map 38 – Te Awamutu (West) and the insertion of new Policy Areas map 38 as proposed by Plan Change 26.
- The deletion of Zone map 40 – St Leger and the insertion of new Zone map 39 as proposed by Plan Change 26.
- The deletion of Zone map 41 – Kihikihi and the insertion of new Zone map 39 as proposed by Plan Change 26.
- The deletion of Policy Areas map 4138 – Kihikihi and the insertion of new Policy Areas map 41 as proposed by Plan Change 26.
- The deletion of Zone map 42 – Te Awamutu Centre and the insertion of new Zone map 42 as proposed by Plan Change 26.
- The deletion of Policy Areas map 42 – Te Awamutu Centre and the insertion of new Policy Areas map 42 as proposed by Plan Change 26.



## 2. Recommended Tracked Changes to Waipā District Plan

The amendments proposed to the District Plan are set out below. For current sections of the District Plan, only those provisions that are proposed to be amended are set out below. For new section 2A, the whole of the section has been set out.

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 Part 2 of Schedule 3A of the Resource Management Act 1991. These are shown shaded orange in the relevant sections.

### 2.1. Definitions

#### Explanatory Text

Text that has been deleted is shown in ~~striketrough~~.

Text that has been added is shown as underlined.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>‘Act’</u>                                          | <u>means the Resource Management Act 1991.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <del>Infill Housing</del>                             | <del>means the further residential SUBDIVISION/DEVELOPMENT of land within the urban limits where SUBDIVISION and LAND USE consents are jointly lodged.</del>                                                                                                                                                                                                                                                                                                                                                                        |
| <u>‘Intensification Planning Instrument’</u>          | <u>As defined in section 80E(1) of the ACT. Also known as the IPI.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>‘Intensification Streamlined Planning Process’</u> | <u>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.</u>                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>‘Medium Density Residential Standards’</u>         | <u>means the standards set out in Schedule 3A ‘MDRS to be incorporated by specified territorial authorities’ of the ACT.</u>                                                                                                                                                                                                                                                                                                                                                                                                        |
| <u>‘Qualifying Matter’</u>                            | <u>As defined in section 77I or section 770 of the ACT.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>‘Relevant Residential Zone’</u>                    | <u>Is defined in section 2 of the ACT and</u> <ul style="list-style-type: none"><li>▪ <u>means all residential zones; but</u></li><li>▪ <u>does not include—</u><ul style="list-style-type: none"><li>- <u>a large lot residential zone;</u></li><li>- <u>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;</u></li><li>- <u>an offshore island;</u></li></ul></li></ul> |



- to avoid doubt, a settlement zone

**‘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 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.

## 2.2. Section 1 – Strategic Policy Framework

### Explanatory Text

Text that has been deleted is shown in ~~strikethrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout amended Sections.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

### 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.

1.1.2.3 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:

- 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.
- 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 co-management with Waipā’s iwi partners. new forms of management.~~
- 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~~ 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<sup>1</sup>**

- 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 Punui River. ~~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;

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<sup>1</sup> These sections were previously located at paragraphs 1.1.7 to 1.1.12 and have been relocated closer to the front of the section given the importance of Te Ture Whaimana.

(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 of 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)<sup>2</sup>**

- 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 Deed 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 ....

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<sup>2</sup> These sections were previously located at paragraphs 1.1.13 to 1.1.14 and have been relocated closer to the front of the section.

### National Environmental Standards<sup>3</sup>

~~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 qQuality standards (2004)11~~; 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<br>2020–2030          | Long term<br>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.

<sup>3</sup> This section was previously located at paragraph 1.1.16 of Section 01 and has been moved to come before the section on National Policy Statements.

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<br>2020- 2030         | Long term<br>2030-2050 | Total  |
| Waipā District | 4,100                                      | 6,800                  | 10,900 |

## 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 Tauāki 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 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.

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.

1.1.21 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 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. Theis 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 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;
- (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 Ta 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 Timu, Tai Pari, Taiao - Waikato-Tainui Environmental Management Plan.



## Local Direction

### *Waipā 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 ~~Waipā~~ Waipā for Progress while Sustaining the Environment”***  
***“Te Whakakotahitanga o te Iwi o Waipā kia anga whakamua, kia hapāi 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 |



| 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          |
| 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        |
| <b>Total</b>                                                                                                       | <b>42,700</b>                    | <b>552</b>                                                           | <b>675</b> | <b>10,486</b>                       | <b>12,817</b> | <b>53,186</b>                      | <b>55,517</b> |

### *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 There are currently town plans for Cambridge, Kihikihi, Ngāhinapouri, Ōhaupo, Pirongia Village, Karapiro 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<sup>4</sup>**

- 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 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 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 .....

*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) .....

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<sup>4</sup> These paragraphs were previously located at 1.3.5, 1.3.5.1 and 1.3.5.2 of section 01 and have been moved to be the first objective and policies referred to in section 1.3.

- (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.

**Objective - Planned and integrated development**

1.3.2 3 .....

*Policy - Implement ~~Proposed~~ Waikato Regional Policy Statement: Te Tauāki 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
  - (~~b~~c) National infrastructure – network utilities including State Highways, gas and electricity; and
  - (~~e~~d) Local infrastructure – network utilities that cross territorial boundaries; and
  - (~~d~~e) 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
  - (b) Urban growth in Hamilton City; and
  - (~~b~~c) Rural residential development surrounding Hamilton City; and
  - (~~e~~d) Land transport issues; and
  - (~~d~~e) Hamilton International Airport; and
  - (~~e~~f) ~~Management of a~~Activities at Mystery Creek; and
  - (~~f~~g) Discharge of contaminants to land, water and air; and
  - (~~g~~h) Riparian margins, water quality and aquatic habitat in water bodies; and
  - (~~h~~i) Availability of aggregate and sand resources in greater Waikato; and
  - (~~i~~j) ~~Management of t~~The Mount Pirongia landscape; and
  - (~~j~~k) Indigenous biodiversity.

## **2.3. Section 2 – Residential Zone**

**Explanatory Text for the purpose of the IPI (not part of proposed plan change):**

Text that has been deleted is shown in ~~strikethrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout amended Sections.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

## 2.1 Introduction

- 2.1.1 The Residential Zone of the District is in the villages and settlements of the Waipā District such as Karapiro. 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 Karapiro. 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 Karapiro 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 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.

### 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 1000m<sup>2</sup>, 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:~~

- ~~(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~~ 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 | <b>Permitted activities</b><br>The following activities shall comply with the performance standards of this zone                                                                                                                                                                                                                                       |
| (a)     | ...                                                                                                                                                                                                                                                                                                                                                    |
| (b)     | ...                                                                                                                                                                                                                                                                                                                                                    |
| (c)     | One principal dwelling per 500m <sup>2</sup> 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 <sup>2</sup> )., provided that this rule does not apply to the St Kilda Residential Area, Cambridge Park Residential Area, or Picquet Hill Residential Area. |
| (m)     | The following activities located within the Commercial Hub Overlay of the St Kilda Residential Area identified in Appendix S4:<br>(i) Retail activities<br>(ii) Cafés<br>(iii) Takeaway food outlets<br>(iv) An information centre for the Maungatautari Ecological Island Trust                                                                       |

|         |                                                                                                                                                                                                                                                             |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.4.1.1 | <p>Permitted activities</p> <p>The following activities shall comply with the performance standards of this zone</p>                                                                                                                                        |
|         | <p><del>(v) Meeting and conference facilities</del></p> <p><del>(vi) Pre-school and childcare facilities</del></p> <p><del>(vii) Playground equipment</del></p>                                                                                             |
| (n)     | <p>The following activities within Character Area 4 of the Cambridge Park Residential Zone:</p> <p><del>(i) Food and beverages and convenience goods</del></p> <p><del>(ii) Cafés</del></p> <p>Providing that the GFA does not exceed 150m<sup>2</sup>.</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><del>Construction, alteration and addition to buildings, including dwellings in Character Areas 1 and 4 of the Cambridge Park Residential Area.</del></p> <p><del>Matters over which Council reserves its control are:</del></p> <p><del>Building design and layout; and</del></p> <p><del>Solar access; and</del></p> <p><del>Parking (excluding the number of parking spaces for cars) and movement of vehicles; and</del></p> <p><del>Signs; and</del></p> <p><del>Landscaping; and</del></p> <p><del>Glare; and</del></p> <p><del>Privacy; and</del></p> <p><del>CPTED.</del></p> <p><del>These matters will be considered in accordance with the assessment criteria in Section 21.</del></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><del>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:</del></p> <p><del>Within 200m of an active recreation open space, the Town Belt, a neighbourhood centre or a school; or</del></p> <p><del>Within 100m of a local centre or local open space; or</del></p> <p><del>Within a 'compact housing' overlay identified within the structure plan maps.</del></p> <p><del>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).</del></p> <p><del>Assessment will be restricted to the following matters:</del></p> <p><del>Building location, bulk and design; and</del></p> <p><del>Landscaping; and</del></p> <p><del>Location of parking areas and vehicle manoeuvring; and</del></p> <p><del>CPTED; and</del></p> <p><del>Traffic generation and connectivity; and</del></p> <p><del>Noise; and</del></p> <p><del>Stormwater disposal; and</del></p> <p><del>Alignment with any relevant Urban Design Guidelines approved by Council.</del></p> <p><del>These matters will be considered in accordance with the assessment criteria in Section 21.</del></p> |
| (c)     | <p><del>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</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.4.1.3 | <p>Restricted discretionary activities</p> <p>The following activities shall comply with the performance standards of this zone</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|         | <del>housing can be provided for on land adjoining the compact housing overlay identified on the Planning Maps.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| (d)     | ....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| (e)     | <p>Retirement village accommodation and associated care facilities and rest homes <del>within or outside the compact housing overlay identified on the Planning Maps.</del></p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Building location, bulk and design; and</li> <li>▪ Landscaping; and</li> <li>▪ Location of parking areas and vehicle manoeuvring; and</li> <li>▪ CPTED; and</li> <li>▪ Traffic generation and connectivity; and</li> <li>▪ Benefits provided to residents from onsite communal facilities; and</li> <li>▪ Noise; and</li> <li>▪ Stormwater disposal.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (f)     | <p><del>In-fill housing comprising three to six principal dwellings per site with a minimum net site area for each dwelling of 350m<sup>2</sup>, 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)).</del></p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ <del>Low impact design, including the disposal of stormwater; and</del></li> <li>▪ <del>Access and manoeuvring; and</del></li> <li>▪ <del>Solar access; and</del></li> <li>▪ <del>Outdoor living; and</del></li> <li>▪ <del>Location, form, and materials of the proposed buildings and their relationship to existing buildings in the neighbourhood; and</del></li> <li>▪ <del>Visual effects from adjoining properties and the road; and</del></li> <li>▪ <del>Landscaping; and</del></li> <li>▪ <del>CPTED; and</del></li> <li>▪ <del>Reverse sensitivity effects.</del></li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> |
| (g)     | <p><del>Visitor accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas.</del></p> <p><del>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).</del></p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li><del>Building design; and</del></li> <li><del>Whether the design, scale and appearance maintains or enhances the amenity and character of the area; and</del></li> <li><del>Landscaping; and</del></li> <li><del>Location of parking areas and vehicle manoeuvring; and</del></li> <li><del>CPTED; and</del></li> <li><del>The potential for reverse sensitivity effects on the strategic transport network; Infrastructure effects; and</del></li> <li><del>Alignment with any relevant Urban Design Guidelines approved by Council.</del></li> </ul> <p><del>These matters will be considered in accordance with the assessment criteria in Section 21 relevant to the above matters.</del></p>                                    |
| (h)     | <p><del>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:</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 2.4.1.3 | <p><b>Restricted discretionary activities</b></p> <p>The following activities shall comply with the performance standards of this zone</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|         | <p><del>(a) Café, dining and ancillary activities.</del></p> <p><del>(b) Commercial retail and service activities.</del></p> <p><del>(c) Commercial offices or residential activities, limited to above ground floor.</del></p> <p><del>(d) Within the C2 growth cell, a sports centre and/or art and cultural centre, no greater than 500m<sup>2</sup> GFA in total.</del></p> <p><del>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).</del></p> <p><del>Assessment will be restricted to the following matters:</del></p> <p><del>Building location, bulk and design; and</del></p> <p><del>Visual and amenity effects on surrounding properties; and</del></p> <p><del>Location of parking areas and vehicle manoeuvring; and</del></p> <p><del>Impacts on surrounding open space amenity and pedestrian safety; and</del></p> <p><del>Location, colour, size and content of signs; and</del></p> <p><del>Infrastructure effects; and</del></p> <p><del>Alignment with any relevant Urban Design Guidelines approved by Council.</del></p> <p><del>These matters will be considered in accordance with the assessment criteria in Section 21.</del></p> |
| (i)     | <p><del>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:</del></p> <p><del>(a) Café, dining and ancillary activities.</del></p> <p><del>(b) Commercial retail and service activities.</del></p> <p><del>(c) Commercial offices or residential activities, limited to above ground floor.</del></p> <p><del>(d) Early childcare education facilities.</del></p> <p><del>Assessment will be restricted to the following matters:</del></p> <p><del>Building location, bulk and design; and</del></p> <p><del>Visual and amenity effects on surrounding properties; and</del></p> <p><del>Location of parking areas and vehicle manoeuvring; and</del></p> <p><del>Impacts on surrounding open space amenity and pedestrian safety; and</del></p> <p><del>Location, colour, size and content of signs; and</del></p> <p><del>Infrastructure effects; and</del></p> <p><del>Alignment with any relevant Urban Design Guidelines approved by Council.</del></p> <p><del>These matters will be considered in accordance with the assessment criteria in Section 21.</del></p>                                                                                                                                                     |

|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.4.1.4 | <p><b>Discretionary activities</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (a)     | <p>Any permitted, controlled or restricted discretionary activity that fails to comply with:</p> <p><del>(i) Rule 2.4.2.7 - Dwellings adjoining marae</del></p> <p><del>(ii) Rule 2.4.2.9 Cambridge Park Structure Plan — building setback from escarpment</del></p> <p><del>(ii) (iii) Rule 2.4.2.10 - Maximum Height</del></p> <p><del>(iii) (iv) Rule 2.4.2.12 - Maximum site coverage</del></p> <p><del>(v) Rules 2.4.2.14 and 2.4.2.15 - Maximum site coverage and permeable surfaces St Kilda Structure Plan Area</del></p> <p><del>(vi) Rule 2.4.2.16 and 2.4.2.17 Cambridge North and C1 and C2 Structure Plan Area: on-site soakage</del></p> <p><del>(vii) Rule 2.4.2.18 Cambridge North Structure Plan Area: flood risk</del></p> <p><del>(iv) (viii) Rule 2.4.2.25 17 - Design and layout of development adjoining water bodies and reserves</del></p> <p><del>(v) (ix) Rule 2.4.2.26 18 - Noise</del></p> <p><del>(vi) (x) Rule 2.4.2.29 21 to and 2.4.2.31 22 - Noise insulation: noise sensitive activities</del></p> <p><del>(vii) (xi) Rules 2.4.2.33 24 and 2.4.2.34 25 - Signs</del></p> |

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.4.1.4        | Discretionary activities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                | <del>(viii xii)</del> Rule 2.4.2.35 <del>26</del> - Earthworks<br><del>(xiii)</del> Rules 2.4.2.39 <del>30</del> to 2.4.2.41 <del>32</del> - Housing and keeping of animals<br><del>(ix xiv)</del> Rule 2.4.2.43 <del>34</del> - Secondary dwelling<br><del>(xv)</del> Rule 2.4.2.44 - Compact housing<br><del>(x xvi)</del> Rule 2.4.2.45 <del>35</del> (d) to (g) - Home occupation<br><del>(xi xvii)</del> Rule 2.4.2.46 <del>36</del> - Show homes<br><del>(xviii)</del> Rule 2.4.2.47 - St Kilda Structure Plan Area: Commercial Hub Overlay<br><del>(xii xix)</del> Rules 2.4.2.49 <del>37</del> and 2.4.2.50 <del>38</del> - Temporary construction buildings |
| (b)            | ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <del>(c)</del> | <del>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 400m<sup>2</sup>, provided that the site is not located within the compact housing development overlay or within a character cluster identified on the Planning Maps.</del>                                                                                                                                                                                                                                                                                                                |
| <del>(g)</del> | <del>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).</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <del>(i)</del> | <del>Medical centres (including overnight care) adjacent to Cambridge Road within the C2/C3 Growth Cell.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                |                                                                                                                                                 |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.4.1.5        | Non-complying activities                                                                                                                        |
| (a)            | ...                                                                                                                                             |
| <del>(b)</del> | <del>Any building or activity that fails to comply with the building set back from the escarpment for Cambridge Park Structure Plan Area.</del> |
| (g)            | Retail activities, excluding additions to local retail shops listed in Rule 2.4.1.4(j) <del>(h)</del> .                                         |

## 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            |
| <del>(b)</del>   | <del>Along Hall Street, Cambridge</del>                                                           | <del>7.5m</del> |
| <del>(c)</del>   | <del>Along roads within Character Areas 1 and 4 in the Cambridge Park Residential Area</del>      | <del>3m</del>   |
| <del>(b d)</del> | <del>Along all roads marked as character streets on the Planning Maps</del>                       | <del>6m</del>   |
| <del>(e)</del>   | <del>Along roads located within the St Kilda Residential Area</del>                               | <del>5m</del>   |
| <del>(f)</del>   | <del>Compact housing and visitor accommodation within the C1 and C2/C3 Structure Plan areas</del> | <del>3m</del>   |

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:

- ~~(-)~~ 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
- ~~(ab)~~ 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 9~~ 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 700m<sup>2</sup>.~~
- ~~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 t~~ This rule does not apply to compact housing developments, refer to Rule 2.4.2.44, or Rule 2.4.1.3(c 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

2.4.2.20 ...

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 tos, verandas and other ancillary roof forms are anticipated.~~

Activities that fail to comply ...

### 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 c) At all other times 40dBA (Leq)

(e d) 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 and ~~to 2.4.2.31~~ 22 will require a resource consent for a discretionary activity.

## Rules - Signs

2.4.2.33 The following signs are permitted: ...

~~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; ...

2.4.2.34 Signs ...

~~Provided that~~ In all cases:

- (a) Signs ...

~~Provided that~~ 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 and 2.4.2.34 25 will require a resource consent for a discretionary activity.

## Rules - Earthworks

- 2.4.2.35 Earthworks shall not exceed a total volume of 25m<sup>3</sup> or a total area of 250m<sup>2</sup> in a single activity or in cumulative activities in any calendar year. ~~—provided that t~~ 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 v~~ 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 ~~27~~(a) above.

(b) Around ...

~~Provided that t~~ The following are exempt from Rule 2.4.2.36 ~~27~~(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 2,000m<sup>2</sup> and shall meet the following requirements:~~

~~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~~

~~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~~

~~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~~

~~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~~

~~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 |
|----------------------------------------------|--------------------------------|--------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------|
| <del>6 Studio units and 1 bedroom unit</del> | 50m <sup>2</sup>               | 20m <sup>2</sup>                                       | 4m                                                                | 10m <sup>2</sup>                                             | 2m                                                                      |
| <del>2 bedroom unit</del>                    | 70m <sup>2</sup>               | 30m <sup>2</sup>                                       | 4m                                                                | 12m <sup>2</sup>                                             | 2m                                                                      |
| <del>3 bedroom unit</del>                    | 95m <sup>2</sup>               | 30m <sup>2</sup>                                       | 4m                                                                | 14m <sup>2</sup>                                             | 2m                                                                      |

~~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.~~

~~A communal outdoor service area or storage court shall be provided that does not exceed 10m<sup>2</sup> of site area and it shall be screened so that it is not visible from the front boundary of the site.~~

~~Outdoor living areas shall:~~

~~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~~

~~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~~

~~Any communal outdoor living area provided shall be in addition to, not in substitution of, the required outdoor living area for each dwelling; and~~

~~An area for letterboxes at the front of the property; and~~

~~A place for refuse and recycling material that is accessible to a two-axled truck shall be provided; and~~

~~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:

- The principal operator of the home occupation shall be a permanent resident on the site to which the home occupation relates; and
- 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 50m<sup>2</sup> ~~provided that in Character Area 1 of Cambridge Park it can be 30% of GFA~~; and
- ...

**~~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 550m<sup>2</sup> 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 40m<sup>2</sup> 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~~ 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 250m<sup>2</sup> 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 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.

## **2.4. Proposed Section 2A – Medium Density Residential Zone (NEW)**

### **Explanatory Text for the purpose of the IPI (not part of proposed plan change):**

Section 2A Medium Density Residential Zone is a new section that has been incorporated into the Waipā District Plan. As such, the entire section shown as being underlined.

To give effect to section 80H of the Resource Management Act 1991 the objectives and policies in clause 6 and density standards in Part 2 of Schedule 3A of the Resource Management Act 1991 are shown as shaded orange.

### **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. 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's 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.

## **Qualifying Matters - Introduction**

2A.1.9 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;
- (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;
- (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;
- (f) Where it is necessary to maintain and enhance public access to and along lakes and rivers;
- (g) Where it is necessary to control subdivision and development to manage significant risks from natural hazards;
- (h) Where sites are located proximate to nationally significant infrastructure, such as the National Grid transmission lines, state highways and the North Island Main Trunk railway line; and
- (i) Where there are specific matters which make higher density inappropriate such as protected trees, character clusters and specific requirements applying within Structure Plans.

## **Qualifying Matters – Te Ture Whaimana and the National Policy Statement for Freshwater 2022**

2A.1.10 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.1.11 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.1.12 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 qualifying matter applying to it.
- 2A.1.13 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.1.14 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.1.15 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.1.16 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.1.18 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.

#### **Qualifying Matters – Historic Heritage and Character**

- 2A.1.19 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.1.20 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.1.21 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.1.22 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.1.23 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. 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.1.24 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.1.25 The relevant national policy statement is the National Policy Statement for Electricity Transmission 2008. It sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

- 2A.1.26 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.1.27 Several National Grid transmission lines traverse the 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. For this reason, the National Grid has been identified as a qualifying matter to the Medium Density Residential Standards.
- 2A.1.28 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.1.29 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 surfaces, vegetation clearance, earthworks and residential intensification within river catchments.

### **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) A low ambient noise environment; and
  - (b) Neighbourhoods that are well maintained, safe, and are free from activities, developments and associated signs that can result in adverse visual and nuisance effects;
  - (c) 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.2.7 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.
- 2A.2.8 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.2.9 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.
- 2A.2.10 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.2.11 Inappropriate building design, fence design, and site layout 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.2.12 Buildings that are poorly positioned on a site can affect 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.1.13 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.2.14 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.2.15 In the future there may be increased demand for marae and papakāinga developments within Medium Density Residential Zones.

#### **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 future

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.

### **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.

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).

2A.3.2.4 To enable the modification of the Medium Density Residential Standards under Policy 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 and safe streets and public open spaces, including by providing for passive surveillance.

2A.3.2.6 To enable housing to be designed to meet the day-to-day needs of residents.

2A.3.2.7 To provide for developments not meeting permitted activity status, while encouraging high-quality developments.

### **Objective - Key elements of residential character**

2A.3.3 To maintain and enhance the existing elements of the Residential Zone that give each town its own character.



Policy - Cambridge

2A.3.3.1 To maintain and 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 villa, cottage and bungalow type housing within the identified character clusters; 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.

Policy - Kihikihi

2A.3.3.2 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.

Policy - Te Awamutu

2A.3.3.3 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) 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 the mix of villas, bungalows and art deco housing in parts of Te Awamutu; 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.

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, form, building materials and colour to 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 amenity values and enhance safety in the Medium Density Residential Zone.

*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, parking, and vehicle manoeuvring 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.3.4.8 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.3.4.9 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.3.4.10 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.3.4.11 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.3.4.12 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.3.4.13 To minimise short-term effects on residential character and amenity by managing the location, size, number and type of temporary signs.

- 2A.3.4.14 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.3.4.15 To ensure that earthworks are carried out in a manner that avoids adverse effects between properties and on water bodies.

*Policy - Home occupations*

- 2A.3.4.16 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.3.4.17 To enhance the safety of residential neighbourhoods through site layouts and building designs that incorporate Crime Prevention through Environmental Design (CPTED) principles.

2A.3.4.18 To ensure that passive surveillance is provided to roads, reserves and walkways.

2A.3.4.19 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.3.4.20 To ensure that dwellings adjoining existing marae maintain the visual, aural and cultural privacy of the marae ātea.

*Policy - Residential Based Visitor Accommodation*

2A.3.4.21 Residential Based Visitor Accommodation is enabled where the scale of the activity is such that it:

- (a) Maintains local 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; 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.

**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 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.

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.3.6.5 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.

Policy - Comprehensive design of compact housing, retirement village accommodation and associated care facilities, rest homes, and visitor accommodation

- 2A.3.7.1 To ensure that 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) Avoiding long continuous lengths of wall; and

- (c) Maximising the potential for passive solar gain; and
- (d) Providing for sufficient private 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 provide 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; 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 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 operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.

## **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**

|                        |                                                                                                                                       |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>2A.4.1.1</u></b> | <b><u>Permitted activities</u></b><br><b><u>The following activities shall comply with the performance standards of this zone</u></b> |
| <b><u>(a)</u></b>      | <b><u>Residential activities.</u></b>                                                                                                 |
| <b><u>(b)</u></b>      | <b><u>Up to three dwellings per site outside of the Infrastructure Constraint Qualifying Matter Overlay.</u></b>                      |
| <b><u>(c)</u></b>      | <b><u>Up to two dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay.</u></b>                            |
| <b><u>(d)</u></b>      | <b><u>Home occupations.</u></b>                                                                                                       |
| <b><u>(e)</u></b>      | <b><u>Accessory buildings to any permitted activity.</u></b>                                                                          |
| <b><u>(f)</u></b>      | <b><u>Demolition and removal of buildings, except in character clusters and those listed in Appendix N1 - Heritage Items.</u></b>     |

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>2A.4.1.1</u> | <u>Permitted activities</u><br><u>The following activities shall comply with the performance standards of this zone</u>                                                                                                                                                                                                                                                                                                                                                                                                                           |
| (g)             | <u>Relocated buildings, except where located in a character cluster or listed in Appendix N1 – Heritage Items.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| (h)             | <u>Earthworks.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| (i)             | <u>Signs.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (j)             | <u>Temporary construction buildings.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (k)             | <u>Passive recreational use.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (l)             | <u>The following activities located within the Commercial Hub Overlay of the St Kilda Residential Area identified in Appendix S4:</u><br><ul style="list-style-type: none"> <li>(i) <u>Retail activities</u></li> <li>(ii) <u>Cafés</u></li> <li>(iii) <u>Takeaway food outlets</u></li> <li>(iv) <u>An information centre for the Maungatautari Ecological Island Trust</u></li> <li>(v) <u>Meeting and conference facilities</u></li> <li>(vi) <u>Pre-school and childcare facilities</u></li> <li>(vii) <u>Playground equipment</u></li> </ul> |
| (m)             | <u>The following activities within Character Area 4 of the Cambridge Park Residential Zone:</u><br><ul style="list-style-type: none"> <li>(i) <u>Food and beverages and convenience goods</u></li> <li>(ii) <u>Cafés</u></li> </ul> <u>Providing that the GFA does not exceed 150m<sup>2</sup>.</u>                                                                                                                                                                                                                                               |
| (n)             | <u>Conservation blocks.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| (o)             | <u>Earthworks within the National Grid Yard that comply with Rule 2A.4.2.48.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (p)             | <u>Residential Based Visitor Accommodation.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| <u>2A.4.1.2</u> | <u>Controlled activities</u><br><u>The following activities shall comply with the performance standards of this zone</u>                                                                                                                                                                                                                                                                                                                                                                              |
| (a)             | <u>One show home per site within a greenfield subdivision.</u><br><u>Matters over which Council reserves its control are:</u> <ul style="list-style-type: none"> <li>▪ <u>Traffic generation; and</u></li> <li>▪ <u>Parking (excluding the number of parking spaces for cars); and</u></li> <li>▪ <u>Hours of operation; and</u></li> <li>▪ <u>Duration of the activity on the site.</u></li> </ul> <u>These matters will be considered in accordance with the assessment criteria in Section 21.</u> |

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|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>2A.4.1.3</u> | <u>Restricted discretionary activities</u><br><u>The following activities shall comply with the performance standards of this zone</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (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)             | <u>Four or more dwellings per site outside of the Infrastructure Constraint Qualifying Matter Overlay.</u><br><u>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</u> <ul style="list-style-type: none"> <li>▪ <u>Building location, bulk and design; and</u></li> <li>▪ <u>Development density; and</u></li> <li>▪ <u>Landscaping; and</u></li> <li>▪ <u>Location of parking areas and vehicle manoeuvring; and</u></li> <li>▪ <u>Crime Prevention Through Environmental Design; and</u></li> <li>▪ <u>Traffic generation and connectivity; and</u></li> <li>▪ <u>Privacy within and between adjoining sites; and</u></li> <li>▪ <u>Noise; and</u></li> </ul> |

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| 2A.4.1.3 | <p><b>Restricted discretionary activities</b></p> <p>The following activities shall comply with the performance standards of this zone</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|          | <ul style="list-style-type: none"> <li>▪ The outcomes of an infrastructure capacity assessment; and</li> <li>▪ Stormwater disposal; and</li> <li>▪ Alignment with any relevant Urban Design Guidelines adopted by Council.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (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 restricted over:</p> <ul style="list-style-type: none"> <li>▪ Building location, bulk and design; and</li> <li>▪ Development density; and</li> <li>▪ Landscaping; and</li> <li>▪ Location of parking areas and vehicle manoeuvring; and</li> <li>▪ Crime Prevention Through Environmental Design; and</li> <li>▪ Traffic generation and connectivity; and</li> <li>▪ Privacy within and between adjoining sites; and</li> <li>▪ Noise; and</li> <li>▪ The outcomes of an infrastructure capacity assessment; and</li> <li>▪ Stormwater disposal; and</li> <li>▪ Alignment with any relevant Urban Design Guidelines adopted by Council.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                |
| (d)      | <p>Character clusters - Construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings.</p> <p>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Building bulk and design, building materials, and layout; and</li> <li>▪ Effects on the existing character identified in the cluster as set out in Appendix DG1;</li> <li>▪ The extent to which the demolition or removal of the character building detracts from the integrity of the streetscape;</li> <li>▪ The visibility of the new building and/or alterations or additions from public places; and</li> <li>▪ Solar access; and</li> <li>▪ Effects on parking and vehicle manoeuvring; and</li> <li>▪ Signs; and</li> <li>▪ Landscaping.</li> </ul> <p>Additionally for relocated buildings:</p> <ul style="list-style-type: none"> <li>▪ Condition of the exterior of the building; and</li> <li>▪ Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and</li> <li>▪ Reinstatement works; and</li> <li>▪ Timing for completing any required works.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> |
| (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>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Building location, bulk and design; and</li> <li>▪ Landscaping; and</li> <li>▪ Location of parking areas and vehicle manoeuvring; and</li> <li>▪ CPTED; and</li> <li>▪ Traffic generation and connectivity; and</li> <li>▪ Benefits provided to residents from onsite communal facilities; and</li> <li>▪ Noise; and</li> <li>▪ Stormwater disposal.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| 2A.4.1.3 | <p><b>Restricted discretionary activities</b></p> <p><u>The following activities shall comply with the performance standards of this zone</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| (f)      | <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"> <li>▪ <u>Building design; and</u></li> <li>▪ <u>Whether the design, scale and appearance maintains or enhances the amenity and character of the area; and</u></li> <li>▪ <u>Landscaping; and</u></li> <li>▪ <u>Location of parking areas and vehicle manoeuvring; and</u></li> <li>▪ <u>CPTED; and</u></li> <li>▪ <u>The potential for reverse sensitivity effects on the strategic transport network;</u></li> <li>▪ <u>Infrastructure effects; and</u></li> <li>▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council.</u></li> </ul> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21 relevant to the above matters.</u></p>                                                                                                                                                                                                                                                                                                                   |
| (g)      | <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 500m<sup>2</sup> 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"> <li>▪ <u>Building location, bulk and design; and</u></li> <li>▪ <u>Visual and amenity effects on surrounding properties; and</u></li> <li>▪ <u>Location of parking areas and vehicle manoeuvring; and</u></li> <li>▪ <u>Impacts on surrounding open space amenity and pedestrian safety; and</u></li> <li>▪ <u>Location, colour, size and content of signs; and</u></li> <li>▪ <u>Infrastructure effects; and</u></li> <li>▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council.</u></li> </ul> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p> |
| (h)      | <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"> <li>▪ <u>Building location, bulk and design; and</u></li> <li>▪ <u>Visual and amenity effects on surrounding properties; and</u></li> <li>▪ <u>Location of parking areas and vehicle manoeuvring; and</u></li> <li>▪ <u>Impacts on surrounding open space amenity and pedestrian safety; and</u></li> <li>▪ <u>Location, colour, size and content of signs; and</u></li> <li>▪ <u>Infrastructure effects; and</u></li> <li>▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council.</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| <u>2A.4.1.3</u> | <b>Restricted discretionary activities</b><br><u>The following activities shall comply with the performance standards of this zone</u> |
|                 | <u>These matters will be considered in accordance with the assessment criteria in Section 21.</u>                                      |

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| <u>2A.4.1.4</u> | <b>Discretionary activities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (a)             | Any permitted, controlled or restricted discretionary activity that fails to comply with: <ul style="list-style-type: none"> <li>(i) Rule 2A.4.2.26 - Dwellings adjoining marae</li> <li>(ii) Rule 2A.4.2.27 - Cambridge Park Structure Plan – building setback from escarpment</li> <li>(iii) Rule 2A.4.2.28 and 2A.4.2.29 - Cambridge North and C1 and C2 Structure Plan Area: on-site soakage</li> <li>(iv) Rule 2A.4.2.30- Cambridge North Structure Plan Area: flood risk</li> <li>(v) Rule 2A.4.2.31 - Design and layout of development adjoining water bodies and reserves</li> <li>(vi) Rule 2A.4.2.32 – Noise</li> <li>(vii) Rules 2A.4.2.40 to 2A.4.2.42- Noise insulation: noise sensitive activities</li> <li>(viii) Rules 2A.4.2.44 and 2A.4.2.45 – Signs</li> <li>(ix) Rules 2A.4.2.46 and 2A.4.2.47 - Earthworks</li> <li>(x) Rules 2A.4.2.50 to 2A.4.2.51 - Housing and keeping of animals</li> <li>(xi) Rule 2A.4.2.55- Home occupation</li> <li>(xii) Rule 2A.4.2.56 - Show homes</li> <li>(xiii) Rules 2A.4.2.60 and 2A.4.2.61 - Temporary construction buildings</li> </ul> |
| (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).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| (c)             | Churches, community centres, papakāinga and marae.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (d)             | Education facilities, pre-schools and childcare facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (e)             | Visitor accommodation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (f)             | Hospitals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (g)             | Medical centres (including overnight care) adjacent to Cambridge Road within the C2/C3 Growth Cell.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| (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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (i)             | Additions to local retail shops which were existing as at the date of notification of this Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| (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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (k)             | The keeping of up to two beehives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (l)             | 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 and 2A.4.2.61 – Temporary Construction Buildings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| <u>2A.4.1.5</u> | <b>Non-complying activities</b>                                                                                                                               |
| (a)             | Medical centres, offices, restaurants, cafés and other eating places, except where located within a listed heritage building in Appendix N1 - Heritage Items. |
| (b)             | Any building or activity that fails to comply with the building set back from the escarpment for Cambridge Park Structure Plan Area.                          |
| (c)             | Any building or activity that fails to comply with Rule 2A.4.2.55(a) to (c) - Home occupations.                                                               |
| (d)             | Offices, except for offices located within listed heritage buildings in Appendix N1 Heritage Items.                                                           |

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| 2A.4.1.5 | <b>Non-complying activities</b>                                                                                                                                                                                                                                                                                                                              |
| (e)      | Retail activities, excluding additions to local retail shops listed in Rule 2A.4.1.4(j).                                                                                                                                                                                                                                                                     |
| (f)      | Boarding and/or breeding kennels and catteries and the keeping of roosters.                                                                                                                                                                                                                                                                                  |
| (g)      | All other activities not listed in activity status table Rules 2A.4.1.1 to 2A.4.1.4.                                                                                                                                                                                                                                                                         |
| (h)      | Within the National Grid Yard:<br>(i) Any building or addition to a building for a National Grid Sensitive Activity.<br>(ii) Any change of use to a National Grid Sensitive Activity or the establishment of a new National Grid Sensitive Activity.<br>(iii) Any building, structure or earthworks which fail to comply with Rules 2A.4.2.47 and 2A.4.2.48. |

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| 2A.4.1.6 | <b>Prohibited Activities</b><br>The following activities are prohibited and no resource consent will be approved |
| (a)      | Fortified Sites.                                                                                                 |

### **Public and Limited Notification**

**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) 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) 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.

### **2A.4.2 Performance Standards**

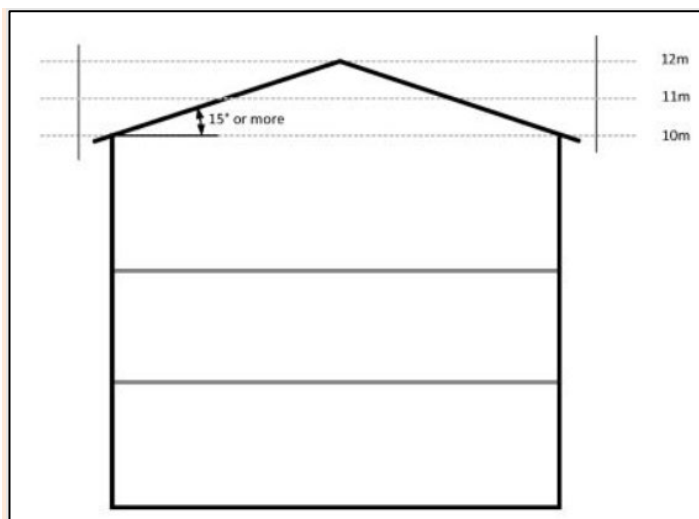
*The following rules apply to activities listed as permitted, controlled or restricted discretionary.*

*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.*

### **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:



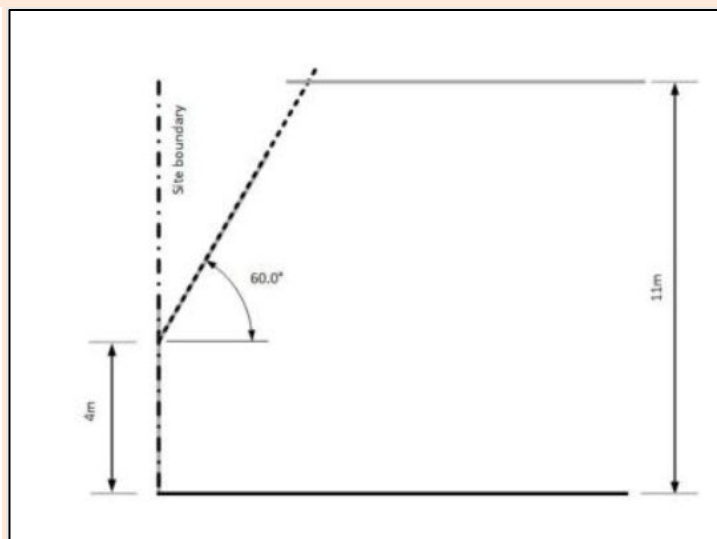
Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- 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 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.



**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 or common wall between 2 buildings on adjacent sites or where a common wall is proposed.

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:

| <b><u>Yard</u></b> | <b><u>Minimum depth</u></b>               |
|--------------------|-------------------------------------------|
| <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> |

**2A.4.2.5** This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

**2A.4.2.6** The minimum building setback depth listed above is modified in the following locations:

- (a) Along boundaries adjoining a state highway, a setback of 7.5 metres is required;
- (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;
- (d) On sites adjoining the Te Awa Cycleway, 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.

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
- 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 amenity values of the Te Awa Cycleway, where applicable.
- These matters will be considered in accordance with the assessment criteria in Section 21.

#### **Rules – Building coverage**

2A.4.2.7 The maximum building coverage must not exceed 50% of the net site area.

2A.4.2.8 On sites located within the Stormwater Qualifying Matter and the River / Gully Proximity Qualifying Matter Overlays, the maximum building coverage must not exceed 40% of the net site area.

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 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; 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.

#### **Rule - Impermeable surfaces**

2A.4.2.9 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 – Outdoor living space (per unit)**

2A.4.2.10 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:

- Where located at ground level, has no dimension less than 3 metres; and
- 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.

**2A.4.2.11** 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.

Activities that fail to comply with Rules 2A.4.2.10 and 2A.4.2.11 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

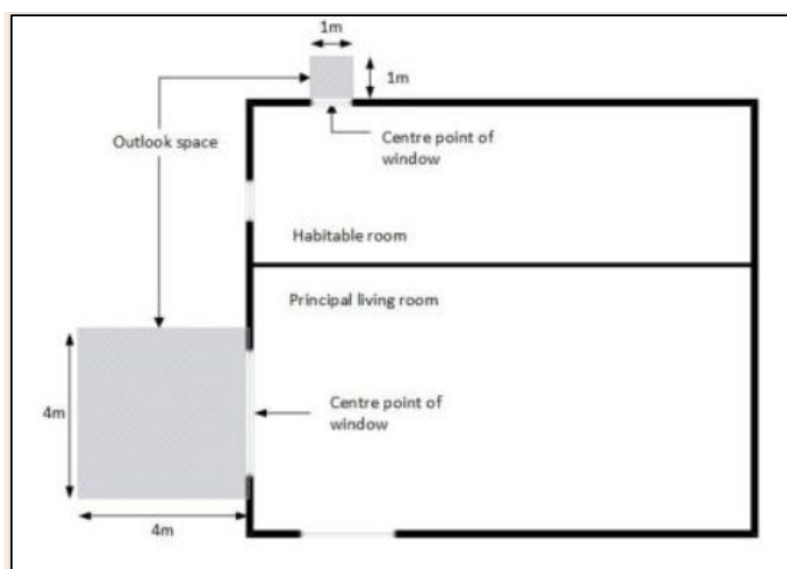
- Building location, bulk and design; and
- The internal layout of the dwelling and its relationship to the outdoor living area; and
- The size, dimension and orientation of the outdoor living area.

These matters will be considered in accordance with the assessment criteria in Section 21.

#### **Rules – Outlook space (per dwelling)**

**2A.4.2.12** An outlook space must be provided for each dwelling as specified in this rule.

**2A.4.2.13** An outlook space must be provided from habitable room windows as shown in the diagram below.



2A.4.2.14 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.

2A.4.2.15 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

2A.4.2.16 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.

2A.4.2.17 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

2A.4.2.18 Outlook spaces may be under or over a balcony.

2A.4.2.19 Outlook spaces required from different rooms within the same building may overlap.

2A.4.2.20 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.

Activities that fail to comply with Rules 2A.4.2.12 to 2A.4.2.20 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
- 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 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.

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 A residential dwelling of 2 or more stories shall have a minimum roof pitch of:

- (a) 30 degrees in any character area or compact housing area overlay
- (b) 15 degrees in all other parts of the zone

### **Rules – Landscaped area**

2A.4.2.23 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.

2A.4.2.24 The landscaped area may be located on any part of the development site, and does not need to be associated with each residential dwelling.

Activities that fail to comply with Rules 2A.4.2.22 and 2A.4.2.24 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- Landscaping; and
- 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.4.2.25 The minimum building setback from internal site boundaries 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 shall be 5m

### **Rule - Dwellings adjoining marae**

2A.4.2.26 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 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 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 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 Rules 2A.4.2.28 and 2A.4.2.29 will require a resource consent for a discretionary activity.

#### **Rule - Cambridge North Structure Plan Area: flood risk**

2A.4.2.30 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 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 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 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 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 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.

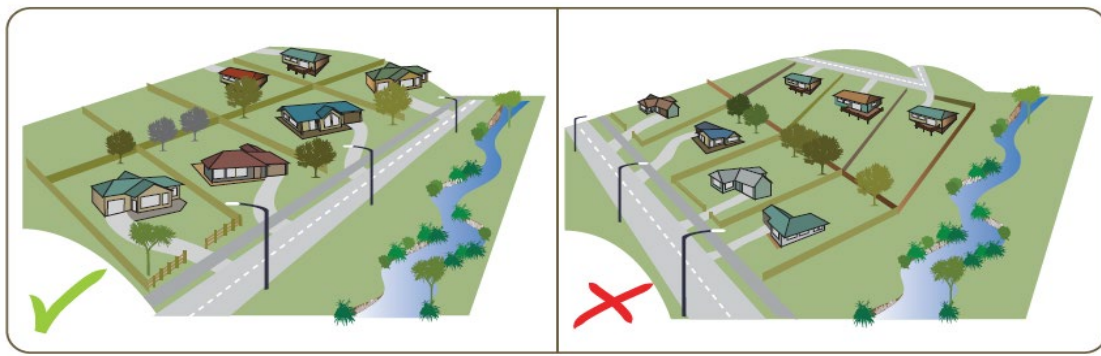
Activities that fail to comply with Rules 2A.4.2.31 to 2A.4.2.35 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- 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 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** 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<br>in Character Area 4 in the Cambridge Park Residential Zone | 40dBA (Leq)  |
| (d) | At all other times                                                                                           | 40dBA (Leq)  |
| (e) | Night time 10.00pm to 7.00am single noise event                                                              | 70dBA (Lmax) |

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** 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** 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** 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) | Inside bedrooms              | 35dBA LAeq (1hr) |
| (b) | Inside other habitable rooms | 40dBA LAeq (1hr) |

**2A.4.2.41** 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 and 2A.4.2.41.

**2A.4.2.42** 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 to 2A.4.2.42 will require a resource consent for a discretionary activity.

