AGENDA

DISTRICT PLAN HEARING COMMITTEE
(UNDER COUNCIL DELEGATION)

TO HEAR, CONSIDER AND RECOMMEND DECISIONS ON SUBMISSIONS TO PROPOSED PLAN CHANGE 1: RULE PLAN CHANGE

Thursday, 9 May 2019, 9.00am
at the Council Chambers, William Street, Paeroa
Membership

Committee Members

Cr P Milner (Chairperson)
Cr D A Adams (Deputy Mayor)
Cr G R Leonard
Cr A Rattray

Staff

P Thom, Group Manager – Planning and Environmental Services
W Harris, Regulatory Services Manager
L Robcke, Senior Project Planner
M Rademeyer, Planning Consultant/Advisor
C Hubbard, Planning Administrator

Public Distribution

Paeroa Office
Plains Area Office
Waihi Area Office

Chief Executive

L D Cavers

Hauraki District Council, P O Box 17, William Street Paeroa, New Zealand
P: 07 862 8609 or 0800 734 834 (within the District)
E: info@hauraki-dc.govt.nz www.hauraki-dc.govt.nz
# AGENDA

**HEARING COMMITTEE – THURSDAY 9 MAY 2019**  
**PROPOSED PLAN CHANGE 1: RULE PLAN CHANGE**

<table>
<thead>
<tr>
<th>ORDER OF BUSINESS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Decision Hearing Report</td>
<td>1</td>
</tr>
<tr>
<td>2. Decision Report on late submission from Annette Arundel</td>
<td>3</td>
</tr>
<tr>
<td>4. Appendix 1 Summary of Submitters Decisions in order of Topic</td>
<td>49</td>
</tr>
<tr>
<td>5. Appendix 2: Section 4 of Operative District Plan Recommendations</td>
<td>75</td>
</tr>
<tr>
<td>6. Appendix 2: Section 5.1 of Operative District Plan Recommendations</td>
<td>121</td>
</tr>
<tr>
<td>7. Appendix 2: Section 5.7 of Operative District Plan Recommendations</td>
<td>147</td>
</tr>
<tr>
<td>8. Appendix 2: Section 5.8 of Operative District Plan Recommendations</td>
<td>169</td>
</tr>
<tr>
<td>9. Appendix 2: Section 7.8 of Operative District Plan Recommendations</td>
<td>185</td>
</tr>
<tr>
<td>10. Appendix 2: Section 8.4 of Operative District Plan Recommendations</td>
<td>195</td>
</tr>
<tr>
<td>11. Appendix 2: Section 9 of Operative District Plan Recommendations</td>
<td>225</td>
</tr>
<tr>
<td>12. Appendix 3: Submissions and further submission (annotated copies) received on Proposed Plan Change 1: Rule Plan Change (see separate document attached to the Agenda)</td>
<td></td>
</tr>
</tbody>
</table>

Doc Ref: M2574279
Decision Report

To: Hearings Committee (Proposed Plan Change 1)
From: Group Manager – Planning and Environmental Services
Date: Thursday, 2 May 2019
File reference: Document: 2568187
Meeting date: Thursday, 9 May 2019
Subject: Section 42A Hearing Report and Section 32AA Further Evaluation Report – Proposed Plan Change 1: Rule Plan Change

Recommendation:
THAT the report be received, and
THAT the Hearings Committee confirms that it has considered all submissions and further submissions made to Proposed Plan Change 1: Rule Plan Change, and
THAT the Hearings Committee receives and considers any additional information or evidence tabled at the hearing by submitters, and
THAT the Hearings Committee makes recommended decisions on all relief sought in the submissions and further submissions received, and notes its reasons for the decisions, and
THAT the Hearings Committee instructs staff to make any changes from the recommended decisions to Proposed Plan Change 1: Rule Plan Change and take a Recommended Decisions version of the Proposed Plan Change 1: Rule Plan Change to Council as soon as practicable.

1 Purpose
The purpose of this report is to provide information to the Hearings Committee to assist in making recommended decisions in respect of submissions and further submissions received on Proposed Plan Change 1: Rule Plan Change (‘PC1’).

The matter or suggested decision does not involve a new activity, service, programme, project, expenditure or other deliverable.

2 Report
The purpose of PC1 is to remove regulatory impediments to affordable residential development and to provide for affordable housing options in the Hauraki District.
PC1 was publicly notified by the Council on 1 November 2018 with submissions closing on 30 November 2018. In total 34 submissions (covering 120 submission points) were received. The relief requested in submissions was summarised and further submissions called for on 15 February 2019. Further submissions closed on 1 March 2019. Only two further submissions (3 further submission points) were received.

A Hearing Report (or Section 42A Report) was subsequently prepared and a date for a hearing set – being 9 May 2019. Submitters have since been advised of the availability of the Hearing Report and the date and time of the hearing and the following hearing timetable has been prepared:

9 May 2019, 9.00am

<table>
<thead>
<tr>
<th>Time</th>
<th>Sub #</th>
<th>Submitter</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30am</td>
<td>7</td>
<td>J2 Homes NZ, Jason Duckworth</td>
</tr>
<tr>
<td>9:40am</td>
<td>1</td>
<td>Wendy Margaret Bowman</td>
</tr>
<tr>
<td>9:50am</td>
<td>20</td>
<td>Joan Kerr McIntyre (tentative appointment)</td>
</tr>
<tr>
<td>10:00am</td>
<td>34</td>
<td>Armadillo Property Management, Lindsay Allpress</td>
</tr>
<tr>
<td>10:10am</td>
<td>15</td>
<td>Hauraki District Council, Leigh Robcke</td>
</tr>
<tr>
<td>10:40am</td>
<td>26</td>
<td>Stephen and Elizabeth Lye (tentative appointment)</td>
</tr>
<tr>
<td>10:50am</td>
<td>10</td>
<td>Tracy Ransfield (tentative appointment)</td>
</tr>
<tr>
<td>11:00am</td>
<td>12</td>
<td>Beverley Mavis Kotkin-Smith</td>
</tr>
<tr>
<td>11:10am</td>
<td>33</td>
<td>Mark Pennington</td>
</tr>
<tr>
<td>11:20am</td>
<td></td>
<td>Tabled items (if any)</td>
</tr>
</tbody>
</table>

At its meeting on 27 February 2019 the Council delegated its functions under the Resource Management Act 1991 to the Hearings Committee to hear, consider and recommend decisions on submissions and further submissions on PC1.

Subsequent to the hearing, a report will be prepared for Council consideration recommending decisions on all the relief sought in submissions and further submissions, with reasons for the decisions noted.

3  Significance and Engagement Assessment

This decision does not trigger the Significance and Engagement Policy Assessment Tool and therefore is not considered significant under the Significance and Engagement Policy 2017.

Peter Thom

Group Manager – Planning and Environmental Services
Decision Report

To: Hearings Committee (Proposed Plan Change 1)

From: Group Manager – Planning and Environmental Services

Date: Tuesday, 30 April 2019

File reference: Document: 2568058

Meeting date: Thursday, 9 May 2019

Subject: Request for Late Submission – Proposed Plan Change 1

Recommendation:

THAT the report be received, and

THAT the request by Annette Arundel for her email dated 26 April 2019 to be treated as a 'submission' on Proposed Plan Change 1 be declined.

THAT staff write back to Ms Arundel informing her of the Hearings Committee decision in relation to this matter.

1 Purpose

To seek a decision from the Hearings Committee on whether or not to accept a late submission from Annette Arundel on Proposed Plan Change 1: Rule Plan Change (PC1).

The matter or suggested decision does not involve a new activity, service, programme, project, expenditure or other deliverable.

2 Background

The stated purpose of PC1 is to remove regulatory impediments to affordable residential development and to provide for affordable housing options in the Hauraki District.

PC1 was publicly notified by the Council on 1 November 2018 with submissions closing on 30 November 2018. In total 34 submissions (covering 120 submission points) were received. The relief requested in submissions was summarised and further submissions called for on 15 February 2019. Further submissions closed on 1 March 2019. Only two further submissions (3 further submission points) were received.
A Hearing Report (or Section 42A Report) was subsequently prepared and a date for a hearing set – being 9 May 2019. Submitters have since been advised of the availability of the Hearing Report and the date and time of the hearing.

At its meeting on 27 February 2019 the Council delegated its functions under the Resource Management Act 1991 to the Hearings Committee to hear, consider and recommend decisions on submissions and further submissions on PC1.

3 Issue and options

On 26 April 2019 Councillors Max McLean, Paul Milner, Phillip Buckthought and Ross Harris received an email from Annette Arundel entitled “9th May Submissions Hearing” (refer to Appendix A). The email outlines a situation where the email writer is concerned about the possible development of an additional dwelling and garage on a neighbouring property – which will potentially be provided for via PC1 (reduced minimum net lot area in Residential Zone of Waihi from 525m2 to 450m2).

The Council has the discretion under section 37 RMA to accept a late submission, after taking into account:

- The interests of any person who, in its opinion, may be directly affected by the extension;
- The interests of the community in achieving adequate assessment of the effects of the Plan Change; and
- Its duty under section 21 RMA to avoid unreasonable delay.

In the email the writer refers to her “late submission concerns” and as such I provide the following assessment on whether or not the email should be allowed as a late ‘submission’:

- The submission would be received well beyond the submission close date of 30 November 2018.
- The summary of submissions has been prepared, advertised and further submissions called for and received.
- The Hearing Report has been prepared and circulated, addressing the matters raised in submissions, and a hearing has been set for 9 May 2019.
- Submissions on RMA plan changes are required to be in accordance with Form 5 of the RMA, the email received is not in accordance with Form 5.
- There would now be reasonably significant administrative and process costs, and time delays, associated with accepting a submission at this late stage of the process.

Also, the matters raised in the email have been raised (in a wider sense) by other submitters – in relation to both additional dwellings and minimum subdivision lot size. As proposed via PC1, an application for either a subdivision or an additional dwelling will involve a controlled activity resource consent application and require compliance with Zone Development Standards and the Subdivision and District Wide Performance Standards in the District Plan.

Whilst the Council has discretion under the RMA to accept late submissions (via the extension of time limits under section 37 of the RMA), based upon the above bullet points, I do not recommend that the attached email be accepted as a ‘submission’ on PC1.

4 Significance and Engagement Assessment

This decision does not trigger the Significance and Engagement Policy Assessment Tool and therefore is not considered significant under the Significance and Engagement Policy 2017.
5 Budget Implications

There will be no budget implications arising from the recommended decision to not accept the email from Annette Arundel as a ‘submission’ on PC1.

6 Recommendation

Whilst the Council has discretion under the RMA to accept late submissions (via the extension of time limits under section 37 of the RMA), based upon the above assessment, I do not recommend that the attached email be accepted as a ‘submission’ on PC1.

Peter Thom
Group Manager – Planning and Environmental Services
Appendix A:

From: Annette Arundel [marannette46@gmail.com]
Sent: Friday, 26 April 2019 2:20 p.m.
To: Max McLean; Paul Milner; Phillip Buckthought; Ross Harris
Subject: Re: 9th May SUBMISSIONS HEARING

Hello Max, Paul, Phillip, Ross,

Re: PROPOSED HAURAKI DISTRICT COUNCIL PLAN CHANGE

550 m2 LAND REQUIREMENT LOWERED TO 450 m2 LAND SIZE - Subdivision/Development

On 15th April 2019 Jim and Hazel CAMERON of 11 REGENT STREET, WAIHI arrived at my door unannounced to say that they “wanted a chat”. Jim proceeded to say that they are proposing to sell their renovated cottage in the front, and build a 2brm J2 home on the back of their approx. 1004 m2 section, and that he had “told your neighbour”, but said that he should have told me first because I “would be the one most affected”. Hazel’s phone rang, and they both took off back to their place because a couple had arrived to purchase their compressor.

Neither of my immediate neighbours at 13 Regent Street and 6A Queen Street knew of the Cameron’s proposed build until I told them.

I bought 13A Regent Street and moved in on the 1st of June 2011 because it was sunny, quiet and private.

The Camerons moved into 11 Regent Street approx. one year later. For 7 years there has been noise from his noisy ride on mower (which Jim has recently replaced), noisy weed eater, chain sawing, skill sawing, wood chipping machine, firewood splitting machine - always noise more suited to rural living! They wear earmuffs. I have had to close my windows and doors. His workshop is in their garage.

And now if the council land size requirement drops to a 450 m2 section, their new build garage will be right beside me - 5 metres from our boundary fence. They are too close to me already!

There will be for me a total loss of privacy in my small back yard, a loss of privacy and sun - due to having to keep my blinds down on the western side of my home, and ongoing noise - not to mention at least 6mths of building noise and dust which is going to be unbearable.

Unfortunately, I did not think that I would be affected, thus my ‘late submission concerns’, because Jim himself has only just completed a total renovation throughout of their cottage home, and has only last year had a huge amount of their section put into a metal driveway on which he parked his boat and trailor up the back, and put in a bench on which to clean and fillet fish.

I am totally opposed to their putting another dwelling on their section if this change goes through, and I strongly recommend to the Council not to lower the residential land size requirement to 450 m2 especially in this case. This is city mentality, and surely not for little country towns.

Annette
PROPOSED PLAN CHANGE 1: RULE PLAN CHANGE

HAURAKI DISTRICT PLAN

Section 42A Hearing Report

April 2019
Contents

Introduction ............................................................................................................................................ 3
Background to Proposed Plan Change 1 ................................................................................................. 4
Analysis and Recommendations ............................................................................................................. 5
Additional Dwellings ............................................................................................................................. 11
  Low Density Residential Zone ........................................................................................................... 11
  Residential Zone ..................................................................................................................................... 13
Development Standards ....................................................................................................................... 14
  Other ..................................................................................................................................................... 14
Outdoor Living Area ............................................................................................................................. 16
Privacy and Separation ......................................................................................................................... 16
Yards .......................................................................................................................................................... 17
Earthworks ............................................................................................................................................ 17
Earthworks ............................................................................................................................................. 17
Minor Dwelling Units ............................................................................................................................ 23
  Low Density Residential Zone ........................................................................................................... 23
  Residential Zone .................................................................................................................................... 25
  Rural Zone ........................................................................................................................................... 27
Other ..................................................................................................................................................... 29
  Consequential Amendments .............................................................................................................. 29
  Other ..................................................................................................................................................... 29
Whole Plan Change ................................................................................................................................ 30
Residential Zones – Other ................................................................................................................... 31
  Storage Buildings ............................................................................................................................ 31
Subdivision ............................................................................................................................................ 32
  Other ..................................................................................................................................................... 32
  Residential Zone .................................................................................................................................... 33
Whiritoa Township ................................................................................................................................ 35
  Additional Dwellings – Residential Zone ........................................................................................ 35
  Development Standards - Other ..................................................................................................... 36
  Minor Dwelling Units – Residential Zone ........................................................................................ 37
  Residential Zones - Other ................................................................................................................ 38
  Subdivision - Other ............................................................................................................................ 39
  Residential Zone .................................................................................................................................... 39
  Conclusion .......................................................................................................................................... 41
Introduction

Purpose of the Report

1. This report contains my analysis of submissions and further submissions received on Proposed Plan Change 1 (‘PC1’) to the Hauraki District Plan.

2. The purpose of this report is to assist the Hearings Committee in their consideration of the merits of submissions on PC1. The recommendations contained in this report do not have any statutory weight. They are intended to assist the Committee to consider the merits of PC1 in light of the submissions received.

3. In preparing this report I have considered all submission points and further submissions relating to PC1. Recommendations and reasons are made to every submission point and further submission in the summary of decisions requested in Appendix 1. Appendix 2 of this report contains a track changed version of the relevant sections of the Hauraki District Plan showing the effect of the recommendations in this report. In considering the submissions, I have given regard to the provisions of PC1 and the Section 32 analysis as publicly notified.

4. This report is also a further evaluation under Section 32AA of the Resource Management Act 1991. The decision-making record of the Committee may refer to this further evaluation as part of the requirements under the Act.

Staff

5. This report has been prepared by myself, resource management consultant, Marius Rademeyer. I hold a Bachelor of Science Degree in Town and Regional Planning (with honours) from Pretoria University (1978). I have been practising in the area of resource management in South Africa and New Zealand for around 35 years.

6. Since immigrating to New Zealand in 2000, I held the position of District Planner at the Matamata-Piako District Council, before setting up my own consultancy in 2003. I have been involved in a range of resource management projects in the Waikato including the preparation of plan changes and review of the Proposed Waikato Regional Policy Statement. I am familiar with the planning instruments that govern resource management at district council level in the Waikato Region.

Abbreviations

Council   Hauraki District Council (HDC)
The Plan   Hauraki District Plan – Operative 2014
PC1       Proposed Plan Change 1
RMA       Resource Management Act 1991
NZAA      New Zealand Archaeological Association
NZTA      New Zealand Transport Agency
Background to Proposed Plan Change 1

7. The background to PC1 is documented in the Section 32 RMA Evaluation Report (September 2018). In that report the need for PC1 is noted as:

“The need for the plan change has arisen because the housing crises has spread from main centres such as Auckland, Hamilton, and Tauranga and is now also affecting the nearby provincial towns and settlements including within the Hauraki District, where vulnerable sections of the community are finding it increasingly difficult to obtain acceptable and affordable accommodation. This has resulted in some families living in unacceptable conditions such as in garages, cars and buses. In the Hauraki District the issue is particularly concerning given the high levels of social deprivation in some of the towns and settlements. It is anticipated that the plan change, once operative will specifically enable families and whanau to provide affordable accommodation for their family members who can no longer compete for acceptable accommodation within the inflated housing market.

The plan change seeks to address the issue by proposing changes to the current District Plan rules (predominantly the subdivision and development standards) that will remove impediments to affordable residential infill development and provide for affordable housing options (such as minor dwelling units and second dwellings) in a sustainable manner that maintains amenity values and the character of the residential areas, and that does not increase natural hazard risks."

8. Amendments were drafted to the following sections of the Hauraki District Plan to give effect to the directions of the Council:

- Section 4 - Definitions
- Section 5.1 - Rural Zone
- Section 5.7 - Residential Zone
- Section 5.8 – Low Density Residential Zone
- Section 7.8 – Earthworks
- Section 8.4 – Vehicle Parking, Loading and Access
- Section 9 - Subdivision

9. PC1 was publicly notified by the Council on 1 November 2018 with submissions closing on 30 November 2018. In total 34 submissions (covering 120 submission points) were received, including 2 submissions that were received late. The relief requested in submissions was summarised and further submissions called for on 15 February 2019. Further submissions closed on 1 March 2019. Only two further submissions (3 further submission points) were received, one of which was received late. A list of the names of submitters is included in Appendix 1.

10. Council has discretion under the RMA to accept the late submissions. The relevant matters to be considered by Council and a recommendation on acceptance of the late submissions are addressed under the heading “Procedural Matters” in the following report.
11. Under the RMA the Council has authority to consider only the submissions that are “on” the plan change. Where a submission is not “on” the plan change, it is “out of scope” and the Council has no jurisdiction to consider it. The relevant matters to be considered by Council in deciding whether the submissions received are “on” PC1 and a recommendation on the submissions that are considered to be “out of scope” and therefore unable to be considered by Council, are also summarised under the heading “Procedural Matters” in the following report.

12. The remaining submissions that are within scope are grouped and addressed under a number of topic headings, by zone. The main headings addressed in the following report are:
   - Additional Dwellings
   - Development Standards
   - Earthworks
   - Minor Dwelling Units
   - Other
   - Residential Zones Other
   - Subdivision
   - Whiritoa Township

13. Some submission points refer to more than one of the topics listed above. For instance, some submissions refer generally to ‘additional development’ which could fit into more than one of the above topics (e.g. subdivision, minor dwelling units, etc.). For the sake of completeness, submission points are repeated and addressed under each of the topics as relevant.

Analysis and Recommendations

Procedural Matters

14. The following two procedural matters require the Committee’s consideration:

Late Submissions

15. Two of the submissions and one of the further submissions were received after the closing date:
   - The submission from Lawrence Olsen (#32) was received at 6:32pm on Friday 30 November 2018, approximately 2.5 hours after the closing time.
   - The submission from Lindsay Allpress (#34) was received on Thursday 13 December 2018, approximately 9 working days after the closing date.
   - The further submission by Heritage New Zealand Pouhere Taonga (#F2) was received on the afternoon of 4 March 2019, the next working day after further submissions closed on Friday 1 March 2019.

16. The Council has the discretion under section 37 RMA to accept a late submission, after taking into account:
   - The interests of any person who, in its opinion, may be directly affected by the extension;
• The interests of the community in achieving adequate assessment of the effects of the Plan Change; and
• Its duty under section 21 RMA to avoid unreasonable delay.

17. The submission by Lawrence Olsen was only marginally late and, it is therefore considered that accepting the submission will not affect the interests of any person or of the community. The submission, as will be explained more fully later in this report, does not raise any new matters not already referred to in other submissions.

18. The submission by Lindsay Allpress was more than a week late but was still received well before the submissions were summarised for the purpose of calling for further submissions. For this reason acceptance of the submission will not result in a delay of the processing of PC1 and will not affect the interests of any persons or the community. Therefore it is considered that the timeframe can be extended to accept the late submission. However, as will be explained in the next section of this report, the submission is considered to be “out of scope”.

19. The further submission by Heritage New Zealand Pouhere Taonga was received within one working day of the closing date for further submissions. Accepting the further submission will not result in a delay in processing PC1 and does not affect the interests of any person or the community. The further submission is in support of the submission by the NZ Archaeological Association and does not raise any new matters.

Recommendation and Reasons

20. P 1.1 That the late submissions by Lawrence Olsen and Lindsay Allpress and the late further submission by Heritage New Zealand Pouhere Taonga be accepted.

21. Reasons for the Recommendation:

a) The late submissions do not raise any new matters not already referenced in other submissions.

b) Acceptance of the late submissions will enable the relief sought to be considered. Therefore the interests of the community will be better served by accepting the submissions.

c) Accepting the late submissions will not result in a delay in the processing of PC1.

<table>
<thead>
<tr>
<th>Submitter #</th>
<th>Submitter Name</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>Lawrence Olsen</td>
<td>Accept</td>
<td>P1.1</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>34</td>
<td>Lindsay Allpress</td>
<td>Accept</td>
<td>P1.1</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>F2</td>
<td>Heritage New Zealand Pouhere Taonga</td>
<td>Accept</td>
<td>P1.1</td>
<td>a), b), c)</td>
</tr>
</tbody>
</table>
“Out of scope” Submissions

22. The issue of “out of scope” submissions has its origin in clause 6(1) of Schedule 1 to the RMA which allows a person, after a proposed plan has been notified, to make a submission “on the proposed plan” to the relevant local authority. If a submission is not “on” the plan, the Council has no jurisdiction to consider it.

23. Case law has established a number of principles to be considered when assessing whether a submission is “within scope”:

   a) a submission can only be regarded as being "on" a plan change, if it addresses the extent to which the plan change changes the pre-existing status quo; and:

   b) if the effect of regarding a submission as being "on" a plan change would be to permit a planning instrument to be amended without real opportunity for participation by those potentially affected, that is a powerful consideration against finding the submission to be "on" the change.

   c) the policy behind, and the “scale and degree” of the relief sought by the plan change must be considered. If the breadth of a plan change is wide, with a stated purpose to consider a review of zones and future growth areas then a submission requesting the zoning of land not included in the plan change could be in scope. However, where a plan change is limited in its scope and its purpose excludes a review of zoning, then a submission requesting rezoning of land is likely to be out of scope.

   d) whether the submission raises matters that should have been addressed in the section 32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. However, a submission point that is not expressly addressed in the Council’s section32 analysis ought not to be considered out of scope, if it was an option that should have been considered in the section 32 analysis.

   e) whether the management regime in a district plan for a particular resource (such as a particular lot) is altered by the plan change. If it is not, then the submission seeking a new management regime for that resource is unlikely to be “on” the plan change.

24. In summary:

   a) Submissions need to be within the terms of the changes proposed and there has to be a connection between the submission point and the content of the changes. In this regard it is relevant to look at the purpose of the plan change, the public notice, the section 32 report and the changes actually set out in the plan change.

   b) Secondly, submissions need to propose amendments that do not significantly affect the interests of other parties not present to the proceedings (the fairness test). The question is whether a reasonable person, who had looked at the primary
plan change, would likely review submissions to see whether any material changes are proposed by those submissions.

25. The purpose of PC1 is described in the section 32 report as follows:

The purpose of this plan change is to remove regulatory impediments to affordable residential development and to provide for affordable housing options in the Hauraki District. The amendments are minor in nature, are confined to the Operative District Plan rules, and are consistent with the District Plan’s objectives and policies and amenity expectations. No changes to the current areas zoned and no additional zoning are proposed under this plan change.

The rule changes proposed will result in amendments to Sections 5.1 (Rural Zone), 5.7 (Residential Zone), 5.8 (Low Density Residential Zone), 9 (Subdivision) and 7.8 (Earthworks) of the District Plan. Consequential changes are also proposed to be made to Sections 4 (Definitions) and 8.4 (Vehicle Parking, Loading and Access) of the Plan.

26. The section 32 Report expressly provides that PC1 excludes zonings (which, it says, will be the subject of a separate subsequent process). The section 32 Report then states that the changes in PC1 include:

a) A reduction in the minimum lot area for “infill” subdivision in Waihi, Paeroa, and Whiritoa;

b) Changes to the subdivision and development standards for the Residential Zones;

c) Provisions for additional dwellings and minor dwelling units (i.e. “granny flats”) in some areas;

d) Less onerous earthworks rules for the urban zones; and:

e) Provision for temporary residential storage buildings in the Residential Zone.

The public notice provides a similar level of detail on PC1, listing the summary of changes as set out above.

