

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN THE WAIKATO REGION**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on **proposed Plan Change 26 (residential intensification) ('PC26')** to the Operative Waipā District Plan ('WDP')

**STATEMENT OF PRIMARY EVIDENCE OF MICHAEL ROBERT CAMPBELL
ON BEHALF OF KĀINGA ORA - HOMES AND COMMUNITIES**

(PLANNING)

6 APRIL 2023

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1. EXECUTIVE SUMMARY

- 1.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown). I have been engaged by Kāinga Ora-Homes and Communities (“Kāinga Ora”) to provide evidence in support of its primary and further submissions on **PC26**.
- 1.2 I have been engaged by Kāinga Ora to provide evidence in support of its primary and further submissions on the three Waikato Intensification Planning Instruments (“IPI”), being; Hamilton City Council’s Plan Change 12 (“PC12”), Waipā District Council’s Plan Change 26 (“PC26”) and Waikato District Council’s Variation 3 (“V3”) to the Proposed Waikato District Plan 2022.
- 1.3 The key points addressed in my evidence are:
- a) The statutory context created by the National Policy Statement: Urban Development 2020 (“NPS-UD”) and the directive requirements under the Resource Management Act 1991 (“RMA”) as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“HSAA”);
 - b) The overarching purpose of spatial planning and its role in the fulfilment of the strategic objectives of the Plan in enabling opportunities for intensification is strategically-desirable locations.
 - c) The appropriateness under Policy 3(d) of the NPS-UD of greater heights and densities of built form within the Cambridge and Te Awamutu Centres, and the application of a High Density Residential Zone (“HDRZ”) around the Cambridge Centre.
 - d) Vacant lot subdivision - I recommend the adoption of an 8 x 15m vacant lot shape factor with no specified minimum net site area, as an appropriate response to the enabling approach taken within the HSAA and MDRS.
 - e) Existing Qualifying matters - I recommend removal of a range of setback requirements, which are not efficient or effective

resource management methods and which are overly restrictive in enabling intensification as-sought by the MDRS.

- f) Infrastructure and Stormwater Constraints overlays - I recommend the removal of these overlays, having regard to Te Ture Whaimana O Te Awa o Waikato - The Vision and Strategy for the Waikato River (“Te Ture Whaimana”), and the extent to which the overlays are required to constrain permitted intensification under the MDRS for up to three dwellings per site and where there are existing methods within the District Plan and regulatory framework.
- g) Character Clusters - I recommend amendments to the rule framework concerning character clusters, to enable greater design flexibility in the application of the MDRS to ‘non-character defining’ sites, in a manner that ensures the character values within cluster areas are not compromised.
- h) Character Streets - I recommend the 6m building setback that applies to character streets be removed in favour of the MDRS setback.
- i) Role of Design Guides - I recommend that the proposed Design Guides should be used as non-statutory guides which sit outside the District Plan. The Design Guides should be utilised as a tool to support the residential zone policies and matters of discretion and ultimately inform any assessment of resource consent applications.
- j) Consequential amendments - I recommend a range of amendments to the PC26 provisions, to give effect to the relief sought by Kāinga Ora as set-out in my evidence. Those amendments are setout in **Appendix A** to my evidence.
- k) I have prepared a Section 32AA assessment as set out in **Appendix B** to my evidence.

- 1.4 Within the Waikato Regional context, it is my opinion that the approach taken by Kāinga Ora will not be contrary to the purpose and objectives of Te Ture Whaimana or the Waikato Regional Policy Statement (“WPS”) and would be consistent with those non-statutory spatial-growth strategies applicable to the Waikato Region¹.

2. INTRODUCTION

- 2.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown), a professional services firm in Auckland specialising in planning and resource management.
- 2.2 I graduated from Massey University in 1995 with a Bachelor’s Degree in Resource and Environmental Planning (Honours).
- 2.3 I began my career in planning and resource management in 1995. I was employed by the Auckland City Council as a planner from June 1995 to August 1998. I worked as a planner for the London Borough of Bromley in the United Kingdom from December 1998 to August 2000. I was employed by a Haines Planning, a planning consultancy firm, from October 2000 to December 2003.
- 2.4 From January 2004 to October 2010, I worked for Waitakere City Council, beginning as a Senior Planner. In my final role at the Council, I was Group Manager Consent Services, where I oversaw the Planning, Building and Licensing Departments. In 2010, I started Campbell Brown together with my co-director Philip Brown.
- 2.5 I am a full member of the New Zealand Planning Institute. In July 2011, I was certified with excellence as a commissioner under the Ministry for the Environment’s Making Good Decisions programme. In 2013, I was appointed to the Auckland Urban Design Panel. In 2014, I was awarded the New Zealand Planning Institute’s Best Practice Award for Excellence in Integrated Planning, as well as the Nancy Northcroft Supreme Best Practice Award.

¹ These are outlined at section 5.1.3 of the s42A report.

2.6 I have been involved in a number of plan review and plan change processes, including the Independent Hearings Panel hearings on the proposed Auckland Unitary Plan. In particular, I have been involved in the following policy planning projects including:

- (a) The Auckland Unitary Plan review for a range of residential clients and assisted the Auckland Council with the Quarry Zone topic;
- (b) Plan change for Westgate Town Centre comprising residential and commercial activities;
- (c) Proposed Plan Change 59 in relation to a private plan change for approximately 1,600 homes in Albany;
- (d) Proposed Private Plan Change for a research integration campus for the University of Auckland.
- (e) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to a suite of private plan change requests in the Drury area of South Auckland;
- (f) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to the proposed New Plymouth District Plan.
- (g) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to the proposed Central Hawkes Bay District Plan.

Code of Conduct

2.7 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to

consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 2.8 The PC26 hearing (“**the hearing**”) addresses submission points relating to PC26 in its entirety, with the exception of those matters which are deferred to later hearings - namely financial contributions².
- 2.9 The s42A report addresses submission points by key ‘topics’ which have been arranged into five higher-level topics as follows:
- Topic 1 National Policy Statement - Urban Development Policy 3(d)
 - Topic 2 Medium Density Residential Standards (MDRS)
 - Topic 3 Qualifying Matters
 - Topic 4 Specific Changes
 - Topic 5 Rezoning
- 2.10 My evidence generally follows the format of the s42A report for ease of reference, and addresses Kāinga Ora submissions and further submission points in relation to the key topics summarised above, as well as the recommendations of Mr Damien McGahan (“**the reporting planner**”).
- 2.11 In preparing my evidence, I have read the s42A report and the s32 evaluations that support PC26. I have also reviewed the briefs of evidence prepared by those experts appearing in support of each Council at Hearing 1 - Strategic Overview Region-Wide. I note that the relevant statutory documents and regional spatial strategies applicable to the Waikato region have been identified and outlined within the evidence of Dr Mark Davey, Jim Ebenhoh and Tony Quickfall for Hearing 1. I agree with their collective identification of those

² Direction #10 issued by the Hearing Panel provides for all submissions on Section 18: Financial Contributions of PC26 to be heard jointly with submissions on Chapter 24 of Plan Change 12 to the Hamilton City District Plan, at the end of the hearing of Plan Change 12.

matters which are also restated within the s42A report for Hearing 2 on PC26 specifically.

- 2.12 I have also considered the evidence of Mr Cameron Wallace (Urban Design), Mr Phillip Osborne (Economics) and Mr Phil Jaggard (Infrastructure), prepared on behalf of Kāinga Ora.

Areas of Support

- 2.13 I support the following recommendations of the reporting planner such that this evidence does not specifically address those matters:
- (a) Amendments to affected provisions as sought in the Kāinga Ora submission;
 - (b) Amendments to affected provisions to ensure use of the term ‘avoid’ is consistent with the caselaw directives under *King Salmon*.
 - (c) Deletion of the character street overlays as it applies to Princes Street, Thornton Road in Cambridge; Moore Street and Burns Street in Leamington; and Turere Lane in Te Awamutu.
 - (d) Deletion of the compact housing overlay and associated provisions as-sought in the Kāinga Ora submission³.
 - (e) Various amendments to affected PC26 provisions to qualify the requirement to ‘maintain and enhance’ amenity or other identified values, and replace with wording equivalent to ‘maintain and, where appropriate, enhance’ as-sought throughout the Kāinga Ora submission. However, there remain a number of amendments in relation to the change sought by Kāinga ora which were not adopted in the s42A report and those are addressed later in my evidence.
 - (f) Various amendments sought to objectives, policies and related provisions of the MDRZ to better reflect the evolving

³ 79.6, 79.27, 79.78, 79.82, 79.88, 79.198, 79.202, 79.203, 79.231, 79.255, 79.309, 79.310.

character of the MDRZ as outlined in Policy 6(b) of the NPS-UD.

- (g) Recommendations within the s42A report concerning Transpower New Zealand Limited's submissions on the National Grid, which were either supported or opposed by Kāinga Ora in a further submission (FS8.38).
- (h) Consideration of Papakāinga and Marae under a separate plan change already being prepared by Council, as outlined in Topic 4.3 of the s42A report.
- (i) Recommendations within the s42A report to make no amendments to PC26 in relation to retirement villages (or those more-enabling provisions sought by relevant submitters) for the reasons outlined in Kāinga Ora's further submissions (FS8).
- (j) Retaining the definition of 'fortified site' insofar as it is an existing provision within the ODP.

2.14 In addition, Kāinga Ora opposed⁴ the river gully/proximity overlay and associated reduction of building coverage (rule 2A.4.2.8) within the overlay from 50% under the MDRS to 40%. Kāinga Ora also opposed⁵ Waipā District Council's submission seeking additional rules, objectives and policies to support landscaping in the overlay, involving principally an increase in the minimum landscaping requirement on sites within the overlay from 20% under the MDRS to 30%. Kāinga Ora has elected not to present evidence on these matters.

2.15 The remainder of this evidence addresses key matters of particular interest to Kāinga Ora that remain of concern.

⁴ 79.20, 79.38, 79.39, 79.243

⁵ FS8.32.8

3. BACKGROUND TO THE KĀINGA ORA SUBMISSION

3.1 The overarching philosophy to the Kāinga Ora submissions across the Waikato Region is outlined in my brief of evidence for Hearing 1 - Strategic Overview - Region Wide. I consider it relevant to consideration of the Kāinga Ora submissions on PC26 to reiterate a number of points at the outset of my evidence as they relate to rezoning sought within the Kāinga Ora submission and to intensification promoted under the NPS-UD generally.

National Policy Statement on Urban Development (“NPS-UD”)

3.2 Under the overarching objective of the NPS-UD (Objective 1) to ensure ‘Well functioning urban environments’, Policy 3 of the NPS-UD is highly relevant to the Kāinga Ora approach taken to the proposed spatial zoning undertaken within each of the IPI’s by Kāinga Ora.

3.3 In relation to Tier 1 urban environments, district plans must enable⁶:

- (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),*

⁶ Refer Policy 3 of NPS-UD

building heights and densities of urban form commensurate with the level of commercial activity and community services.

- 3.4 The NPS-UD also seeks to ensure that planning decisions improve housing affordability by supporting competitive land and development markets (Objective 2), and focuses on the identification and promotion of the future character/amenity of urban environments and their evolution over time (Policy 6), rather than protection and preservation of existing amenity, by promoting and enabling compact/efficient urban form and management of effects through good urban design (Objectives 1 and 4).
- 3.5 In my opinion, the NPS-UD requires a long-term approach to the provision of development capacity with urgency. This necessarily means in some cases, planning for growth spatially in-advance of definitive infrastructure provision and capacity in the short term in order to provide a clear spatial ‘road map’ for future development, intensification and infrastructure provision/investment. Spatial planning should be ‘forward looking’ and not be unduly influenced by existing infrastructure constraints, which paradoxically can be alleviated and partially funded through the contributions and revenue that ‘enabled’ development will generate. When such an approach is not taken, opportunities for meaningful redevelopment and intensification are lost, either through adherence to a less intensive form of development, or in favour of greenfield development that merely exacerbates the adverse effects of urban sprawl.
- 3.6 In my opinion, enabling intensification as-sought by the NPS-UD in a ‘compact’ manner, assists in giving effect to Policy 1(d) of the NPS-UD which seeks to: ‘support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets’ by ensuring that typically lower-density greenfield development does not remain a strongly preferred choice for the housing sector, by delivering a competitive advantage to intensification through encouraging development in strategic locations.

The purpose of Spatial Planning and associated zone-provisions

- 3.7 In my opinion, it is relevant to the discussion of the spatial extent of zones, enabled dwelling numbers and building heights as-sought through the Kāinga Ora submission, to consider the overarching purpose of spatial planning and its role in the fulfilment of the strategic objectives of the Plan.
- 3.8 Zoning of land is the fundamental mechanism within the District Plan to identify the geographical areas of Waipā which are best suited to providing for differing levels of change and growth over time. It is important to consider that zoning is not intended as an expression of an existing situation. Zoning should not simply consider the future use of land in the context of that land's existing use, or development form. Rather, it sets a pattern of land use to provide for the social, economic, cultural and environmental wellbeing of the community, both now but more importantly for future generations.
- 3.9 Where zoning and/or enabled development within zones places heavy emphasis on preservation of existing intensities of development in reference to historic development patterns, long term strategic objectives of new District Planning (in response to national direction such as that of the NPS-UD) can be compromised. This also fails to realise the opportunity cost of taking a short-medium rather than long-term approach to spatial planning (i.e., over a present District Planning cycle). Development opportunities for infill or comprehensive redevelopment can be compromised where the zoning and/or provisions do not enable or support such objectives.
- 3.10 Where land is then redeveloped to lesser intensities by adhering to 'compliant' development in order to 'de-risk' development, the opportunity to redevelop that land in an intensive manner in the future is often lost. Furthermore, how land is zoned does not prescribe that change must happen, rather it enables and prescribes what and how changes may occur⁷. In many instances, how a particular parcel

⁷ Existing land uses are also protected from district planning changes through Section 10 of the RMA.

of land is zoned may not lead to any change in the existing use of that land - either in the short or long term.

- 3.11 On the basis of the economic evidence of Mr Osborne and my own experience, I consider there are a number of factors that influence landowners' decisions as to whether or not they would redevelop existing residential land and the extent of that redevelopment. These factors include considerations of a landowner's existing use of land and investment in capital on land, the configuration and characteristics of the land, or fragmentation of land ownership (if changes in land use require site amalgamations), the commercial viability of undertaking development or redevelopment in certain locations and desired typology/dwelling mix. These factors may mean that land is not used or developed in the way which zoning provides for or anticipates in the short or even medium term.
- 3.12 It is therefore important to consider the application of zoning (and associated provisions), is not just to provide for the expected or anticipated realisation of change simply within the lifetime of the District Plan itself (e.g., the next 10-15 years), but also the pattern of zoning applied across Waipā over a longer-term horizon. I note that the 'future growth' cells identified within the Waipā 2050 growth strategy are identified as deferred residential zoning areas generally on the periphery of existing urbanised areas. In my opinion, this already points to a risk that past land use development patterns will continue to promote a tendency towards urban sprawl and a preference for greenfield development.
- 3.13 In my opinion, appropriate regulatory incentivisation in the form of enabling planning provisions for substantive infill and multi-unit development, are therefore *critical* in achieving compact urban form outcomes that capitalise on the favourable location that existing urban areas have to established public transport, service amenities, employment and education opportunities.
- 3.14 In my opinion, the need to ensure compact urban form and development through a fundamental shift in how spatial planning has

typically occurred throughout New Zealand, by dramatically increasing the ability to enable redevelopment in brownfield areas within existing urban areas, is a key and well-documented driver behind the NPS-UD and under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ('HSAA'). Certainty of outcome through clear signals on where brownfield development and intensification should occur (supported through enabling planning provisions) reduces the perception of 'risk' within the development community and in my experience can provide a greater level of confidence in approaching investment in both infill and multi-unit style development.

4. TOPIC 1 - NATIONAL POLICY STATEMENT - URBAN DEVELOPMENT POLICY 3(d)

- 4.1 I agree with the reporting planner's assessment that the commercial zoning that applies to the Cambridge and Te Awamutu centres is an equivalent zoning to 'neighbourhood centres, local centre and town centre zones' to which policy 3(d) of the NPS-UD would apply⁸. This is also reflected in Council's s32 evaluation in support of PC26. I would note however, that the future spatial strategies for Waipā point towards significant growth in the Cambridge and Te Awamutu town centres in the long term. In my opinion, this future growth is an important factor in determining whether the PC26 provisions (as notified) provide building heights and densities of urban form 'commensurate' with the level of growth within the Cambridge and Te Awamutu centres.

Topic 1.2 High Density Residential Zone

- 4.2 The Kāinga Ora submission⁹ sought to introduce a High Density Residential zone ('HDRZ') within a 400m - 800m walkable catchment of the town centre¹⁰ of Cambridge, and within a 400m walkable

⁸ Discussed at paragraphs 7.3.10 – 7.3.12 of the s42A report.

⁹ 79.3, 79.7, 79.41, 79.42, 79.43, 79.69, 79.70, 79.71, 79.100, 79.101, 79.102, 79.257, 79.258, 79.259, 79.260, 79.261, 79.262, 79.267, 79.278, 79.283, 79.284, 79.287

¹⁰ As the Commercial Zone encompasses an area much greater than what would be considered a town centre for the purposes of the NPS-UD, the boundaries of the town centre were derived from the "Town Centre Zone" set out in Figure 18 of the Cambridge Town Concept Plan 2010.

catchment of the town centre of Te Awamutu. This was supported by a suite of HDRZ provisions, that enabled buildings up to 22m above ground level except that 50% of a building's roof in elevation may exceed that height by 1 metre. The development standards proposed within the HDRZ provisions by Kāinga Ora accorded with the MDRS density standards, while also enabling a greater building envelope (by way of height in relation to boundary and coverage controls) to reflect the 6-storey built form sought to be enabled within the zone.

4.3 The reporting planner has recommended the Kāinga Ora submission be rejected, noting in particular (emphasis added in underline):

9.4.8 [...] *I note that the Housing and Business Capacity Assessment (2021) and the updated Market Economics reporting confirms that at a total level, the Waipā District has sufficient plan-enabled and commercially feasible capacity, with headroom to meet demand in the short, medium and longer-terms. Therefore, PC26 has not sought to further increase the total capacity from that enabled under the notified provisions.*

9.4.9 *A High-Density Residential Zone ('HDRZ') requested by Kāinga Ora (Submitter 79) adjacent to the town centres of Cambridge and Te Awamutu is not appropriate on the basis it represents a building height which would not be commensurate with the level of commercial activity and community services that exist in these centres [as-assessed by the reporting planner at 9.4.6].*

[...] Furthermore, I consider that the application of such a zone is designed to be applied via policy 3(c) which is not applicable in the Waipā district. I consider that PC26 will enable heights and densities to occur, which do not predominantly currently exist, that are appropriate (commensurate) to the level of commercial activities and community services existing in Cambridge and Te Awamutu, as required by policy 3(d).

4.4 In my opinion, the application of the HDRZ is not precluded by Policy 3(d) and does not necessarily sit as a Policy 3(c) matter (i.e., it is not the case that 6 storey development can only be enabled where Policy 3(c) applies), Rather, the key question is the extent that the building

heights and densities of urban form enabled by whatever residential zone that is applied, are in-fact 'commensurate' with the level of commercial activity and community services. This will necessarily be context specific. I return to this question shortly.

- 4.5 Policy 3(c) is directive in its requirement to provide 'at least' 6 storey building heights. In my opinion this sets an expectation that 6 storey height is a *minimum* in those zones to which Policy 3(c) would apply - this does not necessarily prescribe that 6 storey development is precluded by Policy 3(d). While I agree with the reporting planner that the zones to which Policy 3(c) would apply are not present within the Waipā District, in my opinion the Kāinga Ora submission is not inconsistent with the 'hierarchy' of built form established under Policy 3 of the NPS-UD.
- 4.6 In relation to the use of walkable catchments, this again has not, in my view, been undertaken in the Policy 3(c) context, but as a robust and accepted method to gauge the extent to which the HDRZ should apply spatially adjacent to those centres. Mr Wallace addresses the assessment of the HDRZ's application at paragraph 7.3 - 7.5 of his evidence and the principles that have informed that process as well as the support that is lent to the Kāinga Ora submission through relevant WRPS objectives and policies. I agree with Mr Wallace's assessment.
- 4.7 Concerning Policy 3(d), my review of the s42A report and supporting documentation (including the updated Market Economics report) suggests that the Council has not sought to take a sufficiently longer-term view to development within and around these centres. There is a focus throughout supporting documentation on the 'existing' levels of commercial and community services in the centres (as-emphasised in paragraph 4.3 above). The assessment undertaken by the reporting planner at paragraph 9.4.6 of the s42A report essentially focusses on the existing services within the centres while giving no consideration to future growth and demand.

- 4.8 This appears to have been used as the basis for determining that the existing levels of development provided for within the centres (up to 14m), in conjunction with the application of the MDRS within the MDRZ ‘around’ the centres, are ‘commensurate’ with the level of commercial activities and community services.
- 4.9 In my view, focus on the existing situation within centres does not fully-respond to the ‘forward-looking’ and directive framework that the NPS-UD provides. Where decisions on the need to provide greater intensification are made on the basis of existing services within centres, then in my view there are no opportunities enabled to provide the necessary growth to support those centres into the future as they too grow. In my opinion, the Future Proof Strategy dated 2022 (while a non-statutory document) provides a clear indication that these centres will be subject to growth over the long term.
- 4.10 In my opinion, this approach is contrary to a range of objectives within the NPS-UD, including Objective 3 which provides a clear direction for district plans to enable more housing, business and community services to be located close to commercial centres. Objective 4 also directs that ‘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’.
- 4.11 Mr Osborne has undertaken an analysis of the future growth likely to occur within the Cambridge and Te Awamutu centres. Mr Osborne notes:
15. *The centres of Cambridge and Te Awamutu (along with the airport zoned business land) represent the most significant commercial areas for the district with the majority of zoned commercial business land as well as commercial activities. Both centres’ roles and functions are districtwide with a significant level of district employment accommodated within each. As such the facilitation of high-density residential development, at a level seen through the proposed Kainga Ora heights would not be at odds with the centres as a whole.*

4.12 Mr Osborne goes on to note the projected growth within the Cambridge and Te Awamutu Centres (emphasis added in underline):

16. *The areas around these centres are expected to see significant residential growth (between 32% -62%) over the long run (30-year period). Given the location and role of these centres it is expected that both will experience considerable growth in terms of commercial, retail and community services activities, driven by both the service requirements of a growing population as well as a likely increase in the ability for the centres to retain activity through increased self-sufficiency [...]*

20. *The additional level of future activity expected to be accommodated within these centres indicates strong growth and a subsequent requirement for future built form development. This demand will place increased pressure on the existing provision of floorspace. The potential for the district to retain this demand will ultimately be centred on the ability for the market to feasibly develop additional appropriate space.*

4.13 In my opinion, there is a clear need to provide for such growth both within the centres, and in the case of Cambridge, in the areas adjacent to the centre. Mr Osborne also notes in his evidence that providing for higher-intensity forms of development and building heights, as those sought in the Kāinga Ora submission, increases the diversity, viability and comparative advantage of commercial centres. It also provides increased choice (the ability for the market to provide for households who would choose a higher density residential product but not in the centre), and signals to the market the longer-term direction for the accommodation of district growth. Mr Osborne notes that this signal is important to the market as the potential for longer-term high-density development is often impacted through lower density developments occurring and subsequently undermining longer term feasibilities.

4.14 In order to respond to such growth, Mr Osborne outlines why greater heights are appropriate both within and around the centres. His evidence points towards a far greater ability to provide feasible

redevelopment and intensification where building heights are enabled to a level proposed in the Kāinga Ora submission. I agree that this improvement is both necessary to realise the economic efficiencies of intensified development as well as providing for realistic choice and demand preferences both now and over the long-term¹¹.

- 4.15 As outlined earlier in my evidence, I consider that appropriate regulatory incentivisation in the form of enabling planning provisions for substantive infill and multi-unit development (including corresponding heights), are critical in achieving compact urban form outcomes that capitalise on the favourable location that existing urban areas have to established public transport, service amenities, employment and education opportunities.
- 4.16 The need to ensure compact urban form and development through a fundamental shift in how spatial planning has typically occurred throughout New Zealand, by dramatically increasing the ability to enable redevelopment in brownfield areas within existing urban areas, is a key and well-documented driver behind the NPS-UD and under the RMA as amended by the HSAA. I do not consider that providing ‘sufficient’ development capacity obviates the need to ensure that fundamental principles of land use efficiency and compact urban form outcomes (as required by the NPS-UD) are achieved. Policy 2 of the NPS-UD sets demand capacity as a ‘minimum’ and not a target.
- 4.17 As such, I consider the proposed heights and density of built form sought to be enabled through the Kāinga Ora submission (as-described in following sections) to be commensurate¹² with the level of commercial activities and community services within the centres of Cambridge and Te Awamutu, and an appropriate response under Policy 3(d) of the NPS-UD. In my opinion, this will give effect to Policy 1 of the NPS-UD through the application of the HDRZ and more-enabling buildings heights, which will in turn provide a greater degree

¹¹ Evidence of Phil Osborne, para. 26.

¹² Mr Cameron Wallace has also turned his mind to this issue and I agree with his assessment at paragraphs 7.6 – 7.12 of his evidence.

of feasible development capacity for a greater range of housing options that:

- (a)(i) *meet the needs, in terms of type, price, and location, of different households; and*
- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;*

4.18 I consider it appropriate that opportunities for meaningful growth and intensification are provided for and note that enabling greater building heights within the HDRZ (and commercial centres of Te Awamutu and Cambridge) does not necessarily equate to an immediate uptake in such a scale of development (having regard to the evidence of Mr Osborne). Rather, it provides an enabling framework to promote, and maximise opportunities for, intensification and housing choice through alternative typologies in efficient locations. Mr Osborne's evidence also demonstrates the economic benefits of such an approach, and that the proposed HDRZ building heights would not undermine or compete with the feasibility of development also sought to be enabled in the Cambridge centre (Commercial Zone) itself.

Revised Kāinga Ora position

4.19 Having considered the s42A report and undertaking further analysis in the preparation of evidence, Kāinga Ora has revised its position from the original submission and no longer seeks the application of the HDRZ within Te Awamutu.

4.20 This is on the basis that (in the Waipā and wider regional context) there may be limited demand for this higher density typology within the context of the local market of Te Awamutu as-outlined in Mr Osborne's evidence, noting that additional height is still being sought in the Te Awamutu town centre.

4.21 For the reasons outlined earlier, I support the application of an HDRZ in the areas surrounding the town centre of the Cambridge Commercial Zone, so as to provide the greatest opportunity for efficiency of land use and intensification within and around the existing Cambridge Centre¹³.

4.22 As outlined in the evidence of Mr Wallace, a reduced HDRZ spatial extent is proposed within a 400-600m walkable catchment of the Cambridge town centre¹⁴. I rely on and adopt the expert opinion of Mr Wallace as to the extent of the HDRZ, who notes that:

7.5 *In terms of the revised spatial arrangements of the HDRZ, its worth noting that the zone boundary have been aligned with natural boundaries such as streets and open spaces resulting in the extent extending beyond and falling short of a 400m/ 5-minute walking catchment in some places. This has the benefit of providing natural transitions/ buffer spaces between the more intensive HDRZ and low-scale MDRZ. This will help to ensure that the most intensive forms of development are encouraged in areas where they can best support Cambridge town centre, helping to support a reduction in greenhouse gas emissions and concentrating it into an area where it can be more efficiently serviced by infrastructure.*

4.23 In relation to the 6 storey building heights sought to be enabled, I agree with the assessment of Mr Wallace who notes that from a built form and effects perspective:

7.13 *In terms of the proposed policy and rule framework for the HDRZ sought by Kāinga Ora, I am generally supportive of this from an urban design perspective as it would enable a greater variety of housing types and prices to suit a wider range of potential residents. Further, the proposed level of development sought via the HDRZ would provide a meaningful incentive to seek residential development opportunities immediately adjacent to Cambridge Town Centre rather than more broadly as enabled by the MDRS.*

¹³ This is to be complimented by the 24.5m height within the commercial zones of Cambridge and Te Awamutu.

¹⁴ As the Commercial Zone encompasses an area much greater than what would be considered a town centre for the purposes of the NPS-UD, the boundaries of the town centre were derived from the "Town Centre Zone" set out in Figure 18 of the Cambridge Town Concept Plan 2010

[...] As such, there would be overall urban form and centre vitality benefits in trying to direct this growth to occur as close to Cambridge town centre as possible. I note Ms Fairgray reaches similar conclusion in paragraphs 10.6 and 11.3 of her evidence.

- 4.24 I agree with the assessment of Mr Wallace, who also makes a number of recommendations concerning additional controls that should be incorporated into the HDRZ to manage the interface with heritage or character cluster sites, reduced building coverage consistent with the MDRS to respond to the wider residential character and amenity of Cambridge, and additional assessment for higher-density development adjacent to character or heritage sites. I also consider that height within the HDRZ and its relationship to lower intensity zones can efficiently and effectively be managed through the MDRS height in relation to boundary standard which applies a common 4m + 60° recession plane.
- 4.25 I reiterate points made earlier in my evidence (and that of Mr Osborne) that enabling 6 storeys within the zone does not necessarily equate to an immediate uptake in such a scale of development. Rather, it provides an enabling framework to promote, and maximise opportunities for, intensification and housing choice through alternative typologies in efficient locations consistent with the NPS-UD¹⁵.
- 4.26 A revised set of HDRZ provisions are attached at **Appendix C** to my evidence which, in addition to the above recommendations, include a number of amendments to better-align the zone provisions with the MDRZ provisions¹⁶. Those amendments are identified for ease of reference.
- 4.27 I also note that as a consequence of the HDRZ there are a number of character clusters that would be subject to the HDRZ provisions. I address character clusters (as a qualifying matter) in later sections of

¹⁵ In my opinion, this is contingent upon a proportionate enablement of height within the Commercial zone to ensure a consistent built form outcome.

¹⁶ For the reasons of infrastructure capacity and consistency with the MDRS density standards, this includes reducing the permitted number of dwellings per site from 6 as-sought in the Kāinga Ora submission, to 3, with 4+ dwellings requiring consent.

my evidence, but note at this point that development within the HDRZ on sites adjoining a ‘cluster site’ (whether character-defining or not) would be subject to a reduced height in relation to boundary control consistent with that prescribed under the MDRS density standards and within the MDRZ provisions (wherein the balance of character clusters are located). In addition, it is proposed that a similar activity apply in the HDRZ to that of the MDRZ to ensure that redevelopment of cluster sites require a restricted discretionary resource consent. This is consistent with the MDRZ provisions and my evidence concerning character clusters.

- 4.28 The above amendments also seek changes (as outlined in the Kāinga Ora submission¹⁷) to the Strategic Framework chapter as a consequence of seeking the inclusion of the HDRZ in Cambridge.
- 4.29 I note that were the commissioners minded to recommend the HDRZ be adopted into the District Plan, then further work may be required to ensure the zone provisions put forward by Kāinga Ora align with the District Plan structure and MDRZ provisions. I have also recommended and range of amendments to Chapter 15 - Infrastructure, Hazards, Development & Subdivision to account for the HDRZ in accordance with the Kāinga Ora submission¹⁸.

Topic 1.3 Section 6 - Commercial Zone

- 4.30 In addition to seeking the application of the HDRZ, the Kāinga Ora submission¹⁹ sought to apply a targeted height variation control (or overlay) over the Commercial Zone within the Te Awamutu and Cambridge Town centres to enable a proportionate height of buildings (24.5m) to that sought within the HDRZ (22m). I have outlined earlier in my evidence the rationale for promoting greater levels of enabled built-form and intensification opportunities as-sought in the Kāinga Ora submission.

¹⁷ 79.2, 79.61, 79.62, 79.63, 79.67, 79.68, 79.72, 79.23

¹⁸ 79.271, 79.274, 79.275, 79.286.

¹⁹ 79.21, 79.45, 79.46, 79.73, 79.103,

4.31 The reporting planner has recommended that the Kāinga Ora submission be rejected, noting in particular (emphasis added in underline):

9.5.4 *As part of PC26, no changes are proposed to Section 6 - Commercial Zone (in the Cambridge and Te Awamutu town centres). This is on the basis that the currently permitted height of 14 metres and densities enables a greater level of height and density which is not currently realised within the commercially zoned areas of the district [...]*

I note that in his evidence as part of the Joint Open Hearing - Session 1, Mr Quickfall highlighted examples of intensification developments that have been developed in Cambridge within the Commercial Zone. He also highlighted that there were other prospective developments in train across the district, principally within Cambridge. I note further that the town centres of Cambridge, Te Awamutu and Kihikihi are subject to the Character Precinct Areas overlay which has the effect of requiring restricted discretionary resource consents to be obtained for the erection of any new building.

9.5.5 *While I agree that it is beneficial to intensify urban residential development around centres and key areas of amenity, preliminary modelling by Market Economics indicates that under the District Plan/PC26 provisions there is an existing plan-enabled capacity for up to 5,000 apartment units within Waipā's Commercial Zones if they were comprehensively redeveloped at 3 storeys. However, the potential feasible and available capacity is likely to be lower than this where a share of capacity is likely to be reduced by factors such as overlay site constraints, feasibility of redevelopment (including impact of market demand size), availability to the market and capacity within the construction sector.*

9.5.6 *[...] I consider that there may be an opportunity for some refinement of "centre" commercial zones to facilitate some additional intensification within the centre and immediately adjacent the centre (refer to 9.51 - 9.5.2) in an effort to provide for increased choice and typology and to better differentiate the Cambridge and Te Awamutu town centres from the other general*

commercial zones across the district. I consider this would be appropriate on the basis that they represent centres that are appropriate for some form of intensification which is commensurate to the level of commercial activity and community services that currently exist in those centres.

4.32 As outlined earlier in my evidence, the overarching approach behind the submission points by Kāinga Ora is to enable greater opportunities to encourage intensification and housing choice, both in and around the Cambridge and Te Awamutu ‘centres’ which have access to a wide range of amenities for existing and future residents. As outlined earlier in relation to the HDRZ, I agree with the reporting planner that Cambridge and Te Awamutu are equivalent ‘centres’ under Policy 3(d) of the NPS-UD.

4.33 In my opinion, this approach is supported by the NPS-UD, which provides guidance and direction for local authorities in relation to development within urban areas. Several NPS-UD objectives and policies suggest that intensification and the efficient use of land is a desirable outcome. I note, in particular, Objectives 3 and 4 of the NPS-UD. These objectives state as follows (underling emphasis added in underline):

Objective 3: *Regional policy statements and 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:*

(a) the area is in or near a centre zone or other area with many employment opportunities

(b) the area is well-serviced by existing or planned public transport

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 4: *New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

- 4.34 Objective 4 is reinforced by Policy 6, which acknowledges that planning decisions affecting urban environments may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types. It also confirms that such changes are not, of themselves, an adverse effect²⁰. As I have outlined earlier in my evidence, I do not consider that planning provisions which enable greater dwelling numbers or building heights of-themselves will result in defacto development up to what the District Plan would permit. There are a range of other market and economic factors that contribute to development feasibility.
- 4.35 In my opinion, the deliberate and directive objectives and policies in the NPS-UD tip the scales in favour of increased building heights density of urban form in the Te Awamutu and Cambridge centres. Paragraphs 4.4 - 4.18 of my evidence address why, in my opinion, the heights sought by Kāinga Ora are appropriate under Policy 3(d) of the NPS-UD. While I acknowledge that there is the ability for applicants to seek a resource consent for additional building height and that there are examples of resource consents being granted for multi-storey buildings in Cambridge; the need to obtain a resource consent for such development is not of itself 'enabling' of intensification, and requires a resource consent process.
- 4.36 I have outlined previously the implications this has on the desirability, feasibility and perceived risk of development, and I consider this to be contrary of the NPS-UD, as well as the strategic objectives of the WRPS²¹ which, consistent with the NPS-UD, seek to give effect to a more-compact form of urban development. Setting appropriate height levels that incentivise redevelopment will attract investment and redevelopment of sites and provide the market with greater certainty in terms of investment.