### **Rule - Noise: temporary military training activities**

**2A.4.2.43** 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:

| Time (any day)                                | Noise Limits |     |      |
|-----------------------------------------------|--------------|-----|------|
|                                               | L10          | L95 | Lmax |
| 0630 - 0730                                   | 60           | 45a | 70   |
| 0730 - 1800                                   | 75           | 60  | 90   |
| 1800 - 2000                                   | 70           | 55  | 85   |
| 2000 - 0630 (except as provided for below)    | 35           | -   | 65   |
| For no more than 5 days in any 4 week period: |              |     |      |
| 2000 - 0630                                   | 40           | -   | 65   |

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 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 0.25m<sup>2</sup> 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 2m<sup>2</sup>, 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 2m<sup>2</sup>, and no more than one sign is permitted on a site at any one time.
- (d) Any sign erected by Council, 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 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 3m<sup>2</sup> 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 and 2A.4.2.45 will require a resource consent for a discretionary activity.

#### **Rules - Earthworks**

- 2A.4.2.46 Earthworks shall not exceed a total volume of 25m<sup>3</sup> or a total area of 250m<sup>2</sup> 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.

- 2A.4.2.47 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(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(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 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:

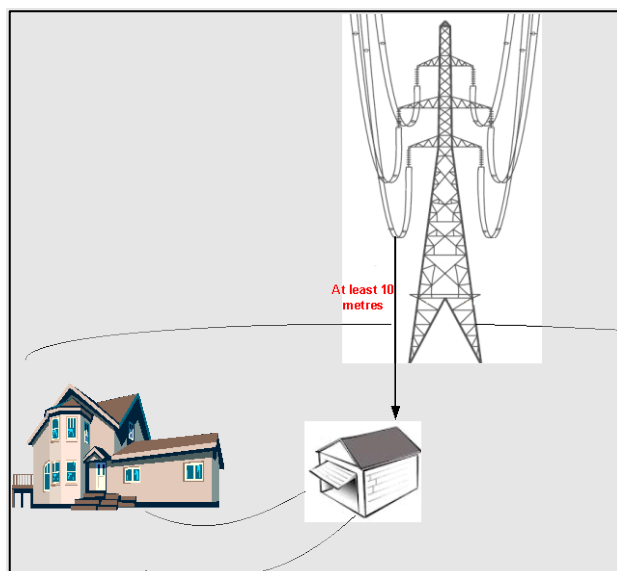
- (i) Are an accessory building for a National Grid Sensitive Activity; and/or
- (ii) Are internal alterations to a building used for a National Grid Sensitive Activity that do not extend the building footprint, or increase the height of the building; and/or
- (iii) Are a building not associated with 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(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(a) and 2A.4.2.48(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 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 The number of domestic fowl shall not exceed five, and shall not include any roosters.

2A.4.2.51 Horses and farm animals, except pigs, may graze vacant sites.

2A.4.2.52 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 to 2.4.2.52 will require a resource consent for a discretionary activity.

#### **Rule - Heavy motor vehicles**

2A.4.2.53 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 2,000m<sup>2</sup> 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:

| <u>Dwelling</u>                        | <u>Minimum floor area of dwelling</u> | <u>Minimum outdoor living area for ground level dwellings</u> | <u>Minimum outdoor living area dimensions for ground level dwellings</u> | <u>Minimum outdoor living area for above ground level dwellings</u> | <u>Minimum outdoor living area dimensions for above ground level dwellings</u> |
|----------------------------------------|---------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <u>Studio units and 1 bedroom unit</u> | <u>50m<sup>2</sup></u>                | <u>20m<sup>2</sup></u>                                        | <u>3m</u>                                                                | <u>8m<sup>2</sup></u>                                               | <u>1.8m</u>                                                                    |
| <u>2 bedroom unit</u>                  | <u>70m<sup>2</sup></u>                | <u>20m<sup>2</sup></u>                                        | <u>3m</u>                                                                | <u>8m<sup>2</sup></u>                                               | <u>1.8m</u>                                                                    |
| <u>3 bedroom unit</u>                  | <u>95m<sup>2</sup></u>                | <u>20m<sup>2</sup></u>                                        | <u>3m</u>                                                                | <u>8m<sup>2</sup></u>                                               | <u>1.8m</u>                                                                    |



- (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 10m<sup>2</sup> 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 - Home occupations**

- 2A.4.2.55** 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 50m<sup>2</sup> 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 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 (a) to (c) will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 2A.4.2.55 (d) to (g) will require a resource consent for a discretionary activity.

#### **Rule - Show homes**

2A.4.2.56 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 50m<sup>2</sup>; 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 provide 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 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 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 550m<sup>2</sup> 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:

- |                                                                              |           |
|------------------------------------------------------------------------------|-----------|
| <u>(i) Road boundary</u>                                                     | <u>0m</u> |
| <u>(ii) Internal site boundaries where the lot adjoins a residential lot</u> | <u>5m</u> |

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 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 250m<sup>2</sup> 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)(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 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 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.4.2.6 to 2A.4.2.8.

Activities that fail to comply with Rules 2A.4.2.60 to 2A.4.2.61 will require a resource consent for a discretionary activity.

### **Rule - Relocated buildings**

2A.4.2.62 A relocated building over 40m<sup>2</sup> 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 40m<sup>2</sup> 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 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 Where a Sleep Out is used it will be considered as one bedroom.

2A.4.2.65 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 to 2A.4.2.65 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***

## 2.5 Section 15 – Infrastructure, Hazards, Development & Subdivision

### Explanatory Text

Text that has been deleted is shown in ~~strikethrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout amended Sections.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

### 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 .....

(new) 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 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 ~~foreclose~~ exclude 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> |                  |                                 |                 |                                                |              |                            |                                                      |                |
|          | <b>All Zones</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                                 |                 |                                                |              |                            |                                                      |                |
| (a)      | Amendments to Flats Plan, Boundary Adjustments.<br>Matters over which Council reserves its control are: <ul style="list-style-type: none"> <li>▪ Efficient use of site; and</li> <li>▪ Effects on archaeological or cultural sites; and</li> <li>▪ Effects on adjacent sites, adjacent activities, or the wider receiving environment; and</li> <li>▪ Compliance controls of original consent.</li> </ul> These matters will be considered in accordance with the assessment criteria in Section 21.                                             | C                | <u>C</u>                        | C               | C                                              | C            | C                          | C                                                    | C              |
| (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 <del>Waipa</del> <u>Waipā</u> District Council which restricts further subdivision under a previous <del>Waipa</del> <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<br>OR;<br>Part A and Part C for 7 or more lots.                                                                                                                                                                                                                                                                                                                                                                                                                                       | RD               | <u>RD</u>                       | RD              | RD Industrial Zone<br>NA Airport Business Zone | RD           | RD                         | RD                                                   | NC             |



| 15.4.1.1 | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Residential Zone | <u>Medium Density Residential Zone</u> | 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>(Part A: Development and subdivision Part C: Development and subdivision of 7 or more lots in any zone.)</p> <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"> <li>▪ <u>The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</u></li> <li>▪ <u>No vacant sites are proposed to be created;</u></li> <li>▪ <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></li> <li>▪ <u>Suitability of access and servicing of the proposed sites;</u></li> <li>▪ <u>The risk of natural hazards on the site and whether this can be avoided or mitigated.</u></li> </ul> <p><u>Matters of discretion for Assessment of restricted discretionary activities</u> will be restricted to the following matters:<br/>(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"> <li>▪ Infrastructure servicing; and</li> <li>▪ Site suitability <u>including the risk of natural hazards on the site and whether this can be avoided or mitigated;</u> and</li> <li>▪ Access and manoeuvring; and</li> <li>▪ The potential for reverse sensitivity effects; and</li> <li>▪ Proximity to the dairy manufacturing sites; and</li> <li>▪ Low impact design; and</li> <li>▪ Archaeology; and</li> <li>▪ Connectivity; and</li> <li>▪ Integration with the productive use of the land; and</li> <li>▪ Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone.</li> <li>▪ In the Character Cluster Areas and Character Precinct Areas, the extent to which the Design Guidelines (Appendix DG1 – DG6) have been applied.</li> <li>▪ In areas subject to an approved structure plan or development plan, development in general accordance with that structure plan or development plan.</li> <li>▪ 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.</li> <li>▪ Alignment with any relevant Urban Design Guidelines approved by Council.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> |                  |                                        |                 |                                         |              |                            |                                                      |                |
| (f)      | <p>Subdivision to create lots for Network Utilities, except for roads, in accordance with Rule 15.4.2.31.</p> <p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ The extent to which the lot is of a configuration to accommodate the intended activity; and</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | RD               | <u>RD</u>                              | RD              | RD                                      | RD           | RD                         | RD                                                   | NC             |

| 15.4.1.1 | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Residential Zone | <u>Medium Density Residential Zone</u> | 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 |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------|-----------------|-----------------------------------------|--------------|----------------------------|------------------------------------------------------|----------------|
|          | <ul style="list-style-type: none"> <li>The location of the network utility; and</li> <li>The extent to which the balance lot complies with the relevant standards for the zone.</li> </ul> These matters will be considered in accordance with the assessment criteria in Section 21.<br>Note: Only Rule 15.4.2.31 applies to new allotments created in accordance with this rule.                                                                                                                                                                                                                                                                                                                                                 |                  |                                        |                 |                                         |              |                            |                                                      |                |
| (g)      | Subdivision that utilises Transferable Development Rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | NA               | <u>NA</u>                              | NA              | NA                                      | NA           | D                          | D<br>NC<br>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             |
|          | <u>Discretion Assessment</u> will be restricted to the following matters: <ul style="list-style-type: none"> <li>The extent to which the subdivision complies with the performance standards in Section 15; and</li> <li>Effects of the subdivision layout, and consequential features of the subdivision, on identified significant natural areas and landscapes; and</li> <li>Visual and amenity effects; and</li> <li>Ecology and biodiversity effects; and</li> <li>Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone.</li> </ul> These matters will be considered in accordance with the assessment criteria in Section 21. |                  |                                        |                 |                                         |              |                            |                                                      |                |
|          | <b>Medium Density Residential Zone - Specific activity status rules</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |                                        |                 |                                         |              |                            |                                                      |                |
| (l)      | Subdivision around either existing (implemented or approved) dwellings or proposed dwellings where the subdivision application is accompanied by a land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>NA</u>        | <u>C</u>                               | <u>NA</u>       | <u>NA</u>                               | <u>NA</u>    | <u>NA</u>                  | <u>NA</u>                                            | <u>NA</u>      |

| 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><u>use application that will be determined concurrently.</u></p> <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"> <li>▪ <u>The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</u></li> <li>▪ <u>No vacant sites are proposed to be created;</u></li> <li>▪ <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></li> <li>▪ <u>Suitability of access and servicing of the proposed sites;</u></li> <li>▪ <u>The risk of natural hazards on the site and whether this can be avoided or mitigated.</u></li> </ul> |                  |                                 |                 |                                         |              |                            |                                                      |                |
|          | <b>Residential Zone - Specific activity status rules</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |                                 |                 |                                         |              |                            |                                                      |                |
| (m)      | <p>Subdivision of existing dwellings, constructed prior to 31 May 2012.</p> <p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Infrastructure servicing; and</li> <li>▪ <u>The risk of natural hazards for the site and whether this can be avoided or mitigated.</u></li> <li>▪ Access and manoeuvring; and</li> <li>▪ Effects on the National Grid electricity transmission network.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>                                                                                                                                                                                                                                                                      | RD               | NA                              | NA              | NA                                      | NA           | NA                         | NA                                                   | NA             |
| (m)      | <p><del>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</del></p> <p><del>Assessment will be restricted to the following matters:</del></p> <p><del>Infrastructure servicing; and</del></p> <p><del>Access and manoeuvring; and</del></p> <p><del>Development in general accordance with the C1 and C2/C3 Structure Plans; and</del></p> <p><del>Alignment with any relevant Urban Design Guidelines approved by Council.</del></p> <p><del>These matters will be considered in accordance with the assessment criteria in Section 21.</del></p> <p><del>Performance Standards 15.4.2.3 to 15.4.2.14 shall not apply to subdivision in accordance with this rule.</del></p>                | RD               | NA                              | NA              | NA                                      | NA           | NA                         | NA                                                   | NA             |

| 15.4.1.1 | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Residential Zone         | <u>Medium Density Residential Zone</u> | 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 |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------|-----------------|-----------------------------------------|---------------|----------------------------|------------------------------------------------------|----------------|
| (n o)    | <p>Subdivision to create three to six lots for infill housing between 350m<sup>2</sup> to 500m<sup>2</sup> in conjunction with a land use consent for the development</p> <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"> <li>▪ Low impact design, including the disposal of stormwater; and</li> <li>▪ Infrastructure servicing; and</li> <li>▪ Site suitability <u>including the risk of natural hazards for the site and whether this can be avoided or mitigated</u>; and</li> <li>▪ Lot size shape and configuration; and</li> <li>▪ The extent to which the subdivision complies with the performance standards in Section 15; and</li> <li>▪ Heritage and Archaeology; and</li> <li>▪ Access and manoeuvring; and</li> <li>▪ Solar access; and</li> <li>▪ Outdoor living; and</li> <li>▪ Location, form, and materials of the proposed buildings and their relationship to existing buildings in the neighbourhood; and</li> <li>▪ Visual effects from adjoining properties and the road; and</li> <li>▪ Landscaping; and</li> <li>▪ CPTED; and</li> <li>▪ Reverse sensitivity effects.</li> </ul> <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> | RD (refer to 2.4.1.3(f)) | <u>NA</u>                              | NA              | NA                                      | NA            | NA                         | NA                                                   | NA             |
| (o)      | <del>In the Cambridge Residential Character Area subdivision to create lots for infill housing between 400m<sup>2</sup> 500m<sup>2</sup> in conjunction with a land use consent.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <del>D</del>             |                                        | <del>NA</del>   | <del>NA</del>                           | <del>NA</del> | <del>NA</del>              | <del>NA</del>                                        | <del>NA</del>  |
|          | <b>Large Lot Residential Zone - Specific activity status rules</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                          |                                        |                 |                                         |               |                            |                                                      |                |
| (p)      | <p>Subdivision within the Houchens Road Large Lot Residential Structure Plan Area.</p> <p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Lot size and dimensions; and</li> <li>▪ Roading layout, traffic and roading effects; and</li> <li>▪ Hydrological effects and the storm water management system; and</li> <li>▪ Landscape Development Plan; and</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | NA                       | <u>NA</u>                              | NA              | NA                                      | NA            | RD                         | NA                                                   | NA             |

| 15.4.1.1 | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Residential Zone | <u>Medium Density Residential Zone</u> | 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 |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------|-----------------|-----------------------------------------|--------------|----------------------------|------------------------------------------------------|----------------|
|          | <ul style="list-style-type: none"> <li>Infrastructure servicing; and</li> <li>Site suitability and geotechnical constraints; and</li> <li>Access and manoeuvring; and</li> <li>Low impact design methods and techniques; and</li> <li>The potential for reverse sensitivity effects; and</li> <li>Archaeology; and</li> <li>Connectivity; and</li> <li>Development in general accordance with the Houchens Road Large Lot Residential Structure Plan in Appendix S13.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> |                  |                                        |                 |                                         |              |                            |                                                      |                |
|          | <b>Rural Zone - Specific activity status rules</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                                        |                 |                                         |              |                            |                                                      |                |
| (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             |
|          | <b>Airport Business Zone - Specific activity status rules</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                                        |                 |                                         |              |                            |                                                      |                |
| (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"> <li>Compliance to the standards in the Airport Business Zone Structure Plan.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in section 21.</p>                                                                                                                                                                                                                                                                                           |                  |                                        |                 |                                         |              |                            |                                                      |                |

| 15.4.1.1                                                                     | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Residential Zone | <u>Medium Density Residential Zone</u> | 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 |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------|-----------------|-----------------------------------------|--------------|----------------------------|------------------------------------------------------|----------------|
| (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             |
| <b>Deferred Zones - Specific activity status rules</b>                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                                        |                 |                                         |              |                            |                                                      |                |
| (w)                                                                          | Any subdivision that is not a boundary adjustment or boundary relocation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | NA               | <u>NA</u>                              | NA              | NA                                      | NA           | NA                         | NA                                                   | NC             |
| <b>Comprehensive Development Plan Areas – Specific activity status rules</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                                        |                 |                                         |              |                            |                                                      |                |
| (x)                                                                          | Comprehensive development plan for:<br>(i) Titanium Park – Northern Precinct; or<br>(ii) Industrial Zone (Raynes Road); or<br>(iii) Mystery Creek Agri-Activities Overlay Area.<br><u>Discretion Assessment</u> will be restricted to the following matters:<br><ul style="list-style-type: none"> <li>Traffic effects; and</li> <li>Water supply, wastewater treatment and disposal and stormwater management; and</li> <li>Landscaping and visual treatment; and</li> <li>Consistency with District Plan provisions relating to the operation of Hamilton Airport.</li> <li>Mystery Creek Agri-Activities Overlay Area only: The development of standards for subdivision and development.</li> </ul> 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:<br>(i) Titanium Park – Northern Precinct; or<br>(ii) Industrial Zone (Raynes Road); or<br>(iii) Mystery Creek Agri-Activities Overlay area.<br>Matter over which Council has reserves its control are:<br><ul style="list-style-type: none"> <li>Compliance with the approved comprehensive development plan.</li> </ul> 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:<br>(i) Titanium Park – Northern Precinct; or<br>(ii) Industrial Zone (Raynes Road); or<br>(iii) Mystery Creek Agri-Activities Overlay area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NA               | <u>NA</u>                              | NA              | NC                                      | NA           | NA                         | NC                                                   | NA             |

| 15.4.1.1 | Activity                                                                                                                                                                                                              | Residential Zone | <u>Medium Density Residential Zone</u> | 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 |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------|-----------------|-----------------------------------------|--------------|----------------------------|------------------------------------------------------|----------------|
|          | <i>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</i> |                  |                                        |                 |                                         |              |                            |                                                      |                |

## 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.4.2.2

(ii) Height in relation to boundary – Rules 2A.4.2.3 and 2A.4.2.4

(iii) Setbacks – Rules 2A.4.2.5 to 2A.4.2.7

(iv) Building coverage – Rules 2A.4.2.8 and 2A.4.2.9

(v) Outdoor living space – Rules 2A.4.2.11 and 2A.4.2.12

(vi) Outlook space – Rules 2A.4.2.13 to 2A.4.2.21

(vii) Windows to street – Rule 2A.4.2.22

(viii) Landscaped area – Rules 2A.4.2.24 and 2A.4.2.25.

(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)      | Medium Density Residential Zone                                                         | 500m <sup>2</sup>                                                                                                                                                                 | >600m <sup>2</sup> for 3 or more lots | 1000m <sup>2</sup>                                                                                                                                                                                         |
| (a-b)    | Residential Zone (sewered) – <del>exclusive of Compact Housing and Infill Housing</del> | 500m <sup>2</sup> , (except for subdivision around dwellings existing as of 31 May 2012, where the minimum net site area containing the existing dwelling is 400m <sup>2</sup> ). | ≥600m <sup>2</sup> for 3 or more lots | 1000m <sup>2</sup> 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)      | Residential Zone Compact Housing                                                        |                                                                                                                                                                                   | Refer to Rule 2.4.2.43                |                                                                                                                                                                                                            |
| (h)      | Cambridge Park (Character Area 4 – with or without a dwelling and supporting            | 550m <sup>2</sup>                                                                                                                                                                 | NA                                    | NA                                                                                                                                                                                                         |



| 15.4.2.1 | Zone or Area                                                                                                                                                    | Minimum Net Lot Area                                                                                                                                                                                                                                                                                                                                                              | Average Net Lot Area                                                                                                                                                                                                                                                | Maximum Net Lot Area or Maximum Number of Lots |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
|          | <del>premises having a gross floor area not exceeding 150m<sup>2</sup> from which food and beverages and convenience goods are sold and including a café)</del> |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                     |                                                |
| (i h)    | Picquet Hill Structure Plan Area – vacant site                                                                                                                  | 600m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                 | ≥700m <sup>2</sup>                                                                                                                                                                                                                                                  | NA                                             |
| (ac)     | <del>Residential subdivision in the C1 and C2/C3 structure plan areas.</del>                                                                                    | <del>500m<sup>2</sup>, (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).</del>                                                                                                        | <del>&lt; 800m<sup>2</sup> (i.e. 12.5 dwellings per hectare minimum, over the extent of the subdivision)</del>                                                                                                                                                      | <del>1,000m<sup>2</sup></del>                  |
| (ad)     | <del>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.</del>              | <del>400m<sup>2</sup>, (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).</del> | <del>Average between 500m<sup>2</sup> (20 dwellings per hectare) and 800m<sup>2</sup> (12.5 dwellings per hectare) over the extent of the Comprehensive Residential Subdivision area. Compact residential densities are excluded from the above calculations.</del> | <del>1,500m<sup>2</sup></del>                  |

**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 All lots shall comply with the following:

| Zone                                                                       | Lot frontage<br>(excluding rear lots) | Lot shape factor           | Vehicle Crossing<br>minimum to<br>maximum |
|----------------------------------------------------------------------------|---------------------------------------|----------------------------|-------------------------------------------|
| <u>Medium Density Residential, except front lots on entrance corridors</u> | 20m                                   | 13m diameter circle        | 3m to 5.5m                                |
| <u>Medium Density Residential, front lots on entrance corridors</u>        | 25m                                   | 16m diameter circle        | 3m to 5.5m                                |
| <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>                         |

#### **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 purposes.

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 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 .....

(new) 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 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) .....

**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 a~~ As a result of the use of this rule, 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 2,000m<sup>2</sup> (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.

## 2.6 Section 18 – Financial Contributions

### Explanatory Text

Text that has been deleted is shown in ~~strikethrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

### 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 6m<sup>2</sup>.
- (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) **Greenfield development** means subdivision and/or urban development of previously undeveloped rural land.
- (f) **Gross Floor Area** has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan.
- (g) **Infrastructure** has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan.
- (h) **Land value** has the same meaning as ‘land value’ under the Ratings Valuations Act 1998.
- (i) **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 required as a result of growth. Either ~~Where~~ financial contributions will be used on their own, or 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.<br>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.<br>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**

~~18.1.3 2.3~~ 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) Avoids, remedies, or mitigates adverse effects of the proposed activity on the environment, or ensures positive effects on the environment to offset any adverse effect, including but not limited to, effects associated with:
- Three waters/transport network connections;
  - Three waters/transport network improvements;
  - Three waters/transport capacity upgrades;

- Parks/reserves/open space network enhancement/improvement;
- Streetscape amenity improvements;
- Where the capital expenditure items identified in this rule are not otherwise funded via Council's Development Contributions Policy.

**And**

(b) To give effect to Te Ture Whaimana including positive effects on the environment to offset any adverse effect 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.

~~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

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 effect; and
- (c) Give effect to Te Ture Whaimana, including the requirement for betterment.

### **Objective – Planned, f ~~Financed~~ growth**

~~18.3.1~~ 4.2 ~~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:

- (a) Require financial contributions for the purposes set out in the General Purpose Statement and the Financial Contributions Rules and performance standards.
- (b) Determine the nature and amount of financial contributions in accordance with the methodology set out in the Financial Contributions Rules and performance standards.
- (c) Financial contributions in the form of money must be paid before the proposed activity or development occurs.
- (d) Financial contributions in the form of land must vest in Council prior to completion of the activity or development.
- (e) Financial contributions will be applied to the purpose for which they are required.

### *Policy - Early recognition of costs*

~~18.3.1.2~~ 4.2.2 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 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.

**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**

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.
- (b) For all classes of activities other than permitted activities, financial contributions will be required as a condition of land use or subdivision consent.
- (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.
- (d) Financial contributions will be required for the purposes set out and on the basis that:
- (e) 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
- (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 financial contributions**

**18.5.1.2** 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 for the following purposes:

### *Three waters/transport infrastructure network*

**18.5.1.3** To avoid, remedy and mitigate the adverse effects of residential development, or ensure positive effects on the environment to offset any adverse effect, through the recovery of infrastructure network costs associated with the following:

- (a) Three waters connections, network improvements, and capacity upgrades; and
- (b) Transport connections, network improvements, and capacity upgrades.
- (c) These costs will include:
- (i) Where an existing supply is available, the cost of connection with the existing system;
  - (ii) Where an existing 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 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 is not available, the cost of extending the network;
  - (v) Any infrastructure works otherwise funded via Council's Development Contributions Policy are excluded.

### *Residential amenity (Residential Zones only)*

**18.5.1.4** To avoid, remedy, and mitigate the adverse effects of residential development density, or ensure positive effects on the environment to offset any adverse effect, through the recovery of costs associated with maintaining and improving residential amenity.

- (a) These costs will include:
- (i) Where public open spaces can be improved, the cost of land acquisition and development; and
  - (ii) Where streetscape amenity can be enhanced, the cost of that enhancement.

### *Te Ture Whaimana (all developments across all zones)*

**18.5.1.5** To give effect to Te Ture Whaimana, including positive effects on the environment to offset any adverse effect 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 include:
- (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.

(b) Calculations for contributions shall be as set out in the performance standards.

**Advice Note:**

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).

#### **18.4.2 18.5.2 Performance Standards**

##### **Rule - Residential amenity (Medium Density Residential and Residential Zones)**

*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.

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.

18.5.2.4 Greenfield development will be required to pay 80% of the rate specified in Rule 18.5.2.3.

##### **Rule - Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River)**

*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 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.

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.

18.5.2.7 For non-residential development \$2,000.00 per 100m<sup>2</sup> of Gross Floor Area.

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 100m<sup>2</sup> 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**

~~18.4.2.1~~ **18.5.2.9** 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~~ **18.5.2.10** 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.

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~~ 18.5.2.12 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~~ 18.5.2.13 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.

#### **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 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 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.

#### 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 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 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 The maximum amount of financial contribution for road corridor services that may be taken shall be determined on the basis of the following formula:

$$\$F \times [G / [G + H]]$$

**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.

##### **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 routes or the cost of providing traffic and pedestrian 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 routes, it is deemed to be part of those traffic or pedestrian 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 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 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.

#### **Rule - Contribution of land**

18.5.2.24 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.
- (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 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**

**18.5.2.25** 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 Rule and performance standards (whichever applies).

## 2.5. Section 21 – Assessment Criteria and Information Requirements

**Explanatory Text**

Text that has been deleted is shown in ~~strikethrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

### 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                                             | <del>Te Ture Whaimana - Waikato River</del> <u>the Vision and Strategy for the Waikato River</u> | <p>(a) The extent to which the development or subdivision has particular regard to <del>Te Ture Whaimana</del> <u>the Waikato River Vision and Strategy</u>.</p> <p>Advice Notes:</p> <p>1. ....</p> |

| Assessment criteria for ALL discretionary activities |        |                                                                                                                                                                                                                                                                    |
|------------------------------------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21.1.1.3                                             | Visual | <p>(a) The extent to which the development <u>affects effects</u> the surrounding environment; particularly any identified character precinct areas, prominence of buildings and design elements in the proposal, and public places and roads.</p> <p>(b) ....</p> |

## 21.1.2 Residential Zone

| Residential Zone Assessment Criteria |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Controlled Activities                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 21.1.2.1                             | <p><del>Construction, alteration and addition to buildings, including dwellings in Character Areas 1 and 4 of the Cambridge Park Residential Area</del></p>                                                                                                                                                                                                                                                                                                                                                       | <p><del>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.</del></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</del></p> <p><del>Actual or potential effects on any other permitted activity in the zone as a result of glare.</del></p> <p><del>The extent to which the development provides for the visual and aural privacy of occupants and neighbours.</del></p> <p><del>The extent to which the activity takes into account the personal safety of people and principles of Crime Prevention Through Environment Design (CPTED).</del></p> |
| Restricted Discretionary Activities  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 21.1.2.4                             | <p><del>Compact housing with seven or more dwellings per site located within the Compact Housing Overlay identified on the Planning Maps</del></p> <p><del>AND</del></p> <p><del>Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps</del></p> <p><del>AND</del></p> <p><del>Visitor Accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas (as relevant)</del></p> | <p>(a) ....</p> <p><del>(o) The risk of natural hazards and extent to which the risk can be avoided or mitigated.</del></p> <p><del>(o) The extent to which compact housing development within the C1 and C2 / C3 structure plan areas:</del></p> <p><del>(i) Includes 'universal access' design principles within design, maximising accessibility for all users.</del></p> <p><del>(ii) Provides an internal movement network layout that is legible and enables good connectivity.</del></p> <p><del>(iii) Maximises safety for pedestrians, by:</del></p> <p><del>— Providing dedicated pedestrian access to dwellings and areas of communal open space, demarcated through materials, colours and/or texture</del></p> <p><del>— Minimises the need for vehicular backing manoeuvres where site size and layout allows, by providing safe turning areas</del></p> <p><del>(iv) Facilitates an internal movement network that provides for dedicated vehicle access to each dwelling, such as may include:</del></p>                                                                                                                                                                                                                                                                                  |

| Residential Zone Assessment Criteria |                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                                      |                                                                                                                                                                                                           | <p><del>Using rear lanes where vehicle access off a public street is difficult or compromises pedestrian and visual amenity</del></p> <p><del>Providing shared vehicular access layout for larger developments.</del></p> <p><del>(v) Uses surface treatments to clearly demarcate vehicular entrances.</del></p> <p><del>(vi) Takes into account safety and accessibility if visitor car parking is provided within the development.</del></p> <p><del>(vii) Provides clearly visible main pedestrian entries from the street or lane to each dwelling at ground floor level.</del></p> <p><del>(viii) Maximises the visual relationship between dwellings and adjacent streets, lanes and public open spaces, through provision of windows and balconies at upper levels.</del></p> <p><del>(ix) Minimises the number of dwellings with internal and outdoor living areas oriented to the south.</del></p> <p><del>(x) Dwellings are designed to provide private outdoor areas adjacent to living areas.</del></p> <p><del>(xi) Orients windows to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</del></p> <p><del>(xii) Provides adequate storage space for each residential unit, including for larger items such as bicycles and outdoor equipment.</del></p> <p><del>(xiii) For apartment style developments, provides communal open spaces with edges that are activated or overlooked by adjacent streets, lanes or dwellings.</del></p> <p><del>(xiv) Integrates proposed communal open spaces with the development's wider pedestrian network.</del></p> <p><del>(xv) Compatibility of the proposed development with the existing and likely future surrounding environment including the residential density (minimum and maximum) of the development.</del></p> |
| 21.1.2.5                             | Character clusters - Construction of new buildings, relocated buildings, and <u>demolition of or alterations to</u> existing buildings, <del>except where parallel to the rear boundary of the site</del> | <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><u>(b) 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><u>(bc)</u> The extent to which solar access is optimised in the development.</p> <p><u>(ed)</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.</p> <p><u>(de)</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.</p> <p><u>(ef)</u> The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Residential Zone Assessment Criteria |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                      |                                                                     | <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> <p>(a) Are compatible with the surrounding neighbourhood context.</p> <p>(b) Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment.</p> <p>(c) Maximise outlook onto adjacent streets and/or public open spaces.</p> <p>(d) Include universal access design principles.</p> <p>(e) Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.</p> <p>(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.</p> <p>(g) Will generate traffic or parking movements that can be adequately managed.</p> <p>(h) Can be adequately serviced.</p> |
| 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> <p>(a) Are compatible with the surrounding neighbourhood context.</p> <p>(b) Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment.</p> <p>(c) Maximise outlook onto adjacent streets and/or public open spaces.</p> <p>(d) Include universal access design principles.</p> <p>(e) Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.</p> <p>(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.</p> <p>(g) Will generate traffic or parking movements that can be adequately managed.</p>                                     |

| Residential Zone Assessment Criteria |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                                                                                                                                                                                                                                                                                                                                             | (h) — Can be adequately serviced.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                      | <b>Discretionary Activities</b><br><i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i>                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 21.1.2.20                            | Cambridge North Structure Plan Area: on site soakage                                                                                                                                                                                                                                                                                        | <p><del>Whether percolation tests undertaken for the subject site demonstrate that on-site soakage methods would be impractical to implement.</del></p> <p><del>The extent to which alternative methods of stormwater disposal have been investigated and are proposed to be implemented.</del></p> <p><del>The suitability of the site for development given the inability to achieve on-site stormwater disposal.</del></p> <p><del>The overall effect on the integrity of the stormwater system and the cumulative effect of a limited capacity for on-site stormwater disposal.</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 21.1.2.27                            | 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 400m <sup>2</sup> , provided that the site is not located within the compact housing development overlay or within a character cluster identified on the Planning Maps | <p><del>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.</del></p> <p><del>(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.</del></p> <p><del>(c) The extent to which the in fill housing development achieves the following:</del></p> <p><del>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</del></p> <p><del>A landscaped road boundary setback that is not dominated by vehicle access and manoeuvring space; and</del></p> <p><del>Provision of passive surveillance to the street; and</del></p> <p><del>Sufficient area on each site to meet the outdoor living needs of each dwelling and for parking and vehicle manoeuvring; and</del></p> <p><del>Landscaping within the development including the retention of existing trees; and</del></p> <p><del>Mitigates any adverse effects on adjoining sites, in particular, whether the in-fill housing development compromises access to sunlight or privacy.</del></p> <p><del>(d) In circumstances where existing buildings on the site will be retained the following matters also apply:</del></p> <p><del>Whether any existing building(s) on the site will be altered to complement the design of the in fill housing development; and</del></p> <p><del>Whether the in fill housing development results in vehicle access and manoeuvring difficulties for existing dwellings; and</del></p> <p><del>• Whether on-site amenity and privacy is able to be provided for.</del></p> |

## 21.1.2A Medium Density Residential Zone

| Medium Density Residential Zone Assessment Criteria |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Controlled Activities                               |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 21.1.2A.1                                           | One show home per site within a greenfield subdivision                                                                                                                                                                                                                                                  | <p>(a) The extent to which the vehicle generation of the activity effects the functioning of the road, and the road hierarchy.</p> <p>(b) 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.</p> <p>(c) Any potential adverse effects due to the hours of operation and duration of the activity on the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Restricted Discretionary Activities                 |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 21.1.2A.2                                           | Relocated buildings                                                                                                                                                                                                                                                                                     | <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 21.1.2A.3                                           | <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) Building design including:</p> <p>(i) The extent to which solar potential and good solar aspect is optimized within the development; and</p> <p>(ii) Colours; and</p> <p>(iii) The materials to be used and how they are to be repeated within the development; and</p> <p>(iv) Detail of roof pitches; and</p> <p>(v) Details of doorways and the provision of shelter for visitors; and</p> <p>(vi) Windows, revetment, balconies and recesses; and</p> <p>(vii) Garaging to create visual continuity and cohesion and reflect a residential character; and</p> <p>(viii) Whether designs avoid monolithic walls in favour of designs that incorporate smaller scale building elements to promote feelings of interest and diversity.</p> <p>(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.</p> <p>(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.</p> <p>(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 that are orientated such that they have good solar aspect.</p> |

| Medium Density Residential Zone Assessment Criteria |                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                     |                                                                                                                                                                | <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.4                                           | <u>Character clusters - Construction of new buildings, relocated buildings, and removal or demolition of or alterations or additions to existing buildings</u> | <p>(a) <u>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.</u></p> <p>(b) <u>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</u></p> <p>(c) <u>The extent to which solar access is optimised in the development.</u></p> <p>(d) <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Medium Density Residential Zone Assessment Criteria |                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                                     |                                                                                                                                                                                                                      | <p>(e) 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>(f) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</p> <p>(g) The extent to which the new building, and or addition or alteration is visible from public places.</p> <p>(h) The risk of natural hazards and the extent to which the risk can be avoided or mitigated.</p> <p><u>Additional assessment criteria for relocated buildings:</u></p> <p>(i) 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>(j) 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>(k) 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>(l) The timeliness of the works taking into account the extent and nature of the proposed works.</p>                                                                                                                                                                                                                                                                                                                                                                                                    |
| 21.1.2A.5                                           | <p><u>More than two dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay or more than three dwellings per site outside the Infrastructure Constraint Qualifying Matter Overlay.</u></p> | <p>(a) Whether the site is located within or outside of the Infrastructure Constraint Qualifying Matter Overlay.</p> <p>(b) 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.</p> <p>(c) The extent to which 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.</p> <p>(d) The extent of adverse effects on the surrounding road network, including on the function of intersections.</p> <p>(e) The adequacy of the servicing proposed for the development.</p> <p>(f) The adequacy of the site to accommodate the proposed density of development. In particular for compact housing developments involving seven or more dwellings, whether it is located in the areas where this type of development is encouraged under Compact Housing Policy.</p> <p>(g) The provision of lighting for amenity and crime prevention, without being a nuisance to residents.</p> <p>(h) The provision of connections to public walkways/cycleways and the road network.</p> <p>(i) Open space character including on-site landscaping, retention of mature trees, provision of shared driveways.</p> <p>(j) Outdoor living spaces for independent living units that are private and have good access to sunlight in midwinter.</p> |



| Medium Density Residential Zone Assessment Criteria |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                     | <p>(k) <u>The location of outdoor storage areas and rubbish and recycling compounds so 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>(l) <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 road boundary 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>(m) <u>Building design including:</u></p> <p>(i) <u>The extent to which solar potential and good solar aspect is optimized 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.</u></p> <p>(n) <u>Designs shall avoid monolithic walls in favour of designs that incorporate smaller scale building elements to promote feelings of interest and diversity.</u></p> <p>(o) <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>(p) <u>Integration with neighbouring residential development through consistency of façade treatment, including building proportions, detailing, materials and landscape treatment.</u></p> <p>(q) <u>The extent to which compact housing development involving seven or more dwellings within the C1 and C2 / C3 structure plan areas:</u></p> <p>(i) <u>Includes 'universal access' design principles within design, maximising accessibility for all users.</u></p> <p>(ii) <u>Provides an internal movement network layout that is legible and enables good connectivity.</u></p> <p>(iii) <u>Maximises safety for pedestrians, by:</u></p> <p>(r) <u>Providing dedicated pedestrian access to dwellings and areas of communal open space, demarcated through materials, colours and/or texture.</u></p> |

| Medium Density Residential Zone Assessment Criteria |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                                                     |                        | <p>(s) <u>Minimises the need for vehicular backing manoeuvres where site size and layout allows, by providing safe turning areas.</u></p> <p>(t) <u>Facilitates an internal movement network that provides for dedicated vehicle access to each dwelling, such as may include:</u></p> <p>(i) <u>Using rear lanes where vehicle access off a public street is difficult or compromises pedestrian and visual amenity.</u></p> <p>(ii) <u>Providing shared vehicular access layout for larger developments.</u></p> <p>(iii) <u>Uses surface treatments to clearly demarcate vehicular entrances.</u></p> <p>(iv) <u>Takes into account safety and accessibility if visitor car parking is provided within the development.</u></p> <p>(v) <u>Provides clearly visible main pedestrian entries from the street or lane to each dwelling at ground floor level.</u></p> <p>(vi) <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>(vii) <u>Minimises the number of dwellings with internal and outdoor living areas oriented to the south.</u></p> <p>(viii) <u>Dwellings are designed to provide private outdoor areas adjacent to living areas.</u></p> <p>(ix) <u>Orientates windows to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</u></p> <p>(x) <u>Provides adequate storage space for each residential unit, including for larger items such as bicycles and outdoor equipment.</u></p> <p>(xi) <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>(xii) <u>Integrates proposed communal open spaces with the development's wider pedestrian network.</u></p> <p>(xiii) <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> |
| 21.1.2A.6                                           | <u>Building height</u> | <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 of the area, including existing buildings on the site and adjoining sites.</u></p> <p>(d) <u>The degree to which shading, loss of daylight, amenity value and privacy affect the 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</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Medium Density Residential Zone Assessment Criteria |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                                     |                                       | <u>distances between the building and adjoining sites, innovative building design, site topography, or the provision of screening.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>21.1.2A.7</u>                                    | <u>Height in relation to boundary</u> | <p>(a) <u>The degree to which there is a loss of privacy, sunlight, amenity or outlook on adjacent or 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>21.1.2A.8</u>                                    | <u>Setbacks</u>                       | <p>(a) <u>The extent to which the road boundary setback is appropriate in the location, particularly where located adjoining a Character Street.</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) <u>Whether the development will affect the perception of spaciousness on and between sites when viewed from the street.</u></p> <p>(h) <u>Whether 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 rear of the site or dwelling.</u></p> <p>(j) <u>Whether the development will impact on the amenity or function of any adjacent reserve or the Te Awa cycleway.</u></p> |
| <u>21.1.2A.9</u>                                    | <u>Building coverage</u>              | <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 surrounding environment.</u></p> <p>(d) <u>The ability to provide adequate on site vehicle parking and manoeuvring.</u></p> <p>(e) <u>The extent to which increased site coverage would adversely affect adjoining properties 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 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>                                                                                       |

| Medium Density Residential Zone Assessment Criteria |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>21.1.2A.10</u>                                   | <u>Impermeable surfaces</u>             | <p>(a) The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</p> <p>(b) 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.</p> <p>(c) Alternative methods of retaining stormwater on site.</p>                                                                                                                                                   |
| <u>21.1.2A.11</u>                                   | <u>Outdoor living area</u>              | <p>(a) 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.</p> <p>(b) The internal layout of the dwelling and its relationship to the outdoor living area.</p> <p>(c) The size and dimension of the outdoor living area.</p>                                                                    |
| <u>21.1.2A.12</u>                                   | <u>Outlook space</u>                    | <p>(a) The design incorporates windows orientated to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</p> <p>(b) The extent to which the design maximises outlook onto adjacent streets and/or public open spaces.</p>                                                                                                                                                                                                                     |
| <u>21.1.2A.13</u>                                   | <u>Windows to street</u>                | <p>(a) The visual effect of the development on the streetscape.</p> <p>(b) The extent to which the development takes into account the personal safety of people and principles of Crime Prevention Through Environment Design (CPTED).</p> <p>(c) Whether the garage is practically located on the site of an existing dwelling.</p>                                                                                                                                                                     |
| <u>21.1.2A.14</u>                                   | <u>Roof Pitch</u>                       | <p>(a) The extent to which the proposed roof pitch contributes to neighbourhood amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>21.1.2A.15</u>                                   | <u>Landscaped area</u>                  | <p>(a) The extent to which the site will be characterised by generous areas of open space and garden plantings, rather than buildings.</p> <p>(b) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</p> <p>(c) The extent to which the type and nature of the landscaping throughout the development contributes both to the neighbourhood and to on-site amenity.</p>                                                                         |
| <u>21.1.2A.16</u>                                   | <u>Neighbourhood amenity and safety</u> | <p>(a) Whether the development promotes passive surveillance of public open spaces and reserves.</p> <p>(b) The degree to which the development promotes public safety.</p> <p>(c) 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.</p> <p>(d) 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.</p> |
| <u>21.1.2A.17</u>                                   | <u>Vibration</u>                        | <p>(a) 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.</p>                                                                                                                                                    |

| Medium Density Residential Zone Assessment Criteria |                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                     |                                                                            | (b) The effects on buildings and structures, either on site or on surrounding buildings, structures and sites.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>21.1.2A.18</u>                                   | <u>Construction noise</u>                                                  | (a) 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>21.1.2A.19</u>                                   | <u>Noise: temporary military training activities</u>                       | (a) The extent to which noise adversely affects the amenity of the surrounding environment including cumulative effects.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>21.1.2A.20</u>                                   | <u>Heavy motor vehicles</u>                                                | (a) The extent to which any associated noise adversely affects the amenity of the surrounding environment including cumulative effects.<br>(b) The extent to which the parking of heavy motor vehicles on a site adversely affects the amenity of the surrounding environment including cumulative effects.<br>(c) The adequacy of vehicle access.<br>(d) Any adverse effects on the road network.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>21.1.2A.21</u>                                   | <u>Local Centres within the C2/C3 Structure Plan area</u>                  | 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:<br>(a) Are compatible with the surrounding neighbourhood context.<br>(b) Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment.<br>(c) Maximise outlook onto adjacent streets and/or public open spaces.<br>(d) Include universal access design principles.<br>(e) Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.<br>(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.<br>(g) Will generate traffic or parking movements that can be adequately managed.<br>(h) Can be adequately serviced. |
| <u>21.1.2A.22</u>                                   | <u>Neighbourhood Centre within the T11 Growth Cell Structure Plan Area</u> | 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:<br>(a) Are compatible with the surrounding neighbourhood context.<br>(b) Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment.<br>(c) Maximise outlook onto adjacent streets and/or public open spaces.<br>(d) Include universal access design principles.<br>(e) Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.<br>(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.                                                                                                                   |

| Medium Density Residential Zone Assessment Criteria |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                     |                                                                                                                     | <p>(g) Will generate traffic or parking movements that can be adequately managed.</p> <p>(h) Can be adequately serviced.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                     | <b>Discretionary Activities</b><br><i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>21.1.2A.23</u>                                   | <u>Cambridge North Structure Plan Area: on site soakage</u>                                                         | <p>(a) Whether percolation tests undertaken for the subject site demonstrate that on-site soakage methods would be impractical to implement.</p> <p>(b) The extent to which alternative methods of stormwater disposal have been investigated and are proposed to be implemented.</p> <p>(c) The suitability of the site for development given the inability to achieve on-site stormwater disposal.</p> <p>(d) The overall effect on the integrity of the stormwater system and the cumulative effect of a limited capacity for on-site stormwater disposal.</p>                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>21.1.2A.24</u>                                   | <u>Noise insulation: noise sensitive activities</u>                                                                 | <p>(a) The extent to which the design of the buildings and or layout of the site mitigates the effects of noise through any alternative methods.</p> <p>(b) Where it is proposed to construct dwellings in the Road Noise Effect Area, regard shall be given to the following matters:</p> <p>(i) The extent to which the development will mitigate the noise effects in an alternative manner to those proposed within the rule; and</p> <p>(ii) The height and nature of the State Highway bypass in relation to the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>21.1.2A.25</u>                                   | <u>Noise sensitive activities located close to hydro electric power generation infrastructure and activities</u>    | <p>(a) The extent to which the design of the buildings and/or layout of the site mitigates the effects of noise through any alternative methods.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>21.1.2A.26</u>                                   | <u>Home occupations</u>                                                                                             | <p>(a) The extent to which residential activity remains the predominant activity on the site.</p> <p>(b) 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.</p> <p>(c) Any potential adverse effects on the function and vibrancy of Commercial or Industrial Zones.</p> <p>(d) Any potential for adverse nuisance effects on adjoining or adjacent properties including, noise, dust and odour.</p> <p>(e) The operating hours for the home occupation to receive clients, visitors and deliveries.</p> <p>(f) 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.</p> |
| <u>21.1.2A.27</u>                                   | <u>Temporary construction buildings and shipping containers</u>                                                     | <p>(a) 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,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Medium Density Residential Zone Assessment Criteria |                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                                     |                                                                                                            | <u>residential character and appearance of the site and on adjoining properties in the vicinity.</u><br>(b) <u>The visibility of temporary buildings and or shipping containers from the street and adjoining or adjacent sites.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 21.1.2A.28                                          | Activities within heritage items listed in Appendix N1                                                     | (a) <u>The extent to which the heritage character is maintained and enhanced.</u><br>(b) <u>The extent to which the activity will enable the increased appreciation and enjoyment of the heritage item.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 21.1.2A.29                                          | Papakāinga, marae, churches and community centres                                                          | (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><br>(b) <u>The avoidance of development fronting onto, and having vehicular access directly from, a strategic road as shown on the Planning Maps.</u><br>(c) <u>The standard of the road network and its ability to service the proposed development.</u><br>(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><br>(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><br>(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><br>(g) <u>The methods and effectiveness of wastewater, stormwater, and rubbish disposal and the provision of a reliable potable water supply.</u><br>(h) <u>The extent of the potential effects on the amenity of adjacent properties and the effectiveness of any mitigation measures proposed.</u><br>(i) <u>The overall effect on the strategic settlement pattern for the District.</u> |
| 21.1.2A.30                                          | Dwellings adjoining marae                                                                                  | (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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 21.1.2A.31                                          | Non-residential activities including hospitals, education facilities, childcare facilities and pre-schools | (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><br>(b) <u>The social or community benefit of the proposed activity to the local community.</u><br>(c) <u>Whether alternative locations (including possible locations in urban areas) have been considered.</u><br>(d) <u>Whether the scale of the development is in keeping with the character of the area.</u><br>(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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Medium Density Residential Zone Assessment Criteria |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                     |                                         | <p>(f) The avoidance of development fronting onto, and having vehicular access directly from, a strategic road as shown on the Planning Maps.</p> <p>(g) The standard of the road network and its ability to service the proposed development.</p> <p>(h) 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.</p> <p>(i) 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.</p> <p>(j) The avoidance of land use conflicts within the development by means of the orientation of buildings, the use of fences and planting schemes.</p> <p>(k) The methods and effectiveness of wastewater, stormwater, and rubbish disposal and the provision of a reliable potable water supply.</p> <p>(l) The extent of the potential effects on the amenity of adjacent properties and the effectiveness of any mitigation measures proposed.</p> |
| 21.1.2A.32                                          | Residential Based Visitor Accommodation | <p>(a) Whether the site contains an adequate area of land which will enable the effects of the activity to be contained on the site.</p> <p>(b) Any potential for adverse effects on adjoining or adjacent properties and the effectiveness of any mitigation measures proposed.</p> <p>(c) Any adverse effects resulting from increased traffic generation.</p> <p>(d) Whether the activity is in keeping with the character of the surrounding area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