27. The section 32 Report and public notice therefore clarifies that PC1 is relatively confined in proposing rule changes to free up development in certain areas and increase housing affordability. The following can be ascertained:

a) Submissions seeking amendments to objectives or policies could be out of scope in this instance, because PC1 clearly stated that it does not seek changes to the operative objectives and policies. However, the rules and standards give effect to the objectives and policies and are in this way linked. The test is therefore whether the changes proposed in PC1 offend the operative objectives and policies. If this the case, then a submission on the objectives and policies would be within scope;

b) Submissions seeking zoning changes will be out of scope;
c) Submissions seeking rule changes outside the broad summary of changes listed above, will be out of scope; however:

d) The scope of PC1 is not limited to the specific provisions that are proposed to be amended; and

e) Submissions seeking changes to rules that have not been amended through the notified PC1, but which are within Sections 5.1, 5.7, 5.8, 9 and 7.8 of the District Plan and fall within the ambit of changes summarised above are likely to be within scope (i.e. options that the Council could have chosen in pursuance of the purpose of PC1 (but did not choose) are within scope so long as they pass the ‘fairness’ test).

28. In applying the above principles, staff consider the following submission points to be “out of scope”:

a) The submissions by Mark Pennington (#33.1, #33.2, #33.4, #33.8, and #33.9) seeking changes to the District Plan’s issues, objectives, policies and environmental results where:

   - Submissions points 33.1 and 33.2 seek changes to the objectives, policies and environmental results in the Residential Zone to recognise that increased residential density will place increased demand on water resources; and to ensure continued access to clean drinking water.
   - Submission point 33.4 wants to change the ‘issues’ description for urban subdivision from “discouraging poorly planned infill development” to “prohibiting poorly planned infill development”.
   - Submission points 33.8 and 33.9 that seek changes to the subdivision objectives to avoid adverse effects on groundwater availability and to include a new environmental result that requires that activities must occur without adverse effects on others.

   The section 32 Report includes a detailed assessment of the changes proposed under the Operative Plan’s objectives and policies. The evaluation did not identify conflict between the operative objectives and policies and the proposed PC1 changes. For this reason it is considered that the PC1 provisions give effect to the operative objectives and policies and no changes are required to the objectives and policies to “link” them with the PC1 rules and standards. Furthermore, the changes to the objectives, policies and environmental outcomes proposed by Mr Pennington (as described above) relating to adequacy of water supply and adverse effects on groundwater are not matters within the ambit of PC1. For all of these reasons it is considered that submission points 33.1, 33.2, 33.4, 33.8, and 33.9 are out of scope.

b) Mr Pennington’s submissions (#33.10 and #33.11) requesting changes to the subdivision rules for boundary adjustment are out of scope.

c) The submissions by Linzee and Shauna Bickley (#4.1) requesting that the Residential Zone subdivision standards should apply to the property at 1 Colesburg Lane which is located in the Low Density Residential Zone; Thomas Gothorp’s
(#25.1) request that the minimum lot size for the property at 120 Bulltown Road which is located in the Low Density Residential Zone be reduced to 1,000m²; and Beverley Mavis Kotkin-Smith’s request (#12.1) for her property to be rezoned from Low Density Residential, to Residential Zone; are all out of scope.

d) Terese Maud’s submission (#28.1) requesting that the subdivision rules be amended to enable properties of less than 10 ha located in the Rural Zone to be subdivided and the NZ Transport Agency’s further submission (#F1.1) opposing the Maud submission; are out of scope.

e) The submission by Lindsay Allpress (#34.1) seeking more lenient subdivision standards in the Rural Zone and the NZ Transport Agency’s further submission (#F1.2) opposing the Allpress submission; are out of scope.

f) The submission by J2 Homes NZ (#7.2) seeking the deletion of the “averaging” rule for subdivision of three lots or more (as opposed to “infill” subdivision to which the scope of PC1 is restricted) in the Residential Zone so that all lots can be a minimum of 450m²; are out of scope.

g) The submissions by Brent Trail (#21.2, 21.3, and 21.4) seeking the deletion of the standards that apply to subdivision of three or more lots (as opposed to “infill” subdivision) in the Residential Zone; are out of scope.

Recommendation and Reasons

29. P 1.2 That the submissions shown in the table below be rejected as they are “out of scope”.

30. Reasons for the Recommendations:

   a) The Council has no jurisdiction to consider submissions that are “out of scope” (i.e. that are not “on” PC1).

   b) Submissions seeking amendments to the Operative District Plan’s objectives and policies and that do not identify conflict between the proposed standards and rules and the operative objectives and policies are “out of scope”.

   c) Submissions seeking zoning changes are “out of scope”.

   d) Submissions seeking rule changes outside of the broad summary of changes listed in the section 32 Report and public notice are “out of scope”.

   e) Submissions seeking changes that could not reasonably have been envisaged and that significantly affect the interests of other parties that have not made submissions (i.e. the “fairness test”) are “out of scope”.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.1</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>P1.2</td>
<td>a), b), e)</td>
</tr>
<tr>
<td>33.2</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>P1.2</td>
<td>a), b), e)</td>
</tr>
<tr>
<td>33.4</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>P1.2</td>
<td>a), b), e)</td>
</tr>
<tr>
<td>33.8</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>P1.2</td>
<td>a), b), e)</td>
</tr>
<tr>
<td>33.9</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>P1.2</td>
<td>a), b), e)</td>
</tr>
<tr>
<td>33.10</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>P1.2</td>
<td>a), b), e)</td>
</tr>
</tbody>
</table>
### Additional Dwellings

31. PC1 proposes that provision be made for additional dwellings (where the subdivision and zone standards can be met if the properties were to undergo subdivision) in the Residential and Low Density Residential Zones within the towns of Waihi, Paeroa and Whiritoa.

32. The s32 Report notes that whilst the proposed amendments will not create additional development rights (as the same number of dwellings could be developed if the properties were to undergo controlled activity subdivision) the proposed provisions will remove the cost and time delays to undergo subdivision, before the additional dwelling/s can be constructed.

### Low Density Residential Zone

33. The submissions from Veda Winsley (#2.3), Dawn Sinclair (#23.4) and Stephen & Elizabeth Lye (#26.1) are in support of the proposed additional dwelling provisions in the Low Density Residential Zone, and are noted.

34. The submission by HDC (#15.2) is seeking an amendment to the proposed controlled activity matters in C2 (5.8.4.2 - Controlled Activities) to reduce duplication and improve consistency, and the suggested amendment is supported.

35. The submission by NZTA (#16.3) seeks to ensure there is sufficient capacity in the stormwater network to accommodate additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.

36. The section 32 Report notes that the proposed rule changes are expected to result in more infill residential development within areas already serviced. The Report further notes:

> “The degree of infill development expected is not significant and is not expected to create infrastructure needs that cannot be accommodated within the current capacities of the networks and the ongoing maintenance and renewals already planned for under the Council’s Infrastructure Strategy as summarised in the Draft Hauraki District Growth Strategy 2050. Stormwater run-off will increase due to more
impermeable surfaces being created as a result of infill development. However, the effects of an increase in stormwater run-off will continue to be appropriately managed and avoided, remedied, or mitigated by the implementation of the Council’s current engineering standards.”

37. More specifically, upon receipt of an application for an additional dwelling in the Low Density Zone the Council planner would assess the application against the requirements of proposed Rule 5.8.4.2 (C2) which includes compliance with the ‘District Wide Performance Standards for Development and Subdivision’ as a matter over which Council has reserved control.

38. Section 8.5.4.3 of the District Plan requires that, in an urban area where there is a reticulated stormwater system available (either piped or open), where any new or additional development is proposed, provision shall be made for stormwater treatment as follows:

(a) The installation or upgrading of a stormwater main extending from the Trunk Stormwater System to serve all the proposed allotments in the subdivision or the subject land; and

(b) The installation of a connection from the stormwater system to each proposed allotment or to each individual dwelling/development to accommodate any increase in stormwater discharge likely to arise from the subdivision or dwelling/development in accordance with the specifications in the HDC Engineering Manual.

39. In light of the above provisions in the Hauraki District Plan it is considered that adequate safeguards exist to properly manage any increased stormwater resulting from the proposed ‘additional dwelling’ provisions.

Recommendation and Reasons

40. R 2.1 That the ‘additional dwelling’ provisions of PC1 in relation to the Low Density Residential Zone be retained, with amendments as shown in Appendix 2.

41. Reasons for the Recommendations:

a) Support for the proposed provisions is acknowledged.
b) The suggested amendments will reduce duplication and improve consistency.
c) Adequate safeguards exist to properly manage any increased stormwater resulting from the proposed ‘additional dwelling’ provisions.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.3</td>
<td>Veda Winsley</td>
<td>Accept</td>
<td>R 2.1</td>
<td>a)</td>
</tr>
<tr>
<td>15.2</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 2.1</td>
<td>a), b)</td>
</tr>
<tr>
<td>16.3</td>
<td>New Zealand Transport Agency</td>
<td>Accept</td>
<td>R 2.1</td>
<td>c)</td>
</tr>
<tr>
<td>23.4</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td>R 2.1</td>
<td>a)</td>
</tr>
<tr>
<td>26.1</td>
<td>Stephen &amp; Elizabeth Lye</td>
<td>Accept</td>
<td>R 2.1</td>
<td>a)</td>
</tr>
</tbody>
</table>
Residential Zone

42. The submissions by Dawn Sinclair (#23.3) and Gary Gothorp (24.1) are in support of the proposed additional dwelling provisions in the Residential Zone and are noted.

43. Frederick Tapp (#3.1) is also generally supportive but requests that possible unintended consequences from additional dwellings be considered to ensure that local amenity values are not negatively impacted (e.g. new houses blocking light from existing houses, etc.). I am confident that potential effects from additional dwellings will be manageable as every application for an additional dwelling has to demonstrate compliance with the Zone Development Standards and the Subdivision and District Wide Performance Standards in the District Plan.

44. There are submissions in opposition to the proposed additional dwelling provisions specifically in relation to Whiritoa from Tracy Ransfield, Allen Christiansen, Lynn Green, Anne George & Robert Lloyd. These submissions are discussed later in this report under the “Whiritoa Township” heading.

45. The submission by HDC is seeking an amendment to the proposed controlled activity matters in C5 (5.7.4.2 - Controlled Activities) to reduce duplication and improve consistency and the suggested amendment is supported.

46. As was the case in relation to additional dwellings in the Low Density Residential Zone, NZTA seeks to ensure there is sufficient capacity in the stormwater network to accommodate additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network. I believe that paragraphs 36 - 39 above adequately address the submitter’s concerns.

47. Mark Pennington (#33.3) has made a neutral submission requesting that control be reserved in C5 regarding the potential effects of development on excavation, landform changes and groundwater abstraction that may result from residential development. In response to this submission I note that the additional dwelling provisions are only proposed to apply in areas already zoned for urban uses and that properties within the Residential Zone could already be subdivided as a controlled activity – subject to meeting a range of development and subdivision standards – some of which are proposed to be amended via PC1. In addition, Mark Pennington’s submission also specifically references development in Whiritoa. This part of his submission is addressed further under the “Whiritoa Township” topic later in this report.

Recommendation and Reasons

48. **R 2.2** That the ‘additional dwelling’ provisions of PC1 in relation to the Residential Zone be retained, with amendments as shown in Appendix 2.

49. **R2.3** That the neutral submission be noted but that no changes be made to PC1 in response to the submission.
50. Reasons for the Recommendations:
a) Support for the proposed provisions is acknowledged.
b) The suggested amendments will reduce duplication and improve consistency.
c) Adequate safeguards exist to properly manage any increased stormwater resulting from the proposed ‘additional dwelling’ provisions.
d) The issues raised in the submission are adequately addressed in the Operative District Plan including the changes proposed by PC1 as shown in Appendix 2.

51. Development Standards

Other

51. Mark Pennington’s support (#33.6) for retaining the maximum site coverage standard for the Residential Zone is noted. I agree that retaining the maximum site coverage standard is appropriate to ensure that the intensity of development enabled by PC1 does not degrade the amenity and quality of the environment envisaged under the Operative District Plan.

52. Frederick Tapp’s submission (#3.4) is generally in support of the proposed amendments to the development standards. However, he wants the Council to carefully consider possible unintended consequences. For instance, new houses must not affect existing ones such as blocking out light. I am confident that potential effects and unintended consequences from the proposed changes in the development standards will be able to be managed because infill subdivision, additional dwellings and minor dwelling units enabled under PC1 will still be required to undergo a resource consents process (i.e. as “controlled” or “restricted-discretionary” activities). The consent process should enable the Council to ensure that adverse effects are appropriately managed, and that unintended consequences are avoided.

53. HDC (#15.10) seeks an amendment to the wording of the access standards (8.4.8.3(1)) to clarify that minor dwelling units are able to be served within the current internal access standard. I support the proposed amendment as it will clarify the standard without changing the intent of the provision as evaluated in the section 32 Report.

54. Ian William Verrall (#19.1) and Stephen & Elizabeth Lye (#26.6) want the ‘Front Yard’ requirement for properties in the Orchard Road/Parry Palm Avenue area (other than on state highways) to be reduced from 7.5m to 4.5m. The submitters consider that a reduction in the front yard control will provide flexibility in site lay-out, design and positioning of dwellings and minor dwelling units, while still maintaining the amenity of the neighbourhood. I do not support the submissions seeking a “blanket” reduction in the

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Frederick Tapp</td>
<td>Accept</td>
<td>R 2.2</td>
<td>a)</td>
</tr>
<tr>
<td>15.1</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 2.2</td>
<td>b)</td>
</tr>
<tr>
<td>16.2</td>
<td>New Zealand Transport Agency</td>
<td>Accept</td>
<td>R 2.2</td>
<td>c)</td>
</tr>
<tr>
<td>23.3</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td>R 2.2</td>
<td>a)</td>
</tr>
<tr>
<td>24.1</td>
<td>Gary Gothorp</td>
<td>Accept</td>
<td>R 2.2</td>
<td>a)</td>
</tr>
<tr>
<td>33.3</td>
<td>Mark Pennington</td>
<td>Accept</td>
<td>R2.3</td>
<td>d)</td>
</tr>
</tbody>
</table>
‘Front Yard’ standard in the Orchard Road/Parry Palm Avenue area for the following reasons:

- Retention of the ‘Front Yard’ setback is important to mitigate the effects of traffic noise and vibration on residential development; and the reverse sensitivity effects of residential development on the road network. Maintaining an adequate development setback from the road also ensures sufficient on-site manoeuvring space so that vehicles do not need to reverse onto the roadway.

- A ‘Front Yard’ setback is an important determinant of the amenity and quality of the neighbourhood as it creates a sense of “openness” and transition at the interface between public and private space. In addition the setback mitigates visual effects from the public space.

55. I acknowledge that it may be appropriate to reduce the ‘Front Yard’ setback on a specific site in a specific location such as on a road with low traffic volumes, or where there is adequate on-site manoeuvring space within the available front yard and where existing landscaping provides visual screening. In this event, there is provision in the District Plan for the Council to reduce the ‘Front Yard’ on a site-specific basis, through the resource consents process. The effects of a reduction in the ‘Front Yard’ depend on site specific factors. Therefore a “blanket” reduction to apply to the whole of the Orchard Road/Parry Palm Avenue area is not considered to be appropriate.

Recommendation and Reasons

56. **R 3.1** That the ‘development standards’ of PC1 be retained, with amendments as shown in Appendix 2.

57. Reasons for the Recommendation:

   a) **Support for the proposed provisions is acknowledged.**
   
   b) **The suggested amendments will improve clarity.**
   
   c) **Adequate safeguards exist to ensure that potential effects and unintended consequences from the proposed changes will be able to be managed.**
   
   d) **A “blanket” reduction in the ‘Front Yard’ requirement could potentially result in adverse traffic noise and vibration effects.**
   
   e) **A “blanket” reduction in the ‘Front Yard’ requirement could potentially result in reverse sensitivity effects on the District’s road network.**
   
   f) **A “blanket” reduction in the ‘Front Yard’ requirement could potentially result in adverse effects on the amenity and quality of the neighbourhood.**

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4</td>
<td>Frederick Tapp</td>
<td>Accept</td>
<td>R 3.1</td>
<td>a), c)</td>
</tr>
<tr>
<td>15.10</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 3.1</td>
<td>a), b)</td>
</tr>
<tr>
<td>19.1</td>
<td>Ian William Verrall</td>
<td>Reject</td>
<td>R 3.1</td>
<td>d), e), f)</td>
</tr>
<tr>
<td>26.6</td>
<td>Stephen &amp; Elizabeth Lye</td>
<td>Reject</td>
<td>R 3.1</td>
<td>d), e), f)</td>
</tr>
<tr>
<td>33.6</td>
<td>Mark Pennington</td>
<td>Accept</td>
<td>R 3.1</td>
<td>a)</td>
</tr>
</tbody>
</table>
Outdoor Living Area

58. The submissions from J2 Homes NZ (#7.3) supporting the ‘outdoor living area’ provisions as notified for the Residential Zone, and the submissions by Brent Trail (#21.14 and #21.15) and Dawn Sinclair (#23.2) supporting the ‘outdoor living area’ provisions as notified for the Residential and Low Density Residential Zones are noted. I agree with the submitters that the reduction in outdoor living area requirements as notified will provide more flexibility for residential development while still retaining amenity values and adequate space for outdoor recreation.

Recommendation and Reasons

59. R 3.2 That the ‘outdoor living area’ standards of PC1 for the Residential and Low Density Residential Zones be retained as notified.

60. Reason for the Recommendation:

a) Support for the proposed provisions is acknowledged.
b) The reduction in outdoor living area requirements as notified will provide more flexibility for residential development while still retaining amenity values and adequate space for outdoor recreation.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.3</td>
<td>J2 Homes NZ</td>
<td>Accept</td>
<td>R 3.2</td>
<td>a), b)</td>
</tr>
<tr>
<td>21.14</td>
<td>Brent Trail</td>
<td>Accept</td>
<td>R 3.2</td>
<td>a), b)</td>
</tr>
<tr>
<td>21.15</td>
<td>Brent Trail</td>
<td>Accept</td>
<td>R 3.2</td>
<td>a), b)</td>
</tr>
<tr>
<td>23.2</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td>R 3.2</td>
<td>a), b)</td>
</tr>
</tbody>
</table>

Privacy and Separation

61. The submission from Dawn Sinclair (#23.7) supporting the ‘privacy and separation’ provisions as notified, is noted. I agree that the provisions as notified will provide more flexibility for residential development while still retaining amenity values and adequate separation from boundaries.

Recommendation and Reason

62. R 3.3 That the ‘privacy and separation’ standards of PC1 be retained as notified.

63. Reason for the Recommendation:

a) Support for the proposed provision is acknowledged.
b) The ‘privacy and separation’ provisions as notified will provide more flexibility for residential development while still retaining amenity values and adequate separation from boundaries

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.7</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td>R 3.3</td>
<td>a), b)</td>
</tr>
</tbody>
</table>
Yards

64. The submissions from J2 Homes NZ (#7.4) supporting the provisions relating to ‘other yards’ as notified for the Residential Zone, the submissions by Brent Trail (#21.12 and #21.13) and Dawn Sinclair (#23.8) supporting the ‘other yards’ provisions as notified for the Residential and Low Density Residential Zones, and the submission by Stephen and Elizabeth Lye (#26.4) supporting the ‘other yards’ provisions for the Low Density Residential Zone are noted. I agree that the ‘other yard’ requirements as notified will provide more flexibility for residential development while still retaining amenity values and adequate separation from boundaries.

Recommendation and Reasons

65. **R 3.4** That the ‘other yards’ standards of PC1 for the Residential and Low Density Residential Zones be retained as notified.

66. Reasons for the Recommendation:

   a) Support for the proposed provision is acknowledged.

   b) The ‘other yard’ requirements as notified will provide more flexibility for residential development while still retaining amenity values and adequate separation from boundaries.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.4</td>
<td>J2 Homes NZ</td>
<td>Accept</td>
<td>R 3.4</td>
<td>a), b)</td>
</tr>
<tr>
<td>21.12</td>
<td>Brent Trail</td>
<td>Accept</td>
<td>R 3.4</td>
<td>a), b)</td>
</tr>
<tr>
<td>21.13</td>
<td>Brent Trail</td>
<td>Accept</td>
<td>R 3.4</td>
<td>a), b)</td>
</tr>
<tr>
<td>23.8</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td>R 3.4</td>
<td>a), b)</td>
</tr>
<tr>
<td>26.4</td>
<td>Stephen &amp; Elizabeth Lye</td>
<td>Accept</td>
<td>R 3.4</td>
<td>a), b)</td>
</tr>
</tbody>
</table>

Earthworks

Earthworks

67. The submission from J2 Homes NZ (#7.5) in support of permitted activity status for excavation to a depth of 1.5m; and the submission from Stephen and Elizabeth Lye (#26.5) in support of the “package” of earthworks provisions; is noted.

68. HDC’s submission (#15.3) generally supports the easing of the permitted activity earthworks standards in the Residential, Low Density Residential, Marae Development, Township, Town Centre and Industrial Zones. However, HDC is concerned about the ability to raise land by 0.5m and 1.5m and the implications for privacy and changes to stormwater run-off onto neighbouring properties.

69. HDC wants the permitted activity standards in 7.8.5.1 (5A) P9A to be amended to ensure that potential adverse effects from earthworks (such as privacy, stormwater, sedimentation and dust) can be adequately addressed without requiring “standard residential developments” (with limited earthworks) to obtain resource consent.
In regard to stormwater effects, I consider that HDC’s concerns are valid. To address this concern, I recommend that an additional permitted activity standard be included to require that “earthworks shall not change the natural run-off or drainage patterns in a way that causes adverse effects on land in different ownership”.

In regard to effects on privacy, I recommend that the permitted earthworks volume be reduced from 250m³ as notified, to 200m³. I consider that no other changes need to be made to the standards as notified, because:

a) The proposed standards limit a change in ground level within the ‘front’ and ‘other yards’ to a maximum of +0.5m. Under the District Plan definitions ‘height’ is measured from ‘ground level prior to earthworks’. Where the maximum permitted fill of +0.5m is placed hard-up on the neighbouring boundary, the maximum fence height when placed on top of the fill will be 1.5m to meet the daylight control (as opposed to a 2m high fence where no fill has been placed). There is little difference in visual screening between a 1.5m and 2m fence height. Therefore, I consider that such a small change in ground level relative to neighbouring properties is unlikely to affect the privacy of neighbours, noting that the proposed standards exclude earthworks on steep sites (>18°).

b) The proposed standards limit the change in ground level outside the yards to +1.5m. Building ‘height’ will continue to be measured from ‘ground level prior to earthworks’. Therefore there will be no effect on the privacy of neighbours because there is no change to the permitted “building envelope”.

c) The recommended 200m³ limit on permitted earthworks in conjunction with the 1.5m maximum change in ground level imply that, in the worst case, the standards will permit a maximum of 133m² of a section, located outside the yards, to be raised by a maximum of 1.5m. This appears to be an appropriate standard that relates to the size of a typical building platform to enable “standard residential developments” (with limited earthworks) to occur without needing to obtain resource consent, noting that there will be no change in the permitted building height because the height limit will continue to be measured relative to ground level prior to earthworks.

In regard to sedimentation and dust effects, the proposed standards reference that earthworks should be undertaken in accordance with the Waikato Regional Council’s guidelines for soil disturbance activities. The Guidelines include best practice methods to avoid, remedy or mitigate erosion, and the discharge of sediment and dust. Adherence to the Guidelines will ensure that potential adverse effects from sedimentation and dust associated with earthworks permitted under PC1 will be managed adequately.

The HDC submission raises another matter that warrants comment. HDC wants to ensure that earthworks are “adequately addressed without requiring standard residential developments (with limited earthworks) to obtain resource consent”. To this end, I recommend that the definition of earthworks be amended, as a consequential change, to exclude works required to provide an improved building platform (i.e. such as improving the strength of the soil in accordance with geotechnical requirements) where there is no change in ground level. This amendment is shown in Appendix 2 and will ensure that works
required to provide an improved building platform that has no effect on ground level do not inadvertently trigger a resource consent requirement.

74. The NZ Transport Agency (#16.6) is generally satisfied that the proposed changes to the earthworks provisions will not compromise the safety and efficiency of the state highway network. However the Transport Agency wants the Council to ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network. The recommended performance standard requiring that “earthworks shall not change the natural run-off or drainage patterns in a way that causes adverse effects on land in different ownership” will address the NZ Transport Agency’s concern.

75. The New Zealand Archaeological Association (NZAA) in its submission (#30.1) expresses concern that the amended earthworks provisions have not considered methods to mitigate or avoid the risks to cultural and archaeological heritage, posed by earthworks. The NZAA notes that the consent process is often a trigger for consultation with Heritage NZ about the effects of earthworks on archaeological sites. NZAA is concerned sites may be inadvertently destroyed or damaged if the number of resource consents required for earthworks is reduced. The NZAA wants Council to take a more active role to protect the District’s unique heritage. Potential avenues to mitigate risk could include production of a district-wide archaeological risk map, identifying likely areas of risk and requiring works (of any size) in those areas, to undergo an archaeological assessment to determine the need for an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.

76. Heritage New Zealand (#F2.1) in a further submission supports NZAA’s submission that highlights the absence of any consideration or assessment of, or means of mitigating or avoiding the risk to archaeology. Heritage New Zealand supports the request for potential measures to mitigate the risk to archaeological heritage including by way of a district-wide archaeological risk map. Heritage New Zealand considers that the NZAA’s submission should be accepted to recognise and provide for the protection of historical heritage, being a matter of national importance (s.6(f) RMA).

77. In regard to the above submission and further submission, I note that ‘historic heritage’ is dealt with in a separate section of the Operative District Plan (see Section 6: Conservation and Heritage) that addresses Council’s responsibility under the RMA to provide for the protection of historic heritage. The District Plan identifies and protects heritage items, based on:

- The New Zealand Heritage List of historic places, historic areas, waahi tupuna and waahi tapu established by Heritage New Zealand under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014;
- The record of known archaeological sites;
- Consultation with the tangata whenua to identify waahi tapu and other sites requiring protection;
- Sites identified by the community which are considered to have cultural heritage value for the District, but which are not classified by Heritage New Zealand (i.e. sites identified through the consultation process of the Draft District Plan); and:
- Sites subject of a heritage order under the RMA.
78. The District Plan notes that:

“the management of heritage resources is an ongoing and dynamic exercise. Heritage items that are included in the heritage schedule at this time are not a complete picture of all items in the District. The schedule needs to be regularly reviewed to ensure that it continues to reflect the cultural and spiritual views of the community. Heritage is dynamic – new items may be discovered, some items may diminish in significance and some items may be positively or negatively affected by development. The Council will monitor the state of historic heritage in the District as part of the District monitoring strategy and reporting framework”.