²⁰ Kāinga Ora has also sought a range of amendments to the affected District Plan provisions under PC26 in order to recognise this national policy directive.

²¹ These are outlined at paragraph 3.4 of Mr Wallace's evidence.

4.37 As such, it is my opinion that maintaining the existing heights-enabled in the Commercial Zones of Te Awamutu and Cambridge under PC26, does not give effect to the requirement under section 77N of the HSAA to give effect to policy 3 of the NPS-UD in non-residential zones. There is little analysis or justification within Council's s32 analysis in support of PC26, as to the appropriateness of enabling greater intensification opportunities within non-residential zones, other than the following comment:

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.

4.38 As outlined previously and in the evidence of Mr Osborne and Mr Wallace, there are a range of benefits to enabling greater building heights and densities of urban form within centres, along with a level of existing and planned economic growth to support this within Te Awamutu and Cambridge. Mr Wallace notes:

9.5 From an urban design perspective, and consistent with national policy direction, it is preferable to promote and enable the intensification of existing urban areas which would better support the use of active modes of transport, reduce private vehicle use (and associated greenhouse gas emissions) and contribute to a more vibrant, well-functioning centres. Centre based residential opportunities also provides for increased choice for apartment typologies with differing characteristics that are valued by some people.

4.39 In addition, the Market Economics assessment undertaken in support of PC26 (and the updated assessment supplied for Hearing 2) does not specifically touch upon the extent to which housing is enabled within non-residential zones, seemingly focusing only on residential zones within urban environments.

4.40 To respond to the requirements of s77N of the HSAA (i.e., to give effect to Policy 3(d) of the NPS-UD), I support the 24.5m height variation control sought to be applied in the Kāinga Ora submission.

The proposed spatial extent of the overlay, as it applies to Te Awamutu and Cambridge, is shown in **Appendix D** to my evidence. I note that consequential amendments would be required to the existing maximum height rule under 6.4.2.1 (Section 06 - Commercial Zone) of the OWDP to reflect the additional height control/overlay's application in Te Awamutu and Cambridge.

- 4.41 I consider that the majority of existing provisions under the Commercial Zone will effectively manage and moderate the scale of buildings that could be enabled as a result of the 6 storey heights (24.5m) enabled in the centres (i.e., due to requirements in relation to pedestrian frontages, daylight, height in relation to boundary to residential zones, yards etc).
- 4.42 I also consider it appropriate to ensure that greater intensities of residential development within the Commercial centres is supported by an appropriate level of onsite site amenity. As such I consider it appropriate to amend the Commercial zone chapter to include the MDRS outlook standard provided in the MDRZ under 2A.4.2.14 - 2A.4.2.20, particularly as residential activity is already enabled within the commercial zone.
- 4.43 As noted by the reporting planner at paragraph 9.5.4 of the s42A report, there are existing Character Precincts within the Commercial zone (as they apply to Te Awamutu and Cambridge) which otherwise require restricted discretionary consent for the construction of new buildings, and assessment in relation to existing built character, building design and other matters as outlined under section 6.4.1.2 of the OWDP. Notwithstanding my opinion and that of Mr Wallace and Mr Osborne that 24.5m building heights are appropriate so as to enable greater intensification opportunities in the Te Awamutu and Cambridge Centres; I am cognisant that the presence of existing Character Precincts may be seen as a reason to maintain the operative Building Height standard (in general 3-storeys), because the greater building heights sought in the Kāinga Ora submission may not be compatible with the *existing* character values contained within those precinct areas. I do not consider this to be a fundamental issue for

the reasons I have already outlined above, and consider it a common planning occurrence to have particular matters addressed through the application of overlays that might otherwise reduce the extent of built form otherwise enabled through zone provisions.

- 4.44 I consider there are a range of examples in areas more-intensive than Cambridge where there are character values being protected (such as Ponsonby in Auckland) where larger scale development sits alongside existing 'character' or 'heritage' buildings in a manner that does not derogate from the values and contribution that such buildings make. In such contexts, larger scale buildings (and those with modern forms) can provide a valuable counterpoint to more-traditional character and heritage development, while utilising architectural techniques to ensure sympathy with identified values being protected.
- 4.45 Similar to the recommendations of Mr Wallace concerning Character Clusters, and my evidence concerning the proposed HDRZ at paragraphs 8.14 - 8.17 on the need to ensure non-character defining sites are more enabling of development; I consider it appropriate that the design guides and character statements which apply to Te Awamutu and Cambridge are amended to enable a greater degree of flexibility in the assessment of development within the centres on sites of lesser character value, in a manner that supports and compliments the identified character values (rather than 'maintains' the status quo). Mr Wallace outlines at paragraph 9.7 of his evidence that 'this could include a general relaxation of the guidelines around height or potentially consideration of building setbacks above two storeys such that taller building elements appear more visually recessive and/ or are partially screened/ obscured from view from the main streets of Cambridge and Te Awamutu'. Should the commissioners be minded to explore such an outcome in their recommendations, I am instructed that Kāinga Ora can provide the suggested amendments in a tracked format.
- 4.46 While I appreciate that the amendments to the Commercial zone were not part of PC26 as-notified, I consider it relevant as outlined earlier, that Council has not given effect to the requirement under section

77N of the HSAA to give effect to policy 3 of the NPS-UD in non-residential zones. Had the Council undertaken a robust analysis to determine the appropriateness of building heights and density of urban form in those centres (and concluded, as I have, that a greater level of intensity should be enabled), then it would have also been required to respond to s77P or 77Q (in relation to qualifying matters for non-residential zones), undertake the appropriate analysis, and notify those matters as part of the PC26 IPI.

5. TOPIC 2 – MEDIUM DENSITY RESIDENTIAL STANDARDS (MDRS)

5.1 The following sections generally follow the s42A report. However, where there is overlap with higher-level issues (such as infrastructure constraint overlays, character clusters etc) I address those matters in latter sections of my evidence.

Topic 2.4 Chapter 2A (Medium Density Residential zone ('MDRZ'))

Planned built form and maintenance of amenity values

5.2 Kāinga Ora made a number of submissions on the proposed MDRZ provisions, which based on their notified wording, have a large focus on the 'maintenance' of existing amenity values. In Kāinga Ora's submission, amendments were sought to reflect Policy 6(b) of the NPS-UD by ensuring that changes to existing amenity values as a result of development, are measured in reference to the 'planned built form' outcomes of the zone.

5.3 I support the amendments sought by Kāinga Ora. As I have noted earlier in my evidence, Policy 6 is framed in a way that ensures planning decisions which affect urban environments are 'forward-looking'. The relevant aspects of Policy 6 read as-follows:

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*

- (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
- (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not, of themselves, an adverse effect*

5.4 The reporting planner has recommended a range of amendments to the MDRZ provisions under Chapter 2A, noting at paragraph 9.11.7 of the s42A report that the changes sought by Kāinga Ora are generally supported. Those amendments are somewhat extensive, and are captured at paragraph 9.11.23 as well as Appendix A to the s42A report.

5.5 While I generally support the amendments recommended by the reporting planner insofar as they address the Kāinga Ora submission, there are a number of provisions throughout the MDRZ that were sought to be amended by Kāinga Ora that were not recommended to be accepted²². In my opinion this creates inconsistent wording throughout the MDRZ provisions. As one example, the approach which has been taken in most cases, Kāinga Ora sought the following amendment (79.196) to Policy 2A.3.4.21 as follows (in red):

Residential Based Visitor Accommodation is enabled where the scale of the activity is such that ~~it~~:

~~Maintains local residential character, including the The scale and design of buildings and their location on the site is consistent with the planned urban built form and character of the zone; and [...]~~

5.6 In this instance the reporting planner has recommended the following change (in blue), noting in Appendix B to the s42A report that the wording sought by Kāinga Ora “does not fit with the preceding provisions”:

²² 79.196, 79.197,

Maintains local residential character, while recognising that this may change over time, including the scale and design of buildings and their location on the site;

- 5.7 In my opinion, this does not sufficiently capture the intent of Policy 6 of the NPS-UD, and contains an inherent contradiction that requires existing values to be ‘maintained’ while at the same time recognising those values may change over time. In other instances, there remain references to amenity values being ‘maintained and enhanced’ without reference to evolving amenity values. It is for this reason, that I support reference to ‘planned built form outcomes’ as-sought in the Kāinga Ora submission.
- 5.8 I therefore recommend a range of amendments to the MDRZ provisions in **Appendix A** to my evidence. This will ensure such contradictions are removed from other provisions identified in the Kāinga Ora submission, and ensure consistency with Policy 6 of the NPS-UD and the MDRZ as-recommended to be amended by the reporting planner.

Use of the term ‘avoid’ in light of Environmental Defence Society Inc v New Zealand King Salmon Company Ltd [2014] NZSC 38 (“King Salmon”)

- 5.9 Kāinga Ora made a range of submissions that sought to qualify the use of the term ‘avoid’ throughout affected plan provisions in PC26. There are a large number of objectives and policies that refer to the ‘avoidance’ of effects, but are associated with matters (such as earthworks) that are managed through controlled, restricted discretionary and/or discretionary activities. As one example of the approach which has been taken in most cases, Kāinga Ora sought the following amendment underlined in red (79.193) to Policy 2A.3.4.15 Earthworks as follows:

*To ensure that earthworks are carried out in a manner that avoids **where practicable, or otherwise mitigates unacceptable** adverse effects between properties and on water bodies.*

- 5.10 In my opinion the notified Policy precludes any adverse effects occurring between properties and water bodies. My understanding of

caselaw under ‘King Salmon’ is that where policy directs effects to be ‘avoided’, sets the highest threshold for effects management under the RMA. In cases such as the example above, there would be a range of situations within Waipā where there may be no more than minor effects on adjoining properties arising from earthworks. Kāinga Ora therefore sought to qualify the use of the term ‘avoid’ to address this issue (i.e. the creation of inappropriately absolute planning provisions).

- 5.11 While the Kāinga Ora submissions are not directly addressed by the reporting planner within the s42A report, they are identified in Appendix B to the s42A report. By in large (with some exceptions) the reporting planner has recommended the submissions be rejected, typically noting that to amend such wording would not be consistent with other sections of the OWDP that are not part of PC26. In my opinion, this concern is not warranted in the context of a plan change that seeks to introduce a new zone and associated provisions into the OWDP, and may simply frustrate effective and efficient administration of the Plan when future development within the MDRZ is being assessed.
- 5.12 Due to the extensive nature of amendments required to address the above issues, I consider it appropriate that the Council reconsider those Kāinga Ora submission points. This will ensure a consistent approach to policy wording across the MDRZ provisions as-proposed to be amended by the reporting planner, and in my opinion, ensure effective and efficient plan administration.

Roof Pitch

- 5.13 Kāinga Ora opposed²³ the roof pitch standard on the basis that it is a broad control which places limitation of development, as well as precluding a variety of roof forms. The reporting planner notes (emphasis added in underline):

²³ 79.249

9.11.14. *Roof pitches are restricted in character areas, the compact housing overlay and other areas in the MDRZ by rule 2A.4.2.22. A submission has requested these provisions be removed as they do not necessarily equate to good urban design outcomes. As previously discussed, the compact housing overlay restriction was retained in error so the roof pitch provisions relating to this overlay are to be deleted. The roof pitch provisions in character areas are still supported as a specific characteristic of these areas. More broadly, based on discussions with Council planners, it is considered that roof pitch provisions should also remain across the remainder of the zone as these form part of the district's broader urban character.*

5.14 I agree with the assessment of Mr Wallace, who notes at paragraphs 5.29 - 5.32 of his evidence that:

[...] the proposed and amended rule is overly prescriptive and has the potential to unnecessarily undermine the delivery of a variety of housing typologies (in terms of type and price) as required by the NPS-UD. There is also a high degree of ambiguity as to how the rule should be applied noting that a single building can have more than one roof or incorporate a variety of roof pitches.

5.15 Mr Wallace goes on to note that there are a range of existing examples within character cluster areas that have flat roof forms which already are part of the existing character-makeup of those areas.

5.16 I agree with Mr Wallace and the Kāinga Ora submission. I do not consider it appropriate to apply rule that is (as outlined in the s42A extract above) playing a role in the preservation of 'character' across the MDRZ. I do not consider this an appropriate qualifying matter and there is little justification for its application on that basis. I also consider that roof pitches would otherwise be managed through assessment of new buildings and additions and alterations, within character cluster areas. As such, the rule is neither efficient or effective and can be managed through the character cluster overlay and associated provisions. Please refer to Appendix A.

Relocated Buildings

- 5.17 Kāinga Ora opposed and sought the removal of the permitted relocated building standard under rule 2A.4.2.62²⁴ and associated provisions, as it applies Building Act requirements within an RMA context.
- 5.18 The analysis of submissions appended to the s42A report recommends the Kāinga Ora submission be rejected, noting that ‘this rule is in the Residential Zone and is largely unchanged by PC26. Objectives and Policies in the ODP and in PC26 support controls on relocated buildings’.
- 5.19 I do not consider the retention of this standard to be appropriate, or sound resource management, as it essentially duplicates requirements that sit across two statutes. In context of the NPS-UD, I consider the adaptive reuse of existing buildings should be enabled, and is a positive outcome that can provide a cost-effective option for housing provision. While I support the need for Council to reserve control on the use of relocated buildings onto sites within character clusters, the requirements under 2A.4.2.62 relate purely to Building Act matters and are not, in my opinion, valid resource management issues. This is neither efficient nor effective as there is the potential for resource consents to be triggered on the basis of Building Act matters that do not directly address specific ‘environmental’ effects. I note that Ms Hill also notes in the Lifescapes report (page 77) that ‘*The policy relating to "relocated buildings" is unnecessary as a planning provision and more appropriately relates to building consent regulations*’.
- 5.20 I have therefore included the deletion of this standard in my amendments under **Appendix A**, and references to relocated buildings in relation to that standard only.

²⁴ 79.89

Topic 2.5 - Chapter 15 (Subdivision)

- 5.21 Kāinga Ora sought a range of amendments to ensure that *vacant* lot subdivision standards concerning minimum lot size, lot shape, lot frontage and minimum net lot area within the MDRZ, are reflective of the level of development enabled under PC26 (and as sought to be amended in Kāinga Ora’s submission).

9.12.8. [...] changes to the subdivision matters of control, minimum lot size, lot shape, lot frontage and minimum net lot area are not supported as PC26 has not changed the subdivision provisions except in specific circumstances where the MDRS have required it. The focus of the MDRS in relation to subdivision is considered to be enabling of subdivision around residential development. The MDRS does not apply to vacant lot or non-residential subdivision.

- 5.22 I do not agree with this rationale given that the MDRZ is in-effect a new residential zone that enables a greater intensity of residential development than what was otherwise provided for under the OWDP. It is therefore wholly-appropriate in my opinion that vacant lot subdivision standards in the MDRZ reflect and enable development anticipated by the MDRS. The legal submissions for Kāinga Ora will address the scope for such changes further.
- 5.23 Kāinga Ora lodged submissions that sought to delete the vacant lot requirement from the MDRS and HDR zone. Kāinga Ora supports shape factor requirements only applying to vacant lots. Kāinga Ora considers that a shape factor of 8m x 15m would be more appropriate on the basis that it does not apply to concurrent land use and subdivision applications as prescribed in Clause 8 of Schedule 3A of the Housing Supply Act.
- 5.24 The Amendment Act requires that density reflects the minimum required to accommodate the level of development permitted under the MDRS. While the Part 2 density standards provide for 3 residential units per site (clause 10), it is my view that the anticipated outcome of the Amendment Act is that any minimum lot size, shape size or other size - related subdivision requirement must be able to

accommodate a single “typical” dwelling in compliance with the density standards contained in Schedule 3A.

- 5.25 The proposed rule framework for subdivision of a residential site in the Medium Density Zone requires a minimum lot size of 500m², and an average of 600m² for three or more lots. The minimum lot size is based on the nett area after the removal of any entrance way.
- 5.26 While a minimum site area could be applied to accommodate the requirements of the MDRS, a standard based on minimum lot size does not adequately address the limitations on “practical” development caused by irregular shaped sites and topographically-constrained landform. As more “marginal” land is developed for infill housing, minimum lot size becomes less useful than ensuring lots are capable of accommodating complying development. The creation of allotments which are impractical or cost -prohibitive to develop is an inefficient use of the residential land resource. I consider that subdivision in the existing HDRZ should apply the same approach.
- 5.27 The Amendment Act applies the MDRS requirements across all relevant residential zones, including the proposed HDRZ. Any size related subdivision requirement should reflect the minimum required to accommodate the level of development permitted under the MDRS, and accordingly, it is considered inappropriate to require a shape or size-related subdivision requirement in excess of that minimum outcome.
- 5.28 As a result of architectural testing, (refer to evidence of Mr Wallace²⁵), a shape factor comprising a rectangle of 8m x 15m is proposed which is capable of accommodating a dwelling in compliance with the density standards²⁶ of building height, height in relation to boundary, setbacks, building coverage, outdoor living space, outlook space, windows to street and landscaping. This shape, as opposed to a shape factor accommodating a minimum diameter circle, is

²⁵ Refer to Paragraphs 8.2 and 8.3 of evidence of Cam Wallace.

²⁶ Amendment Act, Schedule 3A, Part 1 definition ‘density standard’ - a standard setting out requirements relating to building height, height in relation to boundary, building setbacks, building coverage, outdoor living space, outlook space, windows to streets, or landscaped area for the construction of a building

considered to better align with the configuration of residential lots in existing urban areas which are largely rectangular.

- 5.29 I note that the density standards provide for up to three dwellings and sufficient building height to enable a three-storey building to be constructed on a permitted basis, a more conservative approach has been taken to determine what constitutes a “typical” dwelling under the MDRS. The shape factor proposed enables a two storey, two bathroom dwelling of 94m² to be built on a 120m² site. In effect, the MDRS standards become the controlling factor in relation to managing the effects of development on the vacant lot.
- 5.30 I consider a minimum shape factor requirement can be a sufficient approach to manage the effects of *vacant*²⁷ lot area of an appropriate size to accommodate a complying building, subject to being free from access and easements.
- 5.31 In my opinion, and as-assessed in Mr Wallace’s evidence, this will ensure sufficient area to accommodate the planned built form outcomes of the MDRZ and HDRZ as sought by Kāinga Ora. The application of a shape factor standard will ensure vacant lots created through subdivision are usable, and support the integrated, liveable and sustainable communities envisaged by the policy framework.

6. TOPIC 3.1 – EXISTING QUALIFYING MATTERS

- 6.1 The reporting planner has outlined in section 9.13 of the s42A report, the relevant sections of the HSAA that apply to the consideration of existing qualifying matters. I acknowledge that s77K provides an alternative process for the consideration of *existing* qualifying matters to that of s77J, which has largely been relied upon. I also note that s77K(3) specifies that the alternative process for existing qualifying matters can only be utilised in respect of those matters identified under s77I (a)-(i). It does not apply to ‘any other matter’ under s77I(j).

²⁷ I reiterate that minimum site area and shape factor requirements would only apply to vacant lot subdivision.

Setbacks from State Highways

6.2 Kāinga Ora opposed²⁸ the setbacks under 2A.4.2.6 (a) - (c) noting that they are, in all instances, overly restrictive in enabling intensification as-sought by the MDRS, and may not be sufficiently justified under ss77J-L. Kāinga Ora also made a further submission opposing that of Waka Kotahi's on the same provision.

6.3 The reporting planner addresses the submissions as follows:

9.14.21. In response to Waka Kotahi questioning of the additional setback of 7.5m applied in PC26 to State Highways, this setback has been carried over from the District Plans Residential Zone section 2.4.2.2 which outlines additional setback rules. These include a 7.5m setback along State highways instead of the standard 4m road setback. Council has reconsidered this setback and agrees the rule as proposed requires refinement to target the setback to particular noise sensitive activities including dwellings and sleep outs. In my opinion, this approach is nationally accepted as a method of managing reverse sensitivity adjacent to regionally and nationally significant infrastructure and is a consistent approach to implementing the qualifying matter e.g., a similar approach is applied to Hamilton City's IPI (Plan Change 12).

6.4 Mr Wallace has considered the effects of the setback in relation to this setback. Mr Wallace notes²⁹ that:

"...the 7.5m setback is overly restrictive for buildings and has the potential to give rise to adverse design, streetscape, safety and amenity outcomes that outweigh any potential internal amenity outcomes. From a design perspective there are a range of measures that can be incorporated into a development or the streetscape that can address aural amenity including insulation, double/ triple glazing, noise walls, configuration of internal dwelling layouts, and road surface treatments."

6.5 Mr Wallace also notes that State highways that run through small towns are increasingly becoming slower speed environments as they also need to accommodate a range of pedestrian and cycling

²⁸ 79.238 and FS8.63.3

²⁹ Wallace, para. 5.10

movements. Setting buildings back from the State Highway reduces the potential for street enclosure and activation, and can result in development inefficiencies where areas within the setback are used for parking, reducing the quality and attractiveness of the streetscape as well as passive surveillance opportunities.

- 6.6 I agree with the assessment of Mr Wallace. In my opinion, the 7.5m setback is not an efficient or effective method to achieve the stated objectives of the qualifying matter or the relevant objectives and policies of the plan. There are existing methods in the plan (noise insulation requirements under 2A.4.2.41) that can effectively manage the stated issues around reverse sensitivity while not having an effect on the enablement of intensification as outlined by Mr Wallace. I recommend that the setback is removed and deleted.

Setback from Rail Corridor and Noise and Vibration effects from the railway corridor

- 6.7 Kāinga Ora made a range of submissions that sought to remove reference to the Main Trunk Railway as a qualifying matter³⁰. This was on the basis that, as acknowledged by the reporting planner at paragraph 9.14.26 of the s42A report, rules associated with the Rail Corridor (rule 2A.4.2.40) relate to noise insulation for noise sensitive activities adjoining the Rail Corridor. That is, they seek to place additional restrictions (costs) on development adjoining the rail corridor.
- 6.8 Kāinga Ora made further submissions³¹ on a range of amendments sought by Kiwi Rail, which sought to introduce a suite of controls in addition to those currently within the OWDP. These were opposed on the basis that the provision put forward by Kiwi Rail sought to manage potential reverse sensitivity effects, by requiring mitigation for effects generated by the operation of the railway. The legal submissions for Kāinga Ora will address the scope for this request as part of the IPI process.

³⁰ 79.129, 79.130, 79.140 and FS8 to 54.1.

³¹ FS8 to 54.3 – 54.15.

6.9 I consider that such effects should be managed ‘at source’ as far as practicable, and consider that the noise and vibration provisions will appropriately mitigate any potential effects on future development on sites within proximity to the North Island Main Trunk Railway. In relation to those submissions, the reporting planner has recommended they be rejected:

9.14.29. In relation to the requests from KiwiRail for changes to the Residential Zone relating to the Rail Corridor and additional provisions in the MDRZ, these matters will result in the imposition of new development restrictions adjacent to the Rail Corridor which would be likely incompatible with the level of development permitted by the MDRS. These sought restrictions include the introduction of a 5-metre setback for buildings to the Rail Corridor, increases to the requirements of assessment within the acoustic corridor, the addition of vibration standards and the inclusion of noise barriers. As the existing rules in the District Plan and PC26 as notified did not contain rules that resulted in less enabling restrictions on development as a result of the qualifying matter KiwiRail’s additional requests are not supported. KiwiRail are invited to provide a s77J assessment to support accommodating the setback within the qualifying matter.

6.10 I agree with the reporting planner’s analysis above. I note that Kāinga Ora also opposed *all* references to reverse sensitivity as a matter of discretion/assessment.

6.11 I acknowledge that major infrastructure networks have the potential to generate some level of adverse effects on land in the immediate vicinity and, where appropriate, planning instruments should recognise and address those effects. However, it is also important that those restrictions are no more stringent than necessary, otherwise there is a risk of unnecessary costs imposed on developers (and future home or business owners) and a risk that land is not developed to its full potential.

6.12 In my opinion, it is appropriate that the submitter (Kiwirail) is incentivised to ensure that such practical measures are undertaken to

reduce noise at source, while at the same time utilising the plan to manage those actual or potential effects that cannot be controlled at source, if required.

- 6.13 I do note that it would be helpful if a nationwide approach was adopted to provide a consistent approach in dealing with health and safety effects generated by the rail network.
- 6.14 At the same time, any rules should only be required to manage the actual or potential effects on noise sensitive uses. In my view, any significant adverse health and safety effects should be dealt with, but I have not seen any evidence that reverse sensitivity effects arise in the context of the rail corridors and the transport authorities have not provided evidence of the road or rail network having to constrain or cease its operations as a result of complaints.
- 6.15 Kāinga Ora is concerned that insufficient justification has been provided by Kiwirail to warrant the additional controls that have been sought in their submission, particularly in relation to residential zones. I agree with that concern.
- 6.16 I note that current rules 2.4.2.29 and 2.4.2.30 of the OWDP currently manage noise sensitive uses adjoining the road or railway and there is no indication that there has been issues arising on adjoining landowners in terms of effects on adjacent land.
- 6.17 No information has been provided by the submitters as to the actual frequency and nature of the use of the Railway land. Particularly in terms of frequency, hours of operation, types on trains or future anticipated growth.
- 6.18 While I acknowledge the importance of these significant infrastructure corridors, I have concerns as to:
- a) The planning justification for the proposed buffer controls sought by Kiwirail, being that noise sensitive activities within 100m of the railway will give rise to reverse sensitivity effects

that do or will compromise the operation of these transport corridors and/or create health effects;

- b) The absence of an evidence-based analysis as to the appropriateness of the proposed rules, particularly in terms of managing the effects on health, if such effects arise;
- c) The consideration of the degree to which such effects could be managed at source;
- d) The appropriateness of the controls in terms of sections 32 and 32AA (e.g.: their reasonableness, practicality and cost implications); and;
- e) The alignment of the controls sought against higher order urban development policies contained within the NPS-UD2020.

6.19 In terms of effectiveness and efficiency (Section 32(b)(ii)), I do not consider that the proposed controls that are being sought are efficient or effective. The imposition of the additional controls would introduce another level of compliance (and cost) to be achieved where altering an existing building or constructing a new one. The relief sought places the onus onto the landowner to determine whether compliance with the rules can be achieved, thus likely requiring an acoustic assessment, and the use of specialists to consider matters of noise and vibration. On this basis, there is an additional layer of complexity and time for both the landowner and the territorial authority in implementing the relief sought. Additionally, I note that there is no requirement on the part of the network utility operator to be involved in providing guidance or assistance.

6.20 Ultimately, there will be cost implications for sensitive land uses within 100 metres of the rail network, but Kiwirail has not quantified what those cost implications will be (nor the extent of sensitive land uses that would be affected). In my opinion, the relief sought disproportionately places costs on the community, with no meaningful wider community benefit having been quantified. With the lack of

evidence provided to date on the real extent of any actual reverse sensitivity or health effect, I would be concerned that there is no practical benefit to the network operators as a result of the controls sought, given the real level of reverse sensitivity risk to those operations, particularly in established urban environments.

- 6.21 Additionally, the extent of the area that will bear the “costs” is being proposed as a blanket corridor, within which the onus is to be placed upon existing landowners to ascertain whether they do, or do not comply with the standards, before they embark upon a development project.
- 6.22 In my opinion, a comprehensive noise modelling exercise should be undertaken by Kiwirail to provide a more accurate assessment of each corridor within which activities may then be assessed on the need for regulation. This would enable a more evidence based planning approach.
- 6.23 In terms of the s.32AA assessment on the “Risk of acting or not acting”, at this stage, I do consider that the increase in noise exposure would result in a situation where the operations of the rail network will be restricted. Once again, there is no evidence that the rail network is not currently able to operate as intended.
- 6.24 The additional costs associated with complying with the relief sought by Kiwirail will likely result in additional costs of construction and may make development (including intensification) within 100m of a railway corridor less viable and could impact on the provision of affordable housing. At the least, I consider that, given the geographic extent of the corridors proposed through the District, an economic analysis of the potential costs would be required to assist in reaching a sound planning conclusion.
- 6.25 I note that a similar issue were considered as part of the development of the Auckland Unitary Plan (“AUP”) and a proposed High Land Transport Noise Overlay (“HLTN Overlay”) which extended 40m either side of high volume roads and rail corridors as part of the

notified version of the AUP. Kiwirail (the same as the current submitters to the PDP) sought a 100m corridor with similar design controls in their original submissions.

6.26 The Independent Hearings Panel rejected this approach and recommended deleting the HLTN Overlay. In summary, the key reasons for the rejection were:

- (a) An absence of a robust cost-benefit analysis - given that the HLTN Overlay would affect a very large group of property owners. An assessment of the implications of the provisions and which sectors of the community would bear those costs was not provided.
- (b) The HLTN Overlay effectively transfers costs associated with noise mitigation to individual property owners. There would be no obligation on the transport corridor operators to mitigate noise effects or share costs incurred by property owners as is the case with examples such as Auckland International Airport Limited which contributes to the costs of noise mitigation and which they considered was a more balanced approach.

6.27 Overall, I oppose the relief sought by Kiwirail.

Public access to and along rivers and lakes (Te Awa Cycleway setback)

6.28 Kāinga Ora opposed³² the 5m building setback as it applies to sites adjoining the Te Awa Cycleway, on the basis that the setback is overly restrictive for environments that would benefit from streetscape presence, activation and overlooking, is overly restrictive in enabling intensification as-sought by the MDRS, and may not be sufficiently justified under ss77J-L.

6.29 The reporting planner has recommended the submission be rejected, principally for the following reasons (emphasis added in underline):

³² 79.238

- 9.14.35. *The location of rivers and lakes are identified on the planning maps as the rivers that traverse through the middle of the towns of Cambridge and Te Awamutu which include the Waikato River, Karāpiro Stream, Mangapiko Stream, Mangaohoi Stream and Lake Te Koo Utu. The Te Awa Cycleway traverses the Waikato River entering Cambridge from the west, crosses the Waikato River at the victoria Street bridge goes through Leamington then continues to Karapiro where it resumes following the Waikato River (s77K(1)(a)).*
- 9.14.36. *The existing (unchanged) rules, as outlined in the table above, impose setbacks on properties adjoining water bodies and the Te Awa Cycleway which will impact the location and layout of development that can be achieved on these sites (s77K(1)(b)).*
- 9.14.42. *The building setback has been carried over from the existing District Plan provisions and is considered a valid qualifying matter as assessed above. Te Awa Cycleway is recognised to be of national importance and the setback assists with protection of amenity of water bodies and (in some location's) sightlines for walkers and cyclists to avoid collisions.*
- 6.30 As outlined in the s42A report, the existing 23m building setback requirement from waterbodies applies under Chapter 26, and is a method that has a strong link to Te Ture Whaimana in giving effect to “the promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.” I do not dispute this.
- 6.31 I am concerned however, that the reporting planner has conflated the issue of setbacks from water bodies, with the setback of buildings specifically from the Te Awa Cycleway. While there may be instances where the Te Awa Cycleway is located along or adjacent to waterbodies and the Waikato and Waipā rivers, this is not the case through the urban areas of Waipā (Cambridge and Leamington³³) which are subject to the MDRS as a result of the application of the MDRZ. I therefore struggle to reconcile a 5m setback for the purpose

³³ As shown on the Te Awa Cycleway maps at: <https://www.te-awa.org.nz/trail-map/>

of giving effect to Te Ture Whaimana (and associated ecological and biodiversity reasons) within ‘relevant residential zones’ and centres where the cycleway is remote from the Waikato and Waipā rivers.

- 6.32 The reporting planner assesses the qualifying matter of ‘public access to and along lakes and rivers’ in the table at paragraph 9.14.32 of the s42A report. In my opinion, the location of the Te Awa Cycleway has *not* been identified within the section 32 analysis of Council in a clear manner, which is required under s77K(1)(a). I do not consider a text description on the cycleway’s general location to be appropriate, particularly where a 5m setback is being imposed by a feature that should be identified spatially on the planning maps in a manner consistent with the National Planning Standards.
- 6.33 Despite best efforts I have not been able to identify the Te Awa Cycleway on either the OWDP planning maps or those proposed to be amended through PC26. Mr Wallace reaches a similar conclusion in his evidence³⁴, and notes:

I have not been able to locate the Te Awa Cycleway on any District Plan Maps. Mapping I have sourced indicates that the Te Awa Cycleway passes through Cambridge and Leamington via on-street cycleways. By definition this would require a 5m setback for development fronting parts of Alpha Street, Victoria Street, Cook Street, Shakespeare Street, Wordsworth Street and Carlyle Street. Noting that these are on-street cycle ways on largely straight roads it is not clear why further building setbacks are required. Conversely, the Te Awa Cycleway as it passes through Cambridge would benefit from reduced setbacks to enable a greater degree of street enclosure and help promote reduced travelling speeds and increased driver attention.

- 6.34 I agree with Mr Wallace’s assessment and the Kāinga Ora submission. In my opinion, substantive setbacks as that proposed also reduce passive surveillance and overlooking opportunities to public spaces, which in-turn has a general impact on safety and ‘deactivates’ the streetscape. This in itself is contrary to Policy 2A.3.4.18 which seeks to ‘...ensure that passive surveillance is provided to roads, reserves

³⁴ Wallace, paragraph 5.19

and walkways'. In addition, when compared to the enabling 1.5m front yard setback under the MDRS and 2A.4.2.5, a 5m setback will place a large constraint upon development by reducing useable area to accommodate permitted levels of development, thereby creating inefficiencies for land use activities in locations most-desirable for intensification.

- 6.35 As such I conclude that the 5m setback is not warranted within the MDRZ and is not justified as a matter to give effect to Te Ture Whaimana or existing Chapter 26 provisions. The standard should be removed in favour of the MDRS setbacks that apply under 2A.4.2.4 (which in those urban environments where the Te Awa Cycleway passes through, would be 1.5m typically to front yards).

Topic 3.2 – New Qualifying Matters

- 6.36 The reporting planner has outlined in section 9.13 of the s42A report, the relevant sections of the HSAA that apply to the consideration of new qualifying matters. Unlike existing qualifying matters, there is a higher threshold of assessment required for new qualifying matters that are 'other matters' under s771(j) and not otherwise defined under ss771(a)-(i). Those 'additional requirements' are outlined under s77L.