#### 21.1.15 **Infrastructure, Hazards, Development and Subdivision**

| Infrastructure, Hazards, Development and Subdivision Assessment Criteria |                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Controlled Activities                                                    |                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 21.1.15.4                                                                | 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) The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</p> <p>(b) No vacant sites are proposed to be created;</p> <p>(c) The extent to which the proposal will result in new or increased infringements to the applicable Medium Density Residential Zone rules and performance standards;</p> <p>(d) The extent to which the proposal provides suitable access and servicing of the proposed sites;</p> <p>(e) The risk of natural hazards on the site and whether this can be avoided or mitigated.</p> |



| Infrastructure, Hazards, Development and Subdivision Assessment Criteria |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Restricted Discretionary Activities                                      |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 21.1.15.45                                                               | Subdivision which complies with the performance standards of Part A<br>OR<br>Part A and Part C for 7 or more lots | <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</u> <del>effect</del> the surroundings of a listed heritage item.</p> <p><del>(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:</del></p> <p><del>(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.</del></p> <p><del>(ii) Appropriate graduation between densities, including regularity in densities along streets (i.e. to achieve consistency in character outcomes).</del></p> <p><del>(iii) Assurance that the proposed densities will be achieved, through appropriate conditions of consent and any appropriate other methods.</del></p>                                                                                                                                                                                                                                                                                                                                                                                                  |
| 21.1.15.6                                                                | <u>Subdivision in the Medium Density Residential Zone</u>                                                         | <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.</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>(i) <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>(j) <u>In the landscape overlays, the extent to which the building platform provides for a building that complies with the</u></p> |

| Infrastructure, Hazards, Development and Subdivision Assessment Criteria |                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                                                          |                                                                                            | <p><u>building location requirements of Section 25 - Landscapes and Viewshafts and Assessment Criteria 21.1.25.</u></p> <p>(k) <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>(l) <u>The extent to which the subdivision may affect the surroundings of a listed heritage item.</u></p> <p>(m) <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>(n) <u>The ability for maintenance and inspection of transmission lines, including ensuring physical access.</u></p> <p>(o) <u>The extent to which the design and development will minimise the risk or injury and/or property damage from such lines.</u></p> <p>(p) <u>The ability to provide a complying building (platform).</u></p> <p>(q) <u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</u></p> <p>(r) <u>Relevant technical advice provided by the affected utility operator.</u></p> <p>(s) <u>The extent to which the development will affect the archaeological resource of the District.</u></p> <p>(t) <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.</u></p> <p>(u) <u>In the Character Cluster Areas and Character Precinct Areas, the extent to which the Design Guidelines (Appendix DG1 – DG6) have been applied.</u></p> <p>(v) <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:</u></p> <p>(i) <u>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.</u></p> <p>(ii) <u>Appropriate graduation between densities, including regularity in densities along streets (i.e. to achieve consistency in character outcomes).</u></p> <p>(iii) <u>Assurance that the proposed densities will be achieved, through appropriate conditions of consent and any appropriate other methods.</u></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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Infrastructure, Hazards, Development and Subdivision Assessment Criteria |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                                          |  | <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 such lines.</p> <p>(f) The ability to provide a complying building (platform).</p> <p>(g) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</p> <p>(h) Relevant technical advice provided by the affected utility operator.</p> |

#### 21.1.18 **Financial Contributions**

There are no specific Financial Contributions assessment criteria. Please refer to section 18 - Financial Contributions.

## 2.6. **Appendix DG 1 Character Cluster Statements**

### **Explanatory Text for the purpose of the IPI (not part of proposed plan change)**

Text that has been deleted is shown in ~~striketrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

### **DG1.1 Introduction**

DG1.1.1 The statements included below explain the specific elements of character that are to be maintained in each character cluster. These character clusters are essential to maintain the unique charm and atmosphere that make up 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.

#### **Te Awamutu: College Street Cluster**

DG1.1.2 ....

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 .....

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 ....

DG1.1.7 13 ....

**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 ....

## 2.7. Planning maps

The following planning maps are proposed to be introduced into the operative Waipā District Plan.

### Policy Areas Legend

#### ESPLANADE REQUIREMENTS

- Access Strip
- Esplanade Reserve
- Esplanade Strip

#### LANDSCAPE AND NATURAL AREAS

- High Amenity Landscapes (includes adjacent water bodies)
- Outstanding Natural Feature and Landscape
- River and Lake Environs
- Significant Indigenous Forest (Local)
- Significant Natural Feature and Landscape (District)
- Visually Sensitive Hill Country
- Cultural Landscape Area Alert (Refer Note 4)
- Cultural Landscape Areas
- Significant Natural Area (Refer Appendix N5)
- Viewshaft and State Highway 3 Scenic Corridor
- Vista
- Significant Tree and Bush Stand

#### HERITAGE

- Archaeological Site (Refer Appendix N3)
- Archaeological Site - Reliability 1  
(Refer Note 3 and Appendix N3)
- Cultural Sites (Refer Appendix N2)
- Heritage Item (Refer Appendix N1)
- Karapiro Hydroelectric Village Heritage Item
- Protected Tree (Refer Appendix N4)
- Character Cluster
- Character Precinct
- Character Precinct Cambridge A
- Character Precinct Cambridge B
- Character Streets
- Rangiaowhia Ridge Building Setback Area

#### GENERAL

- District Boundary
- Other Council Boundary
- Urban Limits
- Strategic Road (Major or Minor Arterial Route)
- Formed Road
- Indicative Road
- Bridge
- Service Lane
- Unformed Road
- River, Lake or Stream

#### OVERLAYS

- Compact Housing Area
- Dairy Manufacturing Site
- Large Format Retail Area
- Maungatautari Ecological Island Fenced Boundary
- Pedestrian Frontage
- Road Noise Effects Area
- Indicative Motorway Service Centre Area
- Scheduled Industrial Site
- Special Amenity Area
- Tall Building Area
- Cambridge North Neighbourhood Centre
- Mystery Creek Events Centre Core Area
- Mystery Creek Events Lower Terrace Area
- Mystery Creek Events Upper Terrace Area
- Mystery Creek Rural Activities Overlay
- Mystery Creek Agri-Activities Overlay
- Scheduled Rural Property
- Quarry Buffer Area
- Mineral Extraction Area
- Hydro Operating Easement
- Dairy Manufacturing Noise Contour
- Mystery Creek Noise Contour
- Water Catchment Area (WCA)
- Lime Processing Site

#### QUALIFYING MATTERS (Map 56 & 57)

- River/Gully Proximity
- Stormwater Constraint
- Infrastructure Constraint

#### UTILITIES

- HV Electricity Structure
- HV Electricity Transmission Line
- HV Electricity Transmission Line (Underground)
- Gas Transmission Pipeline Corridor

#### NATURAL HAZARDS

- Flood Hazard Area
- Flood Hazard Boundary

#### NOTE:

1. **Referenced Sites**  
Some sites are shown on the maps with a reference number. These are archaeological sites, cultural sites, designations (approved and notice of requirements), historic buildings/sites, protected trees or significant natural areas.  
The reference number will only appear on the detail map. If the site you are viewing is within an inset map, e.g. map 27 is within map 23, then the reference number will only appear on map 27 and not on map 23.

2. **Archaeological Sites**  
Additional archaeological sites may have been identified since the notification of this Plan. For this reason people are also referred to the NZAA Database. Consultation with Heritage New Zealand is advisable.

3. **Reliability 1**  
These sites have been field checked and documentation has been completed. These sites have a higher degree than the other sites.

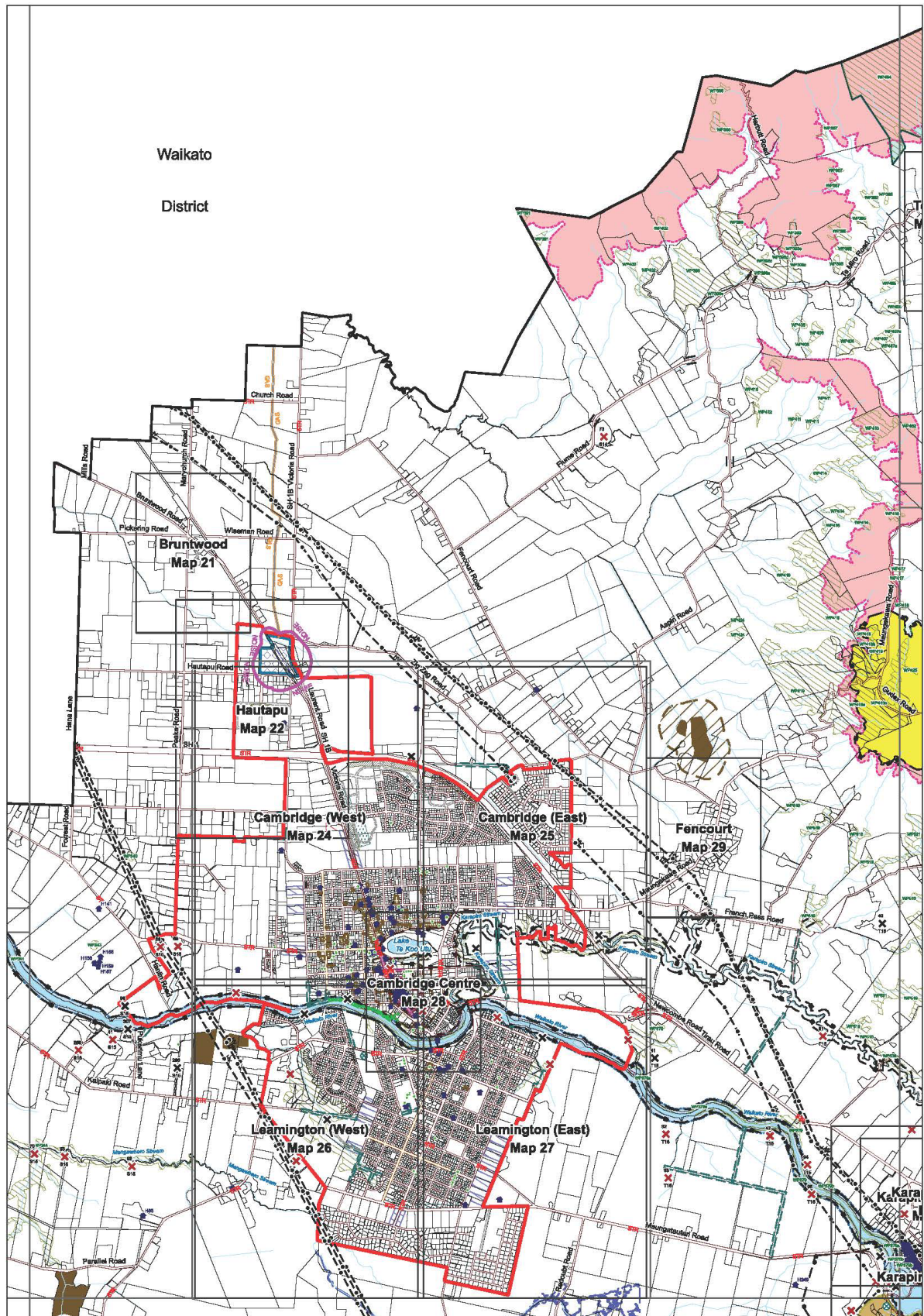
4. **Cultural Landscape Areas**  
There are two types: "Cultural Landscape Area – Alert" and "Cultural Landscape Areas". The Cultural Landscape Area – Alert are identified for information purposes only, while the Cultural Landscape Areas have additional resource consent requirements for some activities.  
Where the Cultural Landscape Area – Alert is shown on the Planning Maps to apply to a river or stream, it includes a 50m setback on either side of the bank from the river or stream.

As Proposed by Plan Change 26

Waipā District Plan







## Cambridge Overview

Waipā District Plan

As Proposed by  
Plan Change 26

Scale: 1:40,000 at A3



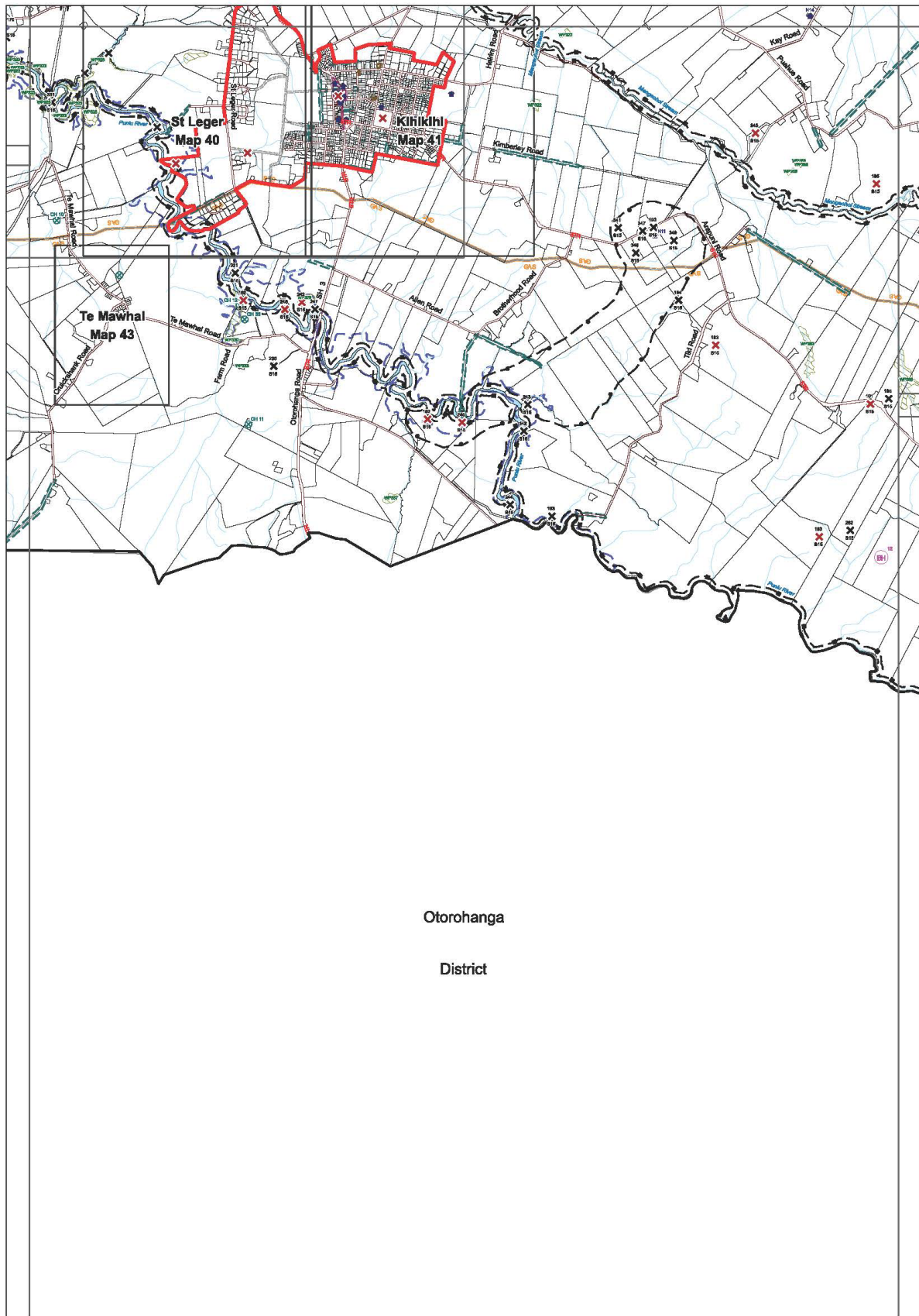
Policy  
Areas

4

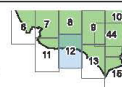
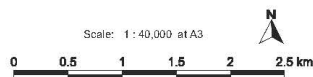






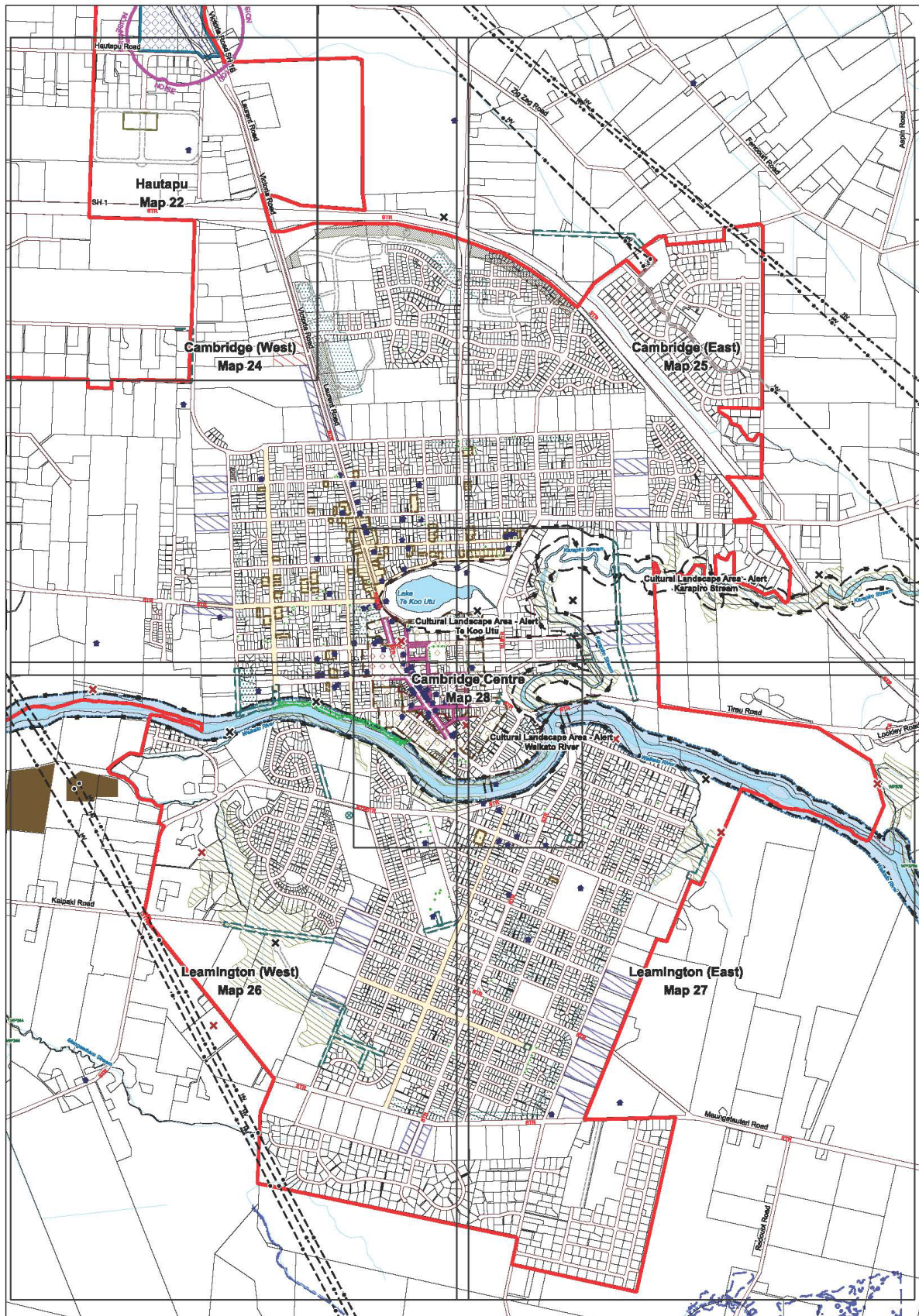


Kihikihi/Te Mawhai Overview  
 Waipā District Plan  
**As Proposed by  
 Plan Change 26**



**Policy  
 Areas 12**





## Cambridge Overview

Waipā District Plan

**As Proposed by  
Plan Change 26**

Scale: 1 : 20,000 at A3  
0 0.2 0.4 0.6 0.8 1 km



**Policy  
Areas 23**

## Proposed Plan Change 26: Residential Zone Intensification and Section 32 Evaluation Report

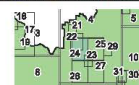




**Cambridge (West)**  
Waipā District Plan

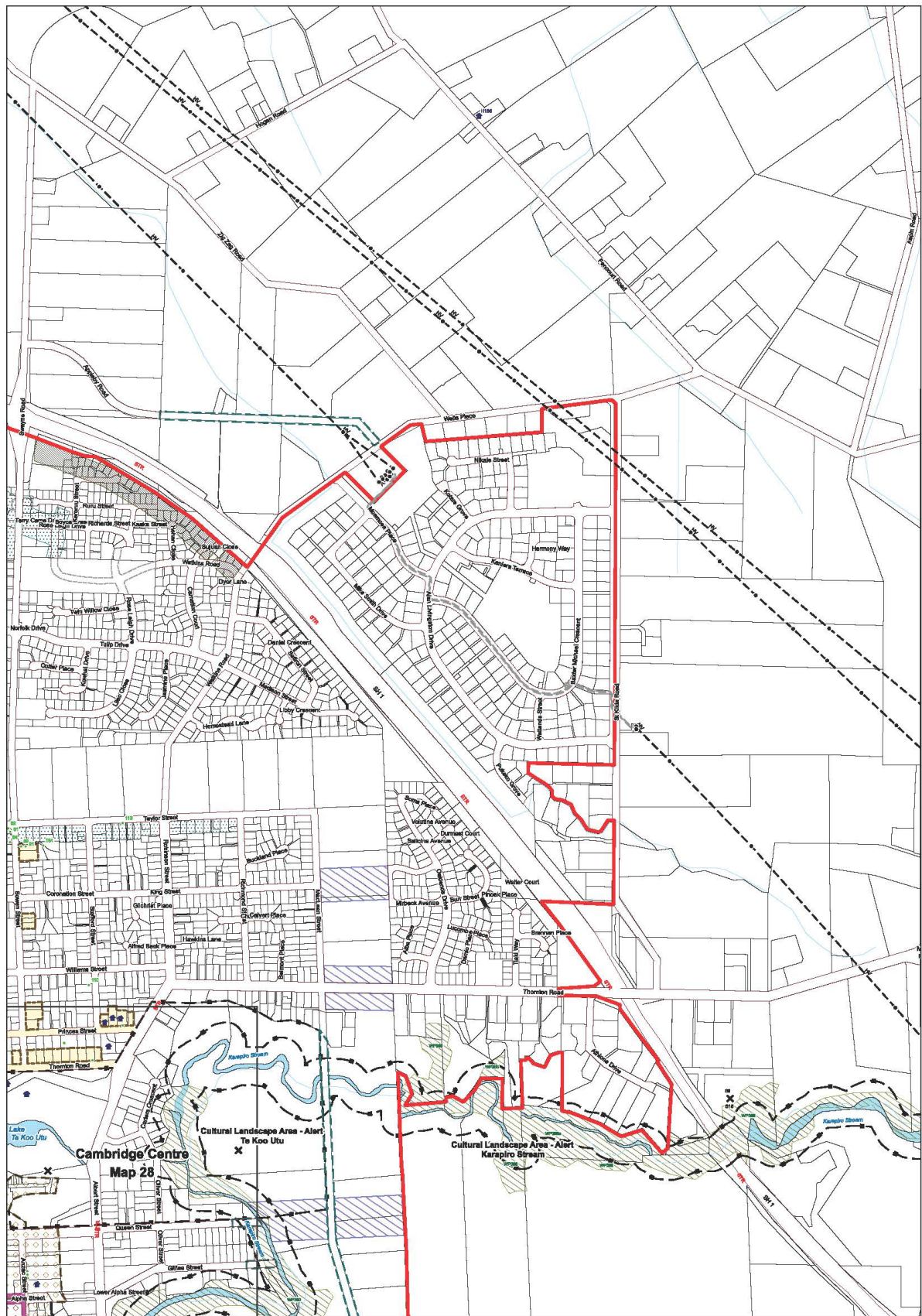
**As Proposed by  
Plan Change 26**

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**Policy Areas 24**

**Proposed Plan Change 26: Residential Zone Intensification  
and Section 32 Evaluation Report**

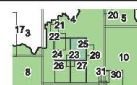


## Cambridge (East)

Waipā District Plan

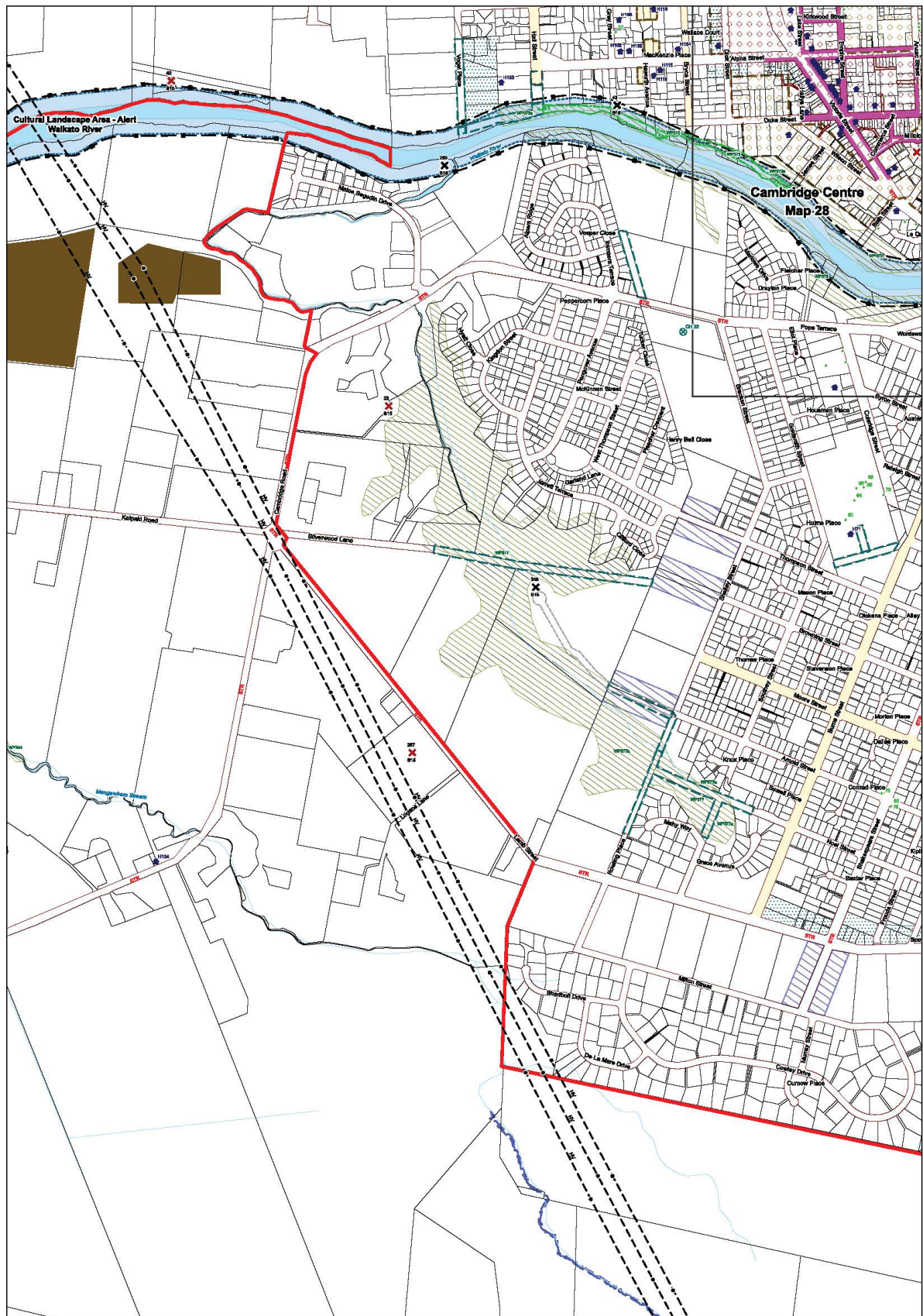
As Proposed by  
Plan Change 26

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Policy Areas **25**





Leamington (West)  
Waipā District Plan

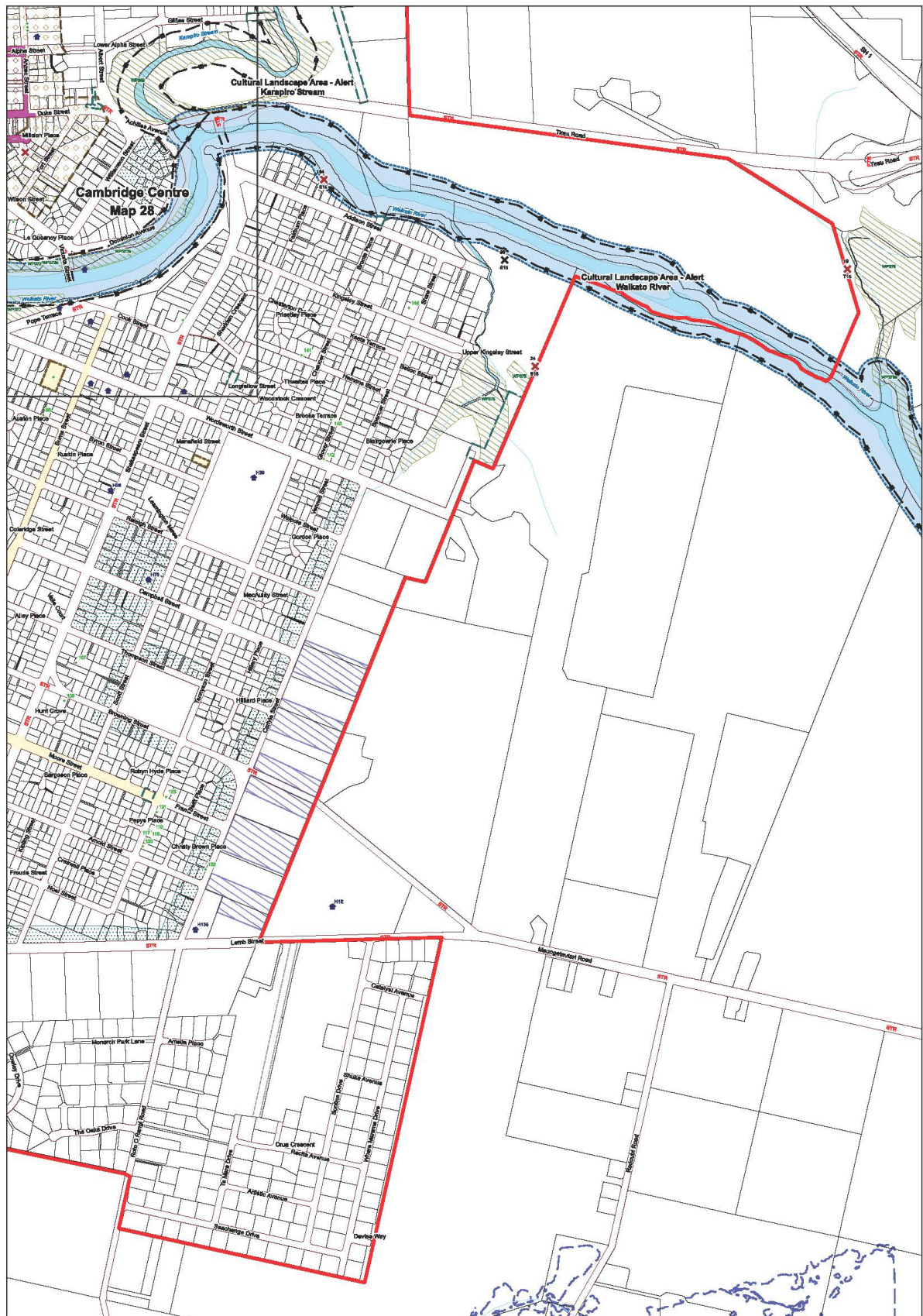
As Proposed by  
Plan Change 26

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Policy Areas **26**

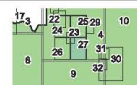




**Leamington (East)**  
Waipā District Plan

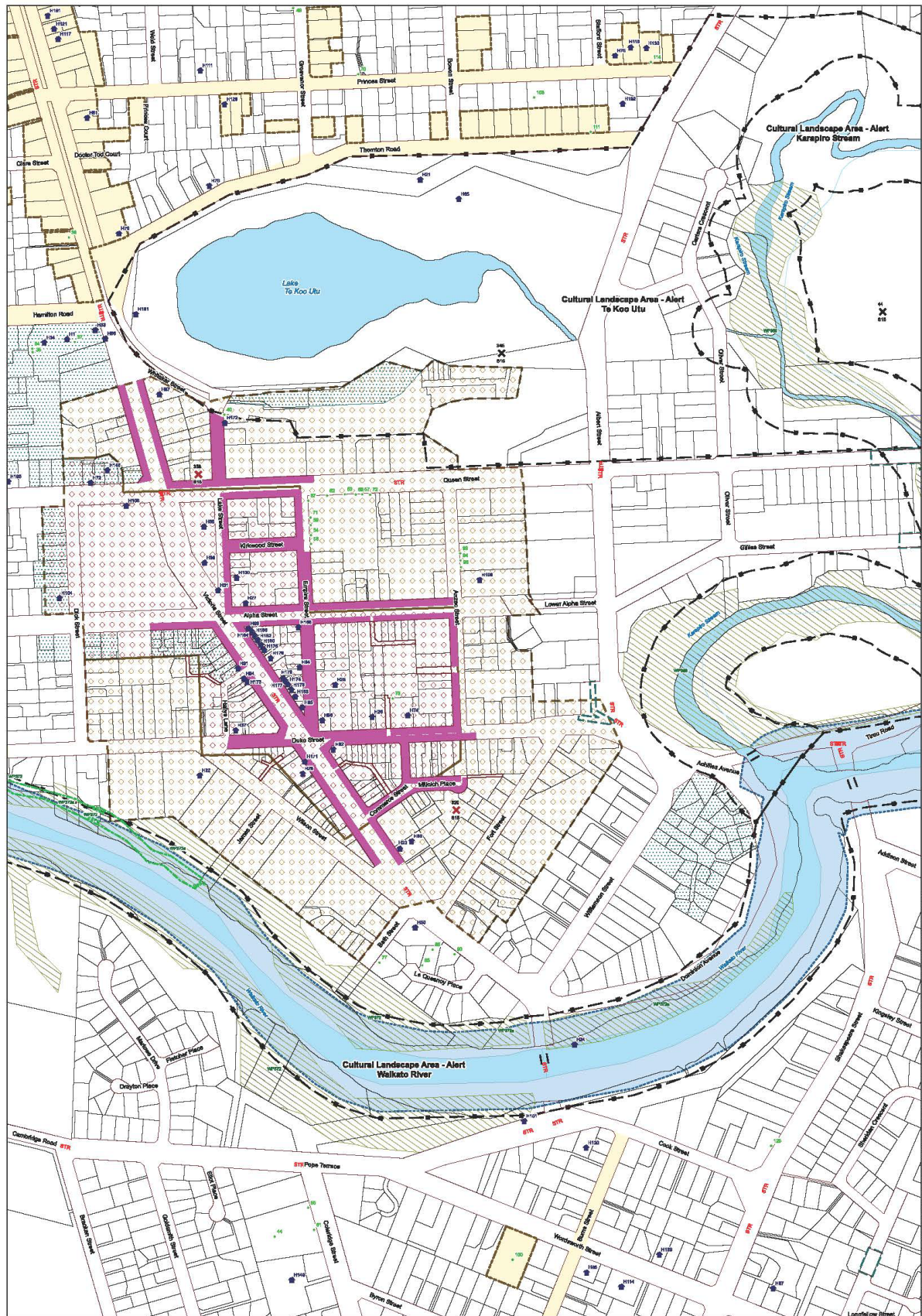
**As Proposed by  
Plan Change 26**

Scale: 1 : 10,000 at A3  
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**Policy  
Areas 27**