The District Plan will endeavour to identify, in consultation with the iwi who have mana whenua, significant Maori traditional sites and provide for protection and preservation of them. These may include waahi tapu, for example: battlefields, burial places, waka landing places, house sites, and places from where territory was claimed, and waitapu: sacred waters including mud-flats, lakes, rivers, streams and wetlands.

An important concern in the recognition of Maori traditional sites is the need to ensure protection from accidental or intentional disruptive interference. This can be achieved where the location of the site is known, but is more problematical with some waahi tapu where the precise locality of certain features is carefully guarded information. The Council, in consultation with tangata whenua, will work to devise acceptable methods to provide the necessary protection and preservation of both identified and unidentified Maori traditional sites. The consultation undertaken in preparing the District Plan, and subsequent changes to that Plan, are appropriate vehicles for establishing waahi tapu protection mechanisms. Where the locations of Maori traditional sites are able to be specified and/or the types of activity of concern are more clearly related to the traditional sites, it is possible to provide significantly more protection”.

79. In addition, the District Plan alerts the reader that:

“pre-1900 archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. Demolition of a pre-1900 building may require an authority under this legislation from Heritage New Zealand. Owners/developers are advised to contact Heritage New Zealand for further information on this requirement”.

80. In Section 6.1.5.1 of the Operative District Plan notes that:

(1) ARCHAEOLOGICAL SITES

(a) There are no rules applying in the District Plan with particular respect to archaeological sites. Where an archaeological site is included in the schedule of Historic Heritage Inventory as an Area of Significance to Maori, the rules in Sections 6.1.5.2 - 6.1.5.8 apply. All other known archaeological sites are shown on the planning maps for information purposes only.
Advice Note:

(i) The Heritage New Zealand Pouhere Taonga Act 2014 provides for the recording, protection and preservation of archaeological sites whether registered or not.

(ii) If any land use activity (such as earthworks, [my emphasis] fencing or the erection or removal of structures) is likely to damage, modify or destroy any pre-1900 archaeological site (whether recorded or unrecorded), an ‘authority’ consent from Heritage New Zealand must be obtained for the work to lawfully proceed. This applies to all sites, regardless of whether Building or Resource Consents have been granted or not. Heritage New Zealand should be contacted for further information on this requirement.

81. I consider that Section 6 of the District Plan already include adequate measures to mitigate the risk to archaeological heritage. PC1 did not review the protection of archaeological heritage provisions in the District Plan. The consideration for and inclusion of “a district-wide archaeological risk map” as requested by Heritage New Zealand and NZAA is outside the scope of PC1. It is more appropriate that the state of historic heritage in the District be monitored and the District Plan heritage provisions be holistically reviewed, and when necessary amended through a separate plan change process, as indeed signalled in Section 6 of the Operative District Plan.

82. Notwithstanding the above, it is considered that the linkage between the proposed earthworks provisions and the historic heritage provisions in Section 6 of the District Plan can be improved. To this end, I recommend that an advice note (see Appendix 2) be added to the Operative Plan provisions to alert District Plan users that permitted activity status for earthworks is subject to compliance with the conservation and heritage provisions in Section 6 of the District Plan.

83. Powerco’s submission (#31.2) states that changes in ground level as a result of earthworks can expose underground utilities, or hinder access for maintenance. Powerco’s submission is neutral to PC1 and “does not seek any relief or alternative wording” but wants the Council to ensure that changes to ground level in the vicinity of underground utilities are minimised and/or be made subject to discussions with the relevant utility provider. In addition earthworks in and around support structures need to ensure there is no risk to the stability of the infrastructure.

84. Powerco’s neutral submission is noted. To ensure that the potential for accidental damage to infrastructure is minimised, I recommend that an advice note (see Appendix 2) be added to the earthworks standards to alert contractors to the need to verify the location of infrastructure, prior to undertaking works.

85. As a consequential change, it is proposed that the advice notes in response to the Powerco, Heritage New Zealand and NZAA submissions be placed in a separate section at the start of the Operative District Plan’s permitted earthworks provisions, to signal that those notes apply to earthworks in all the zones.

86. A further consequential change is also proposed to be made to Rule 7.8.5.1(5) P9. This change is the deletion of clause (d) relating to the replacement of an excavated area with
cleanfill. The deletion is necessary because clause (d) has become redundant as a result of the changes to the definition of “earthworks” brought about by PC1.

**Recommendations and Reasons**

87. **R 4.1** That the submission in support of the ‘earthworks’ standards of PC1 for the Residential, Low Density Residential, Marae Development, Township, Town Centre and Industrial Zones be accepted but that amendments as shown in Appendix 2 be made in response to other submissions.

**R4.2** That the neutral submission to the ‘earthworks’ standards of PC1 for the Residential, Low Density Residential, Marae Development, Township, Town Centre and Industrial Zones be accepted but that amendments as shown in Appendix 2 be made in response to other submissions.

**R4.3** That the submission to the ‘earthworks’ standards of PC1 for the Residential, Low Density Residential, Marae Development, Township, Town Centre and Industrial Zones be accepted in part and that amendments as shown in Appendix 2 be made in response to the submission.

88. **Reason for the Recommendation:**

a) Support for the proposed provisions is acknowledged.

b) The amended permitted activity standards as shown in Appendix 2 will ensure that the adverse effects from earthworks including privacy, stormwater, sedimentation and dust can be adequately addressed without requiring standard residential development (with limited earthworks) to obtain resource consent.

c) The amended permitted activity standards as shown in Appendix 2 will enable earthworks to be managed so that stormwater run-off will not have adverse effects on the state highway network.

d) The amended permitted activity standards as shown in Appendix 2 read with the conservation and heritage provisions in Section 6 of the Operative District Plan will mitigate the risk that earthworks could affect archaeological heritage.

e) The amended permitted activity standards as shown in Appendix 2 will mitigate the risk that earthworks could affect infrastructure.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5</td>
<td>J2 Homes NZ</td>
<td>Accept</td>
<td>R 4.1</td>
<td>a)</td>
</tr>
<tr>
<td>15.3</td>
<td>Hauraki District Council</td>
<td>Accept in part</td>
<td>R 4.3</td>
<td>b)</td>
</tr>
<tr>
<td>16.6</td>
<td>New Zealand Transport Agency</td>
<td>Accept in part</td>
<td>R 4.3</td>
<td>c)</td>
</tr>
<tr>
<td>26.5</td>
<td>Stephen &amp; Elizabeth Lye</td>
<td>Accept</td>
<td>R 4.1</td>
<td>a)</td>
</tr>
<tr>
<td>30.1</td>
<td>NZ Archaeological Association</td>
<td>Accept in part</td>
<td>R 4.3</td>
<td>d)</td>
</tr>
<tr>
<td>F2.1</td>
<td>Heritage New Zealand Pouhere Taonga - support</td>
<td>Accept in part</td>
<td>R 4.3</td>
<td>d)</td>
</tr>
<tr>
<td>31.2</td>
<td>Powerco Ltd</td>
<td>Accept</td>
<td>R 4.2</td>
<td>e)</td>
</tr>
</tbody>
</table>
Minor Dwelling Units

89. PC1 proposes that provision be made for one minor dwelling unit accessory to a dwelling, or additional dwelling in either the Residential or Low Density Residential Zones within Waihi, Paeroa or Whiritoa as a Restricted Discretionary activity.

90. The Section 32 Report notes that within these settlements minor dwelling units are aimed at providing affordable housing for family and whanau where there are financial constraints that would prevent other housing options, or where family and whanau are dependent upon the care of the residents of the principal dwelling. The Section 32 Report also notes that minor dwelling units in the three towns will provide the opportunity for an owner to rent out a minor dwelling unit to support family income, while providing affordable housing for those in greatest need who cannot afford conventional housing.

91. PC1 also proposes to provide for minor dwelling units in the Rural Zone, on farms of 40ha or less, which is predominantly aimed at housing family or whanau of the farm owner. For example, where young families are pursuing other careers but also still assist with farm work during peak times. On farms of more than 40ha, the District Plan allows for second dwellings. Therefore, the proposed provisions for minor dwelling units do not extend to farms of more than 40 ha.

92. The Section 32 Report notes that minor dwelling units, both in the urban and rural zones, are not able to be subdivided. Consequently, minor dwelling units will not become a precursor for subdivision and will not create rights to subdivision.

93. It should be noted that there were six submissions against minor dwelling units being provided for in Whiritoa. These submissions are dealt with under the “Whiritoa Township” section, later in this report.

Low Density Residential Zone

94. The submissions by Veda Winsley (#2.4), Dawn Sinclair (#23.6) and Stephen & Elizabeth Lye (#26.2) are in support of the proposed minor dwelling unit provisions in the Low Density Residential Zone and are noted.

95. The Hauraki District Council (#15.6, #15.9 and #15.14) has asked that provision be made to allow a single garage/carport and a garden shed (up to a maximum total area of 25m²) accessory to a minor dwelling unit as a permitted activity. The Council is concerned that in some situations the minor dwelling unit may become a de-facto additional dwelling through the addition of habitable accessory buildings, sleep-outs, etc. To cover these situations, the Council proposes to add an additional permitted activity (#15.14) and an additional restricted discretionary activity standard (#15.6) relating to minor dwelling units.

96. On a related ‘liveability’ theme, Brent Trail (#21.9) has submitted that minor dwelling units should be made larger and that larger sizes would make for a better overall living situation. The submitter suggests that the size of minor dwelling units be increased by 20m² (from 50m² to 70m² and from 60m² to 80m² when Lifemark Design™ Certified).

97. With regard to the submissions by Hauraki District Council and Brent Trail, I feel there is some merit in what is being sought - essentially the submissions by the Council and Brent Trail are concerned with increasing the liveability of minor dwelling units. I do not however
feel that the submissions from both should be accepted as when the suggested amendments are combined you could end up with a minor dwelling unit, with accessory buildings, of 95m² and 105m² (when Lifemark Design™ Certified).

98. In terms of minor dwelling unit size, I note that a significant increase in size would be a move away from the intended purpose of the minor dwelling unit as set out in Council’s Section 32 Report. I do however concur with the points made in the Council submissions around the need to provide for accessory buildings associated with a minor dwelling unit as a permitted activity and recommend the suggested amendments be made.

99. The Hauraki District Council (#15.9) also made a submission on PC1 requesting that a ‘note’ be added within the restricted discretionary activity standards for minor dwelling units in the Low Density Residential Zone to make it clear that to qualify for Lifemark Design™ certification, minor dwelling units are required to be designed in accordance with, and assessed against, the Lifemark Design™ standards and must achieve at least the entry level 3-star rating. Given that Lifemark Design™ certification is new to the Hauraki District Plan I believe there would be benefit in including the suggested note for Plan users and I recommend that the changes as requested are made.

100. As was the case with ‘additional dwellings’ the New Zealand Transport Agency (NZTA) have sought assurances (#16.5) that there is sufficient capacity in the stormwater network to accommodate additional flows generated by the increase in impermeable surfaces due to minor dwelling units or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.

101. In response to the submission from NZTA I note the response provided in relation to ‘additional dwellings’ (refer paragraphs 36 to 39 above). In addition, I note that PC1 proposes that minor dwelling units be provided for as a restricted discretionary activity in the Low Density Residential Zone (RD2). One of the matters over which Council has restricted its discretion is:

“(4) Adequacy of provision for domestic effluent disposal, potable water supply, and stormwater drainage.”

102. In light of the above provisions in the Hauraki District Plan it is considered that adequate safeguards exist to properly manage any increased stormwater resulting from the proposed ‘minor dwelling unit’ provisions in the Low Density Residential Zone.

Recommendation and Reasons

103. R 4.1 That the ‘minor dwelling unit’ provisions of PC1 in relation to the Low Density Residential Zone be retained, with amendments as shown in Appendix 2.

104. Reasons for the Recommendations:

a) Support for the proposed provisions is acknowledged.
b) The suggested amendments will improve the overall liveability of minor dwelling units without undermining the intent of the provisions.
c) The suggested ‘note’ would assist Plan users and would provide a link to which further information could be sourced.
Adequate safeguards exist to properly manage any increased stormwater resulting from the proposed ‘minor dwelling unit’ provisions.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.4</td>
<td>Veda Winsley</td>
<td>Accept</td>
<td>R 5.1</td>
<td>a)</td>
</tr>
<tr>
<td>15.6</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.1</td>
<td>b)</td>
</tr>
<tr>
<td>15.9</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.1</td>
<td>c)</td>
</tr>
<tr>
<td>15.14</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.1</td>
<td>b)</td>
</tr>
<tr>
<td>16.5</td>
<td>New Zealand Transport Agency</td>
<td>Accept</td>
<td>R 5.1</td>
<td>d)</td>
</tr>
<tr>
<td>21.9</td>
<td>Brent Trail</td>
<td>Reject</td>
<td>R 5.1</td>
<td>b)</td>
</tr>
<tr>
<td>23.6</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td>R 5.1</td>
<td>a)</td>
</tr>
<tr>
<td>26.2</td>
<td>Stephen &amp; Elizabeth Lye</td>
<td>Accept</td>
<td>R 5.1</td>
<td>a)</td>
</tr>
</tbody>
</table>

Residential Zone

105. The submissions by Maree Hudson (#6.1), Dawn Sinclair (#23.5) and Gary Gothorp (#24.2) are in support of the proposed minor dwelling unit provisions in the Residential Zone and are noted.

106. The submission by Frederick Tapp (#3.2), whilst generally supportive of PC1 in relation to minor dwelling units, asks that the proposed changes be carefully considered and that minimum section size mustn’t be too small such that new houses affect existing houses – through the blocking out of sunlight, for example.

107. With regard to the submission by Frederick Tapp I note that PC1 proposes that minor dwelling units in the Residential Zone be provided for as a restricted discretionary activity on lots with a minimum area of 650m², if connected to reticulated sewerage (2,500m² if not reticulated). Proposed restricted discretionary activity standards for minor dwelling units include:

“(d) Location

(i) A minor dwelling unit must be located to comply with the following Zone Development Standards (refer to 5.7.5(3)):
(1) Maximum height;
(2) Daylight control;
(3) Minimum Yards;
(4) Maximum site coverage
(5) Traffic Noise sensitivity;
(6) Density; and
(7) Outdoor living area.”

108. In addition, the Matters over which the Council has restricted its discretion include:

“(1) Landscape, visual and amenity effects.
(2) Effects on the privacy of neighbouring properties and dwellings.
(3) Potential nuisance effects on neighbouring properties and dwellings.”
As was the case in the Low Density Residential Zone, I note that the Hauraki District Council made two submissions seeking an additional permitted activity (#15.15) and an additional restricted discretionary activity standard (#15.5) that would enable an additional 25m² of accessory buildings for each minor dwelling unit. Likewise, Brent Trail (#21.10) has submitted that for minor dwelling units the maximum size should be increased by 20m² (from 50m² to 70m² and from 60m² to 80m² when Lifemark Design™ Certified).

In terms of minor dwelling unit size, I am of the opinion, as was the case in the Low Density Residential Zone, that a significant increase in size would be a move away from the intended purpose of the minor dwelling unit as set out in Council’s Section 32 Report. I do however concur with the points made in the Hauraki District Council submissions around the need to provide for accessory buildings associated with a minor dwelling unit as a permitted activity and recommend the suggested amendments be made.

Whilst the proposed changes leading to the creation of minor dwelling units will result in an increase in built form in Paeroa and Waihi, I do not feel that the changes recommended will result in consequences that are unintended.

As was the case with the Low Density Residential Zone, I note the Hauraki District Council made a submission (#15.8) requesting a ‘note’ be added within the restricted discretionary activity standards for minor dwelling units in the Residential Zone to make it clear that to qualify for Lifemark Design™ certification, minor dwelling units are required to be designed in accordance with, and assessed against, the Lifemark Design™ standards and must achieve at least the entry level 3-star rating. As was the case with the Low Density Residential Zone, I believe there would be benefit in including the suggested note for Plan users and I recommend that the requested changes be made.

The New Zealand Transport Agency (NZTA) have sought assurances (#16.4) that there is sufficient capacity in the stormwater network to accommodate additional flows generated by the increase in impermeable surfaces due to minor dwelling units or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.

In response to the submission from NZTA I note the response provided in relation to ‘additional dwellings’ (refer paragraphs 36 to 39 above). In addition, I note that PC1 proposes that minor dwelling units be provided for as a restricted discretionary activity in the Residential Zone (RD3). One of the matters over which Council has restricted its discretion is:

“(4) Adequacy of provision for domestic effluent disposal, potable water supply, and stormwater drainage.”

In light of the above provisions in the Hauraki District Plan it is considered that adequate safeguards exist to properly manage any increased stormwater resulting from the proposed ‘minor dwelling unit’ provisions in the Residential Zone.

Recommendation and Reasons

That the ‘minor dwelling unit’ provisions of PC1 in relation to the Residential Zone be retained, with amendments as shown in Appendix 2.
Reasons for the Recommendations:

a) Support for the proposed provisions is acknowledged.

b) The suggested amendments will improve the overall liveability of minor dwelling units without undermining the intent of the provisions.

c) The suggested ‘note’ would assist Plan users and would provide a link to which further information could be sourced.

d) Adequate safeguards exist to properly manage any increased stormwater resulting from the proposed ‘minor dwelling unit’ provisions.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2</td>
<td>Frederick Tapp</td>
<td>Accept</td>
<td>R 5.2</td>
<td>a)</td>
</tr>
<tr>
<td>6.1</td>
<td>Maree Hudson</td>
<td>Accept</td>
<td>R 5.2</td>
<td>a)</td>
</tr>
<tr>
<td>15.5</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.2</td>
<td>b)</td>
</tr>
<tr>
<td>15.8</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.2</td>
<td>c)</td>
</tr>
<tr>
<td>15.15</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.2</td>
<td>b)</td>
</tr>
<tr>
<td>16.4</td>
<td>New Zealand Transport Agency</td>
<td>Accept</td>
<td>R 5.2</td>
<td>d)</td>
</tr>
<tr>
<td>21.10</td>
<td>Brent Trail</td>
<td>Reject</td>
<td>R 5.2</td>
<td>b)</td>
</tr>
<tr>
<td>23.5</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td>R 5.2</td>
<td>a)</td>
</tr>
<tr>
<td>24.2</td>
<td>Gary Gothorp</td>
<td>Accept</td>
<td>R 5.2</td>
<td>a)</td>
</tr>
</tbody>
</table>

Rural Zone

118. The submission by Wendy Bowman (#1.1) in support of the proposed minor dwelling unit provisions in the Rural Zone is noted. The submissions by Rory Davis (#5.1) and Raymond & Jennifer Ridings (#22.1) are also in support although they seek amendments.

119. Rory Davis asks that the requirement to have the minor dwelling located within 10 metres of the principal dwelling be deleted to improve privacy and to take advantage of pleasant locations on rural properties. In response I note that the Section 32 Report records that the 10 metre location requirement is designed to minimise pressures for later subdivision. Whilst I concur with Council’s strategic intention to minimise potential fragmentation of the rural land resource, from a pragmatic point of view I feel a 10 metre distance is overly restrictive and I recommend that it be doubled to 20 metres. This will provide for increased privacy and greater ability to locate a minor dwelling unit around topographical or other site constraints, whilst still being within reasonable proximity of the principal dwelling.

120. The submission by Raymond and Jennifer Ridings (#22.1), whilst in general support of the minor dwelling unit provisions in the Rural Zone, requests that the upper size restriction of 40ha be deleted or amended – as the need for a minor dwelling unit does not diminish for larger properties. In response I refer to the Section 32 Report which notes:

“In the Rural Zone, for certificates of title of 40ha or more, two dwellings can currently be erected as a permitted activity; therefore, no provision is made for minor dwelling units on these properties.”

121. The position taken by the Council in relation to minor dwelling units is well considered and part of a wider strategy to conserve the productive rural land resource of the Hauraki
District and to protect rural amenity values. For those landowners with more than 40ha in their ownership there is the avenue of a second dwelling (as a permitted activity) and, given the Council’s desire to conserve the rural land resource and protect rural amenity values, the provisions as proposed in PC1 strike an appropriate balance.

122. Where an owner of a >40ha rural property has a need for both a second dwelling to house a farm worker, and a minor dwelling unit to accommodate a family member, then there is the option to apply for a resource consent for a minor dwelling unit. The Council has jurisdiction to approve such an application on its merits.

123. As was the case with minor dwelling units in the Low Density Residential Zone and the Residential Zone, the same submissions have been made by the Hauraki District Council (#15.4, #15.7 and #15.16) and Brent Trail (#21.11) concerning minor dwelling units in the Rural Zone. Instead of repeating the analysis associated with these submissions I refer the reader of this report to the relevant sections above.

**Recommendation and Reasons**

124. **R 5.3** That the ‘minor dwelling unit’ provisions of PC1 in relation to the Rural Zone be retained, with amendments as shown in Appendix 2.

125. **Reasons for the Recommendations:**

   a) Support for the proposed provisions is acknowledged.
   b) Increasing the maximum distance that a minor dwelling unit can be from the principal dwelling in the Rural Zone from 10 metres to 20 metres will provide for increased privacy and greater ability to work around topographical or other site constraints.
   c) The suggested amendments will improve the overall liveability of minor dwelling units without undermining the intent of the provisions.
   d) The suggested ‘note’ would assist Plan users and would provide a link to which further information could be sourced.
   e) For landowners with more than 40ha in their ownership there is the avenue of a second dwelling (as a permitted activity) and there is the option of applying for a resource consent for a minor dwelling unit for one or each of the additional dwellings.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Wendy Margaret Bowman</td>
<td>Accept</td>
<td>R 5.3</td>
<td>a)</td>
</tr>
<tr>
<td>5.1</td>
<td>Rory Davis</td>
<td>Accept in part</td>
<td>R 5.3</td>
<td>a), b)</td>
</tr>
<tr>
<td>15.4</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.3</td>
<td>c)</td>
</tr>
<tr>
<td>15.7</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.3</td>
<td>d)</td>
</tr>
<tr>
<td>15.16</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 5.3</td>
<td>c)</td>
</tr>
<tr>
<td>21.11</td>
<td>Brent Trail</td>
<td>Reject</td>
<td>R 5.3</td>
<td>c)</td>
</tr>
<tr>
<td>22.1</td>
<td>Raymond John Ridings &amp; Jennifer Jane Ridings</td>
<td>Accept in part</td>
<td>R 5.3</td>
<td>a), e)</td>
</tr>
</tbody>
</table>
Other

Consequential Amendments

126. The submission by HDC (#15.11) wants amendments to the ‘privacy and separation’ standards in the Residential Zone to make it clear that ‘minor dwelling units’ need to comply with the privacy and separation standards in the Residential Zone as set out in Rule 5.7.5. In addition, HDC’s submission (#15.12) seeks an amendment to the definition of ‘Habitable Room’ to include reference to ‘minor dwelling unit’ so that the Traffic Noise Sensitivity rules apply to minor dwelling units in the Residential, Low Density Residential and Rural zones. HDC (#15.13) also seeks an amendment to the definition of ‘Development’ to include reference to ‘minor dwelling unit’ so that the ‘District Wide Performance Standards for Development and Subdivision’ in Section 8 of the District Plan apply where appropriate. The amendments sought are for clarification only, do not change the intent of the provisions as notified, and are therefore supported.

Recommendation and Reasons

127. R 6.1 That the submissions be accepted and that amendments as shown in Appendix 2 be made in response to the submission.

128. Reason for the Recommendation:

a) The amendments sought are for clarification only and do not change the intent of the provisions as notified.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.11</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 6.1</td>
<td>a)</td>
</tr>
<tr>
<td>15.12</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 6.1</td>
<td>a)</td>
</tr>
<tr>
<td>15.13</td>
<td>Hauraki District Council</td>
<td>Accept</td>
<td>R 6.1</td>
<td>a)</td>
</tr>
</tbody>
</table>

Other

129. Powerco’s submission (#31.1) is neutral to PC1, but wants the District Plan to require that the provision of infrastructure is integrated “in concert” with development. While Powerco “does not seek any relief or alternative wording” it wants to ensure that electricity infrastructure can be provided to developments in an appropriate and timely manner, and that existing assets are protected from inappropriate development.

130. The provision of infrastructure is addressed in ‘Section 8.5 – Infrastructure and Services’ of the Operative District Plan. In regard to electricity infrastructure, the Operative District Plan (see Section 8.6.5.1) notes the need for power connections to be installed at the time of subdivision “in conjunction with the provision of other service connections”. Section 7.4 of the Operative District Plan deals with the provision for network utilities and energy generation in the Hauraki District. Section 7.4.2 of the Operative Plan quoted below highlights the need to ensure that utility networks are able to be operated, maintained and upgraded:

“There is, therefore, the need to carefully balance the local, regional and national positive effects and benefits of network utilities against the potential adverse environmental effects, recognising the key role played by network utilities in modern society and not unreasonably restricting the operational requirements of the network utility concerned.”
131. I agree with Powerco that the provisions contained in Sections 7.4 and 8.5 of the Operative District Plan are adequate to ensure the integration of infrastructure with development, and adequately provide for the operation, maintenance and upgrading of the utility and that, in this regard, no changes need to be made to PC1.

Recommendation and Reasons

132. R 6.2 That the neutral submission from Powerco that “does not seek any relief or alternative wording” be noted and that no changes be made to PC1 in response to the submission.

133. Reason for the Recommendation:

   a) The matters raised in the submission are already dealt with adequately in other sections of the Operative Hauraki District Plan.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.1</td>
<td>Powerco Ltd</td>
<td>Accept</td>
<td>R 6.2</td>
<td>a)</td>
</tr>
</tbody>
</table>

Whole Plan Change

134. Paul and Susan Sleep (#8.2) support the whole of the plan change. They own a section in Karangahake. Their submission is that PC1 will make their section more useable. They want to live in the area and want their section to be used by family and friends, bringing money back into the District.