Te Ture Whaimana and the NPS-FM 2020

- 6.37 The reporting planner outlines the broad rationale for the *new* infrastructure and stormwater constraint overlays, against the requirements of the above policies of national importance, noting that:

9.15.4. *In order to give effect to Te Ture Whaimana and the NPS-FM, PC26 proposes to introduce two infrastructure overlays which modify the MDRS for sites within the overlays. These are:*

- *The Infrastructure Constraint Qualifying Matter Overlay, which has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on wastewater and water infrastructure, which has the potential to result in adverse effects on the Waikato River.*

▪ *The Stormwater Constraint Qualifying Matter Overlay, which has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on stormwater infrastructure, which has the potential to result in adverse effects on the Waikato River.*

- 6.38 In its submission, Kāinga Ora opposed and sought the removal of both the infrastructure constraint overlay³⁵ and the stormwater constraint³⁶ overlays proposed under PC26. For the reasons that follow I support the relief sought by Kāinga Ora.
- 6.39 At the outset, I do not dispute the status of Te Ture Whaimana as a strategic document that must be given effect to in the Waikato region and its plans. Its statutory weight is clear being a matter of national importance. I also acknowledge the evidence of Mr Julian Williams at the earlier ‘Hearing 1’, which set out the important history and significance of Te Ture Whaimana to Waikato Tainui and other River Iwi, as well as the role that Te Ture Whaimana has already played in various large-scale projects³⁷.
- 6.40 In my opinion, the objectives and strategies within Te Ture Whaimana do need to ‘frame’ the planning response to the NPS-UD and HSAA. However, based on the evidence of Mr Jaggard (infrastructure) I do not consider that the proposed infrastructure and stormwater ‘constraint’ overlays necessarily require a planning response that effectively reduces (and in the case of the stormwater constraint my frustrate the achievement of) the density of development that is otherwise sought to be ‘enabled’ under the MDRS requirements as a permitted activity (i.e., up to three dwellings per site in relevant residential zones).
- 6.41 In the context of giving effect to the NPS-UD, I consider the following objectives and strategy of Te Ture Whaimana relevant:

Objectives

³⁵ 79.17, 79.33, 79.34, 79.35, 79.112, 79.209, 79.210, 79.211, 79.212, 79.213, 79.214, 79.215, 79.220, 79.222, 79.226,

³⁶ 79.19, 79.36, 79.37, 79.242

³⁷ Evidence of Julian Williams for Hamilton City Council, para. 89.

- 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.*
- 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.*
- 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.*

Strategies

- (11) *Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.*

6.42 In my opinion, Te Ture Whaimana seeks to ensure the restoration and protection of the health and wellbeing of the Waikato and Waipā

rivers, by placing a clear emphasis on avoiding the adverse cumulative effects of activities undertaken both on the Waikato and Waipā rivers and their catchments. I do not share the view that ‘betterment’ or ‘restoration’ alone is the sole yardstick against which the IPIs should be measured against, when the objectives of Te Ture Whaimana equally point to ‘avoidance’ of cumulative adverse effects. In my view, avoiding adverse cumulative effects of activities under Objective G (in the context of *King Salmon*³⁸) sets an equally clear directive as ‘restoration and protection’. When taking an overall broad judgement in applying the objectives of Te Ture Whaimana, I consider the intensification requirements of the NPS-UD and HSAA can be achieved in a manner entirely consistent with the Te Ture Whaimana and related provisions in the District, provided intensification occurs in a way that does not generate the adverse effects of concern. In my opinion, Objective ‘e’ also sets a clear expectation that these outcomes are to be achieved through an “...integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River”.

- 6.43 As such, I do not consider that achieving ‘betterment’ or ‘restoration’ necessitates reduced levels of intensification, where the ‘cumulative adverse effects’ of such development can (as they should be) be appropriately avoided through a range of methods that will actively contribute to ‘betterment’ as expressed in Council evidence over time. I return to these matters in the following sections.

Infrastructure Constraint Qualifying Matter Overlay

- 6.44 The reporting planner has recommended that the Kāinga Ora submission be rejected, which sought the removal of the infrastructure constraint overlay in its entirety to enable up to three dwellings per site to be enabled as-provided for by the MDRS standards.

³⁸ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* - [2014] NZSC 38

6.45 The rationale for the inclusion and recommended retention of the infrastructure capacity constraint overlay is summarised in the s42A report. I consider the following extracts of particular relevance in addressing the merits of the overlay itself and the relief sought in the Kāinga Ora submission (emphasis added in underline):

9.15.9. [...] *The extent of the Infrastructure Constraint Overlay was based on an Infrastructure Capacity Assessment that was undertaken for water and wastewater (refer to Appendix 6 of the Section 32 Evaluation). The report indicated that there was insufficient capacity within the existing infrastructure networks now or in the future when planned projects were taken into account. The network could not service any increased demand on the networks without significant further investment in infrastructure capacity. The Section 32 Evaluation also records that housing intensification to the extent enabled by the MDRS will increase the level of discharges to water (point source) which will potentially negatively impact on the discharge consents held by the Council which specify the volume and quality of discharges that are allowed. The Infrastructure Overlay therefore covers the full extent of the MDRZ over Cambridge and Te Awamutu/Kihikihi (s77J(3)(a)).*

9.15.12. *The impact of the Infrastructure Constraint Overlay on development capacity has been modelled by Market Economics and is discussed in the evidence of Ms Fairgray. I note that the Infrastructure Constraints Overlay has the largest impact of all the qualifying matters on both plan enabled capacity and feasible capacity. While it does result in a sizable reduction in capacity, there remains large amounts of capacity relative to demand (at a total level). However, the main effect of the Infrastructure Constraint Overlay is the influence this has on urban form and in particular where growth occurs because it limits the ability of the market to intensify around centres.*

9.15.14. *The costs and broader impacts of imposing those limits have been outlined in the economic modelling by Market Economics who have noted that the limits imposed by the qualifying matters may impact the provision of more intensive types of housing (e.g. terraced housing) especially in the long term when higher intensity*

terraced housing is likely to play a greater relative role in intensification within more central urban areas.

6.46 From an infrastructure *capacity* perspective, Mr Jaggard has provided evidence on the extent to which there is a need to reduce MDRS-enabled ‘permitted’ development from 3 dwellings to 2 dwellings per site, and require a restricted discretionary consent³⁹ for a third dwelling on a site to assess only the impacts on infrastructure capacity.

6.47 Mr Jaggard outlines a number of discrepancies with the growth forecasts on modelling relied upon, which points towards a far greater assumed demand than may be realised when the feasible and realistic uptake of redevelopment on sites subject to the overlay is taken into consideration. Mr Jaggard notes (emphasis added in underline):

(7.4) [...] the key factor in assessing infrastructure capacity is the likely uptake of when growth will occur and whether the modelling undertaken accurately reflects growth and demand forecasts for the same period.

A key issue I have with water and wastewater modelling assessments undertaken to support the Infrastructure Constraint Overlay, is that the modelling assumes that each growth scenario modelled will occur by 2050, as noted on all the system performance maps. My understanding is that this is an improbable scenario given Fairgray’s evidence.

In my opinion, this is an incorrect assumption for comparing the capacity of the networks, as the scenarios are not like for like comparison and do not align with growth forecasts to occur by 2050 in Fairgray’s’ evidence.

6.48 After further analysis of forecast modelling, Mr Jaggard goes on to note (emphasis added in underline):

(7.14) Though the PC26 and MDRS scenario’s may enable significant intensification, the plan change will not itself generate additional

³⁹ I note that reporting planner has recommended at paragraph 9.15.26 that the matters of discretion for such an activity should only relate to infrastructure (not building and site design as-per the notified PC26 provisions).

demand for housing in Te Awamutu and Cambridge. The Plan change governs where and in what built forms that demand might be accommodated, with the market ultimately deciding where to build. That is, PC26 will not result in greater population growth in the district but it will affect the location and type of dwellings in which the growth will be accommodated, and the urban form of the townships.

(7.15) Given that the actual forecast growth by 2050 (22,700 dwellings) is significantly less than the numbers used to assess the infrastructure capacity in the PC26 and MDRS scenarios, both these simulations should be ignored for the purposes of assessing infrastructure capacity constraints by 2050.

- 6.49 Mr Jaggard concludes that the infrastructure constraint overlay is not required to manage water and wastewater infrastructure capacity, because (paraphrasing) the predicted growth that will occur by 2050, is less than the PC26 modelling scenario deemed-acceptable by Council’s experts. Given the costs involved in obtaining even small resource consents, and the capacity of the water and wastewater systems is adequate to meet the growth forecasts presented by Ms Fairgray, Mr Jaggard concludes that a more permissive planning framework that allows developments to be undertaken up to the MDRS standards (3 dwellings per site) is appropriate.
- 6.50 Mr Jaggard also notes⁴⁰ that the matters of discretion for the infrastructure constraint overlay also relate to stormwater disposal (despite the primary purpose of the overlay being water and wastewater). In relation to stormwater, Mr Jaggard notes that there is no difference in the allowable maximum impervious coverage between a development of two or three dwellings on a lot⁴¹. The potential effects from stormwater disposal are independent of the number of dwellings on a site.
- 6.51 It is also important to note that requirements under the Regional Infrastructure Technical Standards (“RITS”) can provide improved

⁴⁰ Evidence of Phillip Jaggard, paras. 10.2 – 11.18

⁴¹ para. 10.8

stormwater quality outcomes from redevelopment of sites through flow-attenuation and water quality treatment, as well as Waipā District Council's stormwater bylaw. Mr Jaggard concludes that redevelopment of sites into either two or three dwellings will more than likely have the same stormwater flows and contaminate loads. In addition, both scenarios are likely to be an improvement over the predevelopment scenario in terms of environmental effects on the Waikato River through the provision of stormwater treatment and flow controls.

- 6.52 In my opinion and relying on the expert evidence of Mr Jaggard, there is no justifiable need to impose the infrastructure capacity constraint overlay. It is not efficient or effective in giving effect to the objectives of the NPS-UD or the WRPS and as I have outlined earlier in my evidence, does not incentivise or enable intensification in areas of the Waipā district that are the most-desirable for intensification.
- 6.53 Council's own analysis indicates (as emphasised in the extracts of the s42A report earlier) that the 'Infrastructure Constraints Overlay has the largest impact of all the qualifying matters on both plan enabled capacity and feasible capacity' and that it '...may impact the provision of more intensive types of housing (e.g. terraced housing) especially in the long term when higher intensity terraced housing is likely to play a greater relative role in intensification within more central urban areas'.
- 6.54 When cast against the backdrop of Mr Jaggard's analysis, it is my opinion that the infrastructure constraint overlay would have an unacceptable effect on development capacity that does not outweigh the need to manage *potential* infrastructure capacity effects. I do not consider that removal of the infrastructure constraint overlay would be contrary to the objectives of Te Ture Whaimana. As outlined by Mr Jaggard, the overlay's removal will not have a detrimental effect on the health and wellbeing of the Waikato and Waipā rivers because the infrastructure capacity scenario (overflows) that it seeks to manage is highly-unlikely to be realised as a result of the difference between 2 vs 3 dwellings per site alone. In addition, there are already a range of

existing methods in relation to stormwater disposal that will contribute to ‘betterment’ of the awa where site redevelopment takes place. I also point out the obvious fact, that development of four or more dwellings per site is subject to a range of assessment matters as a restricted discretionary activity, including infrastructure effects.

- 6.55 Based on the above analysis and capacity relative to demand that existing, Mr Jaggard also supports the application of the HDRZ as sought by Kāinga Ora. I rely on the expert opinion of Mr Jaggard in this regard, noting that beyond the enabled permitted level of development as discussed in preceding section of my evidence, higher density development therein will still be subject to infrastructure assessment.
- 6.56 In my opinion, the overlay is not a matter required to give effect to Te Ture Whaimana and as such, not a valid qualifying matter under s771 of the Act. The overlay merely frustrates the enablement of permitted intensification of existing urban land as-directed by MDRS. It is my opinion that the overlay and associated provisions should be removed from the PPC.

Stormwater constraint qualifying matter

- 6.57 The reporting planner has recommended that the Kāinga Ora submission be rejected, which sought the removal of the stormwater constraint overlay as it reduces building coverage on sites within the overlay from 50% as required under the MDRS to 40%⁴².
- 6.58 The purpose of the stormwater constraint overlay relates to flooding, the spatial mapping of which is based on the 100-year annual rain interval (“ARI”) flood depth layer, created using flood plain extents. As outlined in the section 42A report:

⁴² The reporting planner also recommends (9.15.43) that the matters of discretion under 2A.4.2.8 be refined to only stormwater issues, and a separate rule established for the River Gully/Proximity overlay. I support that recommendation were the commissioners minded to retain the overlay. For the avoidance of doubt, I support the Kāinga Ora submission to delete the stormwater constraint overlay.

9.15.34. *The area identified as the Stormwater Constraint Overlay (process to define extent outlined above) has been found by Te Miro Water to be incompatible with the level of development provided by the MDRS in terms of building coverage of 50% permitted by the MDRS and a limit has been imposed as a lower level of 40%. This level has been assessed by Te Miro Water to be reasonably close to existing development coverage and therefore the current impacts on flooding associated with development will not be increased as a result of PC26 (s77J(3)(a)(ii)).*

6.59 Mr Jaggard outlines in his evidence that issues of flooding are already addressed within the OWDP under Section 15 Infrastructure, Hazards, Development and Subdivision. I note that there are:

- (a) Existing rule 15.4.2.14 - site suitability: within or adjoining a Flood Hazard Area - shall have building platforms in a complying location that can achieve a minimum free-board level 500mm above the 1% AEP (100-year flood level)
- (b) Existing rule 15.4.2.15 - no subdivision and development shall occur within a High Risk Flood Zone
- (c) Existing rule 15.4.2.26 - development shall not obstruct overland and secondary flow paths - path taken by runoff in excess of the primary design flow for a once in 50 years return period rain event.

6.60 Mr Jaggard also notes that under either the 40% or 50% building coverage scenarios, the maximum impervious coverage for both scenarios is 60%. Therefore, the likely stormwater runoff effects, flows and volumes from developments are likely to be similar or the same. In addition, the RITS document already manages the effects of stormwater discharges and effects on the receiving environment from intensifying development.

6.61 I agree with Mr Jaggard⁴³ that it is unclear why PC26 proposes to limit building coverage to 40% within the Stormwater Constraint Overlay for

⁴³ Jaggard, para. 11.12 – 11.15

the purpose of managing flood-displacement effects, when the effects of flood displacement caused by new buildings are already covered under Rule 15.4.2.26. In my opinion this is neither efficient or effective and essentially results in two sets of provisions managing the same resource management issue.

6.62 Mr Jaggard concludes:

[11.16] I support Kāinga Ora's position that the Stormwater Constraint Overlay is removed on the basis:

- (a) *that there are existing acceptable controls that manage flood displacement effects of new buildings constructed in the flood plain/secondary flow path.*
- (b) *Stormwater flows and effects from development of either the 40% or 50% building coverage scenario can be the similar/same and can be appropriately managed by the RITS and Stormwater Bylaw.*
- (c) *The "Secondary flow path" definition is changed from a "1 in 50-year return period rain event" to a "1 in a 100-year return period rainfall event."*

6.63 I rely on the evidence of Mr Jaggard and agree with his conclusions.

6.64 In my opinion, the overlay is not a matter required to give effect to Te Ture Whaimana and as such, not a valid qualifying matter under s771 of the Act. There are existing rules within the District Plan that already manage the effects of buildings within floodplains (the stated purpose of the overlay), and there is little evidence to suggest that a reduction in building coverage will have an effect on *flooding* where the impervious coverages on sites within the overlay remain permitted up to 60%. In either case, the existing rules under the natural hazards chapter already require a detailed assessment of flooding effects and this would be triggered where buildings are located within identified floodplains. I do not consider it an efficient resource management method to constrain building coverage to such an expansive extent.

6.65 As such, the overlay merely frustrates the enablement of permitted intensification of existing urban land as-directed by MDRS, and would affect the feasibility of development with moderate effect in the short term⁴⁴. I do not consider this an efficient or effective resource management approach and it is my recommendation that the overlay and associated provisions (including proposed amendments within the s42A report) are removed. In my opinion, the existing plan can manage these effects and issues and it does not warrant additional provisions and standards to be added into the plan.

Statutory v non-statutory flood mapping and overlays

6.66 As a general principle, I consider it is appropriate that flooding information along with any constraint mapping is a non-statutory layer⁴⁵ that sits outside of the District Plan. By providing flooding information as a non-statutory layer, recognises that this information is continually updated at catchment scale to reflect the best information available and the evolving nature of flood plains as ongoing built development affects flooding extents, depths, flows and flow paths.

6.67 If statutory overlays, such as those proposed in the PC26, are included in the District Plan, then the information effectively becomes a “snap shot in time” and does not recognise that capacity already exists within the network or may become available through upgrades. It is a reflection of the existing environment and does not take into account any future changes or upgrades planned or may happen. The Council would be required to undertake a Schedule 1 Plan Change process every-time it is required to update the overlays.

6.68 Out of date information in plans can cause confusion, as well as result in additional transaction costs for councils and applicants.

6.69 Council has a duty through its response to LIMs to disclose all the information it has about the hazards affecting a property (section s44A(2)(a) of LGOMIA. There is potential for misunderstanding and

⁴⁴ S42A report, para. 9.15.35

⁴⁵ Kāinga Ora made a further submission (FS8.53.12) in this regard.

confusion if LIMs provide up to date information, but district plan maps contain older, outdated information.

- 6.70 Therefore, it is recommended that if infrastructure or stormwater/flooding constraints exist these should ideally be provided and identified as a non-statutory layer that sits outside of the District Plan and can be readily available on the Council's website, as it recognises that Council's information will change over time in response to development and land use change, as well as better modelling information and processes. As a non-statutory layer, the information can also be updated regularly and quickly, as new modelling or information becomes available. This is considered to be more efficient and effective and a better planning method to address the concerns raised.

7. TOPIC 3.3 – SIGNIFICANT NATURAL AREAS AND RESERVES QUALIFYING MATTERS

Setback of 4m for buildings on sites adjoining a reserve

- 7.1 Kāinga Ora opposed⁴⁶ the 4m building setback on sites adjoining a reserve, noting that (as with the other setbacks applied under 2A.4.2.6) it is overly-restrictive in enabling intensification as-sought by the MDRS, and may not be sufficiently justified under ss77J-L RMA.
- 7.2 The reporting planner recommends that the Kāinga Ora submission is rejected, noting (emphasis added in underline):

9.16.21. *The 4m setback to reserves is also recommended to be retained as XYST have assessed that an increased setback will not negatively impact passive surveillance if developments include building design that orientates glazing, living spaces and outdoor living areas towards adjoining reserves and includes compliant landscaping and boundary fencing. The increased setback will also ensure the adjoining reserves provide maximum benefit to the public through reducing visual dominance and the risk of reverse sensitivities restricting the use of these reserves for sport and recreation. I agree with the conclusions reached regarding the SNA and reserves*

⁴⁶ 79.238 – Kāinga Ora did not oppose setbacks in relation to Significant Natural Areas.

setbacks, with particular reference to the enhancement of these sites and the protection of flora and fauna.

7.3 Mr Wallace has assessed the above rationale and the urban design outcomes that may arise as a result of the setback requirement⁴⁷. He notes:

5.14 [...] *There are a range of common situations where this may adversely impact on site layout and not provide the anticipated benefits. This includes situations where reserves are located south of adjacent sites and there may be a desire to place outdoor living space to capture a northern orientation; or where sites have more than one boundary adjoin a reserve resulting in a greater proportion of developable area lost.*

7.4 I agree with Mr Wallace's assessment. I consider the setback is a broad requirement that may have unintended consequences in relation to the interface between reserves and land zoned MDRZ. In my experience, outdoor living areas will typically be located on a site where they have good access to sunlight, often in conjunction with north-facing internal living areas. However, I note that typically reserves have an orientation and shape which will result in only some boundaries benefitting from the proposed 4m setback. In other instances the setback will require compromises on other aspects of the site to accommodate the setback, particularly where a reserve is to the south of a residential site. In such cases, outdoor living areas with a southerly aspect will not contribute to a well-functioning environment or the onsite amenity of those properties.

7.5 As noted by Mr Wallace, there is potential for the setback to result in such spaces being used for parking and manoeuvring areas, which equally will have a detrimental effect on reserves. This will not contribute to the positive benefits that greater building proximity can have for passive surveillance, overlooking of public spaces, and a sense of activation of a reserve interface.

⁴⁷ Wallace, paras. 5.14-5.17

7.6 Mr Wallace further notes that:

[5.17] I do not consider that a building constructed to the MDRS (or less) would give rise to adverse “visual dominance” effects question noting that a 4m setback would apply equally to a single storey building as a three-storey building. Further, it is questionable as to whether the proposed 4m setback would result in any perceivable differences in visual mass associated with a permitted three storey building above and beyond the typical side or rear yard dimensions of the MDRS that Kāinga Ora seek noting that this is highly dependent on a range of factors such as distance from the building, permanent vs transient views, and quality of building articulation.

7.7 I agree with Mr Wallace and also observe that the MDRS height in relation to boundary control would apply to the reserve interface under 2A.2.4.2 which would manage building dominance and proximity to reserve boundaries. In relation to concerns expressed around reverse sensitivity, it is my experience that the 4m setback would have little effect in this regard, and that activities taking place within reserves would otherwise be required to manage effects in accordance with the District Plan noise and lighting standards. In my view, it is not unreasonable to expect a different level of amenity when living next to a public reserve.

7.8 Having regard to the above, I do not consider the proposed setback is an efficient or effective resource management method, and will reduce feasible redevelopment of affected sites as noted at paragraph 9.16.13 of the s42A report, and require sites (dependent on orientation) to accommodate the setback in ways that may result in poor urban design outcomes that compromise the public amenity the reserves otherwise provide. The change is outlined in Appendix A.

7.9 The section 32 analysis and assessment of the qualifying matters (Appendix 3) cites section 5 - Reserves Zones, as existing objectives and policies relevant to the application of the Qualifying Matter. In my opinion, those provisions largely relate to activities *within* the

Reserves Zone itself⁴⁸. Having regard to the evidence above, I note there are a range of policies that require assessment of activities adjoining reserves (i.e., subdivision) which consider issues of ensuring access to reserve areas. I consider these existing requirements more-appropriate, compared to an additional qualifying matter as-proposed (which of itself will not ‘ensure’ access to reserves). The MDRS setback and height in relation to boundary standards, in concert with the location of required outdoor living areas in a range of site orientations, are sufficient to ensure an appropriate level of amenity around reserves in accordance with the planned outcomes within urban environments.

8. TOPIC 3.4 – OTHER QUALIFYING MATTERS

Character Clusters

8.1 Kāinga Ora opposed the identified character clusters⁴⁹, character cluster statements⁵⁰ and associated provisions under PC26 as-notified. It was noted that many of the cluster sites do not form a sufficient collection or grouping of buildings that contribute to a strong sense of consistent streetscape character, in reference to the built form that is present. Kāinga Ora sought that the provisions as-notified were deleted and further analysis undertaken to determine the exact values of the resources that the Council seeks to manage in the District Plan.

8.2 In response to the Kāinga Ora submission, the reporting planner outlines the further analysis that ‘Lifescapes’⁵¹ have undertaken following the submission process:

9.17.3. Lifescapes have undertaken an extensive review of the approach to character clusters in the District Plan, including the changes that

⁴⁸ In the case of objective 5.3.1, ‘maintaining or enhancing amenity values in or around reserves’ is required in relation to reserve management

⁴⁹ 79.14, 79.15, 79.16, 79.28, 79.29, 79.30, 79.31, 79.32, 79.114, 79.115, 79.116, 79.117, 79.118, 79.119, 79.120, 79.121, 79.122, 79.123, 79.124, 79.125, 79.126, 79.127, 79.128, 79.142, 79.143, 79.144, 79.170, 79.175, 79.176, 79.177, 79.178, 79.182, 79.216, 79.228, 79.229, 79.230, 79.241, 79.269, 79.272, 79.311,

⁵⁰ 79.322, 79.323, 79.323, 79.324, 79.325, 79.326, 79.327, 79.328, 79.329, 79.330

⁵¹ Refer to Appendix D Heritage Character Report 2023 of the Section 42A report.

were notified as part of PC26 and have considered a range of alternative options. This review has concluded that the deletion of the Cambridge Residential Character Area was appropriate. This review has also concluded that the character cluster approach is, in principle, an appropriate qualifying matter to the MDRS (s771(j)). However, the study recommends that the application of character clusters as notified by PC26 requires modification as it did not adequately identify legible collective clusters and the areas were not adequately supported by site-specific analysis required to meet the s77L qualifying matter test.

9.17.5. Based on this updated assessment, PC26 (including maps) have been updated to identify the revised clusters. In summary this removes a number of individual properties that have been incorrectly identified as a 'character cluster' and has introduced a number of additional character properties which when grouped together create a cohesive character cluster. A total of 111 individual properties have been added as a result of the updated assessment. Further consultation has taken place with the landowners who have properties that are now proposed to form part of a character cluster.

8.3 In my opinion, the further assessment undertaken by the Council as outlined above, has addressed (in-part) the overall thrust of the Kāinga Ora submission by undertaking the further assessment required under s77L(c)(i) and (ii) on a site-specific basis. This was required in order to determine the appropriate geographic area where intensification needs to be compatible with the specific matter (i.e., in broad terms the preservation of character values). As such I generally support the removal of those properties across Cambridge, Te Awamutu and Kihikihi that were not part of a coherent character 'cluster'.

8.4 However, I note that the implications of that further analysis and revised criteria applied in the Lifescapes report, is that there are a range of additional 'non-character defining' sites now included in the character clusters. The reason for their inclusion is noted in the Lifescapes report (page 77):

It is expected that a cluster will contain modern developments as well as historically-derived houses. This is particularly so in Waipā towns where growth has occurred incrementally over time and streets therefore display a range of housing typologies across a spectrum of eras. It is important for these sites to be included such that subsequent development within the identified area is managed taking into account the character values of the cluster as a whole.

- 8.5 To account for those sites, I note that the Lifescapes report made a wide range of recommended amendments to the PC26 provisions, to create a distinction between “character defining” and “non-character defining” sites within a character cluster, in terms of applicable rules. This situation is acknowledged by Ms Carolyn Hill (author of the Lifescapes report) appended to the s42A report, where she notes at paragraph 11.2 that:

[...] the Lifescapes Report Section 8.4 recommends that differentiation is made between “character defining” and “non-character defining” sites within character clusters via new provisions in the rules (2A.4.1 Activity Status Tables). The Section 42A Report takes a different approach, remaining silent on character defining/non-character defining matters at the rules level and instead using the assessment criteria at 21.1.2A.4 to enable assessment differentiation.

- 8.6 Having reviewed the analysis within the Lifescapes report, the s42A recommendations and Council’s s32 analysis in support of PC26, I have not found any justification as to why the Lifescapes recommendations were not adopted.
- 8.7 No further assessment under s77L(c)(iii) has been undertaken, which requires an evaluation of 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. In the absence of sufficient analysis under s77L(c)(iii) I question whether the limiting of intensification on non-character defining sites as a minimum, is a valid qualifying matter.

8.8 It is noted in the s42A report that the Lifescapes report addresses a range of options, however the reporting planner does not specifically frame this as a response to s77L(c)(iii). I note that the ‘exploration of alternatives’ assessment within the Lifescapes report (both in relation to character clusters and streets) outlines broad alternative approaches to the issue of managing character values generally under PC26, rather than specific options to ‘achieve the greatest heights and densities permitted by the MDRS’.

8.9 I consider this of particular importance where non-character defining sites are being included within character clusters and subject to the same level of assessment as ‘character defining’ sites. Mr Wallace identifies in his evidence that (emphasis added in underline):

The wording and intent of the character statements within DG1, are such that any intensification or redevelopment of more than a single dwelling would be highly unlikely to have any success of gaining resource consent. Based on my reading of these, intensification in these areas would likely be deemed incongruous and inappropriate, even on sites identified as “non-character defining”.

8.10 The NPS-UD requires Council’s to provide ‘at least’ sufficient capacity to meet demand. Council’s section 32 evaluation and s42A report (in reference to the revised Market Economics assessment) repeatedly refers to development capacity exceeding the identified demand as a justification for applying character as a qualifying matter. The implication being it is acceptable to reduce development opportunity in the character cluster areas. Whilst there might be capacity elsewhere to offset enabled capacity within character cluster areas (and in particular non-character defining sites), Policy 2 of the NPS-UD sets demand capacity as a minimum and not a target. Further, Objective 3 has a clear direction on where intensification should be located (which is in areas where the Character Clusters are generally located). I do not agree with the approach taken within the s42A report to reduce intensification on non-character defining sites within the character clusters, on the basis that demand will be supplied

elsewhere. This approach is not consistent with the requirements of the Amendment Act or the NPS-UD.

- 8.11 I note that the preservation of character (as an amenity value) is an ‘other matter’ under section 7(c) of the RMA. I consider Policy 6 of the NPS-UD to be of particular relevance to the consideration of character clusters, and have outlined this policy earlier in my evidence concerning the evolution of amenity values as a result of intensification, and that such a change through intensification is not, of itself, an adverse effect.
- 8.12 In my opinion, it is appropriate (as recommended within the Lifescapes report) to distinguish within the rule framework, non-character defining sites from those that have identified character values. Such an approach is, in my view, required under the NPS-UD and in the context of the requirements of the HSAA. It is neither an efficient or effective resource management outcome to effectively preclude intensification opportunities on non-character defining sites that are located within the most-desirable areas for enabled intensification as-required under the MDRS.
- 8.13 The evidence of Mr Wallace outlines what I consider to be an efficient and effective option under s77L(c)(iii) which is to provide a more-enabling assessment framework for development within non-character defining sites, to the level otherwise-permitted under the MDRZ (as sought to be amended by Kāinga Ora and outlined in my evidence). Mr Wallace notes that:

intensification subject to design review via a resource consent process [...] represents the most effective design option that helps to recognise and maintain some character values while supporting the benefits of more intensive housing in the district’s urban areas (and the national significance of urban development). Matters of discretion and assessment criteria can be an effective design method to help guide appropriate forms of development whilst providing an option to refuse inappropriate development.

- 8.14 Mr Wallace goes on to provide a number of what I consider to be successful examples of residential intensification in areas that require such ‘design assessment’ based on character. Those examples acknowledge and respond to architectural values and forms of early housing while still supporting intensification (up to three storeys in height) and a more efficient use of scarce urban land in proximity to a town centre.
- 8.15 I agree with the recommendations of Mr Wallace and note that the essence of that suggested approach is not dissimilar to that recommended within the Lifescapes report. I acknowledge that the heights otherwise-enabled in the MDRZ would not be consistent with the Lifescapes recommendation to enable single-level permitted development on non-character defining site. I consider that a lack of design assessment for such an approach would risk design outcomes that may not be consistent the identified character values of a cluster. The reporting planner has not adopted this particular recommendation.
- 8.16 However, I also do not support the proposed amendments to 2A.4.1.1(b), (q) and (d) and consider that those amendments (which are recommendations of the Lifescapes report) effectively preclude up to three dwellings per site, while enabling single storey development as a permitted activity subject to no design assessment in reference to character cluster statements⁵². I also consider the wording of 2A.4.1.1(q) is confusing, and appears to suggest that new buildings could be constructed in a character cluster provided it is facing the rear boundary. I assume this relates to the ‘additions and alterations’ component, but it also remains unclear whether this would relate only to a single dwelling given the exclusion that is proposed to apply to ‘up to three dwellings per site’ in character clusters.
- 8.17 Nevertheless, I question the appropriateness of these activities in the context of the MDRZ and NPS-UD framework within which they now

⁵² Note that under 2A.4.1.3(d) that restricted discretionary consent for new buildings etc within character cluster areas does not apply where permitted under 2A.4.1.3(q).

sit. This also appears to suggest the defining characteristic of these areas is the single storey nature of development, to the extent that no design assessment is required. I consider this contrary to the intended purpose of a character clusters - enabling such development will not only foreclose opportunities for meaningful intensification, but also risks poor design outcomes. Given the prescriptive nature of the cluster statements under DG1, I consider (as noted by Mr Wallace) that three dwellings on a site in a 'character defining' cluster site would be at odds with those statements. Be that as it may, it is inefficient in my view to preclude such intensification on non-character defining sites.

8.18 As such, I recommend a range of amendments which are tracked in **Appendix A** to my evidence. These also reflect the recommendations made by Mr Wallace. By way of summary, I note the following recommended changes:

- (a) Enabling the demolition/removal of existing buildings on non-character defining sites as a permitted activity (recommended in the Lifescapes report);
- (b) Consequential amendments to affected provisions (including 2A.4.1.1(b), (q) and (d)) as well as matters of discretion / assessment criteria, to ensure that up to three dwellings per site are not precluded on non-character defining sites, while maintaining the requirement for restricted discretionary consent (design assessment) for new buildings;
- (c) Amendments to the character cluster statements in Appendix DG1, to provide greater scope for the consideration of up to three storey development / three dwellings per site in a manner that is sympathetic to identified character values within the cluster.
- (d) Those other changes recommended within section 8.4 of the Lifescapes report that were not included through the s42A report and which are consistent with the principle of

managing identified character cluster values where redevelopment of non-character defining sites takes place.

- (e) In concert with the proposed removal of ‘character streets overlay’ which requires a 6m setback (discussed in the following section of my evidence), the application of a bespoke 3m setback standard that applies to character clusters, with a landscaping/planting requirement to ensure streetscape values are maintained (as recommended by Mr Wallace).

8.19 In my opinion, the proposed amendments provide an efficient and effective approach that responds to the directives under Objective 2 of the NPS-UD and the WRPS, to enable greater levels of intensification around centres. This provides a greater scope for the consideration of intensification opportunities on ‘non-character defining’ sites within the identified and amended character clusters under PC26. I consider this to be an option not otherwise identified under s77L(c)(iii) that, as far as practicable within character cluster areas, promotes the greatest heights and densities permitted by the MDRS subject to a design assessment which is otherwise already required under the proposed provisions.

Character Streets

8.20 Kāinga Ora opposed⁵³ the 6m front yard building setback as it applies under 2A.4.6.2(b), and the related Character Streets overlay⁵⁴ in its entirety. This was on the basis that in many cases ‘character streets’ have a limited number of ‘character buildings’ that contribute to the ‘streetscape character’. The Character Street policy overlay and associated 6m setback is unwarranted and has not been sufficiently justified under ss77J-L of the Housing Supply Act due to the limitations they would otherwise place on MDRS-enabled development.

8.21 As outlined in my evidence concerning character clusters, further assessment has been undertaken by Lifescapes in response to the

⁵³ 79.238,

⁵⁴ 79.15

Kāinga Ora submission. As outlined in the s42A report this has resulted in a substantial reduction in the application of the character streets overlay, in my opinion by in large for the reasons outlined in the Kāinga Ora submission. I support this outcome.

- 8.22 Three character-streets are proposed to be retained: Hall Street and Hamilton Road in Cambridge, and College Street in Te Awamutu. Ms Hill states⁵⁵ that the remaining ‘character streets’ “display historically-derived physical and visual characteristics that collectively illustrate part of the town’s story and identity, including long vistas that relate to the early town plan grid layout, mature tree avenues, and a regular rhythm of housing setbacks allowing for landscaped gardens in front yards.” She considers that development enabled up to 1.5m from the front boundary would adversely impact on these qualities.
- 8.23 Mr Wallace has assessed at paragraphs 6.19 to 6.22 of his evidence, the justification for the character street overlay (as it remains) and the 6m setback that applies, in reference to the above qualities. I agree with the assessment of Mr Wallace and note that the defined qualities of character streets are largely within the legal road reserve itself, and by default, subject to Council control. This already affords an appropriate level of protection of those characteristics. I also agree with the observation that the generally-expansive width of those identified streets plays the greatest role in their overall sense of spaciousness, having undertaken site visits in late 2022.
- 8.24 I also share the concern that such expansive setbacks will result in front yards accommodating parking areas or other service-amenities - particularly as there is little control within the OWP on the use of those spaces or minimum requirements for landscaping. Landscaping within front yards is one of the qualities purported to warrant the 6m setback being applied. However, I also note that the revised character cluster areas are relatively discrete, some of which are not subject to character streets or additional setback requirements. In my view,

⁵⁵ Appendix D - Heritage Character Report 2023 (Lifescapes), pages 16 – 17.

there are a range of instance where there will be vastly different setback applied (1.5m v 6m) which is likely to result, in my opinion, in an inconsistency in streetscape setback over time.