**Cambridge Centre**  
Waipā District Plan

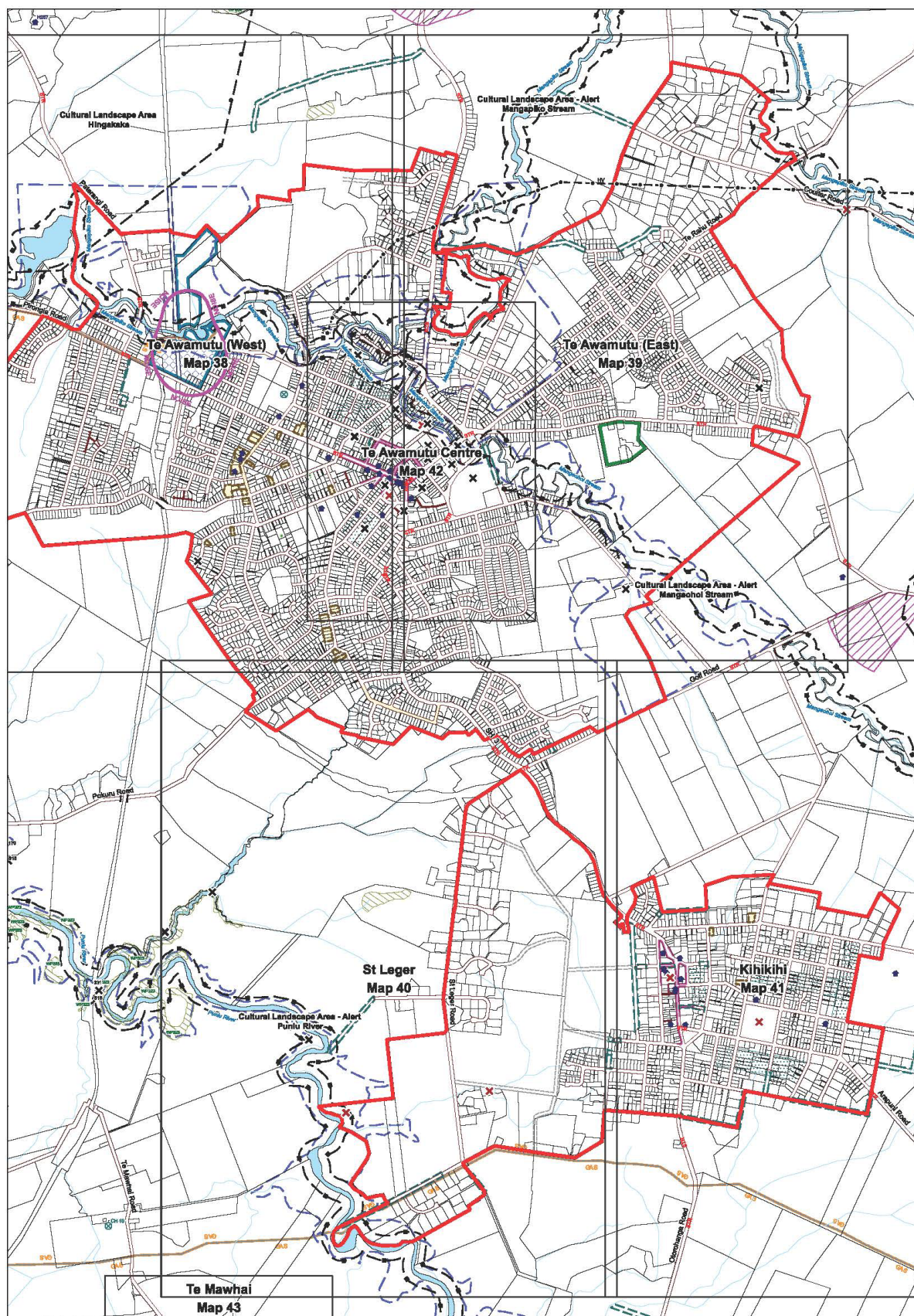
**As Proposed by  
Plan Change 26**

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**Policy  
Areas 28**



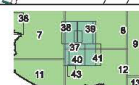


## Te Awamutu/Kihikihi Overview

Waipā District Plan

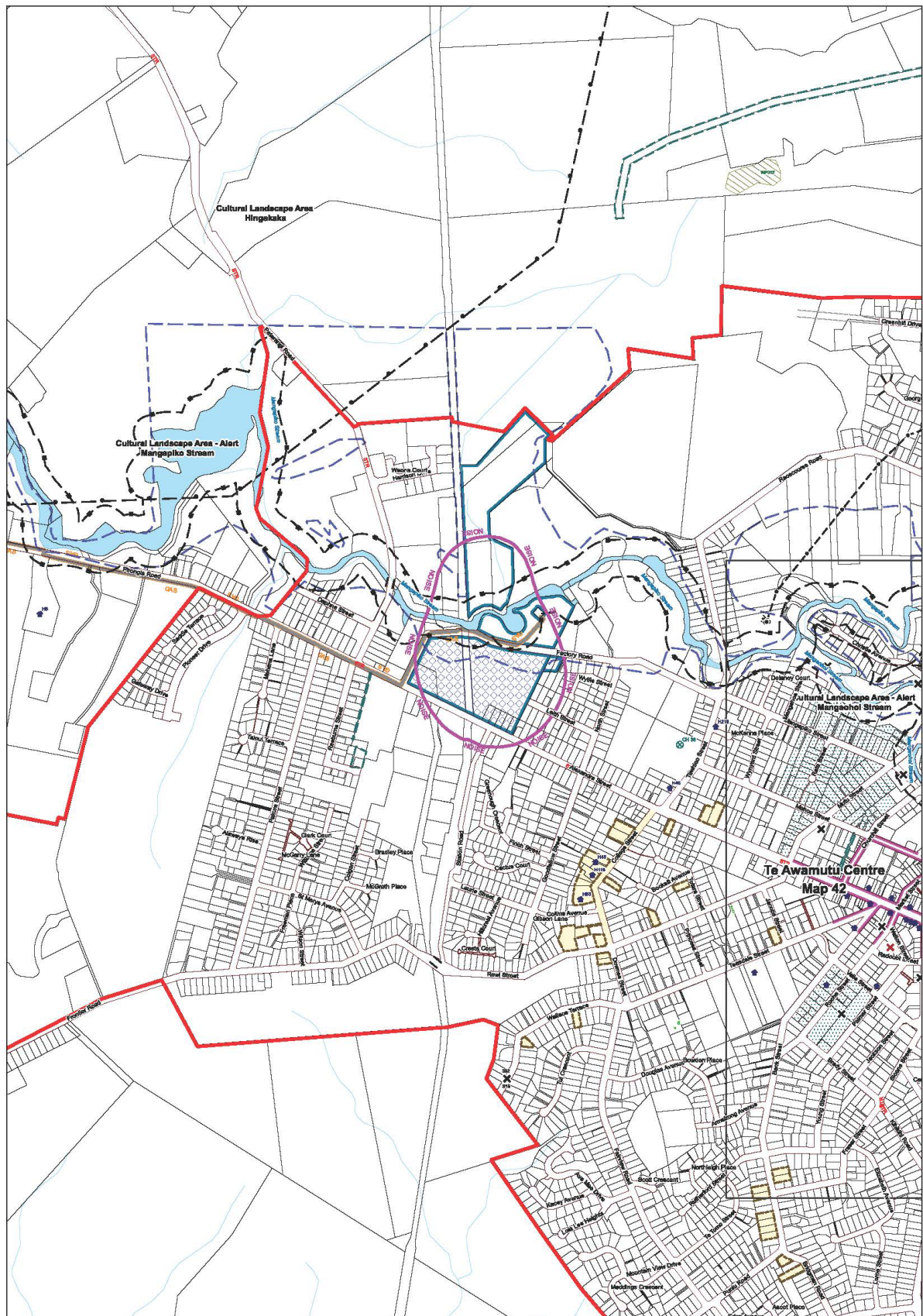
As Proposed by  
Plan Change 26

Scale: 1 : 20,000 at A3



Policy Areas **37**

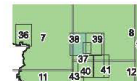




**Te Awamutu (West)**  
Waipā District Plan

**As Proposed by  
Plan Change 26**

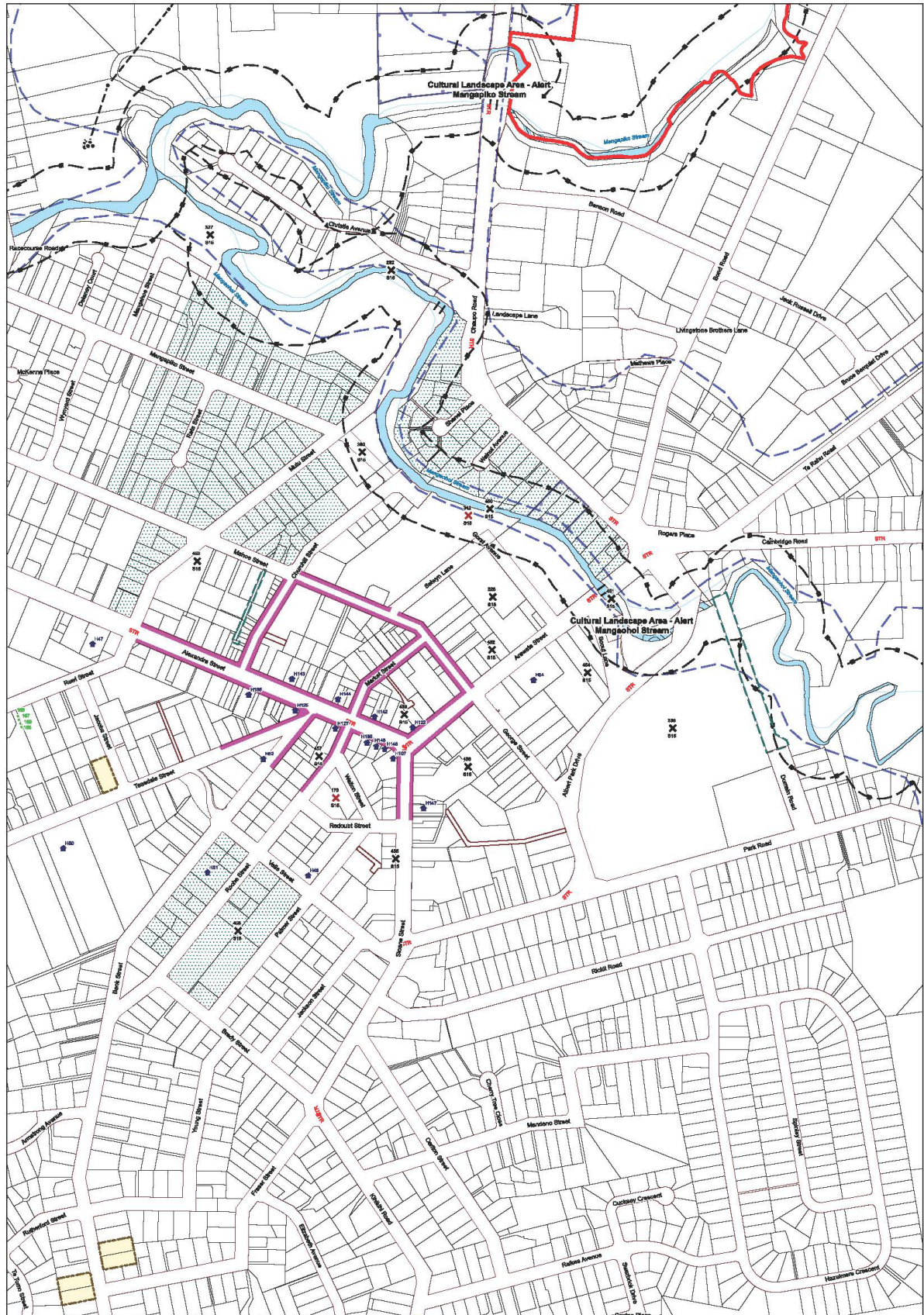
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**Policy Areas 38**

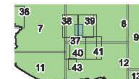
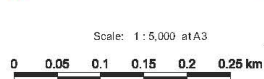






Te Awamutu Centre  
Waipā District Plan

As Proposed by  
Plan Change 26



Policy Areas **42**

## Proposed Plan Change 26: Residential Zone Intensification and Section 32 Evaluation Report

## Zones Legend

### AIRPORT

|                                                                                   |                                     |
|-----------------------------------------------------------------------------------|-------------------------------------|
|  | Air Noise Boundary (ANB)            |
|  | Night Noise Boundary (SEL95)        |
|  | Outer Control Boundary (OCB)        |
|  | Airport Approach Surfaces           |
|  | Conical Surface                     |
|  | Horizontal Surface                  |
|  | Hamilton Airport Strategic Node     |
|  | Narrows Concept Plan Area           |
|  | Runway Protection Area              |
|  | Possible Future Airport Growth Area |

### DESIGNATIONS (Refer Appendix D1)

|                                                                                   |                                     |
|-----------------------------------------------------------------------------------|-------------------------------------|
|  | Designation Approved                |
|  | Designation (Notice of Requirement) |

### OVERLAYS

|                                                                                     |                                                     |
|-------------------------------------------------------------------------------------|-----------------------------------------------------|
|    | Structure Plan Area                                 |
|    | Core Campus Area                                    |
|    | Tokanui Dairy Research Centre                       |
|   | Hydro Electric Power Generation Infrastructure Area |
|  | Boundary of the Specialised Dairy Industrial Area   |

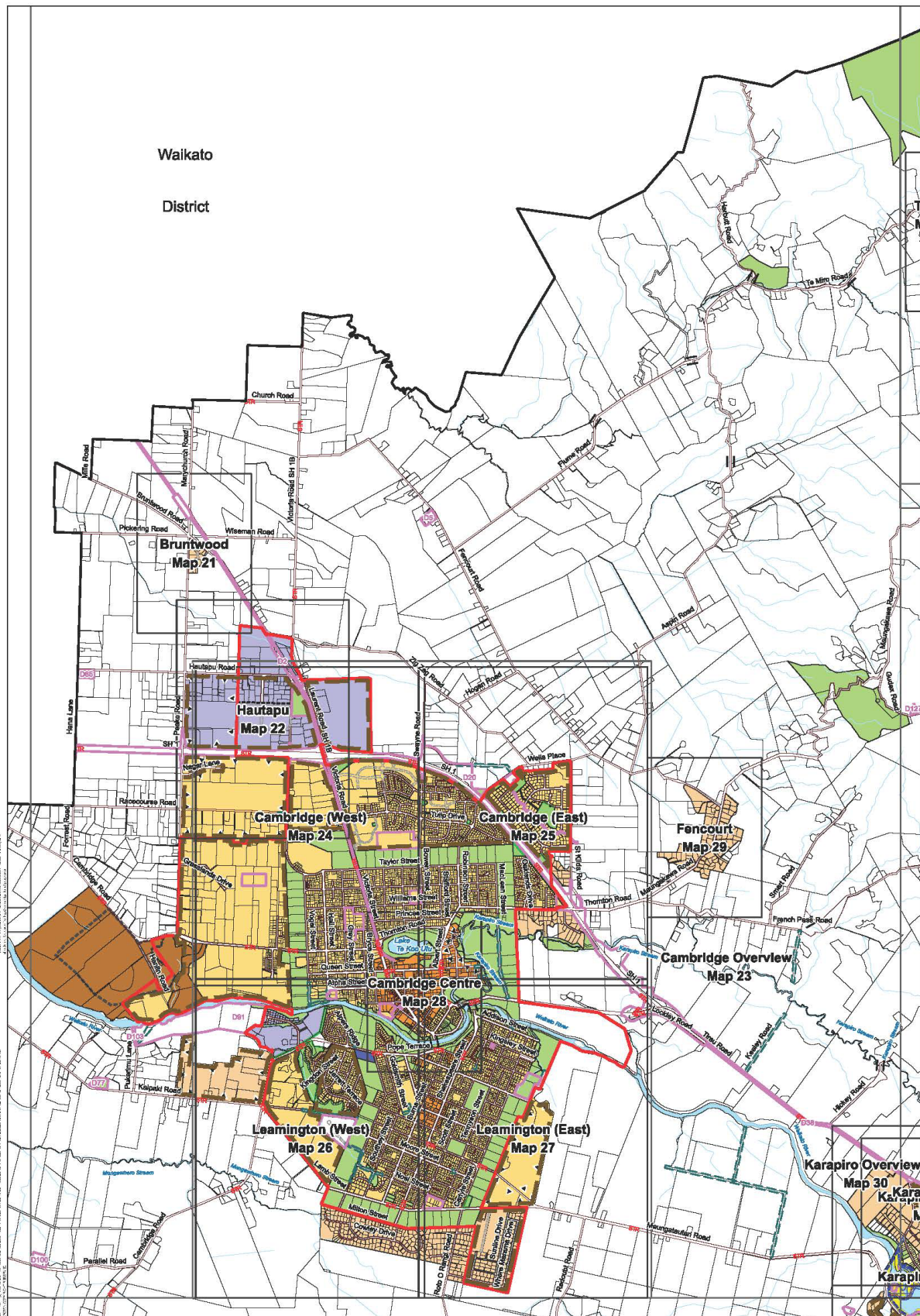
### GENERAL

|                                                                                     |                                                                                                                                    |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
|  | District Boundary                                                                                                                  |
|  | Other Council Boundary                                                                                                             |
|  | Urban Limits                                                                                                                       |
|  | Strategic Road (Major or Minor Arterial)                                                                                           |
|  | Formed Road                                                                                                                        |
|  | Indicative Road                                                                                                                    |
|  | Bridge                                                                                                                             |
|  | Service Lane                                                                                                                       |
|  | Unformed Road                                                                                                                      |
|  | River, Lake or Stream<br><small>(Note: will appear as wave pattern over certain lakes due to them also being Reserve Zone)</small> |

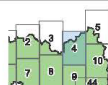
### ZONES

|                                                                                     |                                          |
|-------------------------------------------------------------------------------------|------------------------------------------|
|    | Airport Business Zone                    |
|    | Commercial Zone                          |
|    | Deferred Commercial Zone                 |
|    | Hydro Power Zone                         |
|    | Industrial Zone                          |
|    | Deferred Industrial Zone                 |
|    | Lake Karapiro Events Zone                |
|    | Large Lot Residential Zone               |
|    | Deferred Large Lot Residential Zone      |
|    | Marae Development Zone                   |
|    | Medium Density Residential Zone          |
|    | Deferred Medium Density Residential Zone |
|    | Mystery Creek Events Zone                |
|    | Reserve Zone                             |
|    | Deferred Reserve Zone                    |
|    | Residential Zone                         |
|    | Deferred Residential Zone                |
|    | Significant Mineral Extraction Zone      |
|    | St Peters School Zone                    |
|  | Rural Zone                               |





4 Zones



Cambridge Overview

Waipā District Plan

As Proposed by  
Plan Change 26

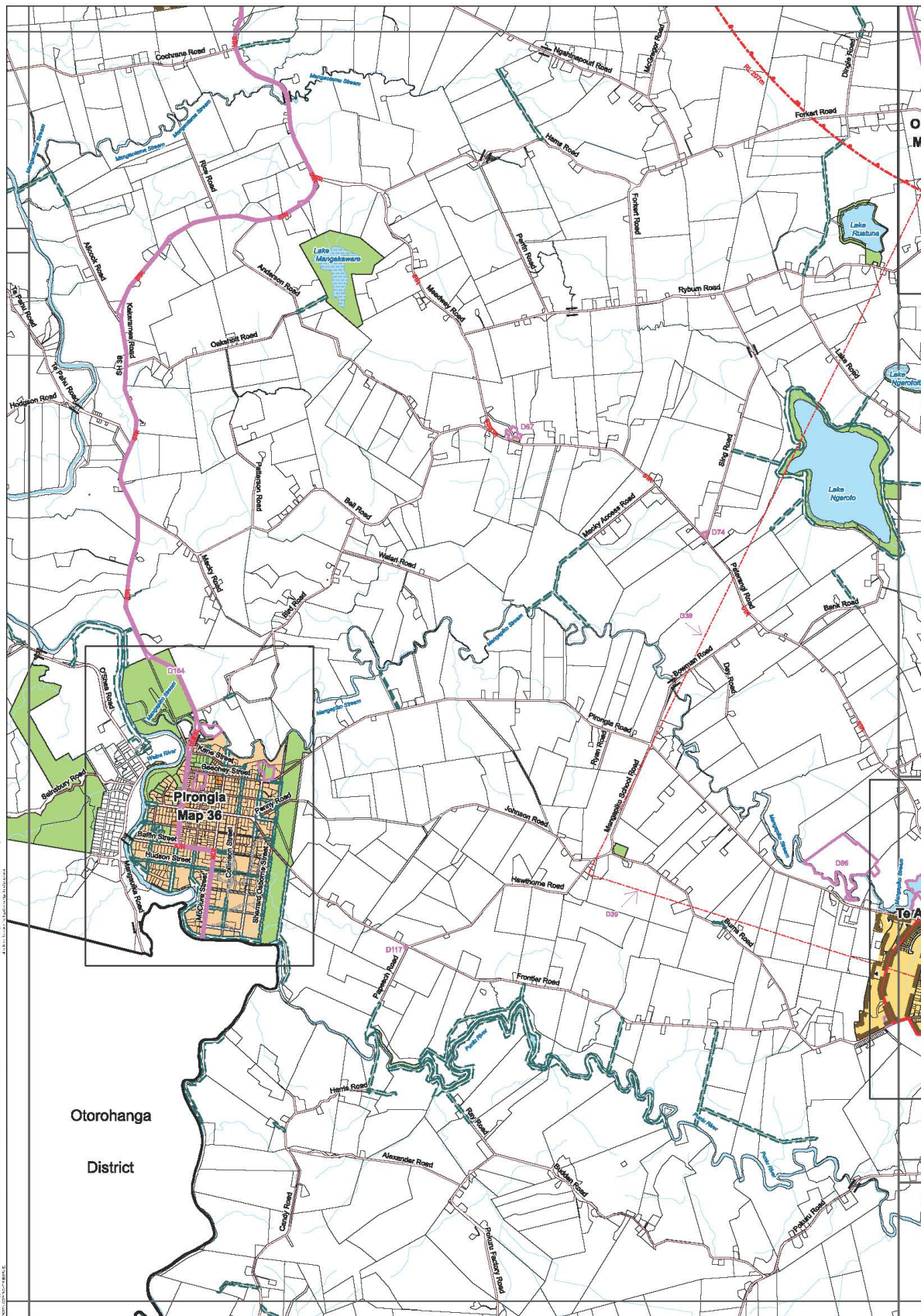
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# Proposed Plan Change 26: Residential Zone Intensification and Section 32 Evaluation Report



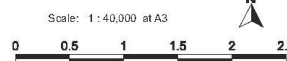


7 Zones



Waipā District Plan

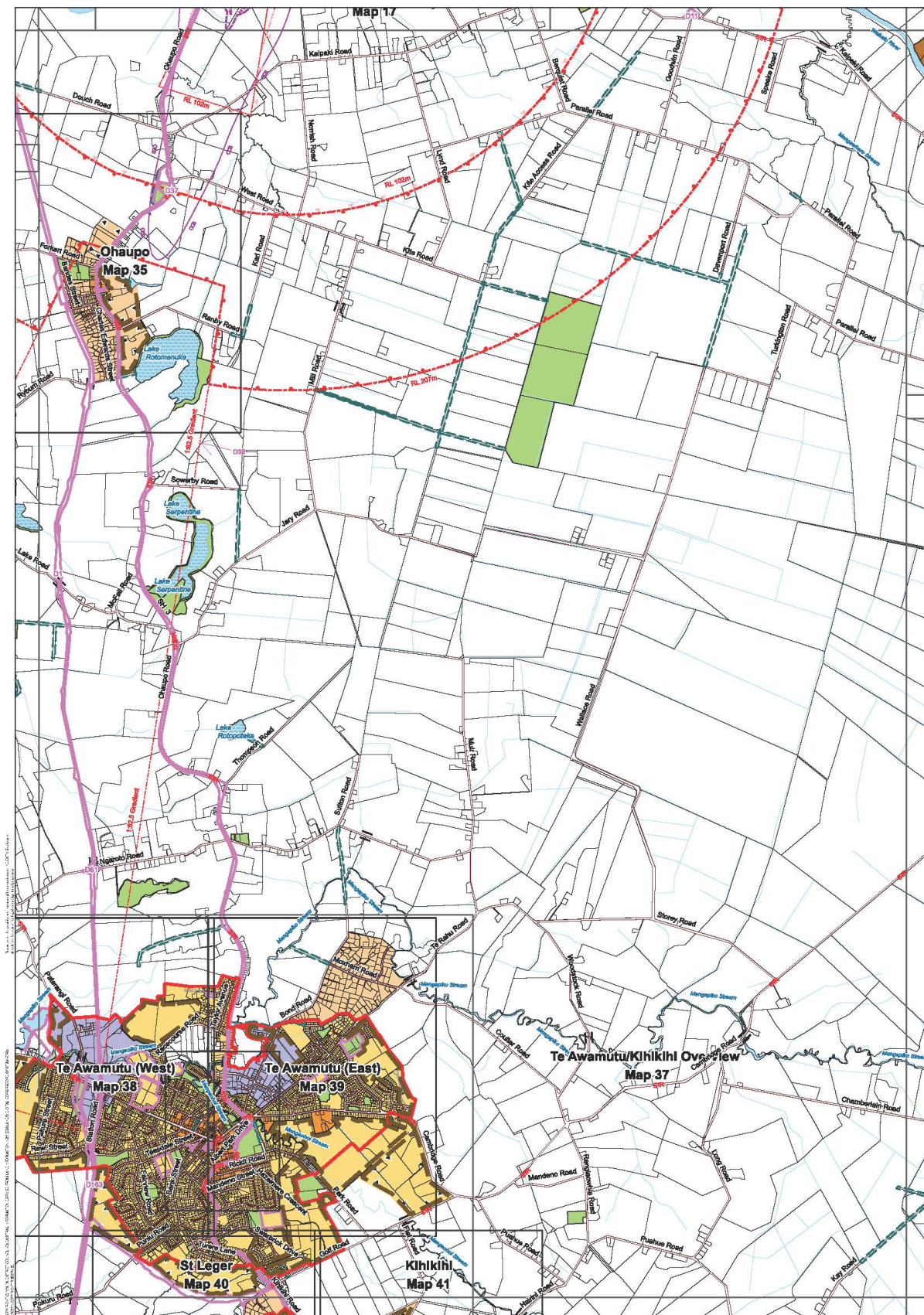
As Proposed by  
Plan Change 26



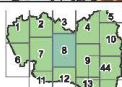
Waipā  
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# Proposed Plan Change 26: Residential Zone Intensification and Section 32 Evaluation Report





**8** Zones



### Ohaupo/Te Awamutu Overview

Waipā District Plan

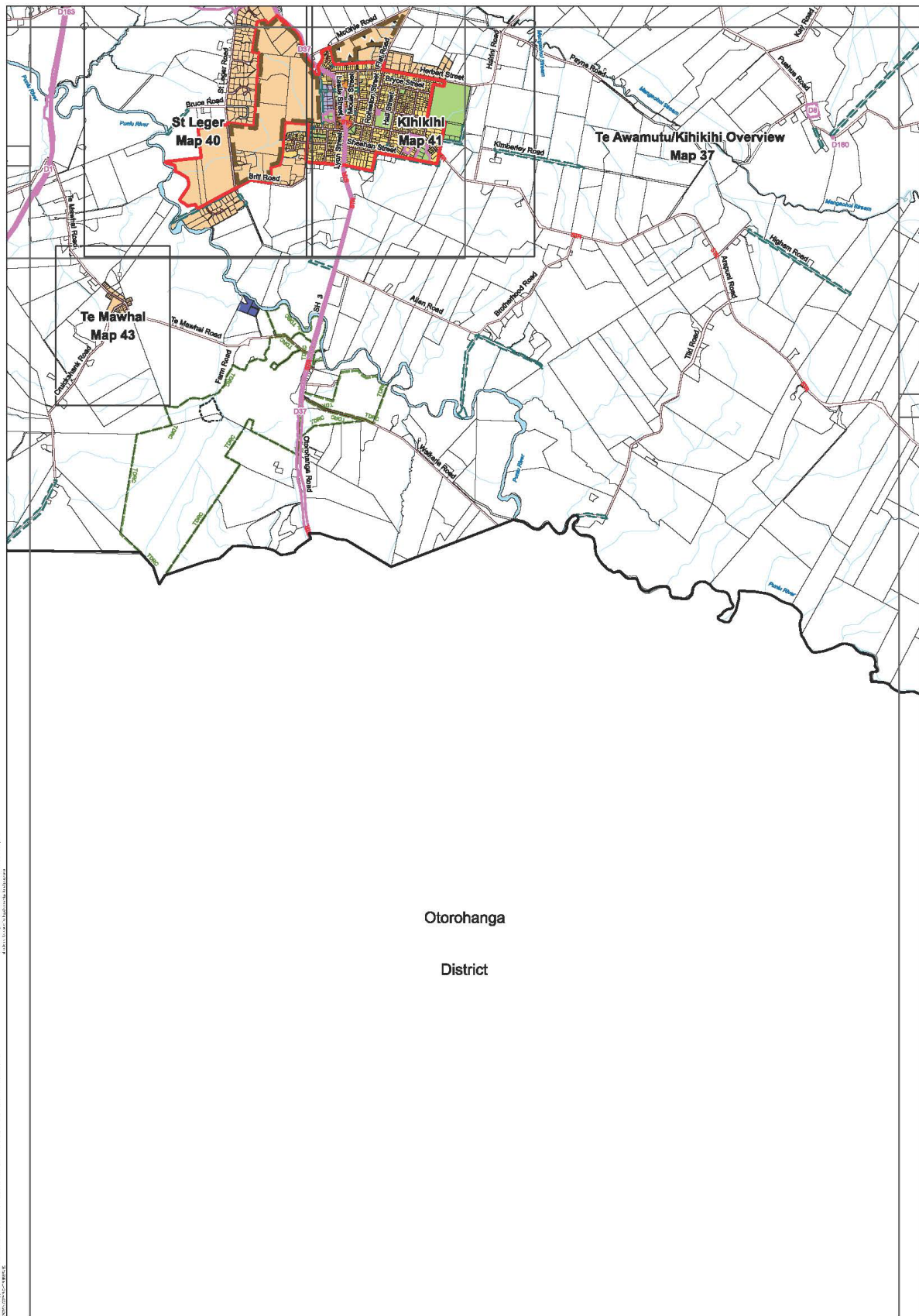
**As Proposed by  
Plan Change 26**

Scale: 1:40,000 at A3

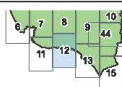


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## Proposed Plan Change 26: Residential Zone Intensification and Section 32 Evaluation Report



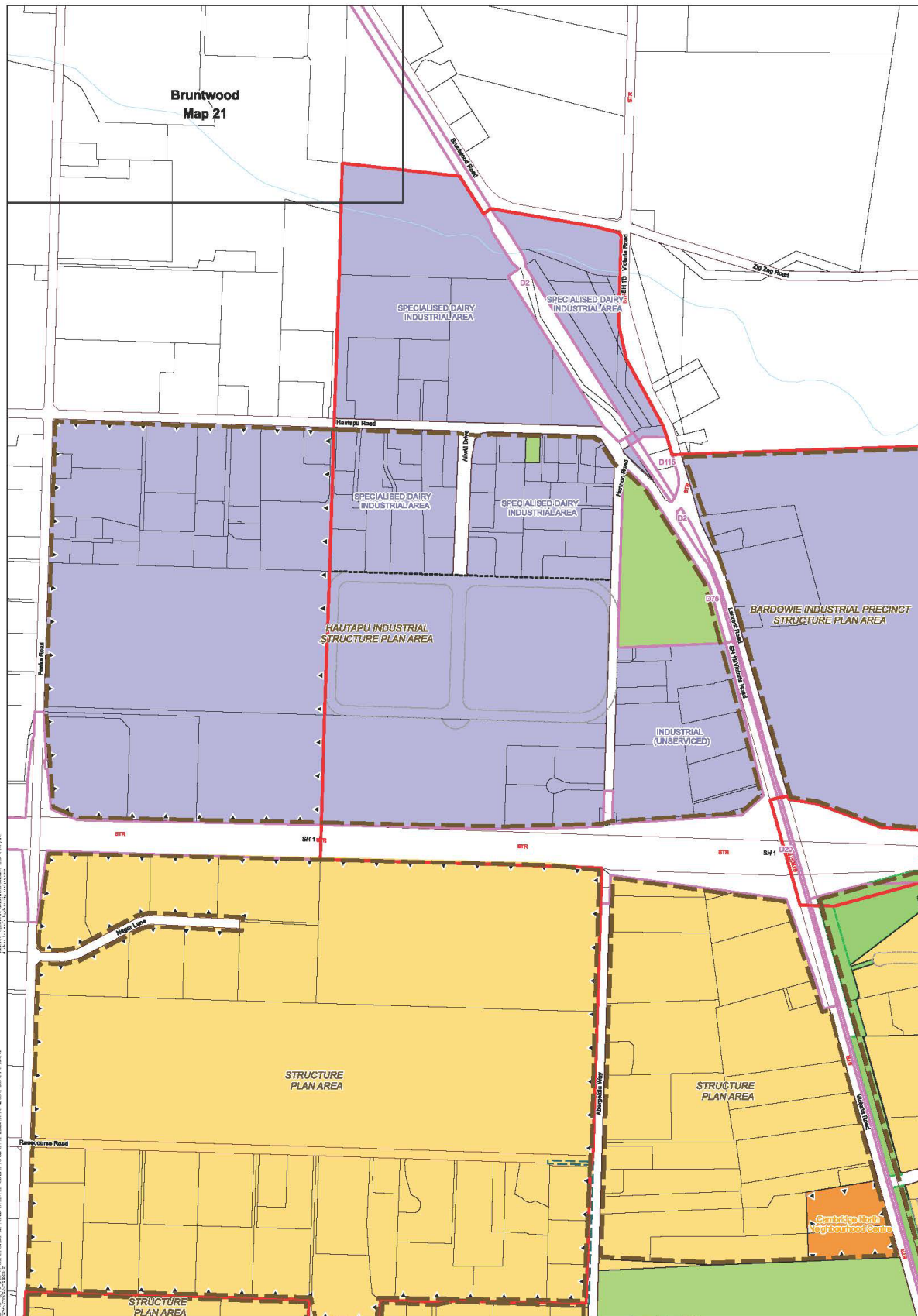
12 Zones



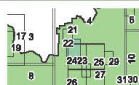
Kihikihi/Te Mawhai Overview  
Waipā District Plan **As Proposed by  
Plan Change 26**







**22 Zones**



**Hautapu**  
Waipā District Plan

**As Proposed by  
Plan Change 26**

Scale: 1: 7,500 at A3  
0 0.05 0.1 0.15 0.2 0.25 km



**Waipā**  
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# Proposed Plan Change 26: Residential Zone Intensification and Section 32 Evaluation Report





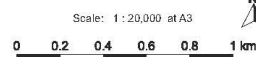
**23 Zones**



### Cambridge Overview

Waipā District Plan

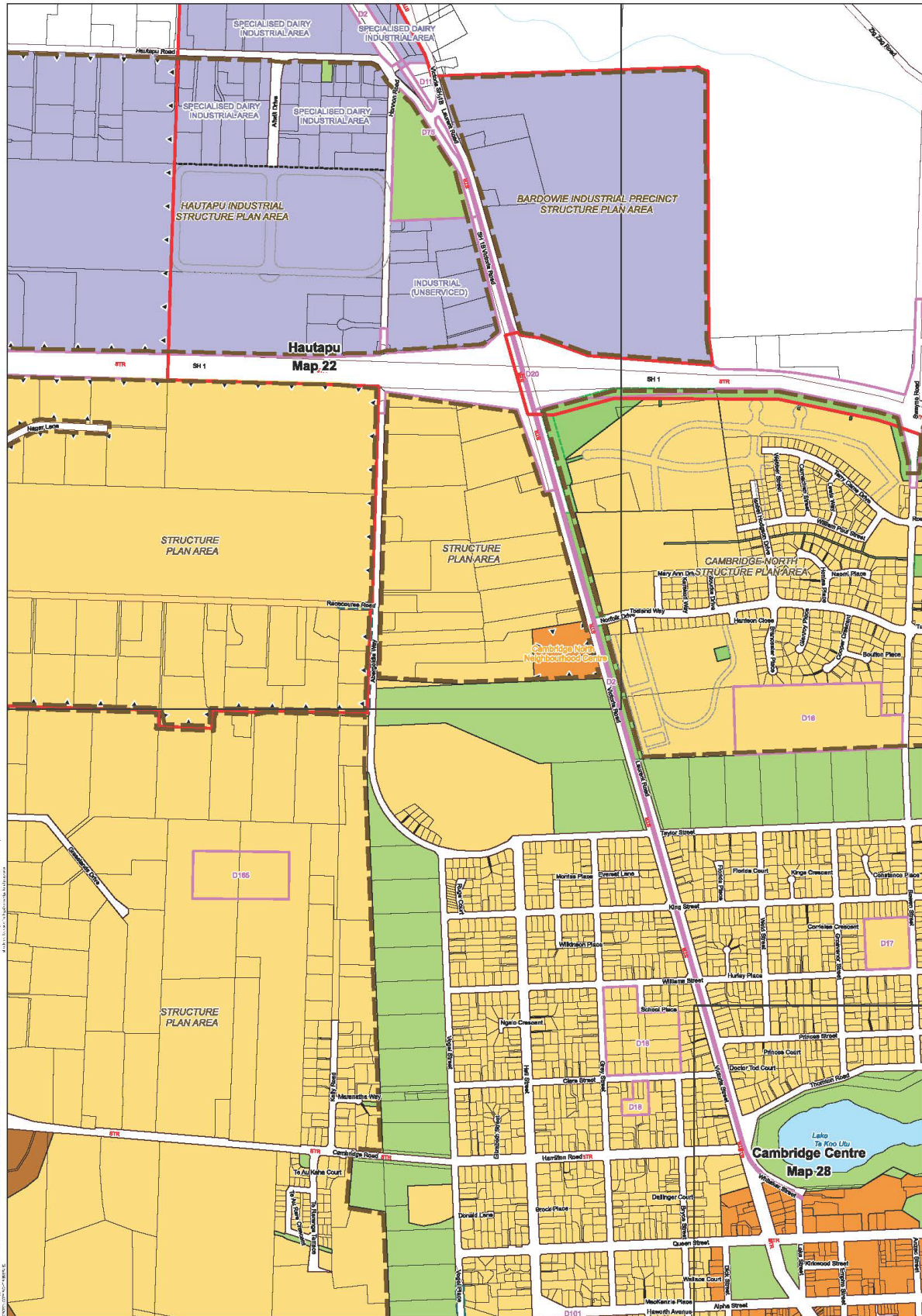
**As Proposed by  
Plan Change 26**



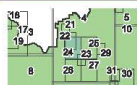
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### Proposed Plan Change 26: Residential Zone Intensification and Section 32 Evaluation Report





24 Zones



Cambridge (West)  
Waipā District Plan  
As Proposed by  
Plan Change 26

Scale: 1:10,000 at A3  
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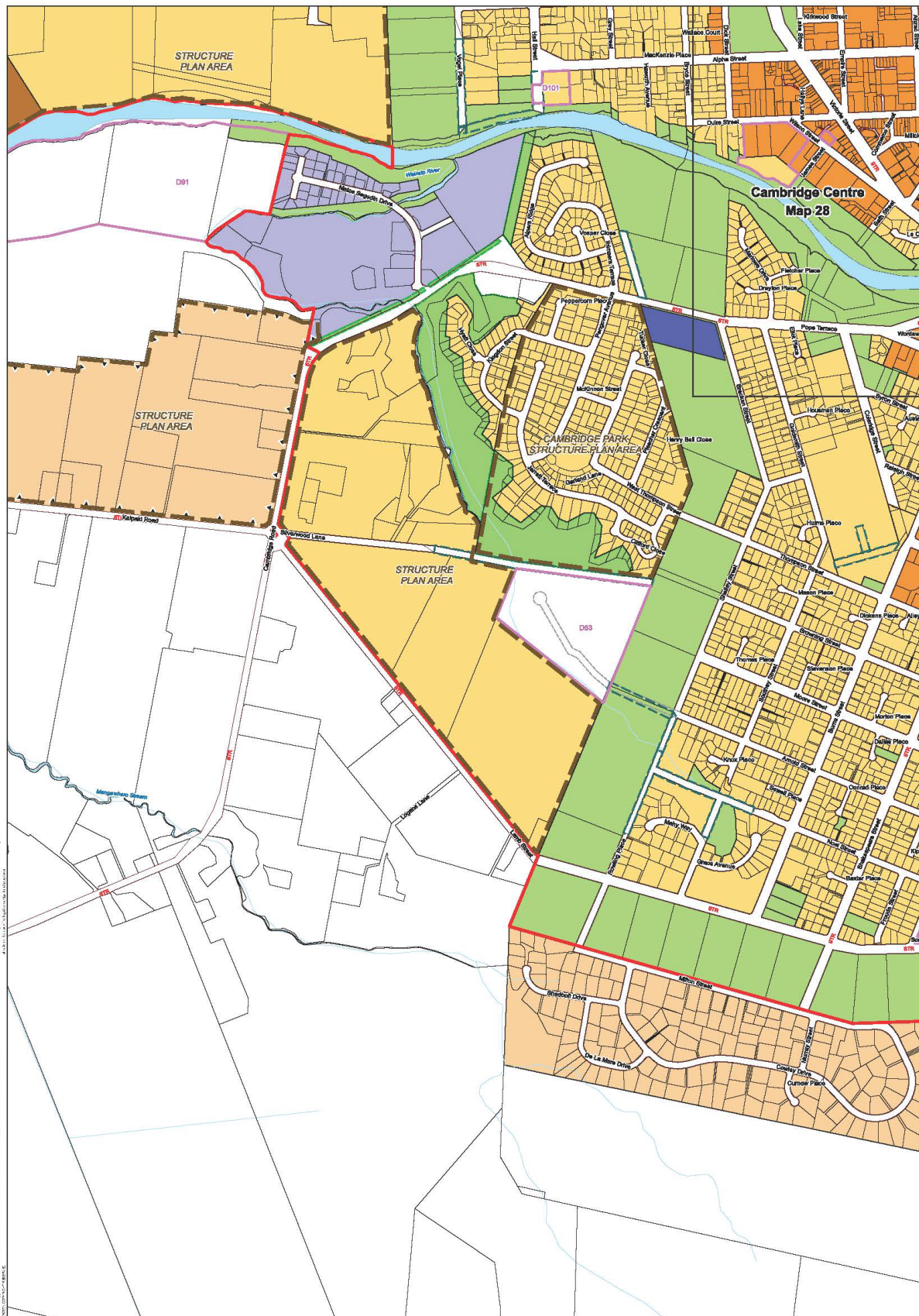
Waipā  
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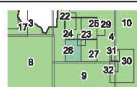






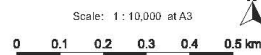


**26** Zones



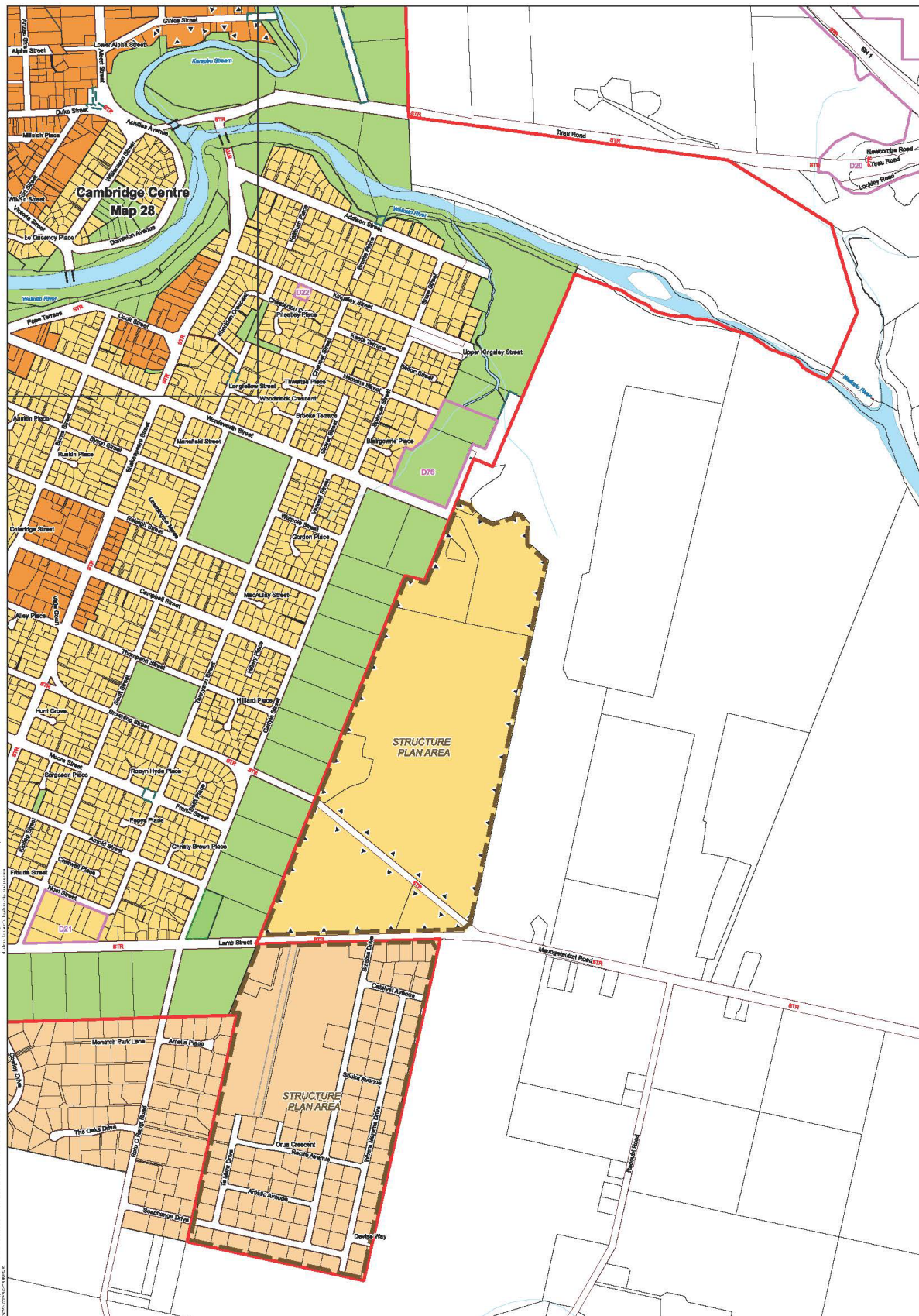
**Leamington (West)**  
Waipā District Plan

**As Proposed by  
Plan Change 26**

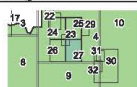


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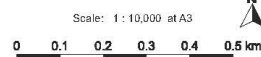


**27** Zones



**Leamington (East)**  
Waipā District Plan

**As Proposed by  
Plan Change 26**



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**Proposed Plan Change 26: Residential Zone Intensification  
and Section 32 Evaluation Report**





**28 Zones**



**Cambridge Centre**  
Waipā District Plan

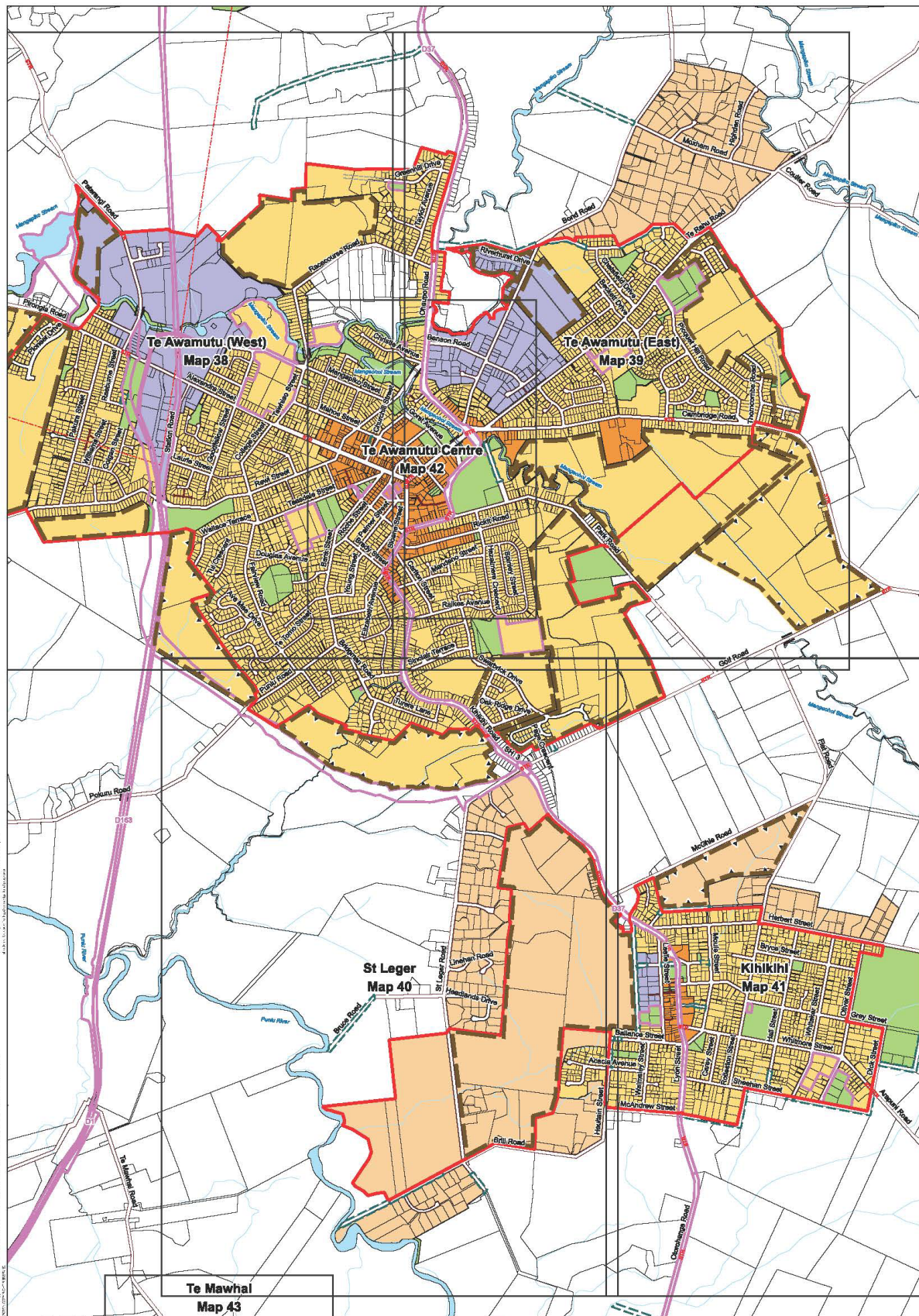
**As Proposed by  
Plan Change 26**

Scale: 1 : 5,000 at A3  
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**37 Zones**



