

Section 14 - Deferred Zone

14.1 Introduction

- 14.1.1 In order to provide for the District's projected growth; land use in some locations will change over time to accommodate new land uses, such as new industrial, commercial and residential areas.
- 14.1.2 The areas that have been identified as being suitable for conversion from the current land use to a new land use, are referred to in the Plan as Deferred Zones, and are identified on the Planning Maps. Deferred Zones, with the exception of the Cambridge North Deferred Residential Zone, have an objective, policy and rule framework which generally reflects existing land use and zoning, but recognises that the area is intended to evolve over time. In Deferred Zones, it is critical that current land use practices do not conflict with the intended future land use, including its ability to be adequately serviced. In most cases, the provisions of the Rural Zone apply, except for the Deferred Commercial Zone at Carters Flat, where the current land use is industrial.
- 14.1.3 In the Deferred Zones, the future intended zoning and its objective, policy and rule framework will be generally introduced through a plan change process. That plan change will need to be comprehensively designed and co-ordinate with infrastructure provision. Where a proposal does not require any amendments to the District Plan objectives, policies and rule framework, provision has been made in the District Plan for the Deferred Zone to be uplifted by way of Council resolution provided that the relevant rules have been complied with. It is anticipated that development in Deferred Zones will occur in a planned and integrated manner through a structure plan process. The Town Concept Plans 2010 and matters listed in Section 21 - Assessment Criteria and Information Requirements provide guidance on the key matters to consider. It is noted that this includes giving effect to the strategies contained in the Waikato River Vision and Strategy.
- 14.1.4 The Cambridge North Deferred Residential Zone has a separate status. The objectives, policies, rule and structure plan framework has been formulated for this area, and forms part of this Plan. However, for this future Residential Zone to become operative, a separate plan change process is not required. Instead, Council must resolve to make these future residential provisions operative once it is satisfied that all of its infrastructure requirements are met and in place.

14.2 Resource Management Issue

- 14.2.1 Development within Deferred Zones prior to the development and approval of a comprehensive structure plan can compromise the ability of the area to be fully developed and effectively serviced for its intended future use.

14.3 Objectives and Policies

Please also refer to the objectives and policies of Parts C, Part E and Part F, as relevant.

Objective - Deferred Zoning

- 14.3.1 Land intended for conversion from its current land use to an alternative land use in order to respond to growth demands is clearly identified, occurs in a planned manner, and its resources are protected for its anticipated future use.

Policy - Identified deferred zoning

- 14.3.1.1 Land which is intended to be converted from its current land use to respond to growth demands will have its current zoning and its deferred zoning clearly identified.

Policy - Land subject to deferred zoning

- 14.3.1.2 Land subject to deferred zoning will only accommodate land uses which do not compromise the ability for the area's natural and physical resources to be used for the purpose of the deferred zoning.

Advice Note: The intended future land use of the Deferred Zone is identified on the Planning Maps and includes land to be used for Residential Zone, Large Lot Residential Zone, Industrial Zone, Commercial Zone, and Reserves Zone.

Policy - Structure planning

- 14.3.1.3 To provide a framework for new growth areas through a comprehensive and integrated structure planning process.

Policies - Process for rezoning land

- 14.3.1.4 All Deferred Zones are able to be rezoned for their intended future use, subject to Policy 14.3.1.5 below, provided it is in accordance with the timing, location and extent of the growth cells as outlined in Appendix S1 of the Plan, no amendments to the District Plan objectives, policies or rule framework are required, the process in Policy 14.3.1.5 has been followed, and adverse effects are avoided, remedied or mitigated. In respect of the timing for the release of growth cells, there is provision within the rule framework for the release of additional growth cells where Council is satisfied there is less than three years supply of development ready land in any town or village within the district.
- 14.3.1.5 To provide for the rezoning of deferred land to its intended future use where it is consistent with the provisions in the Regional Policy Statement relating to sub-regional growth.
- 14.3.1.6 Deferred Zones (except as identified in Policy 14.3.1.7) will be rezoned for their intended future use by way of a plan change, or by Council resolution.
- 14.3.1.7 The Cambridge North Deferred Residential Zone, the Deferred Reserves Zone within the Cambridge North Structure Plan Area, and the Cambridge North Neighbourhood Centre Deferred Commercial Zone located within the C1 Growth Cell (*in relation to Cambridge North Neighbourhood Centre*) will be rezoned in whole or in part for its intended future residential, commercial and/or recreation use pursuant to Council resolution only once Council is satisfied that:
- (a) There is a development agreement in place with Council and the developer which clearly outlines the nature and timing of any necessary infrastructure, and how this infrastructure is to be developed and funded. The development agreement must be clear as to whether the infrastructure is implemented prior to development or as part of the development process; and

- (b) In the case of the Cambridge North Residential Area, there is a demonstrated plan in place by the developer that identifies how a minimum density of 12 dwellings per hectare will be achieved over the area to be rezoned.