- 8.25 The s42A report notes⁵⁶ that (similar with the analysis undertaken for character clusters) that the qualifying matter has a very limited effect on both the plan enabled and commercially feasible capacity, with a reduction of around 1% and a large amount of capacity available relative to demand. The modelling therefore finds that the application of the qualifying matter provides feasible development capacity that exceeds demand in the short, medium and long term.
- 8.26 As noted previously, whilst there might be capacity elsewhere to offset enabled capacity within character cluster areas (and in particular non-character defining sites), Policy 2 of the NPS-UD sets demand capacity as a minimum and not a target. Further, Objective 3 has a clear direction on where intensification should be located (which is in areas where the Character Clusters are generally located). I do not agree with the approach taken within the s42A report to reduce intensification on non-character defining sites within the character clusters, on the basis that demand will be supplied elsewhere. In my opinion, this approach is not consistent with the requirements of the Amendment Act or the NPS-UD.
- 8.27 For the reasons I have outlined earlier regarding Character Clusters, I find little analysis in the supporting documentation of PC26 and the s42A report to assess a range of options under s77L(c)(iii) to ‘to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A)’. The evidence of Mr Wallace outlines what I consider to be a more efficient and effective option under s77L(c)(iii) which, as he notes, provides greater flexibility for onsite design solutions that could address and respond more positively to these “character streets” which are primarily defined by elements under public control. I also consider such an approach will mitigate potential adverse effects on streetscape character that may arise cumulatively

⁵⁶ S42A report, para. 9.17.28

as a result of substantially-different front yard setback requirements applying to sites in the MDRZ and those fronting character streets, and/or in character clusters that do feature a character street. Mr Wallace notes (emphasis added in underline):

6.23 *In my opinion, the 1.5m setback afforded by the standard MDRZ provides greater flexibility for onsite design solutions that could address and respond more positively to these “character streets” which are primarily defined by elements under public control. In this regard, there may be some benefit in formalising a landscaped interface within the front yard with a requirement that front yards (excluding vehicular and pedestrian access points) along Character Streets must be planted with a mixture of trees, shrubs or ground cover plants.*

8.28 I support the above recommendation. I recommend a number of changes to the applicable provisions in **Appendix A** to my evidence. I note that retention of the character streets overlay may be required to spatially identify ‘where’ the front yard landscaping requirement recommended by Mr Wallace, would apply. Alternatively, I consider it more appropriate that these streets be spatially identified in the District Planning maps as a ‘front yard landscaping control’.

8.29 In my opinion, the proposed amendments provide an efficient and effective approach that responds to the directives under Objective 2 of the NPS-UD and the WRPS, to enable greater levels of intensification around centres. I consider this to be a more efficient and effective option under s77L(c)(iii) which, as Mr Wallace notes, provides greater flexibility for onsite design solutions that could address and respond more positively to these “character streets” which are primarily defined by elements under public control, while requiring landscaping within those yards.

Setback from Arterial Roads

8.30 Kāinga Ora opposed⁵⁷ the setbacks under 2A.4.2.6 (a) - (c) noting that they are, in all instances, overly restrictive in enabling intensification

⁵⁷ 79.238

as-sought by the MDRS, and may not be sufficiently justified under ss77J-L. This included the 4m building setback from arterial roads.

- 8.31 The rationale for this setback and new qualifying matter is expressed at paragraph 9.17.47 of the s42A report, which states that:

“XYST have concluded that setbacks along roads are in part necessary to protect existing street trees and to enable new large specimen street trees to grow to maturity. This is essential to creating a public sphere that contributes to a well-functioning urban environment envisaged in NPS-UD. They go on to note that the setback supports the ability for the existing 6,000 street trees and new street trees to grow to maturity and not be negatively impacted by adjoining residential development. As confirmed with Council’s arborist, any reduction in the 4m setback to arterial roads would likely have a significantly detrimental effect on the street tree network.”

- 8.32 Mr Wallace has undertaken an analysis of the streets to which the 4m setback would apply, being arterial routes identified on the OWDP’s ‘road hierarchy’ map. I share Mr Wallace’s observation that there is no road identified as an “Arterial Road” although there are four classifications with an arterial function - Major and Minor (both existing and to be constructed). It is not clear at first reading whether the intended setback applies to any or all of these road classifications, but I have assumed it applies to all ‘arterial’ roads.

- 8.33 Mr Wallace notes⁵⁸ that upon review of the identified arterial routes, there are:

...vastly different streetscape environments which is not entirely consistent with the rationale of this control. I note that there are significant portions of arterial road corridors with no street trees, street trees down the centre of the road, trees on the carriageway side berm and trees on the property frontage berm. There are also situations where overhead transmission infrastructure is observed for which the absence of mature tree cover is generally sought.

⁵⁸ Wallace, para. 5.23 – 5.25

[...] I also note that many of the arterial roads within urban areas of the District extend to 30m in width, much wider than a typical road in New Zealand (20.1m). As such, in many instances there is sufficient space available within the road corridor for street planting that would be unaffected by adjacent buildings.

- 8.34 I agree with the assessment of Mr Wallace and the Kāinga Ora submission, and consider the 4m setback places an overly restrictive constraint upon buildings along arterial routes for a purpose (providing space for street trees) that appears incongruous with the features sought to be protected, and could have been managed through alternative methods that were not explored by the Council in formulating PC26.
- 8.35 I note that this matter is identified by the reporting planner as a new qualifying matter, being addressed under Topic 3.2 and therefore subject to s77J and s77L of the HSAA. However, the qualifying matter assessment table references Appendix 2 of the section 32 analysis as identifying the relevant considerations - in relation to existing qualifying matters. Notwithstanding, in my review of the section 32 report I find no explicit assessment of the 4m setback from arterial roads either as an existing or new qualifying matter.
- 8.36 While I support the targeted reduction of the existing OWDP setback requirements to only arterial roads, I consider that the specific purpose of the standard has not been sufficiently assessed or justified in Council's analysis. I consider this to be a new qualifying matter such that an options analysis under s77L(c)(iii) should have been undertaken to determine whether the stated purpose of the standard could be achieved in a manner that does not place further constraints on intensification. As noted by Mr Wallace, this lack of assessment has resulted in a standard that also seeks to protect opportunities for future street trees that are yet to be established. In my opinion, the standard verges on a form of general tree protection which is no longer possible under the RMA.

- 8.37 In my opinion, one possible option would have been to expand Council's scheduling of trees that contribute to the district's streetscape amenity and overall character. This more-nuanced approach then would have identified on a site-by site basis (as required under s77L(c)(i)) trees that contribute to the wider amenity and character of the environment, and then applied existing rules in the OWDP around works in proximity to scheduled trees. This would have obviated the need for an expansive setback requirement, required assessment of development in proximity to protected trees, applied the MDRS setback standard, while also avoiding the inclusion of large areas of arterial frontage without trees.
- 8.38 In my opinion, the 4m setback is not an efficient or effective method to achieve the stated objectives of the qualifying matter or the relevant objectives and policies of the plan. It may lead to poor urban design outcomes through a loss of streetscape presence, overlooking, passive surveillance and safety, and in many instances, there is sufficient space available within the road corridor for street planting that would be unaffected by adjacent buildings. Please refer to the proposed changes set out in Appendix A.

Requests for additional Qualifying Matters (Fonterra)

- 8.39 Kāinga Ora made a further submission (FS8.56.1) opposing Fonterra's submission requesting an additional qualifying matter be added for land surrounding the Hautapu Dairy Factory and the Te Awamutu Dairy Factory to address reverse sensitivity.
- 8.40 For the reasons outlined earlier in my evidence concerning reverse sensitivity-based controls along rail corridors, I do not consider the provisions requested by Fonterra to be appropriate in the context of PC26. I note that there is an existing noise contour control that applies to areas around the Dairy Factory (2A.4.2.42) which previously applied to the underlying residential zone which achieves a similar outcome, and therefore support the s42 recommendations.

9. TOPIC 4.10 – DESIGN GUIDANCE

9.1 Notwithstanding earlier evidence and recommended amendments in relation to character cluster statements, the reporting planner has not supported Kāinga Ora’s submissions⁵⁹ that the Design Guidelines have non-statutory status and should sit outside of the district plan. The reporting planner notes that:

9.28.10. The submission requesting that all reference to design guidelines be removed from the District Plan is requesting a fundamental change to the way design guidelines are contained and referenced in the Plan that appears to go beyond what PC26 has proposed in relation to design guidelines which is limited to the addition of the MDRZ and amendments to DG1.

9.2 I do not consider that inconsistency with how the Plan is currently structured is an appropriate reason, particularly where greater levels of intensification require a new approach and response to design guidance that is fit for purpose in facilitating the enablement of intensification under the NPS-UD.

9.3 While I do not have an issue with the use of guidance per se, it is my opinion that the status and role of such guidance needs to be clear. In my view, it is inappropriate to elevate the Design Guidelines as a matter for consideration as part of actual policy or rules. This would raise concerns about the extent to which a particular proposal would comply with a corresponding policy if it were not fully ‘consistent’ with the Design Guidelines. This also does not provide the ‘certainty and confidence’ that the market requires to invest in urban intensification where greenfield and lower intensity development is typically the preference. I therefore recommend that assessment criteria requiring “alignment with any relevant Urban Design Guidelines” be removed⁶⁰. Such wording also enables the Council to apply *any* design guides regardless of the status, which provides little certainty to the development community.

⁵⁹ 79.22, 79.47, 79.48, 79.49, 79.50

⁶⁰ Mr Wallace also addresses this point at paragraphs 6.2 – 6.14 of his evidence.

- 9.4 In my opinion, design guidance should be seen as a tool to assist an applicant to achieve the relevant objectives, policies and assessment criteria of the Plan. I consider that the guide is simply that, a guide, and directly including it in the assessment criteria elevates the guide to a de facto rule or standard in its own right.
- 9.5 In my opinion, the Design Guidelines are more appropriate as a non-statutory planning tool that can assist the plan-user in interpreting and complying with the District Plan provisions and, more importantly, any such guidelines can be updated and amended accordingly to best practice without having to go through a Schedule 1 process.
- 9.6 I also share the concern of Mr Wallace⁶¹ regarding, what these guidelines could contain, whether they could be used to undermine delivery of the MDRS, and the process to manage changes to the Guidelines.
- 9.7 In my opinion, this situation may be distinguished in the case of character cluster and heritage statements, which are directly linked to plan provisions requiring development to be in keeping with identified values.
- 9.8 In my experience with the AUP, the use of the Auckland Design Manual (“ADM”) as tool to measure proposals against the relevant assessment criteria of the Plan, functions efficiently and effectively. The ADM is a non-statutory guidance document that sits outside the AUP - in fact there is no reference to the ADM itself within the AUP and yet, the development community recognise as an urban design document promoted by Auckland Council extensively, that it is a critical tool that can be utilised in a resource consent process.
- 9.9 If there are critical outcomes that the Design Guidelines are trying to achieve, then these matters should be referred to in the relevant assessment criteria and/or matters of discretion and effects standards/rules in the Plan. The extent to which a proposal then

⁶¹ Refer to Paragraph 6.12 of the Evidence of Mr. Wallace.

achieves those outcomes can be measured against the Design Guideline itself, in reference to the relevant matters of discretion. In my opinion, this ensures that the matters for discretion required under s 77B(4) of the RMA are clearly set-out and provides clarity and certainty for plan users, rather than elevating an entire design ‘guide’ to a matter of discretion.

- 9.10 As such, I support the range of prescriptive assessment criteria⁶² and design-based matters of discretion that were put forward within the Kāinga Ora submissions on the MDRZ. These are captured in **Appendix A** to my evidence. In my opinion, notwithstanding the issue of where design guidance sits, these provide a more-appropriate assessment framework that accounts for the enabled intensities of development that may be achieved as a result of the application of the MDRS and relief sought by Kāinga Ora. I consider those criteria are appropriate to apply to the HDRZ.

10. CONCLUSIONS

- 10.1 In my opinion, relief sought by Kāinga Ora as set out in my evidence and that of Mr Jaggard, Mr Osborne and Mr Wallace, will better align PC26 with the NPS-UD and the purpose and principles of the RMA as amended by the HSAA. Within the Waikato Regional context, it is my opinion that the approach taken by Kāinga Ora will not be contrary to the purpose and objectives of Te Ture Whaimana.
- 10.2 The potential benefits provided through the relief sought by Kāinga Ora as-outlined in my evidence includes:
- (i) Supporting the consolidation of residential growth and development within urban areas, which will enable infrastructure providers to better plan for future network upgrades / improvements, within a more contained urban footprint, where such investment in infrastructure can best be realised and where greater efficiency can be achieved;

⁶² Kāinga Ora’s submissions on these matters are also discussed under Topic 4.10 – Section 21 of the s42A but generally relate to specific submissions on particular provisions and the role of design guidelines generally.

- (ii) Providing for greater housing choice through a range of potential housing typologies including medium level apartments;
- (iii) Providing benefits to the social and environmental wellbeing of the community by enabling opportunities to live, work and play within their local neighbourhoods and in redeveloped housing stock, thereby improving accessibility to active travel modes, improved walking and cycling provision, and allowing existing social connections within those neighbourhoods to be maintained and enhanced;
- (iv) Providing clear signals to the development market through provisions that define what is appropriate in particular zones, and what is not, while ensure that those area most-desirable for intensification are prioritised;
- (v) The protection of rural areas and productive soils from inappropriate residential lifestyle and commercial development through adequate land supply and an enabling planning framework to direct future growth and development into the established urban areas where land use and economic efficiencies can be realised; and
- (vi) Ensuring a consistency of approach with the NPS-UD to ensure that compact urban form and development is enabled sufficiently to facilitate housing supply, so as to ensure that greenfield development and the adverse effects of urban sprawl are suitably avoided in the future.

10.3 I consider that the amended provisions as set out in my evidence will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the WRPS, Te Ture Whaimana and other relevant statutory documents including the NPS-UD. In my opinion they will assist in striking an appropriate balance in managing the effects of intensification, while enabling greater opportunities to facilitate growth within and around centres.



Michael Robert Campbell

6 April 2023

Appendix A – Proposed Plan Change 26

1.1. Section 1 – Strategic Policy Framework

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.

Additional changes in response to submissions are shown in blue underlined or ~~striketrough~~ with the relevant submission point following e.g. (1.1).

Kainga Ora amendments in red

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.
- ~~1.1.12~~ 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.
- 1.1.23 Tāngata whenua are a key partner in establishing the strategic direction of the District. The relationship that tāngata whenua have with the environment is unique and is reflected within the Resource Management Act 1991. Key perspectives that tāngata whenua have for the future were recorded at the time of the Waipā District Growth Strategy (the Growth Strategy) and include:
- (a) Te Tiriti o Waitangi obligations between the Crown and hapū will continue to guide the manner in which tāngata whenua, regional and district councils, and other government agencies exercise their roles and responsibilities.
 - (b) The outcomes from the settlement of grievances from breaches of Te Tiriti, coupled with ongoing capability and capacity building initiatives at individual, whānau, marae, hapū and iwi level will further influence the part that tāngata whenua play in the district’s growth and development. In some cases, such as for the Waikato River and its catchment, this ~~will~~ includes co-management with Waipā’s iwi partners. new forms of management.
 - (c) Tāngata whenua will continue to strengthen the retention of te reo and its use along with a desire to be able to choose to live, work and play within the context of tikanga and traditional practices.

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

Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River¹

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 Puniu 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;

¹ 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 o Te Awa o Waikato – The Vision and Strategy for the Waikato River The Waikato River Vision and Strategy~~ will also be given effect to through a range of non-regulatory methods. Other parts of the framework provided for by legislation include integrated river management plans, joint management agreements, and provision for particular customary activities.

Waipā River Agreement (Maniapoto Deed)²

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

² 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 Standards³

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

- (a) National Environmental Standards for Air Quality standards (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 (2011); and
- (f) ~~Resource Management (National Environmental Standards for Plantation Forestry)-Regulations (2017); and~~
- (g) ~~Resource Management (National Environmental Standards for Freshwater)-Regulations (2020); and~~
- (h) National Environmental Standard for Marine Aquaculture (2020); and
- (i) National Environmental Standard for Storing Tyres Outdoors (2021).

National Policy Statement on Urban Development

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

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

National Policy Statements

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

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

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

³ 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 2020- 2030	Long term 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 Tauākī Kaupapahere Te-Rohe O Waikato became operative on 20 May 2016 in ~~October 2000~~. ~~The Waikato Regional Council released the Proposed Waikato Regional Policy Statement in 2010, with hearings of submissions carried out during 2012. At the date of notifying this version the Regional Policy Statement was subject to appeals. In preparing this Plan, Council is also required to have regard to the Proposed Regional Policy Statement under Section 74 of the Resource Management Act.~~

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

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

(a)

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

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

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

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

It has been developed by the Waikato Regional Transport Committee in parallel with the Proposed Waikato Regional Policy Statement to achieve an integrated approach to land use, transportation planning and investment across the Waikato Region. The Strategy has adopted a balanced strategic approach for developing and protecting the Region's land transport system that focuses on three core areas:

- (a) — Prioritising investment in a defined set of strategic transport corridors including corridors of regional significance.
- (b) — Targeting road safety improvement under a safe system approach.
- (c) — Focusing travel demand management and alternative mode interventions (public transport and walking and cycling) based on specific local needs.

1.1.24 The vision for land transport in the Waikato region is for an integrated, safe and resilient transport system that delivers on the well-beings of the diverse Waikato communities. It is underpinned by the following strategic objectives:

- (a) **Strategic corridors and economic development** – an efficient and resilient land transport system that advances regional economic wellbeing and supports liveable urban areas now, and in the future;
- (b) **Road safety** – no-one is killed or seriously injured on Waikato's regional transport system; and
- (c) **Access and mobility** – Waikato's land transport system provides an inclusive range of integrated and safe travel choices for people to meet their various needs.

1.1.25 The strategic objectives are supported by underlying objectives [and regional direction from the Waikato RPS](#) that inform decision-making in all areas. These are **climate change and environmental sustainability** – ensuring that transport plays its role in delivering an energy efficient, resilient, and low carbon sustainable future; ~~and~~ **integrated land use and transport planning** – ensuring that collaborative spatial-based approaches to decision-making continue to drive the best outcomes for Waikato's communities; and **low carbon transport system – investment decisions to transform to a low carbon transport system that support urban form that facilitates the transition.** (30.15, FS8)

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, Waipa 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. This Plan gives effect to this settlement pattern through adopting policy direction, rules, and a zoning pattern for the District that is consistent with the Waikato Regional Policy Statement and Future

Proof.

1.1.29 An updated Future Proof Strategy was released in July 2022. The updated Strategy retains the core elements of the 2009 and 2017 Strategies and addresses key national documents such as the National Policy Statement for Urban Development 2020. The updated Strategy identifies future development areas across the sub-region and within the Waipā district and contains the implementation plan for the next 30 years including matters for inclusion in the [Waikato Regional Policy Statement plan change being prepared by the Waikato Regional Council Waikato Regional Policy Statement Proposed Change 1](#) which will include future land use and settlement patterns. (30.34)

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 Tūmū, Tai Pari, Taiāo Ao - Waikato-Tainui Environmental Management Plan. (49.3)

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
Total	42,700	552	675	10,486	12,817	53,186	55,517

Town Concept Plans

- 1.1.29 ~~38~~ The Town Concept Plans 2010 provide a spatial plan for the communities of Te Awamutu and Kihikihi, Cambridge, Pirongia, and Ōhaupo. The Town Concept Plans are based on the direction and information contained in the Growth Strategy and community feedback. They define key elements of existing character and building on this character, provide a framework and direction for future private and public sector development. Each plan contains information on land use and zoning; views and vistas; history and heritage; buildings and streetscape character as well as a profile of the town's or village's character and issues and opportunities specific to that area. From this information a vision for the town or village is formed.
- 1.1.39 ~~As of September 2022, there are currently~~ town plans for Cambridge, Kihikihi, Ngāhinapouri, Ōhaupo, Pirongia Village, Karapiro Village, and Te Awamutu. (30.35)

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~~ ⁴

1.3.5 1 The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana ~~o Te Awa o Waikato the Vision and Strategy for the Waikato River~~ is realised.

Policy - Health and well-being of the Waikato and Waipā Rivers

1.3.1.5 1 To achieve the ~~directions and outcomes~~ Objectives and Strategies (49.2) of ~~the Te Ture Whaimana Waikato River Vision and Strategy~~ within the catchment area identified on the Planning Maps by District Plan provisions relating to:

(a)

Advice Note: ~~Te Ture Whaimana The Waikato River Vision and Strategy~~ relates to the entire catchment of the Waikato River and is relevant to most of the District.

Policy - Maintaining and enhancing public views and public access

1.3.5.1.2 To maintain and, where appropriate, enhance public views and public access by development actively facing and providing access to the Waikato and Waipā Rivers. (79.67)

Objective - Settlement pattern

1.3.1.2
~~1.3.1.2~~

Policy - Settlement pattern

1.3.1.1 2.1 To ensure that all future development and subdivision in the District contributes towards achieving the anticipated settlement pattern in the Future Proof Growth Strategy and Implementation Plan ~~2009~~ 2022 and the District Growth Strategy (or any subsequent replacement).

Policy - Towns

1.3.1.2 2.2 To provide for a consolidated settlement pattern by ensuring that new urban activities are focused within the urban limits of the towns of the District and in particular:

(a)

⁴ 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.
- (x) To provide for high density residential development within a 400m – 600m walkable catchment of the Cambridge Commercial Centre Zone, except where qualifying matters require modification of the medium density residential standards.
- (c) A range of accommodation facilities and services to support the long term accommodation and care requirements for the existing and future elderly population, some of which may need to occur on the periphery of towns outside of the current urban limits as well as within the Residential Zone, ~~and~~ Medium Density Residential Zone ~~and~~ High Density Residential Zone. (70.21 and 73.21)

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

2.3 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.

Additional changes in response to submissions are shown in blue underlined or ~~strikethrough~~ with the relevant submission point following e.g. (1.1).

Kainga Ora amendments are in **RED**

2A.1 Introduction

2A.1.1 The Medium Density Residential Zone of the District is where most people in Waipā live. It is principally located in Waipā's Urban Areas comprising the two main towns of Cambridge and Te Awamutu, together with Kihikihi as a functional part of the Te Awamutu Urban Area. Over time, the appearance of neighbourhoods within this zone will change, with development of typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. This supports increasing the capacity and choice of housing. (79.107) 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 unacceptable 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; (32.4)
- (ee) Where it is necessary to protect significant natural areas and public open spaces that provide significant habitats of indigenous fauna and include areas of significant indigenous vegetation; (32.4)
- (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 defining sites within 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.

2A.1.18A Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Section 24 of the District Plan includes objectives, policies and methods for the protection of indigenous vegetation and significant habitats of indigenous fauna, and such protection is a matter of national importance under s 6(c) of the Act. The objective to maintain and enhance the existing level of biodiversity within the District is given effect to by methods that include the identification of significant natural areas (SNA). Reserves Zones are also used, in some cases, for the purpose of protecting and preserving indigenous flora and fauna, the intrinsic worth, and for scientific study and ecological associations. The MDRS have been modified to the extent necessary to accommodate the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. (32.5)

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 and High Density Residential Zones 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. ~~The Medium Density Residential Standard for front boundary setbacks has been varied along streets within character clusters in order to maintain this character. Character has been introduced as a new 'other' qualifying matter as provided for by the Act.~~

~~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 in Cambridge — Hall Street / Hamilton Road, Victoria Street, Thornton Road / Princess Street, Grey Street, Queen Street and Grosvenor Street Character Cluster's; and in Te Awamutu — Rewi Street and Bank Street Character Cluster's. The Medium Density Residential Standard for front boundary setbacks has been varied along these streets in order to maintain this character. Character has been introduced as a new 'other' qualifying matter as provided for by the Act. (32.3)~~

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 ~~is~~ a 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 ~~Specific to electricity transmission, Tthe~~ The relevant national policy statement is the National Policy Statement for Electricity Transmission 2008. It sets out the objective and policies ~~to~~ enable which direct the management of the effects of and on the electricity transmission network under the Resource Management Act 1991. (38.11)

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 managed within a defined National Grid Corridor to ensure potential adverse effects are appropriately addressed. The greatest level of restriction on landowners is within the National Grid Yard (particularly the support structures) which is the area that is closest to the transmission line and where there is the greatest potential for adverse effects to occur and for the National Grid to be compromised. The restrictions recognise that the greatest potential effects are generated by sensitive activities and intensive development. For this reason, the National Grid has been identified as a qualifying matter to the Medium Density

Residential Standards. (38.12)

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 impermeable~~ (30.29) 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 **need to be managed to ensure they do not** ~~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 **comprised of character defining and non-character defining sites**. 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; and
- (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 ~~The establishment of inappropriate signage in residential environments can adversely affect Signs are not consistent with the character of planned urban built form 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 ~~can~~ affects the opportunity for passive surveillance from dwellings to roads and other public places and as a consequence adversely affect community safety. (79.145)

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.~~ (79.146)

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.

2A.2.1? ~~It should be recognised that the character and amenity of existing areas will change over time to enable a variety of housing types with a mix of densities.~~ (72.17)

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 ~~planned urban built form 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 Medium Density residential character

2A.3.3 To ~~maintain and enhance~~ ensure that the planned urban built form outcomes of the zone are consistent with and complement the existing elements of the Medium Density Residential Zone that give each town its own character while recognising that the character and amenity of these towns may change over time. (30.3, 72.18)

Policy - Cambridge

2A.3.3.1 To maintain and [where appropriate](#) enhance Cambridge's character by: (30.4, 79.168)

- (a) Maintaining the grid layout that provides long vistas down roads; and
- (b) Encouraging the provision of sufficient space for mature trees; and
- (c) Maximising opportunities to provide public access to the town belt; and
- (d) Maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream; and
- (e) Maintaining the mix of villas, ~~cottage and bungalows type~~ and other early – mid-20th century housing within the identified character clusters, [while providing for intensification opportunities on non-character defining sites in a manner sympathetic and complementary to identified character values](#); and (32.3)
- (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.
- ~~(g) Maintaining existing setbacks along identified character streets to maintain the visual dominance of tree avenues. (32.3)~~

Policy - Kihikihi

2A.3.3.2 To maintain and [where appropriate](#) enhance Kihikihi's character by: (30.5, 79.171)

- (a) Retaining a grid layout with wide grassed verges; and
- (b) Maintaining a road pattern that provides for the occasional view to the rural hinterland.

Policy - Te Awamutu

2A.3.3.3 To maintain and [where appropriate](#) enhance Te Awamutu's character by: (30.6, 79.173)

- (a) Maintaining a road pattern that follows the natural contour of the landform and which provides for the occasional view to the rural hinterland; and
- (b) Encouraging the provision of sufficient space for mature trees; and
- (c) Providing linkages to the Mangapiko Stream with development actively facing and providing access to the stream; and
- (d) ~~Recognising~~ Maintaining the mix of villas, bungalows and ~~art deco~~ other early – mid-20th century housing ~~in parts of Te Awamutu~~ types within identified character clusters [while providing for intensification opportunities on non-character defining sites in a manner sympathetic and complementary to identified character values](#); and (32.3)
- (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.
- ~~(f) Maintaining existing setbacks along identified character streets to maintain the visual dominance of tree avenues. (32.3)~~

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 [on character defining sites](#); and

- (b) For new buildings or relocated buildings on character defining sites, maintaining a similar style, scale, height, bulk, form, building materials and colour layout and position to other dwellings within the cluster; and (32.3)
- ~~(c) For relocated buildings ensuring that any maintenance and/or reinstatement work is undertaken; and (32.3)~~
- (d) Ensuring that signs do not detract from the character of the building or the cluster.

Advice Note: Guidance on the character of each cluster including the style, form, and scale of buildings is included in Appendix DG1 of the District Plan.

Policy - Subdivision and development adjoining Category A heritage items

2A.3.3.5 To ensure that subdivision and development and associated earthworks adjoining Category A heritage items do not result in adverse effects on the listed heritage building including its setting and vistas to the building.

Objective - Neighbourhood amenity and safety

2A.3.4 ~~To maintain recognise amenity values and enhance safety in the Medium Density Residential Zone. (65.3) To ensure development within the Medium Density Residential Zone achieves a level of amenity and safety for residents that is consistent with the planned urban built form outcomes of the 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 landscaping

2A.3.4.2 To maintain the ~~existing~~ character of identified character streets by ~~applying~~ ensuring that building setbacks from the road are landscaped with a mixture of trees, shrubs and ground cover plants or grass. ~~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)~~, (79.183) provide opportunities for planting where possible, provide a degree of privacy, maintain sunlight and daylight, provide ongoing access to the rear of the site and enable building maintenance from within the site by maintaining a consistent setback between buildings on different sites.

Advice Note: In some cases affected parties consents will not be sufficient to address the matters raised in these policies.

Policy - Height of buildings

2A.3.4.4 The height of new buildings shall ~~not~~ be consistent with the Medium Density Residential Standards unless a qualifying matter applies.

Policies - Site coverage and permeable surfaces

2A.3.4.5 To ensure that all sites have sufficient open space to provide for landscaping, outdoor activities,

storage, on-site stormwater disposal, where parking is provided (30.21), and vehicle maneuvering by maintaining a maximum site coverage requirement for buildings in the Medium Density Residential Zone.

2A.3.4.6 Maintain a proportion of each site in permeable surfaces such as lawn and gardens, in order to ensure there is sufficient capacity to enable the on-site disposal of stormwater. In the Cambridge North Structure Plan Area, increased standards apply because of the difficulty of disposing of stormwater in this location. In the C1 and C2/C3 Structure Plan areas on-site disposal of stormwater may not be required where regional and/or district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. Furthermore, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.

~~Policy – Relocated buildings~~

~~2A.3.4.7 Relocated buildings shall not detract from the amenity of the neighbourhood they are located within, by ensuring that exterior maintenance and painting is undertaken.~~

Policy - Maintaining low ambient noise environment

2A.3.4.8 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~~ ensure the planned urban built form character and amenity of the Medium Density Residential Zone, by ~~avoiding managing inappropriate signage (including those unrelated to the site and billboards), while providing for 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 **where practicable, or otherwise mitigates unacceptable** 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,~~ while recognising that this may change over time, including the scale and design of buildings and their location on the **site is consistent with the planned urban built form and character of the zone**; and (79.196),(79.196)
- (b) Provides ~~for on-site parking and~~ vehicle manoeuvring areas **for any on-site car parking**; and (30.21)
- (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~~ **ensure that development is consistent with the planned urban built**

form outcomes amenity values within and around dwellings and sites in the Medium Density Residential Zone, and achieves an appropriate level of on and off-site amenity by managing through the location, layout and design of dwellings and buildings.

Policies - Building setback from rear and side boundaries

2A.3.5.1 Buildings should be setback from rear and side boundaries in order to provide for the privacy of adjoining properties and to not overly dominate outdoor living areas on adjoining sites.

2A.3.5.2 To ensure that buildings on sites adjoining reserves and public walkways or cycleways do not detract from the amenity, safety or function of those spaces. (30.17)

2A.3.5.3 To enable the construction of buildings up to and on rear and side site boundaries in circumstances where there is minimal loss of privacy, sunlight or daylight or noise effects on adjoining properties or such effects are mitigated, and where sufficient area is maintained on site for outdoor living, and the building does not unduly dominate outdoor living areas on adjoining sites.

Policy - Daylight

2A.3.5.4 To maintain adequate daylight and enable opportunities for passive solar gain by providing for the progressive reduction in the height of buildings the closer they are located to a boundary (except a road boundary).

Policy - Outdoor living area

2A.3.5.5 Each dwelling on a site shall have a usable and easily accessible outdoor living area for individual or communal use. (70.74, 73.74)

Policy – Maximum Building length

~~2A.3.5.6 — Where compact housing is proposed, the (79.310) 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 including multi-modal transport options. (30.19)

Policy - Comprehensive design of ~~compact housing~~ four or more dwellings, (79.202) retirement village accommodation and associated care facilities, rest homes, and visitor accommodation

2A.3.7.1 To ensure that ~~compact housing~~ developments of four or more dwellings, (79.202) retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:

- (a) Ensuring that developments effectively relate to the street, existing buildings, and adjoining developments in the neighbourhood and the planned built form of the area; and (72.23)
- (b) Avoiding long continuous unbroken lengths of wall building; and (72.23)
- (c) Maximising Considering (30.10) the potential for passive solar gain; and
- (d) Providing for sufficient private or communal space for the reasonable recreation, service and storage needs of residents; and (72.23)
- (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~~ Are consistent with the planned urban built form character and amenity of the zone, including the scale and design of buildings and their location on the site; and
- (b) ~~Provides for on-site parking and~~ vehicle manoeuvring areas for any on-site car parking; and (30.21)
- (c) Mitigates adverse effects related to traffic generation, access, noise, vibration, and light spill, to the extent that they do not result in adverse effects on residential character and amenity and the surrounding transport network.

Policy - Non-residential activities in structure plan areas

2A.3.8.4 To recognise the local shops as identified within structure plan areas, that service the needs of the surrounding community. Retail activities or services provided within these locations shall provide for the daily needs of people and be located within a walkable catchment.

Policy - Non-residential activities: listed heritage items

2A.3.8.5 To make provision for medical centres, offices, restaurants, cafes and other eating places, and childcare and pre-school facilities to occur within buildings listed in Appendix N1 - Heritage Items, where the heritage values of the building and its setting are not compromised, and the effects of the activity including its hours of operation do not unduly compromise residential amenity.

Advice Note: Refer also to Section 22 - Heritage and Archaeology.

Policy - Visitor accommodation in limited circumstances

2A.3.8.6 Visitor accommodation may be appropriate where a development is comprehensively designed and the scale and design of the development enhances town character; and where site specific issues such as on-site servicing and transport related effects are addressed.

Policy - Local shops

2A.3.8.7 To enable additions to existing legally established local shops as at the date of notification of this Plan, recognising the existing investment in such properties under previous planning provisions, and the social and community function they serve in providing for the day to day needs of

residents.

Policy - Scheduled industrial sites

2A.3.8.8 To enable the continuation of existing industries located within the Scheduled Industrial Sites identified on the Planning Maps.

Policy - Show homes

2A.3.8.9 To enable show homes within greenfield subdivisions, provided that any adverse effects are appropriately mitigated.

Objective - National Grid transmission networks

2A.3.9 To recognise and provide for the ongoing operation, maintenance, upgrade and development of the National Grid electricity transmission network. (38.20)

Policies - Management of activities within National Grid Corridors

2A.3.9.1 To recognise the importance of the National Grid network in enabling communities to provide for their economic and social well-being and to provide for the ongoing operation, maintenance and development of the Grid through the management of activities within identified setbacks and corridors.

2A.3.9.2 To ensure safe and efficient use and development of the National Grid and to protect the National Grid from the adverse effects of activities adjacent to it.

2A.3.9.3 To avoid inappropriate land use and development within the National Grid Yard to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised and to minimise the potential for nuisance effects.

2A.3.9.4 To avoid the establishment of new sensitive activities within the National Grid Yard in order to minimise adverse effects on and from the National Grid, including adverse effects on health and safety, amenity and nuisance effects, and reverse sensitivity effects.