**Te Awamutu/Kihikihi Overview**  
 Waipā District Plan  
**As Proposed by**  
**Plan Change 26**

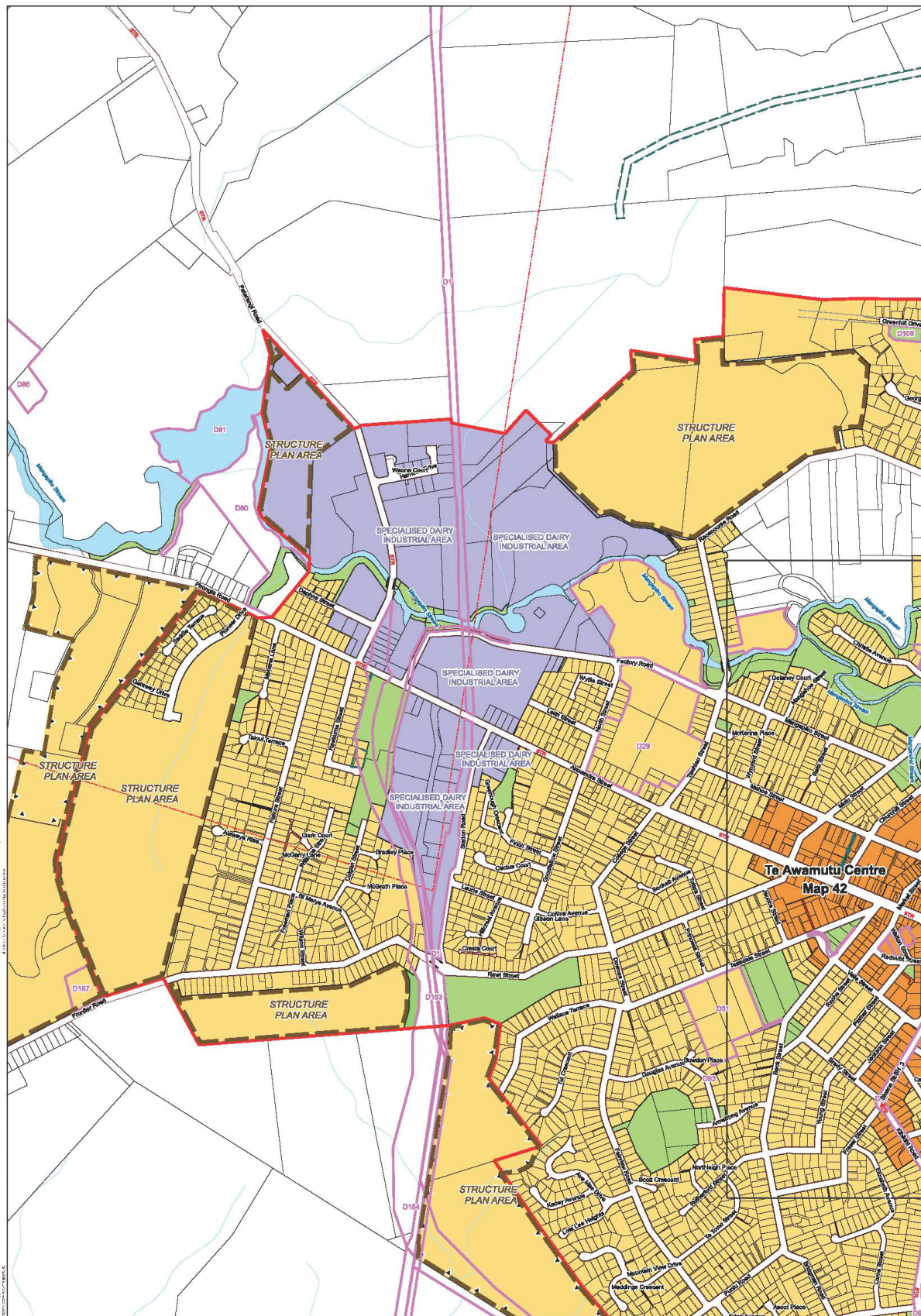
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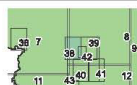
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 and Section 32 Evaluation Report**



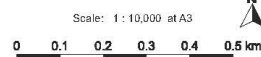


**38** Zones



**Te Awamutu (West)**  
Waipā District Plan

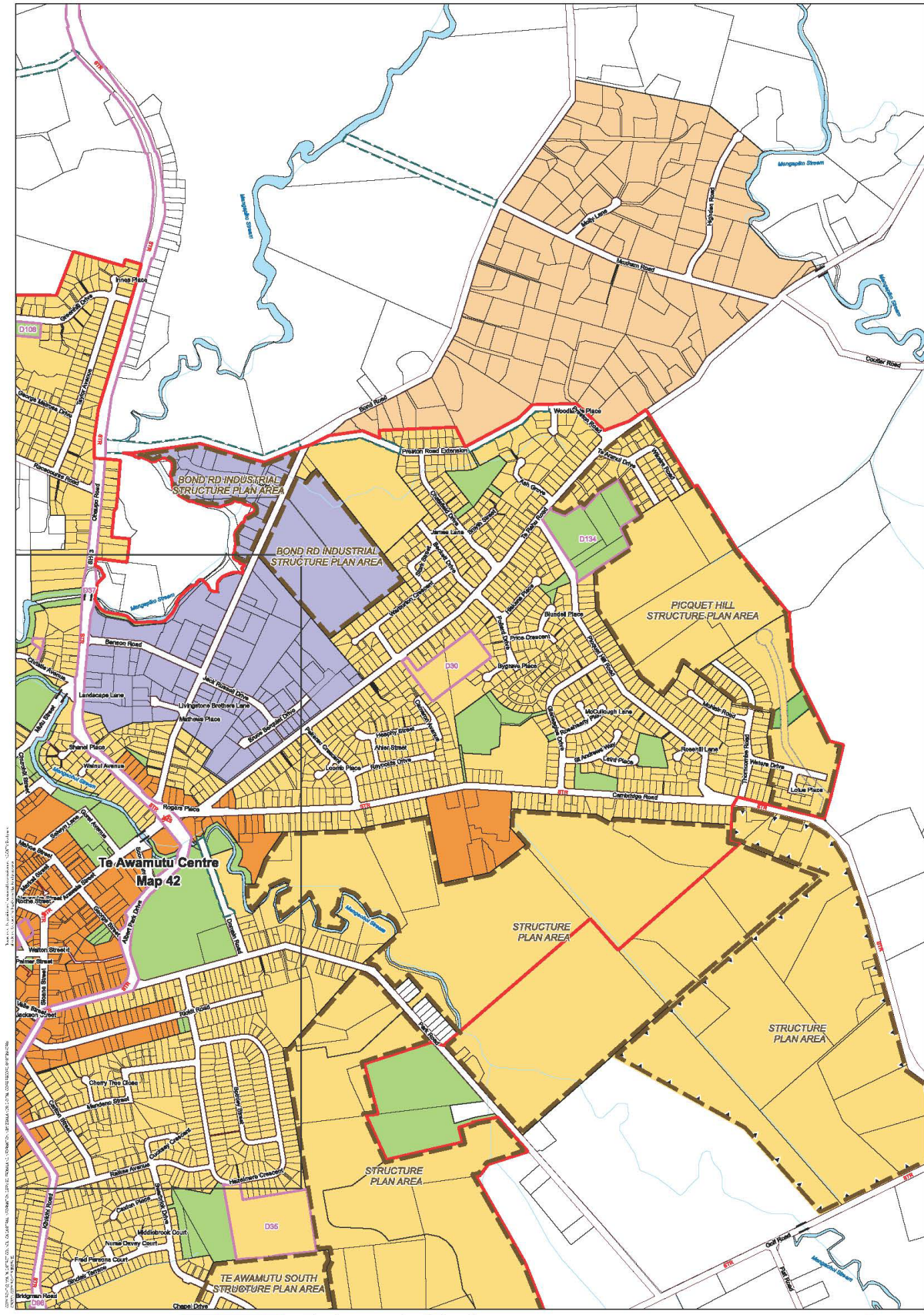
**As Proposed by  
Plan Change 26**



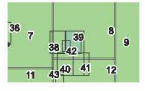
**Waipā**  
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and Section 32 Evaluation Report



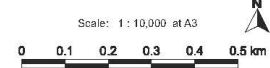


**39** Zones

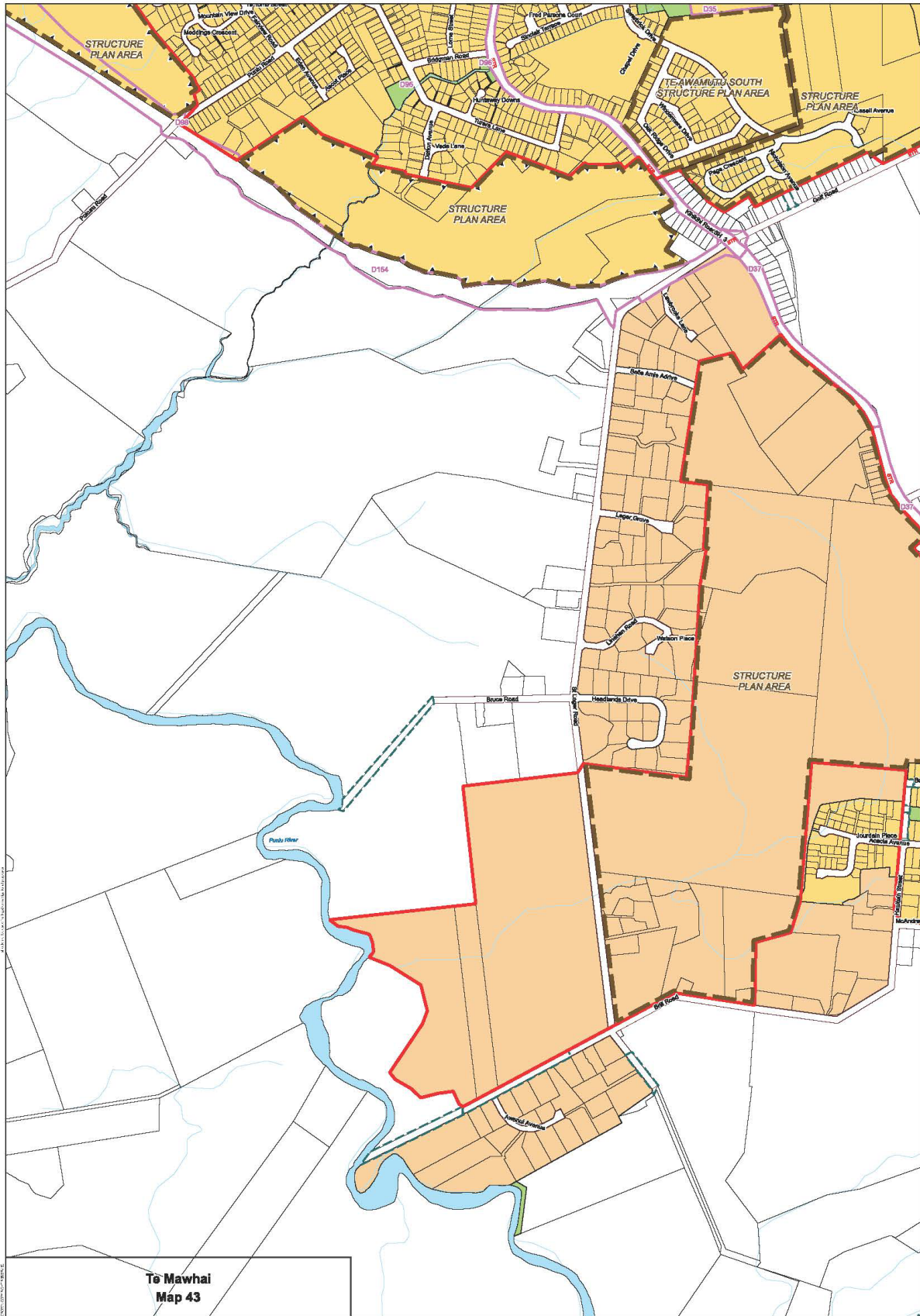


**Te Awamutu (East)**  
Waipā District Plan

**As Proposed by  
Plan Change 26**

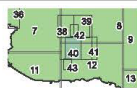






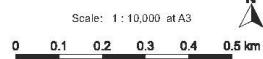
Tō Mawhai  
Map 43

**40** Zones



St Leger  
Waipā District Plan

**As Proposed by  
Plan Change 26**



**Waipā**  
DISTRICT COUNCIL

Proposed Plan Change 26: Residential Zone Intensification  
and Section 32 Evaluation Report



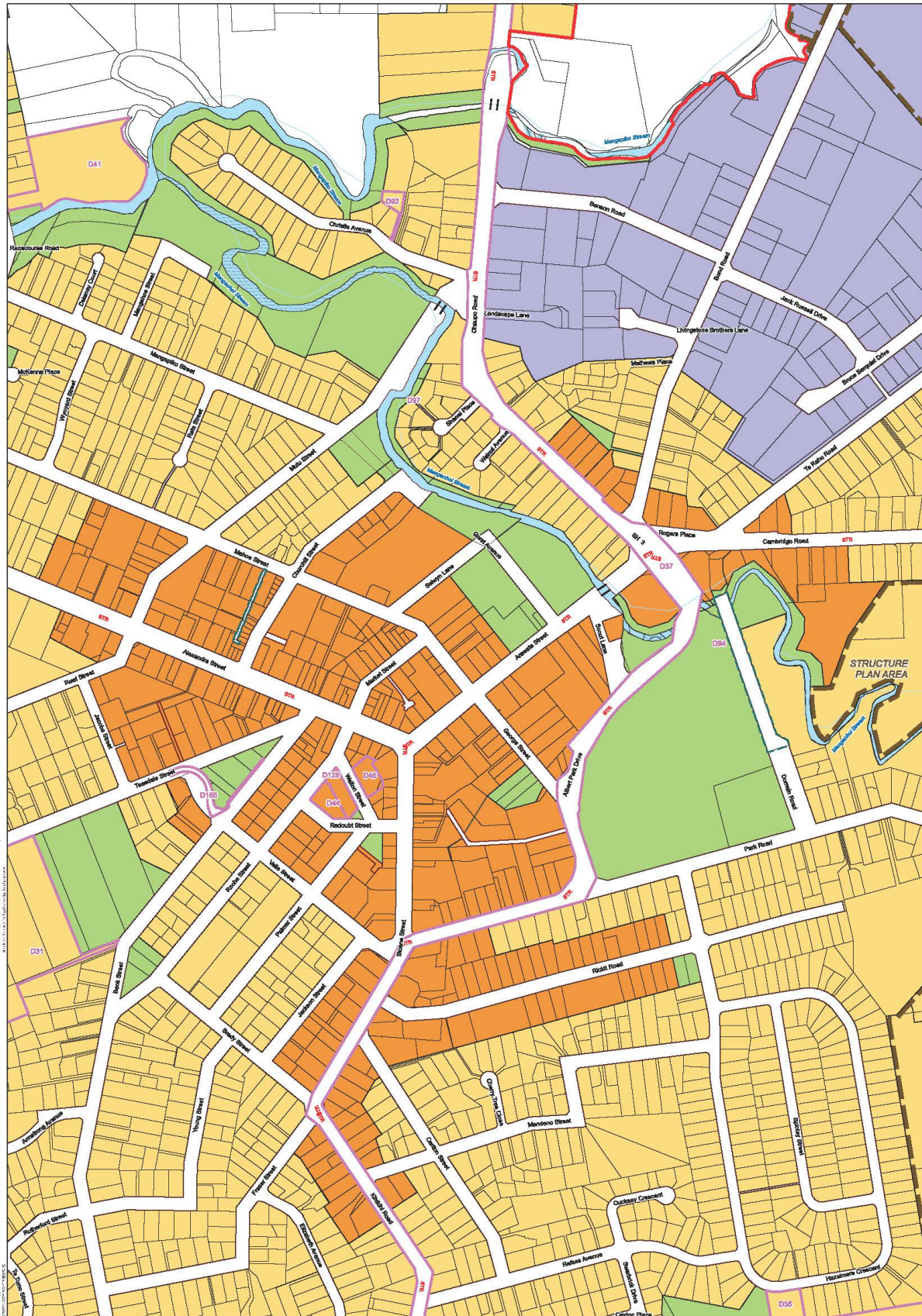
**As Proposed by  
Plan Change 26**

Scale: 1 : 10,000 at A3

0 0.1 0.2 0.3 0.4 0.5 km







**42 Zones**



**Te Awamutu Centre**  
Waipā District Plan

**As Proposed by  
Plan Change 26**

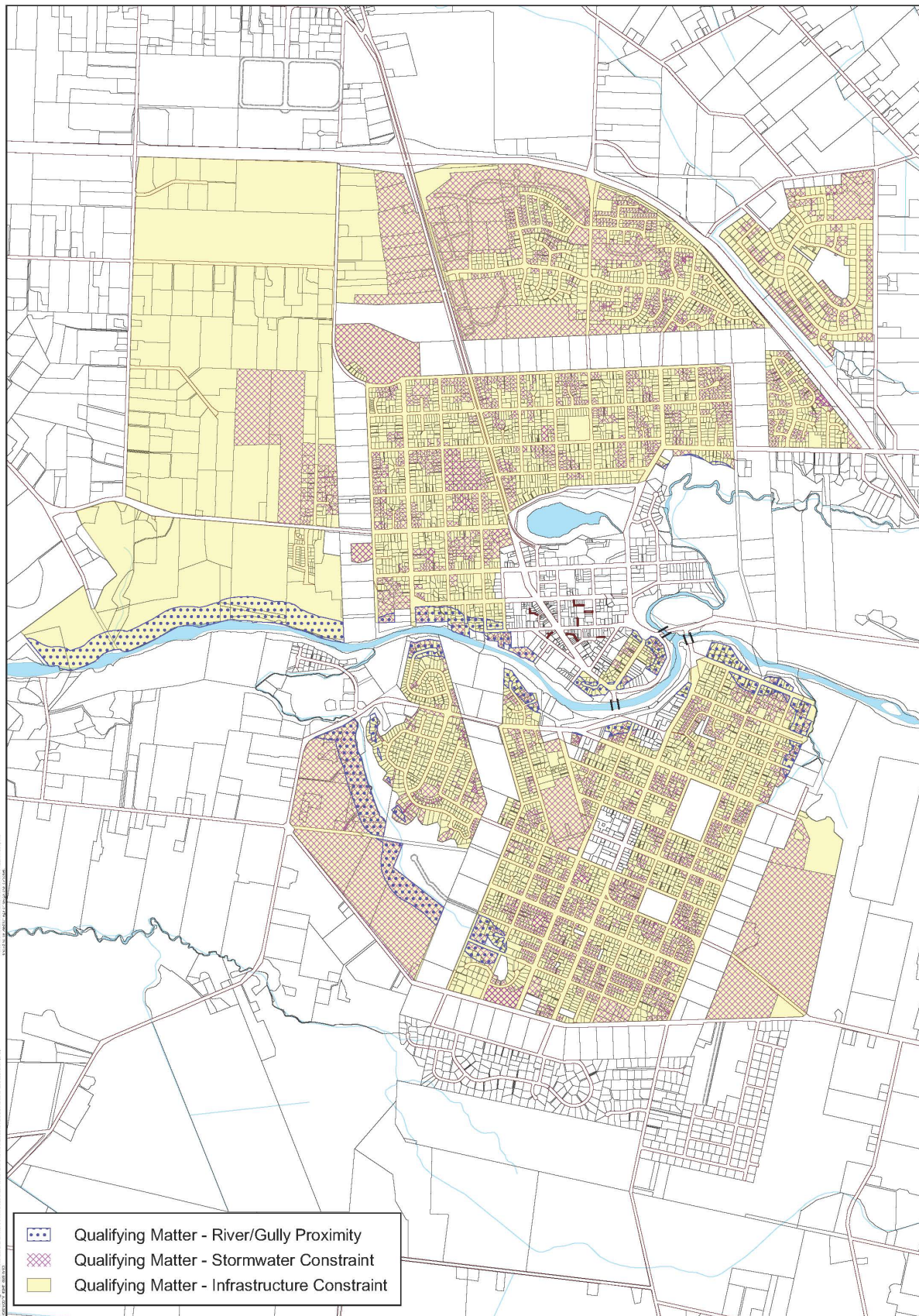
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**Waipā**  
DISTRICT COUNCIL

**Proposed Plan Change 26: Residential Zone Intensification  
and Section 32 Evaluation Report**





**Map 56**

### Qualifying Matters - Cambridge

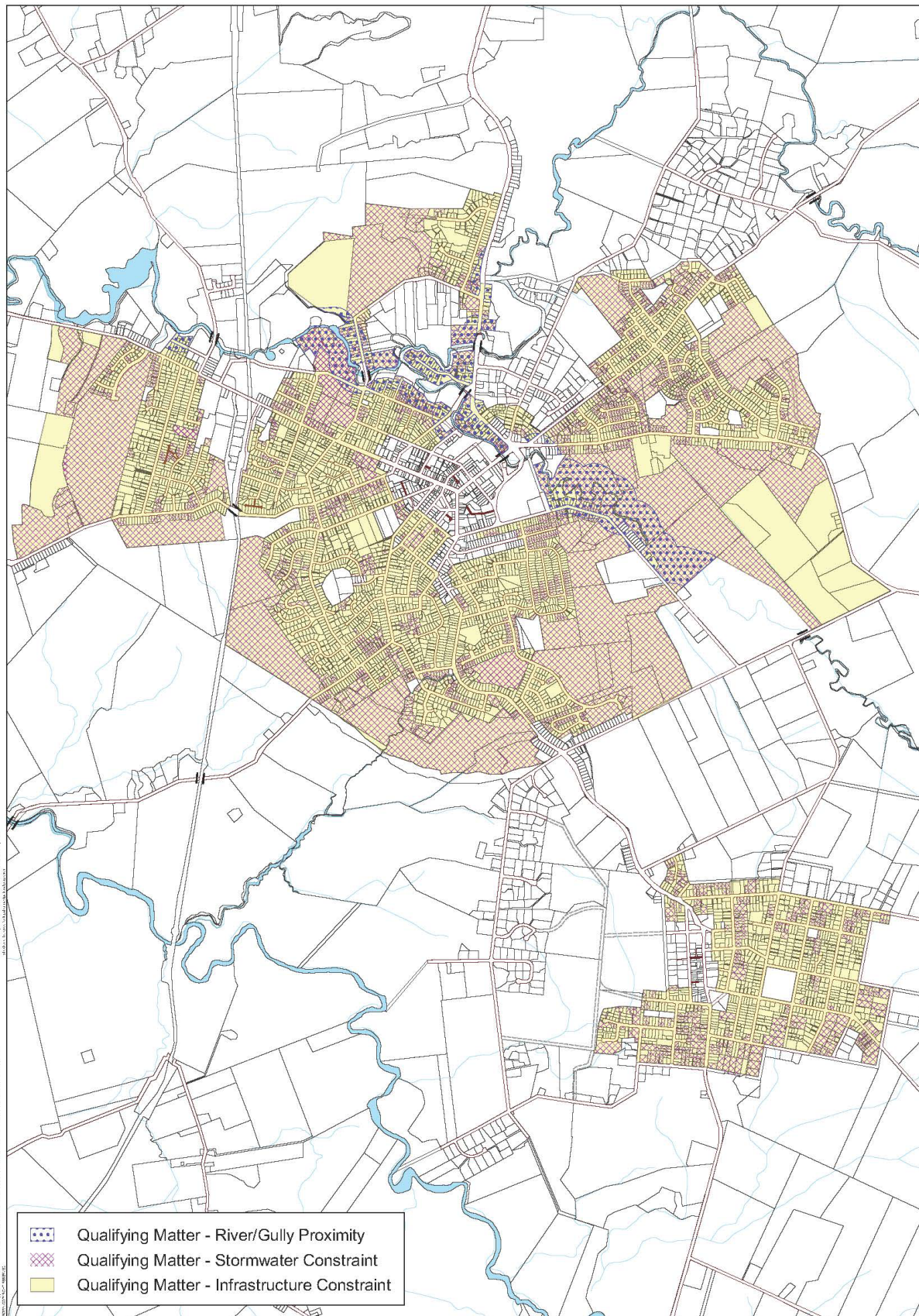
Waipā District Plan

**As Proposed by Plan Change 26**

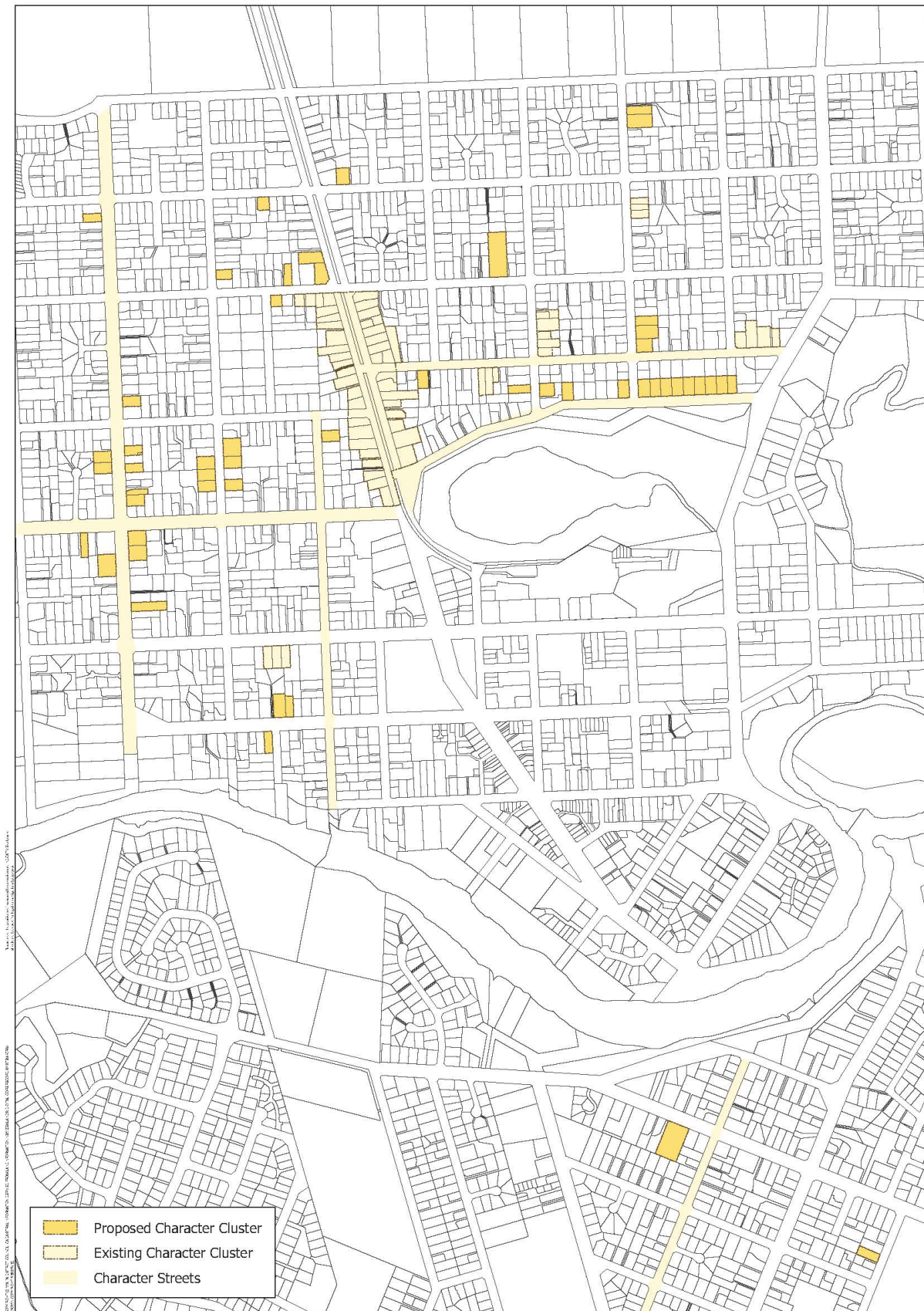
Scale: 1 : 20,000 at A3  
0 0.2 0.4 0.6 0.8 1 km















**Map 59**

**Character Clusters - Te Awamutu**

Waipā District Plan

**As Proposed by Plan Change 26**







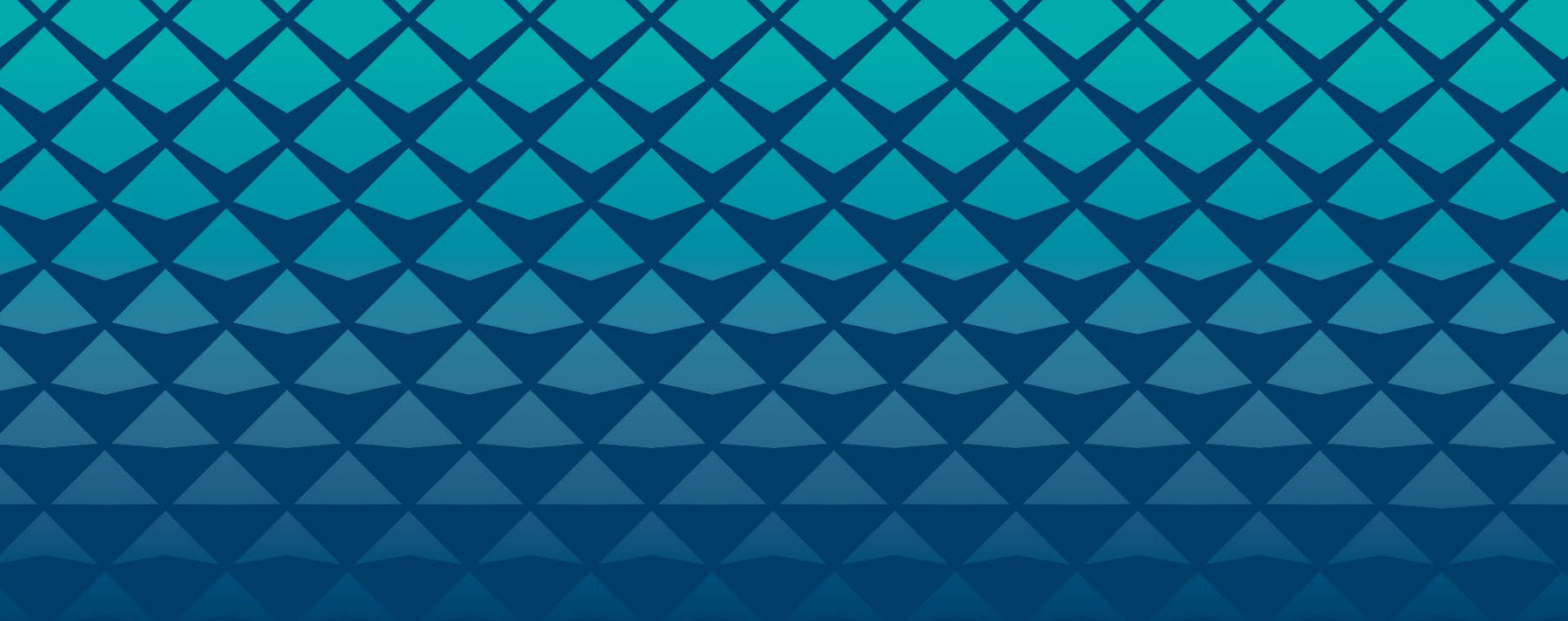
**Map 60**

**Character Clusters - Kihikihi**

Waipā District Plan

**As Proposed by Plan Change 26**





# **B**

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**Part B – Section 32 Evaluation**

## Part B – Section 32 Evaluation

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### 3. Background and Context

#### 3.1. Introduction

3.1.1. This report presents an evaluation undertaken by the Waipā District Council (Council) in accordance with section 32 of the Resource Management Act 1991 in relation to Proposed Plan Change 26 Residential Zone Intensification (Plan Change 26) to the Waipā District Plan. Section 32 sets out the requirements for preparing and publishing evaluation reports.

3.1.2. This section 32 report sets out the reasoning and rationale for the proposed provisions in Plan Change 26 and should be read in conjunction with those provisions. Section 32 requires that:

- (1) *An evaluation report required under this Act must—*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
  - (a) *identify and assess 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—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

3.1.3. Undertaking a Section 32 evaluation assists in determining why changes to existing plan provisions may be needed and formalises a process for working out how best to deal with resource management issues.

3.1.4. This evaluation report has been carried out as required under the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021. Plan Change 26 is an Intensification Planning Instrument under s80E of the Resource Management Act 1991. It is required to follow the Intensification Streamlined Planning Process under clause 95 of Schedule 1 of the Resource Management Act 1991.

- 3.1.5. The Amendment Act requires all tier 1 authorities under the National Policy Statement on Urban Development 2020 to undertake a mandatory plan change to give effect to the medium density residential standards set out in Schedule 3A of Schedule 1 of the Resource Management Act 1991 and the relevant policies of the National Policy Statement.
- 3.1.6. This report examines the extent to which the objectives of Plan Change 26 are the most appropriate way to achieve the purpose of the Resource Management Act 1991 and assesses whether the proposed provisions are the most appropriate way of achieving those objectives. In assessing the proposed provisions, Council must consider other reasonably practicable options and assess the efficiency and effectiveness of the provisions in achieving Plan Change 26 objectives. Assessing effectiveness involves examining how well the provisions will work. Determining efficiency involves an examination of benefits and costs.
- 3.1.7. Section 77(J)(6) of the Resource Management Act 1991 allows the modification of the section 32 report to achieve the development objectives of the Medium Density Residential Standards. No evaluation has been made of the Medium Density Residential Standards as set out in Schedule 3A of the Resource Management Act 1991.
- 3.1.8. The qualifying matters discussed in this section 32 evaluation report have been assessed against the provisions of sections 77J to 77K of the Act.
- 3.1.9. The report fulfils the obligations of the Council under section 32 and section 77J of the Resource Management Act 1991 with respect to undertaking a Plan Change within the District Plan.

## **3.2. Background**

- 3.2.1. Plan Change 26 is the result of a mandatory direction from central government to incorporate the Medium Density Residential Standards into every relevant residential zone in their district plan.
- 3.2.2. Plan changes are required to be made through an intensification planning instrument and the intensification streamlined planning process. Waipā District Council is required to have notified Plan Change 26 by August 2022.
- 3.2.3. For land use, the construction and use of a building, if it complies with the medium density residential standards will be a permitted activity. This includes three residential units up to three storeys, and any other building on the site.
- 3.2.4. The construction and use of four or more residential units, or residential units that do not comply with the medium density residential standards will require resource consent for a restricted discretionary activity. This requirement applies only to residential units and not to any other building on the site. The matters for discretion have been set out in the new Medium Density Residential Zone section of this plan change.



### 3.3. The Waipā Context

#### Background

- 3.3.1. The Waipā district is geographically one of the smaller districts in New Zealand with an area of 1,473 square kilometres. The district is located immediately south of Hamilton on the Waikato floodplain and is crossed by both the Waikato and Waipā Rivers and bounded by the remnant volcanic mountains of Pirongia, Maungatautari, Kakepuku, Maungakawa and Te Miro. Situated in the heart of the Waikato and on the boundary with King Country the district has a rich Māori cultural heritage.<sup>5</sup>
- 3.3.2. The Waipā district is a rural environment with 37 percent of the district comprising of high-class arable farmland (9% of New Zealand's total). The land supports a productive rural dairy sector and a thriving rural and urban population of approximately 56,000 people (2020).<sup>6</sup>
- 3.3.3. There are no city or metropolitan centres that are normally found in cities such as Hamilton and Auckland. Waipā's urban communities are found in one of the district's three towns, Cambridge, Te Awamutu and Kihikihi or its eight villages.
- 3.3.4. The towns of Cambridge, Kihikihi and Te Awamutu are near Hamilton with people travelling in and out of the Waipā District for work. Cambridge is a town that received recognition at a local and national level for its character and urban landscape. Cambridge is known as the town of trees due to the number of large, mature and well-established trees that lined its streets, and more recently has become the "Home of Champions" as a sports base for elite sporting.
- 3.3.5. Cambridge has several iconic Victorian and Edwardian buildings in its commercial centre which is identified in the Waipā District Plan as the Central Cambridge Character Precinct. The commercial sector has several retail shops located in the heritage buildings which further adds to the charm of the town.
- 3.3.6. Kihikihi is located to the south of the Te Awamutu township. It has several heritage sites located along its main street which add to the character of the town. Kihikihi is on a main tourism and bus route and is an easy commute into Hamilton along a State Highway.
- 3.3.7. Te Awamutu is the base for Waipā District Council. It is busy town that has experienced rapid growth over the last decade. It is on a State Highway and within easily commutable distance to Hamilton.
- 3.3.8. People who live in the Waipā District value the rural character of the district and the many landscapes the district contains.

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<sup>5</sup> Waipā Long Term Plan 2021-2031, p347.

<sup>6</sup> Ibid.

## Residential Capacity

3.3.9. Waipā is a partner in [Future Proof](#) which is the sub-regional collective tasked with long term spatial planning for the Waikato sub-region. Future Proof undertakes the Housing and Business Development Capacity Assessment<sup>7</sup> for partner councils. The most recent HBA was undertaken in June 2021. The key findings from that HBA were as follows:

- (a) *Short term housing capacity: Waipā District (2020-2023)*
  - (i) Cambridge 121%
  - (ii) Te Awamutu/Kihikihi 122%
  - (iii) Whole district 122%
- (b) *Medium term housing capacity: Waipā District (2020-2030)*
  - (i) Cambridge 106%
  - (ii) Te Awamutu/Kihikihi 112%
  - (iii) Whole district 109%

3.3.10. In its analysis, the Housing and Business Development Capacity Assessment noted the following in respect of Waipā's housing capacity:

- (a) Additional greenfield infrastructure is planned for Waipā District's urban areas providing for large areas of feasible development options, together with a large amount of feasible development options within the existing urban area.
- (b) In most locations, there are large amounts of feasible development options beyond the amount of development that is likely to be taken up by demand.
- (c) Within the Waipā District's urban areas, there are very limited options for higher density dwelling typologies. The current planning framework provides for limited opportunity to develop higher density typologies with smaller per unit site area requirements. The assessment found that these planning provisions have some impact on the affordability of dwellings within the district as it is focused on standalone dwellings on larger sites, which are concentrated into the mid to higher dwelling value bands.
- (d) Standalone dwellings on larger sites form a large market preference for developers as they reflect strong patterns of demand within the market, including the retirement market demand.
- (e) In the medium term, there are large surpluses projected for the medium-term across both of Waipā's main urban areas. Under the current prices setting, there is a projected surplus of around 1,400 dwellings across both of the areas combined. If gradual market growth was modelled, the surplus is predicted to increase to between 2,400 to 2,600 dwellings.

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<sup>7</sup> Market Economics (2021) *Business Development Capacity Assessment 2021* (m.e Consulting, 30 June 2021). Downloaded from <https://futureproof.org.nz/assets/FutureProof/Documents/HBA-OPEN-Attachment-2-Future-Proof-Business-Development-Capacity-Assessment-2021-Final.pdf> on 16/08/2022 at 2.57pm.

- (f) The currently feasible capacity on the infrastructure-served greenfield areas when likely yields are taken into account substantially exceeds the projected medium-term demand.
- (g) In the long-term, the modelling showed that there are significant capacity surpluses across the Waipā district. The modelling suggests that there is a surplus of between 500 to 3,000 dwellings in Kihikihi/Te Awamutu. In Cambridge, under the modelled scenarios of gradual market growth, a surplus of around 300 to 800 dwellings is projected in the long-term.
- (h) If gradual growth was modelled to occur in the market through time, there is a projected surplus of around 2,600 to 3,000 dwellings across both of the towns

3.3.11. In summary, the Housing and Business Development Capacity Assessment identifies that Waipā district and Cambridge, Kihikihi and Te Awamutu are well placed into the long term with projected housing surpluses.<sup>8</sup>

3.3.12. Market Economics were subsequently engaged by Future Proof to model the residential capacity that would be enabled under the medium density residential standards for the three tier 1 local authorities in the Waikato Region (being Hamilton City Council, Waikato District Council and Waipā District Council). The areas in the modelling included areas zoned residential and deferred residential in the operative District Plan.

3.3.13. The modelling calculated the capacity enabled under the district plan and then estimated the share of capacity that is likely to potentially represent commercially feasible development for profit-driven commercial developers.

3.3.14. The report found that if the medium density residential standards are applied to the existing underlying zone structure it would produce a range of medium to higher density developments. These would range from smaller two-level detached dwellings on smaller sites up to two to three-level attached dwellings on the smallest land areas (per dwelling).<sup>9</sup>

3.3.15. Table 4-1<sup>10</sup> in the report sets out the plan enabled capacity by zone with the application of the medium density residential standards.

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<sup>8</sup> The Council had already identified an opportunity for further plan-enabled intensification as part of its draft Plan Change 21. It is significant to note that plan-enabled intensification was identified prior to the medium density residential standards legislation, and Council had already programmed an update of the district plan to better enable intensification. Plan Change 21 was put on hold following the medium density residential standards legislation coming into effect, with the Council now responding to this legislation.

<sup>9</sup> Market Economics (July 2022) Residential Capacity Modelling for Waipā District (6 July 2022), p3.

<sup>10</sup> Ibid, p13.

Table 4-1: Plan Enabled Capacity by Zone within Waipa District with the Application of MDRS

| Waipa Zone                | INFILL       |               |               |               | REDEVELOPMENT |               |               |                   | Max Infill or Redevelopment | GREENFIELD    |               |               |                | Max Existing Urban and Greenfield |
|---------------------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------------|-----------------------------|---------------|---------------|---------------|----------------|-----------------------------------|
|                           | Standalone   | Attached      | Apartments    | Max Infill    | Standalone    | Attached      | Apartments    | Max Redevelopment |                             | Standalone    | Attached      | Apartments    | Max Greenfield |                                   |
| RESIDENTIAL ZONE          | 8,500        | 12,400        | 12,400        | 12,400        | 29,000        | 37,300        | 37,300        | 37,300            | 38,200                      | 2,700         | 4,200         | 4,200         | 4,200          | 42,400                            |
| DEFERRED RESIDENTIAL ZONE | 1,500        | 2,200         | 2,200         | 2,200         | 2,400         | 3,700         | 3,700         | 3,700             | 3,700                       | 15,100        | 22,700        | 22,700        | 22,700         | 26,500                            |
| <b>TOTAL</b>              | <b>9,900</b> | <b>14,500</b> | <b>14,500</b> | <b>14,500</b> | <b>31,400</b> | <b>41,000</b> | <b>41,000</b> | <b>41,000</b>     | <b>42,000</b>               | <b>17,900</b> | <b>26,900</b> | <b>26,900</b> | <b>26,900</b>  | <b>68,900</b>                     |

Source: M.E Waipa Residential Capacity MDRS Model, 2022.

- 3.3.16. The modelling concluded that there is an estimated plan enabled (theoretical) capacity for an additional 68,900 dwellings with 61% (42,000 dwellings) of the capacity being within the existing urban area, where redevelopment capacity is nearly three times that of the infill capacity.<sup>11</sup> Sixty-two percent (42,400 dwellings) of the capacity is within the Residential Zone, with an 38% (26,500 dwelling capacity) located within the Deferred Residential Zone.<sup>12</sup>
- 3.3.17. The capacity is significant within the greenfield areas and enables an additional 26,900 dwellings with the application of the medium density residential standards across these areas. Most of the capacity (84%) within the greenfield areas is within the Deferred Residential Zone.<sup>13</sup>
- 3.3.18. The plan enabled capacity is spread pretty evenly across the two main urban areas of the district (when Te Awamutu and Kihikihi are considered together). Fifty-three percent (36,500 dwellings) of the total capacity is within Cambridge. Of this, around 60% is within the existing urban area and 40% within the greenfield area.<sup>14</sup>
- 3.3.19. The remaining 47% (32,300 dwellings) capacity is within the combined Te Awamutu and Kihikihi area. Most of this capacity occurs within Te Awamutu (27,300 dwellings), with a smaller share (5,000 dwellings) within Kihikihi. There is very little greenfield capacity within Kihikihi, with nearly all the capacity occurring within the existing urban area.<sup>15</sup>
- 3.3.20. Table 4-3 of the report sets out the commercially feasible capacity by zone with the Waipā district with the application of the medium density residential standards.