135. Transpower New Zealand (#29.1) supports the plan change provided that Section 8.2A of the Operative District Plan (‘Buildings, Structures, Subdivision and Earthworks within a High Voltage Transmission Corridor’) will continue to apply in respect of the provisions that are amended by the proposal. This will ensure that the District Plan will continue to give effect to the National Policy Statement on Electricity Transmission 2008 and the Waikato Regional Policy Statement. I confirm that Section 8.2A will continue to apply to the provisions that are amended by PC1 and I agree with Transpower that the retention of these provisions are necessary to ensure that the District Plan will continue to give effect to the National Policy Statement on Electricity Transmission 2008 and the Waikato Regional Policy Statement.

136. Marc Bonney (#27.1) opposes the whole of the plan change because of “overcrowding”. He wants the Council to decline PC1 and to “retain the norm”. I disagree with this submission. The section 32 Report demonstrates that the changes proposed under PC1 will assist in the provision of affordable residential infill development and the delivery of affordable housing. The section 32 evaluation does not show any evidence that the adoption of the PC1 provisions will lead to “overcrowding”. The section 32 analysis also shows that the PC1 provisions, as opposed to “retaining the norm”, are the appropriate means to remove impediments to affordable residential infill development and to provide for affordable housing options in a sustainable manner.

137. Lawrence Olsen (#32.1), a home owner in Whiritoa, is not opposed to the concept of PC1, but he objects to the “blanket” removal of development controls that may or may not suit individual properties or circumstances. He wants the plan change provisions to be modified to enable changes to be considered on a case-by-case basis taking into account the
neighbourhood, and after applying due diligence. I acknowledge that the changes to the development standards proposed under PC1 that are intended to apply to the Residential and Low Density Residential Zones are somewhat generic and thus akin to “blanket” amendments. However, under the PC1 provisions additional dwellings (a controlled activity) and minor dwelling units (a restricted-discretionary activity) are still subject to a resource consent process. Therefore, the Council will still retain the ability to consider the merits of each application for an additional dwelling or minor dwelling unit on a case by case basis, taking into account the character of the neighbourhood. In my view, the PC1 provisions have retained adequate control and discretion to enable the Council to take individual circumstances into account.

138. In so far as Mr Olsen’s submission relates to development within Whiritoa, the assessment under the “Whiritoa Township” section, later in this report, is also relevant.

Recommendations and Reasons

139.  
R 6.3 That support for the plan change as notified is noted, but that amendments as shown in Appendix 2 are made in response to other submissions.

140.  
R 6.4 That the submission requesting that the plan change be declined be rejected.

141.  
R 6.5 That the submission requesting that the plan change be modified to enable case-by-case assessment be rejected.

142.  
Reasons for the Recommendations:

a) Support for the plan change as notified is noted.
b) The matters raised in the submission are already dealt with adequately in other sections of the Operative Hauraki District Plan.
c) The submission is not supported by the section 32 evaluation.
d) The matters raised in the submission are already dealt with adequately within the provisions of PC1 including the modifications shown in Appendix 2.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2</td>
<td>Paul Sleep &amp; Susan Sleep</td>
<td>Accept</td>
<td>R 6.3</td>
<td>a)</td>
</tr>
<tr>
<td>27.1</td>
<td>Marc Bonney</td>
<td>Reject</td>
<td>R 6.4</td>
<td>c)</td>
</tr>
<tr>
<td>29.1</td>
<td>Transpower New Zealand Ltd</td>
<td>Accept</td>
<td>R 6.4</td>
<td>a), b)</td>
</tr>
<tr>
<td>32.1</td>
<td>Lawrence Olsen</td>
<td>Reject</td>
<td>R 6.5</td>
<td>d)</td>
</tr>
</tbody>
</table>

Residential Zones – Other

Storage Buildings

143. There were four submissions in support of PC1 to allow, as a permitted activity, one storage building (up to 50m² in size) per site that does not already contain a dwelling. These submissions were from Veda Winsley (#2.2), Frederick Tapp (#3.3), Paul and Susan Sleep (#8.1) and Stephen and Elizabeth Lye (#26.3).

144. The submission by Frederick Tapp (#3.3), whilst generally supportive, raises a concern about storage sheds being lived in. In response I note that the proposed permitted activity rule specifically states that storage buildings are to be used solely by the owner of the
property for personal storage including household items, vehicles, boats, machinery, and/or tools.

145. The construction of a storage building would require a building consent from the Council (when the proposed building is larger than 10m²) and the provision of kitchen facilities in a storage building would not be approved by the Council. If there are instances where storage buildings are being lived in illegally, then the Council would have enforcement options available to it.

Recommendation and Reasons

146.  R 7.1 That the submissions in support of the plan change be accepted.

147.  Reason for the Recommendation:

   a) Support for the plan change as notified is noted.
   b) The matters raised in the submission are already dealt with adequately within the provisions of PC1 including the modifications shown in Appendix 2.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2</td>
<td>Veda Winsley</td>
<td>Accept</td>
<td>R 7.1</td>
<td>a)</td>
</tr>
<tr>
<td>3.3</td>
<td>Frederick Tapp</td>
<td>Accept</td>
<td>R 7.1</td>
<td>a), b)</td>
</tr>
<tr>
<td>8.1</td>
<td>Paul Sleep &amp; Susan Sleep</td>
<td>Accept</td>
<td>R 7.1</td>
<td>a)</td>
</tr>
<tr>
<td>26.3</td>
<td>Stephen and Elisabeth Lye</td>
<td>Accept</td>
<td>R 7.1</td>
<td>a)</td>
</tr>
</tbody>
</table>

Subdivision

Other

148. Mark Pennington made two submissions relating to the “controlled activity assessment matters” for subdivision, in Section 9 the District Plan. The first submission (#33.13) is in support of retaining the assessment criterion (9.5[1](b)[v]) that references “surface and groundwater conditions” as a relevant matter to consider when assessing subdivisions. The second submission (#33.14) is neutral but wants a new assessment criterion (9.5[1](b)(x)) to be included, that requires “wastewater collection, conveyance and treatment capacity” to be considered when assessing subdivisions. I note that consideration of wastewater collection, conveyance and treatment capacity during the assessment of subdivision applications is already required under the infrastructure and services provisions in Section 8.5 of the District Plan and the HDC Engineering Manual.

149. In addition, Mark Pennington also made two submissions relating to the “discretionary activity assessment criteria” for subdivision, in Section 9 the District Plan. The first submission (#33.15) is in opposition and wants effects on the groundwater resource to be added as an additional assessment criterion. The second submission (#33.16) is neutral, but wants a new assessment criterion to be included, that requires consideration of the effects that earthworks associated with a subdivision may have on the groundwater resource. In my view, the matters referred to in Mr Pennington’s submissions are, in so far as they relate to the functions of a territorial authority under the RMA, already dealt with adequately in other sections of the District Plan.
Recommendation and Reasons

150.  R 8.1  That the submission in support of the plan change be accepted.

151.  R 8.2  That the neutral submissions be accepted.

152.  R 8.3  That the submission in opposition be rejected.

153.  Reasons for the Recommendations:

   a)  Support for the plan change as notified is noted.

   b)  The matters raised in the submission are already dealt with adequately within the Operative District Plan and the provisions of PC1 including the modifications shown in Appendix 2.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.13</td>
<td>Mark Pennington</td>
<td>Accept</td>
<td>R 8.1</td>
<td>a)</td>
</tr>
<tr>
<td>33.14</td>
<td>Mark Pennington</td>
<td>Accept</td>
<td>R 8.2</td>
<td>a)</td>
</tr>
<tr>
<td>33.15</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>R 8.3</td>
<td>b)</td>
</tr>
<tr>
<td>33.16</td>
<td>Mark Pennington</td>
<td>Accept</td>
<td>R 8.2</td>
<td>a)</td>
</tr>
</tbody>
</table>

Residential Zone

154.  A large number of submitters are in favour of the amended subdivision standards proposed under PC1. Veda Winsley (#2.1), Maree Hudson (#6.2), J2 Homes NZ (#7.1), Andrew Wharry (#9.1), Dawn Sinclair (#23.1) and Gary Gothorp (#24.3) support the reduction in minimum lot size for infill subdivision in Waihi, Paeroa and Whiritoa from 525m² to 450m². Joan Kerr McIntyre (#20.1) and Brent Trail (#21.1) want the minimum lot size to be reduced further to 400m² or 350m².

155.  Support for the 450m² minimum lot size standard is noted. The section 32 Report does not support a further reduction in lot size to below 450m². This is the case as typical residential development is unlikely to meet the subdivision and development standards (shape factor, yards, outdoor living court, etc) on lots smaller than 450m². Reducing the minimum lot size when it is unlikely that the remaining standards would be complied with will create an inconsistency and anomaly in the District Plan, and create false expectations for future purchasers who will have a legitimate expectation that they will be able to erect a typical dwelling as of right on a vacant infill lot. I note that there is provision in the District Plan for higher density residential development in Waihi and Paeroa through the controlled activity provisions.

156.  Andrew Wharry (#9.2 and #9.3) and Brent Trail (#21.5 and #21.6) also support the reduction in the minimum shape factor and frontage standards for general lots in Waihi, Paeroa, Ngatea, Turua, Kerepehi and Whiritoa. In addition Brent Trail (#21.7 and #21.8) supports the reduction in shape factor and frontage for general lots in Waikino, Karangahake and Mackaytown. Support for these provisions is noted.

157.  The NZ Transport Agency (#16.1) is generally satisfied with the proposed subdivision provisions under PC1, but wants the Council to ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally.
within each site so as not to affect the state highway network. The response in paragraphs 36 – 39 above, apply also to this submission point.

158. Mark Pennington, in a neutral submission (#33.12), wants the “controlled activity assessment matters” for subdivision in all Residential Zones to take account of effects on groundwater. As mentioned previously, the matters referred to in Mr Pennington’s submissions are, in so far as they relate to the functions of a territorial authority under the RMA, already dealt with adequately in other sections of the District Plan. In so far as Mr Pennington’s submission relates to development within Whiritoa, the assessment under the “Whiritoa Township” section, later in this report, is also relevant.

Recommendations and Reasons

159.  

**R 8.4** That the submission in support of the plan change be accepted.

160.  

**R 8.5** That the submission be accepted but that amendments to PC1 not be made in response to the submission.

161.  

**R 8.6** That the submission requesting that the minimum lot size be further reduced, be rejected.

162.  

**R 8.7** That the neutral submission be accepted but that amendments to PC1 not be made in response to the submission.

163.  

Reason for the Recommendation:

   a)  Support for the plan change as notified is noted.
   b)  The section 32 evaluation does not support further reduction in lot size.
   c)  The matters raised in the submission are already dealt with adequately within the Operative District Plan and the provisions of PC1 including the modifications shown in Appendix 2.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Veda Winsley</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>6.2</td>
<td>Maree Hudson</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>7.1</td>
<td>J2 Homes NZ</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>9.1</td>
<td>Andrew Wharry</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>9.2</td>
<td>Andrew Wharry</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>9.3</td>
<td>Andrew Wharry</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>16.1</td>
<td>New Zealand Transport Agency</td>
<td>Accept</td>
<td><strong>R 8.5</strong></td>
<td>a), c)</td>
</tr>
<tr>
<td>20.1</td>
<td>Joan Kerr McIntyre</td>
<td>Reject</td>
<td><strong>R 8.6</strong></td>
<td>b)</td>
</tr>
<tr>
<td>21.1</td>
<td>Brent Trail</td>
<td>Reject</td>
<td><strong>R 8.6</strong></td>
<td>b)</td>
</tr>
<tr>
<td>21.5</td>
<td>Brent Trail</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>21.6</td>
<td>Brent Trail</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>21.7</td>
<td>Brent Trail</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>21.8</td>
<td>Brent Trail</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>23.1</td>
<td>Dawn Sinclair</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>24.3</td>
<td>Gary Gothorp</td>
<td>Accept</td>
<td><strong>R 8.4</strong></td>
<td>a)</td>
</tr>
<tr>
<td>33.12</td>
<td>Mark Pennington</td>
<td>Accept</td>
<td><strong>R 8.7</strong></td>
<td>c)</td>
</tr>
</tbody>
</table>
Whiritoa Township

164. A number of submitters have made submissions that relate exclusively or predominantly to development within Whiritoa Township. The submissions are generally in opposition to the plan change, seeking that Whiritoa be excluded from PC1.

Additional Dwellings – Residential Zone

165. Tracy Ransfield (#10.2), Allan Barry Christiansen (11.1), Lynn Green (13.23) and Anne George & Robert Lloyd (#14.2) oppose the proposal (Rule 5.7.4.2 (C5)) that provides for additional dwellings in the Residential Zone that meet the subdivision standards, as a controlled activity. The Submitters point out that Whiritoa is a holiday destination where people need reasonable section sizes to provide space for outdoor living and entertainment. They are concerned that additional development will put stress on infrastructure, the environment, and the quality of life.

166. In addition Tracy Ransfield has concerns regarding stormwater disposal from new development and cites the example of stormwater already ponding at Stingray Crescent. She has little confidence in Council upgrading and maintaining the current services, let alone providing additional capacity to cater for an increase in development. She is concerned that rates will be increased to provide for additional development capacity and feels that the plan change will provide opportunities for developers with no concern for the effects on current owners in Whiritoa.

167. I note that Rule 5.7.4.2 (C5) does not provide for additional development opportunities. Rather, the rule enables additional dwellings to be constructed on properties where it can be demonstrated that every additional dwelling can meet all of the standards if the site is to undergo subdivision. The only change that will result if Rule 5.7.4.2 (C5) is adopted is that an additional dwelling that meets all of the applicable subdivision standards can be erected on one title, without the need to undertake a subdivision of the property. In other words, the same development as currently permitted will continue to apply, except that separate titles need not be created so that there is the option for owners to retain the additional dwelling in the same title and ownership as the primary dwelling. Therefore, I do not accept the submissions that state that the additional dwelling provisions in PC1 will result in additional development opportunities with consequent adverse effects on services, amenity, and the quality of the environment.

168. Mark Pennington’s submission (#33.3) is neutral to the provision for additional dwellings in the Residential Zone but he wants the controlled activity standards in Rule 5.7.4.2 (C5) to be expanded to include control over the effects of development on excavation and landform changes and on potential groundwater extraction that might follow residential development.

169. In response to Mr Pennington’s submission, I note that an application for a controlled activity resource consent to permit an additional dwelling will need to demonstrate that all of the subdivision standards can be met, if the site is to be subdivided. The subdivision standards include the standards in the other sections of the District Plan such as for earthworks and the provision of services. In regard to Mr Pennington’s request that the controlled activity standards be expanded to include the effects of groundwater extraction, I note that the management of water-takes is a function of regional councils and as such, there is no jurisdiction for a territorial authority’s district plan to control the taking of
groundwater. Therefore, I recommend that Mr Pennington’s neutral submission be acknowledged, but that the changes to Rule 5.7.4.2 (C5) that he is seeking not be accepted.

Recommendations and Reasons

170.  
**R 9.1** That the submissions in opposition to Rule 5.7.4.2 (C5) be rejected.

171.  
**R 9.2** That the neutral submission be accepted but that that amendments to PC1 not be made in response to the submission.

172.  
Reason for the Recommendation:

   a)  Rule 5.7.4.2 (C5) does not provide for additional development opportunities.
   b)  Adopting Rule 7.5.4.2 (C5) will result in the same development opportunities that currently exist under the subdivision provisions. The only effect is that additional dwellings that meet the subdivision standards are not required to be subdivided but can be held in the same title as the primary dwelling.
   c)  Adopting Rule 7.5.4.2 (C5) will not result in any adverse effects on infrastructure, amenity values or the quality of the environment, over and above the effects already implied in the subdivision standards of the Operative District Plan.
   d)  The matters raised in the submission are already dealt with adequately within the Operative District Plan and the provisions of PC1 including the modifications shown in Appendix 2.
   e)  Management of groundwater takes is not a function of territorial authorities.

Therefore there is no jurisdiction for Council to impose control over groundwater takes in the District Plan.

Development Standards - Other

173.  
Mark Pennington (#33.6) supports the retention of the “maximum site development” standard for the Residential Zone (Rule 5.7.5) as it relates to Whiritoa.

Recommendation and Reasons

174.  
**R 9.3** That the submissions in support of Rule 5.7.5 be accepted.

175.  
Reason for the Recommendation:

   a)  That the submission in support of Rule 5.7.5 be noted and that the provision be retained as notified.
Minor Dwelling Units – Residential Zone

176. Tracy Ransfield (#10.3), Lynn Green (13.3) and Anne George & Robert Lloyd (#14.3), Allison Keehan (#17.2) and Steven Wiles (#18.2) oppose the proposal (Rule 5.7.4.3 (RD3)) that provides for minor dwelling units in the Residential Zone that meet the activity standards, as a restricted-discretionary activity. The Submitters point out that Whiritoa is a holiday destination where people need reasonable section sizes to provide space for outdoor living and entertainment. They point out that minor dwelling units in Whiritoa will be used as supplementary holiday accommodation and not for permanent housing of family members. Therefore, allowing more houses in Whiritoa will not solve the housing crises. Allowing minor dwelling units will result in more noise and a lower quality of life for others. They are concerned that additional development will put stress on infrastructure, the environment, and the quality of life. They point out that parking is already an issue at peak times and providing for minor dwelling units will increase the parking demand.

177. In addition Tracy Ransfield has concerns regarding stormwater disposal from new development and cites the example of stormwater already ponding at Stingray Crescent. She has little confidence in Council upgrading and maintaining the current services, let alone providing additional capacity to cater for an increase in development. She is concerned that rates will be increased to provide for additional development capacity and feels that the plan change will provide opportunities for developers with no concern for the effects on current owners in Whiritoa. Steven Wiles is concerned that the increase in impermeable areas associated with additional development will increase the flooding risk and that more housing will put pressure on the current water bores, requiring the Council to install a reticulated water system for the town.

178. I agree with the above submitters in that the character of Whiritoa is different from the other towns. The Submitters are correct, as a holiday destination with few employment opportunities there is no motivation for creating affordable housing opportunities for permanent occupation in Whiritoa. Minor dwelling units, as pointed out by submitters, are more likely to be used for supplementary holiday accommodation and will make little contribution to the affordable housing stock for permanent occupation.

179. One of the primary reasons for PC1 is to create additional options in order to increase the affordable housing stock. The Submitters are correct, given the character of Whiritoa the provision for minor dwellings units in this location is unlikely to result in an increase in affordable housing for permanent occupation, and poses the risk of creating adverse amenity effects for current residents. My recommendation is, therefore, that the above submissions should be accepted and the minor dwelling unit provisions should not apply to Whiritoa.

180. Mark Pennington’s submission (#33.5) is neutral to the provision for minor dwelling units in the Residential Zone but he wants the activity standards in Rule 5.7.4.2 (RD3) to be expanded to include effects on the groundwater resource. In response to Mr Pennington’s submission I note, as previously mentioned, that the management of water-takes and the water resource are functions of regional councils and as such, there is no jurisdiction for a territorial authority’s district plan to control the taking of groundwater. Therefore, I recommend that Mr Pennington’s neutral submission be acknowledged, but that the changes to Rule 5.7.4.3 (RD3) that he is seeking not be accepted.
Recommendations and Reasons

181.  **R 9.4** That the submissions in opposition to Rule 5.7.4.3 (RD3) be accepted and that PC1 be modified as shown in Appendix 2 so that the minor dwelling unit provisions do not apply to Whiritoa.

182.  **R 9.5** That the neutral submission be accepted but that amendments to PC1 not be made in response to the submission.

183.  Reasons for the Recommendations:

   a)  As a holiday destination with few employment opportunities there is no motivation for creating affordable housing opportunities for permanent occupation in Whiritoa.

   b)  Providing for minor dwelling units in Whiritoa will benefit the supply of supplementary holiday accommodation but is unlikely to increase the affordable housing stock available for permanent occupation.

   c)  Increasing the supply of supplementary holiday accommodation poses the risk of adverse character and amenity effects for current residents.

   d)  Management of groundwater takes is not a function of territorial authorities. Therefore there is no jurisdiction for Council to impose control over groundwater takes in the District Plan.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.3</td>
<td>Tracy Ransfield</td>
<td>Accept</td>
<td>R 9.4</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>13.3</td>
<td>Lynn Green</td>
<td>Accept</td>
<td>R 9.4</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>14.3</td>
<td>Anne George &amp; Robert Lloyd</td>
<td>Accept</td>
<td>R 9.4</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>17.2</td>
<td>Allison Keehan</td>
<td>Accept</td>
<td>R 9.4</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>18.2</td>
<td>Steven Wiles</td>
<td>Accept</td>
<td>R 9.4</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>33.3</td>
<td>Mark Pennington</td>
<td>Accept in part</td>
<td>R 9.5</td>
<td>d)</td>
</tr>
</tbody>
</table>

Residential Zones - Other

184.  Mark Pennington’s submission (#33.7) is neutral to the “assessment criteria for discretionary activity resource consent within Whiritoa” (Rule 5.7.7.3). However, he wants the criteria to be expanded to include consideration of the effects on the groundwater resource. As previously mentioned, the management of water resources is a function of regional councils and as such, there is no jurisdiction for a territorial authority’s district plan to control the taking of groundwater.

Recommendation and Reasons

185.  **R 9.6** That the neutral submission be accepted but that amendments to PC1 not be made in response to the submission.

186.  Reason for the Recommendation:

   a)  Management of groundwater takes is not a function of territorial authorities. Therefore there is no jurisdiction for Council to impose control over groundwater takes in the District Plan.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.6</td>
<td>Mark Pennington</td>
<td>Accept in part</td>
<td>R 9.6</td>
<td>a)</td>
</tr>
</tbody>
</table>
Subdivision - Other

187. Mark Pennington’s submissions to the ‘other’ subdivision provisions have been discussed earlier under the “Subdivision” topic. The submissions also apply in relation to development in Whiritoa and are discussed in paragraphs 148 – 149 and are not repeated here.

188. Recommendation and Reasons

189. R 9.7 That the submission in support of the plan change be accepted.

190. R 9.8 That the neutral submissions be accepted but that no changes be made to PC1 in response to the submission.

191. R 9.9 That the submission in opposition be rejected.

192. Reason for the Recommendation:

   a)  Support for the plan change as notified is noted.
   b)  The matters raised in the submission are already dealt with adequately within the Operative District Plan and the provisions of PC1 including the modifications shown in Appendix 2.

<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.13</td>
<td>Mark Pennington</td>
<td>Accept</td>
<td>R 9.7</td>
<td>a)</td>
</tr>
<tr>
<td>33.14</td>
<td>Mark Pennington</td>
<td>Accept in part</td>
<td>R 9.8</td>
<td>a)</td>
</tr>
<tr>
<td>33.15</td>
<td>Mark Pennington</td>
<td>Reject</td>
<td>R 9.9</td>
<td>b)</td>
</tr>
<tr>
<td>33.16</td>
<td>Mark Pennington</td>
<td>Accept in part</td>
<td>R 9.8</td>
<td>a)</td>
</tr>
</tbody>
</table>

Residential Zone

193. Tracy Ransfield (#10.1), Lynn Green (#13.1), Anne George & Robert Lloyd (#14.1), Allison Keehan (#17.1) and Steven Wiles (#18.1) oppose the proposed reduction in minimum lot size for infill subdivision in Whiritoa from 525m² to 450m² (Rule 9.4.3.1(1)(a)). The Submitters point out that Whiritoa is a holiday destination where people need reasonable section sizes to provide space for outdoor living and entertainment. They point out that increasing development density in Whiritoa will not reduce housing issues for Hauraki as the town has no employment or facilities. Increased density will result in more noise and a lower quality of life for local residents. They are concerned that additional development will put stress on infrastructure, the environment, and the quality of life. They point out that parking is already an issue at peak times and providing for increased density will increase the parking demand.

194. In addition Tracy Ransfield has concerns regarding stormwater disposal from new development and cites the example of stormwater already ponding at Stingray Crescent. She has little confidence in Council upgrading and maintaining the current services, let alone providing additional capacity to cater for an increase in development. She is concerned that rates will be increased to provide for additional development capacity and feels that the plan change will provide opportunities for developers with no concern for the effects on current owners in Whiritoa. Steven Wiles is concerned that the increase in impermeable areas associated with additional development will increase the flooding risk.
and that more housing will put pressure on the current water bores, requiring the Council to install a reticulated water system for the town.

195. I agree with the above submitters in that the character of Whiritoa is different from the other towns. The Submitters are correct, as a holiday destination with few employment opportunities there is little chance that reducing the lot size will result in additional affordable housing opportunities for permanent occupation.

196. Increased density, as pointed out by submitters, are more likely to be used for supplementary holiday accommodation and will make little contribution to the affordable housing stock for permanent occupation. One of the primary reasons for PC1 is to create additional options in order to increase the affordable housing stock. Given the character of Whiritoa, increased development density in this location is unlikely to result in an increase in affordable housing for permanent occupation, and poses the risk of creating adverse amenity effects for current residents. My recommendation is, therefore, that the above submissions be accepted and PC1 be changed so that the reduction in minimum lot size for infill subdivision does not apply to Whiritoa.

197. Mark Pennington’s submission (#33.5) is neutral to the proposed reduction in minimum lot size for infill subdivision but he wants a new provision included to require that “all new dwellings in Whiritoa must use rainwater rather than groundwater unless effects on groundwater have been fully assessed and deemed negligible”. I note, as previously mentioned, that the management of water-takes and the water resource are functions of regional councils and as such, there is no jurisdiction for a territorial authority’s district plan to control the taking of groundwater. Therefore, I recommend that Mr Pennington’s neutral submission be acknowledged, but that the changes that he is seeking not be accepted.

Recommendation and Reasons

198.  
R 9.10 That the submissions in opposition to Rule 5.7.4.3 (RD3) be accepted and that PC1 be modified as shown in Appendix 2 so that the minor dwelling unit provisions do not apply to Whiritoa.