2A.3.9.5 To not ~~exclude compromise~~ operation or maintenance options or, ~~to the extent practicable,~~ the carrying out of routine and planned upgrade works. (38.25)

Objective - Significant Natural Areas

2A.3.10 To ensure that buildings and activities at the interface of residential zones with significant natural areas do not adversely affect the ecological values of those areas. (32.6)

Policy – Setbacks from SNAs

2A.3.10.1 Adverse effects of adjoining development on significant natural areas will be managed through requiring the setback of buildings from the boundary. (32.6)

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

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- (c) **For scheduled industrial activities identified in the Industrial Policy Overlay on Planning Map 42 and in Appendix 08, the activity status table and performance standards of Section 7 - Industrial Zone shall apply as if the activities were zoned industrial. The rules of the Medium Density Residential Zone shall apply for any other activity.**

Development within a structure plan area identified on Planning Maps is required to be in general accordance with an approved structure plan. Refer to Rule 15.4.2.69 Infrastructure, Hazards, Development and Subdivision.

Also refer to the Financial Contributions Section. Activities that result in adverse effects on infrastructure (including permitted activities) may be required to pay financial contributions of money, land, or a combination, prior to commencing the activity.

Advice Notes:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.
2. Vegetation to be planted within or near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

2A.4.1 Activity Status Tables

2A.4.1.1	Permitted activities The following activities shall comply with the performance standards of this zone
(a)	Residential activities.
(b)	Up to three dwellings per site outside of the Infrastructure Constraint Qualifying Matter Overlay and outside of identified character clusters. (32.3) not including identified character defining sites within character clusters.
(c)	Up to two dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay.
(d)	Home occupations.
(e)	Accessory buildings to any permitted activity.
(f)	Demolition and removal of buildings, except in character clusters and those listed in Appendix N1 - Heritage Items and those on sites identified in a character cluster identified as 'non-character defining'. (32.3)
(g)	Relocated buildings, except where located in a character cluster or listed in Appendix N1 – Heritage Items.
(h)	Earthworks.
(i)	Signs.
(j)	Temporary construction buildings.
(k)	Passive recreational use.
(l)	The following activities located within the Commercial Hub Overlay of the St Kilda Residential Area identified in Appendix S4: <ol style="list-style-type: none"> (i) Retail activities (ii) Cafés (iii) Takeaway food outlets (iv) An information centre for the Maungatautari Ecological Island Trust (v) Meeting and conference facilities (vi) Pre-school and childcare facilities (vii) Playground equipment
(m)	The following activities within Character Area 4 of the Cambridge Park Residential Zone: <ol style="list-style-type: none"> (i) Food and beverages and convenience goods (ii) Cafés Providing that the GFA does not exceed 150m ² .
(n)	Conservation blocks.
(o)	Earthworks within the National Grid Yard that comply with Rule 2A.4.2.48.

(p)	Residential Based Visitor Accommodation.
(g)	Within character clusters, the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and parallel to and facing the rear boundary of the site. (32.3)

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

2A.4.1.3	Restricted discretionary activities The following activities shall comply with the performance standards of this zone
(a)	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.
(b)	Four or more dwellings per site outside of the Infrastructure Constraint Qualifying Matter Overlay. (79.224) Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being will be restricted over to the following matters: (32.17) <ul style="list-style-type: none"> ▪ The extent to which building scale, form, and appearance is compatible with the planned urban built form character of the zone; and ▪ The extent to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale. ▪ The extent to which the development contributes to a safe and attractive public realm and streetscape. ▪ Building location, bulk and design; and ▪ Development density; and ▪ Landscaping; and ▪ Where provided, the location of parking areas and vehicle manoeuvring; and (30.21) ▪ Crime Prevention Through Environmental Design; and ▪ Traffic generation and connectivity; and ▪ Privacy within and between adjoining sites; and ▪ Noise; and ▪ The outcomes of an infrastructure capacity assessment; and ▪ Stormwater disposal; and ▪ Alignment with any relevant Urban Design Guidelines adopted by Council.

2A.4.1.3	Restricted discretionary activities The following activities shall comply with the performance standards of this zone
(c)	Three or more dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay. (53.5) Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being will be restricted over to the following matters: (32.17) <ul style="list-style-type: none"> ▪ Building location, bulk and design; and ▪ Development density; and ▪ Landscaping; and

	<ul style="list-style-type: none"> • Location of parking areas and vehicle manoeuvring; and • Crime Prevention Through Environmental Design; and • Traffic generation and connectivity; and • Privacy within and between adjoining sites; and • Noise; and ▪ The outcomes of an infrastructure capacity assessment; and • Stormwater disposal; and • Alignment with any relevant Urban Design Guidelines adopted by Council. (53.5)
(d)	<p>Character clusters s sites (32.3) - Construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings, except where permitted by 2A.4.1.1(f) (g) and (r). (32.3)</p> <p>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ <u>For identified character-defining sites:</u> <ul style="list-style-type: none"> • <u>The extent to which building bulk and design, building materials, and layout to maintains a similar style, form, building materials and colour to other character defining dwellings within the cluster; and</u> (32.3) • <u>The extent to which buildings maintain and respond to the existing character identified in the cluster as set out in Appendix DG1;</u> ▪ <u>For identified non-character defining sites:</u> <ul style="list-style-type: none"> • <u>The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality; and</u> • <u>The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context; and</u> • <u>The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1.</u> • Effects on the existing character identified in the cluster as set out in Appendix DG1; ▪ The extent to which the demolition or removal of the character building <u>on an identified 'character defining' site</u> detracts from the integrity of the streetscape; ▪ The visibility of the new buildings and/or alterations or additions from public places; and ▪ Solar access; and ▪ <u>Where provided, the E</u>ffects on parking and vehicle manoeuvring; and (30.21) ▪ Signs; and ▪ Landscaping. <p><u>Additionally for relocated buildings:</u></p> <ul style="list-style-type: none"> • 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. (32.3) <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>

2A.4.1.3	<p>Restricted discretionary activities</p> <p>The following activities shall comply with the performance standards of this zone</p>
(e)	<p>Retirement village accommodation and associated care facilities and rest homes <u>within or outside the compact housing overlay identified on the Planning Maps</u>. (79.310)</p> <p>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ <u>Building location, bulk and design; and</u> ▪ <u>Landscaping; and</u> ▪ <u>Location of parking areas and vehicle manoeuvring; and</u> ▪ <u>CPTED; and</u> ▪ <u>Traffic generation and connectivity; and</u> ▪ <u>Benefits provided to residents from onsite communal facilities; and</u> ▪ <u>Noise; and</u> ▪ <u>Stormwater disposal.</u> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(f)	<p>Visitor accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas.</p> <p>For Visitor accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas, non-compliance with any of the performance standards in Section 2A.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).</p> <p>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ <u>Building design; and</u> ▪ <u>Whether the design, scale and appearance maintains or enhances the amenity and character of the area; and</u> ▪ <u>Landscaping; and</u> ▪ <u>Where provided, the location of parking areas and vehicle manoeuvring; and (30.21)</u> ▪ <u>CPTED; and</u> ▪ <u>The potential for reverse sensitivity effects on the strategic transport network;</u> ▪ <u>Infrastructure effects; and</u> ▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council.</u> <p>These matters will be considered in accordance with the assessment criteria in Section 21 relevant to the above matters.</p>
(g)	<p>Local Centres within the C2/C3 Structure Plan area, located in general accordance with the C1 and C2/C3 Structure Plans and limited to the following activities:</p> <ul style="list-style-type: none"> (i) <u>Café, dining and ancillary activities.</u> (ii) <u>Commercial retail and service activities.</u> (iii) <u>Commercial offices or residential activities, limited to above ground floor.</u> (iv) <u>Within the C2 growth cell, a sports centre and/or art and cultural centre, no greater than 500m² GFA in total.</u> <p>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).</p> <p>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ <u>Building location, bulk and design; and</u> ▪ <u>Visual and amenity effects on surrounding properties; and</u> ▪ <u>Where provided, the location of parking areas and vehicle manoeuvring; and (30.21)</u> ▪ <u>Impacts on surrounding open space amenity and pedestrian safety; and</u> ▪ <u>Location, colour, size and content of signs; and</u> ▪ <u>Infrastructure effects; and</u> ▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council.</u> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>

<u>2A.4.1.3</u>	Restricted discretionary activities The following activities shall comply with the performance standards of this zone
(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>(i) <u>Café, dining and ancillary activities.</u> (ii) <u>Commercial retail and service activities.</u> (iii) <u>Commercial offices or residential activities, limited to above ground floor.</u> (iv) <u>Early childcare education facilities.</u></p> <p><u>Discretion will be restricted to the following matters:</u></p> <ul style="list-style-type: none"> ▪ <u>Building location, bulk and design; and</u> ▪ <u>Visual and amenity effects on surrounding properties; and</u> ▪ <u>Where provided, the location of parking areas and vehicle manoeuvring; and (30.21)</u> ▪ <u>Impacts on surrounding open space amenity and pedestrian safety; and</u> ▪ <u>Location, colour, size and content of signs; and</u> ▪ <u>Infrastructure effects; and</u> ▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p>

<u>2A.4.1.4</u>	Discretionary activities
(a)	<p><u>Any permitted, controlled or restricted discretionary activity that fails to comply with:</u></p> <p>(i) <u>Rule 2A.4.2.26 - Dwellings adjoining marae</u> (ii) <u>Rule 2A.4.2.27 - Cambridge Park Structure Plan – building setback from escarpment</u> (iii) <u>Rule 2A.4.2.28 and 2A.4.2.29 - Cambridge North and C1 and C2 Structure Plan Area: on-site soakage</u> (iv) <u>Rule 2A.4.2.30- Cambridge North Structure Plan Area: flood risk</u> (v) <u>Rule 2A.4.2.31 - Design and layout of development adjoining water bodies and reserves</u> (vi) <u>Rule 2A.4.2.32 – Noise</u> (vii) <u>Rules 2A.4.2.40 to 2A.4.2.42- Noise insulation: noise sensitive activities</u> (viii) <u>Rules 2A.4.2.44 and 2A.4.2.45 – Signs</u> (ix) <u>Rules 2A.4.2.46 and 2A.4.2.47 - Earthworks</u> (x) <u>Rules 2A.4.2.50 to 2A.4.2.51 - Housing and keeping of animals</u> (xi) <u>Rule 2A.4.2.55- Home occupation</u> (xii) <u>Rule 2A.4.2.56 - Show homes</u> (xiii) <u>Rules 2A.4.2.60 and 2A.4.2.61 - Temporary construction buildings</u></p>
(b)	<u>Any restricted discretionary activity that does not comply with one or more of the rules for a restricted discretionary activity, except for the rules specified in Rule 2A.4.1.4(a).</u>
(c)	<u>Churches, community centres, papakainga and marae.</u>
(d)	<u>Education facilities, pre-schools and childcare facilities.</u>
(e)	<u>Visitor accommodation.</u>
(f)	<u>Hospitals.</u>
(g)	<u>Medical centres (including overnight care) adjacent to Cambridge Road within the C2/C3 Growth Cell.</u>
(h)	<u>The following activities within a listed heritage building contained in Appendix N1 – Heritage Items: medical centres, childcare and pre-school facility, offices, restaurants, cafés and other eating places.</u>
<u>2A.4.1.4</u>	Discretionary activities
(i)	<u>Additions to local retail shops which were existing as at the date of notification of this Plan.</u>

(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.
(m)	Emergency service facilities. (47.18)

2A.4.1.5	Non-complying activities
(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.
(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: (i) Any building or addition to a building for a National Grid Sensitive Activity. (ii) Any change of use to a National Grid Sensitive Activity or the establishment of a new National Grid Sensitive Activity. (iii) Any building, structure or earthworks which fail to comply with Rules 2A.4.2.47, and 2A.4.2.48 and 2A.4.2.49. (38.27)

2A.4.1.6	Prohibited Activities 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

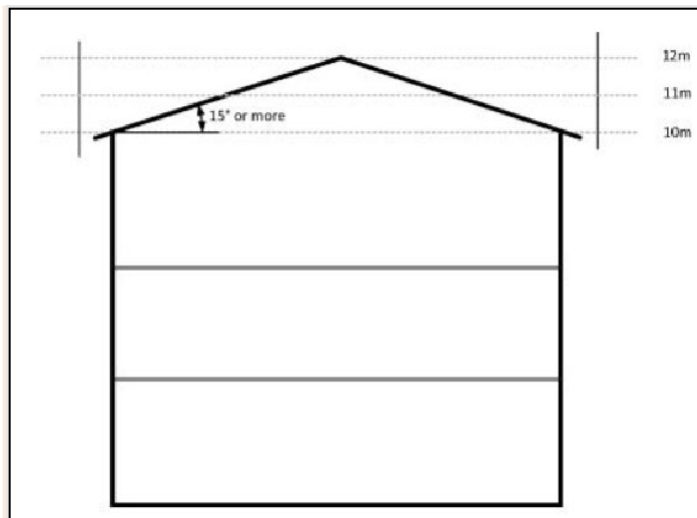
The following rules apply to activities listed as permitted, controlled or restricted discretionary.

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:



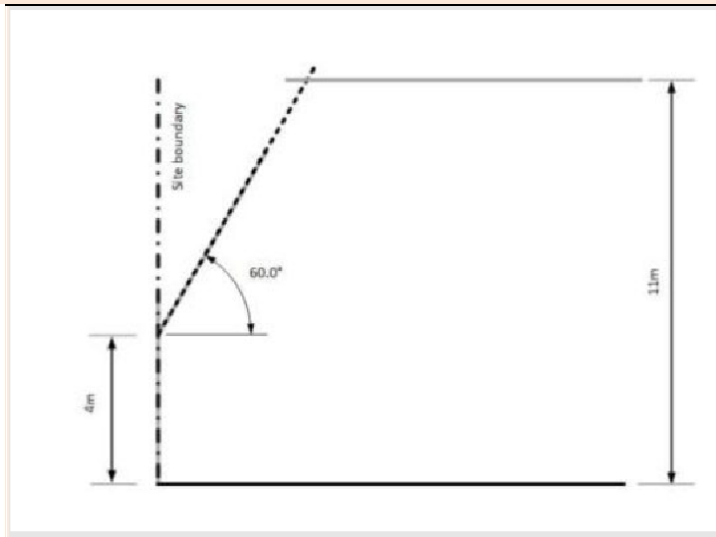
Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- 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.4.2.2 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:

Yard	Minimum depth
Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

2A.4.2.5 ~~This standard Rule 2A.4.2.4 (32.19) 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 stated in Rule 2A.4.2.4 (32.20)~~ is modified in the following locations:

- ~~(a) Along boundaries adjoining a state highway, a setback of 7.5 metres is required for dwellings and sleep-outs; (63.4)~~
- ~~(b) On sites within a character cluster area with frontage to adjoining a road where the Character Street policy overlay applies, a front yard setback of 6.3 metres is required. The front yard (excluding vehicular and pedestrian access points) along Character Streets must be planted with a mixture of trees, shrubs and ground cover plants or grass.~~
- ~~(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.~~

~~2A.4.2.(xx) On sites adjoining a road where the Character Street landscaping control applies, the front yard setback required under 2A.4.2.4 (excluding vehicular and pedestrian access points) must be planted with a mixture of trees, shrubs and ground cover plants or grass.~~

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

Rules – Building coverage

2A.4.2.7 The maximum building coverage must not exceed 50% of the net site area. (79.247 – highlight)

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

- Building location, bulk and design; and
 - On-site amenity; and
 - Outlook for adjoining neighbours; and
 - Effects on existing trees; and
 - Landscaping; and
 - The impact on rivers and waterbodies and whether any potential adverse effects from a development can be avoided or mitigated; and
 - The impact of the development on indigenous flora and fauna and the ability to avoid, remedy or mitigate any adverse effects on these; 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. (53.3, 53.4)

~~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 (53.3, 53.4)~~
 - ~~▪ An assessment of stormwater disposal and whether this can be accommodated on-site.~~
- ~~These matters will be considered in accordance with the assessment criteria in Section 21.~~

2A.4.2.8.1 On sites located within the River / Gully Proximity Qualifying Matter Overlay, the maximum building coverage must not exceed 40% of the net site area.

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

- Building location, bulk and design; and
- On-site amenity; and
- Outlook for adjoining neighbours; and
- Effects on existing trees; and
- Landscaping; and
- The impact on rivers and waterbodies and whether any potential adverse effects from a development can be avoided or mitigated; and
- The impact of the development on indigenous flora and fauna and the ability to avoid, remedy or mitigate any adverse effects on these.

These matters will be considered in accordance with the assessment criteria in Section 21. (53.3, 53.4)

Rule - Impermeable surfaces

2A.4.2.9 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 with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal or the ability to connect to an approved stormwater system.
- The effect of stormwater run-off to adjoining properties.

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

Rules – Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area

2A.4.2.10 Site coverage and impermeable surfaces of residential lots shall not exceed 700m².

2A.4.2.11 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. (32.12, 65.9)

Activities that fail to comply with Rules 2A.4.2.10 and 2A.4.2.11 will require a resource consent for a discretionary activity. (32.12, 65.9)

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:

- (a) Where located at ground level, has no dimension less than 3 metres; and
- (b) Where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and a minimum dimension of 1.8 metres; and

- (c) Is accessible from the dwelling; and
- (d) May be:
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the dwelling; and
- (e) Is free from buildings, parking spaces, and servicing and manoeuvring areas.

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 for a restricted discretionary activity with the discretion being restricted over:

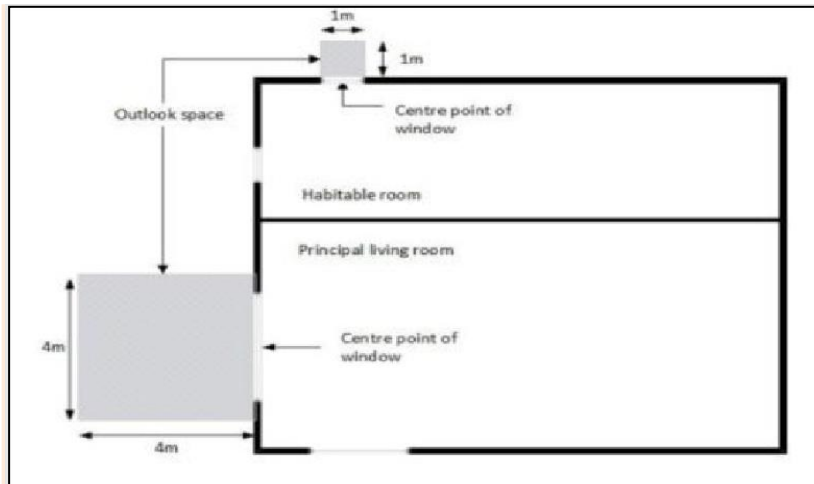
- Building location, bulk and design; and
- The internal layout of the dwelling and its relationship to the outdoor living area; and
- The size, dimension and orientation of the outdoor living area.

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 cluster area or compact housing area overlay (79.310)~~

~~(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.

2A.4.2.2? Within the River / Gully Proximity Qualifying Matter Overlay, a residential dwelling at ground floor level must have a landscaped area of a minimum of 30% of a developed site with native plants, and can include the canopy of trees regardless of the ground treatment below them. (32.8)

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.

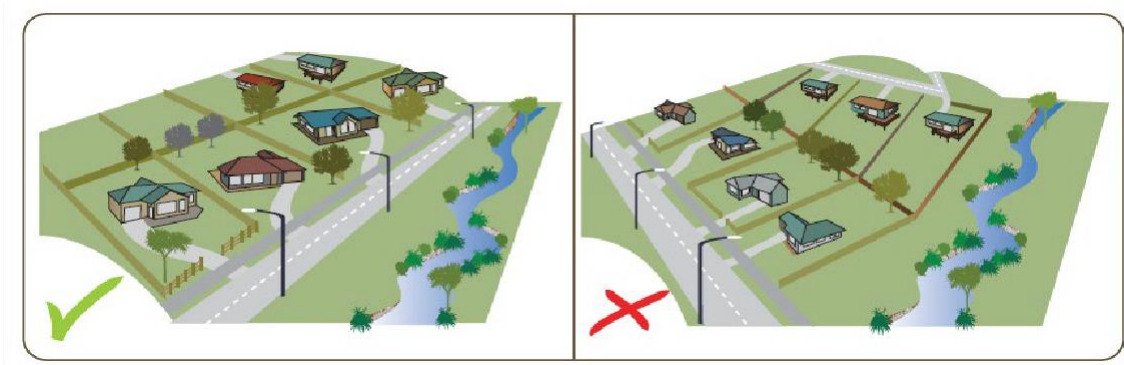
Activities that fail to comply with Rules 2A.4.2.31 to 2A.4.2.35 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- 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
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:

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

Provided that noise resulting from the use of explosives shall not exceed 122dBA during daylight hours 6.30am to 8.00pm. No noise resulting from the use of explosives shall be generated outside of these times.

All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

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

- Noise

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

Rules - Signs

2A.4.2.44 The following signs are permitted:

- (a) A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign shall exceed 0.25m² visible in any direction.
- (b) Signs advertising that the land or buildings are for sale or lease. The maximum size of each sign shall be no more than 2m², and no more than four signs are permitted on a site at any one time.
- (c) A sign erected on a construction site giving details of the project. The maximum total area of the sign shall be no more than 2m², and no more than one sign is permitted on a site at any one time.
- (d) Any sign erected by Council, 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 3m² visible in all directions and shall be setback at least 15m from any strategic road.

Provided that in all cases:

- (a) Signs shall not be internally illuminated, flashing, incorporate fluorescent materials such as flags or be painted in colours that are used on traffic signals; and
- (b) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and
- (c) A freestanding sign shall be placed so that no part is more than 2m above ground level; and
- (d) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and
- (e) Signs shall be removed within three days of the conclusion of the event.

Provided that the relevant zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 2A.4.2.44 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 25m³ or a total area of 250m² in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

Advice Notes:

1. All works must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.
2. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of lakes or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.

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

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.

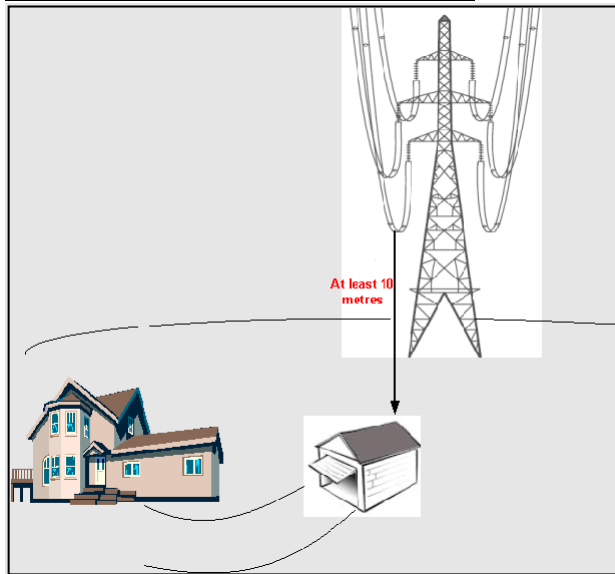
Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

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 (79.310)

~~2A.4.2.54—Compact housing made up of seven or more dwellings within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the following requirements:~~

- ~~(a) — The maximum length of unbroken building line parallel to all site boundaries including internal site boundaries shall be 20m. Building lines in excess of this standard shall be broken or stepped to a minimum depth of 2.4m and a minimum length of 3m at least once every 20m in length. This rule shall apply to each level of a multi-level building inclusive of the roof; and~~
- ~~(b) — Where there is more than one building on a site, it shall be separated from other buildings on the site by at least 3.5m; and~~
- ~~(c) — Where any dwelling is to be sited within 10m of another dwelling on the same site or parent title prior to subdivision by way of unit title, cross lease or strata title, there shall be no direct line of sight from the main living areas of the dwelling into the main living areas of another dwelling. If a direct line of sight between main living areas cannot be avoided, visual screening shall be constructed or planted to prevent a direct line of sight; and~~
- ~~(d) — Dwellings shall have a dual aspect with windows being placed so that outlook is obtained to the front and rear of the dwelling, with window sills no more than 1m from floor level; and~~
- ~~(e) — The following minimum gross floor areas and outdoor living areas shall apply:~~

<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>	50m ²	20m ²	3m	8m ²	1.8m
<u>2 bedroom unit</u>	70m ²	20m ²	3m	8m ²	1.8m
<u>3 bedroom unit</u>	95m ²	20m ²	3m	8m ²	1.8m

- ~~(f) — Landscaping and permeable surfaces: At least 20 percent of the net site area of any site or unit site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped~~

in a manner that retains the permeable nature of the surface.

- (g) A communal outdoor service area or storage court shall be provided that does not exceed 10m² of site area and it shall be screened so that it is not visible from the front boundary of the site.
- (h) Outdoor living areas shall:
 - (i) Be located and/or screened so that at least 50 percent of the outdoor living area has complete visual privacy from the living rooms and outdoor living areas of other dwellings on the same site and shall be screened from adjoining sites; and
 - (ii) Be oriented to the north, east or west of the dwelling, but not the south of east or west measured from the southernmost part of the dwelling; and
- (i) An area for letterboxes at the front of the property; and
- (j) A place for refuse and recycling material that is accessible to a two-axled truck shall be provided; and
- (k) Dwellings that are parallel to, or adjoin the road boundary of the site shall have a front door that faces the road. (79.310)

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. (79.310)

Activities that fail to comply with this rule will require a resource consent for a discretionary activity. (79.310)

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 50m² provided that in Character Area 1 of Cambridge Park it can be 30% of gross floor area (GFA); and
- (c) Retail sales shall be limited to those goods, materials and services produced on site or used in the direct operation and management of the home occupation on the site; and shall take place within the buildings on the same site, and the area occupied for the retail sales shall 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 50m²; and
- (c) Activities carried out in an office ancillary to a show home shall relate solely to the promotion of the product of the show home operator; and
- (d) An office ancillary to a show home shall, **when provided, show** on-site parking, manoeuvring, loading and access in accordance with the requirements for offices set out in Section 16 - Transportation. (30.21)

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 550m² GFA (excluding any sports centre and/or art and cultural centre within the C2 growth cell); and

- (d) The minimum building setback from boundaries shall be as follows:
- | | |
|--|----|
| (i) <u>Road boundary</u> | 0m |
| (ii) <u>Internal site boundaries where the lot adjoins a residential lot</u> | 5m |

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion limited to the effects of any non-compliance with the performance standards.

Rule – Neighbourhood Centre within the T11 Growth Cell Structure Plan Area

2A.4.2.59 The neighbourhood centre within the T11 Growth Cell Structure Plan Area shall comply with the following:

- (a) Be located in general accordance as shown on the T11 Growth Cell Structure Plan.
- (b) The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week.
- (c) The maximum height of buildings shall be 14m.
- (d) Each individual retail and services tenancy should have a floor area of not more than 250m² Gross Floor Area (GFA) (excluding community amenities and facilities, administration offices, and professional offices).
- (e) All new commercial buildings shall be constructed on the road boundary of the site.
- (f) All street frontages shall have a minimum 3m wide continuous covered veranda to allow for weather protection.
- (g) All commercial buildings shall have a minimum 3m setback from all adjoining residential zone, reserves and public open space boundaries.
- (h) All buildings fronting a road or reserve, excluding those intended for use by a business established by Rule 2A.4.1.3(h)(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 40m² GFA shall meet the following requirements:~~

~~(a) — A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:~~

~~(i) — A Waipā District Council Building Compliance Officer (or equivalent); or~~

~~(ii) — A member of the New Zealand Institute of Building Surveyors; or~~

~~(iii) — A licensed building practitioner (carpenter or design category); or~~

~~(iv) — A building inspector from the local authority where the building is being relocated from; and~~

~~(b) — If the Building Relocation Inspection Report has been prepared by a person other than a Waipā District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipā District Council Building Compliance Officer (or equivalent position). This is to be done by undertaking an on-site inspection of the relocated building once it has been relocated. Should the Waipā District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:~~

~~(i) — The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.~~

~~(c) — All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and~~

~~(d) — The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site.~~

~~This rule shall not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.~~

Advice Notes:

1. Relocated buildings less than 40m² are not required to comply with this rule but are required to comply with the relevant rules in 2A.4.2.
2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.
3. The onsite inspection by a Waipā District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building Consent process, and will not incur additional costs.

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

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

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

Rule - Residential Based Visitor Accommodation

2A.4.2.63 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.

2.4 Assessment Criteria

2.4.1 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.

2.4.2 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.

Kainga Ora amendments in red.

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 ~~exclude~~ ~~foreclose~~ compromise operation or maintenance options or, ~~to the extent practicable~~, the carrying out of routine and planned upgrade works. (38.32)

15.4 Rules

15.4.1 Activity Status Table

15.4.1.1	Activity	Residential Zone	Medium and High 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. For all the activities listed in this table the performance standard Rules 15.4.2 will apply. The activity status for activities which fail to comply with the performance standards is identified under each rule. For the avoidance of doubt where activities fail to comply with this table and have no associated rule, resource consent for a non-complying activity is required.</p>								
	All Zones								
(a)	Amendments to Flats Plan, Boundary Adjustments.	C	<u>C</u>	C	C	C	C	C	C
	<p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> ▪ Efficient use of site; and ▪ Effects on archaeological or cultural sites; and ▪ Effects on adjacent sites, adjacent activities, or the wider receiving environment; and ▪ Compliance controls of original consent. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
(b)	Boundary Relocations and Amalgamations.	D	D	D	D	D	D	D	NC
(c)	Boundary relocation of a benefit lot or a surplus dwelling lot.	NC	<u>NC</u>	NC	NC	NC	NC	NC	NC
(d)	Subdivision of a lot subject to a consent notice, bond, or other legal instrument registered on a certificate of title in favour of Waipa <u>Waipā</u> District Council which restricts further subdivision under a previous Waipa <u>Waipā</u> District Plan.	NC	<u>NC</u>	NC	NC	NC	NC	NC	NC
(e)	Subdivision that meets all the performance rules in Part A OR; Part A and Part C for 7 or more lots.	RD	<u>RD</u>	RD	RD Industrial Zone NA Airport Business Zone	RD	RD	RD	NC

15.4.1.1	Activity	Residential Zone	Medium and High 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>(Part A: Development and subdivision Part C: Development and subdivision of 7 or more lots in any zone.)</p> <p>Matters over which Council reserves its control in relation to subdivision in the Medium and High Density Residential Zone are:</p> <ul style="list-style-type: none"> ▪ <u>The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</u> ▪ <u>No vacant sites are proposed to be created;</u> ▪ <u>The extent to which the proposal will result in new or increased infringements to the applicable Medium and High Density Residential Zone rules and performance standards;</u> ▪ <u>Suitability of access and servicing of the proposed sites;</u> ▪ <u>The risk of natural hazards on the site and whether this can be avoided or mitigated.</u> <p>Matters of discretion for <u>Assessment of restricted discretionary activities</u> will be restricted to the following matters: (For Houchens Road Large Lot Residential Structure Plan Area refer to the matters in (e p) below instead):</p> <ul style="list-style-type: none"> ▪ Infrastructure servicing; and ▪ Site suitability <u>including the risk of natural hazards on the site and whether this can be avoided or mitigated;</u> and ▪ Access and manoeuvring; and ▪ The potential for reverse sensitivity effects; and ▪ Proximity to the dairy manufacturing sites; and ▪ Low impact design; and ▪ Archaeology; and ▪ Connectivity; and ▪ Integration with the productive use of the land; and ▪ Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Medium and High Density Residential Zone, (38.33) Large Lot Residential Zone and Reserves Zone. ▪ In the Character Cluster Areas and Character Precinct Areas, the extent to which the Design Guidelines (Appendix DG1 – DG6) have been applied. ▪ In areas subject to an approved structure plan or development plan, development in general accordance with that structure plan or development plan. ▪ For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, assessment of the overall concept plan for staged subdivision layout, including distribution of residential densities. ▪ Alignment with any relevant Urban Design Guidelines approved by Council. ▪ Significant indigenous vegetation and significant habitats of indigenous fauna. (32.7) ▪ Public access to and use and enjoyment of the public open space network and amenity values and function of adjoining public open space network. (32.7) <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
(f)	Subdivision to create lots for Network Utilities, except for roads, in accordance with Rule 15.4.2.31.	RD	RD	RD	RD	RD	RD	RD	NC

Discretion Assessment will be restricted to the following matters:

- The extent to which the lot is of a configuration to accommodate the intended activity; and

15.4.1.1	Activity	Residential Zone	<u>Medium and High 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"> The location of the network utility; and The extent to which the balance lot complies with the relevant standards for the zone. These matters will be considered in accordance with the assessment criteria in Section 21. Note: Only Rule 15.4.2.31 applies to new allotments created in accordance with this rule.								
(g)	Subdivision that utilises Transferable Development Rights.	NA	<u>NA</u>	NA	NA	NA	D	D NC In other zones	NC
(h)	Subdivision to create all types of environmental benefit lots	D	<u>D</u>	D	D	D	D	D	D
(i)	Subdivision to create additions to Significant Recreation Reserves as identified in Appendix O5.	NA	<u>NA</u>	NA	NA	NA	NA	D	NA
(j)	Subdivision within Outstanding Landscapes excluding the Maungatautari Ecological Island Lots as identified in Appendix O2.	NA	<u>NA</u>	NA	NA	NC	NA	NC	NC
(k)	Subdivision in any area of High Value Amenity, Significant or Other Landscapes or within a Significant Natural Area, identified within the Planning Maps.	RD	<u>RD</u>	RD	RD	RD	RD	RD	RD
	<u>Discretion Assessment</u> will be restricted to the following matters: <ul style="list-style-type: none"> The extent to which the subdivision complies with the performance standards in Section 15; and Effects of the subdivision layout, and consequential features of the subdivision, on identified significant natural areas and landscapes; and Visual and amenity effects; and Ecology and biodiversity effects; and Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone. These matters will be considered in accordance with the assessment criteria in Section 21.								
	<u>Medium and High Density Residential Zone - Specific activity status rules</u>								
(l)	<u>Subdivision around either existing (implemented or approved) dwellings or proposed dwellings where the subdivision application is accompanied by a land</u>	<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	<u>Medium and High 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><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 and High Density Residential Zone are:</u></p> <ul style="list-style-type: none"> ▪ <u>The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</u> ▪ <u>No vacant sites are proposed to be created;</u> ▪ <u>The extent to which the proposal will result in new or increased infringements to the applicable Medium Density Residential Zone rules and performance standards;</u> ▪ <u>Suitability of access and servicing of the proposed sites;</u> ▪ <u>The risk of natural hazards on the site and whether this can be avoided or mitigated.</u> 								
Residential Zone - Specific activity status rules									
(m n)	<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"> ▪ Infrastructure servicing; and ▪ <u>The risk of natural hazards for the site and whether this can be avoided or mitigated.</u> ▪ Access and manoeuvring; and ▪ Effects on the National Grid electricity transmission network. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>	RD	NA	NA	NA	NA	NA	NA	NA
(m)	<p>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</p> <p><u>Assessment will be restricted to the following matters:</u></p> <p>Infrastructure servicing; and Access and manoeuvring; and Development in general accordance with the C1 and C2/C3 Structure Plans; and Alignment with any relevant Urban Design Guidelines approved by Council.</p> <p>These matters will be considered in accordance with the assessment criteria in Section 21. Performance Standards 15.4.2.3 to 15.4.2.14 shall not apply to subdivision in accordance with this rule.</p>	RD	NA	NA	NA	NA	NA	NA	NA