Advice Note: For clarity, the infrastructure provisions identified within the Cambridge North Structure Plan outline one possible solution for servicing development within this area. An alternative solution is able to be offered by the developer; however it is the developer's responsibility to justify that alternative. In doing so they must satisfy Council that the alternative is adequate not only for the development proposed but also for other developments within the Cambridge North Residential Area.

14.4 Rules

The rules that apply to activities are contained in:

- (a) *The activity status tables and rules in this zone and the Rural Zone and Industrial Zone in the locations referenced below; 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.*

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.

14.4.1 Activity Status Tables

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| 14.4.1.1 | <p>Permitted activities</p> <p>The following activities shall comply with the rules of this zone</p> |
| (a) | <p>Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone except for the Deferred Commercial Zone at Carters Flat, any activity listed as a permitted activity within the Rural Zone except for woodlots and commercial forestry refer Rule 14.4.1.4(a).</p> |
| (b) | <p>In the Deferred Commercial Zone in Carters Flat, any activity listed as a permitted activity in the Industrial Zone.</p> |

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| 14.4.1.2 | <p>Controlled activities</p> <p>The following activities shall comply with the rules of this zone</p> |
| (a) | <p>Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone excluding the Deferred Commercial Zone in Carters Flat, any activity listed as a controlled activity within the Rural Zone.</p> |
| (b) | <p>In the Deferred Commercial Zone in Carters Flat, any activity listed as a controlled activity in the Industrial Zone.</p> |

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| 14.4.1.3 | Restricted discretionary activities The following activities shall comply with the rules of this zone |
| (a) | Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone excluding the Deferred Commercial Zone at Carters Flat) any activity assessed as a restricted discretionary activity in the Rural Zone. |
| (b) | In the Deferred Commercial Zone in Carters Flat any activity assessed as a restricted discretionary activity in the Industrial Zone. |

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| 14.4.1.4 | Discretionary activities |
| (a) | Commercial forestry and woodlots within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone excluding the Deferred Commercial Zone at Carters Flat. |
| (b) | Structure plans for an entire Deferred Zone area identified on the Planning Maps. |

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| 14.4.1.5 | Non-complying activities |
| (a) | Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone excluding the Deferred Commercial Zone at Carters Flat, any activity listed as a discretionary activity or non-complying activity within the Rural Zone. |
| (b) | In the Deferred Commercial Zone in Carters Flat any activity listed as a discretionary activity or non-complying activity in the Industrial Zone. |
| (c) | Within a Deferred Residential Zone, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone all other activities not included in the activity status tables Rules 14.4.1.1 to 14.4.1.5 and not listed as a prohibited activity. |
| (d) | Failure to comply with Rule 14.4.1.8 – Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre. |
| (e) | Structure plans for parts of a Deferred Zone identified on the Planning Maps. |
| (f) | Failure to comply with Rule 14.4.1.9 - Uplifting of Deferred Zones other than specified in Rule 14.4.1.8. |

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| 14.4.1.6 | Prohibited activities The following activities are prohibited and no resource consent will be approved |
| (a) | Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone excluding the Deferred Commercial Zone at Carters Flat, any activity listed as a prohibited activity within the Rural Zone. |
| (b) | In the Deferred Commercial Zone in Carters Flat, any activity listed as a prohibited activity in the Industrial Zone or Commercial Zone. |

Additional rules that apply to Deferred Zones

Rule - Development within a Deferred Zone prior to the approval of a plan change and/or a Council resolution under Rules 14.4.1.8 and 14.4.1.9

- 14.4.1.7 The relevant performance standards in Section 4 - Rural Zone apply as if the land was zoned rural, except for land located within the Deferred Commercial Zone in Carter's Flat, where the rules of Section 7 - Industrial Zone will apply. In addition the relevant rules in Part E District Wide Provisions and Part F District Wide Natural and Cultural Heritage also apply.

Rule - Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre

- 14.4.1.8 In the Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area, and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, the rules of the Deferred Zone will apply until such time as Council has resolved pursuant to Policy 14.3.1.7 that the Residential, Reserves or Commercial Zone rules shall apply and development may proceed within that specified area. After the resolution is made by Council, the full provisions of the relevant zone, being either Section 2 - Residential Zone, Section 5 - Reserves Zone, or Section 6 - Commercial Zone and Parts E and F of this Plan will apply to the specified area.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Deferred Zones within the C1 and C2/C3 cells west of Cambridge