199.  
R 9.11 That the neutral submission be accepted but that amendments to PC1 not be made in response to the submission.

200.  
Reasons for the Recommendations:

a) As a holiday destination with few employment opportunities there is no motivation for reducing the minimum lot size for infill subdivision in Whiritoa.

b) Providing for a reduction in minimum lot size for infill subdivision in Whiritoa will benefit the supply of holiday accommodation but is unlikely to increase the affordable housing stock available for permanent occupation.

c) Increasing the supply of holiday accommodation poses the risk of adverse character and amenity effects for current residents.

d) Management of groundwater takes is not a function of territorial authorities. Therefore there is no jurisdiction for Council to impose control over groundwater takes in the District Plan.
<table>
<thead>
<tr>
<th>Point #</th>
<th>Submitter</th>
<th>Accept/Reject</th>
<th>Recommendation</th>
<th>Reason/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.1</td>
<td>Tracy Ransfield</td>
<td>Accept</td>
<td>R 9.10</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>13.1</td>
<td>Lynn Green</td>
<td>Accept</td>
<td>R 9.10</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>14.1</td>
<td>Anne George &amp; Robert Lloyd</td>
<td>Accept</td>
<td>R 9.10</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>17.1</td>
<td>Allison Keehan</td>
<td>Accept</td>
<td>R 9.10</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>18.1</td>
<td>Steven Wiles</td>
<td>Accept</td>
<td>R 9.10</td>
<td>a), b), c)</td>
</tr>
<tr>
<td>33.12</td>
<td>Mark Pennington</td>
<td>Accept in part</td>
<td>R 9.11</td>
<td>d)</td>
</tr>
</tbody>
</table>

**Conclusion**

201. With the exception of Whiritoa, the submissions received by Council are largely in support of the rule changes proposed under PC1.

202. I agree with Submitters that the rule changes proposed under PC1, in so far as Whiritoa Township is concerned, will have little benefit in terms of increasing the affordable housing stock for permanent occupation. I also agree with Submitters that the rule changes proposed under PC1 may have unintended consequences for Whiritoa Township in that the provisions will increase the supply of supplementary holiday accommodation with the potential for consequent adverse effects on amenity and infrastructure. Therefore, I recommend that Whiritoa Township be excluded from the minor dwelling unit, and minimum lot size provisions for infill subdivision, proposed under PC1.

203. In regard to the other submissions, I recommend a number of modifications to PC1. These modifications are predominantly for clarification and do not change the intent of the provisions as notified and assessed in the section 32 RMA evaluation.
Summary of Decisions requested by persons making submissions on Proposed Plan Change 1: Rule Plan Change
### Summary of Decisions Requested in order of Topic

<table>
<thead>
<tr>
<th>Category</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Dwellings</td>
<td>1</td>
</tr>
<tr>
<td>Low Density Residential Zone</td>
<td>1</td>
</tr>
<tr>
<td>Residential Zone</td>
<td>2</td>
</tr>
<tr>
<td>Development Standards</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
</tr>
<tr>
<td>Outdoor Living Area</td>
<td>5</td>
</tr>
<tr>
<td>Privacy and Separation</td>
<td>5</td>
</tr>
<tr>
<td>Yards</td>
<td>5</td>
</tr>
<tr>
<td>Earthworks</td>
<td>6</td>
</tr>
<tr>
<td>Earthworks</td>
<td>6</td>
</tr>
<tr>
<td>Minor Dwelling Units</td>
<td>8</td>
</tr>
<tr>
<td>Low Density Residential Zone</td>
<td>8</td>
</tr>
<tr>
<td>Residential Zone</td>
<td>9</td>
</tr>
<tr>
<td>Rural Zone</td>
<td>12</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
</tr>
<tr>
<td>Consequential Amendments</td>
<td>15</td>
</tr>
<tr>
<td>Other</td>
<td>16</td>
</tr>
<tr>
<td>Whole Plan Change</td>
<td>16</td>
</tr>
<tr>
<td>Residential Zones Other</td>
<td>18</td>
</tr>
<tr>
<td>Other</td>
<td>18</td>
</tr>
<tr>
<td>Storage Buildings</td>
<td>18</td>
</tr>
<tr>
<td>Subdivision</td>
<td>19</td>
</tr>
<tr>
<td>Other</td>
<td>19</td>
</tr>
<tr>
<td>Residential Zone</td>
<td>21</td>
</tr>
</tbody>
</table>
## Additional Dwellings

### Low Density Residential Zone

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of District Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.3</td>
<td>Veda Winsley</td>
<td>Support</td>
<td>5.8.4.2C2</td>
<td>A great idea. Submitter owns a block of land with a large house; as she ages, would like to build a small separate cottage so she can live with family for support.</td>
<td>Amend.</td>
</tr>
<tr>
<td>15.2</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.8.4.2C2</td>
<td>There is no need to list the zone development, subdivision and district wide standards in C2 as compliance with these standards is required via the bullet points immediately under 5.8.4.2. The suggested amendment reduces duplication and improves consistency with other parts of the Plan.</td>
<td>Amend C2 by removing reference to the zone development, subdivision and district wide standards (see submission).</td>
</tr>
<tr>
<td>16.3</td>
<td>NEW ZEALAND TRANSPORT AGENCY - Jenni Fitzgerald</td>
<td>Amend</td>
<td>5.8.4.2C2</td>
<td>General satisfaction that the proposed changes will not compromise the safety and efficiency of the state highway network - but amendments required for stormwater.</td>
<td>Ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.</td>
</tr>
<tr>
<td>23.4</td>
<td>Dawn Sinclair</td>
<td>Support</td>
<td>5.8.4.2C2</td>
<td>Economic, environmental and social. Not everyone needs a big section to feed a large family. Through good design can retain amenity values, outdoor spaces and vehicle manoeuvring requirements.</td>
<td>Amend District Plan for infill housing.</td>
</tr>
<tr>
<td>26.1</td>
<td>Stephen and Elizabeth Lye</td>
<td>Support</td>
<td>5.8.4.2C2</td>
<td>Not stated.</td>
<td>Fully support proposed District Plan changes in regard to Low Density Residential development.</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of District Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>----------------------------</td>
<td>------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3.1</td>
<td>Frederick Tapp</td>
<td>Support</td>
<td>5.7.4.2C5</td>
<td>Generally supportive, need to consider unintended possible consequences. Carefully consider the changes. I like the proposed change to make it easier to build additional dwellings, but minimum section size mustn't be too small such that new houses affect the existing ones, such as blocking out light. Building quality standards should not be reduced.</td>
<td></td>
</tr>
<tr>
<td>10.2</td>
<td>Tracy Ransfield</td>
<td>Oppose</td>
<td>5.7.4.2C5</td>
<td>Concerns regarding stormwater from new developments. Rain collects at end of properties at Stingray Crescent and cannot escape to the stream. Has little confidence in HDC upgrading and maintaining current services, let alone for an increase in properties in the community. Submitter does not wish to subdivide, and does not wish rates to be increased to reflect further subdivision. Provides opportunity for developers, without concern for down flow effects on current owners in Whiritoa.</td>
<td>Delete.</td>
</tr>
<tr>
<td>11.1</td>
<td>Allen Barry Christiansen</td>
<td>Oppose</td>
<td>5.7.4.2C5</td>
<td>Submitter is against more development at Whiritoa. Has concerns about likely increase in village occupants which would result as a consequence of the change. Specifically, how this would impact on the environment with more tree removal, pressure on dotterel nesting, pressure on the current sewerage system, and overall lessening of the quality of the quiet Whiritoa beach experience.</td>
<td>Exclude Whiritoa from the Plan Change proposal.</td>
</tr>
<tr>
<td>13.2</td>
<td>Lynn Green</td>
<td>Oppose</td>
<td>5.7.4.2C5</td>
<td>Have voice heard.</td>
<td>Retain current provisions in Whiritoa.</td>
</tr>
<tr>
<td>14.2</td>
<td>Anne George &amp; Robert Lloyd</td>
<td>Oppose</td>
<td>5.7.4.2C5</td>
<td>Whiritoa is a holiday destination and people need reasonable section sizes for outside living and entertainment. Additional development will put a lot of stress on infrastructure (e.g. sewer).</td>
<td>Retain provisions as they are now.</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of District Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>-------------------------------</td>
<td>--------------------------</td>
<td>-------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>15.1</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.7.4.2C5</td>
<td>There is no need to refer to the zone development, subdivision and district wide standards in C5 as compliance with these standards is required via the bullet points immediately under 5.7.4.2. The suggested amendment reduces duplication and improves consistency with other parts of the Plan.</td>
<td>Amend C5 to remove reference to zone development, subdivision and district wide standards (see submission).</td>
</tr>
<tr>
<td>16.2</td>
<td>NEW ZEALAND TRANSPORT AGENCY - Jenni Fitzgerald</td>
<td>Amend</td>
<td>5.7.4.2C5</td>
<td>General satisfaction that the proposed changes will not compromise the safety and efficiency of the state highway network - but amendments required for stormwater.</td>
<td>Ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.</td>
</tr>
<tr>
<td>23.3</td>
<td>Dawn Sinclair</td>
<td>Support</td>
<td>5.7.4.2C5</td>
<td>Economic, environmental and social. Not everyone needs a big section to feed a large family. Through good design can retain amenity values, outdoor spaces and vehicle manoeuvring requirements.</td>
<td>Amend District Plan for infill housing.</td>
</tr>
<tr>
<td>24.1</td>
<td>Gary Gothorp</td>
<td>Support</td>
<td>5.7.4.2C5</td>
<td>Helps families downsize and can care for elderly.</td>
<td>Approve plan changes.</td>
</tr>
<tr>
<td>33.3</td>
<td>Mark Pennington</td>
<td>Neutral</td>
<td>5.7.4.2</td>
<td>No account is taken of the potential effect of further development on the availability of groundwater (quantity and quality) for drinking purposes (potential health effects).</td>
<td>Reserve control in C5 regarding the potential effects of development, including excavation and landform changes, and on potential permitted groundwater abstraction that might follow residential development.</td>
</tr>
</tbody>
</table>
## Development Standards

### Other

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/ Amend/Neutral</th>
<th>Section of District Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4</td>
<td>Frederick Tapp</td>
<td>Support</td>
<td>-</td>
<td>Generally supportive, need to consider unintended possible consequences. Building quality standards should not be reduced.</td>
<td>Carefully consider the changes. Building quality standards should not be reduced.</td>
</tr>
<tr>
<td>15.10</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>8.4.8.3</td>
<td>Wording in standard 8.4.8.3 specifying the maximum number of lots, dwellings or minor dwelling units able to be served by an Internal Access needs to be clarified. The intention is that minor dwelling units are able to be served within the current internal access standard.</td>
<td>Amend the Internal Access Standards in section 8.4.8.3 (a), (b) and (d) by replacing the word &quot;including&quot; with &quot;and&quot;. E.g.: Residential: Up to 3 Allotments, or 3 Dwellings and any Minor Dwelling Units accessory to the Dwellings.</td>
</tr>
<tr>
<td>19.1</td>
<td>Ian William Verrall</td>
<td>Amend</td>
<td>5.8.5</td>
<td>4.5m setback is sufficient to allow flexibility in layout while maintaining the amenities of the site and adjoining sites. Makes positioning of dwelling/buildings equal to other areas.</td>
<td>Amend 5.8.5 Yards to allow a Front Yard of 4.5m in Orchard Road/Parry Palm Avenue area (other than sections on State Highways).</td>
</tr>
<tr>
<td>26.6</td>
<td>Stephen and Elizabeth Lye</td>
<td>Amend</td>
<td>5.8.5</td>
<td>For property owners planning development, amended front yard will allow flexibility in design and positioning of dwelling to ensure amenities of the site and neighbourhood are maintained, particularly for minor dwellings, subdivision or additional dwelling.</td>
<td>Front yards on Orchard Road be reduced to 4.5 metres minimum, to reflect uniformity on whole road, including culdesac properties.</td>
</tr>
<tr>
<td>33.6</td>
<td>Mark Pennington</td>
<td>Support</td>
<td>5.7.5</td>
<td>Support the &quot;Maximum Site Coverage&quot; development standard.</td>
<td>Keep the &quot;Maximum Site Coverage&quot; development standard.</td>
</tr>
</tbody>
</table>
### Outdoor Living Area

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of District Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.3</td>
<td>J2 HOMES NZ - JASON DUCKWORTH</td>
<td>Support</td>
<td>5.7.5</td>
<td>Supports the Residential Zone development standards 5.7.5.</td>
<td>Not stated.</td>
</tr>
<tr>
<td>21.14</td>
<td>Brent Trail</td>
<td>Support</td>
<td>5.7.5</td>
<td>Not stated.</td>
<td>Accept privacy circle proposed changes throughout plan.</td>
</tr>
<tr>
<td>21.15</td>
<td>Brent Trail</td>
<td>Support</td>
<td>5.8.5</td>
<td>Not stated.</td>
<td>Accept privacy circle proposed changes throughout plan.</td>
</tr>
<tr>
<td>23.2</td>
<td>Dawn Sinclair</td>
<td>Support</td>
<td>-</td>
<td>Economic, environmental and social. Not everyone needs a big section to feed a large family. Through good design can retain amenity values, outdoor spaces and vehicle manoeuvring requirements.</td>
<td>Amend District Plan for infill housing.</td>
</tr>
</tbody>
</table>

### Privacy and Separation

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of District Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.7</td>
<td>Dawn Sinclair</td>
<td>Support</td>
<td>-</td>
<td>Economic, environmental and social. Not everyone needs a big section to feed a large family. Through good design can retain amenity values, outdoor spaces and vehicle manoeuvring requirements.</td>
<td>Amend District Plan for infill housing.</td>
</tr>
</tbody>
</table>

### Yards

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of District Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.4</td>
<td>J2 HOMES NZ - JASON DUCKWORTH</td>
<td>Support</td>
<td>5.7.5</td>
<td>Supports the Residential Zone development standards 5.7.5.</td>
<td>Not stated.</td>
</tr>
<tr>
<td>21.12</td>
<td>Brent Trail</td>
<td>Support</td>
<td>5.7.5</td>
<td>Not stated.</td>
<td>Accept new yard dimensions.</td>
</tr>
<tr>
<td>21.13</td>
<td>Brent Trail</td>
<td>Support</td>
<td>5.8.5</td>
<td>Not stated.</td>
<td>Accept new yard dimensions.</td>
</tr>
<tr>
<td>23.8</td>
<td>Dawn Sinclair</td>
<td>Support</td>
<td>-</td>
<td>Economic, environmental and social. Not everyone needs a big section to feed a large family. Through good design can retain amenity values, outdoor spaces and vehicle manoeuvring requirements.</td>
<td>Amend District Plan for infill housing.</td>
</tr>
<tr>
<td>26.4</td>
<td>Stephen and Elizabeth Lye</td>
<td>Support</td>
<td>-</td>
<td>Not stated.</td>
<td>Fully support proposed District Plan changes in regard to Low Density Residential development - Other Yards.</td>
</tr>
</tbody>
</table>
# Earthworks

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5</td>
<td>J2 HOMES NZ - JASON DUCKWORTH</td>
<td>Support</td>
<td>7.8.5.1(5A)</td>
<td>Supports excavation of 1.5 metres.</td>
<td>Not stated.</td>
</tr>
<tr>
<td>15.3</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>7.8.5.1(5A) P9A</td>
<td>Overall support for easing the permitted activity earthwork standards in the Residential, Low Density Residential, Marae Development, Township, Town Centre and Industrial Zones. Concern about the ability to raise land by 0.5m and 1.5m via d) and e) of rule (5A) P9A and implications for privacy and changes to stormwater run-off onto neighbouring properties.</td>
<td>Amend the permitted activity standards in 7.8.5.1 (5A) P9A to ensure that potential adverse effects from earthworks (such as privacy, stormwater, sedimentation and dust) can be adequately addressed without requiring standard residential developments (with limited earthworks) to obtain resource consent.</td>
</tr>
<tr>
<td>16.6</td>
<td>NEW ZEALAND TRANSPORT AGENCY - Jenni Fitzgerald</td>
<td>Amend</td>
<td>7.8.5.1(5A)</td>
<td>General satisfaction that the proposed changes will not compromise the safety and efficiency of the state highway network - but amendments required for stormwater.</td>
<td>Ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.</td>
</tr>
<tr>
<td>26.5</td>
<td>Stephen and Elizabeth Lye</td>
<td>Support</td>
<td>7.8.5.1(5A)</td>
<td>Not stated.</td>
<td>Fully support proposed District Plan changes in regard to Low Density Residential development.</td>
</tr>
<tr>
<td>30.1</td>
<td>NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION - Tristan Wadsworth</td>
<td>Amend</td>
<td>7.8.5.1(5A)</td>
<td>The primary concern is the proposed increase in size of permitted earthworks, which will reduce the number of resource consents required for earthworks. The resource consent process is often a trigger for consultation with Heritage NZ about the effects of earthworks on archaeological sites. NZAA is concerned sites may be inadvertently destroyed or damaged. It is important that archaeological</td>
<td>The New Zealand Archaeological Association would endorse a more active role being taken by the Council to protect the district’s unique heritage. Potential avenues to mitigate risk could include production of a district-wide archaeological risk map, identifying likely areas of risk, and requiring works in those areas of any size to undergo an archaeological assessment to determine the need for an archaeological authority under the Heritage New</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>------------------------------</td>
<td>----------------</td>
<td>-------------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>assessments are carried out as part of the planning process. No means of mitigating or avoiding potential risks to cultural and archaeological heritage are discussed in the proposed changes.</td>
<td>Zealand Pouhere Taonga Act 2014.</td>
</tr>
<tr>
<td>31.2</td>
<td>POWERCO LIMITED - Simon Roche</td>
<td>Neutral</td>
<td>-</td>
<td>Significant reductions or alterations in ground level can result in underground utilities being exposed and the need for remedial work. Significant increases in ground level can hinder access for maintenance.</td>
<td>Changes to ground level in the vicinity of underground utilities should be minimised and/or there should be discussions with the relevant utility provider. Earthworks in and around support structures needs to ensure there is no risk to the stability of the infrastructure.</td>
</tr>
</tbody>
</table>
## Minor Dwelling Units

### Low Density Residential Zone

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.4</td>
<td>Veda Winsley</td>
<td>Support</td>
<td>5.8.4.3RD2</td>
<td>A great idea. Submitter owns a block of land with a large house; as she ages, would like to build a small separate cottage so she can live with family for support.</td>
<td>Amend.</td>
</tr>
<tr>
<td>15.6</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.8.6(3)</td>
<td>Need provision to allow a single garage/carport and a garden shed (up to a maximum total area of 20m²) accessory to a minor dwelling unit as a permitted activity. Concern that in some situations the minor dwelling unit may become a de-facto additional dwelling through the addition of habitable accessory buildings, sleep-outs, etc. To cover these situations, it is proposed to add an additional permitted activity and an additional restricted discretionary activity standard relating to minor dwelling units.</td>
<td>Add Activity Specific Standard restricting total area of garage/carport/garden shed accessory to minor dwelling to 25m². (See submission).</td>
</tr>
<tr>
<td>15.9</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.8.6(3)</td>
<td>Lifemark DesignTM certification is new to the Hauraki District Plan. As such there would be benefit in adding a 'note' within the restricted discretionary activity standards to provide information for Plan users.</td>
<td>Add following Note to 5.8.6(3): To qualify for Lifemark DesignTM certification, minor units are required to be designed in accordance with, and assessed against, the Lifemark Design Standards and must achieve at least the entry-level 3-star rating. For further information refer to: <a href="http://www.lifemark.co.nz">www.lifemark.co.nz</a> (see submission).</td>
</tr>
<tr>
<td>15.14</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.8.4.1</td>
<td>Need provision to allow a single garage/carport and a garden shed (up to a maximum total area of 20m²) accessory to a minor dwelling unit as a permitted activity. Concern that in some situations the minor dwelling unit may become a de-facto additional dwelling through the addition of habitable accessory buildings, sleep-outs, etc. To cover these situations it is proposed to add an additional permitted activity and an additional restricted discretionary activity standard relating to minor dwelling units.</td>
<td>Add Permitted Activity for accessory buildings associated with a minor dwelling (refer to Activity Specific Standard 5.8.6(3)).</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------</td>
<td>-----------------------------</td>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>16.5</td>
<td>NEW ZEALAND TRANSPORT AGENCY - Jenni Fitzgerald</td>
<td>Amend</td>
<td>5.8.4.3 RC2</td>
<td>General satisfaction that the proposed changes will not compromise the safety and efficiency of the state highway network - but amendments required for stormwater.</td>
<td>Ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.</td>
</tr>
<tr>
<td>21.9</td>
<td>Brent Trail</td>
<td>Amend</td>
<td>5.8.6(3)(a)</td>
<td>Minor dwellings are not meant to be micro dwellings. No real effect in making these larger; submitter believes a better overall living situation can result from larger sizes. This would also lessen the potential for people to bend the rules.</td>
<td>For minor dwellings, suggest larger areas by 20m2 to 70m2 and 80m2.</td>
</tr>
<tr>
<td>23.6</td>
<td>Dawn Sinclair</td>
<td>Support</td>
<td>5.8.4.3RD2</td>
<td>Economic, environmental and social. Not everyone needs a big section to feed a large family. Through good design can retain amenity values, outdoor spaces and vehicle manoeuvring requirements.</td>
<td>Amend District Plan for infill housing.</td>
</tr>
<tr>
<td>26.2</td>
<td>Stephen and Elizabeth Lye</td>
<td>Support</td>
<td>5.8.4.3RD2</td>
<td>Not stated.</td>
<td>Fully support proposed District Plan changes in regard to Low Density Residential development.</td>
</tr>
</tbody>
</table>

**Residential Zone**

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2</td>
<td>Frederick Tapp</td>
<td>Support</td>
<td>5.7.4.3RD3</td>
<td>Generally supportive. Need to consider unintended possible consequences.</td>
<td>Carefully consider the changes. I like the proposed change to make it easier to build minor dwellings, but minimum section size mustn't be too small such that new houses affect the existing ones, such as blocking out light. Building quality standards should not be reduced.</td>
</tr>
<tr>
<td>6.1</td>
<td>Maree Hudson</td>
<td>Support</td>
<td>5.7.4.2C5</td>
<td>Sensible to allow minor dwellings especially with housing shortages.</td>
<td>Approve proposed changes for Section 5.7 Residential Zone.</td>
</tr>
<tr>
<td>10.3</td>
<td>Tracy Ransfield</td>
<td>Oppose</td>
<td>5.7.4.3RD3</td>
<td>Concerns regarding stormwater from new developments in Whiritoa. Rain collects at end of</td>
<td>Delete.</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>------------------------------</td>
<td>-----------------</td>
<td>--------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>13.3</td>
<td>Lynn Green</td>
<td>Oppose</td>
<td>5.7.4.3RD3</td>
<td>Have voice heard.</td>
<td>Retain current provisions in Whiritoa.</td>
</tr>
<tr>
<td>14.3</td>
<td>Anne George &amp; Robert Lloyd</td>
<td>Oppose</td>
<td>5.7.4.3RD3</td>
<td>Whiritoa is a holiday destination and people need reasonable section sizes for outside living and entertainment. Additional development will put a lot of stress on infrastructure (e.g. sewer).</td>
<td>Retain provisions as they are now.</td>
</tr>
<tr>
<td>15.5</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.7.6(7)</td>
<td>Need provision to allow a single garage/carport and a garden shed (up to a maximum total area of 20m²) accessory to a minor dwelling unit as a permitted activity. Concern that in some situations the minor dwelling unit may become a de-facto additional dwelling through the addition of habitable accessory buildings, sleep-outs, etc. To cover these situations it is proposed to add an additional permitted activity and an additional restricted discretionary activity standard relating to minor dwelling units.</td>
<td>Add Activity Specific Standard restricting total area of garage/carport/garden shed accessory to minor dwelling to 25m². (See submission).</td>
</tr>
<tr>
<td>15.8</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.7.6(7)</td>
<td>Lifemark DesignTM certification is new to the Hauraki District Plan. As such there would be benefit in adding a ‘note’ within the restricted discretionary activity standards to provide information for Plan users.</td>
<td>Add following Note to 5.7.6(7): To qualify for Lifemark DesignTM certification, minor units are required to be designed in accordance with, and assessed against, the Lifemark Design Standards and must achieve at least the entry-level 3-star rating. For further information refer to <a href="http://www.lifemark.co.nz">www.lifemark.co.nz</a> (see submission).</td>
</tr>
<tr>
<td>15.15</td>
<td>HAURAKI DISTRICT</td>
<td>Amend</td>
<td>5.7.4.1</td>
<td>Need provision to allow a single garage/carport and a</td>
<td>Add Permitted Activity for accessory buildings</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>-----------------------------</td>
<td>-----------------</td>
<td>--------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>16.4</td>
<td>NEW ZEALAND TRANSPORT AGENCY - Jenni Fitzgerald</td>
<td>Amend</td>
<td>5.7.4.3RD3</td>
<td>General satisfaction that the proposed changes will not compromise the safety and efficiency of the state highway network - but amendments required for stormwater.</td>
<td>Ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.</td>
</tr>
<tr>
<td>17.2</td>
<td>Alison Keehan</td>
<td>Not Stated</td>
<td>5.7.4.3RD3</td>
<td>Minor dwelling units in Whiritoa would be used for supplementary holiday accommodation and not for family members. Whiritoa is not a town so allowing more housing there will not solve the housing crisis. It would detract from the amenity and character of Whiritoa village. If people all had to stay in one house on a property it would be more self-policing regarding noise etc, and numbers would be better controlled. Limiting number of dwellings in Whiritoa is acceptable as baches are discretionary and not essential to people’s wellbeing.</td>
<td>Delete Whiritoa from provision for minor dwelling units in 5.7.4.3RD3.</td>
</tr>
<tr>
<td>18.2</td>
<td>Steven Wiles</td>
<td>Amend</td>
<td>5.7.4.3RD3</td>
<td>Sewerage system in Whiritoa struggles to cope at peak times, and system would need upgrading at substantial cost. More housing would put pressure on current water bores; a reticulated water system would need to be installed. Parking is an issue at peak times with many cars parked on the roadside -</td>
<td>Remove Whiritoa from the Proposed Plan Change 1.</td>
</tr>
</tbody>
</table>
### Rural Zone