15.4.1.1	Activity	Residential Zone	<u>Medium and High 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)	Subdivision to create three to six lots for infill housing between 350m ² to 500m ² in conjunction with a land use consent for the development	RD (refer to 2.4.1.3(f))	<u>NA</u>	NA	NA	NA	NA	NA	NA
<p>Activities that fail to comply with this rule are non-complying. Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Low impact design, including the disposal of stormwater; and ▪ Infrastructure servicing; and ▪ Site suitability <u>including the risk of natural hazards for the site and whether this can be avoided or mitigated</u>; and ▪ Lot size shape and configuration; and ▪ The extent to which the subdivision complies with the performance standards in Section 15; and ▪ Heritage and Archaeology; and ▪ Access and manoeuvring; and ▪ Solar access; and ▪ Outdoor living; and ▪ Location, form, and materials of the proposed buildings and their relationship to existing buildings in the neighbourhood; and ▪ Visual effects from adjoining properties and the road; and ▪ Landscaping; and ▪ CPTED; and ▪ Reverse sensitivity effects. <p>These matters will be considered in accordance with the assessment criteria in Section 21. Refer to the matters listed in Section 2 Residential.</p>									
(o)	In the Cambridge Residential Character Area subdivision to create lots for infill housing between 400m² 500m² in conjunction with a land use consent.	D		NA	NA	NA	NA	NA	NA
Large Lot Residential Zone - Specific activity status rules									
(p)	Subdivision within the Houchens Road Large Lot Residential Structure Plan Area.	NA	<u>NA</u>	NA	NA	NA	RD	NA	NA
<p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Lot size and dimensions; and ▪ Roading layout, traffic and roading effects; and ▪ Hydrological effects and the storm water management system; and ▪ Landscape Development Plan; and 									

15.4.1.1	Activity	Residential Zone	<u>Medium and High 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"> ▪ Infrastructure servicing; and ▪ Site suitability and geotechnical constraints; and ▪ Access and manoeuvring; and ▪ Low impact design methods and techniques; and ▪ The potential for reverse sensitivity effects; and ▪ Archaeology; and ▪ Connectivity; and ▪ Development in general accordance with the Houchens Road Large Lot Residential Structure Plan in Appendix S13. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
Rural Zone - Specific activity status rules									
(q)	Subdivision to create a lot to accommodate activities specified in Rule 15.4.2.41 for which a land use consent has been granted and given effect to, and which has been operating for a period of no less than 2 years.	NA	<u>NA</u>	NA	NA	NA	NA	D (Rural Zone only)	NC
(r)	Subdivision to create a lot within 500m of a poultry farming activity.	NA	<u>NA</u>	NA	NA	NA	NA	D (Rural Zone only)	NC
(s)	Surplus Dwellings. (refer to 4.4.2.80(e))	NA	<u>NA</u>	NA	NA	NA	NA	D (Rural Zone only)	NC
(t)	Subdivision of farm workers dwellings constructed after 1 April 2015 as a Surplus Dwelling.	NA	<u>NA</u>	NA	NA	NA	NA	NC (Rural Zone only)	NC
Airport Business Zone - Specific activity status rules									
(u)	Subdivision where only front lots are created.	NA	<u>NA</u>	NA	C	NA	NA	NA	NA
	<p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> ▪ Compliance to the standards in the Airport Business Zone Structure Plan. <p>These matters will be considered in accordance with the assessment criteria in section 21.</p>								

15.4.1.1	Activity	Residential Zone	Medium and High 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
(v)	Subdivision where rear lots are created or where subdivision is not in accordance with the structure plan.	NA	NA	NA	D	NA	NA	NA	NA
Deferred Zones - Specific activity status rules									
(w)	Any subdivision that is not a boundary adjustment or boundary relocation.	NA	NA	NA	NA	NA	NA	NA	NC
Comprehensive Development Plan Areas – Specific activity status rules									
(x)	Comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay Area. <u>Discretion Assessment</u> will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Traffic effects; and ▪ Water supply, wastewater treatment and disposal and stormwater management; and ▪ Landscaping and visual treatment; and ▪ Consistency with District Plan provisions relating to the operation of Hamilton Airport. ▪ Mystery Creek Agri-Activities Overlay Area only: The development of standards for subdivision and development. These matters will be considered in accordance with the assessment criteria in Section 21.	NA	NA	NA	RD	NA	NA	RD	NA
(y)	Development and subdivision in accordance with an approved comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay area. Matter over which Council has reserves its control are: <ul style="list-style-type: none"> ▪ Compliance with the approved comprehensive development plan. These matters will be considered in accordance with the assessment criteria in Section 21.	NA	NA	NA	C	NA	NA	C	NA
(z)	Development and subdivision prior to the approval of a comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay area.	NA	NA	NA	NC	NA	NA	NC	NA

15.4.1.1	Activity	Residential Zone	<u>Medium and High 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><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></p>									

Public and Limited Notification

15.4.1 A 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 and High Density Residential Zone	500m² NA	>600m² for 3 or more Lots NA	1000m² NA
(a-b)	Residential Zone (sewered) – exclusive of Compact Housing and Infill Housing	500m ² , (except for subdivision around dwellings existing as of 31 May 2012, where the minimum net site area containing the existing dwelling is 400m ²).	≥600m ² for 3 or more lots	1000m ² provided that for sites listed within Appendix N1, or sites within character clusters, or sites within the Cambridge Residential Character Area there shall be no maximum net lot area.
(b)	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 ²	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
-	premises having a gross floor area not exceeding 150m² from which food and beverages and convenience goods are sold and including a café)			
(i h)	Picquet Hill Structure Plan Area – vacant site	600m²	≥700m²	NA
(ac)	Residential subdivision in the C1 and C2/C3 structure plan areas.	500m², (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).	< 800m² (i.e. 12.5 dwellings per hectare minimum, over the extent of the subdivision)	1,000m²
(ad)	Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1(e) and Rule 15.4.2.62.	400m², (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding the existing dwelling; any such dwelling will be exempt from the average net lot area calculation; and except for subdivision in relation to compact housing where the provisions of Rule 2.4.2.43 apply).	Average between 500m² (20 dwellings per hectare) and 800m² (12.5 dwellings per hectare) over the extent of the Comprehensive Residential Subdivision area. Compact residential densities are excluded from the above calculations.	1,500m²

Rule – Medium and High Density Residential Zone subdivision around existing or proposed dwellings

15.4.2.1 A Subdivision within the Medium and High 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 or Section 2B – High 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 or Section 2B – High 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~~ vacant lots shall comply with the following:

Zone	Lot frontage (excluding rear lots)	Lot shape factor	Vehicle Crossing minimum to maximum
<u>Medium and High Density Residential, except front lots on entrance corridors</u>	<u>20m</u>	<u>8m x 15m</u> <u>13m diameter circle</u>	3m to 5.5m
Medium Density Residential, front lots on entrance corridors	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 and High Density Residential, Commercial and Industrial Zones within the urban limits shall be connected to the following Council infrastructure services:
- Wastewater reticulation and treatment; and
 - Water supply for domestic, or industrial, or commercial activity; and
 - 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 or development will either be declined or a financial contribution will be required to address the effects on infrastructure capacity. (47.29)

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~~ **three** dwellings on a site within **the Medium and High Density Residential Zone 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 and High 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 t~~This rule does not apply to stormwater disposal in the

(a)

Advice Notes:

...

4. [The Waikato Stormwater Management Guideline 2020 are applicable.](#) (30.33)

Rules - Tree Planting on Roads: Residential, **Medium and High 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 these rules, (65.16) Council shall restrict the further subdivision of the balance lot, restricting the further use of this rule. This being is a condition to be complied with on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title in perpetuity.

~~**Rule - Comprehensive Development Subdivision within the C1 and C2/C3 Structure Plan areas**~~

~~15.4.2.62 Any Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas (as described within the relevant Structure Plan) shall comply with the following standards (in addition to the relevant performance standards):~~

~~(a) Be applied to an area of land within the overall structure plan area within common ownership and/or control of the applicants.~~

~~(b) Through an appropriate concept plan for the entire Comprehensive Residential Subdivision development area identified, demonstrate how development will achieve a minimum density of 12.5 dwelling per hectare net as set out in the Structure Plan over the course of a staged development in accordance with Rule 15.4.2.1(ad).~~

~~(c) Provide a minimum 2.5% net residential land area or 2,000m² (whichever is larger) of the overall comprehensive residential development area as 'compact housing'.~~

~~For avoidance of doubt, all other relevant performance standards within Part A, C and D of this section shall continue to apply.~~

~~Advice Note: the 'net residential land area' is total residential land area excluding roads and, in addition, land not suitable or available for residential development including open spaces, areas constrained by topography, commercial areas, schools and land required for environmental buffers and stormwater infrastructure (including any buffer areas or setbacks from the stormwater infrastructure).~~

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

2.4 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.

Additional changes in response to submissions are shown in blue underlined or ~~strikethrough~~ with the relevant submission point following e.g. (1.1).

21.1.2A Medium Density Residential Zone

Medium Density Residential Zone Assessment Criteria	
Controlled Activities	
<u>21.1.2A.1</u>	<p>One show home per site within a greenfield subdivision</p> <p>(a) <u>The extent to which the vehicle generation of the activity <u>effects affects</u> (30.37) <u>the functioning of the road, and the road hierarchy.</u></u></p> <p>(b) <u>The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles and to avoid traffic conflict and maintain public safety.</u></p> <p>(c) <u>Any potential adverse effects due to the hours of operation and duration of the activity on the site.</u></p>
Restricted Discretionary Activities	
21.1.2A.2	<p>Relocated buildings</p> <p>(a) — The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects.</p> <p>(b) — The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out.</p> <p>(c) — The timing, nature and extent of reinstatement works that are required to the exterior of the building after it has been moved to the new site.</p> <p>(d) — The timeliness of the works taking into account the extent and nature of the proposed works.</p>
<u>21.1.2A.4</u>	<p>Character clusters - <u>Construction of new buildings, relocated buildings, and removal or demolition of or alterations or additions to existing buildings</u></p> <p><u>(aa) The extent to which new buildings and relocated buildings are avoided between an existing dwelling and the front boundary of an identified character-defining site. (32.3)</u></p> <p>(a) For identified character-defining sites;</p> <ul style="list-style-type: none"> • the extent to which building bulk and design, building materials, and layout to maintains a similar style, form, building materials and colour to other character defining dwellings within the cluster; and (32.3) • The extent to which buildings maintain and respond to the existing character identified in the cluster as set out in Appendix DG1; <p>The extent to which the scale, height, bulk form, design, building materials, and layout and position of any buildings or additions is similar to the existing character of the cluster.</p> <p>(b) For identified non-character defining sites:</p>

		<ul style="list-style-type: none"> • The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality; • The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context; • The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1; <p>(c) The extent to which the new building, additions or alterations to an existing building or removal or demolition of a building contributes or detracts from the Character Cluster Statements in Appendix DG1</p> <p>(d) <u>The extent to which solar access is optimised in the development.</u></p> <p>(e) <u>The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles to avoid traffic conflict and maintain public safety.</u></p>
		<p>(e) <u>The extent to which the location, size, type and content of any signs affect the locality, taking into account visual clutter and effects on the character of the area.</u></p> <p>(f) <u>The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</u></p> <p>(g) <u>The extent to which the new buildings, and or additions or alterations is are visible from public places.</u></p> <p>(h) <u>The risk of natural hazards and the extent to which the risk can be avoided or mitigated.</u></p> <p><u>Additional assessment criteria for relocated buildings:</u></p> <p>(i) 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) <u>The timeliness of the works taking into account the extent and nature of the proposed works.</u></p>

<p><u>21.1.2A.5</u></p>	<p><u>More than three dwellings per site</u></p> <p>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.</p>	<p>(a) <u>The extent to which the scale, form, and appearance of the development is compatible with the planned urban built form character of the neighbourhood, having regard to:</u></p> <ol style="list-style-type: none"> i. <u>The relevant objectives and policies of the zone.</u> ii. <u>Compatibility of the proposed development with the existing and likely future surrounding environment.</u> iii. <u>The extent to which solar potential and good solar aspect is optimized within the development.</u> iv. <u>The materials to be used and how they are to be repeated within the development.</u> v. <u>Detail of roof form.</u> vi. <u>Details of doorways and the provision of shelter for visitors.</u> vii. <u>vii. Windows, revetment, balconies and recesses.</u> ix. <u>viii. Garaging to create visual continuity and cohesion and reflect a residential character.</u> x. <u>reflect a residential character.</u> <p>(b) <u>The extent to which the development delivers quality onsite amenity and occupant privacy that is appropriate for its scale, having regard to:</u></p> <ol style="list-style-type: none"> i. <u>The provision of lighting for amenity and crime prevention, without being a nuisance to residents.</u> ii. <u>Facilitates an internal movement network that provides for dedicated vehicle access to each dwelling, such as may include:</u> <ul style="list-style-type: none"> • <u>Using rear lanes where vehicle access off a public street is difficult or compromises pedestrian and visual amenity.</u> • <u>Providing shared vehicular access layout for larger developments.</u> • <u>Uses surface treatments to clearly demarcate vehicular entrances. Takes into account safety and accessibility if visitor car parking is provided within the development.</u> iii. <u>Provides clearly visible main pedestrian entries from the street or lane to each dwelling at ground floor level.</u> iv. <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> v. <u>Minimises the number of dwellings with internal and outdoor living areas oriented to the south.</u> vi. <u>Dwellings are designed to provide private outdoor areas adjacent to living areas.</u> vii. <u>Orientates windows to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</u> viii. <u>Provides adequate storage space for each residential unit, including for larger items such as bicycles and outdoor equipment.</u> ix. <u>For apartment style developments, provides communal open spaces with edges that are activated or overlooked by adjacent streets, lanes or dwellings.</u> x. <u>Integrates proposed communal open spaces with the development's wider pedestrian network.</u>
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		<p>xi. The extent to which compact housing (79.310) development involving seven or more dwellings within the C1 and C2 / C3 structure plan areas:</p> <ol style="list-style-type: none"> a. Includes 'universal access' design principles within design, maximising accessibility for all users. b. Provides an internal movement network layout that is legible and enables good connectivity. c. Maximises safety for pedestrians, by: <p>xii. Providing dedicated pedestrian access to dwellings and areas of communal open space, demarcated through materials, colours and/or texture.</p> <p>(c) <u>The extent to which the development contributes to a safe and attractive public realm and streetscape, having regard to:</u></p> <ol style="list-style-type: none"> i. <u>The provision of connections to public walkways/cycleways and the road network.</u> ii. <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> iii. <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> iv. <u>The extent of adverse effects on the surrounding road network, including on the function of intersections.</u> v. <u>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.</u> <p>(d) The extent to which development is compatible and does not detract from, <u>but is sympathetic and responsive to</u>, the values of adjacent historic heritage or character cluster sites. (32.3)</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, where applicable, adequate vehicle parking and the provision of safe vehicle entrances for both pedestrians and vehicles, car parking and manoeuvring and vehicle access to rubbish and recycling compounds, and access for emergency vehicles has been provided. (30.21)</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</p>
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		<p>encouraged under Compact Housing Policy.(79.310)</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> <p>(k) — 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;</p> <p>(l) — The design of the road boundary setback:</p> <p style="padding-left: 20px;">(i) — Street definition — the extent to which units as opposed to garages orient and face the street creating a strong interface between the public and private domains. Designs need to avoid street frontages that are dominated by garages and outdoor storage areas; and</p> <p style="padding-left: 20px;">(ii) — 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</p> <p style="padding-left: 20px;">(iii) — Access way design — the width and proportion of the frontage as well as the landscaping and the materials to be used.</p> <p>(m) — Building design including:</p> <p style="padding-left: 20px;">(i) — The extent to which solar potential and good solar aspect is optimized within the development; and</p> <p style="padding-left: 20px;">(ii) — Colours; and</p> <p style="padding-left: 20px;">(iii) — The materials to be used and how they are to be repeated within the development; and</p> <p style="padding-left: 20px;">(iv) — Detail of roof pitches; and</p> <p style="padding-left: 20px;">(v) — Details of doorways and the provision of shelter for visitors; and</p> <p style="padding-left: 20px;">(vi) — Windows, revetment, balconies and recesses; and</p> <p style="padding-left: 20px;">(vii) — Garaging to create visual continuity and cohesion and reflect a residential character;</p> <p>(n) — Designs shall avoid monolithic walls in favour of designs that incorporate smaller scale building elements to promote feelings of interest and diversity;</p> <p>(o) — 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>(p) — Integration with neighbouring residential development through consistency of façade treatment, including building proportions, detailing, materials and landscape treatment;</p> <p>(q) — The extent to which compact housing (79.310) development involving seven or more dwellings within the C1 and C2 / C3 structure plan areas;</p>
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		<ul style="list-style-type: none"> (i) — Includes ‘universal access’ design principles within design, maximising accessibility for all users. (ii) — Provides an internal movement network layout that is legible and enables good connectivity. (iii) — Maximises safety for pedestrians, by: (r) — Providing dedicated pedestrian access to dwellings and areas of communal open space, demarcated through materials, colours and/or texture. (s) — Minimises the need for vehicular backing manoeuvres where site size and layout allows, by providing safe turning areas. (t) — Facilitates an internal movement network that provides for dedicated vehicle access to each dwelling, such as may include: <ul style="list-style-type: none"> (i) — Using rear lanes where vehicle access off a public street is difficult or compromises pedestrian and visual amenity. (ii) — Providing shared vehicular access layout for larger developments. (iii) — Uses surface treatments to clearly demarcate vehicular entrances. (iv) — Takes into account safety and accessibility if visitor car parking is provided within the development. (v) — Provides clearly visible main pedestrian entries from the street or lane to each dwelling at ground floor level. (vi) — Maximises the visual relationship between dwellings and adjacent streets, lanes and public open spaces, through provision of windows and balconies at upper levels. (vii) — Minimises the number of dwellings with internal and outdoor living areas oriented to the south. (viii) — Dwellings are designed to provide private outdoor areas adjacent to living areas. (ix) — Orientates windows to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings. (x) — Provides adequate storage space for each residential unit, including for larger items such as bicycles and outdoor equipment. (xi) — For apartment style developments, provides communal open spaces with edges that are activated or overlooked by adjacent streets, lanes or dwellings. (xii) — Integrates proposed communal open spaces with the development’s wider pedestrian network. (xiii) — Compatibility of the proposed development with the existing and likely future surrounding environment including the residential density (minimum and maximum) of the development.
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21.1.2A.6	Building height	<p>(a) <u>The degree to which there may be shading on adjoining or adjacent sites.</u></p> <p>(b) <u>Whether the ground level of the adjoining site is elevated from the application site and an exception will not adversely affect the amenity or use of that adjoining site.</u></p> <p>(c) <u>Whether consistency has been achieved with respect of the appearance and design of the development with the planned urban built form character and identified values of the area, including existing buildings on the site adjoining sites. (32.3)</u></p> <p>(d) <u>The degree to which shading, loss of daylight, amenity value and privacy affect the adjoining properties, including any historic heritage or parts of a character clusters on adjoining properties. (32.3)</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>
		<p><u>distances between the building and adjoining sites, innovative building design, site topography, or the provision of screening.</u></p>
21.1.2A.7	Height in relation to boundary	<p>(a) <u>The degree to which there is a loss of privacy, sunlight, amenity or outlook on adjacent or adjoining sites, including any historic heritage or character clusters on adjoining sites. (32.3)</u></p> <p>(b) <u>Whether the position of the building will adversely affect existing trees on the site.</u></p> <p>(c) <u>The extent to which existing vegetation is retained and any proposed landscaping adds to the amenity of the development.</u></p>
21.1.2A.8	Setbacks	<p>(a) <u>The extent to which the road boundary setback is appropriate in the location, particularly where located adjoining in a Character Street Cluster.</u></p> <p>(b) <u>The extent to which the road boundary setback affects the safe and efficient operation of the road network.</u></p> <p>(c) <u>The extent to which the development provides for the visual and aural privacy of occupants and neighbours.</u></p> <p>(d) <u>The degree to which there is a loss of privacy, daylight, sunlight or outlook in adjacent sites.</u></p> <p>(e) <u>Whether the building affects existing trees on the site.</u></p> <p>(f) <u>The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</u></p> <p>(g) <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> <p>(k) <u>The extent to which development is compatible and does not detract from, but is sympathetic and responsive to, the values of adjacent historic heritage or character cluster sites. (32.3)</u></p>

21.1.2A.9	Building coverage	<p>(a) <u>The extent to which the site will remain characterised by generous areas of open space and garden plantings, rather than buildings.</u></p> <p>(b) <u>The ability to provide adequate opportunity for garden and mature tree plantings around buildings.</u></p> <p>(c) <u>The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination that is out of character with the planned built form outcomes of the surrounding environment. (79.317)</u></p> <p>(d) <u>The ability to provide adequate Where provided, on site vehicle parking and manoeuvring. (30.12)</u></p> <p>(e) <u>The extent to which increased site coverage would adversely affect adjoining properties, including historic heritage and character cluster sites, in terms of dominance of buildings, loss of privacy, access to sunlight and daylight. (32.3)</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> <p>(h) <u>Building location, bulk and design; that addresses impacts of infill development and runoff from building footprint and impervious services on flood risk within the site and outside the site.</u></p> <p>(i) <u>Stormwater disposal to treat water quality. (53.3, 53.4)</u></p>
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21.1.2A.10	Impermeable surfaces	<p>(a) <u>The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</u></p> <p>(b) <u>The extent to which any increase in the level of impermeable surfaces will affect or has the potential to result in stormwater run-off to adjoining properties.</u></p> <p>(c) <u>Alternative methods of retaining stormwater on site.</u></p>
21.1.2A.11	Outdoor living area	<p>(a) <u>The extent to which the development incorporates outdoor living spaces that are private and have good access to sunlight in midwinter and/or provides access to communal landscaped outdoor areas that are orientated such that they have good solar aspect.</u></p> <p>(b) <u>The internal layout of the dwelling and its relationship to the outdoor living area.</u></p> <p>(c) <u>The size and dimension of the outdoor living area.</u></p>
21.1.2A.12	Outlook space	<p>(a) <u>The design incorporates windows orientated to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</u></p> <p>(b) <u>The extent to which the design maximises outlook onto adjacent streets and/or public open spaces.</u></p>

<u>21.1.2A.13</u>	<u>Windows to street</u>	<p>(a) <u>The visual effect of the development on the streetscape.</u></p> <p>(b) <u>The extent to which the development takes into account the personal safety of people and principles of Crime Prevention Through Environment Design (CPTED).</u></p> <p>(c) <u>Whether the garage is practically located on the site of an existing dwelling.</u></p>
<u>21.1.2A.14</u>	<u>Roof Pitch</u>	(a) <u>The extent to which the proposed roof pitch contributes to neighbourhood amenity.</u>
<u>21.1.2A.15</u>	<u>Landscaped area</u>	<p><u>The extent to which the site will be characterised by generous areas of open space and garden plantings, rather than buildings.</u> (79.319)</p> <p>(a) <u>Where relevant, the extent to which existing mature vegetation including heritage and character values is retained and landscaping adds to the amenity of the development.</u> (79.319)</p> <p>(b) <u>The appropriateness of any landscaping for the local environment and maintenance programme for landscaping.</u> (79.319)</p> <p>(c) <u>The extent to which the type and nature of the landscaping throughout the development contributes both to the neighbourhood and to on-site amenity.</u></p>
<u>21.1.2A.16</u>	<u>Neighbourhood amenity and safety</u>	<p>(a) <u>Whether the development promotes passive surveillance of public open spaces and reserves.</u></p> <p>(b) <u>The degree to which the development promotes public safety.</u></p> <p>(c) <u>Whether the design and height of the fence or type and height of landscape planting will undermine the principle of passive surveillance of the street.</u></p> <p>(d) <u>The degree to which the roof form is of a design that complements the character and amenity of the neighbourhood it is proposed to be located.</u></p>
<u>21.1.2A.17</u>	<u>Vibration</u>	(a) <u>The time and frequency that the activity occurs, the duration of vibration continuance, any adverse effects on buildings and structures either on-site or on surrounding properties and any special characteristics of the vibration and subsequent effects on health and safety and on the amenity values of the surrounding environment.</u>

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		(b) <u>The effects on buildings and structures, either on site or on surrounding buildings, structures and sites.</u>
<u>21.1.2A.18</u>	<u>Construction noise</u>	(a) <u>The time and frequency that the activity occurs, the duration of noise continuance, any adverse effects on buildings either on-site or on surrounding properties and any special characteristics of the noise and subsequent effects on health and safety and on the amenity values of surrounding properties.</u>
<u>21.1.2A.19</u>	<u>Noise: temporary military training activities</u>	(a) <u>The extent to which noise adversely affects the amenity of the surrounding environment including cumulative effects.</u>

<u>21.1.2A.20</u>	<u>Heavy motor vehicles</u>	<p>(a) <u>The extent to which any associated noise adversely affects the amenity of the surrounding environment including cumulative effects.</u></p> <p>(b) <u>The extent to which the parking of heavy motor vehicles on a site adversely affects the amenity of the surrounding environment including cumulative effects.</u></p> <p>(c) <u>The adequacy of vehicle access.</u></p> <p>(d) <u>Any adverse effects on the road network.</u></p>
<u>21.1.2A.21</u>	<u>Local Centres within the C2/C3 Structure Plan area</u>	<p><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:</u></p> <p>(a) <u>Are compatible with the surrounding neighbourhood context.</u></p> <p>(b) <u>Provide Where provided, parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment. (30.21)</u></p> <p>(c) <u>Maximise outlook onto adjacent streets and/or public open spaces.</u></p> <p>(d) <u>Include universal access design principles.</u></p> <p>(e) <u>Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.</u></p> <p>(f) <u>Avoids signs that are overly dominant (including back lit and neon signs) and are of a colour, size and location that integrate with the proposed building.</u></p> <p>(g) <u>Will generate traffic or parking movements that can be adequately managed.</u></p> <p>(h) <u>Can be adequately serviced.</u></p>
<u>21.1.2A.22</u>	<u>Neighbourhood Centre within the T11 Growth Cell Structure Plan Area</u>	<p><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:</u></p> <p>(a) <u>Are compatible with the surrounding neighbourhood context.</u></p> <p>(b) <u>Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment.</u></p> <p>(c) <u>Maximise outlook onto adjacent streets and/or public open spaces.</u></p> <p>(d) <u>Include universal access design principles.</u></p> <p>(e) <u>Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.</u></p> <p>(f) <u>Avoids signs that are overly dominant (including back lit and neon signs) and are of a colour, size and location that integrate with the proposed building.</u></p>

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		<p>(g) <u>Will generate traffic or parking movements that can be adequately managed.</u></p> <p>(h) <u>Can be adequately serviced.</u></p>
	<p><u>Discretionary Activities</u> <u>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</u></p>	

<u>21.1.2A.23</u>	<u>Cambridge North Structure Plan Area: on site soakage</u>	<p>(a) <u>Whether percolation tests undertaken for the subject site demonstrate that on-site soakage methods would be impractical to implement.</u></p> <p>(b) <u>The extent to which alternative methods of stormwater disposal have been investigated and are proposed to be implemented.</u></p> <p>(c) <u>The suitability of the site for development given the inability to achieve on-site stormwater disposal.</u></p> <p>(d) <u>The overall effect on the integrity of the stormwater system and the cumulative effect of a limited capacity for on-site stormwater disposal.</u></p>
<u>21.1.2A.24</u>	<u>Noise insulation: noise sensitive activities</u>	<p>(a) <u>The extent to which the design of the buildings and or layout of the site mitigates the effects of noise through any alternative methods.</u></p> <p>(b) <u>Where it is proposed to construct dwellings in the Road Noise Effect Area, regard shall be given to the following matters:</u></p> <p>(i) <u>The extent to which the development will mitigate the noise effects in an alternative manner to those proposed within the rule; and</u></p> <p>(ii) <u>The height and nature of the State Highway bypass in relation to the site.</u></p>
<u>21.1.2A.25</u>	<u>Noise sensitive activities located close to hydro electric power generation infrastructure and activities</u>	(a) <u>The extent to which the design of the buildings and/or layout of the site mitigates the effects of noise through any alternative methods.</u>
<u>21.1.2A.26</u>	<u>Home occupations</u>	<p>(a) <u>The extent to which residential activity remains the predominant activity on the site.</u></p> <p>(b) <u>Any visual effects that detract from the residential character of the street and adjacent or adjoining properties including the removal of existing vegetation, the location of any parking areas, and the size, position and content of signs.</u></p> <p>(c) <u>Any potential adverse effects on the function and vibrancy of Commercial or Industrial Zones.</u></p> <p>(d) <u>Any potential for adverse nuisance effects on adjoining or adjacent properties including, noise, dust and odour.</u></p> <p>(e) <u>The operating hours for the home occupation to receive clients, visitors and deliveries.</u></p> <p>(f) <u>Any adverse effects resulting from increased traffic generation from the home occupation on the adjoining road network; including the position of the vehicle entrance its relationship to intersections, sight lines, sight distances and the function of the road network.</u></p>
<u>21.1.2A.27</u>	<u>Temporary construction buildings and shipping containers</u>	(a) <u>Where temporary construction buildings are proposed to be retained on site longer than a 12 months calendar period, consideration shall be given to any effect on amenity values,</u>

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		<p><u>residential character and appearance of the site and on adjoining properties in the vicinity.</u></p> <p>(b) <u>The visibility of temporary buildings and or shipping containers from the street and adjoining or adjacent sites.</u></p>

21.1.2A.28	Activities within heritage items listed in Appendix N1	<p>(a) <u>The extent to which the heritage character is values are maintained and enhanced. (32.3)</u></p> <p>(b) <u>The extent to which the activity will enable the increased appreciation and enjoyment of the heritage item.</u></p>
21.1.2A.29	Papakāinga, marae, churches and community centres	<p>(a) <u>The positive benefits the development has on cultural well-being, including the ability of tāngata whenua to reconnect with traditional sites and areas.</u></p> <p>(b) <u>The avoidance of development fronting onto, and having vehicular access directly from, a strategic road as shown on the Planning Maps.</u></p> <p>(c) <u>The standard of the road network and its ability to service the proposed development.</u></p> <p>(d) <u>The layout of dwellings and proposed landscaping as they relate to existing features of the site, particularly mature trees and landforms or any other identified environmental features of the locality.</u></p> <p>(e) <u>The design and appearance of buildings in order that they are not a detraction from the character and amenity of the area.</u></p> <p>(f) <u>The avoidance of land use conflicts within the development by means of the orientation of buildings, the use of fences and planting schemes.</u></p> <p>(g) <u>The methods and effectiveness of wastewater, stormwater, and rubbish disposal and the provision of a reliable potable water supply.</u></p> <p>(h) <u>The extent of the potential effects on the amenity of adjacent properties and the effectiveness of any mitigation measures proposed.</u></p> <p>(i) <u>The overall effect on the strategic settlement pattern for the District.</u></p>
21.1.2A.30	Dwellings adjoining marae	<p>(a) <u>The extent to which the location, orientation and design of the dwelling provides for the visual, aural and cultural privacy of the adjoining marae.</u></p>
21.1.2A.31	Non-residential activities including hospitals, education facilities, childcare facilities and pre-schools	<p>(a) <u>Whether the development has a functional need to locate in the Residential Zone, and whether the development meets an identified need within the local community.</u></p> <p>(b) <u>The social or community benefit of the proposed activity to the local community.</u></p> <p>(c) <u>Whether alternative locations (including possible locations in urban areas) have been considered.</u></p> <p>(d) <u>Whether the scale of the development is in keeping with the character of the area.</u></p> <p>(e) <u>Whether the site contains an adequate area of land which will enable the effects of the activity to be contained on the site.</u></p>

Medium Density Residential Zone Assessment Criteria

		<p>(f) <u>The avoidance of development fronting onto, and having vehicular access directly from, a strategic road as shown on the Planning Maps.</u></p> <p>(g) <u>The standard of the road network and its ability to service the proposed development.</u></p> <p>(h) <u>The hours and methods of operation of the activity and the effect it may have on the amenity enjoyed by the existing and future residents of the locality.</u></p> <p>(i) <u>Whether the site design, layout and appearance avoids adverse effects on landscape and amenity values of the surrounding area and how they relate to existing features of the site, particularly mature trees and landforms or any other identified environmental features of the locality.</u></p> <p>(j) <u>The avoidance of land use conflicts within the development by means of the orientation of buildings, the use of fences and planting schemes.</u></p> <p>(k) <u>The methods and effectiveness of wastewater, stormwater, and rubbish disposal and the provision of a reliable potable water supply.</u></p> <p>(l) <u>The extent of the potential effects on the amenity of adjacent properties and the effectiveness of any mitigation measures proposed.</u></p>
<u>21.1.2A.32</u>	<u>Residential Based Visitor Accommodation</u>	<p>(a) <u>Whether the site contains an adequate area of land which will enable the effects of the activity to be contained on the site.</u></p> <p>(b) <u>Any potential for adverse effects on adjoining or adjacent properties and the effectiveness of any mitigation measures proposed.</u></p> <p>(c) <u>Any adverse effects resulting from increased traffic generation.</u></p> <p>(d) <u>Whether the activity is in keeping with the character of the surrounding area.</u></p>

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

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

Infrastructure, Hazards, Development and Subdivision Assessment Criteria

Restricted Discretionary Activities

<p>21.1.15.45</p>	<p>Subdivision which complies with the performance standards of Part A OR Part A and Part C for 7 or more lots</p>	<p>(a) The extent to which the site is suitable for the proposed subdivision, <u>including the risk for natural hazards on the site and the extent to which this can be avoided or mitigated.</u></p> <p>(b)</p> <p>(l) The extent to which the subdivision may <u>affect effect</u>–the surroundings, <u>or values</u> of a listed heritage item. (32.3)</p> <p>(v) For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, the extent to which the proposed subdivision and future staging achieves the following outcomes:</p> <p>(i) A logical distribution of densities taking into account access to surrounding land use, including existing and future residential densities and amenities such as open space, schools and neighbourhood and local centres.</p> <p>(ii) Appropriate graduation between densities, including regularity in densities along streets (i.e. to achieve consistency in character outcomes).</p> <p>(iii) Assurance that the proposed densities will be achieved, through appropriate conditions of consent and any appropriate other methods.</p>
<p>21.1.15.6</p>	<p>Subdivision in the Medium <u>and High</u> Density Residential Zone</p>	<p>(a) <u>The extent to which the site is suitable for the proposed subdivision, including the risk of natural hazards and the extent to which this risk can be avoided or mitigated.</u></p> <p>(b) <u>The extent to which the proposal provides appropriate infrastructure and servicing.</u></p> <p>(c) <u>The extent to which the proposal achieves suitable access and manoeuvring for all lots.</u></p> <p>(d) <u>The extent to which low impact design methodology has been utilised throughout the subdivision.</u></p> <p>(e) <u>The extent to which the proposal has taken sufficient account of proximity to the dairy manufacturing sites and reverse sensitivity effects.</u> (56.28)</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		
		<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, or values of a listed heritage item. (32.3)</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 style="padding-left: 20px;">(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 style="padding-left: 20px;">(ii) <u>Appropriate graduation between densities, including regularity in densities along streets (i.e. to achieve consistency in character outcomes).</u></p> <p style="padding-left: 20px;">(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 <u>in the Residential Zone</u> constructed prior to 31 May 2012	(a) The extent to which the existing dwelling will be serviced with its own infrastructure connections, rather than sharing connections.

Infrastructure, Hazards, Development and Subdivision Assessment Criteria	
	<ul style="list-style-type: none"> (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. (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. (d) The ability for maintenance and inspection of transmission lines, including ensuring physical access. (e) The extent to which the design and development will minimise the risk or injury and/or property damage from such lines. (f) The ability to provide a complying building (platform). (g) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). (h) Relevant technical advice provided by the affected utility operator.

21.1.18 **Financial Contributions**

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

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 ~~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.

Additional changes in response to submissions are shown in blue underlined or ~~strikethrough~~ with the relevant submission point following e.g. (1.1).