- 14.4.1.9 In the C1 and C2/C3 growth cells located to the west of Cambridge, the uplifting of deferred zoning shall occur in the staged order as shown in Appendix S19 – Cambridge C1 and C2/C3 Structure Plan - Figure 22. The staged uplift of the deferred zoning shall be subject to the following:

| Stage | Triggers |
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| Stage 1 | <ul style="list-style-type: none">(a) A Structure Plan has been approved for the C1 and C2/C3 areas; and(b) A stormwater discharge permit has been granted by the Waikato regional Council that allows stormwater to be discharged to ground and to the Waikato River from the C1 and C2/C3 growth cell areas, except for those parts of the C3 growth cell that will have a standalone stormwater system, being:<ul style="list-style-type: none">(i) Land to the east of the Te Awa Lifecare Village.(c) Development Infrastructure required to service Stage 1 is either in place, or Council is satisfied that there is a solution that can be delivered to provide the necessary infrastructure. |
| Stage 2 | <ul style="list-style-type: none">(a) Development Infrastructure required to service Stage 2 is either in place, or Council is satisfied that there is a solution that can be delivered to provide the necessary infrastructure. |
| Stage 3 | <ul style="list-style-type: none">(a) Development Infrastructure required to service Stage 3 is either in place, or Council is satisfied that there is a solution that can be delivered to provide the necessary infrastructure. |

For the purposes of this rule:

- (a) For the avoidance of doubt, the C1 and C2/C3 cells are solely reliant on Rule 14.4.1.9 for the uplifting of deferred zoning in this area, and Rule 14.4.1.10 does not apply.
- (b) The uplift of Stages 2 and 3 are not dependent on development reaching a certain capacity in Stages 1 and 2 respectively. Provided the triggers in Rule 14.4.1.9 are met, there shall be no impediment to uplifting the deferred zoning in any stages.
- (c) The uplifting of deferred zoning does not need to occur across all stage areas at the same time. By way of example, if one area earmarked as Stage 2 meets the required triggers, the deferred zoning can be uplifted in isolation from any other Stage 2 area.

Rule - Uplifting of Deferred Zones, other than that specified in 14.4.1.8 and 14.4.1.9

14.4.1.10 In the Deferred Zones on the Planning Maps the rules of the Deferred Zone will apply until:

- (a) The precondition that no amendments are required to the District Plan objectives, policies, or rule framework has been met; and
- (b) A structure plan, has been approved:
 - (i) By way of a change to the Waipa District Plan; or
 - (ii) For the whole of the Deferred Zone area in accordance with a resource consent granted under Rule 14.4.1.4(b), or
 - (iii) For part of the Deferred Zone area in accordance with a resource consent granted under Rule 14.4.1.5(e) identified in the Planning Maps; and
- (c) The Development Infrastructure required to service the Deferred Zone area is either in place, or Council is satisfied that there is a solution to deliver the necessary infrastructure; and
- (d) In the case of Deferred Residential Zone or Deferred Large Lot Residential Zone areas identified on the Planning Maps, it is proven to the satisfaction of Council that within the relevant town or village in either the Deferred Residential Zone or the Deferred Large Lot Residential Zone there is:
 - (i) In the case of Te Awamutu and the rural villages only (but not Cambridge), less than three Open Growth Cells; or
 - (ii) In the case of Cambridge only, any of the growth cells identified on the Cambridge Growth Map in Appendix S1 as 'Development Areas – now to 2035' (being the continuation of the Cambridge North, C1, C2/C3, C4 and C6) can be released for development provided that the other requirements of this rule have been satisfied; or
 - (iii) Notwithstanding (i) and (ii) above, where Council is satisfied there is less than three years supply of land that is Development Ready for either Cambridge, Te Awamutu or any of the rural villages, additional development areas as identified in Appendix S1 as 'Development Areas – beyond 2035' may be released for development for that settlement; and
- (e) Council has made a formal Council resolution to remove the Deferred Zone, and to allow development to proceed in accordance with the resolved new zone(s); and
- (f) For the 'Indicative Motorway Service Centre Area' shown on Zone Map 22 only a development plan has been approved.
- (g) Structure plans for Deferred Zones can be initiated and prepared by Council, a landowner / developer, or a combination thereof.

After the resolution is made by Council, the full provisions of the relevant zone(s) and district wide provisions shall apply.

Advice Notes:

1. 'Development Ready' means land which is identified in the District Plan for Future Development Capacity which has not had a section 224 issued on it.
2. 'Future Development Capacity' means land identified for either Residential or Large Lot Residential Use.
3. 'Open Growth Cell' means a Growth Cell or part of a Growth Cell identified in Appendix S1, which has had the deferred status uplifted and less than 70% of the land identified for Future Development Capacity has a section 224 issued on it.
4. 'Development infrastructure' means network infrastructure for water supply, wastewater, stormwater, and land transport as defined in the Land Transport Management Act 2003, to the extent that it is controlled by local authorities.
5. The calculation of three years supply of land includes a 20% surplus against forecast demand, in accordance with the National Policy Statement on Urban Development Capacity.
6. 'Rural villages' means the settlements of Ohaupo, Ngahinapouri, Pirongia, Pukeatua, Te Miro, Karapiro, Rukuhia and Te Pahu.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

14.5 Assessment Criteria

Refer to the assessment criteria section in the relevant zone.