Table 4-3: Commercially Feasible Capacity by Zone within Waipa District with the Application of MDRS

| Hamilton Zone             | INFILL       |            |            |              | REDEVELOPMENT |            |            |                   | Max Infill or Redevelopment | GREENFIELD   |           |            |                | Max Existing Urban and Greenfield |
|---------------------------|--------------|------------|------------|--------------|---------------|------------|------------|-------------------|-----------------------------|--------------|-----------|------------|----------------|-----------------------------------|
|                           | Standalone   | Attached   | Apartments | Max Infill   | Standalone    | Attached   | Apartments | Max Redevelopment |                             | Standalone   | Attached  | Apartments | Max Greenfield |                                   |
| RESIDENTIAL ZONE          | 1,900        | 600        | 10         | 1,900        | 1,500         | 100        | 20         | 1,600             | 2,800                       | 100          | -         | -          | 100            | 2,900                             |
| DEFERRED RESIDENTIAL ZONE | 800          | 30         | -          | 800          | 300           | -          | -          | 300               | 1,000                       | 2,400        | 60        | -          | 2,400          | 3,400                             |
| <b>TOTAL</b>              | <b>2,700</b> | <b>700</b> | <b>10</b>  | <b>2,800</b> | <b>1,900</b>  | <b>100</b> | <b>20</b>  | <b>1,900</b>      | <b>3,800</b>                | <b>2,500</b> | <b>60</b> | <b>-</b>   | <b>2,500</b>   | <b>6,300</b>                      |

Source: M.E Waipa Residential Capacity MDRS Model, 2022.

- <sup>11</sup> Market Economics (July 2022) Residential Capacity Modelling for Waipā District (6 July 2022), p21.
- <sup>12</sup> Ibid.
- <sup>13</sup> Ibid.
- <sup>14</sup> Ibid, p13.
- <sup>15</sup> Ibid, p13.



- 3.3.21. There is an estimated commercially feasible (practicable) capacity of an additional 6,300 dwellings across the Waipā District’s urban areas. This amounts to around 9% of the plan enabled capacity estimated to represent commercially feasible options.<sup>16</sup>
- 3.3.22. Between half and two-thirds (60%; 3,800 dwellings) of the estimated feasible capacity is located within the existing urban area, which is consistent with the existing urban area share of total plan enabled capacity.<sup>17</sup>
- 3.3.23. The report concludes that it is likely that a greater share of greenfield capacity will still be developed, albeit at lower margins. Ninety-two percent (5,800 dwellings) of the feasible capacity is estimated to occur within Cambridge, with 7%; (490 dwellings) within the combined Te Awamutu/Kihikihi urban areas. This occurs due to the higher value areas within Cambridge, where overall 16% of plan enabled capacity is estimated to be feasible.
- 3.3.24. It is important to note that this report only assessed *projected* levels of uptake, with important being sufficient infrastructure capacity for all uptake, and no limiting adverse effects that would constrain intensification.
- 3.3.25. The report outlines the following conclusions:<sup>18</sup>
- The medium density residential standards enable a greater level of capacity and development across much of the urban residential areas of Waipā District.
  - The standards would enable greater intensification within the existing urban areas, together with higher yields within the greenfield areas.
  - The total capacity enabled by the standards would represent large increases to the existing urban dwelling base.
  - It is estimated that a share of the plan enabled capacity is likely to represent commercially feasible options for developers, which amounts to around half of the size of the existing household base.
  - The types of capacity enabled by the standards is at a substantially higher density than that provided within many of the main urban residential zones of the operative district plan.
  - If capacity is taken up at these densities, it would represent a significant shift to the development patterns that have previously characterised growth across much of the district’s urban areas. The greatest difference would occur with attached dwellings, with the detached dwellings being closer (than attached dwellings) to existing development patterns.

#### Infrastructure Capacity

- 3.3.26. Waipā is well placed to service existing , planned and anticipated future growth through its Long Term Plan and infrastructure renewals and upgrades programme. The 3 Waters urban infrastructure can be summarised as follows:

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<sup>16</sup> Market Economics (July 2022) Residential Capacity Modelling for Waipā District (6 July 2022), p14.

<sup>17</sup> Ibid, p14.

<sup>18</sup> Ibid, p16.

| Location             | Type       | Consent to       | Volume/capacity                                                                                                                                                                                                                                                                                    | Notes                                                                                                                          |
|----------------------|------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Cambridge            | Water      | 28 April 2049    | May – July 33,500 cubic metres per day.<br>August – April 41,000 cubic metres per day.                                                                                                                                                                                                             | Net take must not exceed 20,500m <sup>3</sup> at Karāpiro intake. Pukerimu intake also supplies Te Awamutu.                    |
|                      | Wastewater | 1 December 2026  | Maximum average daily flow of:<br>(i) 6,000 m <sup>3</sup> /day from commencement of the consent until 31 December 2023; and<br>(ii) 7,000 m <sup>3</sup> /day from 1 January 2024 for the remaining duration of the consent. And a maximum of 10,000 m <sup>3</sup> /day                          | New treatment plant planned for 2026, long term consent will be lodged prior to the end of 2022 with Waikato Regional Council. |
|                      | Stormwater | 31 October 2022  | Municipal stormwater discharge provision                                                                                                                                                                                                                                                           | Waipā District Council lodged a long term consent application with Waikato Regional Council in July 2022.                      |
| Kihikhi / Te Awamutu | Water      | Not Applicable   | The Pukerimu intake (part of the Cambridge Comprehensive Water Consent) also supplies Te Awamutu/Kihikhi.                                                                                                                                                                                          | See water consent for Cambridge.                                                                                               |
|                      |            | 28 April 2049    | Frontier Rd Bore. Maximum daily net take volume 1,200 cubic metres except for 60 days per annum when it must not exceed 2,020 cubic metres.                                                                                                                                                        |                                                                                                                                |
|                      |            | 28 April 2049    | Maximum volume taken in any 24 hour period:<br>Te Tahi Upper Intake<br>(i) 19,000 m <sup>3</sup> until 31/12/2030<br>(ii) 2,420 m <sup>3</sup> – 31/12/2030 and beyond.<br>Te Tahi Lower Intake<br>(i) 3,700 m <sup>3</sup> until 31/12/2030<br>(ii) 1,866 m <sup>3</sup> - 31/12/2030 and beyond. | Consented take drops in 2030 from 21,420 cubic metres in any 24 hour period to 5,566 cubic metres in any 24 hour period.       |
|                      |            | 20 December 2050 | Kihikhi only: Maximum net take volume in any 24 hour period:<br>(i) 1,800 m <sup>3</sup> from the Church Street bore<br>(ii) 2,200 m <sup>3</sup> from the Hall Street bore.                                                                                                                       | Kihikhi groundwater takes                                                                                                      |
|                      | Wastewater | 30 June 2043     | Maximum discharge volume 21,000 cubic metres of treated wastewater per day                                                                                                                                                                                                                         | Te Awamutu WWTP                                                                                                                |

| Location | Type       | Consent to      | Volume/capacity                          | Notes                                                                                                     |
|----------|------------|-----------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------|
|          | Stormwater | 31 October 2022 | Municipal stormwater discharge provision | Waipā District Council lodged a long term consent application with Waikato Regional Council in July 2022. |

- 3.3.27. The existing capacity of the Council's 3 Waters urban infrastructure (taking into account regional council discharge and water take limits) has been geared to align with the Future Proof projected housing capacity (surplus) for the medium term (2030). Future upgrades to meet long term demands are being addressed in future Long Term Plans. A large part of this capacity relates to planned infrastructure to service new, not yet developed greenfields sites.
- 3.3.28. Council has planned for sufficient infrastructure capacity to accommodate further growth. The medium density residential standards represent unplanned growth and intensification. It the potential for unplanned intensification, beyond what Council has programmed or costed, that is the fundamental underlying constraint to intensification.
- 3.3.29. Infrastructure Capacity Assessment Reports were commissioned for transportation, stormwater, water and wastewater.
- 3.3.30. The transportation infrastructure assessment shows that there is a significant number of intersections across Cambridge and Te Awamutu that will need to be upgraded in order to cope with the additional demands that will result from the intensification of housing under the medium density residential standards.
- 3.3.31. The stormwater infrastructure capacity assessment shows that there was varied capacity across the existing network to deal with current stormwater levels. There is a significant portion of the existing pipe network that has no capacity to cope with any increases in stormwater. There are very few pipes that have any capacity to deal with increased demand on the network.
- 3.3.32. The Water and Wastewater Assessment report shows that there is currently no capacity in the existing infrastructure networks to cope with any increased demands on the networks. The infrastructure capacity assessments confirm that the Waipā District is not infrastructure ready for medium density intensification. Te Ture Whaimana is the critical qualifying matter in respect of effects from unplanned intensification on rivers (increased urban discharges to water, and increased water demand and take).

### 3.4. Current District Plan Provisions

- 3.4.1. There are no current provisions in the operative Waipā District Plan that allow for the development of three, three-story dwellings on one property as a permitted activity. The rules for the existing residential zone provide for (amongst other things):
- One dwelling and one secondary dwelling to occur as a permitted activity in the Residential Zone (Rule 2.4.1.1(b));
  - One principal dwelling per 500m<sup>2</sup> of net site area (Rule 2.4.1.1(c));

- Accessory buildings to any permitted activity (Rule 2.4.1.1(d));
- Relocated buildings, except where located in a character cluster or listed in Appendix N1 – Heritage Items (Rule 2.4.1.1(g)).

### 3.5. Statutory Considerations

3.5.1. The following statutory documents are considered relevant to Plan Change 26. A discussion of each of the key statutory considerations is provided below. The documents are:

- Resource Management Act 1991 which includes the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
- Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act).
- Nga Wai o Maniapoto (Waipā River) Act 2012.
- Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River.
- National Policy Statement on Electricity Transmission 20008.
- National Policy Statement on Urban Development 2020.
- National Policy Statement for Freshwater Management 2020.
- National Planning Standards.
- Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato.
- Joint Management Agreements.
- Iwi Environmental Plans.

Resource Management Act 1991 including the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

#### Purpose of the Resource Management Act 1991

3.5.2. The purpose of the Resource Management Act 1991 (the Act) is set out in section 5. Emphasis has been added to reflect the matters that have been addressed through Plan Change 26. Section 5 reads:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their **social, economic, and cultural well-being** and for their health and safety while—*
  - (a) **sustaining the potential of natural and physical resources** (excluding minerals) *to meet the reasonably foreseeable needs of future generations; and*
  - (b) **safeguarding the life-supporting capacity of air, water, soil, and ecosystems;** *and*



- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

3.5.3. The purpose of the RMA is only achieved when the matters in subsections (a) to (c) have been adequately provided for within a District Plan. Under section 32 of the Act, the Council has a duty to examine whether a proposed objective and its provisions are the most appropriate way of achieving the purpose of the RMA. In order to achieve the purpose of the Act, Council must enable people and communities to provide for their economic, social, and cultural well-being and for their health and safety while avoiding, remedying or mitigating any adverse effects.

### **Matters of National Importance**

3.5.4. Section 6 of the RMA defines the matters of national importance which the Council is required to recognise and provide for. Of relevance to this plan change are the following (emphasis added):

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) ***the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:***
- (c) ***the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:***
- (d) ***the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:***
- (e) ***the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:***
- (f) ***the protection of historic heritage from inappropriate subdivision, use, and development:***
- (g) *the protection of protected customary rights:*
- (h) ***the management of significant risks from natural hazards.***

3.5.5. The provisions in Plan Change 26 and the amendment of existing issues, objectives, policies and rules will recognise and provide for matters of national importance through ensuring:

- Ensuring that Te Ture Whaimana is implemented in the operative Waipā District Plan and that the relationship of iwi and mana whenua with their ancestral lands, water, sites, waahi tapu and other taonga is recognised and provided for;
- Areas of outstanding natural features and landscapes are protected and exempted from inappropriate land use development such as the medium density residential standards when it is deemed appropriate to do for the protection of the outstanding natural features and landscapes;
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as well as historic heritage from inappropriate land use development where it is considered appropriate to do so; and

- Ensure public access along the rivers and lakes located in the Waipā District are maintained and enhanced and that inappropriate land use development does not create barriers to the public being able to access the rivers and lakes.

## Section 7 Other Matters

- 3.5.6. Section 7 of the RMA lists the other matters that the Council shall have particular regard to. Of relevance are the following:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:...*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:...*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:...*
- (i) *the effects of climate change: ...*

- 3.5.7. In the drafting of Plan Change 26 Council staff have considered the requirements of section 7 and have ensured, as much as possible, that the matters listed in the section have had particular regard given to them when drafting the provisions of the plan change.

## Section 8 Treaty of Waitangi (Te Tiriti o Waitangi)

- 3.5.8. In achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

- 3.5.9. There is no one set of principles deriving from Te Tiriti o Waitangi. An example of the principles being defined occurred in July 2019, where the Waitangi Tribunal in its inquiry into Māori Heath – Hauora looked at the old Crown Treaty framework which had the principles of partnership. Participation and protection at its centre and described these as being outdated.<sup>19</sup> The Tribunal then proposed a new set of principles for New Zealand's primary health care sector framework being:

- (a) *Principle 1: Recognition and protection of tino rangatiratanga.* Guaranteed under Article 2 of Te Tiriti o Waitangi and means that the right of Māori to organise in whatever way they choose – whānau, hapū, iwi or other form of organisation and to exercise autonomy and self-determination to the greatest extent must be recognised and protected.
- (b) *Principle 2: Equity.* This is an Article 3 Treaty commitment. It is about acting in good faith as a Treaty partner. Equity is not just about allowing equal access to healthcare or other services for all. Equity is not just about reducing disparities. It involves the bigger goal of equitable outcomes for Māori.

<sup>19</sup> <https://thepolicyplace.co.nz/2019/07/the-ps-are-out/> download on 21/06/2022 at 4.45pm.

- (c) *Principle 3: Active protection.* This principle is about action and leadership. Devolution and permissive arrangements without Treaty leadership are not sufficient. Provision for equal opportunity or a “one-size fits all” approach also falls short.
- (d) *Principle 4: Partnership.* Its meaning reflects an interplay of articles 1 and 2 of Te Tiriti o Waitangi. For the Crown to be a good governor it must recognise and respect the status and authority of Māori to be self-determining in relation to resources, people, language and culture. It must involve Māori at all levels of decision making. Both Treaty parties must act reasonably and in good faith towards each other.
- (e) *Principle 5: Options* - This principle is about giving real and practical effect to the principles of tino rangatiratanga and equity; articles 2 and 3 of Te Tiriti o Waitangi.

3.5.10. There is also numerous case law at all levels of the judiciary system where the different Courts have provided their own judgments on what the principles of Te Tiriti o Waitangi are.

3.5.11. The Environment Court in *Aratiatia Livestock Limited and Ors v Southland Regional Council*<sup>20</sup> where the parties had agreed that to ‘take into account’ the principles of the Treaty of Waitangi required:

- (a) The active participation by tangata whenua in resource management decision-making;
- (b) Engagement with tangata whenua in good faith;
- (c) Reciprocity and mutual benefit will be sought;
- (d) Protection of resources of importance to tangata whenua from adverse effects; and
- (e) Positive action to protect tangata whenua interests.

3.5.12. The Court concluded that there had been reciprocity and mutual benefit which was reflected in the close working relationships between the parties and that these principles were at the core of the Charter of Understanding between the parties.

3.5.13. The Court also determined that the active protection of interests guaranteed to Maori under Article 2 of the Treaty had been evident in the objectives resulting from the Court's Interim Decisions which had placed specific emphasis on ki uta ki tai<sup>21</sup> and Te Mana o te Wai at the fore-front of decision-making about water and land.

3.5.14. Plan Change 26 has given full effect to the matters in Part 2 of the Resource Management Act 1991. Part 2 of the Act has been front of mind when drafting the plan change and the

<sup>20</sup> [2020] NZEnvC 191

<sup>21</sup> Ki uta ki tai is a philosophy that reflects the Ngāi Tahu view of environmental and resource management. It is a traditional concept representing kaitiakitanga (guardianship) from the mountains and great inland lakes, down the rivers to hāpua/lagoons, wāhāpū/estuaries and to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe’s culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment. (<https://tewaihora.org/ki-uta-ki-tai/> downloaded on 17/07/2022 at 3.25pm),

relevant matters of national importance under section 6 of the Act and the principles of Te Tiriti o Waitangi have been considered and taken account of.

### **Section 74 Matters to be considered by territorial authority**

- 3.5.15. Section 74 of the RMA sets out the matters to be considered by a territorial authority when it is changing its district plan. The following matters are required to be had regard to:

*In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*

- (a) any—*
  - (i) proposed regional policy statement; or*
  - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
- (b) any—*
  - (i) management plans and strategies prepared under other Acts; and*
  - (ii) [Repealed]*
  - (iia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
  - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and*
  - (iv) relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,—*  
*to the extent that their content has a bearing on resource management issues of the district; and*
  - (v) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*

- 3.5.16. In the preparation and development of Plan Change 26, the obligations under section 74 of the RMA are considered by Council staff to have been met.

### **Section 75 Contents of District Plans**

- 3.5.17. The section outlines the contents required for district plans. It is mandatory for a district plan to state the objectives for the district; and the policies to implement the objectives; and the rules (if any) to implement the policies (s75(1) RMA). A district plan must give effect to any national policy statement; and any New Zealand coastal policy statement; and a national planning standard; and any regional policy statement (s75(3) RMA) and must not be inconsistent with a water conservation order; or a regional plan for any matter specified in section 30(1) (s75(4)).



3.5.18. There is also discretion provided for what other matters may be included in a district plan. Section 75(2) states:

- (2) *A district plan may state—*
  - (a) *the significant resource management issues for the district; and*
  - (b) *the methods, other than rules, for implementing the policies for the district; and*
  - (c) *the principal reasons for adopting the policies and methods; and*
  - (d) *the environmental results expected from the policies and methods; and*
  - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
  - (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
  - (g) *the information to be included with an application for a resource consent; and*
  - (h) *any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*

3.5.19. There is provision provided in section 75(5) for material to be incorporated by reference under Part 3 of Schedule 1 of the Act.

3.5.20. In the preparation and development of Plan Change 26, Council staff consider that the obligations under section 75 of the RMA have been met.

### **Section 76 District Rules**

3.5.21. Section 76 of the Resource Management Act 1991 provides territorial authorities to make rules in their district plan for the purpose of carrying out its functions of the Act and for achieving the objectives and policies of the district plan (s76(1)).

3.5.22. Rules made under the section have the force and effect of a regulation in force under the Resource Management Act 1991, but the regulation will prevail when the rule is inconsistent with a regulation (s76(2)). When making a rule under section 76, a territorial authority shall have regard to the actual or potential effect on the environment of activities including any adverse effect (s76(3)).

3.5.23. Under section 76(4) a rule may:

- (a) *apply throughout a district or a part of a district:*
- (b) *make different provision for—*
  - (i) *different parts of the district; or*
  - (ii) *different classes of effects arising from an activity:*
- (c) *apply all the time or for stated periods or seasons:*
- (d) *be specific or general in its application:*
- (e) *require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.*

3.5.24. In the preparation and development of Plan Change 26, Council staff consider that the obligations under section 75 of the RMA have been met.

## Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

- 3.5.25. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act) was passed into law on 20 December 2021. The Amendment Act now forms part of the main body of the RMA. All references to sections and schedules below refer to the section of the RMA and not the section of the Amendment Act.
- 3.5.26. The Amendment Act requires all tier 1 territorial authorities to amend their district / regional plans under the RMA to enable housing intensification to occur. Waipā District Council has been defined as a tier 1 territorial authority and Waipā and Waikato District and Hamilton City and their surrounds are classified as a tier 1 urban environment. This means that Waipā District Council is legally required to notify a plan change by 20 August 2022 to incorporate the medium density residential standards and give effect to policy 3 of the National Policy Statement on Urban Development 2020 in the operative Waipā District Plan (sections 77G and 80F of the RMA).
- 3.5.27. Section 77G of the Act sets out the duty of the specified territorial authorities to incorporate the medium density residential standards and to give effect to policy 3 or 5 in residential zones. The section reads:

### ***77G Duty of specified territorial authorities to incorporate MDRS and give effect to policy 3 or 5 in residential zones***

- (1) Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.*
- (2) Every residential zone in an urban environment of a specified territorial authority must give effect to policy 3 or policy 5, as the case requires, in that zone.*
- (3) When changing its district plan for the first time to incorporate the MDRS and to give effect to policy 3 or policy 5, as the case requires, and to meet its obligations in section 80F, a specified territorial authority must use an IPI and the ISPP.*
- (4) In carrying out its functions under this section, a specified territorial authority may create new residential zones or amend existing residential zones.*
- (5) A specified territorial authority—*
  - (a) must include the objectives and policies set out in clause 6 of Schedule 3A:*
  - (b) may include objectives and policies in addition to those set out in clause 6 of Schedule 3A, to—*
    - (i) provide for matters of discretion to support the MDRS; and*
    - (ii) link to the incorporated density standards to reflect how the territorial authority has chosen to modify the MDRS in accordance with section 77H.*
- (6) A specified territorial authority may make the requirements set out in Schedule 3A or policy 3 less enabling of development than provided for in that schedule or by policy 3, if authorised to do so under section 77I.*
- (7) To avoid doubt, existing provisions in a district plan that allow the same or a greater level of development than the MDRS do not need to be amended or removed from the district plan.*
- (8) The requirement in subsection (1) to incorporate the MDRS into a relevant residential zone applies irrespective of any inconsistent objective or policy in a regional policy statement.*

- 3.5.28. Section 77H of the RMA provides for the modification of the medium density residential standards in Schedule 3A of the Act to enable a greater level of development.

3.5.29. The Amendment Act has provided for a limited number of qualifying matters which may be applied in respect of the application of the medium density residential standards and policy 3 of the National Policy Statement on Urban Development 2020. The qualifying matters are set out in sections 77I (relevant residential zones) and 77O (urban non-residential areas) of the RMA and are:

- (a) A matter of national importance that decision makers are required to recognise and provide for under section 6 of the Act;
- (b) A matter required in order to give effect to a national policy statement (other than the National Policy Statement on Urban Development 2020) or the New Zealand Coastal Policy Statement 2010;
- (c) A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River;
- (d) A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008;
- (e) A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;
- (f) Open space provided for public use, but only in relation to land that is open space;
- (g) The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order;
- (h) A matter necessary to implement, or to ensure consistency with, iwi participation legislation;
- (i) The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand;
- (j) Any other matter that makes higher density development as provided for by the Medium Density Residential Standards or policy 3, as the case requires, inappropriate in an area, but only if section 77L (relevant residential zones) or 77R (urban non-residential areas) is satisfied.

3.5.30. Section 77J (relevant residential zones) and section 77P (urban non-residential areas) outline the requirements in relation to an evaluation report and applies if a territorial authority is amending its district plan as provided for by section 77G. The evaluation report is required to address the matters set out in section 32 of the RMA and must in respect to the proposed amendment to accommodate a qualifying matter:

- (a) Demonstrate why the territorial authority considers that the area is subject to a qualifying matter; and that the qualifying matter is incompatible with the level of development permitted by the medium residential standards (as specified in Schedule 3A) or as provided for by policy 3 for that area; and
- (b) Assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and
- (c) Assess the costs and broader impacts of imposing those limits.

- 3.5.31. Sections 77K (relevant residential zones) and 77Q (urban non-residential areas) set out an alternative process for existing qualifying matters. The process is different to those set out in sections 77J and 77P and requires a specified territorial authority to:
- (a) Identify by location (for example, by mapping) where an existing qualifying matter applies;
  - (b) Specify the alternative density standards proposed for those areas identified by location;
  - (c) Identify in the report prepared under section 32 why the territorial authority considers that 1 or more existing qualifying matters apply to those areas identified by location;
  - (d) Describe in general terms for a typical site in those areas identified by location 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; and
  - (e) Notify the existing qualifying matters in the IPI.
- 3.5.32. It is noted under section 77K(2) and section 77Q(2) that existing qualifying matters included in the intensification planning instrument do not have immediate legal effect on notification of the intensification planning instrument but continue to have effect as part of the operative plan. Section 77(K)(3) states that an existing qualifying matter is a qualifying matter referred to in section 77I(a) to (i) that is operative in the relevant district plan when the intensification planning instrument is notified. A similar provision is contained in section 77Q(3) in respect of 77O(a) to (i).
- 3.5.33. Section 77L contains additional requirements for 'other matters' under section 77I(j). The section reads:

**77L Further requirement about application of section 77I(j)**

*A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—*

- (a) identifies 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 area; 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; and*
- (c) includes a site-specific analysis that—*
  - (i) identifies the site to which the matter relates; 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; and*
  - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.*

- 3.5.34. Section 77R contains similar provisions for urban non-residential areas.



- 3.5.35. Section 77T of the Act provides each specified territorial authority with the discretion to include financial contributions provisions in the intensification planning instrument or to amend existing provisions in the district plan.
- 3.5.36. Subpart 5 of the Act sets out the provisions relevant to intensification planning instruments. Section 80E provides the meaning of an intensification planning instrument while section 80F state that the specified territorial authorities must notify an intensification planning instrument by 20 August 2022.
- 3.5.37. Under section 80G, a specified territorial authority is only allowed to notify one intensification planning instrument and cannot use that intensification planning instrument for any purpose other than the uses set out in section 80E. A specified territorial authority is also not able to withdraw an intensification planning instrument (section 80G(1)(c)).
- 3.5.38. Section 80G(2) specifies that a local authority must not use the intensification streamlined planning process except as permitted under section 80F(3) of the Act.
- 3.5.39. Under 80H, an intensification planning process must show how the medium density residential standards have been incorporated. The section provides:

**80H IPI must show how MDRS are incorporated**

- (1) *When a specified territorial authority notifies its IPI in accordance with section 80F(1) or (2), it must show in the instrument, for the purposes of sections 77M, 86B, and 86BA—*
- (a) *which provisions incorporate—*
    - (i) *the density standards in Part 2 of Schedule 3A; and*
    - (ii) *the objectives and policies in clause 6 of Schedule 3A; and*
  - (b) *which provisions in the operative district plan and any proposed plan are replaced by—*
    - (i) *the density standards in Part 2 of Schedule 3A; and*
    - (ii) *the objectives and policies in clause 6 of Schedule 3A.*
- (2) *The identification of a provision in an IPI as required in subsection (1)—*
- (a) *does not form part of the IPI; and*
  - (b) *may be removed, without any further authority than this subsection, by the specified territorial authority once the IPI becomes operative.*

- 3.5.40. Schedule 3A of the RMA sets out the medium density residential standards required to be incorporated into plans by the specified territorial authorities. The Schedule contains provisions for:
- Permitted activities;
  - Subdivision as a controlled activity;
  - Restricted discretionary activities;
  - Certain notification requirements precluded;
  - Objectives and policies;
  - General subdivision requirements;
  - Further rules about subdivision requirements;

- Rules about common walls;
- Density standards
  - number of residential units per site;
  - building height;
  - height in relation to boundary;
  - setbacks;
  - building coverage;
  - outdoor living space per unit;
  - outdoor space per unit;
  - windows to street; and
  - landscaped area.

3.5.41. Plan Change 26 achieves the intent of the Amendment Act and policy 3(d) of the National Policy Statement on Urban Development 2020. The provisions in Schedule 3A of the Resource Management Act 1991 relating to the medium residential standards have been directly incorporated into the new section of the Waipā District Plan titled 'Medium Density Residential Zone' as required by section 77G of the Resource Management Act 1991. In addition, the qualifying matters identified in Plan Change 26 have been evaluated in accordance with the appropriate provisions set out in the Act.

3.5.42. The mandatory part of Plan Change 26 is the introduction of the medium density residential standards as set out in Schedule 3A of the Resource Management Act 1991 into all relevant residential zones in the District Plan. The relevant residential zones have been identified as Cambridge, Kihikihi and Te Awamutu.

3.5.43. The discretionary/optional parts of the proposed plan change relate to:

- A review of the financial contributions provisions currently in the District Plan (section 18).
- The inclusion of qualifying matters which require the modification of the medium density residential standards to accommodate the specified qualifying matter.

3.5.44. The development density enabled by the plan change within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form is appropriate with the level of commercial activity and community services found in Cambridge, Kihikihi and Te Awamutu.

#### *Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010*

3.5.45. The Waikato River was subject to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The overarching purpose of the settlement is set out in section 3 and is to restore and protect the health and wellbeing of the Waikato River for future generations.

3.5.46. The purpose of the Settlement Act is set out in section 4 and in respect of the Waikato River, the following clauses are relevant:

*The purpose of this Act is to—*

...

- (b) recognise the significance of the Waikato River to Waikato-Tainui:*
- (c) recognise the vision and strategy for the Waikato River:*
- (d) establish and grant functions and powers to the Waikato River Authority:*
- (e) establish the Waikato River Clean-up Trust:*
- (f) recognise certain customary activities of Waikato-Tainui:*
- (g) provide co-management arrangements for the Waikato River: ...*

3.5.47. Section 5 outlines the guiding principles of interpretation and clearly states that the Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River (s5(1) of the Act).

The scope of Te Ture Whaimana is defined in section 9 of the Settlement Act as:

- (1) The Waikato River and its contribution to New Zealand's cultural, social, environmental, and economic wellbeing are of national importance.*
- (2) The vision and strategy applies to the Waikato River and activities within its catchment affecting the Waikato River.*
- (3) The vision and strategy is Te Ture Whaimana o Te Awa o Waikato.*

3.5.48. Section 10 of the Settlement Act outlines the relationship of sections 11 to 15 with the Resource Management Act 1991. These sections deal with the impact of the Te Ture Whaimana on planning documents, resource consent conditions, designations and documents under the Conservation Act 1987 and the Resource Management Act 1991. Te Ture Whaimana prevails over any inconsistent provision in a national policy statement, a New Zealand Coastal Policy Statement and a national planning standard under the Resource Management Act 1991 (s12 of the Settlement Act).

3.5.49. Te Ture Whaimana is part of the second schedule to the Settlement Act and is deemed part of the Waikato Regional Policy Statement under section 11). Waipā District Council has a duty to give effect to the Vision and Strategy for the Waikato River, through the District Plan and other planning documents.

3.5.50. The Settlement Act established the Waikato River Authority, a co-governance entity which set the agenda for the health and wellbeing of the Waikato River for future generations. The purpose of the Authority is:

- (a) Set the primary direction through the vision and strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations:
- (b) Promote an integrated, holistic, and co-ordinated approach to the implementation of the vision and strategy and the management of the Waikato River:
- (c) Fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust (s22(2) of the Settlement Act).

3.5.51. During the preparation of Plan Change 26, Council staff have considered Te Ture Whaimana as well as the Settlement legislation. Where possible, staff have attempted to strengthen the importance and recognition of Te Ture Whaimana throughout the proposed plan change as well as ensuring the new provisions support the desired outcomes of the Settlement legislation and Te Ture Whaimana.

3.5.52. Council staff do not consider that the proposed plan change is contrary to Te Ture Whaimana or the objectives of the Settlement legislation.

*Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010*

3.5.53. The Waikato River is also subject to the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act). The Upper River Act recognises the significance of the river to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi.

3.5.54. The overarching purpose of the Act is to restore and protect the health and wellbeing of the Waikato River for present and future generations (s3, Upper River Act). The purpose of the Act is set out in section 5 and reads:

*This Act—*

- (a) recognises the significance of the Waikato River to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi;*
- (b) recognises the vision and strategy for the Waikato River;*
- (c) establishes and grants functions and powers to the Waikato River Authority;*
- (d) establishes the Waikato River Clean-up Trust;*
- (e) acknowledges and provides a process that may recognise certain customary activities of Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi;*
- (f) provides co-management arrangements for the Waikato River.*

3.5.55. Section 5 outlines the guiding principles of interpretation and clearly states that the Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River (s5(1) of the Act).

3.5.56. Part 2 of the Act addresses the co-governance of the Waikato River with section 9 noting that the matters provided for in sections 10 to 35 are also provided for in sections 9 to 34 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, having been agreed between the Crown and Waikato-Tainui in a deed of settlement dated 17 December 2009.

3.5.57. Section 10 of the Act defines the scope of the Vision and Strategy and is the same as section 9 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. Section 11 outlines the relationship of sections 12 to 16 with the Resource Management Act 1991 and states that these sections have primacy over sections 59 to 77 of the Resource Management Act. In summary:

- (a) Section 12 deems Te Ture Whaimana to be part of the Waikato Regional Policy Statement from the date of its commencement.



- (b) Section 13 states that Te Ture Whaimana prevails over any inconsistent provision in a national policy statement, a New Zealand Coastal Policy Statement and a national planning standard under the Resource Management Act 1991.
- (c) Section 14 requires planning documents under the Resource Management Act to be updated to be consistent with a review Te Ture Whaimana.
- (d) Section 15 outlines the effect of Te Ture Whaimana on resource consent conditions and designations.
- (e) Section 16 is a statement about Te Ture Whaimana in planning documents under the Conservation Act 1987 and Resource Management Act 1991.

3.5.58. Waipā District Council has a duty to give effect to Te Ture Whaimana through the District Plan and other planning documents. During the preparation of Plan Change 26, Council staff have considered Te Ture Whaimana and its significance under this legislation for Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi. The outcomes sought by Plan Change 26 are not considered to be contrary Te Ture Whaimana or the directions sought under this legislation.

#### *Nga Wai o Maniapoto (Waipā River) Act 2012*

3.5.59. In September 2010, the Crown and Maniapoto signed a Deed in Relation to Co-Governance and Co-Management of the Waipā River (the Maniapoto Deed). The Nga Wai o Maniapoto (Waipā River) Act 2012 (the Waipā River Act) was enacted to give effect to the Maniapoto Deed which seeks to ‘deliver a new era of co-management over the Waipā River with an overarching purpose of restoring and maintaining the quality and integrity of the waters that flow into and form part of the Waipā River for present and future generations and the care and protection of the mana tuku iho o Waiwaia’.

3.5.60. Section 3 of the Waipā River Act defines the overarching purpose as

*“to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia”.*

3.5.61. Section 4 sets out the guiding principles of interpretation and clearly states that Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waipā River and the Waikato River and activities within their catchments affecting the Waipā River and the Waikato River (s4(1)).

3.5.62. Section 8 extends Te Ture Whaimana to include the Upper Waipā and provides the status of the settlement legislation for Waikato-Tainui and Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi. The section reads:

#### **8 Vision and strategy**

##### *Extension*

- (1) *This section applies once the vision and strategy is extended to include the Upper Waipa River and activities in its catchment affecting the Upper Waipa River under section 36(3) or (5).*

### *Status*

- (2) *Sections 10 to 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and sections 11 to 18 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010—*
- (a) *apply for the purposes of this Act as if they were written to achieve the overarching purpose of this Act; and*
  - (b) *apply for the purposes of this Act as if they were written to apply to the Upper Waipa River; and*
  - (c) *apply for the purposes of this Act as if they were written to apply to the Trust; and*
  - (d) *apply for the purposes of this Act as if they were written to apply to the territorial authorities whose boundaries fall within, or partly within, the area marked “C” on SO plan 409144; and*
  - (e) *apply for the purposes of this Act to the Council.*

### *Subsequent reviews*

- (3) *Section 19 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and section 20 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, which are about reviews of the vision and strategy, apply for the purposes of this Act ...*

- 3.5.63. Part 2 of the Waipā River Act addresses the co-governance of the Waipā River. Section 10(1) states that sections 22-34 and Schedules 5 and 6 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and sections 23-35 and Schedules 3 and 4 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 apply to the purpose of the Waipā River Act as if they were written to achieve the overarching purpose of the Act; apply to the Upper Waipā River; to apply for the purposes of this Act as if they were written to apply also to the territorial authorities whose boundaries fall within, or partly within, the area marked “C” on SO plan 409144; and to apply for the purposes of the Act to the Council.
- 3.5.64. During the preparation of Plan Change 26, Council staff have considered the Te Ture Whaimana and its significance under this legislation for Maniapoto. Council staff consider that the proposed plan change has strengthened the importance and recognition of Te Ture Whaimana and the objectives under the Waipā River Act.

### *Te Ture Whaimana o Te Awa o Waikato*

- 3.5.65. Te Ture Whaimana is the primary direction-setting document for the Waikato River and its catchments which includes the lower reaches of the Waipā River. The legal primacy given to Te Ture Whaimana over other national directions is significant and is more relevant to this plan change. Te Ture Whaimana is a qualifying matter in the Act that is unique and specific to the three Tier 1 councils in the Waikato Region, of which Waipā District Council is one.
- 3.5.66. Te Ture Whaimana arises from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010. The Nga Wai o Maniapoto (Waipā River) Act 2012 directed that Te Ture Whaimana should also apply to the Waipā River. The Acts established a co-governance

regime to protect the health and wellbeing of the Waikato and Waipā Rivers for future generations.

3.5.67. 3Te Ture Whaimana applies to the Waikato River from Huka Falls to Te Puuaha o Waikato and the length of the Waipā River to its junction with the Waikato River as shown in the map below. The Vision and Strategy also applies to the activities in the catchments affecting the Waikato River.

3.5.68. Under section 12 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Te Ture Whaimana prevails over any inconsistent provision in:

- (a) A national policy statement issued under section 52 of the Act; and
- (b) A New Zealand coastal policy statement issued under section 57 of the Act; and
- (c) a national planning standard published under section 58F of the Act, to the extent that it contains provisions referred to in section 58C(1)(b) of the Act (which refers to matters that may be included in a national policy statement).

3.5.69. Te Ture Whaimana responds to four fundamental issues which are set out below:

- 1. *The degradation of the Waikato River and its catchment has severely compromised Waikato River iwi in their ability to exercise mana whakahaere or conduct their tikanga and kawa;*
- 2. *Over time, human activities along the Waikato River and land uses through its catchments have degraded the Waikato River and reduced the relationships and aspirations of communities with the Waikato River;*
- 3. *The natural processes of the Waikato River have been altered over time by physical intervention, land use and subsurface hydrological changes. The cumulative effects of these uses have degraded the Waikato River; and*
- 4. *It will take commitment and time to restore and protect the health and wellbeing of the Waikato River.*

3.5.70. The vision for the Waikato and Waipā Rivers 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 wellbeing of the Waikato River, and all it embraces, for generations to come.”<sup>22</sup>

3.5.71. Te Ture Whaimana contains objectives and strategies to achieve the vision. The objectives are:

- a. *The restoration and protection of the health and wellbeing of the Waikato River.*
- b. *The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.*
- c. *The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.*
- d. *The restoration and protection of the relationship of the Waikato region’s communities with the Waikato River including their economic, social, cultural and spiritual relationships.*

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<sup>22</sup> Waikato River Authority (2008) *Vision and Strategy for the Waikato River*, p4.

- e. *The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.*
- f. *The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.*
- g. *The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.*
- h. *The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*
- i. *The protection and enhancement of significant sites, fisheries, flora and fauna.*
- j. *The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River.*
- k. *The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.*
- l. *The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.*
- m. *The application to the above of both mātauranga Māori and latest available scientific methods.*

3.5.72. In order to achieve the above objectives, the following strategies are to be implemented:

- (a) Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.
- (b) Establish what the current health status of the Waikato River is by utilising mātauranga Māori and latest available scientific methods.
- (c) Develop targets for improving the health and wellbeing of the Waikato River by utilising mātauranga Māori and latest available scientific methods.
- (d) Develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River.
- (e) Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.
- (f) Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.
- (g) Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.
- (h) Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community.
- (i) Encourage and foster a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.



- (j) Establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River iwi (where they so decide), and stakeholders with an interest in advancing, restoring and protecting the health and wellbeing of the Waikato River.
- (k) Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.
- (l) Ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

3.5.73. Waipā District Council has a duty to give effect to Te Ture Whaimana through the District Plan and other planning documents. Given that Te Ture Whaimana is the paramount policy document for the Waikato Region, the assessment carried out for Plan Change 26 has been done with the protection and restoration of the Waikato and Waipā Rivers in mind.

3.5.74. The primary method to give Te Ture Whaimana as a qualifying matter under the Medium Density Residential Standards intensification is through the Council's infrastructure network. Council holds regional consents for stormwater discharges, wastewater discharges and water abstraction. The technical reports confirm that unplanned and unanticipated medium density residential intensification has the potential to significantly impact on Council's infrastructure network and give rise to adverse effects on waterbodies.

3.5.75. To ensure Council meets its statutory obligation to give effect to Te Ture Whaimana, this plan change applies:

- (a) Modifications to the Medium Density Residential Standards density based on identified capacity constraints of Council's infrastructure to accommodate MDRS intensification; and
- (b) New financial contributions enabling Council to take money and or land to manage the effects arising from Medium Density Residential Standards intensification on the rivers and catchments under Te Ture Whaimana effects; and
- (c) Modifications to the Medium Density Residential Standards setbacks from waterbodies to manage the effects of non-point source discharges arising from Medium Density Residential Standards intensification.

3.5.76. For these reasons, while the Medium Density Residential Standards provisions provides for plan enabled residential intensification, in the Waipā relevant residential zones, residential intensification as envisaged by Medium Density Residential Standards is "infrastructure constrained". The practical outcome of giving effect to Te Ture Whaimana is the permitted Medium Density Residential Standards intensification across all the relevant residential zones is not enabled.

3.5.77. In most parts of the relevant residential zones, a resource consent will be required for MDRS intensification to demonstrate sufficient infrastructure capacity.

3.5.78. Waipā District Council has joint management agreements in place with Waikato-Tainui, Raukawa and Maniapoto. Statutory consultation was carried with the Council's iwi partners before Plan Change 26 was notified. However due to the time constraints placed on the

Council by central government requiring all plan changes giving effect to the medium residential standards, wider consultation with iwi was not able to occur.

- 3.5.79. Through the development of Plan Change 26, Council staff have kept Te Ture Whaimana to the forefront when drafting the plan change provisions. Te Ture Whaimana has precedence over other planning documents in the Waikato Region and this has been kept in mind in the development of the plan change.

### **National Policy Statement on Urban Development 2020**

- 3.5.80. The National Policy Statement on Urban Development 2020 (NPS-UD) was gazetted on 23 July 2020 and had legal effect from 20 August 2020. The NPS-UD applies to all local authorities that have all or part of an urban environment within their district or region and planning decisions by any local authority that affect an urban environment. Some of the objectives, policies, and provisions in Parts 3 and 4 of the NPS-UD only apply only to certain tiers of local authorities.

- 3.5.81. The NPS-UD has identified Waipā District as a tier 1 local authority as well as part of a tier 1 urban environment.<sup>23</sup> The NPS-UD 2020 recognises the national significance of (amongst other matters):

- Having 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 (Objective 1) ;
- Planning decisions improve housing affordability by supporting competitive land and development markets (Objective 2);
- District plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:
  - the area is in or near a centre zone or other area with many employment opportunities
  - the area is well-serviced by existing or planned public transport
  - there is high demand for housing or for business land in the area, relative to other areas within the urban environment providing sufficient development capacity to meet the different needs of people and communities (Objective 3).
- New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations (Objective 4).

- 3.5.82. The objectives are supported by appropriate policies outlining what can and cannot be done by local authorities. Of particular relevance to Waipā District Council and Plan Change 26 is Policy 3 which reads:

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<sup>23</sup> Minister for the Environment (2020) *National Policy Statement on Urban Development 2020*, Appendix: Tier 1 and tier 2 urban environments and local authorities, p31.

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

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:*
  - (i) existing and planned rapid transit stops*
  - (ii) the edge of city centre zones*
  - (iii) the edge of metropolitan centre zones; and*
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
  - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
  - (ii) relative demand for housing and business use in that location.*

3.5.83. As the Waipā district has no city centre zones or metropolitan centre zones, it is policy 3(d) that is relevant for this plan change. Policy 4 provides for the modification of relevant building height or density requirements under Policy only to the extent necessary to accommodate a qualifying matter in that area.

3.5.84. Part 3 of the NPS-UD outlines the implementation of the NPS. Every tier 1,2 and 3 local authority must provide at least sufficient development capacity in its region or district to meet the expected demand for housing (section 3.2). The development capacity must be plan enabled, infrastructure ready, feasible and reasonably expected to be realised and for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin.

3.5.85. Subpart 6 of the NPS-UD addresses intensification in tier 1 urban environments. It contains provisions out of the Amendment Act. These provisions are:

**3.31 Tier 1 territorial authorities implementing intensification policies**

- (1) Every tier 1 territorial authority must identify, by location, the building heights and densities required by Policy 3.*
- (2) If the territorial authority considers that it is necessary to modify the building height or densities in order to provide for a qualifying matter (as permitted under Policy 4), it must:*
  - (a) identify, by location, where the qualifying matter applies; and*
  - (b) specify the alternate building heights and densities proposed for those areas.*
- (3) The territorial authority must make the information required by subclauses (1) and (2) publicly available at the same time as it notifies any plan change or proposed plan change to give effect to Policy 3.*

**3.32 Qualifying matters**

- (1) In this National Policy Statement, qualifying matter means any of the following:*
  - (a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act*
  - (b) a matter required in order to give effect to any other National Policy Statement*

- (c) *any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure*
- (d) *open space provided for public use, but only in relation to the land that is open space*
- (e) *an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order*
- (f) *a matter necessary to implement, or ensure consistency with, iwi participation legislation*
- (g) *the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement*
- (h) *any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.*

### **3.33 Requirements if qualifying matter applies**

- (1) *This clause applies if a territorial authority is amending its district plan and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to a specific area.*
- (2) *The evaluation report prepared under section 32 of the Act in relation to the proposed amendment must*
  - (a) *demonstrate why the territorial authority considers that:*
    - (i) *the area is subject to a qualifying matter; and*
    - (ii) *the qualifying matter is incompatible with the level of development directed by Policy 3 for that area; and*
  - (b) *assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and*
  - (c) *assess the costs and broader impacts of imposing those limits.*
- (3) *A matter is not a qualifying matter under clause 3.32(1)(h) in relation to an area unless the evaluation report also:*
  - (a) *identifies the specific characteristic that makes the level of development directed by Policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and*
  - (b) *includes a site-specific analysis that:*
    - (i) *identifies the site to which the matter relates; and*
    - (ii) *evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and*
    - (iii) *evaluates an appropriate range of options to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.*

3.5.86. While the NPS-UD is a high-level central government policy document, the principles within it must be given effect to by Council. Plan Change 26 contains detailed improvements and it is considered to give effect to the provisions of the NPS-UD in that the amendments:

- Uphold the objectives and strategies embedded within Te Ture Whaimana and actively supports the betterment of the waterbodies within the Waikato region;
- Will allow for appropriate housing intensification to occur within the Waipā urban zones that is easily accessible and has the appropriate infrastructure capacity and capability;



- Will protect the heritage and character of the Waipā district which makes it a district where people want to live;
- Contribute towards well-functioning urban environments that enable people and communities to provide for the social, economic and cultural wellbeing and for their health and safety.