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Wendy Margaret Bowman</td>
<td>Support</td>
<td>5.1.4.3RD8</td>
<td>Submitter has parents living with the family and they require their own living space on the property.</td>
<td>Amend the rule to allow for rural properties to build a granny flat on their property.</td>
</tr>
<tr>
<td>5.1</td>
<td>Rory Davis</td>
<td>Amend</td>
<td>5.1.4.3RD8</td>
<td>Supports the proposed rule but would like to suggest one amendment - location rule is too restrictive considering many of the</td>
<td>Delete requirement to have the minor dwelling within 10 metres of the principal dwelling. Have no restriction on where</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>-----------------------------</td>
<td>----------------</td>
<td>-------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>15.4</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.1.6(9)</td>
<td>Need provision to allow a single garage/carport and a garden shed (up to a maximum total area of 20m²) accessory to a minor dwelling unit as a permitted activity. Concern that in some situations the minor dwelling unit may become a de-facto additional dwelling through the addition of habitable accessory buildings, sleep-outs, etc. To cover these situations it is proposed to add an additional permitted activity and an additional restricted discretionary activity standard relating to minor dwelling units.</td>
<td>Add Activity Specific Standard restricting total area of garage/carport/garden shed accessory to minor dwelling to 25m². (See submission).</td>
</tr>
<tr>
<td>15.7</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.1.6(9)</td>
<td>Lifemark DesignTM certification is new to the Hauraki District Plan. As such there would be benefit in adding a ‘note’ within the restricted discretionary activity standards to provide information for Plan users.</td>
<td>Add following Note to 5.1.6(9): To qualify for Lifemark DesignTM certification, minor units are required to be designed in accordance with, and assessed against, the Lifemark Design Standards and must achieve at least the entry-level 3-star rating. For further information refer to: <a href="http://www.lifemark.co.nz">www.lifemark.co.nz</a> (see submission).</td>
</tr>
<tr>
<td>15.16</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.1.6(9)</td>
<td>Need provision to allow a single garage/carport and a garden shed (up to a maximum total area of 20m²) accessory to a minor dwelling unit as a permitted activity. Concern that in some situations the minor dwelling unit may become a de-facto additional dwelling through the addition of habitable accessory buildings, sleep-outs, etc. To cover these situations it is proposed to add an additional permitted activity and an additional restricted discretionary activity standard relating to minor dwelling units.</td>
<td>Add Permitted Activity for accessory buildings associated with a minor dwelling (refer to Activity Specific Standard 5.1.6(9)).</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>----------------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>21.11</td>
<td>Brent Trail</td>
<td>Amend</td>
<td>5.1.6(9)(a)</td>
<td>Minor dwellings are not meant to be micro dwellings. No real effect in making these larger; submitter believes a better overall living situation can result from larger sizes. This would also lessen the potential for people to bend the rules.</td>
<td>For minor dwellings, suggest larger areas by 20m² to 70m² and 80m².</td>
</tr>
<tr>
<td>22.1</td>
<td>Raymond John Ridings &amp; Jennifer Jane Ridings</td>
<td>Amend</td>
<td>5.1.4.3RD8</td>
<td>Support the majority of the proposal but wish to delete or amend the upper restriction of 40ha for a minor dwelling unit - the need for a minor unit does not diminish for larger properties.</td>
<td>Delete or amend the upper size restriction of 40ha (just the lower restriction of &quot;no less than 2,500m²&quot; is sufficient).</td>
</tr>
</tbody>
</table>
## Other

### Consequential Amendments

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.11</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>5.7.5</td>
<td>Amendments are requested to the privacy and separation standards in the Residential Zone to make it clear that ‘minor dwelling units’ need to comply with the privacy and separation standards as set out in (a)(ii), (b), (b)(i), (b)(ii) and (c).</td>
<td>Amend Privacy and Separation standards in 5.7.5 by adding the words “/minor dwelling unit” immediately after the words “dwelling/household unit” in standards (a)(ii), (b), (b)(i), (b)(ii) and (c) so it is clear that minor dwelling units need to comply with the privacy and separation standards of the Residential Zone.</td>
</tr>
<tr>
<td>15.12</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>4</td>
<td>As a consequential change, amend the definition of ‘Habitable Room’ to include reference to ‘minor dwelling unit’ so that the Traffic Noise Sensitivity rules apply to minor dwelling units in the Residential, Low Density Residential and Rural zones.</td>
<td>Amend the definition of ‘Habitable Room’ in Section 4 to read: Means any room in a dwelling/household unit/minor dwelling unit, visitor accommodation, or housing for the elderly facility, used for activities normally associated with domestic living, apart from those used solely for the purpose of an entrance, passageway, toilet, bathroom, laundry, garage, storeroom or other space of a specialised nature occupied neither frequently nor for extended periods.</td>
</tr>
<tr>
<td>15.13</td>
<td>HAURAKI DISTRICT COUNCIL - Leigh Robcke</td>
<td>Amend</td>
<td>4</td>
<td>As a consequential change, amend the definition of ‘Development’ to include reference to ‘minor dwelling unit’ so that the ‘District Wide Performance Standards for Development and Subdivision’ in Section 8 of the District Plan apply where appropriate.</td>
<td>Amend the definition of ‘Development’ in Section 4 to read: Means development or redevelopment (other than subdivision) by: (a) constructing, erecting or altering any one or more buildings or other works for the purpose of providing household units or a minor dwelling unit; or (b) constructing, erecting or altering any one or more buildings, fixed plant and machinery, or other works intended to be used solely or principally for administrative,</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>-----------------------------</td>
<td>----------------</td>
<td>--------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>33.1</td>
<td>Mark Pennington</td>
<td>Amend</td>
<td>5.7.2</td>
<td>Recognise that increased residential density/overall numbers will place increased demand on water resources, particularly in light of increasing natural hazards/drought.</td>
<td>Amendments to objectives and policies in the Residential Zone to recognise increased residential density/overall numbers will place increased demand on water resources, particularly in light of increasing natural hazards/drought.</td>
</tr>
<tr>
<td>33.2</td>
<td>Mark Pennington</td>
<td>Support</td>
<td>5.7.3</td>
<td>Environmental result should be to ensure continued availability of clean water.</td>
<td>Add a new environmental result &quot;Ensure continued access to clean drinking water&quot;.</td>
</tr>
</tbody>
</table>

Other

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.1</td>
<td>POWERCO LIMITED - Simon Roche</td>
<td>Neutral</td>
<td>-</td>
<td>Development and subdivision provisions of the Hauraki District Plan should facilitate the provision of services in concert with development.</td>
<td>Ensure electricity infrastructure can be provided to developments in an appropriate and timely manner and existing assets are protected from inappropriate development.</td>
</tr>
</tbody>
</table>

Whole Plan Change

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2</td>
<td>Paul Sleep &amp; Susan Sleep</td>
<td>Support</td>
<td>-</td>
<td>Submitter is section owner (Karangahake) and keen to live back in the area. Wants section to be able to be used thus bringing money back into the district.</td>
<td>Support the proposed Plan Change.</td>
</tr>
<tr>
<td>27.1</td>
<td>Marc Bonney</td>
<td>Oppose</td>
<td>-</td>
<td>Over crowding.</td>
<td>Retain the norm.</td>
</tr>
<tr>
<td>29.1</td>
<td>TRANSPOWER NEW ZEALAND LIMITED - Ainsley McLeod</td>
<td>Support</td>
<td>-</td>
<td>Transpower understands that the proposal does not seek to alter Section 8.2A of the Hauraki District Plan that includes provisions to protect the National Grid from the effects of activities of third parties. On the basis that Section 8.2A continues to apply to the provisions amended by the proposal, Transpower supports the</td>
<td>That the provisions of Section 8.2A of the Hauraki District Plan continue to apply in respect of the provisions that are amended by the proposal.</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>----------------</td>
<td>-----------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>proposal and considers that it gives effect to the National Policy Statement on Electricity Transmission 2008 and the Waikato Regional Policy Statement.</td>
<td></td>
</tr>
<tr>
<td>32.1</td>
<td>Lawrence Olsen</td>
<td>Oppose</td>
<td>-</td>
<td>Objects to the proposed plan to remove impediments in a blanket ruling that may or will not suit particular properties.</td>
<td>Each case be given the due diligence required - so that due process can be reviewed on each case.</td>
</tr>
</tbody>
</table>
## Residential Zones Other

### Other

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.7</td>
<td>Mark Pennington</td>
<td>Neutral</td>
<td>5.7.7.3</td>
<td>Include actual and potential effects on the availability and quality of the groundwater resource within Whiritoa in &quot;Activities/Development within Whiritoa&quot;</td>
<td>Add a new clause (2) to state: &quot;whether the activity, including during any and all construction phases, may have any effect on the availability or quality of the existing groundwater resource, and recognise that this is a resource on which many residents currently rely for drinking water purposes&quot;</td>
</tr>
</tbody>
</table>

## Storage Buildings

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2</td>
<td>Veda Winsley</td>
<td>Support</td>
<td>5.8.4.1P10</td>
<td>A great idea.</td>
<td>Amend.</td>
</tr>
<tr>
<td>3.3</td>
<td>Frederick Tapp</td>
<td>Support</td>
<td>5.7.4.1P10</td>
<td>Allowing storage sheds will allow properties to be kept tidier. Generally supportive, need to consider unintended possible consequences.</td>
<td>Carefully consider the changes. Storage sheds must not be allowed to be lived in.</td>
</tr>
<tr>
<td>8.1</td>
<td>Paul Sleep &amp; Susan Sleep</td>
<td>Support</td>
<td>5.7.4.1P10</td>
<td>We would like in the future to move a storage shed onto our property. Section owner, keen to live back in the area and want section to be able to be used by family and friends.</td>
<td>Support the proposed plan change.</td>
</tr>
<tr>
<td>26.3</td>
<td>Stephen and Elizabeth Lye</td>
<td>Support</td>
<td>5.7.4.1P10</td>
<td>Not stated.</td>
<td>Fully support proposed District Plan changes in regard to Low Density Residential development.</td>
</tr>
</tbody>
</table>
## Subdivision

### Other

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Linzee and Shauna Bickley</td>
<td>Amend</td>
<td>9.4.2.1(1)</td>
<td>Submitters own 1 Colesburg Lane, zoned Low Density Residential with minimum lot size of 2500m2. Property is adjacent to Bradford Street extension, and next to Residential zone. Planned changes for extending Bradford Street offer opportunities to infill and add dwellings on to Bradford Street extension. Property could be optimised by subdividing into smaller sections accessed off Bradford Street, with little impact to others. Water and sewerage services are directly opposite property entrance. It would suit future plans by making it just an extension of what Bradford Street sections are now set at in terms of area.</td>
<td>Allow properties adjacent to Bradford Street extension to be subdividable to residential rules on size.</td>
</tr>
<tr>
<td>25.1</td>
<td>Thomas Gothorp</td>
<td>Amend</td>
<td>9.4.2.1</td>
<td>Reduce Low Density Residential restrictions on size to 1000m2 for 120 Bulltown Road, to best provide well planned subdivision of the property. Services in close proximity on road frontage, including sewer. Residential housing need.</td>
<td>Amend to 1000m2 for 120 Bulltown Road, Waihi.</td>
</tr>
<tr>
<td>28.1</td>
<td>Terese Maud</td>
<td>Amend</td>
<td>9.4.1</td>
<td>Encourage subdivision of smaller rural properties to enable growth in these areas which would lead to increased population, increased rateable properties and additional income for the Council. Or allow multiple dwellings on land to allow people to make additional income from providing accommodation to tourists etc. Council should be looking at</td>
<td>Amend subdivision rules for Rural zoned properties which are too small to be used for farming as a single source of income. Rules do not provide for properties less than 10 hectares that do not have a working farm.</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>---------------</td>
<td>-----------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>33.4</td>
<td>Mark Pennington</td>
<td>Oppose</td>
<td>9.1.17b</td>
<td>Discouraging poorly planned infill development is too weak.</td>
<td>Prohibit &quot;poorly planned infill development&quot;.</td>
</tr>
<tr>
<td>33.8</td>
<td>Mark Pennington</td>
<td>Oppose</td>
<td>9.1.3</td>
<td>The use of natural and physical resources be undertaken in recognition of the availability of these, such that use of resources will not affect the ability of others to use these too.</td>
<td>Amendments sought to Objectives (4) and (6) to recognise groundwater as a natural resource and to avoid increased adverse effects on groundwater availability with particular reference to the effects of development and natural hazards (specifically climate change and drought).</td>
</tr>
<tr>
<td>33.9</td>
<td>Mark Pennington</td>
<td>Oppose</td>
<td>9.1.4</td>
<td>A fundamental environmental result should be for activities to occur without adverse effects on others.</td>
<td>Include a new (6) to state that activities be undertaken with full assessment of effects on others, and that adverse effects be avoided, remedied or mitigated.</td>
</tr>
<tr>
<td>33.10</td>
<td>Mark Pennington</td>
<td>Oppose</td>
<td>9.3.3(1)(c)(iv)</td>
<td>The term &quot;Registered Engineer is out of date&quot;.</td>
<td>Replace &quot;Registered Engineer&quot; with &quot;appropriately qualified Chartered Professional Engineer&quot;.</td>
</tr>
<tr>
<td>33.11</td>
<td>Mark Pennington</td>
<td>Neutral</td>
<td>9.3.3(2)</td>
<td>Effects on groundwater have not been included.</td>
<td>Add a bullet point (iii) to read: &quot;Whether or not the proposed activity will adversely affect the groundwater resource available to and used by others.&quot;</td>
</tr>
<tr>
<td>33.13</td>
<td>Mark Pennington</td>
<td>Support</td>
<td>9.5(1)(b)(v)</td>
<td>Reference to surface and groundwater conditions is good.</td>
<td>Retain.</td>
</tr>
<tr>
<td>33.14</td>
<td>Mark Pennington</td>
<td>Neutral</td>
<td>9.5(1)(b)(x)</td>
<td>Effects on wastewater capacity not covered.</td>
<td>Wastewater collection, conveyance and treatment capacity be demonstrated to accommodate additional loading without adverse effects.</td>
</tr>
<tr>
<td>33.15</td>
<td>Mark Pennington</td>
<td>Oppose</td>
<td>9.6(1)(d)</td>
<td>Point does not cover effects on groundwater.</td>
<td>Append to point (d) &quot;... and the underlying groundwater resource, either quantity or quality&quot;.</td>
</tr>
<tr>
<td>33.16</td>
<td>Mark Pennington</td>
<td>Neutral</td>
<td>9.6(1)(q)</td>
<td>Groundwater resource not covered.</td>
<td>Add point (q) to read &quot;Whether subdivision requires earthworks that may affect the groundwater resource, either quality or quantity.&quot;</td>
</tr>
<tr>
<td>34.1</td>
<td>Lindsay Allpress</td>
<td>Support</td>
<td>-</td>
<td>Wish to subdivide 3.6ha property at Turua to provide an additional house for family member(s).</td>
<td>Amend Plan Change 1 to enable easier subdivision of 'Rural' zoned land.</td>
</tr>
</tbody>
</table>
### Residential Zone

<table>
<thead>
<tr>
<th>Sub.#</th>
<th>Submitter</th>
<th>Support/Oppose/Amend/Neutral</th>
<th>Section of Plan</th>
<th>Reason for Request</th>
<th>Decision Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Veda Winsley</td>
<td>Support</td>
<td>9.4.3.1(1)(a)</td>
<td>A great idea.</td>
<td>Amend.</td>
</tr>
<tr>
<td>6.2</td>
<td>Maree Hudson</td>
<td>Support</td>
<td>9.4.3.1(1)(a)</td>
<td>Not stated.</td>
<td>Approved proposed District Plan changes for Residential Zone.</td>
</tr>
<tr>
<td>7.1</td>
<td>J2 HOMES NZ - JASON DUCKWORTH</td>
<td>Support</td>
<td>9.4.3.1(1)(a)(i)</td>
<td>Supports Residential zone 450m² lots for subdivision.</td>
<td>Not stated.</td>
</tr>
<tr>
<td>7.2</td>
<td>J2 HOMES NZ - JASON DUCKWORTH</td>
<td>Oppose</td>
<td>9.4.3.1(1)(a)(ii)</td>
<td>If I had two side by side sections of 1012m² I would like to divide into four sites with minimum area of 450m².</td>
<td>Delete the averaging rule so all lots can be a minimum of 450m² for a three or more lot subdivision.</td>
</tr>
<tr>
<td>9.1</td>
<td>Andrew Wharry</td>
<td>Support</td>
<td>9.4.3.1(1(a)(i))</td>
<td>Demand for smaller sized lots driven by land and development costs.</td>
<td>Reduce the minimum lot size area in the Residential Zone from 525m² to 450m² in Waihi, Paeroa and Whiritoa.</td>
</tr>
<tr>
<td>9.2</td>
<td>Andrew Wharry</td>
<td>Support</td>
<td>9.4.3.1(1(c))</td>
<td>It makes sense when building on a rectangular shape of e.g. 450m² (18m x 25m).</td>
<td>Reduce the minimum shape from 225m² (15m x 15m) to 150m² rectangle with no dimension less than 10m.</td>
</tr>
<tr>
<td>9.3</td>
<td>Andrew WhARRY</td>
<td>Support</td>
<td>9.4.3.1(1(d))</td>
<td>Some residents prefer privacy in the Residential Zone over everything else. A 3.5 metre frontage for a right of way is ideal for this. Developers may also make better use of the land when planning a subdivision with a minimum frontage of 3.5 metres.</td>
<td>Reduce the minimum frontage from 18 metres to 3.5 metres.</td>
</tr>
<tr>
<td>10.1</td>
<td>Tracy Ransfield</td>
<td>Oppose</td>
<td>9.4.3.1(1)(a)</td>
<td>Concerns regarding stormwater from new developments in Whiritoa. Rain collects at end of properties at Stingray Crescent and cannot escape to the stream. Has little confidence in HDC upgrading and maintaining current services, let alone for an increase in properties in the community. Submitter does not wish to subdivide, and does not wish rates to be increased to reflect further subdivision. Provides opportunity for developers, without concern for down flow effects on current owners in Whiritoa.</td>
<td>Delete.</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>----------------------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>12.1</td>
<td>Beverley Mavis Kotkin-Smith</td>
<td>Support</td>
<td>9.4.3.1(1)(a)</td>
<td>Proposed subdivision standards are far better to service current growth and property size/demands.</td>
<td>Amend the current zoning of my property (currently Low Density Residential).</td>
</tr>
<tr>
<td>13.1</td>
<td>Lynn Green</td>
<td>Oppose</td>
<td>9.4.3.1(1)(a)</td>
<td>Have voice heard.</td>
<td>Retain current provisions in Whiritoa.</td>
</tr>
<tr>
<td>14.1</td>
<td>Anne George &amp; Robert Lloyd</td>
<td>Oppose</td>
<td>9.4.3.1(1)(a)</td>
<td>Whiritoa is a holiday destination and people need reasonable section sizes for outside living and entertainment. Additional development will put a lot of stress on infrastructure (e.g. sewer).</td>
<td>Retain subdivision provisions as they are now (525m2).</td>
</tr>
<tr>
<td>16.1</td>
<td>NEW ZEALAND TRANSPORT AGENCY - Jenni Fitzgerald</td>
<td>Amend</td>
<td>9.4.3.1(1)(a)</td>
<td>General satisfaction that the proposed changes will not compromise the safety and efficiency of the state highway network - but amendments required for stormwater.</td>
<td>Ensure there is sufficient capacity in the stormwater network to accommodate the additional flows generated by the increase in impermeable surfaces or, in the alternative, require stormwater to be managed internally within each site so as not to affect the state highway network.</td>
</tr>
<tr>
<td>17.1</td>
<td>Alison Keehan</td>
<td>Amend</td>
<td>9.4.3.1(1)(a)(i)</td>
<td>To increase density and urbanisation detracts from the character of Whiritoa as a relaxed beach side village. Increasing density in Whiritoa will not reduce housing issues for Hauraki as it has no employment or facilities. It is not a desirable place for permanent occupation, as evidenced by the low number of permanent residents.</td>
<td>Delete Whiritoa from provision to reduce minimum lot size to 450m2.</td>
</tr>
<tr>
<td>18.1</td>
<td>Steven Wiles</td>
<td>Amend</td>
<td>9.4.3.1(1)(a)(i)</td>
<td>Sewerage system in Whiritoa struggles to cope at peak times, and system would need upgrading at substantial cost. More housing would put pressure on current water bores; a reticulated water system would need to be installed. Parking is an issue at peak times with many cars parked on the roadside - allowing more homes would mean at least 2 more vehicles per property, making the streets even more dangerous. Stormwater system does not cope in heavy downpours,</td>
<td>Remove Whiritoa from the Proposed Plan Change 1.</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>--------------------------</td>
<td>------------------------------</td>
<td>----------------</td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>resulting in flooding. More housing results in more impervious areas, increasing likelihood of flooding. As Whiritoa is a holiday destination, allowing a second dwelling means more renters/more parties/more noise, and lower quality of life for others. It would be negligent of the Council to proceed with the changes in Whiritoa.</td>
<td></td>
</tr>
<tr>
<td>20.1</td>
<td>Joan Kerr McIntyre</td>
<td>Not Stated</td>
<td>9.4.3.1(1)</td>
<td>Submitter would like to subdivide her property to be able to build a dwelling for her granddaughter, on a separate title. Property cannot meet minimum lot size of 450m2 with access leg. Had subdivision consent under previous rules but it lapsed. Wants to subdivide so as to make a fair will for her two descendants. Lowering the lot size would be sensible as population will only increase and many people live alone and don't need 450m2.</td>
<td>Reduce the minimum lot size to 400m2 or even 350m2.</td>
</tr>
<tr>
<td>21.1</td>
<td>Brent Trail</td>
<td>Amend</td>
<td>9.4.3.1(1)</td>
<td>Supports reducing lots sizes but feels they need to equate to density requirements for building. If Council is serious about increasing availability of land for building and encouraging growth in home ownership then consistent minimums are suggested. Political influence within Council should be ignored in favour of practical planning objectives and rules.</td>
<td>Suggest a reduction down to 350m2 across the board.</td>
</tr>
<tr>
<td>21.2</td>
<td>Brent Trail</td>
<td>Oppose</td>
<td>9.4.3.1(1)</td>
<td>The rule is difficult to deal with and of no real benefit, particularly on infill which these lots often arise from.</td>
<td>Delete 9.4.3.1(1)(a)(ii).</td>
</tr>
<tr>
<td>21.3</td>
<td>Brent Trail</td>
<td>Oppose</td>
<td>9.4.3.1(1)</td>
<td>The rule is difficult to deal with and of no real benefit, particularly on infill which these lots often arise from.</td>
<td>Delete 9.4.3.1(1)(a)(iii).</td>
</tr>
<tr>
<td>21.4</td>
<td>Brent Trail</td>
<td>Oppose</td>
<td>9.4.3.1(1)</td>
<td>A maximum area is not supported, as this takes away one’s flexibility and</td>
<td>Delete 9.4.3.1(1)(b)(i).</td>
</tr>
<tr>
<td>Sub.#</td>
<td>Submitter</td>
<td>Support/Oppose/Amend/Neutral</td>
<td>Section of Plan</td>
<td>Reason for Request</td>
<td>Decision Sought</td>
</tr>
<tr>
<td>-------</td>
<td>------------------</td>
<td>------------------------------</td>
<td>-----------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>21.5</td>
<td>Brent Trail</td>
<td>Support</td>
<td>9.4.3.1(1)(c)(i)</td>
<td>Not stated.</td>
<td>Accept 9.4.3.1(1)(c)(i).</td>
</tr>
<tr>
<td>21.7</td>
<td>Brent Trail</td>
<td>Support</td>
<td>9.4.3.2(1)(b)</td>
<td>Not stated.</td>
<td>Accept 9.4.3.2(1)(b).</td>
</tr>
<tr>
<td>21.8</td>
<td>Brent Trail</td>
<td>Support</td>
<td>9.4.3.2(1)(c)</td>
<td>Not stated.</td>
<td>Accept 9.4.3.2(1)(c).</td>
</tr>
<tr>
<td>23.1</td>
<td>Dawn Sinclair</td>
<td>Support</td>
<td>9.4.3.1</td>
<td>Economic, environmental and social. Not everyone needs a big section to feed a large family. Through good design can retain amenity values, outdoor spaces and vehicle manoeuvring requirements.</td>
<td>Amend District Plan for infill housing.</td>
</tr>
<tr>
<td>24.3</td>
<td>Gary Gothorp</td>
<td>Support</td>
<td>9.4.3.1(1)(a)</td>
<td>Helps families downsize and can care for elderly.</td>
<td>Approve plan changes.</td>
</tr>
<tr>
<td>33.12</td>
<td>Mark Pennington</td>
<td>Neutral</td>
<td>9.4.3.3</td>
<td>No account taken of groundwater effects.</td>
<td>Need to include groundwater effects - all new dwellings in Whiritoa to use rainwater rather than groundwater unless effects on groundwater have been fully assessed and deemed negligible.</td>
</tr>
</tbody>
</table>
Section 4: DEFINITIONS