(Note all changes in Appendix DG1 relate to submission point 32.3)

DG1.1 Introduction

DG1.1.1 The statements included below explain the historical values and visual and physical characteristics specific elements of character that are to be maintained in each character cluster. These character clusters are essential to maintain local identities and a distinctive “sense of place” that contribute to the unique charm and atmosphere that make up (32.2) the amenity values located in the Waipā District. This information is to be read in conjunction with the objectives, policies and rules in Section 2 – Residential Zone, Section 2A – Medium Density Residential Zone and the associated assessment criteria in Section 21 – Assessment Criteria and Information Requirements.

Hall Street / Hamilton Road Character Cluster

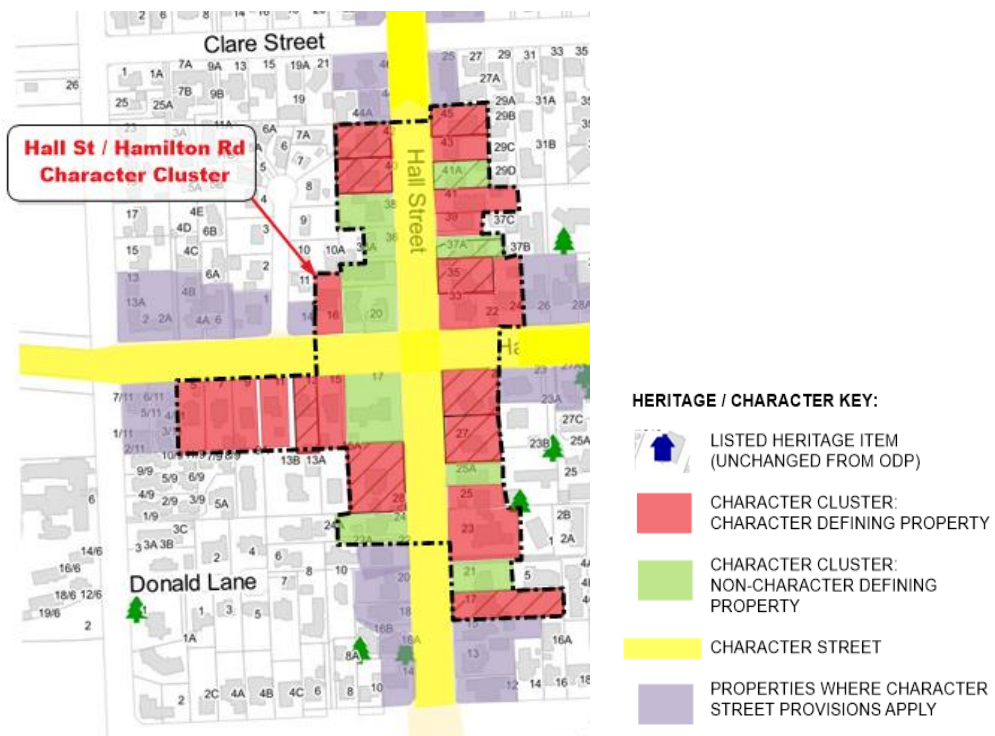


Figure: Hall Street / Hamilton Road Character Cluster

Proposed Plan Change 26: Residential Zone Intensification
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	<u>Total sites:</u>	<u>No. character defining</u>	<u>% character defining</u>
<u>Hall / Hamilton</u>	<u>34</u>	<u>23</u>	<u>68%</u>

DG1.1.2 The Hall Street / Hamilton Road Character Cluster has historical values related to Cambridge's early establishment and development as a town. Located at the intersection of two of the town's earliest streets and on the major arterial between Hamilton and Cambridge, it contains a cohesive collection of late 19th and early 20th century houses that represent Cambridge's earliest period of residential development. Together with its historical streetscape context, the properties collectively provide a tangible history of the town's settlement and incremental growth.

DG1.1.3 The cluster has visual and physical characteristics that are of significance to Cambridge's distinctive local identity and history. The attributes that define its character are:

DG1.1.4 Streetscape forms:

- The right-angle intersection of Hall Street and Hamilton Road – this typifies the town's geometric grid layout and creates long vistas, particularly east-west along Hamilton Road,
- Very substantial mature tree avenues laid out in wide berms along both streets, established in the early decades of the 20th century,
- A soft street edge, with grassed berms generally directly abutting asphalted road surfaces,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.5 Site-specific forms:

- Stand-alone and generally single storey built form set within garden settings,
- Generous and generally consistent boundary setbacks with landscaped frontages,
- Low front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting,
- Several houses in other early – mid-20th century housing styles, including Moderne and faux Tudor.

~~DG1.1.6 Modern developments within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.~~

Grey Street Character Cluster

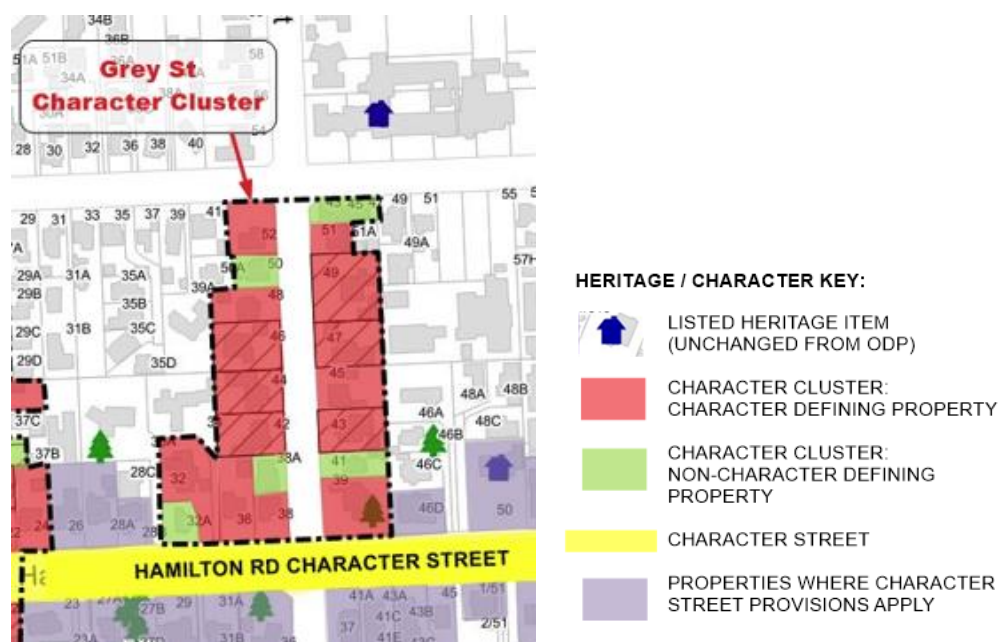


Figure: Grey Street Character Cluster

	Total sites:	No. character defining	% character defining
<u>Grey Street</u>	<u>19</u>	<u>14</u>	<u>74%</u>

DG1.1.7 The Grey Street Character Cluster has historical values related to Cambridge's early establishment and consolidation into the mid-20th century. Located between Clare Street (north) and the major arterial of Hamilton Road, it contains a cohesive collection of late 19th and early 20th century houses combined with early state houses and private houses built via the State Advances Corporation (SAC). The cluster collectively represents both Cambridge's early residential development and its progressive growth as previously undeveloped lots in the town plan grid were infilled in the 1940s and 50s.

DG1.1.8 The cluster has visual and physical characteristics that are of significance to Cambridge's distinctive local identity and history. The attributes that define its character are:

DG1.1.9 Streetscape forms:

- The straight street line, set at right angles to Clare Street and Hamilton Road – this typifies the town's geometric grid layout and creates long vistas north and south,
- Wide berms, with kerb and channel and footpath on one side only, set with a reasonably continuous avenue of mature trees,
- A soft street edge, with grassed berms generally directly abutting asphalted road surfaces,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.10 Site-specific forms:

- Stand-alone and generally single storey built form set within a garden context,
- Generous and generally consistent boundary setbacks with landscaped frontages,
- Generally low front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting,
- Houses in the early state house / SAC house style (mid-20th century), typified by simple box-like forms, hipped roofs clad in concrete, clay tile or corrugated steel, plastered brick or weatherboard-clad walls, and timber casement windows divided horizontally.

~~DG1.1.11 — Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.~~

Victoria Street Character Cluster

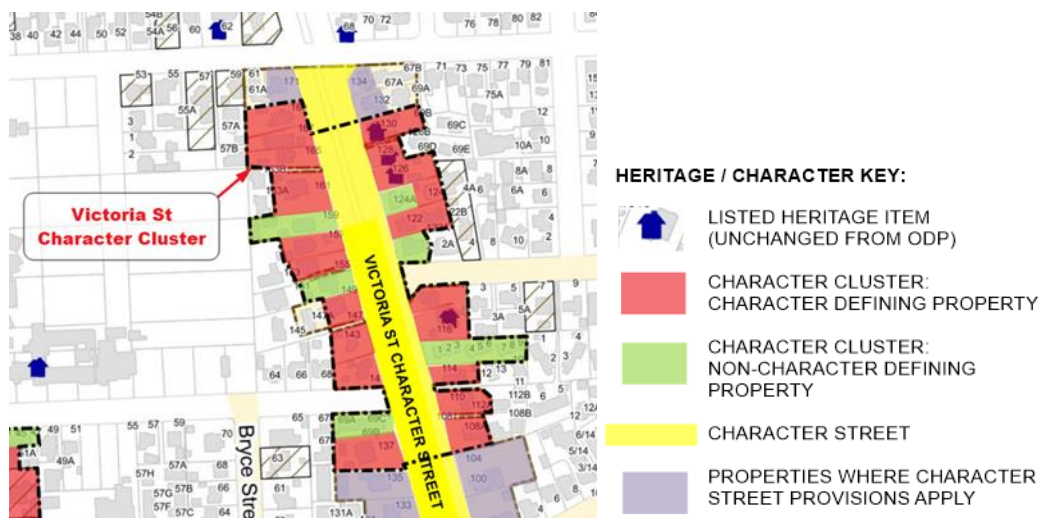


Figure: Victoria Street Character Cluster

	<u>Total sites:</u>	<u>No. character defining</u>	<u>% character defining</u>
<u>Victoria Street</u>	<u>26</u>	<u>20</u>	<u>77%</u>

DG1.1.12 The Victoria Street Character Cluster has historical values related to Cambridge’s earliest establishment and consolidation. The street already had a prominent place in Cambridge’s limited residential development by the 1880s, and this was amplified by the construction of the Hamilton to Cambridge railway line, completed in 1884, which passed down the middle of street. The cluster is Cambridge’s most

comprehensive example of residential development from the 1880s into the first half of the 20th century, as lots set out in the town plan grid were progressively built upon over subsequent decades from the 1860s.

DG1.1.13 The cluster has visual and physical characteristics that are of significance to Cambridge's distinctive local identity and history. The attributes that define its character are:

DG1.1.14 Streetscape forms:

- The long, straight street line, set at an unusual oblique angle to the town's geometric grid layout, and double-width street layout which together create wide and long vistas north and south,
- The very wide central grassed promenade with a footpath following the former railway line, lined with a largely continuous avenue of mature trees,
- A soft street edge on the Victoria Street East side, with the central grassed berm directly abutting the asphalted road surface,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.15 Site-specific forms:

- Stand-alone and generally single storey built form set within a garden context,
- Generous and generally consistent boundary setbacks with landscaped frontages, set with mature trees that visually augment the central public tree avenue,
- Generally low or medium-height front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting,
- A house in the Art Deco style, designed with stepped parapeted roof, curved bay, stuccoed walls, horizontally-banded windows and louvered ventilators, and a stylised chimney,
- Houses in the early state house / SAC house style (mid-20th century), typified by simple box-like forms, clay tile-clad hipped roofs, Huntly brick or weatherboard-clad walls, false shutters, and stylised features including curved entrances and chimneys, and timber casement windows divided horizontally.

~~DG1.1.16 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.~~

Grosvenor Street Character Cluster

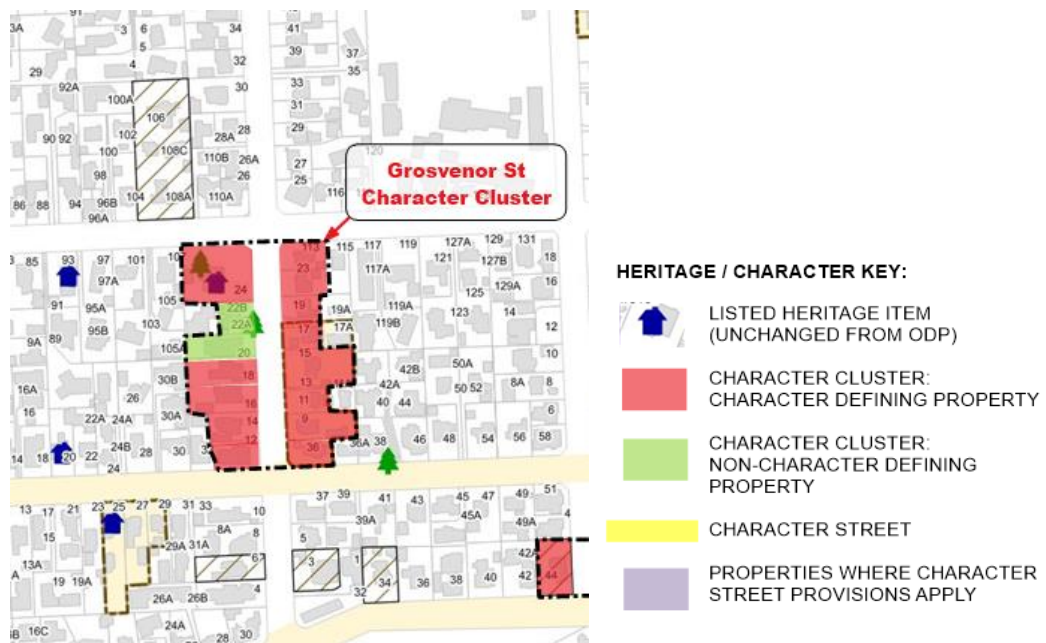


Figure: Grosvenor Street Character Cluster

	Total sites:	No. character defining	% character defining
Grosvenor Street	17	14	82%

DG1.1.17 The Grosvenor Street Character Cluster has historical values related to Cambridge's continued consolidation in the early – mid-20th century. Located to the north of Princes Street and east of Victoria Street, the cluster contains some of the first state houses to be constructed in Cambridge, part of the government's expanded housing scheme and in response to a housing shortage in the town in the 1930s. The cluster collectively represents Cambridge's progressive growth and housing needs through the early decades of the 20th century.

DG1.1.18 The cluster has visual and physical characteristics that are of significance to Cambridge's distinctive local identity and history. The attributes that define its character are:

DG1.1.19 Streetscape forms:

- The straight street line, set at right angles to Williams and Princes Streets – this typifies the town's geometric grid layout and creates long vistas north and south,
- Berm and footpath layouts typical of early state housing street layouts, with 4 ft footpaths set in relatively modest grassed berms,
- Low density layout creating an open and vegetated context.

DG1.1.20 Site-specific forms:

- Usually stand-alone and generally single storey built form, generally consistent boundary setbacks with landscaped frontages,
- Generally low front boundary treatments, including hedges and low fences, that

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- enable appreciation of the streetscape as a whole from the public realm,
- Houses in the state house style; being early examples, the forms are varied and include gabled as well as hipped roofs, projecting box windows, clay tile roofs and timber weatherboard cladding, and timber casement windows divided horizontally into thirds. Protruding brick chimneys are a prominent feature.
- The cluster also has several examples of houses in the villa and bungalow styles.

DG1.1.21 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Thornton Road / Princes Street Character Cluster

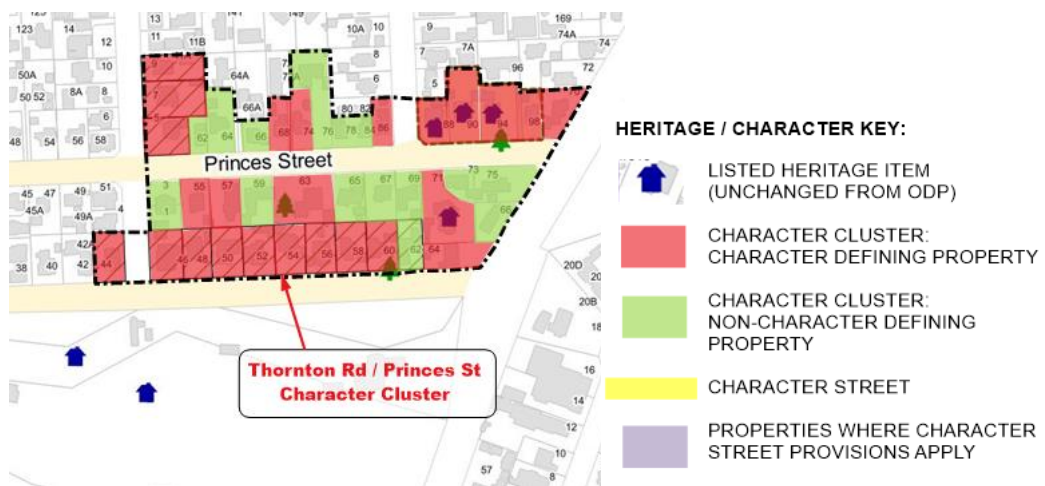


Figure 1: Proposed Thornton Road / Princes Street Character Cluster

	<u>Total sites:</u>	<u>No. character defining</u>	<u>% character defining</u>
<u>Thornton / Princes</u>	<u>41</u>	<u>25</u>	<u>61%</u>

DG1.1.22 The Thornton Road / Princes Street Character Cluster has historical values related to Cambridge’s early establishment and consolidation into the mid-20th century. The cluster is relatively large, incorporating the eastern ends of both Thornton Road and Princes Street, and is directly connected with Lake Te Koo Utu Reserve directly to the south. This location, long valued as a scenic area in the town, historically influenced property values. This is reflected in the cluster’s visual and physical characteristics, with relatively grand examples of late 19th century villas typifying the built form. The cluster collectively represents the historical and continued importance of landscaped amenity to the town as it established itself in the late 19th and early 20th century.

DG1.1.23 The cluster has visual and physical characteristics that are of significance to Cambridge’s distinctive local identity and history. The attributes that define its character are:

DG1.1.24 Streetscape forms:

- The relationship of Thornton Road properties with the Lake Te Koo Utu Reserve on the south side of the road, with residences set out to address the reserve,

- [The straight street line of Princes Street, conforming to the geometric grid layout and creating a long east-west vista,](#)
- [A relatively narrow berm and footpath on Thornton Road, contrasted with the wide grassed lawn and heavily treed edge of the reserve opposite,](#)
- [Wide berms on Princes Street, with footpath on one side only,](#)
- [Low density layout and highly landscaped private frontages creating an open context and visual variation in tree line views.](#)

DG1.1.25 Site-specific forms:

- [Stand-alone and generally single storey built form set within a garden context,](#)
- [Generous and generally consistent boundary setbacks with often highly cultivated front landscaping with a wide variety of mature trees,](#)
- [Generally low front boundary treatments, including hedges and low fences \(and sometimes no boundary treatment at all\) that enable appreciation of the streetscape as a whole from the public realm. Boundary treatments are often designed in keeping with the architectural style of the dwelling itself,](#)
- [Houses in the villa style \(late 19th – early 20th century\), typified by gabled bays, often highly-ornamented verandas and projecting window boxes, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,](#)
- [Houses in the English bungalow style \(early 20th century\), typified by asymmetrical composition, multiple intersecting roof forms, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting.](#)

~~DG1.1.26~~ ~~Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.~~

Queen Street Character Cluster

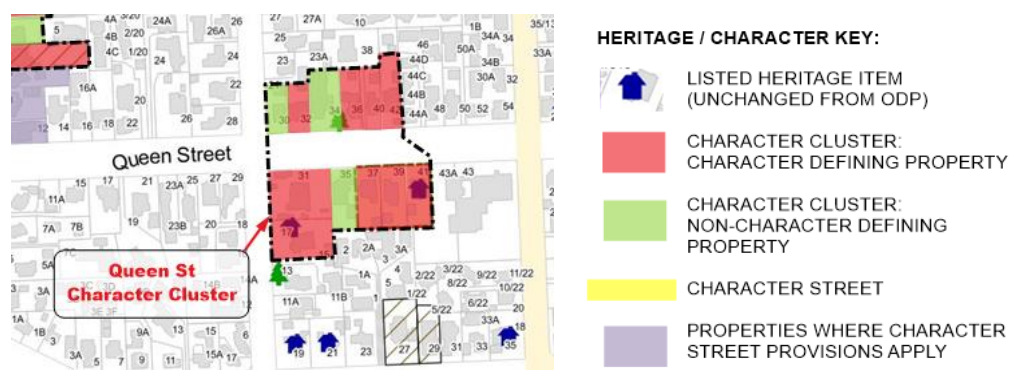


Figure 2: [Queen Street Character Cluster](#)

	Total sites:	No. character defining	% character defining
Queen Street	12	9	75%

DG1.1.27 The Queen Street Character Cluster has historical values related to Cambridge’s early establishment and development as a town. Located on the historically significant road of Queen Street that intersects the town centre, it contains a cohesive collection of late 19th and early 20th century houses that represent Cambridge’s earliest period of residential development. Together with its historical streetscape context, the properties collectively provide a tangible history of the town’s settlement and incremental growth.

DG1.1.28 The cluster has visual and physical characteristics that are of significance to Cambridge’s distinctive local identity and history. The attributes that define its character are:

DG1.1.29 Streetscape forms:

- The straight street line, set at right angles to Grey and Bryce Streets – this typifies the town’s geometric grid layout and creates long vistas east and west,
- Wide berms, with kerb and channel and footpath on one side only, set with a continuous avenue of mature trees,
- A soft street edge, with the grassed berm directly abutting the asphalted road surface on the southern side,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.30 Site-specific forms:

- Stand-alone and generally single storey built form set within garden settings,
- Generous and generally consistent boundary setbacks with landscaped frontages,
- Generally low front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting.

~~DG1.1.31 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.~~

Rewi Street Character Cluster

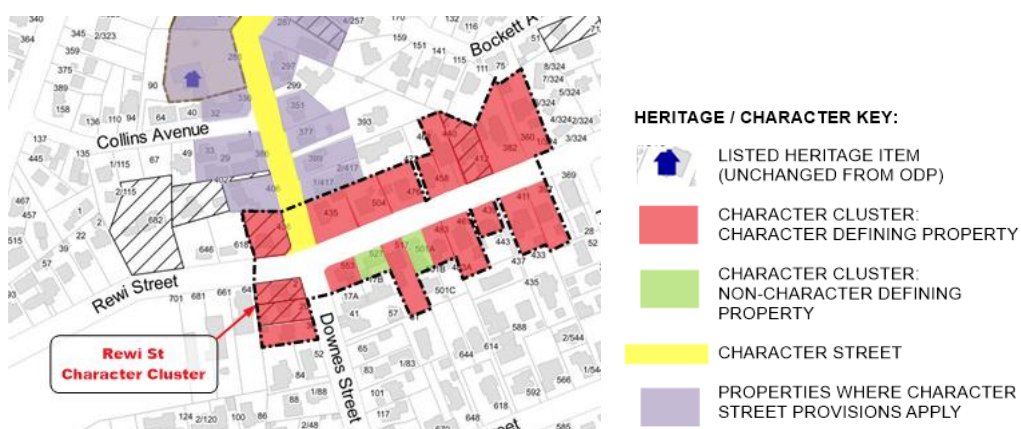


Figure: Rewi Street Character Cluster

	Total sites:	No. character defining	% character defining
<u>Rewi Street</u>	<u>21</u>	<u>18</u>	<u>86%</u>

DG1.1.32 The Rewi Street Character Cluster has historical values related to Te Awamutu's early establishment and development as a town. The street's name memorialises Rewi Manga Maniapoto, a rangatira of Ngāti Paretekawa and a leader of Ngāti Maniapoto during the Crown invasion of the Waikato in 1863/64. Connecting Te Awamutu town centre to the Pirongia township to the west, Rewi Street represents Te Awamutu's early residential subdivision and development following the sale of the Otawahao Mission Station and farm in 1907. The cluster's largely intact collection of early 20th century dwellings is unusual in Te Awamutu and collectively provides a tangible history of the town's housing vernacular in this period.

DG1.1.33 The cluster has visual and physical characteristics that are of significance to Te Awamutu's distinctive local identity and history. The attributes that define its character are:

DG1.1.34 Streetscape forms:

- The straight street line that creates a visual connection from the town centre in the east to Centennial Park in the west,
- The visual prominence of dwellings on the northern side of the street due to the upwards-sloping landform to the north,
- Berm and footpath layouts typical of the period, with 4 ft footpaths set in relatively modest grassed berms,
- Low density layout creating an open visual context.

DG1.1.35 Site-specific forms:

- Stand-alone and generally single storey built form with generous but varied boundary setbacks and front gardens,
- Generally low front boundary treatments that enable appreciation of the streetscape as a whole from the public realm,

- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, multiple intersecting roof forms, exposed rafters and timbered gables with louvered ventilators, recessed porches and projecting box bays, weatherboard cladding and vertical skirts, and timber casement windows with decorative top lights. Dwellings on the northern (upper) side of the street are generally larger with more features and decoration, while the dwellings on the southern (lower) side are simpler in form and detailing,
- A prominent villa-style house which predates the surrounding bungalows and features a single gabled bay and veranda, weatherboard cladding, timber sash windows, substantial brick chimney and generous ornamentation,
- Several houses in the Art Deco style, typified by parapeted roofs, simple box-like forms with stuccoed walls, horizontally-banded windows and stylised plaster ornamentation.

DG1.1.36 — Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Bank Street Character Cluster

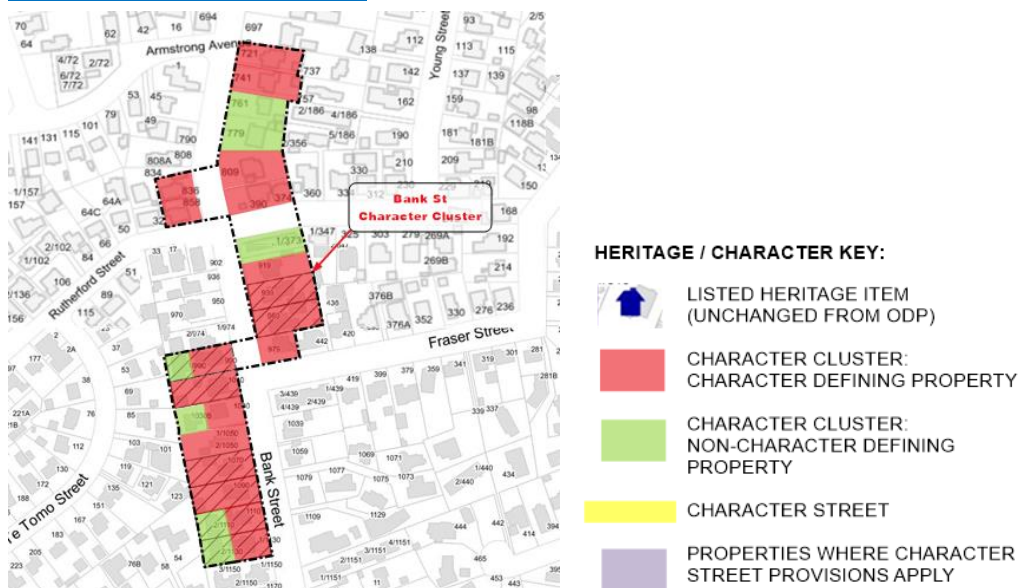


Figure: Bank Street Character Cluster

	<u>Total sites:</u>	<u>No. character defining</u>	<u>% character defining</u>
<u>Bank Street</u>	<u>25</u>	<u>18</u>	<u>72%</u>

DG1.1.37 The Bank Street Character Cluster has historical values related Te Awamutu’s early establishment and development as a town. As a major arterial from the town centre to the southwest, Bank Street contains a varied collection of dwellings from the early 20th century. The cluster collectively represents ongoing patterns of settlement in Te Awamutu as land was progressively subdivided and made available for residential development. Its sequence of early 20th century dwellings is unusual in Te Awamutu and collectively provides a tangible history of the town’s settlement and incremental growth.

DG1.1.38 The cluster has visual and physical characteristics that are of significance to Te Awamutu's distinctive local identity and history. The attributes that define its character are:

DG1.1.39 Streetscape forms:

- The curved and elevated straight street line, which creates views to the wider township and the maunga beyond,
- The varied slope of the landform, which gives varied visual prominence to dwellings on opposite sides of the street,
- Berm and footpath layouts typical of the period, with 4 ft footpaths set in relatively modest grassed berms,
- Low density layout creating an open visual context.

DG1.1.40 Site-specific forms:

- Stand-alone and generally single storey built form set within garden settings,
- Generous and generally consistent boundary setbacks
- Landscaped frontages that are generally characterised by open lawns, meaning that dwellings are prominent,
- Generally low front boundary treatments that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the box villa style (late 19th – early 20th century), typified by flat frontages, full-width verandas, weatherboard cladding and vertical skirts, timber sash windows and some ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, intersecting roof forms, exposed rafters and timbered gables, recessed porches and projecting box bays, weatherboard (and occasionally stuccoed) cladding, and timber casement windows. Dwellings on the prominent upper slope are generally more substantial and decorative, while the dwellings on lower slopes are simpler in form and detailing,

~~DG1.1.41 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.~~

Te Awamutu: College Street Cluster

~~DG1.1.2~~ This group of houses is located within sight of each other on a wide tree-lined street and includes listed heritage houses. These large, well-maintained wooden houses were constructed from the late 1800 onwards.

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

~~DG1.1.4~~ It is anticipated that new development would have matching garages, multi-pitch roofs, porches and possibly chimneys.

~~DG1.1.5 — College Street is considered to be one of the most picturesque streets in Te Awamutu with its mature trees and established gardens. The houses in this cluster are set well back from the property's front boundary.~~

Te Awamutu: Alexandra Street Cluster

~~DG1.1.6 — The houses in this cluster are located in close proximity to each and each property contains a house of significant character.~~

~~DG1.1.7 — Each of the properties in this cluster have several mature and significant trees located on them.~~

Te Awamutu: Bridgeman Road Cluster

~~DG1.1.8 — The Bridgeman Road character cluster is made up of two houses which are located close to each other.~~

~~DG1.1.9 — Both houses sit on large sections with well-established gardens and mature trees.~~

Cambridge: Queen Street Cluster

~~DG1.1.5 10 — This cluster is located in Queen Street between Bryce Street and Grey Street. These single level wooden dwellings are a group of larger villas on the southern side of Queen Street. Queens Street has a broad public road with wide grass verges and numerous well-established trees which have created an attractive and functional streetscape.~~

~~DG1.1.11 — The houses are single level wooden dwellings. They tend to be larger villas with common elements of deep verandas, porches, and windows with architectural details and features which are historically significant.~~

~~DG1.1.6 12 — The cluster has very little modification and includes a listed heritage building. The group of houses is located the same distance back from the front boundary amidst landscaped gardens with the front doors and large windows facing the street.~~

~~DG1.1.7 13 — It is anticipated that new development will maintain the single level scale of dwelling. External cladding would be weatherboard or similar in appearance with a front door, porch and glazing facing to the street.~~

Victoria Street Cluster (between Hamilton Road and Victoria Street)

~~DG1.1.8 14 — This is an extensive heritage cluster located along one of Cambridge's main roads. The cluster is eclectic in style and contains a This character cluster features an eclectic range of houses between one and two stories in height in a variety of building styles ranging from early cottages and villas to 1960's show homes. There are a number of listed heritage houses within the cluster area.~~

~~DG1.1.9 15 — This diverse range of well maintained houses has a pleasing uniformity through similar setback from the street, houses directly fronting the street and pronounced front entrances. Many of the dwellings have verandahs or porches.~~

DG1.1.10 ~~16~~ It is anticipated that new development will maintain the single or one and a half level scale of dwelling. External cladding would be similar to immediately surrounding houses with a front door, porch and glazing facing to the street.

~~Princes Street Cluster (between Thornton Road and Stafford Street)~~

DG1.1.11 ~~17~~ This character cluster of well maintained houses on the northern side of Princess Street contains three listed heritage buildings. While the group of houses includes both single and double storey structures with differing building materials, they are unified by the similarities of verandahs/porches and a good setback from the street. The sites all contain significant levels of planting.

DG1.1.12 ~~18~~ It is anticipated that new development will maintain the single or two level scale of dwelling. External cladding would be similar to immediately surrounding houses with a front door, porch and glazing facing to the street.

~~Princes Street Cluster (between Grosvenor and Weld Streets)~~

DG1.1.13 ~~19~~ This small group of wooden villas on the southern side of Princess Street includes one listed heritage building. The villas are set back a similar distance in their respective sites, all face the street with front doors and glazing facing the street.

DG1.1.14 ~~20~~ It is anticipated that new development will maintain the single level scale of dwelling. External cladding would be weatherboard or similar in appearance with a front door, porch and glazing facing to the street.

~~Grosvenor Street Cluster (between Princes and William Streets)~~

DG1.1.15 ~~21~~ This cluster of single level brick dwellings were some of the first state houses to be constructed in Cambridge and include a duplex. Some of the dwellings have been modified.

DG1.1.16 ~~22~~ It is anticipated that new development will maintain the single level scale of dwelling with smaller rather than larger windows. External cladding would be brick or similar in appearance.

~~Bowen Street Cluster (between William and King Streets)~~

DG1.1.17 ~~23~~ These clusters of single level dwellings, predominantly constructed of wooden weatherboards, were some of the first state houses to be constructed in Cambridge. While some of the dwellings have been renovated, they have few external modifications.