*National Policy Statement for Freshwater Management 2020*

3.5.87. The National Policy Statement for Freshwater 2020 (NPS-FW) provides local authorities with updated direction on how they should manage freshwater under the Resource Management Act 1991.

3.5.88. Of relevance for Plan Change 26 is the fundamental concept of Te Mana o te Wai. The NPS-FW defines this concept as follows:

- (1) *Te Mana o te Wai is a concept that 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. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.*
- (2) *Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.<sup>24</sup>*

3.5.89. The framework for Te Mana o Te Wai is defined in the NPS0 FW through six 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater. The principles inform the NPS-FW and its implementation.

3.5.90. While the NPS-FW is focused primarily at Regional Councils and Unitary Authorities, the concept of Te Mana o te Wai is important. Te Mana o te Wai underpins Te Ture Whaimana and the objectives and strategies set out in this important document. It is for this reason that Council staff have considered the concept of Te Mana o te Wai and ensured that the provisions of Plan Change 26 are consistent with it.

*National Policy Statement on Electricity Transmission 2008*

3.5.91. The National Policy Statement on Electricity Transmission 2008 (NPSET) states that the need to operate, maintain, develop and upgrade the electricity transmission network is a matter of national significance. It also recognises the vital role the efficient transmission of electricity on the national grid plays on the well-being of New Zealand, its people and the environment.

3.5.92. NPSET acknowledges that electricity transmission has special characteristics that create challenges for its management under the Resource Management Act 1991. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.

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<sup>24</sup> New Zealand Government (2019) *National Policy Statement for Freshwater Management 2020*, section 1.3, p 5.

- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third-party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

3.5.93. The objective of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network.

3.5.94. Part 8 of NPSET contains policies which address the management of adverse effects of third parties on the transmission network. The policies read as follows:

*POLICY 10*

*In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*

*POLICY 11*

*Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

- 3.5.95. In assessing the provisions of the proposed plan change against the requirements of NPSET, staff have considered the relevant of NPSET and have reached the conclusion that Plan Change 26 is consistent with the objectives and policies of NPSET.

### **National Planning Standards**

- 3.5.96. The National Planning Standards came into force in May 2019 and were updated in February 2022. The purpose of national planning standards is to make council plans and policy statements easier to prepare, understand and comply with. The standards provide a nationally consistent structure and format for district plans under the Resource Management Act 1991. The National Planning Standards also provide some consistent content for district plans in respect of definitions, noise and vibration metrics and mapping information.
- 3.5.97. The operative Waipā District Plan will be updated at a later date in order to give effect to the National Planning Standards. Waipā District Council has until the end of April 2024 to ensure that the operative district plan is consistent with the National Planning Standards.

### *Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato*

- 3.5.98. The Waikato Regional Policy Statement is the overarching regional policy document. The Regional Policy Statement 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.
- 3.5.99. Waipā District Council must give effect to the Regional Policy Statement through its district plan.
- 3.5.100. Waikato Regional Council amended the Regional Policy Statement in March 2022 to incorporate housing bottom lines in accordance with section 55(2A) of the Resource Management Act 1991 in March 2022. New objective 3.27 was inserted and the existing objective 3.27 was deleted.
- 3.5.101. New Objective 3.27 addresses the housing bottom lines for the Future Proof area. The objective reads:

*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<br>2020-2030          | Long term<br>2031-2050 | 30 Year Total |
| Hamilton City                  | 14,300                                     | 28,800                 | 43,100        |
| Waipa District                 | 4,100                                      | 6,800                  | 10,900        |
| Waikato District               | 6,900                                      | 11,200                 | 18,100        |
| <b>Future Proof Sub-Region</b> | <b>25,300</b>                              | <b>46,800</b>          | <b>72,100</b> |

3.5.102. Section 6 of Part B of the Regional Policy Statement includes policies related to the built environment, some of which are relevant to the District Plan. The relevant policies for Plan Change 26 are:

- *Policy 6.1 Planned and co-ordinated subdivision, use and development.*
- *Policy 6.3 Co-ordinating growth and infrastructure.*
- *Policy 6.13 Governance collaboration in the Future Proof area*
- *Policy 6.14 Adopting Future Proof land use pattern*
- *Policy 6.15 Density targets for Future Proof area.*

3.5.103. Section 6A of the Regional Policy Statement sets out the development principles for the region. Relevant general development principles for new development include:

- a) *support existing urban areas in preference to creating new ones;*
- ...
- c) *make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;*
- d) *not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;*
- e) *connect well with existing and planned development and infrastructure;*
- f) *identify water requirements necessary to support development and ensure the availability of the volumes required;*
- g) *be planned and designed to achieve the efficient use of water;*
- ...
- i) *promote compact urban form, design and location to:*
  - i) *minimise energy and carbon use;*
  - ii) *minimise the need for private motor vehicle use;*
  - iii) *maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;*
  - iv) *encourage walking, cycling and multi-modal transport connections; and*
  - v) *maximise opportunities for people to live, work and play within their local area;*
- j) *maintain or enhance landscape values and provide for the protection of historic and cultural heritage;*
- k) *promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged; ...*
- o) *not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure; ...*
- q) *consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;*
- r) *support the Vision and Strategy for the Waikato River in the Waikato River catchment;*
- ...

3.5.104. The Regional Policy Statement clearly requires that subdivision, use and development of the built environment, including traffic occurs in a planned and co-ordinated way through



using the development principles in section 6A, having regard to the existing built environment, basing that development on sufficient information to allow the assessment of the potential long-term effects of subdivision, use and development and recognising and addressing the potential cumulative effects of subdivision, use and development. The general development principles in section 6A require that new development should support Te Ture Whaimana for the Waikato River in the Waikato River catchment.

3.5.105. A plan change to the Regional Policy Statement is expected in December 2022 to implement the Future Proof Strategy. The plan change should update the housing and business needs assessment currently in the Regional Policy Statement and introduce new target densities across the Waikato Region.

3.5.106. For these reasons, the Regional Policy Statement is highly relevant to Plan Change 26. It is acknowledged that section 77G(8) of the Resource Management Act 1991 requires that the Medium Density Residential standards are incorporated into any relevant residential regardless of any inconsistent objective or policy in a regional policy statement.

### **Joint Management Agreements**

#### *Waikato Raupatu River Trust*

3.5.107. The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between the Crown and Waikato dated 22 May 1995. It settled a number of Raupatu (confiscation) claims that had been made to the Waitangi Tribunal (Wai 30, Wai 306, Wai 494, Wai 530 and Wai 537). The 1995 Act expressly excluded certain historical claims, including the claim to the Waikato River.

3.5.108. In 2008 Waikato-Tainui and the Crown signed the Deed of Settlement in relation to the Waikato River. The 2008 Deed introduced a new era of co-management over the Waikato River with an overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations.

3.5.109. In 2009, the 2008 Deed was reviewed by the Crown with the agreement of Waikato-Tainui. As a result Waikato-Tainui agreed to renegotiate the settlement with the Crown with a view to enhancing the delivery of outcomes under the settlement.

3.5.110. The renegotiation led to the agreement of a new deed of settlement which included new provisions related to joint management agreements. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted to give effect to the deed of settlement.

3.5.111. Waikato-Tainui entered into a joint management agreement with Waipā District Council with respect to the Waikato River and activities within its catchment affecting the river. The joint management agreement affirms the commitment between Waikato-Tainui and Waipā District Council to:

- (a) Give appropriate weight to the relevant matters and documents provided for under the deed of settlement and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, including:

- (b) The overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations;
  - (ii) the vision and strategy;
  - (iii) the integrated river management plan; and
  - (iv) the Waikato-Tainui environmental plan.
- (c) Respect the mana whakahaere rights and responsibilities of Waikato-Tainui;
- (d) Act in a manner consistent with the principles of the Te Tiriti o Waitangi / the Treaty of Waitangi;
- (e) Recognise the statutory functions, powers and duties of the Waipā District Council under legislation; and
- (f) recognise that nothing in this JMA derogates from the Trust's rights to participate as tangata whenua, an iwi authority, or submitter (in circumstances where this may be appropriate).

3.5.112. Schedule B of the joint management agreement outlines the anticipated process with regards to Schedule 1 of the Resource Management Act 1991, in accordance with section 46(1) and 46(2) of that Act.

3.5.113. In a joint management agreement hui with Waikato-Tainui and others held on 27 May 2022, the matter of Plan Change 26 was raised. Apologies were given by Waipā District Council to the joint management agreement partners that detailed iwi consultation over the plan change was unable to occur due to the tight timeframe that had been set for the notification of all the intensification planning instruments by the government. Discussion was had around consultation occurring after the plan change had been notified which all parties felt was a potential way forward.

3.5.114. It is felt that the amendments to the Waipā District Plan outlined in Plan Change 26 will not affect the ability of the District Plan and the Council to implement the requirements of the Waikato Raupatu Claims Settlement Act 1995.

#### *Raukawa Settlement Trust*

3.5.115. The Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 was enacted to give effect to the Co-Management Deed signed between Raukawa and the Crown in December 2009. The joint management agreement was consequently established pursuant to section 43 of this Act.

3.5.116. The joint management agreement recognises that that Te Ture Whaimana is the primary direction setting document for the Waikato River and its catchment. The agreement also identifies the parties aspirations for the management of the Waikato River and its catchment. These aspirations are:

- (a) The Parties are committed to the restoration and protection of the health and well-being of the Waikato River and its catchment for present and future generations;

- (b) Te Ture Whaimana is the primary direction setting document for the Waikato River and for activities within its catchment affecting the Waikato River;
- (c) Raukawa have a unique and evolving relationship with the Waikato River and its catchment;
- (d) The Waikato River is an integral part of the whakapapa, tikanga, mātauranga and lives of Raukawa;
- (e) Co-governance and the co-management framework require effective change;
- (f) Enhanced outcomes need to be achieved for the Waikato River and its catchment in terms of both management processes and environmental results; and
- (g) The co-management framework enables Raukawa involvement in decision-making.

3.5.117. The joint management agreement covers matters relating to co-management, agreement to embrace new and holistic ways of working together, and the continuation of building a functional and effective long-term partnership. The agreement deals with matters relating to the preparation, reviewing, change or variation to Resource Management Act 1991 documents as set out on section 48 of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

3.5.118. Section 7 of the joint management agreement outlines the expectations in regard to Resource Management Act 1991 planning documents. In a joint management agreement hui with Raukawa and others held on 27 May 2022, the matter of Plan Change 26 was raised. Apologies were given by Waipā District Council to the joint management agreement partners that detailed iwi consultation on the intensification planning instruments was unable to occur due to the tight timeframe that had been set for the notification of the by the government. Discussion was had around consultation occurring after the plan change had been notified which all parties felt was a potential way forward.

#### *Maniapoto Māori Trust Board*

3.5.119. As outlined above, the Nga Wai o Maniapoto (Waipā River) Act 2012 (the Waipā River Act) was enacted to give effect to the Deed in relation to go-governance and co-management of the Waipā River that was entered into by the Maniapoto Trust Board and the Crown. The Deed was directed to deliver a new era of co-management over the Waipā River with an overarching purpose of restoring and maintaining the quality and integrity of the waters that flow into and form part of the Waipā River for present and future generations and the care and protection of the mana tuku iho o Waiwaia (ancestral authority and prestige handed down from generation to generation in respect of Waiwaia (the personification of the waters of the Waipā River, its ancient and enduring spiritual guardians).

3.5.120. From the Act coming into force, a joint management agreement was entered into by Maniapoto Trust Board and Waipā District Council. In the joint management agreement the parties acknowledged and agreed that in working together they would:

- (a) Give appropriate weight to the relevant matters and documents provided for under the Waipā River Act, including:

- (i) the overarching purpose of the Waipā River Act, being to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipā River for present and future generations and the care and protection of the mana tuku iho o Waiwaia;
  - (ii) Te Ture Whaimana;
  - (iii) The Waipā River Integrated River Management Plan;
  - (iv) The Maniapoto Objectives for the Waipā River as outlined in Schedule Two; and
  - (v) The Maniapoto Iwi Environmental Management Plan;
- (b) Respect the mana of Maniapoto;
  - (c) Act in a manner consistent with the principles of Te Tiriti o Waitangi / The Treaty of Waitangi; and
  - (d) Recognise the statutory functions, powers and duties of the Local Authorities under legislation.
  - (e) Commit to work together in good faith and a spirit of co-operation;
  - (f) Commit to open, honest and transparent communication;
  - (g) Recognise and acknowledge that the Parties will benefit from working together by sharing their respective vision, knowledge and expertise;
  - (h) Ensure early engagement and a “no surprises” approach;
  - (i) Recognise that the relationship between the Parties will evolve;
  - (j) Promote the principle of and efficient participation in co-management;
  - (k) Recognise that co-management and this Agreement operates within statutory frameworks that must be complied with;
  - (l) Commit to meeting statutory timeframes and minimising delays and costs associated with those statutory frameworks; and
  - (m) Use their best endeavours to ensure that the purpose of this Agreement is achieved in an enduring manner.

3.5.121. Section 6 of the agreement outlines the expectations regarding the Resource Management Act 1991 planning documents. In a joint management agreement hui with Maniapoto and others held on 27 May 2022, the matter of Plan Change 26 was raised. Apologies were given by Waipā District Council to the joint management agreement partners that detailed iwi consultation over the plan change was unable to occur due to the tight timeframe that had been set for the notification of all the intensification planning instruments by the government. Discussion was had around consultation occurring after the plan change had been notified which all parties felt was a potential way forward.

### **Iwi Environmental Plans**

3.5.122. An iwi management plan is a document developed and approved by iwi to address matters of resource management activity of significance within their respective rohe (region). The plans can contain information relating to specific cultural values, historical accounts,



descriptions of areas of interest (hapū/iwi boundaries) and consultation and engagement protocols for resource consents and plan changes.

- 3.5.123. These plans are considered by the council in the management of the district's resources, providing a formal way for iwi interests to be incorporated into the council's decision making.

*Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Iwi Environmental Management Plan*

- 3.5.124. Tai Tumu Tai Pari Tai Ao (the Plan) was developed out of Whakatupuranga 2050. Whakatupuranga 2050 is a long-term development approach to building the capacity of Waikato-Tainui marae, hapū, and iwi and will be a legacy for those who come after.
- 3.5.125. Key strategic objectives include tribal identity and integrity, including to grow their tribal estate and manage their natural resources. The Plan is designed to enhance Waikato-Tainui participation in resource and environmental management
- 3.5.126. The purpose of the Plan is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. The Plan is also intended as a tool to provide clear high-level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment to resource managers, users and activity operators, and those regulating such activities within the Waikato-Tainui rohe.
- 3.5.127. The Plan highlights the important role that Te Ture Whaimana plays in the Waikato rohe (section 11). As previously discussed, Te Ture Whaimana is intended to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the River. In addition, the Plan notes that Te Ture Whaimana generally prevails over any inconsistencies in other policies, plans, or processes affecting the Waikato River. Relevant policies, plans, and processes cannot be amended so that they are inconsistent with Te Ture Whaimana and must be reviewed and amended, if required, to address any inconsistencies.
- 3.5.128. Section 19 of the Plan sets out provisions for Te Wai Māori – Freshwater. It is stated that the significance of water to Waikato-Tainui is immeasurable and the respect tāngata whenua has for it is demonstrated by the manner and purposes for which it is used and handled. This includes certain waters being used only for bathing, blessings, healing, spiritual cleansing, gathering kai, and waters that are totally excluded from use for cultural reasons.
- 3.5.129. Waipā District Council has given effect to Te Ture Whaimana and has taken into consideration the objectives and policies of the Plan. The proposed amendments to the Waipā District Plan have been done using a Te Ao Māori world view and with the perspective that everything is interconnected to each other so an impact on one natural resource could impact on other natural and built resources.

*Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan*

- 3.5.130. Te Rautaki Taiao a Raukawa, the Raukawa Environmental Management Plan provides a statement of values, experiences and aspirations pertaining to the management of, and relationship with the environment.
- 3.5.131. The Plan is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. The Plan does not usurp or undermine the rights of Raukawa marae and hapū to engage in the resource management processes or develop their own plans and is not a substitute for consultation.
- 3.5.132. The overall purpose of the Plan is two-fold. Firstly, the Plan provides a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of our environment. Secondly, the Plan is a living and practical document that assists Raukawa to proactively and effectively engage in and shape current and future policy, planning processes, and resource management decisions.
- 3.5.133. The Plan is based on a holistic and integrated view of all the environment. The Plan is centred around the concept of interconnectedness - The environment and all natural systems are interconnected – elements cannot and should not be viewed in isolation. The Plan also advocates for a long term approach to planning at all times with keeping in sight the collective intergenerational responsibilities of the people.
- 3.5.134. The Plan notes that Raukawa are a people of three rivers: Waikato, Te Waihou, and the Upper Waipā. Raukawa considers that water is not separate from people or from its surrounds. Water cannot be separated or assessed in isolation from the environment as a total entity. Raukawa regards all water as a connected and living entity that includes constituent parts (i.e. surface, banks, bed, flood plains etc.), intrinsic values, and meta-physical being. The Plan states that freshwater is considered as essential to Raukawa's physical, social, cultural, environmental, and economic wellbeing.
- 3.5.135. The Management Plan makes many suggestions about improving the quality of water, and requests that local authorities restore and protect the mana and mauri of water bodies, and ensure the health and wellbeing of water bodies so they are safe to take food from and swim in all year round.
- 3.5.136. Plan Change 26 has taken Te Rautaki Taiao a Raukawa into account through the recognition that the intensification of housing will increase non-point source discharges (e.g. stormwater) which ultimately and directly impact on water quality.

*Ko Tā Maniapoto Mahere Taiao – Maniapoto Environmental Management Plan*

- 3.5.137. The vision for Ko Tā Maniapoto Mahere Taiao (the Plan) is environmental sustainability. The Plan is a high level direction setting document. It describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships.

3.5.138. The aims of the Plan are to:

- Give effect to the overarching purpose of Ngā Wai o Maniapoto Waipā River Act 2012 (Waipā River Act) to restore, maintain, and protect the quality and integrity of the waters that flow into and form part of the Waipā River for present and future generations.
- Raise awareness and understanding of Maniapoto values, interests, and aspirations in the management of physical and natural resources.
- Outline issues that Maniapoto perceive effect Maniapoto values, interests and aspirations in the management of physical and natural resources.
- Outline expectations, through policies and actions, that should resolve the above issues.

3.5.139. The Plan recognises Te Ture Whaimana as the primary direction setting document for the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers for current and future generations.

3.5.140. Plan Change 26 has taken Ko Tā Maniapoto Mahere Taiao into account through the recognition that the intensification of housing will increase non-point source discharges (e.g. stormwater) which ultimately and directly impact on water quality.

## 3.6. Other Considerations

### *Regional Infrastructure Technical Specification*

3.6.1. The Regional Infrastructure Technical Specification (RITS) is part of an integrated approach to development, subdivision and contracts across the Waikato region. The RITS is a means of compliance with the Waipā District Plan and aims to provide greater consistency for all users, whether in Waipā or in one of the other seven council areas.<sup>25</sup>

3.6.2. RITS sets out the standards for the design and construction of public infrastructure for several councils within the Waikato Region. The philosophy underpinning the Infrastructure Technical Specifications is to:

- (a) Maximise the efficient use of infrastructural resources to ensure that any infrastructural development work is cost effective and appropriate for the long term; and
- (b) Provide a means to achieve requirements set down in the relevant district plan, resource consent(s), or contract when specified.; and
- (c) Provide a means for alternative/innovative design and construction to be considered when undertaking infrastructure development or development works; and
- (d) Provide context and support to urban design when considering development works proposals; and

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<sup>25</sup> RITS is used by the following Councils – Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Waikato District Council, Waitomo District Council and Waipā District Council.

- (e) Be a 'living' document that is easily updated as standards, construction or materials change as well as respond to matters amended in the relevant District Plan via plan change processes or similar; and
- (f) Be used for the design and construction of new infrastructure and for maintenance of existing infrastructure, including asset renewal, unless the standards are not compatible with the existing assets.

3.6.3. RITS is the Council's acceptable technical specification and is governed by the requirements of the Local Government Act 2002. The purpose of RITS is to provide a single regional guide and specifications for building public infrastructure. The document contains the technical specifications for:

- (a) Transportation.
- (b) Stormwater, including catchpits, design, manholes, pipe laying and network, trench backfill, wetlands and ponds and wetlands construction.
- (c) Wastewater including design, manholes, pipe laying and networks, pump station controls, trench backfill, and flow meter draw down tests.
- (d) Water supply including design, pipe laying and final inspections.
- (e) Landscaping.

3.6.4. RITS sets out the requirements for earthworks and Geotech, transportation, stormwater, wastewater and water supply (3 Waters) and landscape. The relevant sections of RITS that have been considered in the development of Plan Change 26 – stormwater, wastewater, water supply and landscape.

#### Stormwater

3.6.5. The section sets out requirements for the design and construction of stormwater systems for land development and subdivision. It is noted that stormwater systems have the potential to convey pollutants and increase the flow rate and volume of water to a receiving environment such as streams (natural and modified), rivers, lakes and groundwater. It is recognised that discharges will impact on these environments and the environmental, cultural and social values which they support.

3.6.6. RITS provides high level guidance to designers with an understanding of the key design considerations to support good performance outcomes. RITS requires that the design of the stormwater system shall ensure an acceptable stormwater service for each property by providing a treatment, control and disposal system within each property boundary, or a service connection from each property to a stormwater management system, or a combination of the above.

#### Wastewater

3.6.7. This section of RITS sets out requirements for the design and construction of wastewater systems for land development and subdivision. It focuses generally on the standards required for conventional reticulation systems.



3.6.8. The objective for wastewater is:

*“To provide an environmentally sustainable wastewater system, which produces no objectionable odour, does not overflow or adversely affect receiving waters, and is affordable while meeting the Regional Council discharge rules and consents, as well as meets Council’s levels of service”.*

3.6.9. The design of the wastewater system shall ensure an acceptable wastewater service for each property by providing a wastewater main laid generally within the Road reserve and at a level that will allow a gravity connection by a private line laid in accordance with the Building Act 2004 and providing a service connection from the main to each property.

3.6.10. RITS requires that the wastewater system meet the minimum design life requirement considering structural strength, design loadings, soil conditions and wastewater conditions (internal and external corrosion). The system shall be designed to minimise the potential for water ingress and egress using good design practise and new technologies.

Water Supply

3.6.11. The section sets out the requirements for the design and construction of water networks for land development and subdivision. It covers the design of water pipes for the purpose of supplying water for drinking, including Restricted Flow Supply, and firefighting purposes up to and including 250 mm diameter.

3.6.12. The objective for water supply is to supply the required quality and quantity of water to all customers as required by legislation and to Council’s minimum level of service. The design of the water network shall ensure an acceptable water supply for each property, including fire flows, by providing a service connection from the watermain to each property

3.6.13. Designers are required to consider the hydraulic adequacy of the network including the specified levels of service, water quality and impact on the existing network. A minimum design life requirement of 100 years is required taking into account structural strength, design loadings, soil conditions and water conditions.

Landscape

3.6.14. The landscape section sets out requirements for the design and construction of landscaping and planting for land development and subdivision. Landscape design has application throughout the subdivision and development process. As such, it should be considered in the early stages of a development and at this initial concept stage it is important to establish objectives for overall landscape design involving the appropriate professionals to assess the natural systems, vegetation, and landscape features.

3.6.15. The objective of any landscape design shall:

- (a) Maximise long term benefit.
- (b) Minimise on-going maintenance works.
- (c) Protect, maintain and restore existing natural ecosystems, vegetation, and landscape features.

- (d) Respond to the surrounding landscape character and context including cultural and heritage (including waahi tapu), ecological and geological elements.
- (e) Contribute to ecological and habitat biodiversity.
- (f) Provide amenity open space, “buffer areas”, open space connections and access to watercourses
- (g) Enhance and strengthen existing character and intended future character.
- (h) Promote integrated neighbourhoods.
- (i) Use species that will quickly establish and form a weed suppressing canopy.
- (j) Provide a coherent design.
- (k) Protect and enhance existing vegetation.
- (l) Minimise risk to the public.

3.6.16. RITS is directly relevant to Plan Change 26 as it sets out the best practice requirements for building efficient and effective infrastructure. By providing the specific design specification, RITS can assist with long term planning for the maintenance and upgrading of infrastructure and ensures consistency occurs across the Waikato District in the materials used and the specification required to be met.

#### New Zealand Urban Design Protocol

3.6.17. Waipā District Council is a signatory to the New Zealand Urban Design Protocol (Protocol), a document that provides a platform to make New Zealand towns and cities more successful through quality urban design. Urban design seeks to ensure that the design of buildings, places, spaces and networks that make up our towns and cities, work for all of us, both now and in the future.

3.6.18. The Urban Design Protocol identifies seven essential design qualities that together create quality urban design. These are summarised as:

- (a) *Context*: seeing buildings, places and spaces as part of whole towns and cities;
- (b) *Character*: reflecting and enhancing the distinctive character, heritage and identity of our urban environment;
- (c) *Choice*: ensuring diversity and choice for people;
- (d) *Connections*: enhancing how different networks link together for people;
- (e) *Creativity*: encouraging innovative and imaginative solutions;
- (f) *Custodianship*: ensuring design is environmentally sustainable, safe and healthy;
- (g) *Collaboration*: communicating and sharing knowledge across sectors, professions and with communities.

3.6.19. The Protocol has an expectation that signatories will be committed to quality urban design and will implement it through the work of each organisation.

- 3.6.20. Although urban design is mostly seen above ground it is important that public infrastructure performs in a way that does not result in poor environmental and amenity outcomes. The New Zealand Urban Design Protocol is directly relevant to Plan Change 26 as the intensification of housing will need to be managed carefully to ensure that the final outcome results in liveable spaces with good urban design.

#### Future Proof and Waipā 2050 (Growth Strategy)

##### *Future Proof Strategy*

- 3.6.21. The Future Proof Strategy is a 30-year growth management and implementation plan for three local authorities (Hamilton City, Waikato and Waipā Districts) and Waikato Regional Council. It is a high-level policy document with several principles and outcomes sought that are relevant to this proposed plan change.
- 3.6.22. An updated Strategy was released in October 2021 and decisions on submissions to the updated Strategy occurred in June 2022. The updated Strategy factors in key national documents and initiatives such as the National Policy Statement on Urban Development and the Government's Urban Growth Agenda.
- 3.6.23. The Strategy incorporates seven transformational moves for change:
- *Iwi aspirations*: enhancing the health and wellbeing of the Waikato River in accordance with Te Ture Whaimana, and iwi place-based aspirations;
  - Putting the Waikato River at the heart of planning;
  - A radical transport shift to a multi-modal transport network shaped around where and how communities will grow;
  - A vibrant metro core and lively metropolitan centres
  - A strong and productive economic corridor at the heart of the metro area;
  - Thriving communities and neighbourhoods including quality, denser housing options that allow natural and built environments to co-exist and increase housing affordability and choice;
  - 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.
- 3.6.24. The updated Strategy contains a settlement pattern that has been updated to reflect the latest development demand and supply information (from the Housing and Business Assessment reports) to ensure there is sufficient urban land to meet demand, plus a margin above demand to ensure there are competitive land markets in the sub-region. The Strategy continues to support a compact urban form and includes provisions to meet the requirement in the National Policy Statement on Urban Development to be responsive to out-of-sequence or unanticipated development. Growth target densities of twenty-five to thirty-five dwellings per hectare has been set in the equivalent medium density residential zones.

### Tāngata Whenua

- 3.6.25. A central driver of the updated Future Proof strategy is to reflect the aspirations of tāngata whenua. This means the enhancement of the environmental health of the Waikato and Waipā rivers in accordance with Te Ture Whaimana.
- 3.6.26. A section of the Strategy clearly states the high-level aspirations of tāngata whenua as a key part of Future Proof's overall growth management approach. The sustainable, integrated, and holistic management of natural resources is of core importance to tāngata whenua. This includes enhancing the environmental health of the Waikato and Waipā rivers in accordance with Te Ture Whaimana.<sup>26</sup>
- 3.6.27. Tāngata whenua seek further support and partnership to embrace environmental, social and economic opportunities within the sub-region.
- 3.6.28. To achieve the objectives in the National Policy Statement on Urban Development in relation to well-functioning urban environments, planning decisions need to contribute towards urban environments which have or enable a variety of homes that allow Māori to express their cultural traditions and norms. Local authorities must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments.
- 3.6.29. The updated Future Proof Strategy identifies priority locations for urban development in line with tāngata whenua aspirations. This encompasses specifically targeted economic and infrastructural development associated with the significant Māori asset base in the sub-region.

### Waikato and Waipā Rivers and the Blue-Green Network

- 3.6.30. The Waikato River and its major tributary, the Waipā River, are defining ecological features of the Future Proof sub-region and are at the heart of a blue-green network which supports environmental and recreational use, creating a sense of place and shaping the growth and development of much of the sub-region.
- 3.6.31. The primary direction for the health and wellbeing of the Waikato River and its catchments, which includes the lower reaches of the Waipā River, is established through Te Ture Whaimana to achieve its restoration and protection for future generations.
- 3.6.32. There is significant evidence that the Waikato River and its catchment is degraded across much of its length. In terms of cities and towns, the way that wastewater and stormwater are managed, as well as the allocation of water is inextricably linked to the health and wellbeing of the river. A collective and integrated approach to the management of three waters and its linkage with land use, development and transport planning and policy is critical to improving the health and wellbeing of the river.

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<sup>26</sup> Future Proof (2021) *Future Proof Strategy Consultation Draft* (September 2021), p39.

### Three Waters and Other Infrastructure

- 3.6.33. A key enabler and constraint for sustainable development and growth in the metro area are the three waters resources, infrastructure and services. While the delivery of sustainable and integrated three water services is essential for the Future Proof sub-region to grow over time, any services must be able to meet the objectives and strategies of Te Ture Whaimana with the ultimate aim of restoring and protecting the health and wellbeing of the Waikato River and its catchment.
- 3.6.34. The updated Strategy recognises the need for change in the way three water infrastructure is planned for and managed. There must be a strong and collaborative approach across the three councils in partnership with iwi and tāngata whenua to ensure that the sub-region becomes water sensitive in how water is allocated and used and gives effect to Te Ture Whaimana while meeting the current and future needs of communities.
- 3.6.35. The Strategy acknowledges the three waters reform that is currently underway and sees the work that is currently being done in the three waters space as an important contributor to the strategic planning required to ensure resilient, efficient, affordable and sustainable three waters services for the sub-region in the future.<sup>27</sup>

### Waipā 2050 Growth Strategy

- 3.6.36. Waipā 2050 aims to ensure that our district remains a great place to live, work and play, well into the future. By 2050 it is anticipated the district will be home to an additional 25,000 people. The purpose of this strategy is to provide direction as to where this population increase will be accommodated within the district, whilst ensuring that the special features of the Waipā District are retained.
- 3.6.37. The Strategy (last reviewed in 2017) provide as clear framework outlining what it is we aspire to have in the area, where additional population and employment is to be provided for and when and how this is expected to be done. Underpinning all this is the desire to ensure that, in planning for and managing growth, the character that distinguishes Waipā from elsewhere remains and is enhanced.

### Conclusion

- 3.6.38. Plan Change 26 implements the above strategic documents through the recognition of the importance that they play in providing an integrated and co-ordinate approach to development and infrastructure provision across the Hamilton City, Waikato and Waipā districts.
- 3.6.39. The strategic documents outlined above place paramount importance on Te Ture Whaimana and the restoration and protection of the Waikato and Waipā Rivers and their catchments. The documents also highlight the need for a consistent and co-ordinated approach to the development, maintenance and upgrading of infrastructure to ensure that it is fit for purpose and meets the needs of the communities that it serves.

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<sup>27</sup> Future Proof (2021) Future Proof Strategy Consultation Draft (September 2021), p82.



### 3.7. Development of Proposed Plan Change 26

- 3.7.1. The development of Plan Change 26 began in December 2021 when the government enacted the Resource Management (Enabling Housing and Other Matters) Bill on 20 December 2021. The Amendment Act requires a mandatory plan change to the plans of local authorities who were classified as tier 1 local authorities. This included Waipā District Council.
- 3.7.2. Technical reports were commissioned to support the development of and information contained in Plan Change 26. These reports are:
- *Character Area Review for Waipā District Council* (April 2022), Paua Architects Limited.
  - *Residential Capacity Modelling Medium Density Residential Standards Waipā District* (July 2022), Market Economics.
  - *Transportation Infrastructure Assessment* (June 2022), BBO.
  - *Draft Plan Change 26 Water and Wastewater Infrastructure Assessment* (August 2022), WSP.
  - *Waipā District Council Plan Change 26: Green Infrastructure/Public Open Space Network Assessment* (July 2022), Xyst Limited.
  - *Stormwater Infrastructure Assessment* (July 2022), Te Miro Water.
  - *Summary Synthesis Report: Infrastructure Report Draft Plan Change 26* (August 2022), Beca Limited.
- 3.7.3. Consultation was undertaken with staff and the Strategic Planning and Policy Committee to develop the preferred option for the plan change. Regular update reports were provided to the Strategic Planning and Policy Committee and the Iwi Consultative Committee. Workshops were held with the Strategic Planning and Policy Committee to keep them informed of the issues and options, and progress being made on the potential plan change.
- 3.7.4. One decision that was made from the internal consultation that was carried out was to exclude papakainga from the proposed plan change and to make it the subject of a separate plan change. One of the main reasons for this was the fact that Plan Change 26 had a very tight timeframe attached to it and the Council did not want to compromise the engagement it had with iwi and mana whenua over such an important issue as papakainga.
- 3.7.5. A draft working copy of Plan Change 26 document and the accompanying draft Section 32 Report was provided to Waikato-Tainui, Maniapoto and Raukawa on 13 July 2022 for comment. This was to fulfil Council's obligations under Clause 4A of the First Schedule of the Resource Management Act 1991 and under the various Joint Management Agreements that Council has with Tangata Whenua in the District. Pre consultation was limited due to the tight timeframes set out in the Resource Management Act 1991.
- 3.7.6. Council staff identified key stakeholders that included adjoining territorial authorities and the Ministry for the Environment. A draft working copy of Plan Change 26 document and the accompanying draft Section 32 Report was sent to these stakeholders on 13 July 2022.

## 4. Issues

Six issues were identified in relation to Plan Change 26. These issues are outlined in detail below.

### 4.1. Issue 1 – Relevant residential zones

- 4.1.1. Section 77G of the Resource Management Act 1991 requires specified territorial authorities to incorporate the medium density residential standards into relevant residential zones and to give effect to policies 3 or 5 of the National Policy Statement on Urban Development 2020, in their district plans.
- 4.1.2. Section 2 of the Resource Management Act 1991 defines a relevant residential area as:
- (a) means all residential zones; but
  - (b) does not include—
    - (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.
- 4.1.3. Plan Change 26 specifically focuses on the towns of Cambridge (including Hautapu), Kihikihi and Te Awamutu as these towns meet the definition of urban environment as set out above. Both Cambridge and Te Awamutu are expected to grow significantly in population over the next 20 years. The towns current populations are both over 10,000 at the time of writing this report with Cambridge having a population of 15,192 and Te Awamutu with a population of 14,454.<sup>28</sup>
- 4.1.4. Kihikihi has been included in Plan Change 26 due to its proximity to Te Awamutu and the potential for the town to grow in size over the next 20 years. Kihikihi is also located within the urban limits for Te Awamutu as shown on the Policy Areas maps.
- 4.1.5. Hautapu has been included in the proposed plan change as it is located within the urban limits for Cambridge.
- 4.1.6. The following towns and areas have been specifically excluded from Plan Change 26 as they either do not meet the definition for a relevant residential zone or are zoned large lot residential with Council having no plans to change this zoning in the short to medium term.

**Table 2: Towns and Areas excluded from Proposed Plan Change 26**

| Town / Area | Planning Map | Town                     | Planning Map |
|-------------|--------------|--------------------------|--------------|
| Arapuni     | 47           | Bruntwood                | 21           |
| Fencourt    | 29           | Lowe Road / Peacockes Rd | 18           |
| Karapiro    | 31 and 32    | Ngahinapouri             | 34           |

<sup>28</sup> <https://all-populations.com/en/nz/list-of-cities-in-new-zealand-by-population.html> downloaded at 2.10pm on 26/06/2022.

| Town / Area     | Planning Map | Town      | Planning Map |
|-----------------|--------------|-----------|--------------|
| Ohaupo          | 35           | Pirongia  | 36           |
| Pukeatua        | 45           | Rukuhia   | 16           |
| St Leger        | 40           | Te Mawhai | 43           |
| Te Miro         | 20           | Te Pahu   | 33           |
| Wharepapa South | 46           |           |              |

## 4.2. Issue 2 – Application of the Medium Density Residential Standards

- 4.2.1. Section 77G of the Resource Management Act 1991 (RMA) requires that the medium density residential standards are incorporated into every relevant residential zone. This means that all the residential zones shown on the District Planning Maps for Cambridge, Te Awamutu and Kihikihi will have the new standards applied to them.
- 4.2.2. The new medium density residential standards will not be applied to any of the towns or areas set out in Table 2 above as these have been excluded from the proposed plan change.

## 4.3. Issue 3 - Qualifying matters and modifications to the Medium Density Residential Standards

- 4.3.1. The Council may modify the medium density residential standards where necessary to accommodate qualifying matters. Section 77I of the Resource Management Act 1991 sets out the relevant qualifying matters. The following qualifying matters from section 77I have been applied to Plan Change 26:
- (a) A matter of national importance that decision makers are required to recognise and provide for under section 6 (s77I(a));
  - (b) A matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010 (s77I(b));
  - (c) A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River (s77I(c));
  - (d) A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure s77I(e);
  - (e) Open space provided for public use, but only in relation to land that is open space (s77I(f));
  - (f) The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order (s77I(g)); and
  - (g) Any other matter that makes higher density, as provided for by the Medium Density Residential Standards or policy 3, inappropriate in an area, but only if section 77L is satisfied (s77I(j)).
- 4.3.2. Section 77L sets out the additional information that must be included in the evaluation report when s77I(j) is used as a qualifying matter. Requirements include a site-by-site analysis which evaluates the specific characteristic to determine the geographical area where intensification is compatible with the specific matter. The evaluation report must also contain an evaluation of an appropriate range of options to achieve the greatest

heights and densities permitted by the medium density residential standards (as specified in Schedule 3A of the Resource Management Act 1991) or as provided for by policy 3 while managing the specific characteristics.

- 4.3.3. The Council has modified the medium residential standards where a qualifying matter applies. The modification may include a lower density rate, increased setback from a boundary amongst other matters.
- 4.3.4. Waipā District Council has identified and applied the following qualifying matters for Plan Change 26:
- (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 (new qualifying matter, s77I(c));
  - (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 (new qualifying matter, s77I(b));
  - (c) Where historic or special character related values are present and could be lost through uncontrolled development (existing qualifying matter which is already provided for in the operative Waipā District Plan, ss77I(a) and 77I(j));
  - (d) Where outstanding natural features and landscapes are present and may be adversely affected by inappropriate subdivision, use and development (existing qualifying matter which is already provided for in the operative Waipā District Plan, s77I(a));
  - (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 with no restrictions on their use (existing qualifying matter which is already provided for in the operative Waipā District Plan and new qualifying matter, (s77I(a));
  - (f) Where sites are located proximate to nationally significant infrastructure, such as the National Grid transmission lines and the North Island Main Trunk railway line (existing qualifying matter which is already provided for in the operative Waipā District Plan (s77I(e)).
  - (g) Where it is necessary to control subdivision and development to manage significant risks from natural hazards (existing qualifying matter which is already provided for in the operative Waipā District Plan, s77I(a)); and
  - (h) Where there are site-specific matters which make higher density inappropriate such as protected trees and specific requirements applying within Structure Plans (existing qualifying matters already provided for in the operative Waipā District Plan s77I(j)); and
  - (i) Other site specific matters such as character clusters and character streets (new qualifying matter under s77I(j)).

#### **4.4. Issue 4 – Give effect to Policy 3 of the National Policy Statement on Urban Development 2020**

4.4.1. Sections 77G and 77N of the Resource Management Act 1991 requires that a specified territorial authority must give effect to policy 3 in every residential and non-residential zone in an urban environment.

4.4.2. Policy 3 of the National Policy Statement on Urban Development 2020 reads:

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

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*
- (c) building heights of at least 6 storeys within at least a walkable catchment of the following:*
  - (i) existing and planned rapid transit stops*
  - (ii) the edge of city centre zones*
  - (iii) the edge of metropolitan centre zones; and*
- (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.*

4.4.3. After an assessment of Policy 3, Council staff have arrived at the following conclusions:

- (a) Policy 3(a) is not relevant to the Waipā district as there are no city centres located within the district.
- (b) Policy 3(b) is not relevant as there are no metropolitan areas within the Waipā District.
- (c) Policy 3(c) is not relevant given that there are no city centres or metropolitan areas and no existing or planned rapid transit stops within the Waipā District.

4.4.4. Policy 3(d) is relevant for Plan Change 26. The proposed plan change is enabling housing densities to occur that are appropriate to the level of commercial activities and community services existing in Cambridge, Kihikihi and Te Awamutu.

4.4.5. Policy 5 of the National Policy Statement is not considered to be relevant to this plan change as it is focused at tier 2 and 3 local authorities. Waipā District Council has been classified as a tier 1 local authority under the National Policy Statement.

#### **4.5. Issue 5 – Supporting and Consequential Amendments**

4.5.1. As a result of introducing the Medium Density Residential Standards into the operative Waipā District Plan, supporting and consequential amendments have been made to related provisions. Amendments have been made to section 18 'Financial Contributions' to ensure the application of the rules is easier to understand as well as introducing dollar amounts



per bedroom and dwelling that can be applied. The ability to require financial contributions for the implementation of Te Ture Whaimana is also proposed.

#### **4.6. Issue 6 - Planning Maps**

- 4.6.1. The introduction of the medium density residential standards will require that the Waipā District Planning Maps will need to be updated to show the new medium density residential zones that are being introduced as a result of Plan Change 26.
- 4.6.2. The planning maps will also need to be updated to show the areas that have been deleted as well as the application of the new qualifying matters across the urban environments of Cambridge, Kihikihi and Te Awamutu. Council considers that it is essential that the planning maps are updated to show the correct zonings and overlays for the Waipā District.

### **5. Objectives**

- 5.1.1. The objectives of Plan Change 26 are to:
  - (a) Apply the medium density residential standards to the relevant residential zones in the Waipā District and amend the operative Waipā District Plan and Planning Maps to reflect the new standards as required.
  - (b) To identify relevant qualifying matters (both existing and new) and modify the medium density residential standards where it is appropriate to do so.
  - (c) To give effect to Policy 3(d) of that National Policy Statement on Urban Development 2020.
  - (d) Make supporting and consequential amendments as a result of introducing the Medium Density Residential Standards into the operative Waipā District Plan.
  - (e) To update the planning maps so that they show the new medium density residential zone and qualifying matters overlays.
- 5.1.2. The planning outcome sought by Objective 1 is to ensure that the medium density residential standards as set out in Schedule 3A of the Resource Management Act 1991 are introduced into relevant residential zones across Cambridge, Kihikihi and Te Awamutu of the operative Waipā District Plan.
- 5.1.3. The planning outcome sought for Objective 2 is to provide for the modification of the medium density residential standards where necessary to accommodate appropriate qualifying matters.
- 5.1.4. For Objective 3, the planning outcome is to ensure that the Waipā District Plan contains provisions that comply with Policy 3 of the National Policy Statement on Urban Development 2020.
- 5.1.5. The planning outcome for Objective 4 is to ensure that appropriate supporting and consequential amendments are made to support the inclusion of the medium residential standards in the district plan.

- 5.1.6. For Objective 5, the planning outcome sought is to ensure that the operative Waipā District Plan Planning Maps accurately reflect the new zone and overlays created. For Objective 4 the planning outcome sought is to ensure that all supporting and consequential amendments required as a result of introducing the Medium Density Residential Standards have been made.

## 5.2. Relevance of existing objectives

- 5.2.1. The operative Waipā District Plan does not currently contain any specific objectives that address intensification using the Medium Density Residential Standards.