Note: Recommended changes to the District Plan that were publicly notified are shown in red text and subsequent changes recommended via the Staff Report are shown in blue text.
TABLE OF CONTENTS – SECTION 4: DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 Percentile Car Tracking Curve</td>
<td>6</td>
</tr>
<tr>
<td>90 Percentile Single Axle Truck Tracking Curve</td>
<td>6</td>
</tr>
<tr>
<td>Act</td>
<td>6</td>
</tr>
<tr>
<td>Access Leg (refer to definition of 'Vehicle Access Strip')</td>
<td>6</td>
</tr>
<tr>
<td>Access Right</td>
<td>6</td>
</tr>
<tr>
<td>* Access Strip (Esplanade) (refer S2 RMA)</td>
<td>6</td>
</tr>
<tr>
<td>Access Way (refer to definition of 'Internal Access')</td>
<td>7</td>
</tr>
<tr>
<td>Accessory Building</td>
<td>7</td>
</tr>
<tr>
<td>Accessory Use</td>
<td>7</td>
</tr>
<tr>
<td>Additions</td>
<td>7</td>
</tr>
<tr>
<td>Administrative Activities</td>
<td>7</td>
</tr>
<tr>
<td>Airstrip</td>
<td>7</td>
</tr>
<tr>
<td>* Allotment/Lot (refer s218(2) RMA)</td>
<td>7</td>
</tr>
<tr>
<td>All Weather Standard</td>
<td>8</td>
</tr>
<tr>
<td>Alterations</td>
<td>8</td>
</tr>
<tr>
<td>* Amenity / Amenity Values (refer s2 RMA)</td>
<td>8</td>
</tr>
<tr>
<td>Ancillary: Retailing / Retail Outlet / Retail Activity</td>
<td>8</td>
</tr>
<tr>
<td>Animal Feedlot</td>
<td>8</td>
</tr>
<tr>
<td>Area Subject to Inundation</td>
<td>8</td>
</tr>
<tr>
<td>Areas of Significance to Maori</td>
<td>8</td>
</tr>
<tr>
<td>Arterial Road</td>
<td>9</td>
</tr>
<tr>
<td>Automatic Weather Stations</td>
<td>9</td>
</tr>
<tr>
<td>* Best Practicable Option (refer s2 RMA)</td>
<td>9</td>
</tr>
<tr>
<td>* Biological Diversity (refer s2 RMA)</td>
<td>9</td>
</tr>
<tr>
<td>Boarding, Breeding and Training of Animals (Facilities)</td>
<td>9</td>
</tr>
<tr>
<td>Body of the Lot</td>
<td>9</td>
</tr>
<tr>
<td>*Building(s) (refer s8 &amp; 9 Building Act 2004)</td>
<td>9</td>
</tr>
<tr>
<td>Business Activity</td>
<td>9</td>
</tr>
<tr>
<td>Certificate of Title</td>
<td>12</td>
</tr>
<tr>
<td>Child Care Facilities</td>
<td>13</td>
</tr>
<tr>
<td>Children’s Playgrounds</td>
<td>13</td>
</tr>
<tr>
<td>Cleanfill</td>
<td>13</td>
</tr>
<tr>
<td>Clubrooms</td>
<td>13</td>
</tr>
<tr>
<td>* Coastal Marine Area (refer s2 RMA)</td>
<td>14</td>
</tr>
<tr>
<td>Collector Road</td>
<td>14</td>
</tr>
<tr>
<td>Commercial Service</td>
<td>14</td>
</tr>
<tr>
<td>Community Facility/Activity</td>
<td>14</td>
</tr>
<tr>
<td>Community Housing</td>
<td>14</td>
</tr>
<tr>
<td>Comprehensive Residential Development</td>
<td>14</td>
</tr>
<tr>
<td>* Conditions (refer s2 RMA)</td>
<td>15</td>
</tr>
<tr>
<td>*Contaminated Land (refer s2 RMA)</td>
<td>15</td>
</tr>
<tr>
<td>* Controlled Activity (refer s87A(2) RMA)</td>
<td>15</td>
</tr>
<tr>
<td>Council</td>
<td>15</td>
</tr>
<tr>
<td>Current Ownership</td>
<td>15</td>
</tr>
<tr>
<td>Dairy</td>
<td>16</td>
</tr>
<tr>
<td>Daylight Control / Daylighting</td>
<td>16</td>
</tr>
<tr>
<td>dB (refer to definition of 'Decibels')</td>
<td>16</td>
</tr>
<tr>
<td>Decibels</td>
<td>16</td>
</tr>
<tr>
<td>Demolition</td>
<td>16</td>
</tr>
<tr>
<td>* Designation (refer s166 RMA)</td>
<td>16</td>
</tr>
<tr>
<td>Development</td>
<td>17</td>
</tr>
<tr>
<td>Development Standard(s) (refer to 'Zone Development Standard(s)')</td>
<td>17</td>
</tr>
</tbody>
</table>

Section 4: Definitions 4.0 - 2

(Words in italics are defined within this section)
Section 4: Definitions

(Words in italics are defined within this section)

* Discretionary Activity (refer s87A(4) RMA)...
Domestic Effluent.................................
Drainage Works....................................
Drip-line............................................
Dwelling ..........................................18
Earthworks ........................................
Ecological Sustainability ......................
Education (for the purpose of Ministry of Education designations)...
Education/Training Activities and Facilities....
Electricity Substation..........................
Emergency Services and Training Facilities..
* Environment (refer s2 RMA) ...................
* Excessive Noise (refer s326 (1) & (2) RMA)
* Exploration (refer s2 RMA) ..................
Extractive Industry .............................
Factory/Intensive Outdoor Farming...........
Factory Shop ....................................
Farming............................................
Farm Stay (Refer to definition of ‘Home/Farm Stay’) .................................
Firearm Sports ..................................
Fittings ..........................................22
Flood Protection Works .......................22
Forestry .........................................22
Formed Road .....................................22
Frontage..........................................22
gfa (Refer to definition of ‘Gross Floor Area’).
Gross Floor Area .................................22
Ground Level .....................................23
Habitable Dwelling .............................
Habitable Room ................................23
Hauraki Ecological Corridor ..................
Hazard .........................................24
Hazardous Facility .............................24
* Hazardous Substance (refer s2 RMA) ....
HDC Engineering Manual .................
Health Care Services ..........................
Heavy Vehicle ...................................
Height ............................................
Helicopter Landing Areas....................
Helipad .........................................
Heritage Area ..................................
Heritage Feature ..............................
Heritage Item ..................................
High Productive Capability .................
Holding ...........................................
Home/Farm Stay ..............................
Home Occupation ...........................
Household Unit (refer to definition of ‘Dwelling’)
Housing for the Elderly ......................
Indicative Road ..............................
Indigenous Vegetation .......................27
Industrial Activity ..........................
Intensive Outdoor Farming (refer to definition of ‘Factory/Intensive Outdoor Farming’)
Intensive Pig Farming (refer to definition of ‘Factory/Intensive Outdoor Farming’)
Internal Access ................................
Invasive Weeds ..............................
*Kaitiakitanga (refer s2 RMA) ..........

Distric Plan Hearing Agenda 9
May 2019
Page 77 of 266
### Section 4: Definitions

(Words in italics are defined within this section)
### Section 4: Definitions

**4.0 - 5**

(Words in italics are defined within this section)

<table>
<thead>
<tr>
<th>Definition</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory Sign</td>
<td>37</td>
</tr>
<tr>
<td>Relocatable</td>
<td>37</td>
</tr>
<tr>
<td>Renewable Electricity Generation Activities</td>
<td>38</td>
</tr>
<tr>
<td>Residential Area</td>
<td>38</td>
</tr>
<tr>
<td>Residential Property/Site</td>
<td>38</td>
</tr>
<tr>
<td>Residential Purposes or Activities</td>
<td>38</td>
</tr>
<tr>
<td>* Restricted Discretionary Activity (refer s87A (3) RMA)</td>
<td>38</td>
</tr>
<tr>
<td>Retail Activity</td>
<td>39</td>
</tr>
<tr>
<td>Riparian Area</td>
<td>39</td>
</tr>
<tr>
<td>River Control Works</td>
<td>39</td>
</tr>
<tr>
<td>RMA</td>
<td>39</td>
</tr>
<tr>
<td>Road</td>
<td>39</td>
</tr>
<tr>
<td>* Rule (refer s43AA RMA)</td>
<td>39</td>
</tr>
<tr>
<td>Rural Area</td>
<td>39</td>
</tr>
<tr>
<td>Rural Contractor Depot</td>
<td>39</td>
</tr>
<tr>
<td>Rural Production Activities</td>
<td>39</td>
</tr>
<tr>
<td>Sensitive Zone</td>
<td>40</td>
</tr>
<tr>
<td>Service Industrial Activity</td>
<td>40</td>
</tr>
<tr>
<td>Service Station</td>
<td>40</td>
</tr>
<tr>
<td>Shared Environment Road</td>
<td>40</td>
</tr>
<tr>
<td>Shelter Belt</td>
<td>40</td>
</tr>
<tr>
<td>Sign</td>
<td>40</td>
</tr>
<tr>
<td>Significant Natural Area</td>
<td>40</td>
</tr>
<tr>
<td>Site</td>
<td>41</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>41</td>
</tr>
<tr>
<td>SNA (refer to definition of ‘Significant Natural Area’)</td>
<td>41</td>
</tr>
<tr>
<td>Sports Ground</td>
<td>41</td>
</tr>
<tr>
<td>State Highway</td>
<td>41</td>
</tr>
<tr>
<td>* Structure (refer also to definition of ‘Building’) (refer s2 RMA)</td>
<td>41</td>
</tr>
<tr>
<td>* Subdivision (refer s218(1) RMA)</td>
<td>41</td>
</tr>
<tr>
<td>Subject to Inundation (refer to definition of ‘Area Subject to Inundation’)</td>
<td>42</td>
</tr>
<tr>
<td>Surface Mining</td>
<td>42</td>
</tr>
<tr>
<td>* Tangata Whenua (refer s2 RMA)</td>
<td>42</td>
</tr>
<tr>
<td>Temporary Military Training</td>
<td>42</td>
</tr>
<tr>
<td>Temporary Uses and Buildings</td>
<td>42</td>
</tr>
<tr>
<td>* Tikanga Maori (refer s2 RMA)</td>
<td>43</td>
</tr>
<tr>
<td>Title (refer to definition of ‘Certificate of Title’)</td>
<td>43</td>
</tr>
<tr>
<td>Tourist Facility Sign</td>
<td>43</td>
</tr>
<tr>
<td>Travellers’ Service Centre</td>
<td>43</td>
</tr>
<tr>
<td>Turning Area (refer to definition of ‘Manoeuvring/Turning Area’)</td>
<td>43</td>
</tr>
<tr>
<td>Underground Mining</td>
<td>43</td>
</tr>
<tr>
<td>Urban Area</td>
<td>43</td>
</tr>
<tr>
<td>Vehicle Access Strip</td>
<td>43</td>
</tr>
<tr>
<td>Ventilation System</td>
<td>44</td>
</tr>
<tr>
<td>Visitor Accommodation</td>
<td>44</td>
</tr>
<tr>
<td>Warehouse</td>
<td>44</td>
</tr>
<tr>
<td>Wind Farm</td>
<td>44</td>
</tr>
<tr>
<td>* Working Day (refer s2 RMA)</td>
<td>44</td>
</tr>
<tr>
<td>Yard</td>
<td>44</td>
</tr>
<tr>
<td>Youth Play Areas</td>
<td>45</td>
</tr>
<tr>
<td>Zone</td>
<td>45</td>
</tr>
<tr>
<td>Zone Coverage</td>
<td>45</td>
</tr>
<tr>
<td>Zone Development Standard</td>
<td>45</td>
</tr>
</tbody>
</table>

**Hauraki District Plan**

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019
Section 4: Definitions

90 Percentile Car Tracking Curve
Means an area free from any obstacles for a 90 percentile car to manoeuvre in and out of a parking/drop off space in accordance with the 90 Percentile Car Tracking Curve Diagram in the document titled ‘NZ On Road Tracking Curves’, Land Transport NZ 2007.

90 Percentile Single Axle Truck Tracking Curve
Means an area free from any obstacles for a 90 percentile medium rigid truck to manoeuvre in and out of a loading space in accordance with the 8m Rigid Truck Tracking Curve Diagram in the document titled ‘NZ On Road Tracking Curves’, Land Transport NZ 2007.

Act

Access Leg (refer to definition of ‘Vehicle Access Strip’)

Access Right
Means the area of land over which the land controlling authority has granted access.

* Access Strip (Esplanade) (refer S2 RMA)
Means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 to that Act).
Access Way (refer to definition of 'Internal Access')

Accessory Building
Measures a building or part of a building or an activity which is incidental to any other building or activity on the same site. A minor dwelling unit is accessory to a dwelling but is not an accessory building.

Accessory Use
Means any accompanying use of land which is incidental to that of the principal building, or activity on the same site.

Additions
Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) any external extension to a structure or building that increases its size and volume and includes the attachment of structures such as canopies, verandahs, pergolas and balustrades. It does not include minor works as defined elsewhere.

Administrative Activities
Means the activity of administration associated with business, Central and Local Government, community organisations and private groups.

Airstrip
Means an area or place set aside for the take off or landing of light aircraft for commercial or recreational activities, and approved for such purposes in terms of the current Civil Aviation Regulations.

Such an airstrip shall not be used for any other aircraft purposes.

Note: This definition does not apply to private domestic and rural use by the owners and occupiers of the holding on which the airstrip is sited or temporary and intermittent use by planes for top-dressing and aerial spraying with the approval of the landowner and/or occupier of the holding on which the airstrip is sited. This is deemed to be an accessory use (Refer to definition of 'Accessory Use').

* Allotment/Lot (refer s218(2) RMA)

Means –
(a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
(b) any parcel of land or building or part of a building that is shown or identified separately—
(i) on a survey plan; or
(ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
(c) any unit on a unit plan; or
(d) any parcel of land not subject to the Land Transfer Act 1952.

All Weather Standard
Means a pavement which is trafficable under all weather conditions, and includes metalled and sealed surfaces.
See also ‘Permanent All Weather Surface’.

Alterations
Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) any change to the fabric or characteristics of a structure or building and includes the removal and replacement of external walls, windows, ceilings, floors, roofs, verandahs, parapets, balustrades, abutments and supports. It does not include minor works as defined elsewhere.

*Amenity / Amenity Values (refer s2 RMA)*
Means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Ancillary: Retailing / Retail Outlet / Retail Activity
Means a shop ancillary to an activity (by rule or consent) selling items manufactured, repaired, produced, processed or grown on the same site.

Animal Feedlot
Means a standing area covered or uncovered for the purpose of intensively feeding animals. It does not include the concentrated but temporary wintering of stock normally present on the holding, including stand-off paddocks/pads and feed pads.

Area Subject to Inundation
Means low lying parts of the properties identified on the Planning Maps, adjoining the Paeroa Flood Ponding Zone, which may be subject to intermittent/temporary inundation at times of severe weather events.

Areas of Significance to Maori
Means areas of significance to Maori, including iwi, hapu and whanau, and which may contain an inter-related group of heritage features or archaeological sites of significance to Maori and includes any Areas of Significance to Maori within the Schedule of Historic Heritage Inventory in Section 6.1 of the District Plan.
Arterial Road
Means roads shown on Planning Maps L1, L2 and L3, in which the movement of traffic is the dominant function of the road. Arterials include the main direct non state highway link roads between the urban centres of the District, and the main link roads within the urban centres, but this function does not preclude providing property frontage to a road in appropriate circumstances.

Automatic Weather Stations
Means the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.

* Best Practicable Option (refer s2 RMA)
In relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

(a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and

(b) The financial implications, and the effects on the environment, of that option when compared with other options; and

(c) The current state of technical knowledge and the likelihood that the option can be successfully applied.

* Biological Diversity (refer s2 RMA)
Means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.

Boarding, Breeding and Training of Animals (Facilities)
Means any land or building where board and lodging, breeding and training is provided or intended to be provided for more than five animals (excluding off-spring up to 3 months of age, and livestock farming), or where shelter is provided for five or more stray or unwanted animals. This does not include dog kennels, calf rearing sheds, stables and similar shelters for private farming uses.

Body of the Lot
Means, for the purpose of the Vehicle Access and Crossings Standards (Rule 8.4.3.3), a point to or immediately within the residential area of the lot that is not impeded by terrain or a water course restriction for the purpose of providing a vehicle access.

*Building(s) (refer s8 & 9 Building Act 2004)
[Building: what it means and includes

(1) In this Act, unless the context otherwise requires, building—
Section 4: Definitions

4.0 - 10

(a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and

(b) includes—

(i) a mechanical, electrical, or other system; and

(ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and

(iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis; and

(iv) a mast pole or a telecommunication aerial that is on, or forms part of, a building and that is more than 7 m in height above the point of its attachment or base support (except a dish aerial that is less than 2 m wide); and

(c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and

(d) includes the non-moving parts of a cable car attached to or servicing a building; and

(e) after 30 March 2008, includes the moving parts of a cable car attached to or servicing a building.

(2) Subsection (1)(b)(i) only applies if—

(a) the mechanical, electrical, or other system is attached to the structure referred to in subsection (1)(a); and

(b) the system—

(i) is required by the building code; or

(ii) if installed, is required to comply with the building code.

(3) Subsection (1)(c) only applies in relation to—

(a) subpart 2 of Part 2; and

(b) a building consent; and

(c) a code compliance certificate; and

(d) a compliance schedule.

(4) This section is subject to section 9.
(ii) is connected to, or is intended to be connected to, the building to provide for the successful functioning of the NUO system in accordance with the system's intended design and purpose; and
(iii) is not a mast pole or a telecommunication aerial that is on, or forms part of, a building; or

(ab) a pylon, free-standing communication tower, power pole, or telephone pole that is a NUO system or part of a NUO system; or

(ac) security fences, oil interception and containment systems, wind turbines, gantries, and similar machinery and other structures (excluding dams) not intended to be occupied that are part of, or related to, a NUO system; or

(b) cranes (including any cranes as defined in regulations made under the Health and Safety in Employment Act 1992); or

(c) any of the following, whether or not incorporated within another structure:

(i) ski tows;

(ii) other similar stand-alone machinery systems; or

(d) any description of vessel, boat, ferry, or craft used in navigation—

(i) whether or not it has a means of propulsion; and

(ii) regardless of what that means of propulsion is; or

(e) aircraft (including any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth); or

(f) any offshore installation (as defined in section 222 of the Maritime Transport Act 1994) to be used for petroleum mining; or

(g) containers as defined in section 2(1) of the Hazardous Substances and New Organisms Act 1996; or

(h) magazines as defined in section 222 of the Hazardous Substances and New Organisms Act 1996; or

(i) scaffolding used in the course of the construction process; or

(j) falsework.]

For the avoidance of doubt the above definition of ‘building’ includes eaves, chimneys, aerials, satellite or telecommunication dishes, masts and structures and excludes temporary structures such as drilling rigs used for exploration, sampling and monitoring activities.

Business Activity

Means the activity of conducting business, and also includes Service Industrial Activities, Education/Training Activities and Facilities, Health Care Services, and Visitor Accommodation.

Certificate of Title

Means Certificate of Title in terms of the Land Transfer Act 1952, excluding:

(a) a composite Certificate of Title for tenancy-in-common and leasehold estate;
(b) a Certificate of Title for tenancy-in-common interest, which is less than the whole of the estate in the land described in the Certificate of Title;

(c) a Certificate of Title for a stratum estate in terms of the Unit Titles Act 2010.

Child Care Facilities
Means a facility for the care and/or education of children, and shall include, but is not limited to, a crèche, day care centre, kindergarten, kohanga reo, play centre and private school. There shall be no provision for overnight accommodation.

Note: Where child care facilities are Permitted or Controlled Activities, there is a limit to the number of children. This limit is given in the list of Permitted or Controlled Activities for the zone.

Children’s Playgrounds
Means play areas for children and may contain play equipment such as swings, slides and other agility equipment suited to children.

Cleanfill
Means fill consisting of any of the following material:

(a) uncontaminated soil and/or sand

(b) uncontaminated clay

(c) uncontaminated gravel and or/rock

(d) uncontaminated brick and rubble

Material excluded from cleanfill, includes the following:

(a) asphalt, asphaltic concrete and tarseal

(b) sawdust or bark

(c) combustible matter

(d) organic matter including timber, trees and/or garden trimmings

(e) sludges

(f) contaminated soil

(g) domestic, industrial and commercial waste

(h) hazardous waste

(i) medical or clinical waste.

Clubrooms
Means premises used by a club for social activities and can be in association with a recreation activity (see ‘Community Facility/Activity’).
Section 4: Definitions

(Words in italics are defined within this section)
* Conditions (refer s2 RMA)

Means in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

* Contaminated Land (refer s2 RMA)

Means land that has a hazardous substance in or on it that –

(a) has significant adverse effects on the environment; or

(b) is reasonably likely to have significant adverse effects on the environment.

* Controlled Activity (refer s87A(2) RMA)

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a controlled activity, a resource consent is required for the activity and—

(a) the consent authority must grant a resource consent except if—

(i) section 106 applies; or

(ii) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 applies; and

(b) the consent authority’s power to impose conditions on the resource consent is restricted to the matters over which control is reserved (whether in its plan or proposed plan, a national environmental standard, or otherwise); and

(c) the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Council

Means Hauraki District Council or any committee, sub-committee or person to whom the Council’s powers, duties and discretion under the provisions of the RMA or this plan has been delegated pursuant to the provisions of the RMA or the Local Government Act 2002.

Current Ownership

For the purpose of Rule 6.2.5.1(3)(a), means the current registered owner(s) on the certificate of title of the land on which the Significant Natural Area is located, provided that a current owner may transfer the land to:

(a) a close family member being a child, adopted child, wife or husband who is currently involved in the management of the land; or

(b) a Qualifying Trust being a trust which is, in the sole opinion of Council, exclusively or principally for the benefit of any individual person or persons who are current owners or a close family member as defined in (a) above, as at the date of a proposed transfer. Where Council consents to the transfer to a Qualifying Trust, the Qualifying Trust shall become a current owner for the purposes of Rule 6.2.5.1(3)(a); or

(c) a company in which control lies with the current owner and/or either of the entities referred to in (a) and (b) above.
Dairy
Means the use of a building for the sale of primarily day to day convenience food requirements and associated household items. Excludes any retail activity involving food cooked, fried or baked on the premises.

Daylight Control / Daylighting
Means a building envelope created from a line commencing 2 metres vertically above each relevant boundary and projecting into the site or zone at a 45° angle up to the maximum permitted height.
For the purpose of the daylight control, the holding, site or property boundary, or zone boundary, shall be the lot boundary, or the centreline of an adjoining internal access or drainage reserve. Spouting and guttering is not considered part of the building unless it incorporates the barge board.

dB (refer to definition of ‘Decibels’)

Decibels
The term used to identify 10 times the logarithm to the base 10 of the ratio of two like quantities proportional to intensity, power or energy. Noise levels are measured in decibels. A doubling of the sound energy (eg two lawn mowers rather than one) increases the sound level by 3dB. A 3dB increase in sound levels is only just noticeable, 5 dB is clearly noticeable and 10 dB is typically described as a doubling of loudness.

Demolition
Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) the destruction in part or whole of a structure or the façade of the building including walls, windows, doors, ceilings, roofs and finials. It does not include minor works, alterations and additions as defined elsewhere.

* Designation (refer s166 RMA)
Means a provision made in a district plan to give effect to a requirement made by a requiring authority under section 168 or section 168A or clause 4 of Schedule 1.
Development

Means development or redevelopment (other than subdivision) by:

(a) constructing, erecting or altering any one or more buildings or other works for the purpose of providing household units or a minor dwelling unit; or

(b) constructing, erecting or altering any one or more buildings, fixed plant and machinery, or other works intended to be used solely or principally for administrative, commercial, rural community, recreation, mineral extraction or industrial purposes or any combination of those purposes.

Development Standard(s) (refer to ‘Zone Development Standard(s)’)

* Discretionary Activity (refer s87A(4) RMA)

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a discretionary activity, a resource consent is required for the activity and—

(a) the consent authority may decline the consent or grant the consent with or without conditions; and

(b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Domestic Effluent

Has the same meaning as ‘domestic sewage’ as defined in the HDC Consolidated Bylaw – Part 4 (Trade Waste & Waste Water) adopted on 30 January 2008; which is:

[“foul water (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids or gases that may not lawfully be discharged into the sewerage system and may include geothermal water.”]

For the purpose of this definition ‘foul water’ is defined in the above Bylaw as:

[“means the discharge from:

(a) any sanitary fixtures (any fixture which is intended to be used for sanitation – the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effects on health is minimised, with regard to dirt and infection); or

(b) any sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture – included are machines for washing dishes and clothes”).

(See also definition of ‘non-domestic effluent disposal’.)

Drainage Works

Means the maintenance and development of drains. It is held to include drains, pipes, culverts, pumps, etc associated with land drainage and stormwater management, but does not include river control works such as stopbanks, floodgates and other control structures.
Drip-line
Means the ground beneath the canopy spread of the tree.

Dwelling
Means a building or part thereof designed and used principally as a self-contained residence for living accommodation purposes for persons who permanently or temporarily reside or are employed on the holding, within which there is one, and only one kitchen, but does not include other forms of accommodation or premises or parts thereof used for visitor accommodation or community housing or minor dwelling unit (refer to separate definitions for ‘visitor accommodation’ and ‘community housing’ and ‘minor dwelling unit’).

Earthworks
Means excavation and/or placement of cleanfill to change the contour or level of a site or part of a site. The following shall not be included within the meaning of earthworks:
(a) Earthworks that have been specifically approved as part of a subdivision or land use consent.
(b) Excavations for service connections, effluent disposal systems, swimming pools, drain construction and maintenance.
(c) Land preparation activities associated with farming and forestry (see definitions of ‘Farming’ and ‘Forestry’).
(d) Formation and maintenance of carparking areas, walkways and cycleways.
(e) Turf preparation and maintenance for recreation use.
(f) Road, driveway and access construction with a gradient ≤ 1:8.
(g) Exploration and Prospecting (see definitions for these activities).
(h) Drainage Works and River Control Works.
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(i) **Mining and Mining Operations** (see definitions for these activities): where the total quantities of material extracted (minerals, overburden and waste rock) exceed those specified in 7.8.5.1(2) P3, 7.8.5.1(3) P5, 7.8.5.1(4) P7 and 7.8.5.1(5) P9.

(j) Excavation of land and replacement with **cleanfill** up to the ground level which existed prior to the excavation, including to provide an improved building platform.

Note: A Regional Council consent may be required for earthworks including for the exclusions listed in this definition.