DG1.1.18 ~~24~~ It is anticipated that new development will maintain the single level scale of dwelling with smaller rather than larger windows. External cladding would be weatherboard or similar in appearance

Appendix B - Section 32AA assessment

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

Table 1: Establishing a new HDRZ around the Cambridge Town Centre

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to provide for a HDRZ is an effective and efficient means of giving effect to higher order documents, particularly the NPS-UD, National Planning Standards and Section 1 - Strategic Policy Framework of PC26 • The application of the HDRZ is not precluded by Policy 3(d) and does not necessarily sit as a Policy 3(c) matter, to the extent that the building heights and densities of urban form enabled by whatever residential zone is applied, are in-fact, commensurate with the level of commercial activity and community services. Responds to the 'forward-looking' and directive framework that the NPSUD provides. • The identified area is located within a walkable catchment of commercial zones or existing / planned public transport and therefore appropriate for HDRZ. • Providing a HDZ will provide greater housing choice in an area that is suitable for greater intensification, near established public transport, service amenities, employment and education opportunities.
Costs/Benefits	<ul style="list-style-type: none"> • The rezoning to HDRZ is consistent with the direction provided by the NPS-UD, and will clearly signal where the greatest level of intensification is anticipated and directed to. • Additional capacity is enabled, providing for a change in housing preferences over time and thereby improving housing choice and affordability. • The utilization of 'vertical' space and the subsequent lower land use, allows for lower residential site costs, greater infrastructure efficiency (lower marginal costs) and utilization, improved amenity and greater access to employment and service opportunities. • The HDZ will result in a greater degree of change to the character of the existing residential environment. • Will assist to minimise further urban sprawl. • Provides a competitive advantage to lower intensity residential development which would otherwise compromise efficiencies of land use in the most strategically desirable locations of Cambridge.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents, in particular the NPSUD and the National Planning Standards. • The NPSUD directs the Council to clearly signal where the greatest level of intensification is anticipated and directed to. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up in a way which provides for well-functioning urban environments.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended spatial amendments (as shown on maps in Appendix C) and a revised set of HDRZ provisions are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

Table 2: Additional Height in HDRZ and Commercial zone (Cambridge and Te Awamutu only)

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed changes will enable a consent pathway for additional height in the HDRZ and Commercial Zone as it applied in Cambridge and Te Awamutu). • The proposed changes will ensure a reasonable level of amenity is afforded to residents in the surrounding area, enhancing the walkability of the urban residential environment, which will contribute to a well-functioning urban environment.
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Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will introduce additional height in appropriate areas which is simple and effective. • The proposed changes will enhance the vitality and walkability of neighbourhoods, and create greater activation at the street edge, improving the health and safety of people and communities. • Provides a competitive advantage to lower intensity residential development which would otherwise compromise efficiencies of land use in the most strategically desirable locations of Cambridge and Te Awamutu. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible. • The proposed changes could impact the amenity of some people and identified character and heritage values without appropriate assessment.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD, particularly as it will contribute to achieving a well-functioning urban environment.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report

Table 3: Changes to MDRS Standards

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed changes will clarify the outcomes sought by Planned built form and maintenance of amenity values. • The proposed changes will ensure consistent wording throughout the MDRZ provisions and better capture the intent of capture the intent of Policy 6 of the NPSUD.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments better clarify the outcomes sought by the MDRS standards and provide a better roadmap for the planned urban form. • The proposed changes will provide greater certainty to investors who seek to utilise the MDRS standards. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible. • The proposed changes could impact the amenity of some people.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the Enabling Act and the NPSUD, particularly as it will contribute to achieving a well-functioning urban environment.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report

Table 4: Design Guides as non-statutory documents

Effectiveness and efficiency	<ul style="list-style-type: none"> • Removing the requirement that development is <i>consistent</i> with the Design Guides removes ambiguity around compliance with guidance. • The use of the Design Guide and Standards as non-statutory guides, rather than having direct reference to them in the policies and assessment criteria of the District Plan, will ensure that the policies and criteria focuses on the actual outcomes that the PDP is seeking to achieve, with the use of the guide as a tool to meet the outcomes expressed. • Having the design objectives clearly articulated within the matters of discretion (within the relevant policies) provides a more effective “line of sight” to the critical outcomes. • Having design guidance as a non-statutory tool will enable them to be updated and revised, to efficiently respond to any emerging design-based shortcomings The additional of clear and prescriptive matters of discretion/assessment criteria can achieve the same outcome and provide a greater degree of certainty for the community on the scope of any assessment through the resource consent process.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will simplify the District Plan to the extent that the rules can clearly focus on ensuring that outcomes of the chapter are achieved. • It will also enable changes to be made to the Design Guides, as design philosophy and requirements change, without the need for a full statutory review process. • There will be ongoing cost savings if Design Guides are non- statutory. Otherwise, amendments will need to go through a Schedule 1 process to any amendments over the life of the District Plan. • Design guidance outside of the plan has lesser weighting, so there could be a perception that it has less of a role to play. However, this is resolved, in part, by ensuring that the policy framework clearly articulates the critical design outcomes.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP. • or the proposed changes set out in the section 42A report

Table 5: Amendments to Policies and Rules

Effectiveness and efficiency	<ul style="list-style-type: none"> • The amendment recognises the intent to the NPS-UD and in particular Policy 6 which requires decision makers to consider that as a result of intensification and planned urban built form, changes to amenity values will no longer be an adverse effect in themselves. • The proposed changes recognise that a reasonable level of amenity is afforded residents but that within the context of an urban environment amenity values will change over time.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments bring the PDP more in line with national direction, particularly Policy 6 of the NPS-UD but will still allow for some consideration of the adverse effects of activities, such as non-residential activities.

	<ul style="list-style-type: none"> There are no costs associated with the amendments which seek only to improve interpretation and bring the PDP in line with national direction and the relief sought by Kainga Ora as outlined in my evidence.
Risk of acting or not acting	<ul style="list-style-type: none"> The risk of not acting is that the provisions, as proposed within the PDP, create an expectation around the level of adverse effects which may be considered acceptable or inappropriate.
Decision about more appropriate action	<ul style="list-style-type: none"> The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.

Table 6: Deletion of minimum lot size for vacant lots and frontage widths.

Effectiveness and efficiency	<ul style="list-style-type: none"> The recommended deletion of the minimum lots size and frontage width standards provides greater flexibility to provide housing supply and choice. The PDP Policy direction (particularly MRZ-P2, MRZ-P3, MRZ-P8, HDRZ-P2, HDRZ-P3 and HDRZ-P8) provide direction on housing needs and outcomes for residential development.
Costs/Benefits	<ul style="list-style-type: none"> The benefits of the recommended changes are the streamlining of considerations. Deletion of the standard will allow for flexibility of unit size and ensure standards appropriately give effect to the PDP Objectives and NPS-UD.
Risk of acting or not acting	<ul style="list-style-type: none"> Both the PDP Objectives and the NPS-UD require a range of housing types and sizes to meet the needs of the community, these outcomes are clearly articulated through policies and PDP matters of discretion. The relief sought must therefore be considered in light of the controls already within the PDP to manage high quality urban design outcomes. The risk of not acting is that there is a lack of flexibility which recognises modern design principles and the potential to create high quality living environment in a range of dwelling sizes.
Decision about more appropriate action	<ul style="list-style-type: none"> The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.

Table 7: Amendments to Existing Qualifying Matters

Effectiveness and efficiency	<ul style="list-style-type: none"> The deletion of the highway setback, public access to and along rivers and lakes (Te Awa Cycleway setback) will ensure enabled-intensification on affected sites is not frustrated as a result of setback requirements (far in excess of what the MDRS otherwise requires). The proposed 5m setback to the Te Awa Cycleway is not warranted within the MDRZ and is not justified as a matter to give effect to Te Ture Whaimana or existing Chapter 26 provisions. There are existing methods within the District Plan that manage noise effects in relation to residential development near state highways. Building setbacks are therefore inefficient at managing such effects and only constrain enabled intensification through a large 7.5m setback.
Costs/Benefits	<ul style="list-style-type: none"> The recommended amendments bring the PDP more in line with national direction, particularly Policy 6 of the NPS-UD but will still allow for some consideration of the adverse effects of activities. There are no costs associated with the amendments which seek only to improve interpretation and bring the PDP in line with national direction.
Risk of acting or not acting	<ul style="list-style-type: none"> The risk of not acting is that the provisions, as proposed within the PDP, create an expectation around the level of adverse effects which may be considered acceptable or inappropriate.

Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP • or the proposed changes set out in the section 42A report.
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Table 8: Amendments to New Qualifying Matters

Effectiveness and efficiency	<ul style="list-style-type: none"> • The objectives and strategies within Te Ture Whaimana ‘frame’ the planning response to the NPSUD and HSAA, • The proposed changes will remove the proposed infrastructure and stormwater ‘constraint’ overlays. Those overlays are not required to give effect to Te Ture Whaimana, and represent a planning response that effectively reduces (and in the case of the stormwater constraint my frustrate the achievement of) the density of development that is otherwise sought to be ‘enabled’ under the MDRS requirements as a permitted activity. • The evidence of Phil Jaggard (on behalf of Kainga Ora) identifies that the overlays are also not required to manage infrastructure capacity effects, as the Council evidence doe not support the need to manage development intensities of up to three dwellings per site. • There are existing methods within the district plan and the wider regulatory framework to achieve the same outcomes, such that the overlays are not an efficient or effective approach. • By providing flooding information as a non-statutory layer, recognises that this information is continually updated at catchment scale to reflect the best information available and the evolving nature of flood plains as ongoing built development affects flooding extents, depths, flows and flow paths.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments bring the PDP more in line with national direction, but will still allow for some consideration of the adverse effects of activities at the appropriate consent trigger (four or more dwellings) • There are no costs associated with the amendments which seek only to improve interpretation and bring the PDP in line with national direction. • As outlined above, the constraint overlays are not required to give effect to Te Ture Whaimana
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that the provisions, as proposed within the PDP, create an expectation around the level of adverse effects which may be considered acceptable or inappropriate. • Not acting will be contrary to the overall intent of the NPS-UD.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.

Table 9: Changes to the Character Area Overlay Provisions

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended changes to the overlay provisions provide an effective approach to managing character values within the identified character areas across the district. • The provisions give effect to the relevant Objectives and Policies of the NPS-UD (particularly Objectives 1, 2, 3 and 4 and Policies 1, 2, 3 and 6) by providing for increased development opportunities balanced against managing character values to reflect amenity values will change over time and this in itself is not an adverse effect.
Costs/Benefits	<ul style="list-style-type: none"> • The Overlay provisions do not present any increased consenting costs compared to the PDP provisions but provide greater clarity for Plan users.

Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that the PDP does not give effect to the NPS-UD through a continued application of Character Precincts within the MRZ. • The NPSUD directs the Council to clearly signal where the greatest level of intensification is anticipated and directed to. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up in a way which provides for well-functioning urban environments.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report

Appendix C – Proposed High Density Residential Zone for Cambridge

The following provides proposed wording for the High Density Residential Zone, as sought from Kāinga Ora as part of the submission on PC26 to the District Plan.

Please note that the layout of this section does not follow the layout of the existing rule framework and plan structure. It also does not incorporate all existing matters contained within that zone however is consistent with how other Councils are providing for high density residential development in accordance with the MDRS.

Kāinga Ora seeks the proposed provisions are inserted and re-structured to align with the plan structure.

Changes to the original submission wording have been shown in the same manner as Appendix A (in **red**) to the Planning evidence, to demonstrate where changes have been recommended in evidence when compared to the provisions from the original Kāinga Ora submission.

As noted in the Planning evidence, character cluster provisions, building setbacks and landscaping requirements to front yards for Character Clusters and Character Streets (as sought to be amended in Appendix A for the MDRZ) should equally apply in the HDRZ, as well as associated assessment criteria. In addition, the assessment criteria for 4 or more dwellings per site in the MDRZ are considered appropriate.

While the development standards included are only those mandated under the MDRS, it is anticipated were the zone to be adopted that similar standards to the MDRZ would also be applied in relation to matters such as impermeable surfaces, front façade glazing, fencing etc.

PROPOSED SECTION 2B - HIGH DENSITY RESIDENTIAL ZONE

HRZ: PURPOSE

The High Density Residential Zone is a high intensity residential living zone enabling greater heights and residential development. The zone is located in close proximity to the Cambridge Town Centres of Te Awamutu and Cambridge and will promote the use of active and public transport, support the vitality of these centres, and draw on the amenity of adjoining open spaces.

The purpose of the zone is to enable efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport in close proximity to these Town Centres.

This form of development will, over time, result in a change to a more intensive urban built form with a high degree of visual change. The provisions provide the framework for managing the effects of use and development and ensuring that residential amenity values and the quality of the built environment are consistent with the planned urban built form.

Buildings of at least up to 6 storeys are generally anticipated within the zone. The resource consent process requires development design and layout to be assessed, recognising that design is increasingly important as the scale and form of development increases. The zone sets out a clear set of development controls and matters of discretion to ensure that a reasonable level of residential amenity values is retained.

This zone also provides for a range of non-residential activities so that residents have convenient access to these activities and services while maintaining the urban residential character of these areas.

HRZ: OBJECTIVES

HRZ: O1

The High Density Residential Zone provides for predominantly residential activities at a greater density and scale that enables higher-intensity residential development of at least up to 6 storeys.

HRZ: O2 (MDRS Objective 2)

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.

HRZ: O3

Achieve a high level of residential amenity within the zone that contributes to quality urban form outcomes, and reflects and supports the planned built form and desired compact urban settlement pattern.

HRZ: O4 (MDRS Objective 2)

The High Density 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 six storey buildings.

HRZ: O5

Development in the zone seeks to maximise efficiency of the underlying land, recognising that residential intensification provides opportunity to leverage economies of scale in the provision and maintenance of community facilities and infrastructure.

HRZ: O6

Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

HRZ: O7

Development adjoining an identified character-defining site or heritage building is sympathetic towards the identified values of the site and buildings therein, while also achieving a level of amenity that is consistent with the planned urban built form outcomes of the zone.

HRZ: POLICIES

HRZ: P1 (MDRS Policy 1)

Enable a variety of housing types and sizes to be built in the zone, including attached dwellings and multi-storey apartments of up to six-storeys.

HRZ: P2 (MDRS Policy 2)

Apply the high density development and performance standards within the High Density Residential Zone 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).

HRZ: P3 (MDRS Policy 3)

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

HRZ: P4 (MDRS Policy 4)

Enable housing to be designed to meet the day-to-day needs of residents.

HRZ: P5 (MDRS Policy 5)

Provide for residential developments not meeting permitted activity status, while encouraging high-quality developments.

HRZ: P6

Ensure that the bulk and scale of buildings in the zone is of a height and bulk which continues to provide reasonable daylight access and standard of privacy and minimises visual dominance effects on the site and on adjoining sites.

HRZ: P7

Ensure that development adjoining an identified character-defining site or heritage building is sympathetic towards the identified values of the site and buildings therein, while also achieving a level of amenity that is consistent with the planned urban built form outcomes of the zone.

HRZ : P8

Enable residential intensification on land close to and surrounding the Cambridge Town Centres of Te Awamutu and Cambridge, and in doing so:

1. Recognise the social, economic, and environmental benefits arising from enabling residential activities at scale close to community facilities and the commercial activities within the Town Centre.
2. Recognise the economic and environmental benefits of higher intensity development that efficiently utilises existing and planned investment in transport and three waters infrastructure.
3. ~~Avoid~~ Provides a competitive advantage to lower intensity residential development which would otherwise compromise efficiencies of land use in the most strategically-desirable locations of Cambridge. ~~future development potential of the site.~~

HRZ: P9

Allow activities which are ancillary to residential activities, where the scale is appropriate and compatible with surrounding residential uses;

HRZ: P10

Provide for and manage non-residential activities to ensure that they do not detract from the intent of the zone.

HRZ: RULES – ACTIVITY STATUS

Rule	Use/Activity	Activity Status	
HRZ: R1	Residential activities <u>including Papakāinga</u>	Activity Status: Permitted Where: PER: 1 a. No more than three residential units occupy the site; and PER: 2 b. Compliance with the following standards is achieved:	HRZ: R2 Where: 1. Where compliance with PER1 cannot be achieved. Matters of discretion are: <ul style="list-style-type: none"> ▪ <u>The extent to which building scale, form, and appearance is compatible with the planned urban built form character of the zone; and</u> ▪ <u>The extent to which the development</u>

Rule	Use/Activity	Activity Status	
		i. building height - ii. HIRTB; iii. infringements to rear/side yard boundary setback; iv. building coverage v. outlook space.	<p><u>delivers quality on-site amenity and occupant privacy that is appropriate for its scale.</u></p> <ul style="list-style-type: none"> ▪ <u>The extent to which the development contributes to a safe and attractive public realm and streetscape.</u> ▪ <u>Landscaping; and</u> ▪ <u>Where provided, the location of parking areas and vehicle manoeuvring; and</u> ▪ <u>Crime Prevention Through Environmental Design; and</u> ▪ <u>Traffic generation and connectivity; and</u> ▪ <u>Privacy within and between adjoining sites; and</u> ▪ <u>Noise; and</u> ▪ <u>The outcomes of an infrastructure capacity assessment; and</u> ▪ <u>Stormwater disposal;</u> <p>Where:</p> <p>2. Where compliance with PER2 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard. <p>Notification status:</p> <ol style="list-style-type: none"> 1. An application for resource consent which complies with PER1 but does not comply with PER2 is precluded from being <u>publicly notified.</u> 2. An application for resource consent made which does not comply with PER1 but complies with PER2 is precluded from being either <u>publicly</u> or <u>limited notified.</u> 3. An application for resource consent made which does not comply with PER1 and PER2 but complies with height and building coverage is precluded from being <u>publicly notified.</u>
HRZ: R3	Supported	Activity Status: Permitted Where the following are	HRZ : R4 Activity Status where compliance is not

Rule	Use/Activity	Activity Status	
	Residential care facilities	complied with: PER-1 1. Standards 1-10. PER-2 2. No more than 10 people, including staff and their dependents reside on site. PER-3 3. Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation. PER-4 4. No part of any site or premises used as a managed care facility shall contain a secure unit.	achieved with PER-1-4: Restricted Discretionary Matters of discretion are restricted to: 1. The effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. 2. The extent to which the intensity and scale of the activity adversely impacts on the planned urban built form of nearby residential properties and the surrounding neighbourhood. Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.
HRZ: R5	Home Based Business	Activity Status: Permitted Where the following are complied with: PER-1 1. For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall: 2. Employ no more than 2 people, one	HRZ: R6 Activity Status where compliance not achieved with PER-1: Discretionary

Rule	Use/Activity	Activity Status	
		<p>of whom must reside on the site on a permanent basis.</p> <ol style="list-style-type: none"> 3. Not exceed 30% of the total gross floor area of buildings on the site. 4. Not generate any trips by a heavy motor vehicle. 5. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours. 6. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs. 7. Retail - only those goods which have been manufactured, repaired, renovated or otherwise produced on the site. 8. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units. 9. Not generate nuisances, 	

Rule	Use/Activity	Activity Status	
		<p>including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.</p> <p>10. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.</p>	
HRZ: R7	Homestay	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> Standards 1-10. 	<p>HRZ: R8</p> <p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>
HRZ: R9	Demolition or removal of existing buildings, <u>except in those listed in</u>	Activity Status: Permitted	

Rule	Use/Activity	Activity Status	
	Appendix N1 – Heritage Items and those on sites identified in a character cluster as ‘character defining’.		
HRZ: R10	Maintenance, repair and alterations and additions to existing buildings (except Scheduled heritage buildings)	Activity Status: Permitted Where the following are complied with: PER-1 1. Standards 1-10.	HRZ: R11 Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. The effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.
HRZ: R12	Childcare facility	Activity Status: Restricted Discretionary Where the following are complied with: RDIS-1 1. Standards 1, 2, 3, 4, 6, 7, 8, 9. 2. The Childcare Facility shall not be part of a multiunit residential development. 3. The activity shall be located on a front, corner or through site. 4. The activity shall have a maximum	HRZ: R13 Activity Status where compliance not achieved with RDIS-1: Discretionary

Rule	Use/Activity	Activity Status	
		<p>gross floor area for all buildings of 250m².</p> <p>5. The hours of operation are between 7.00am and 7.00pm, Monday to Friday.</p> <p>Matters of discretion are restricted to:</p> <p>(a) The and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard.</p> <p>(b) The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R14	Retirement village	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <p>1. Standards 1 - 10.</p> <p>Matters of discretion are restricted to:</p> <p>(a) The extent to which the intensity and scale of the activity may</p>	<p>HRZ: R15</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		<p>adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R16	Visitor accommodation	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> 1. Standard 1-10. 2. The maximum occupancy for visitor accommodation shall be 12 guests. 3. Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood. 	<p>HRZ: R17</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.	
HRZ: R18	Emergency service facilities	Activity Status: Restricted Discretionary Where the following are complied with: RDIS-1 1. Standard 1, 2, 3, 4, 7, 9. Matters of discretion are restricted to: 1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood. Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.	HRZ: R19 Activity Status where compliance not achieved with RDIS-1: Discretionary
HRZ: R20	Community centre, Education Facility, Healthcare Facility, Marae	Activity Status: Restricted Discretionary Where the following are complied with: RDIS-1 1. The standards listed in Standard 1, 2, 3, 4, 7, 9. 2. The maximum gross floor area of all buildings on a	HRZ: R21 Activity Status where compliance not achieved with RDIS-1: Discretionary

Rule	Use/Activity	Activity Status	
		<p>site will not exceed 250m².</p> <p>3. The hours of operation will be restricted to 0700-2200 hours</p> <p>4. Once per calendar year a special event may operate from 0700-2200 hours</p> <p>Matters of discretion are restricted to:</p> <p>1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R22	Maintenance and repair of buildings and structures. and/or	Activity Status: Permitted	
HRZ: R23	Demolition or removal of buildings and structures	Activity Status: Permitted	
HRZ: R24	Addition or alteration of buildings and structures;	Activity Status: Permitted Where the following are complied with: PER-1	HRZ: R25 Activity Status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are:

Rule	Use/Activity	Activity Status	
		1. Standards 1-10.	<p>1. The and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.</p> <p>Notification status:</p> <p>An application for resource consent made in respect of rule HRZ-27 which results from non-compliance with Standard 1, 2, 3 or 4 is precluded from being publicly notified.</p> <p>An application for resource consent made in respect of rule HRZ-R27 which results from non-compliance with 5, 6, 7, or 8 is precluded from being either publicly or limited notified.</p>
HRZ: R26	School	Activity Status: Discretionary	
HRZ: R27	Show homes	Activity Status: Discretionary	
HRZ: R28	Office	Activity Status: Discretionary	
HRZ: R29	Retail	Activity Status: Discretionary	
HRZ: R30	Places of assembly	Activity Status: Discretionary	

HRZ – DEVELOPMENT STANDARDS

Standard	Activity Status where compliance not achieved
<p>HRZ – Standard 1</p> <p>Building height</p> <p>Buildings must not exceed 22 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.</p>	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Whether topographical or other site constraints make compliance with the standard impractical. 2. Streetscape and visual amenity effects; 3. Dominance, privacy and shading effects on adjoining sites; and 4. Wind effects (where a building exceeds 25m).
<p>HRZ – Standard 2</p> <p>Height in relation to boundary</p> <ol style="list-style-type: none"> 1. Buildings within 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries; and 2. Buildings 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries. 3. Apply a 4m + 60° on boundaries at where the HRZ interfaces with a lower intensity zone (e.g., MDRZ, Residential Zone, Open Space). 4. <u>Apply a 4m + 60° on the boundary that adjoins a property with a character defining building or a heritage building.</u> <p>This standard does not apply to—</p> <ol style="list-style-type: none"> 1. a boundary with a road; 2. existing or proposed internal boundaries within a site; 3. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. 	<p>Activity Status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Dominance, privacy and shading effects on adjoining sites. 2. <u>Where adjoining a property with a character defining building or a heritage building:</u> <ol style="list-style-type: none"> a. <u>The extent to which the building is sympathetic towards the identified values of the site and buildings therein, while also achieving a level of amenity that is consistent with the planned urban built form outcomes of the zone.</u>
<p>HRZ – Standard 3</p> <p>Setbacks</p> <p>(a) Front yard: 1.5m</p> <p>(b) Side yards: 1m</p>	<p>Activity Status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and

<p>(c) Rear yard: 1m</p> <p><u>Where a site adjoins a property with a character defining building or a heritage building:</u></p> <p>(d) <u>Front yard: 3m</u> (e) <u>Side yards: 1m</u> (f) <u>Rear yard: 1m</u></p> <p>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.</p>	<p>2. Dominance, privacy and shading effects on adjoining sites.</p>
<p>HRZ – Standard 4</p> <p>Building coverage</p> <p>The maximum building coverage must not exceed 70% 50% of the net site area.</p>	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Dominance effects on adjoining properties. 3. Whether topographical or other site constraints make compliance with the standard impractical.
<p>HRZ – Standard 5</p> <p>Outdoor living space (per unit)</p> <ol style="list-style-type: none"> 1. Each residential unit, must be provided with either a private outdoor living space or access to a communal outdoor living space; 2. Where private outdoor living space is provided it must be: <ol style="list-style-type: none"> a. For the exclusive use of residents; b. Directly accessible from a habitable room; c. A single contiguous space; and d. Of the minimum area and dimension specified in the table below; and 3. Where communal outdoor living space is provided it does not need to be in a single continuous space, but it must be: <ol style="list-style-type: none"> a. Accessible from the residential units it serves; 	<p>Assessment criteria where the standard is infringed:</p> <p>The extent to which:</p> <ol style="list-style-type: none"> 1. Any proposed outdoor living space provides a good standard of amenity relative to the number of occupants the space is designed for; 2. Other on-site factors compensate for a reduction in the size or dimension of the outdoor living space; and 3. The availability of public open space in proximity to the site.

- b. Of the minimum area and dimension specified in the table below; and
- c. Free of buildings, parking spaces, and servicing and manoeuvring areas.

Table 1

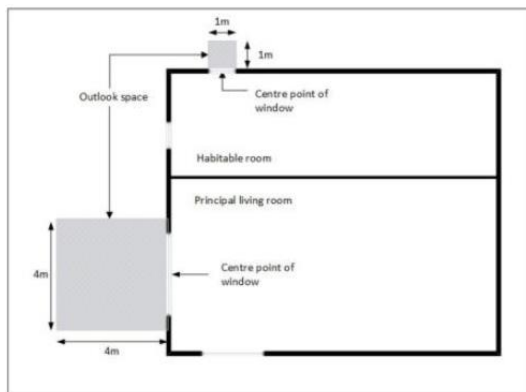
Living Space Type	Minimum Area	Minimum Dimension
Private		
Studio unit and 1-bedroom unit	5m ²	1.8m
2+ bedroom unit	8m ²	1.8m
Communal		
For every 5 units	10m ²	8m

HRZ – Standard 6

Outlook Space (per unit)

All habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and

1. An outlook space must be provided from habitable room windows as shown in the diagram below:



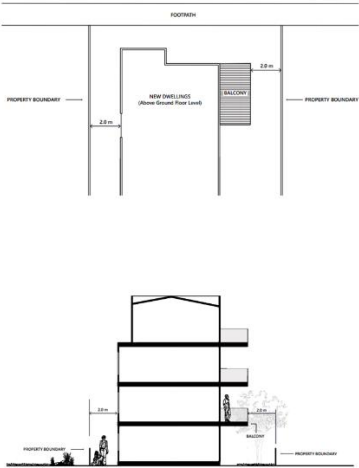
2. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
3. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.

Assessment criteria where the standard is infringed:

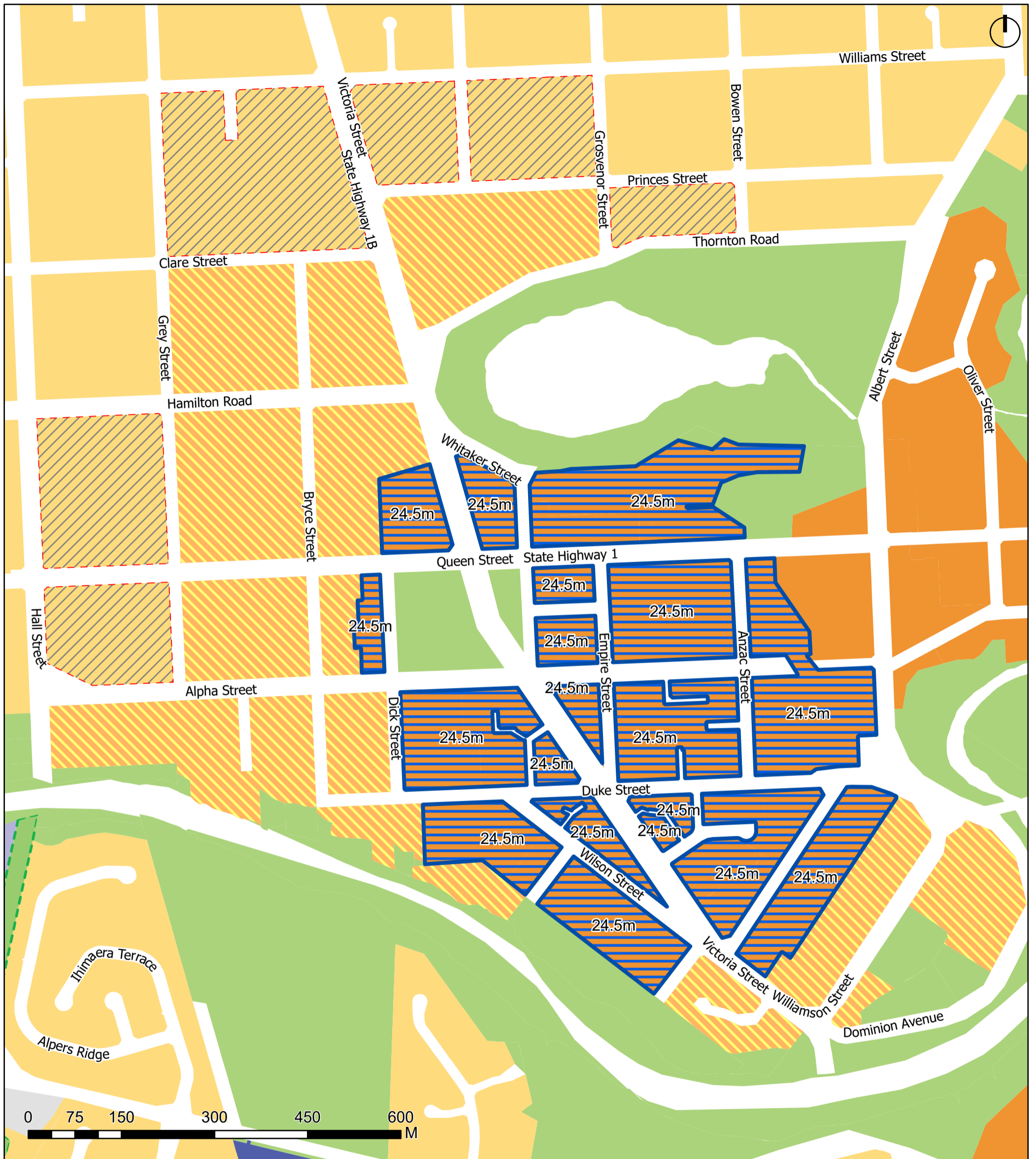
The extent to which:

1. Acceptable levels of natural light are provided to habitable rooms; and
2. The design of the proposed unit provides a healthy living environment.

<ol style="list-style-type: none"> 4. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building. 5. Outlook spaces may be under or over a balcony. 6. Outlook spaces required from different rooms within the same building may overlap. 7. Outlook spaces must— <ol style="list-style-type: none"> a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling. 	
<p>HRZ – Standard 7 Windows to Street</p> <p>Any residential unit 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.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> a) Streetscape and visual amenity effects; and b) Passive surveillance and safety.
<p>HRZ – Standard 8 Landscaped area</p> <ol style="list-style-type: none"> 1. A residential unit 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. 2. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit. 	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Hard surfacing is minimised as far as practicable.
<p>HRZ – Standard 9 Fences and Walls</p> <p>Fences, walls and retaining structures adjoining open space zones, public walkway or within 1.5 metres of the road boundary shall have a maximum cumulative height of:</p> <ol style="list-style-type: none"> a. 1.2 metres; or b. 1.8 metres for no more than 50 percent of the site frontage and 1.2 metres for the remainder; or 	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; 2. Passive surveillance to the street, public open space or public walkway; and

<p>c. 1.8 metres if the fence is at least 50 percent visually permeable as viewed perpendicular to the boundary.</p> <p>Any fence or standalone wall, retaining wall or combination of these structures, must not exceed:</p> <p>d. A maximum height of 2m above ground level where within 1m of any side or rear boundary.</p>	
<p>HRZ – Standard 10 Minimum privacy separation to a boundary</p> <p>Any outdoor living space or habitable room window above ground floor level must be at least 2m from any boundary except a road or a railway boundary, as shown in the diagram below.</p> 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Privacy effects on adjoining sites.

Appendix D – Revised Zone Extents



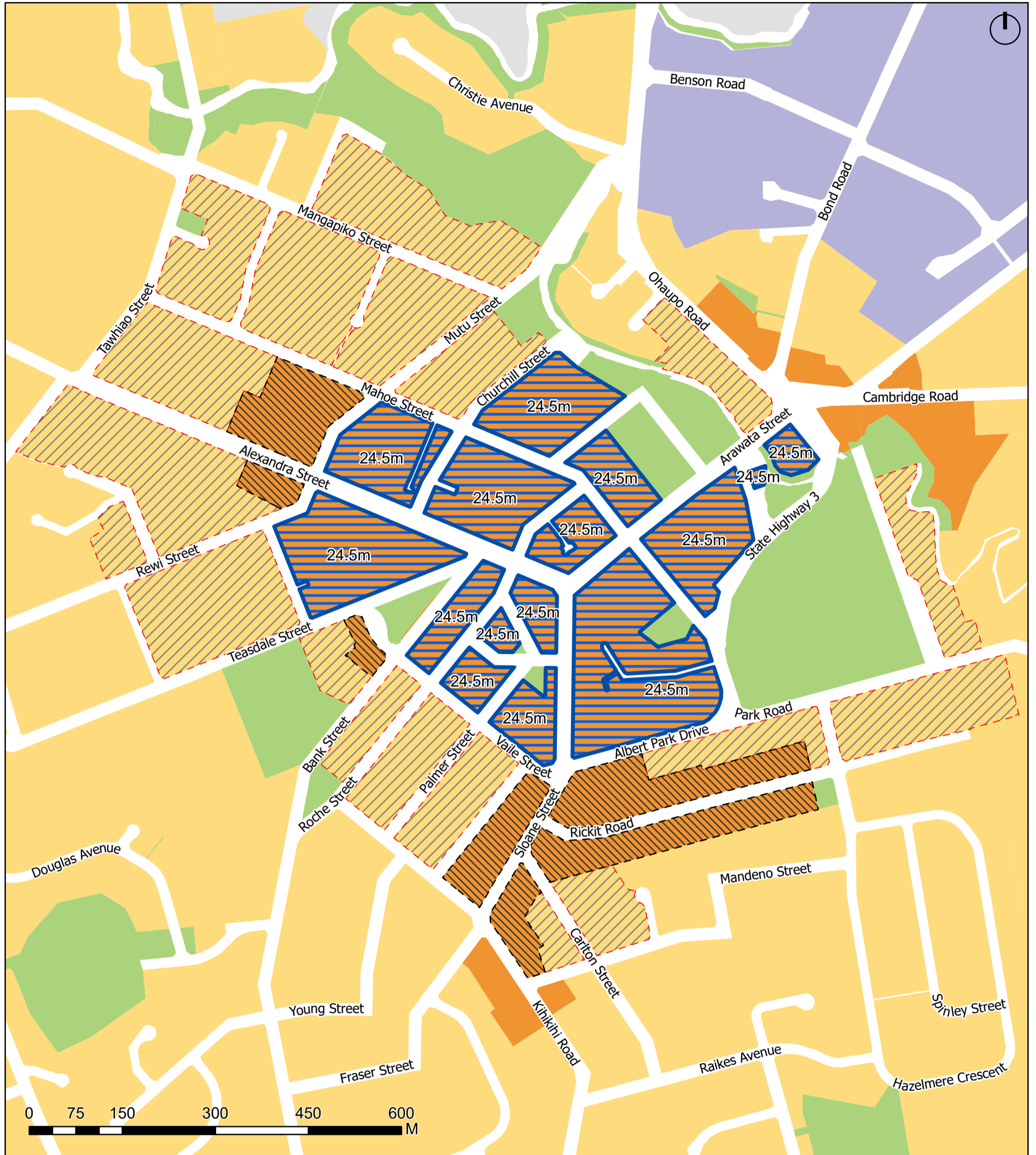
Kāinga Ora Proposed Changes Sought

- Business Height Variation Overlay
- High Density Residential Zone
- High Density Residential Zone Extent (Primary Submission - relief no longer pursued)




Proposed Plan Change 26

- COMMERCIAL ZONE
- DEFERRED RESERVE ZONE
- INDUSTRIAL ZONE
- MARAE DEVELOPMENT ZONE
- RESERVE ZONE
- MEDIUM DENSITY RESIDENTIAL ZONE
- RURAL ZONE






Te Awamutu



Kāinga Ora Proposed Changes Sought

-  Business Height Variation Overlay
-  High Density Residential Zone Extent (Primary Submission - relief no longer pursued)
-  Business Height Variation Overlay (Primary Submission - relief no longer pursued)

Proposed Plan Change 26

-  COMMERCIAL ZONE
-  INDUSTRIAL ZONE
-  RESERVE ZONE
-  MEDIUM DENSITY RESIDENTIAL ZONE
-  RURAL ZONE