## 5.3. Appropriateness of Proposed Plan Change 26 Objectives

- 5.3.1. The purpose of the Resource Management Act 1991 is to promote the sustainable management of both natural and physical resources. Council's primary tool to support this purpose is the District Plan. The tables below examine the objectives of Plan Change 26 with regard to whether it is appropriate in order to achieve the purpose of the Act.

**Table 3: Assessment of Objective 1**

| Assessment of appropriateness of Plan Change Objective | Objective 1: Apply the medium density residential standards to the relevant residential zones in the Waipā District and amend the operative Waipā District Plan and Planning Maps to reflect the new standards as required. |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relevance                                              | The proposed plan change is a mandatory plan change put in place by central government through the enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.                     |
| Usefulness                                             | The proposed plan will comply with central government direction and has the potential to increase the supply of housing in the short to medium term.                                                                        |
| Achievability                                          | The amendment of the operative District Plan to introduce the medium density residential standards will be achieved through the use of the intensification streamlined planning process.                                    |
| Reasonable                                             | Has the potential to provide a greater supply of housing in the short to medium term.                                                                                                                                       |

**Table 4: Assessment of Objective 2**

| Assessment of appropriateness of Plan Change Objective | Objective 2: To identify relevant qualifying matters (both existing and new) and modify the medium density residential standards where it is appropriate to do so                                                                                                                                                                            |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relevance                                              | The use of qualifying matters will enable the protection of significant matters that are important to the people and communities of the Waipā District.<br><br>Using qualifying matters will also help Council to give effect to the relevant national and regional planning instruments as required under the Resource Management Act 1991. |
| Usefulness                                             | The use of qualifying matters will allow modifications to the medium density residential standards to be made which, in turn, will assist with the protection of significant matters as currently defined in the operative District Plan.                                                                                                    |

| Assessment of appropriateness of Plan Change Objective | Objective 2: To identify relevant qualifying matters (both existing and new) and modify the medium density residential standards where it is appropriate to do so |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Achievability                                          | Amending the District Plan to include appropriate qualifying matters is achievable through the use of the intensification streamlined planning process.           |
| Reasonable                                             | Consistent with community expectations that the Council will protect significant matters within the district as well as providing for more housing to be built.   |

**Table 5: Assessment of Objective 3**

| Assessment of appropriateness of Plan Change Objective | Objective 3: To give effect to Policy 3(d) of the National Policy Statement on Urban Development 2020.                                        |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Relevance                                              | There is a legal requirement for the Waipā District Plan to give effect to the relevant clauses of Policy 3 of the National Policy Statement. |
| Usefulness                                             | Provides certainty to property owners as to where the new medium density residential zoning will be applied.                                  |
| Achievability                                          | Amending the District Plan to comply with Policy 3(d) is achievable through the use of the intensification streamlined planning process.      |
| Reasonable                                             | Consistent with expectations that the District Plan will be kept up-to-date and accurate.                                                     |

**Table 6: Assessment of Objective 4**

| Assessment of appropriateness of Plan Change Objective | Objective 4: Make supporting and consequential amendments as a result of introducing the Medium Density Residential Standards into the operative Waipā District Plan.                     |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relevance                                              | There is a need to ensure that there are no inconsistencies and unnecessary conflicts between the Medium Density Residential Standards and other sections of the operative District Plan. |
| Usefulness                                             | Ensures consistency between provisions and sections in the District Plan and ensures the district plan is as up to date as it can be.                                                     |
| Achievability                                          | Amending the District Plan to ensure that there are no inconsistencies and conflict between provisions is achievable using the intensification streamlined planning process.              |
| Reasonable                                             | Consistent with expectations that the District Plan will be accurate and easy to understand and use.                                                                                      |

**Table 7: Assessment of Objective 5**

| Assessment of appropriateness of Plan Change Objective | Objective 5: To update the planning maps so that they show the new medium density residential zone and qualifying matters overlays.                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relevance                                              | <ul style="list-style-type: none"> <li>There is a need to remove the residential zoning from areas within Cambridge, Kihikihi and Te Awamutu as this zoning will be replaced with a medium density residential zone.</li> <li>The District Plan planning maps need to be as accurate as possible to ensure that users are able to gain the correct information when they look at the Plan and the planning maps.</li> </ul> |
| Usefulness                                             | <ul style="list-style-type: none"> <li>Provides certainty to property owners as to where the new medium density residential zoning will be applied.</li> </ul>                                                                                                                                                                                                                                                              |

| Assessment of appropriateness of Plan Change Objective | Objective 5: To update the planning maps so that they show the new medium density residential zone and qualifying matters overlays.                                                                                                                                                                 |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <ul style="list-style-type: none"> <li>Removes zoning that is no longer to be used within the urban environment of the three towns specified.</li> <li>The updating of the planning maps forms part of the intensification streamlined planning process that Council is required to use.</li> </ul> |
| Achievability                                          | <ul style="list-style-type: none"> <li>Amending the District Plan to remove zoning that no longer applies is achievable through the use of the intensification streamlined planning process.</li> </ul>                                                                                             |
| Reasonable                                             | <ul style="list-style-type: none"> <li>Consistent with expectations that the District Plan will be kept up-to-date and accurate.</li> </ul>                                                                                                                                                         |

- 5.3.2. The above assessment has considered relevance, usefulness, achievability and reasonableness in order to determine if the objectives of Plan Change 26 are appropriate for achieving the purpose of the Resource Management Act 1991. Enabling intensification to occur through the medium density residential standards meets the requirement of the Act which is to include the standards into the district plan as well as complying with Policy 3(d) of the National Policy Statement on Urban Development 2020.

## 6. Options to deliver Proposed Plan Change 26 Objectives

- 6.1.1. Section 32(1)(b)(i) of the Resource Management Act 1991 requires this report to identify ‘other reasonably practicable options’ to promote sustainable management, including retaining the status quo, non-regulatory methods and plan changes. This part of the report outlines the processes undertaken and examines other reasonably practicable options considered to achieve the objectives of Plan Change 26.
- 6.1.2. In considering reasonably practicable options, a number of matters were examined before the alternative options were identified. Options were identified through feedback from internal consultation and examination of policy options by other territorial authorities.
- 6.1.3. The alternatives evaluated for the objectives of Plan Change 26 are discussed below.

### 6.2. Option 1 – Plan Change to put the Medium Density Residential Standards into the Waipā District Plan with consequential amendments and no qualifying matters

- 6.2.1. This is the simple option where the medium density residential standards contained in Schedule 3A of the Resource Management Act 1991 are essentially copied over word for word into the operative District Plan and the current residential zone provisions would be deleted.
- 6.2.2. This option would meet Objective 1 but would not meet either Objectives 2 or 3. Under this option, Plan Change 26 would be included in the operative District Plan with no modifications being made to consider the qualifying matters that have been identified throughout the development of this plan change.

6.2.3. As well, throughout the on-going development of the Plan Change which has included workshops with the elected members, it was clearly indicated that they did not support the introduction of the medium density residential standards and their application using a blanket approach.

6.2.4. While option 1 remains a valid option, it would not achieve a rezoning that is fully supported by infrastructure and retains the amenity and character values that are important to the people and communities of the Waipā District.

### 6.3. Option 2 – Other reasonably practicable option - Plan Change to put the Medium Density Residential Standards into the Waipā District Plan with consequential amendments and qualifying matters

6.3.1. This option involves introducing the medium density residential standards into the operative District Plan and modifying the application of the standards in certain areas using appropriate qualifying matters.

6.3.2. The option would achieve all four objectives outlined in section 5 of the report above. It would enable medium density residential development to occur across appropriate medium density residential zones that have the infrastructure to fully support this form of development while retaining the values that are important the people and communities of the Waipā District.

### 6.4. Evaluation of Options

6.4.1. The above section outlines the reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. The following tables assess the efficiency and effectiveness of the proposed provisions in achieving the plan change objectives.

**Table 8: Assessment of the Efficiency and Effectiveness of Objectives 1 to 5**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                  |                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Objective 1: Apply the medium density residential standards to the relevant residential zones in the Waipā District and amend the operative Waipā District Plan and Planning Maps to reflect the new standards as required.</p> <p>Objective 2: To identify relevant qualifying matters (both existing and new) and modify the medium density residential standards where it is appropriate to do so.</p> <p>Objective 3: To give effect to Policy 3(d) of that National Policy Statement on Urban Development 2020.</p> <p>Objective 4: Make supporting and consequential amendments as a result of introducing the Medium Density Residential Standards into the operative Waipā District Plan.</p> <p>Objective 5: To update the planning maps so that they show the new medium density residential zone and qualifying matters overlays.</p> |                                                                                                                                  |                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Option 1: Plan Change to insert the medium density residential standards with consequential amendments and no qualifying matters | Option 2: Other reasonably practicable option – Plan Change to insert the medium density residential standards with consequential amendments and qualifying matters |
| Costs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Environmental:</u>                                                                                                            | <u>Environmental:</u>                                                                                                                                               |



Objective 1: Apply the medium density residential standards to the relevant residential zones in the Waipā District and amend the operative Waipā District Plan and Planning Maps to reflect the new standards as required.

Objective 2: To identify relevant qualifying matters (both existing and new) and modify the medium density residential standards where it is appropriate to do so.

Objective 3: To give effect to Policy 3(d) of that National Policy Statement on Urban Development 2020.

Objective 4: Make supporting and consequential amendments as a result of introducing the Medium Density Residential Standards into the operative Waipā District Plan.

Objective 5: To update the planning maps so that they show the new medium density residential zone and qualifying matters overlays.

|          | Option 1: Plan Change to insert the medium density residential standards with consequential amendments and no qualifying matters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Option 2: Other reasonably practicable option – Plan Change to insert the medium density residential standards with consequential amendments and qualifying matters                                                                                                                                                                                                                                                                                                                      |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <ul style="list-style-type: none"> <li>▪ Fails to acknowledge and provide for the existing features in the environment which make the Waipā District a desirable place to live.</li> <li>▪ Has the potential to introduce a range of reverse sensitivity effects to properties who border the medium density residential zones and who may not be residential in nature.</li> </ul> <p><u>Economic Cost:</u><br/>Cost associated with running the required plan change process including hearings and public notification.</p> <p><u>Social Cost:</u><br/>The potential exists for housing developments to occur that conflict with their surrounding environment and have little or no liveability for the inhabitants.</p> <p><u>Cultural effect:</u><br/>Cultural sites and sites of significance for iwi could be compromised and /or destroyed due to the intensification enabled under the new standards.</p> | <p>None identified.</p> <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> <li>▪ Cost associated with running the required plan change process including hearings and public notification.</li> <li>▪ There is a potential economic cost to people who want to move to the district and find that there is not enough housing available to purchase or rent.</li> </ul> <p><u>Social Cost:</u><br/>None identified.</p> <p><u>Cultural effect:</u><br/>None identified.</p> |
| Benefits | <p><u>Environmental:</u><br/>A certain density of housing will be allowed to occur as a permitted activity and no need for a resource consent to be obtained.</p> <p><u>Economic benefits:</u><br/>Developers will not need to apply for resource consent if they are meeting all of the standards for medium density residential developments.</p> <p><u>Social benefits:</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><u>Environmental:</u><br/>Planned housing intensification can occur that considers several matters such as the protection of cultural sites, urban design and access to open spaces and reserves.</p> <p><u>Economic benefits:</u><br/>Developers may have to amend developments in order to meet the modified medium density residential requirements set out for qualifying matters.</p>                                                                                            |

Objective 1: Apply the medium density residential standards to the relevant residential zones in the Waipā District and amend the operative Waipā District Plan and Planning Maps to reflect the new standards as required.

Objective 2: To identify relevant qualifying matters (both existing and new) and modify the medium density residential standards where it is appropriate to do so.

Objective 3: To give effect to Policy 3(d) of that National Policy Statement on Urban Development 2020.

Objective 4: Make supporting and consequential amendments as a result of introducing the Medium Density Residential Standards into the operative Waipā District Plan.

Objective 5: To update the planning maps so that they show the new medium density residential zone and qualifying matters overlays.

|                                                                                | Option 1: Plan Change to insert the medium density residential standards with consequential amendments and no qualifying matters                                                                                                                                                                                                                                                                                       | Option 2: Other reasonably practicable option – Plan Change to insert the medium density residential standards with consequential amendments and qualifying matters                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                | <p>Additional housing provided in Cambridge, Kihikihi and Te Awamutu.</p> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>No account or recognition has to be given to cultural matters and iwi sites of significance.</li> <li>Limited ability to consult with iwi partners over developments that meet the new medium density residential standards as these can occur as of right.</li> </ul> | <p><u>Social benefits:</u></p> <p>Additional liveable housing provided in Cambridge, Kihikihi and Te Awamutu.</p> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>Cultural matters and sites of significance are recognised and can be protected.</li> <li>Appropriate engagement with iwi partners can occur over each development that has a qualifying matter that requires iwi involvement.</li> </ul> |
| Opportunities for economic growth and employment to be provided or reduced     | <p><u>Economic growth:</u></p> <p>More housing will bring more people into the Waipā District which will support the growth of businesses and industries.</p> <p><u>Employment:</u></p> <p>More employment opportunities may result from the economic growth that occurs as a result of more people coming into the district.</p>                                                                                      | <p><u>Economic growth:</u></p> <p>More housing will bring more people into the Waipā District which will support the growth of businesses and industries.</p> <p><u>Employment:</u></p> <p>More housing will bring more people into the Waipā District which will support the growth of businesses and industries.</p>                                                                                                           |
| Efficiency and Effectiveness of achieving objectives                           | A plan change is both an efficient and effective way to insert the medium density residential standards into the Waipā District Plan.                                                                                                                                                                                                                                                                                  | <p>A plan change is both an efficient and effective way to insert the medium density residential standards into the Waipā District Plan.</p> <p>The use of qualifying matters allows the protection of the values that Waipā communities hold dear to them and want retained.</p>                                                                                                                                                |
| Risk of acting or not acting if there is insufficient or uncertain information | The risk of this option is that Waipā District ends up with intensified density in housing developments that are in conflict with the values the district holds in terms of access to open spaces and reserves, the                                                                                                                                                                                                    | The risk of this option is that it does modify the medium density residential standards which could potentially constrain the application of the standards as a permitted activity.                                                                                                                                                                                                                                              |

Objective 1: Apply the medium density residential standards to the relevant residential zones in the Waipā District and amend the operative Waipā District Plan and Planning Maps to reflect the new standards as required.

Objective 2: To identify relevant qualifying matters (both existing and new) and modify the medium density residential standards where it is appropriate to do so.

Objective 3: To give effect to Policy 3(d) of that National Policy Statement on Urban Development 2020.

Objective 4: Make supporting and consequential amendments as a result of introducing the Medium Density Residential Standards into the operative Waipā District Plan.

Objective 5: To update the planning maps so that they show the new medium density residential zone and qualifying matters overlays.

|                                                  | Option 1: Plan Change to insert the medium density residential standards with consequential amendments and no qualifying matters                                               | Option 2: Other reasonably practicable option – Plan Change to insert the medium density residential standards with consequential amendments and qualifying matters |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| about the subject matter of the provisions       | restoration and protection of the Waikato and Waipā Rivers, the retention of heritage and character items and areas, and the protection of cultural and sites of significance. |                                                                                                                                                                     |
| Overall appropriateness for achieving objectives | This option meets the requirements of the objective but has limitations in its application.                                                                                    | This option both meets the requirements of the objective as well as the protection of values that are important to Waipā residents.                                 |
| Overall rating                                   | Viable but has limitations and risks associated with it.                                                                                                                       | Best option.                                                                                                                                                        |

## **7. Evaluation of Provisions**

### **7.1. Proposed Provision Assessment**

- 7.1.1. This part of the Section 32 analysis assesses if the proposed provisions are the most appropriate to support the Plan Change 26 objectives. The purpose of this evaluation is to ensure that the amended provisions are the most appropriate way to promote the sustainable management of natural and physical resources which is set out in s5 as the purpose of the Resource Management Act 1991.
- 7.1.2. Council is required to assess the efficiency and effectiveness of the Plan Change 26 provisions. “Effectiveness” is the measure of contribution that the proposed provisions make towards resolving the issue, while “efficiency” refers to benefits and costs to all members of society.
- 7.1.3. This part of the report assesses the Plan Change 26 provisions in achieving the objectives outlined earlier in this report. It identifies and assesses the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Plan Change 26 provisions.
- 7.1.4. The Council has not undertaken an evaluation of the medium density residential standards set out in Schedule 3A of the Resource Management Act 1991 as the standards are defined in law and can only be modified in accordance with sections 77I and 77O of the Act.

### **7.2. Proposed Amendments**

- 7.2.1. Waipā District Council is proposing the following amendments to the provisions of the operative Waipā District Plan.

#### **Section 01 – Strategic Policy Framework**

- 7.2.2. Amendments have been made to bring the existing information on Te Ture Whaimana up to the front part of the section. Additions have been made to reflect the importance of Te Ture Whaimana to the Waipā District and the health and well-being of the Waikato and Waipā Rivers and their catchments.
- 7.2.3. Most of the amendments in section 01 have occurred to either update references to National Environmental Standards, National Policy Statements or relevant Waipā District Council publications such as the Environment Strategy.
- 7.2.4. A new clause was introduced into Policy 1.3.3.2 which now reads:
  - 1.3.3.2 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) Residential developments and subdivision being located within the residential zones of Cambridge, Te Awamutu and Kihikihi, and also above ground floor level within the Commercial Zone; provided that this policy does not limit further development within the Residential Zone at Karāpiro identified on Planning Map 31.
- (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.

7.2.5. A new policy has been introduced to support Objective 1.3.3 which relates to planned and integrated development. The new policy reads:

*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.

7.2.6. Two new subclauses have been introduced into section 1.4 ‘Cross Boundary Issues’. These are shown below.

#### **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

...

## Assessment of amendments to Section 01 - Strategic Policy Framework

7.2.7. The table below outlines the effectiveness, efficiency, benefits and costs associated with the main amendments to section 01.

**Table 9: Assessment of effectiveness, efficiency, benefits and costs**

| Proposed Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Benefit/Cost                                                                                                                                                                                                                                                                                                    |
| <p><b>Effectiveness:</b> The amendments proposed have updated the District Plan so that it refers to current planning policy documents. As well the amendments bring Te Ture Whaimana to the front of the section which is consistent with its importance.</p> <p>The new policy addresses a situation which occurs regularly when the Council is approached by developers with out of sequence / zone plan changes, and is consistent with the National Policy Statement on Urban Development 2020.</p> | <p><b>Benefits:</b> The importance of Te Ture Whaimana has been acknowledged in the Council's Strategic Planning Framework and the restoration of the Waikato and Waipā Rivers is paramount to iwi and the council.</p> <p>Provides direction to developers of out of sequence or out of zone plan changes.</p> |
| <p><b>Efficiency:</b> Proposed Plan Change 26 has provided an opportunity to update the district plan in respect of planning policy documents that have been superseded.</p> <p>The inclusion of a policy to address out of sequence and zone plan changes assists the Council in dealing with an issue that impacts on a budgeted work programme.</p>                                                                                                                                                   | <p><b>Costs:</b> None identified.</p>                                                                                                                                                                                                                                                                           |
| <p><b>Opportunities for economic growth and employment to be provided or reduced:</b> None identified.</p>                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                 |
| <p><b>Sufficiency of information and risk of not acting:</b> There is sufficient information to update the out-of-date information and to include new provisions which are relevant to what the Council has been experiencing. By not acting, the district plan would remain out-of-date with no ability to deal with current issues.</p>                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                 |

## Section 02 – Residential Zone

- 7.2.8. Several references to Cambridge, Kihikihi and Te Awamutu are proposed to be deleted as these towns now fall within the medium density residential zone. References to structure plans located in Cambridge and Te Awamutu have been removed along with all references to compact housing.
- 7.2.9. It is also proposed to remove the objective and policies that refer to non-residential activities in structure plan areas.

### Assessment of amendments to Section 02 – Residential Zone

- 7.2.10. The table below outlines the effectiveness, efficiency, benefits and costs associated with the amendments to section 01.

**Table 10: Assessment of effectiveness, efficiency, benefits and costs**

| Proposed Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                                                                                                                                                                                                                                                                                | Benefit/Cost                                                                                                     |
| <b>Effectiveness:</b> The amendments proposed have updated the District Plan so that the residential zone no longer refers to Cambridge, Kihikihi and Te Awamutu or structure plans located in those areas. References to compact housing in the residential zone have also been removed.                                                                                                                                                                               | <b>Benefits:</b> The amendment will ensure clarity over the provisions that apply to specific residential zones. |
| <b>Efficiency:</b> Proposed Plan Change 26 has provided an opportunity to amend the residential zone so that it only contains relevant objectives, policies and rules for the remaining residential zone at Karapiro.                                                                                                                                                                                                                                                   | <b>Costs:</b> None identified.                                                                                   |
| <b>Opportunities for economic growth and employment to be provided or reduced:</b> None identified.                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                  |
| <b>Sufficiency of information and risk of not acting:</b> There is sufficient information to amend the provisions in section 02 so that all references to Cambridge, Kihikihi and Te Awamutu are removed along with any references to structure plans and compact housing.<br>The risk of not acting would result in non-relevant provisions remaining in section 02 and could cause confusion with plan users over what rules apply and what do not and in what areas. |                                                                                                                  |

## Section 2A – Medium Density Residential Zone

- 7.2.11. The Medium Density Residential Standards have been incorporated into the new medium density residential zone and are shown shaded in orange as required by section 80H of the Resource Management Act 1991.

- 7.2.12. The Medium Density Residential Standards have been modified to the extent necessary to accommodate qualifying matters. An assessment of the qualifying matters is outlined in Appendices 2 and 3.

### **Section 15 – Infrastructure, Hazards, Development and Subdivision**

- 7.2.13. The subdivision rules in Schedule 3A of the Act have been incorporated into Section 15. The rules have been modified to the extent necessary to accommodate qualifying matters. An assessment of the qualifying matters is outlined in Appendices 2 and 3.

### **Section 18 – Financial Contributions**

- 7.2.14. Several amendments have been made to section 18 of the district plan. These are:
- (a) The introduction of new definitions that apply to section 18 only. The definitions included relate to the terms ‘bedroom’, ‘betterment’, ‘developer’, ‘development’ and ‘greenfield development’ ;
  - (b) Amendment to the introduction of section 18 to provide an overview of the new financial contributions regime provided;
  - (c) A new section that outlines the purpose of the financial contributions;
  - (d) The introduction of resource management issues, objectives and policies for financial contributions; and
  - (e) The introduction of general rules and specific rules relating to infrastructure and heavy vehicles.
- 7.2.15. New purposes for the use of financial contributions have been included in the section and these relate to Te Ture Whaimana, three waters / transport network connections; three waters / transport network improvements; three waters / transport capacity upgrades; parks / reserves / open space network enhancement / improvement; and streetscape amenity improvements.
- 7.2.16. New figures for the amount of a financial contribution per bedroom and per dwelling have been included as well as a new figure payable for non-residential developments.
- 7.2.17. New rules have been introduced in terms of general rules and the purpose of financial contributions which relates to residential amenity and Te Ture Whaimana. New performance standards are also proposed.
- 7.2.18. The proposed amendments are set out in full in section 18 in Part A of the report.

**Table 11: Assessment of effectiveness, efficiency, benefits and costs**

| Proposed Amendments                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                                                                                                                                                                    | Benefit/Cost                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Effectiveness:</b> Section 18 already contains financial contributions. This plan change improves the effectiveness of financial contributions by aligning them more closely to effects arising from medium density residential intensification. It also enables financial contributions to be obtained for permitted activities.</p>                 | <p><b>Benefits:</b></p> <p><u>Environmental:</u> Increase in environmental outcomes through improved management of effects (particularly relating to effects of intensification on Te Ture Whaimana).</p> <p><u>Economic:</u> Public good benefits are socialised through a “user pays” approach to the impacts of intensification on public infrastructure.</p> <p><u>Social:</u> Social benefits are strengthened, from the inclusion of amenity contributions and Te Ture Whaimana contributions.</p> <p><u>Cultural:</u> The inclusion of Te Ture Whaimana contributions has important cultural benefits for the kaitiaki of the Waikato and Waipā rivers and their catchments.</p>                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Efficiency:</b> The Resource Management Act 1991 expressly provides for financial contributions as a method to manage adverse effects of activities. The changes proposed will improve the efficiency of this method by more closely aligning them to the effects arising from medium density residential intensification and qualifying matters.</p> | <p><b>Costs:</b></p> <p><u>Environmental:</u> Environmental costs are avoided, remedied, mitigated, or compensated for through the proposed amendments.</p> <p><u>Economic:</u> Costs on public infrastructure and resources (rivers) are privatised (fall back to developers as the generators of the effects).</p> <p><u>Social:</u> The strengthening of financial contributions and proposed contributions for amenity and Te Ture Whaimana potentially limit the full development of the medium density residential standards across entire residential zones. In some cases the imposition of financial contributions may make intensification uneconomic without passing these costs on. There is a sequential factor to implementing the medium density residential standards, with unplanned or un-anticipated intensification being unable to be supported. This is a balance between the medium density residential standards intent of “housing at any cost” and planned intensification (housing where it can be appropriately serviced, and effects can be managed). As a public agency acting on</p> |

| Proposed Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Benefit/Cost                                                                                                                                                                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>behalf of the community, the financial contributions are considered to achieve a reasonable balance between privatising the costs of medium density residential standards intensification and socialising the benefits.</p> <p><u>Cultural:</u> None identified.</p> |
| <p><b>Opportunities for economic growth and employment to be provided or reduced:</b> This is difficult to quantify without any certainty of the level of intensification uptake. While the financial contributions will increase the cost of intensification, economic opportunities will materialise when the contributions are applied to their intended use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                         |
| <p><b>Sufficiency of information and risk of not acting:</b> There is a strong evidence base for strengthening the financial contributions, based on the Market Economics projections for the level of intensification uptake, and the technical reports which identify infrastructure capacity constraints.</p> <p>The amenity and Te Ture Whaimana dollar contributions reflect Hamilton City Council's methodology for their contributions, to ensure sub-regional alignment of methodology. Waipā has then applied a "fair and reasonable" assessment to derive dollar contributions, given insufficient time to prepare detailed reports to quantify the amount of Waipā contributions. It is anticipated that further investigation will be required through the submissions and hearings process to confirm the Waipā dollar amount for amenity and Te Ture Whaimana contributions.</p> |                                                                                                                                                                                                                                                                         |

## Section 21 – Assessment Criteria and Information Requirements

- 7.2.19. The following rules have been deleted from section 21:
- (a) Rule 21.1.2.1 - Construction, alteration and addition to buildings, including dwellings in Character Areas 1 and 4 of the Cambridge Park Residential Area.
  - (b) Rule 21.1.2.18 - Local Centres within the C2/C3 Structure Plan area.
  - (c) Rule 21.1.2.19 - Neighbourhood Centre within the T11 Growth Cell Structure Plan Area.
  - (d) Rule 21.1.2.20 - Cambridge North Structure Plan Area: on site soakage.
  - (e) Rule 21.1.2.21 - 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 400m<sup>2</sup>, provided that the site is not located within the compact housing development overlay or within a character cluster identified on the Planning Maps.
- 7.2.20. Amendments have been made to the assessment criteria for all discretionary activities. Refer to section 2.7 in Part A of the report for the full details.



- (a) 21.1.1.1 - Te Ture Whaimana o Te Awa o Waikato - Waikato River the Vision and Strategy for the Waikato River.
- (b) 21.1.1.3 – Visual.

7.2.21. For restricted discretionary activities the following rules have been amended to update the application of these rules with the introduction of a new medium density residential zone into the district plan. Please see section 2.7 in Part A of the report for the full details.

- (a) 21.1.2.4 - Retirement village accommodation and associated care facilities and rest homes.
- (b) 21.1.2.5 - Character clusters - Construction of new buildings, relocated buildings, and demolition of or alterations or additions to existing buildings, except where parallel to the rear boundary of the site.
- (c) 21.1.15.5 - Subdivision which complies with the performance standards of Part A OR Part A and Part C for 7 or more lots.
- (d) 21.1.15.7 - Subdivision of existing dwellings in the Residential Zone constructed prior to 31 May 2012.

7.2.22. It is proposed that the following new rules for the Medium Density Residential zone are introduced into section 21.

|                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Controlled Activities</u></b>                                                                                                                                                                    |
| <u>21.1.2A.1 - One show home per site within a greenfield subdivision</u>                                                                                                                              |
| <b><u>Restricted Discretionary Activities</u></b>                                                                                                                                                      |
| <u>21.1.2A.2 - Relocated buildings</u>                                                                                                                                                                 |
| <u>21.1.2A.3 - 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>                                                                               |
| <u>21.1.2A.4 - Character clusters - Construction of new or siting of relocated buildings; external alterations or additions to existing buildings; and demolition or removal of existing buildings</u> |
| <u>21.1.2A.5 - More than two dwellings within the Infrastructure Constraint Qualifying Matter Overlay or more than three dwellings outside the Infrastructure Constraint Qualifying Matter Overlay</u> |
| <u>21.1.2A.6 - Building height</u>                                                                                                                                                                     |
| <u>21.1.2A.7 - Height in relation to boundary</u>                                                                                                                                                      |
| <u>21.1.2A.8 - Setbacks</u>                                                                                                                                                                            |
| <u>21.1.2A.9 - Building coverage</u>                                                                                                                                                                   |
| <u>21.1.2A.10 - Impermeable surfaces</u>                                                                                                                                                               |

|                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>21.1.2A.11 - Outdoor living area</u>                                                                                                                                                                                                                                 |
| <u>21.1.2A.12 - Outlook space</u>                                                                                                                                                                                                                                       |
| <u>21.1.2A.13 - Windows to street</u>                                                                                                                                                                                                                                   |
| <u>21.1.2A.14 - Roof Pitch</u>                                                                                                                                                                                                                                          |
| <u>21.1.2A.15 - Landscaped area</u>                                                                                                                                                                                                                                     |
| <u>21.1.2A.16 - Neighbourhood amenity and safety</u>                                                                                                                                                                                                                    |
| <u>21.1.2A.17 - Vibration</u>                                                                                                                                                                                                                                           |
| <u>21.1.2A.18 - Construction noise</u>                                                                                                                                                                                                                                  |
| <u>21.1.2A.19 - Noise: temporary military training activities</u>                                                                                                                                                                                                       |
| <u>21.1.2A.20 - Heavy motor vehicles</u>                                                                                                                                                                                                                                |
| <u>21.1.2A.21 - Local Centres within the C2/C3 Structure Plan area</u>                                                                                                                                                                                                  |
| <u>21.1.2A.22 - Neighbourhood Centre within the T11 Growth Cell Structure Plan Area</u>                                                                                                                                                                                 |
| <u>21.1.2A.23 - Cambridge North Structure Plan Area: on site soakage</u>                                                                                                                                                                                                |
| <u>21.1.2A.24 - Noise insulation: noise sensitive activities</u>                                                                                                                                                                                                        |
| <u>21.1.2A.25 - Noise sensitive activities located close to hydro electric power generation infrastructure and activities</u>                                                                                                                                           |
| <u>21.1.2A.26 - Home occupations</u>                                                                                                                                                                                                                                    |
| <u>21.1.2A.27 - Temporary construction buildings and shipping containers</u>                                                                                                                                                                                            |
| <u>21.1.2A.28 - Activities within heritage items listed in Appendix N1</u>                                                                                                                                                                                              |
| <u>21.1.2A.29 - Papakāinga, marae, churches and community centres</u>                                                                                                                                                                                                   |
| <u>21.1.2A.30 - Dwellings adjoining marae</u>                                                                                                                                                                                                                           |
| <u>21.1.2A.31 - Non-residential activities including hospitals, education facilities, childcare facilities and pre-schools</u>                                                                                                                                          |
| <u>21.1.2A.32 - Residential Based Visitor Accommodation</u>                                                                                                                                                                                                             |
| <b>Controlled Activities</b>                                                                                                                                                                                                                                            |
| <u>21.1.15.4 - Subdivision 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.</u> |
| <u>21.1.15.6 - Subdivision in the Medium Density Residential Zone creating vacant sites</u>                                                                                                                                                                             |

7.2.23. Table 12 below provides an assessment of effectiveness, efficiency, benefits and costs for the proposed amendments to section 21 of the District Plan.

**Table 12: Assessment of effectiveness, efficiency, benefits and costs**

| Proposed Amendments                                                                                                                                                                                                |                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                           | Benefit/Cost                                                                                                                                                                                        |
| <b>Effectiveness:</b> The provisions of section 21 needed to be updated to ensure that the section contained assessment criteria relevant to the medium density residential zone. The proposed plan change was the | <b>Benefits:</b><br><u>Environmental:</u> <ul style="list-style-type: none"> <li>Ensures that appropriate environmental considerations are provided for and are required to be assessed.</li> </ul> |

| Proposed Amendments                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                                                                                                     | Benefit/Cost                                                                                                                                                                                                                                                               |
| appropriate place to make and highlight the amendments made.                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Enables consideration of the appropriateness of intensification within qualifying matter areas.</li> </ul> <p><u>Economic:</u> None identified.</p> <p><u>Social:</u> None identified.</p> <p><u>Cultural:</u> None identified.</p> |
| <b>Efficiency:</b> This is the most efficient means of ensuring section 21 provides assessment criteria for the medium density residential zone as Council is required by law to do the proposed plan change.                                                                                | <b>Costs:</b> None identified.                                                                                                                                                                                                                                             |
| <b>Opportunities for economic growth and employment to be provided or reduced:</b> None identified.                                                                                                                                                                                          |                                                                                                                                                                                                                                                                            |
| <b>Sufficiency of information and risk of not acting:</b> Council has known since November 2021 that it was required to inset the new medium density residential standards into its district plan. It was also aware that amendments would be needed to other sections of the district plan. |                                                                                                                                                                                                                                                                            |

## Appendix DG1 Character Cluster Statements

- 7.2.24. The appendix has been amended to provide further detail on the specific elements of character for each existing character cluster. These amendments are shown below.

### DG1.1 Introduction

- DG1.1.1 The statements included below explain the specific elements of character that are to be maintained in each character cluster. These character clusters are essential to maintain the unique charm and atmosphere that make up 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.

#### Te Awamutu: College Street Cluster

- DG1.1.2 ....
- DG1.1.3 The houses all have matching garages, multi pitch roofs, several chimneys and porches; ~~however, the~~ The entrances into the houses are not a pronounced part of the design.
- DG1.1.4 .....

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 ....

DG1.1.7 13 ....

**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.~~

**Table 13: Assessment of effectiveness, efficiency, benefits and costs**

| Proposed Amendments                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                          | Benefit/Cost                                                                                                                                                                                                                                                                             |
| <b>Effectiveness:</b> The amendments to the character cluster areas will provide people with certainty over what they can and cannot do as a permitted activity on their properties if they own a character home. | <b>Benefits:</b> The unique housing character of the Waipā district is maintained and preserved.<br><b>Environmental:</b> <ul style="list-style-type: none"> <li>A range of character housing with their environments are maintained. This includes mature trees and gardens.</li> </ul> |

| Proposed Amendments                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                                                         | Benefit/Cost                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Enables assessment of the potential effects of intensification on character housing and their surroundings.</li> </ul> <p><u>Economic:</u> Cost of resource consent application to owners of character houses.</p> <p><u>Social:</u> None identified.</p> <p><u>Cultural:</u> Significant houses that have contributed to the cultural history of the Waipā district are preserved.</p> |
| <b>Efficiency:</b> The Plan Change process is the appropriate means of updating the character clusters that are already listed in the district plan.                                                                                             | <b>Costs:</b> None identified.                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Opportunities for economic growth and employment to be provided or reduced:</b> None Identified.                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Sufficiency of information and risk of not acting:</b> Council has sufficient information to expand on the descriptions of the character clusters and streets from the character review assessment that was commissioned for the plan change. |                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Planning Maps

7.2.25. A major component of Plan Change 26 is the updating of the planning maps for Cambridge (including Hautapu and Leamington), Te Awamutu and Kihikihi. The following amendments are required for each area.

- The inclusion of new maps which show the qualifying matter overlays for Cambridge, Kihikihi and Te Awamutu.
- The updating of the Zones Legend to show the new medium density residential zone.
- The updating of the Policy Areas Legend to show the new qualifying matters.
- For Cambridge which includes Hautapu and Leamington the updating of the Zones maps to show the new medium density residential zone. The Policy Areas maps have also been updated to show the addition of new dwellings to existing character clusters and to remove the Cambridge Residential Character Overlay.
- For Te Awamutu and Kihikihi, the updating of the relevant Zones maps to show the medium density residential zone. The Policy Areas maps have been updated to show the viewshaft and State Highway 3 Scenic Corridor.



**Table 14: Assessment of effectiveness, efficiency, benefits and costs**

| Proposed Amendments                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Effectiveness/Efficiency                                                                                                                                                                                                                                                                                                                                                                                                    | Benefit/Cost                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Effectiveness:</b> The amendments to the planning maps will allow people to determine what qualifying matters apply to their property, which in turn, will assist them in determining what they can do as a permitted activity on the property, and when a resource consent will be required.</p>                                                                                                                     | <p><b>Benefits:</b> The updating of the maps show where the new medium residential zones are located as well as the areas to which a qualifying matter or matters applies.</p> <p>Sites with limited capacity to deal with housing intensification will be able to be developed at lower levels and not cause adverse effects on the environment.</p> <p>Housing intensification will still be able to occur in parts of the medium density residential zone even if it is a lower density level.</p> |
| <p><b>Efficiency:</b> The new qualifying matters overlays need to be shown on the planning maps and this allows this to occur.</p>                                                                                                                                                                                                                                                                                          | <p><b>Costs:</b> None identified.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Opportunities for economic growth and employment to be provided or reduced:</b> None identified</p>                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Sufficiency of information and risk of not acting:</b> There is more than sufficient information available to support the updating of the district plan planning maps. The risk of not acting would mean that the planning maps would be out-of-date and would not show the new medium density residential zones and the qualifying matters which Council has determined are to be applied under the plan change.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## 8. Scale and Significance

### 8.1. Implementation of Proposed Plan Change 26

- 8.1.1. The Section 32 report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of Proposed Plan Change 26. 'Scale' refers to the magnitude of effects, and 'significance' refers to the importance that the wider community places on those effects.
- 8.1.2. Table 21 below outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of Proposed Plan Change 17. An ordinal scale has been used for this assessment.

**Table 15: Consideration of scale and significance**

| Issue                              | Criteria                                                                                                                                                                                                                                                      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Assessment<br>High / Medium / Low |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Reason for Plan Change             | <p>Government mandated plan change.</p> <p>Give effect to a National Policy Statement as required under the Resource Management 1991.</p> <p>Assessed as being of high significance under the Local Government Act 2002</p>                                   | <p>The plan change was set out in law by the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020. The plan change is known as a 'Intensification Planning Instrument' and must be publicly notified by 20 August 2022 at the latest.</p> <p>The Plan Change also gives effect to Te Ture Whaimana o te Awa Waikato which is a higher order planning document under the Resource Management Act 1991.</p>                                                                                                                                                                                                                                                                                      | Not applicable.                   |
| Level of shift from the status quo | <p>The plan change addresses a focus from central government to provide for intensification of housing to address a perceived housing shortage across the country.</p> <p>Requires new objectives, policies and rules to go into the Waipā District Plan.</p> | <p>A new section has been introduced to bring the medium density residential standards into the district plan. The new standards provide for a higher level of housing intensification that what is currently provided for in the district plan.</p> <p>Existing qualifying matters such as heritage and cultural sites have been retained and the medium density standards have been modified to take these into account.</p> <p>New qualifying matters have been identified and are being introduced into the district plan. These matters are:</p> <ul style="list-style-type: none"> <li>• Matters to give effect to Te Ture Whaimana.</li> <li>• Additions to existing character clusters and character streets.</li> <li>• Open Spaces and Green Infrastructure.</li> </ul> | High                              |

| Issue                                    | Criteria                                                                                                                                | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Assessment<br>High / Medium / Low |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
|                                          |                                                                                                                                         | <p><u>Infrastructure</u></p> <p>New policy overlays are being placed on planning maps to identify those areas of the medium density residential zones where existing infrastructure has insufficient capacity to accommodate a higher level of subdivision or development. Resource consent is required along with an infrastructure capacity assessment sop that the capacity on infrastructure can be assessed and where possible, capacity increased.</p> | Medium                            |
|                                          |                                                                                                                                         | <p><u>Stormwater</u></p> <p>Development will continue to be required to show how on-site stormwater will be dealt with within the internal boundaries of the site.</p>                                                                                                                                                                                                                                                                                       | Low                               |
|                                          |                                                                                                                                         | <p><u>Financial Contributions</u></p> <p>This section in the district plan has been amended to provide clarity as to the purpose and the rules. It has also been amended to enable financial contributions999833 to be imposed so that effect can be given to Te Ture Whaimana.</p>                                                                                                                                                                          | Medium                            |
| Who and how many people will be affected | <p>What level of public interest is expected?</p> <p>How many people will be affected?</p> <p>In what ways will people be affected?</p> | <p>The plan change is introducing new levels of residential intensification along with the concept of qualifying matters. It is expected that there will be a high level of public interest in the plan change.</p> <p>Residential intensification at the level required by the medium density residential standards is new to the residential zones in Cambridge, Kihikihi and Te Awamutu.</p>                                                              | High                              |

| Issue                                                | Criteria                                                                                                     | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Assessment<br>High / Medium / Low |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
|                                                      |                                                                                                              | <p>Property owners and occupiers in the residential zones in Cambridge, Kihikihi and Te Awamutu have the potential to be impacted by this plan change.</p> <p>There is a potential for property owners and occupiers to be impacted through a loss of privacy on their sections and an increase in noise and the number of vehicles located at a property.</p> <p>There is the potential for infrastructure capability and capacity to become constrained as extra demands are placed on it.</p>                        |                                   |
| Degree of impact on, and interest from Iwi and Māori | <p>Level of interest and engagement.</p> <p>Impact of resources that hold significance to Iwi and Māori.</p> | <p>There was no ability to undertake detailed consultation with Iwi and Māori before public notification occurred.</p> <p>The requirement to give effect to Te Ture Whaimana is a significant factor in the plan change and has become a qualifying matter to enable the modification of the medium density residential standards to occur. There will be high interest due to the significant risk to the Waikato and Waipā Rivers from the environment impacts of intensification not being able to be mitigated.</p> | High                              |
| Immediacy of effects                                 | Where and when will these occur?                                                                             | <p>The medium density residential standards have immediate legal effect from the date of notification in the relevant residential zones. Exceptions to this are:</p> <p>Sites that are subject to a qualifying matter/s.</p> <p>Sites are located in a new residential zone that has been introduced under the</p>                                                                                                                                                                                                      | High                              |

| Issue                         | Criteria                                                                                                                                                                               | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Assessment<br>High / Medium / Low |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
|                               |                                                                                                                                                                                        | intensification planning instrument.<br><br>It is anticipated that effects from the intensification provided for in the plan change will be ongoing into the future.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |
| Geographic extent of impacts  | Where will the impacts occur?                                                                                                                                                          | The changes will occur across the residential zones in Cambridge, Kihikihi and Te Awamutu.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | High                              |
| Types of effects              | Degree of impact on social, cultural or economic well-being.<br><br>Degree of Impact on Part 2 RMA matters.<br><br>Are effects low or high in impact, cumulative, positive / negative? | The introduction of a new medium density residential zone will have positive effects on housing supply as it will increase the number of houses that are able to be built.<br><br>The use of qualifying matters will create positive effects on areas that have been identified as being very sensitive to a change in intensification levels.<br><br>The negative effects from the new medium density residential standards include:<br><br>No requirement for good urban design to be considered.<br><br>The potential for liveable housing that can easily access open spaces and amenity to be established.<br><br>An impact on the amenity values held by people in Cambridge, Kihikihi and Te Awamutu as being important to them.<br><br>Cause significant constraints on infrastructure. | High                              |
| Degree of risk or uncertainty | Community reaction to proposed plan change.<br><br>What impact will the tight timeframes have on the direction and content of the plan change.                                         | It is unknown at this stage what the community reaction to the required housing intensification will be. It is anticipated that there will be a high level of interest and number of people that will want to have a say in the plan change including the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | High                              |



| Issue | Criteria | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Assessment<br>High / Medium / Low |
|-------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
|       |          | <p>qualifying matters and new policy overlays that are being introduced.</p> <p>As well Waipā has been included in the mandated plan change due to its proximity to Hamilton. Te district has no cities or metropolitan areas that are present in places such as Hamilton, Christchurch and Auckland.</p> <p>The tight timeframe for the notification of the plan change has meant that some of the infrastructure capacity assessment reports were not able to be fully finalised before the plan change had to be notified.</p> |                                   |

- 8.1.3. Plan Change 26 'Residential Zone Intensification' will result in significant changes to the operative Waipā District Plan.
- 8.1.4. The Plan Change is a mandatory plan change required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The impact of the Plan Change will be felt over the towns of Cambridge, Kihikihi and Te Awamutu and could result in unanticipated negative effects since the Waipā District does not have any cities or metropolitan areas that places like Hamilton and Auckland have. Waipā is required to amend its district plan due to its proximity to Hamilton.
- 8.1.5. The Plan Change is a substantial shift to what is currently provided for in residential zones in the operative Waipā District Plan. The plan change will have permanent long-term effects on social, cultural and economic well-being which may be positive or negative in their impacts.
- 8.1.6. The scale and significance of the effects that are anticipated from the implementation of Plan Change 26 'Residential Zone Intensification' are high.