**Ecological Sustainability**

Means a site’s ability to continue to exist as an area of *indigenous vegetation* or habitat for indigenous fauna when taking into account its size, shape, buffering from external effects, connection to other natural areas, and likely threats. It may change naturally into a different habitat but will remain essentially comprised of indigenous species and of natural character.

**Education (for the purpose of Ministry of Education designations)**

Includes the provision of infrastructure and/or training and may include such uses as early childhood education services, schools, community education, tertiary educational institutions, work skills training centres, outdoor education centres, sports training establishments and out of school care services and includes their ancillary administrative and support facilities (including cultural, recreational, communal or accommodation).

**Education/Training Activities and Facilities**

Means land and/or **buildings** and associated amenities used for the purposes of education, learning and training. It includes childcare facilities, schools, tertiary institutions, kokiri centres, outdoor education centres and sport training establishments and facilities delivering educational services to special groups such as unemployed, youth, elderly, physically impaired or other special needs.

**Electricity Substation**

Means those parts of works or electrical installations, being a **building, structure**, casing or enclosure, incorporating **fittings** that are used for the purpose of the control of the distribution of electricity.

**Emergency Services and Training Facilities**

Means those facilities or authorities which are responsible for the safety and physical welfare of people or property in the community and includes fire stations, ambulance stations, police stations, surf life saving and coastguard facilities which includes storage and surveillance **buildings** or **structures** (excluding **clubrooms**). This may include ancillary accommodation in relation to these activities within or attached to the principal **building**.

*Environment* (refer s2 RMA)

Environment includes:

---

**Section 4: Definitions**

(Words in italics are defined within this section)
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(a) Ecosystems and their constituent parts, including people and communities; and
(b) All natural and physical resources; and
(c) Amenity values; and
(d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

* Excessive Noise (refer s326 (1) & (2) RMA)

Means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—

(a) Aircraft being operated during, or immediately before or after, flight; or
(b) Vehicle being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or
(c) Train, other than when being tested (when stationary), maintained, loaded, or unloaded.

Without limiting the above, excessive noise—

(a) includes noise that exceeds a standard for noise prescribed by a national environmental standard; and
(b) may include noise emitted by—
   (i) a musical instrument; or
   (ii) an electrical appliance; or
   (iii) a machine, however powered; or
   (iv) a person or group of persons; or
   (v) an explosion or vibration.

* Exploration (refer s2 RMA)

Has the same meaning as in Section 2 of the Crown Minerals Act 1991.

[Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.]

Extractive Industry

Means prospecting, exploration, mining and mining operations.

Factory/Intensive Outdoor Farming

Means
Section 4: Definitions

( Words in italics are defined within this section)

(a) the production of animals which is not reliant on the productive capacity of the soils on which it is located; and/or
(b) the production of animals in a manner or production system which is dependent on the input of food throughout the year from beyond the holding; and/or
(c) the production of animals in a manner or production system which precludes the continuous maintenance of pasture or ground cover; and/or
(d) intensive pig farming (weaned pigs stocked outdoors at an intensity greater than 1 pig per 1/10th of a hectare); and/or
(e) vegetative matter (including mushrooms) grown in green houses and other buildings (except that crops grown with artificial crop protection consisting of support poles with open weave cloth do not constitute factory farming).

This definition does not include the keeping or breeding of animals or any of the above activities where carried out on a domestic scale as an accessory use where it is clearly incidental to the use of the property as a whole. Except that, the keeping of no more than 4 pigs on a site and/or 25 head of poultry shall be deemed to be of a domestic scale.

Factory Shop
Means a retail shop on the same site and ancillary to a permitted industrial use selling only items manufactured, processed, repaired or serviced on the site, or items reasonably associated with the principal use such as parts and accessories.

Farming
Means any type of farming (except where falling within the definition of Factory/Intensive Outdoor Farming, Forestry and Animal Feedlots) being a land based activity having as its primary purpose the commercial production of any animals, and/or vegetative matter, outdoors, relying primarily (but including the provision of supplementary feed from beyond the holding) on productive capacity of the soil, and includes:
(a) activities associated with land preparation, including cultivation, vegetation clearance, humping and hollowing, tracks, and races;
(b) the application of fertiliser;
(c) land drainage;
(d) the use of buildings for purposes accessory to farming;
(e) bee keeping;
(f) outdoor (extensive) pig farming; and
(g) stand-off feed pads, silage pits, offal holes, effluent ponds and fencing.
Farm Stay (Refer to definition of ‘Home/Farm Stay’)

Firearm Sports
Means recreational activities which involve the discharge of firearms, such as hunting, and pistol and rifle shooting.

Fittings
Means everything used or designed or intended for use in or in connection with the conversion, conveyance or use of electricity.

Flood Protection Works
Means the floodways and stopbanks which form part of the Waihou and Piako flood protection schemes and along the Firth of Thames foreshore.

Forestry
Means the planting and growing of trees and is an integrated land use including land preparation, roading, tree planting, maintenance (ie thinning, pruning, noxious weed and animal control) and harvesting of trees for commercial purposes, and includes the use of buildings for purposes accessory to this land use but not the establishment and/or use of permanent sawmills and other methods of timber processing. It includes woodlots and the like.

Formed Road
Means a road with a carriageway constructed to an all weather standard with a minimum carriageway width of 3 metres.

Frontage
Means that portion of land which secures legal access to a certificate of title from an existing road or road to be vested or otherwise legalised and includes any right of way.

gfa (Refer to definition of ‘Gross Floor Area’)

Gross Floor Area
Means the sum of the gross floor area of all floors of all buildings on a site measured from the exterior faces of the exterior walls or from the centrelines of walls separating two buildings.

In particular, gross floor area shall:

(a) include:
   (i) elevator shafts, stairwells and lobbies at each floor;
   (ii) mezzanine floors and balconies.

(b) exclude:
(i) any provided carparking, loading and servicing areas and access thereto;
(ii) building service rooms containing equipment such as lift machinery, tanks, airconditioning and heating plants.

Ground Level
Means:
(a) where land has been subdivided under the Resource Management Act 1991 or Local Government Act 1974, the finished surface of the ground following all approved works associated with the most recently completed subdivision of the land but excluding changes to the surface of the ground as a result of earthworks associated with building activity where such building activity is permitted or has been approved by resource consent;
(b) in all other cases, the surface of the ground prior to any earthworks on the site.

For the purpose of this definition:
(a) Completed subdivision means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued.
(b) Ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known history.

Habitable Dwelling
Means:
(a) a building that complies with the minimum standards of the New Zealand Building Act to be a dwelling; or
(b) a building that complies with the minimum standards applicable at the time that the dwelling was erected;
and for both (a) and (b):
(c) the dwelling is being, and has been for at least the preceding year, lawfully occupied as a dwelling.

Habitable Room
Means any room in a dwelling/household unit/minor dwelling unit, visitor accommodation, or housing for the elderly facility, used for activities normally associated with domestic living, apart from those used solely for the purpose of an entrance, passageway, toilet, bathroom, laundry, garage, storeroom or other space of a specialised nature occupied neither frequently nor for extended periods.

Hauraki Ecological Corridor
Means the vegetative link that provides for flora and fauna to pass between the Coromandel and Kaimai-Mamaku Forest Parks in the vicinity of the Karangahake Gorge.
Hazard
In relation to hazardous substances, means any intrinsic property of a substance which makes it capable of causing adverse effects to people, the environment or property.

Hazardous Facility
Means all activities involving hazardous substances, including their transportation only within the site, where these substances are used, stored, handled or disposed of.

It does not include:
(a) the incidental use and storage of hazardous and environmentally damaging substances in minimal domestic scale quantities.

* Hazardous Substance (refer s2 RMA)
Includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

<table>
<thead>
<tr>
<th>Hazardous substance</th>
<th>means, unless expressly provided otherwise by regulations, any substance—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) With one or more of the following intrinsic properties:</td>
<td></td>
</tr>
<tr>
<td>(i) Explosiveness:</td>
<td></td>
</tr>
<tr>
<td>(ii) Flammability:</td>
<td></td>
</tr>
<tr>
<td>(iii) A capacity to oxidise:</td>
<td></td>
</tr>
<tr>
<td>(iv) Corrosiveness:</td>
<td></td>
</tr>
<tr>
<td>(v) Toxicity (including chronic toxicity):</td>
<td></td>
</tr>
<tr>
<td>(vi) Ecotoxicity, with or without bioaccumulation; or</td>
<td></td>
</tr>
<tr>
<td>(b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition].</td>
<td></td>
</tr>
</tbody>
</table>

HDC Engineering Manual

Health Care Services
Means services relating to physical and mental health and welfare performed by duly qualified practitioners or by persons in their employ and includes surgical procedures and patient day care performed by medical, dental and veterinary specialists.

Heavy Vehicle
Means a motor vehicle and trailer, the gross laden weight of which exceeds 3,500kg.

Height
Means, in relation to a building, the vertical distance between ground level (as defined) at any point and the highest part of the building immediately above that point.

Projections such as flagpoles, chimneys, flues, gantries, service rooms containing equipment such as lift machinery, tanks, air conditioning and heating plants are excluded from this definition where
measuring not more than 1m² in area and projecting not more than 2 metres above the maximum permitted height (see also Section 7.4 Network Utilities).

The height restrictions do not apply to aerials that comply with the following dimensions and standards:

(b) maximum cross-section is 100mm
(c) must be un-guyed at all times
(d) must not exceed a height of 20 metres above ground level or 5 metres above the height of the roofline if erected on a building
(e) may contain one microwave dish or similar attachment, not exceeding 2 metres in diameter
(f) no more than 2 aerials are permitted per site.

**Helicopter Landing Areas**

Means any area of land to be used or intended to be used as a location from which to base helicopter operations including helicopter take-off and landing, refuelling, maintenance, servicing, helicopter parking, hangaring, administration, pilot training, passenger and freight handling facilities.

**Helipad**

Means an area or place used for the take-off and landing of helicopters for:

(a) private domestic use accessory to the house of the owners and occupiers of the holding on which the helipad is sited; and
(b) rural uses of the property on which the helipad is located; and
(c) temporary or intermittent use of the area for takeoff and landing of helicopters with the approval of the landowner and/or occupier;

which is approved for such purposes in terms of the current civil aviation regulations.

**Heritage Area**

Means an area of land that may or may not contain an interrelated group of heritage features that contributes to the understanding and appreciation of New Zealand's history and cultures, when assessed against Appendix 1 Section 6.1.6.8, and includes any heritage areas within the Schedule of Historic Heritage Inventory in Section 6.1.6 of the District Plan.

**Heritage Feature**

Means any type of heritage building and/or temporary or permanent movable or immovable structure or structures and anything that is in or fixed to land that contributes to the understanding and appreciation of New Zealand’s history and cultures, when assessed against Appendix 1 Section 6.1.6.8, and includes any heritage feature within the Schedule of Historic Heritage Inventory in Section 6.1.6 of the District Plan.
Heritage Item
Means any type of heritage feature or area that contributes to the understanding and appreciation of New Zealand's history and cultures. It may include a historic building or structure(s), historic site (including archaeological site), a place/area of significance to Maori, or heritage landscape, when assessed against Appendix 1 Section 6.1.6.8, and includes any heritage feature or area within the Schedule of Historic Heritage Inventory in Section 6.1.6 of the District Plan.

High Productive Capability
Means land containing soils with high versatility for productive purposes as defined on Planning Maps M1 to M4, and referred to as the Plains and Waihi Basin Areas.

Holding
Means all land owned and/or leased by the same owner which is either contiguous or divided only by a road, railway, drain, water-race, river or stream.

Home/Farm Stay
Means where a resident household offers for a daily tariff accommodation and meals within their own dwelling to visitors, provided that not more than six people exclusive of the members of the household are accommodated.

Home Occupation
Means the use of a site for an occupation, business, trade or profession that is secondary and incidental to the use of that site for a residential activity or farming (including a Rural Contractor Depot), and including commercial care of dependants, provided the number of children or persons cared for at any one time does not exceed five.

See also the Activity Specific Standards for Home Occupations in the zone sections (Section 5.0).

Household Unit (refer to definition of ‘Dwelling’)

Housing for the Elderly
Means two or more dwellings or household units, either attached or detached, for the aged who may or may not be physically impaired. They may be built from public, charitable or private funding. It includes kaumatua housing in the Marae Development Zone, and includes associated facilities (ie dining room, games room, gymnasium etc) ancillary and incidental to the principal residential activity.

Indicative Road
Means a road as shown on the Structure Plans in Section 8 Appendices 8.6.4 to 8.6.13, that provides for connectivity through areas that are either currently being developed or will be developed in the future.
**Indigenous Vegetation**
Means an area of bush, trees and other vegetation comprising wholly or predominantly species indigenous to New Zealand and includes native forest. For the purpose of this Plan, domestic or ornamental/landscape planting, or planted shelterbelts, comprised of indigenous species are not included.

**Industrial Activity**
Means any land, building or part of a building used for the processing, assembly, servicing, testing, repair, packaging, storage or manufacture of a product or produce, including the maintenance, repair and storage of vehicles, machinery, equipment and materials, and includes training activities, and the storage and use of hazardous substances associated with an industrial activity, but does not include mineral extraction.

**Intensive Outdoor Farming** (refer to definition of ‘Factory/Intensive Outdoor Farming’)

**Intensive Pig Farming** (refer to definition of ‘Factory/Intensive Outdoor Farming’)

**Internal Access**
Means a combined access arrangement (e.g., accessway, right of way, shared driveway) serving two or more dwellings/household units or allotments.

**Invasive Weeds**
Means plants that can significantly and adversely affect the long-term survival of native species, and which are harmful to biodiversity and/or ecosystem functions. For a list of invasive weeds refer to the Department of Conservation ‘Consolidated list of environmental weeds in New Zealand’ at www.doc.govt.nz.

*Kaitiakitanga (refer s2 RMA)*
Means the exercise of guardianship by the tangata whenua of the area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

**kV**
Means kilo volt or thousand volts.

**LAeq**
Means a level that can be described as the energy averaged sound level or constant level that would be equivalent to all of the sound energy experienced during the measurement period.

**LAFmax**
Is the maximum sound level during the period of measurement.
Landfill
Means the controlled disposal of refuse by sanitary landfill operation, including the rehabilitation of the area so filled.

Landscape Buffer Strip
Means a permeable strip with planting consisting of shrubs which can grow to a mature height of at least 2 metres, planted at a maximum of 1.5 metres apart, and including at least 1 tree for every 10 metres of boundary length.

Landscape Planting Strip
Means a permeable strip with planting consisting of a combination of groundcovers, shrubs, and trees, which provides vegetative coverage of the specified area within one year from the time of planting. The planting strip shall include at least one tree able to grow taller than 2m for every 10m of frontage. Such trees may be grouped so as not to obscure the site, building or access.

Landscaping
Means the planting and treatment of a site, or part of a site for the purpose of protecting the character and/or enhancing the amenities of the site and adjacent areas. It includes the planting of trees, shrubs and grass, earthworks, ground formation and related drainage and the establishment of elements such as walls, fences, screens and amenity features.

Land Use Capability Class (LUC)
Means Land Use Capability Class as defined in the New Zealand Land Resource Inventory Worksheets published by the National Water and Soil Conservation organisation.

Limited Access Road
Means any road declared to be a limited access road under the provisions of either the Local Government Act 1974 or the Government Roading Powers Act 1989, including the corresponding provisions of any former enactments.

* Lines
Means as defined in Section 5 of the Telecommunications Act 2001:

(line—
  (a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and
  (b) includes—
Section 4: Definitions

(Words in italics are defined within this section)
Section 4: Definitions

4.0 - 30

Manoeuvring/Turning Area
Means that part of a site used by vehicles to move from the vehicle crossing to any parking or loading space and includes all driveways and aisles and may be part of an access strip. Parking spaces and loading spaces may be served in whole or in part by a common manoeuvring area.

Maori Land
Means Maori Customary Land and Maori Freehold Land as defined, and land gazetted as a Maori Reservation for communal purposes under Te Ture Whenua Maori Act 1993 / the Maori Land Act 1993. It does not include general land managed or owned by Maori.

Marae
Means a defined parcel of land set apart for the common use of a Maori Community and includes a complex of buildings such as meeting house, dining hall, ablution block, urupa and other community, recreational, health and educational facilities, and dwellings generally associated with a Marae.

Mineral
Means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water, and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, a prescribed substance within the meaning of the Atomic Energy Act 1945, and peat, topsoil and sand.

* Mining (refer s2 RMA)
Has the same meaning as in Section 2 of the Crown Minerals Act 1991.

[Mining
(a) means to take, win, or extract, by whatever means, —
   (i) a mineral existing in its natural state in land; or
   (ii) a chemical substance from that mineral existing in its natural state in land; and
(b) includes—
   (i) the injection of petroleum into an underground gas storage facility; and
   (ii) the extraction of petroleum from an underground gas storage facility; but
   (c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)]

Mining Operations
Means operations in connection with mining (for any mineral), and shall include the following:
(a) the transport, treatment, processing and separation of any mineral; and
(b) the construction, maintenance and operation of any works, structures and other land improvements, and of any machinery and equipment connected with such operations; and
(c) the removal of overburden and waste rock, by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; and
(d) the deposit or discharge of any mineral, material, debris, tailings, refuse or wastewater produced from or consequent on any such operation; and
(e) the doing of all lawful acts incidental or conducive to any such operations.

Minor Dwelling Unit
Means a self-contained residential unit that is ancillary to the principal dwelling (or an additional dwelling) and is held in common ownership with the principal dwelling (or an additional dwelling) on the same site, which can be attached to the principal dwelling (or an additional dwelling) or be a detached stand-alone building.

Minor Upgrading (in relation to electric lines)
Means modification of electricity and associated telecommunication lines, utilising the existing support structures or structures of the same scale, intensity and character, and includes:
(a) the addition of circuits and conductors;
(b) the reconducting of the line with higher capacity conductors;
(c) the resagging of conductors;
(d) the addition of longer or more efficient insulators;
(e) the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;
(f) the addition of electrical fittings;
(g) the replacement of existing cross arms with cross arms of an alternative design;
(h) strengthening of support structures and foundations or staying poles;
(i) the increase in voltage of electric lines up to 66kV;
(j) support structure replacement in the same location as existing support structures.

Minor Works
Means in relation to heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1:
(a) cleaning or washing with materials or techniques not detrimental to the heritage fabric;
(b) general maintenance and/or minor repair, which means the repair of materials by patching, piecing-in, splicing and consolidating existing materials and including minor replacement of minor components such as individual bricks, cut-stone, timber sections, tiles and slates where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces and the number of components replaced should be substantially less than the existing;
(c) repairing and revarnishing of surfaces, and the application of other finishes provided that the materials used are similar to the existing or earlier finishes;
(d) activities that have an insignificant effect on the heritage fabric of the item, for example:
   (i) hanging planter pots
   (ii) the installation and refurbishment of services where the work does not affect significant fittings or features.
And should be guided by the Best Practice Guidelines of Heritage New Zealand Pouhere Taonga.

Motor Sports
Means sporting activity involving a motor driven vehicle and can include cars, motorbikes and karts, but does not include modelled or scaled down versions of vehicles operated through remote control.

Motorised Recreation (in relation to Surface of Water Activities)
Means motorised vehicles (including boats, jet skis) used for recreational purposes which sit in, on or above the surface of water and includes fishing and sight-seeing.

*Natural and Physical Resources (refer s2 RMA)*
Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures.

*Natural Hazard (refer s2 RMA)*
Means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Net Floor Area
Means the sum of the floor area (within the external walls of the building) designed for the exclusive use of the residential occupant(s).

Net Lot Area
Means the area of that part of a lot (within one zone), excluding any part which is also part of an internal access or an access leg, and excluding any area within 15 metres of an open drain and any Significant Natural Areas listed and described in Section 6.2.

Net Site Area
Means the area of a site that contains the development and/or activity and any outdoor living court, service court, vehicle parking and manoeuvring space required by the District Plan and which is for the exclusive use of the development and/or activity, but shall exclude any communal open space, communal parking and any internal access.
Network Utility
Means a network utility operation undertaken by a network utility operator. The terms “network utility operation” and “network utility operator” shall have the same meaning as specified in s166 RMA. In addition, for the purposes of this Plan a network utility operation shall also include lighthouses, navigation and survey aids and beacons, and meteorological activities.

* Network Utility Operator (refer s166 RMA)
Means a person who—
(a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
(b) operates or proposes to operate a network for the purpose of—
   (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or
   (ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or
(c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
(d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
(e) undertakes or proposes to undertake a drainage or sewerage system; or
(f) constructs, operates, or proposes to construct or operate, a road or railway line; or
(g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
(h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
(i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—
and the words network utility operation have a corresponding meaning.

* Non Complying Activity (refer s87A(5) RMA)
If an activity is described in this Act, regulations (including a national environmental standard), a plan, or a proposed plan as a non-complying activity, a resource consent is required for the activity and the consent authority may—
(a) decline the consent; or
(b) grant the consent, with or without conditions, but only if the consent authority is satisfied that the requirements of section 104D are met and the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Non-Domestic Effluent Disposal
Means the disposal of non human wastes, and the disposal of domestic effluent from a public or community based sewage system.
Notional Boundary
Means a line 20 metres from and parallel to the facade of the dwelling or building used for accommodation, or from a camping facility, or the legal boundary, where this is closer to the dwelling or building or camping facility.

Offices
Means premises used for an administrative or professional profession and includes, but is not limited to, the following: financial, insurance, law, surveying, engineering, architecture, real estate, and healthcare services.

Official Sign
Means Motorist Service Signs, Tourist Signs and General Information Signs (as defined in the NZ Transport Agency ‘Manual of Traffic Signs and Markings’) on roads, erected or approved by the road controlling authority.

Outdoor (Extensive) Pig Farming
Means where all stock is in paddocks with groundcover maintained.
See also ‘Factory/Intensive Outdoor Farming’

Outdoor Living Area
Means an on-site outdoor area of open space for the exclusive use of the occupants of each residential activity, minor dwelling unit, or community house to which the space is allocated, free of any outdoor service area, driveways, manoeuvring areas, parking spaces, and accessory buildings and any roof or eave overhang of more than 600mm width. The outdoor living area must have may include uncovered, open decks and terraces of a minimum dimension in all directions of 3 metres or 1.5m in the case of a minor dwelling unit and may include decks and terraces and shall:

(a) be located to the north, east or west of the dwelling or community house, and directly accessible from the dwelling, minor dwelling unit, or community house it; and

(b) have a slope no greater than 10°; and

(c) where terraced, each terrace shall be level and with a minimum dimension of 3 metres or 1.5 metres in the case of a minor dwelling unit and a maximum difference in level between terraces of 1.5 metres.

Outdoor Service Area
Means an area of outdoor open space provided for the exclusive use of each residential activity, community house, or visitor accommodation, for such service facilities as clotheslines, storage of refuse containers and the like. Each outdoor service area shall:

(a) be accessible from the service area(s) within the household unit, community house, or visitor accommodation; and
Section 4: Definitions

4.0 - 35

(b) be free of driveways, vehicle manoeuvring areas, parking spaces and buildings (excluding any roof or eave overhang of no more than 600mm width); and

(c) be screened from the site areas of adjoining household units.

Overland Flow Path
Means a secondary flow path that conveys flood water, in excess of the capacity of the disposal system.

Papakāinga Housing
Means a comprehensive residential development for a recognised tangata whenua group or organisation residing in the Hauraki District to support traditional Maori cultural living on Maori land for members of the iwi group or organisation.

Parking Lot/ Building
Means parking areas established specifically to be used for carparking and which are not provided to fulfil the parking requirements of any activity in the District Plan.

Parking Space
Means a space on a site suitable and available for the parking of a car which complies with the standards set out in Rule 8.4.4.3.

Passive Recreation Activities
Means any recreation activity where the principal aim is the enjoyment of leisure of a primarily non-competitive casual nature that does not involve the use of vehicles (excluding bicycles) and motorised equipment and also excludes any organised sport. It includes amenity and conservation plantings, habitat restoration and enhancement, children’s playgrounds, seating and tables, barbeque facilities, pedestrian walkways, cycleways, jogging tracks, viewing platforms and lookouts, the erection and use of information boards, directional signage, fencing, public artwork/sculptures, public toilets and other buildings and structures necessary for the maintenance and operational needs of the recreation area and associated carparking.

Permanent All Weather Surface
Means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of, eg concrete, asphalt, bitumen.

* Permitted Activity (refer s87A(1) RMA)
If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a permitted activity, a resource consent is not required for the activity if it complies with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.
Section 4: Definitions

Ponding Area
Means an area subject to flooding from events that are greater than the disposal system is designed to accommodate.

Produce Market
Means any land, building or part of any building that is used for the sale of fruit, vegetables or other natural products, and/or the products of home occupations produced or grown predominantly on, and in the vicinity of the holding, on which the produce market is sited. In addition not more than 20% of the total produce and/or products, by value, offered for sale may be procured for resale from other wholesale/retail outlets. In the context of this definition 'vicinity' means surrounding or nearby properties which can conveniently supply goods for sale.

Produce Stall
Means any land, building or part of any building that is used for the sale of fruit, vegetables or other natural products, and/or the product of home occupations, produced or grown on the holding on which the produce stall is sited, and in the case where the purchaser harvests the produce the produce stall means any land or building or part of a building in which such produce is weighed, packaged or sold.

* Prohibited Activity (refer s87A(6) RMA)
If an activity is described in this Act, regulations (including a national environmental standard), or a plan as a prohibited activity,—
(a) no application for a resource consent may be made for the activity; and
(b) the consent authority must not grant a consent for it.

Property
Means all land held in the same valuation reference.

* Prospecting (refer s2 RMA)
Has the same meaning as in Section 2 of the Crown Minerals Act 1991.

[Prospecting
(a) means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and
(b) includes the following activities:
(i) geological, geochemical, and geophysical surveying:
(ii) aerial surveying:
(iii) taking samples by hand or hand held methods:
(iv) taking small samples offshore by low-impact mechanical methods].

(Words in italics are defined within this section)
**Public Work(s)** (refer s2 RMA)

Has the same meaning as in the Public Works Act 1981, and includes any existing or proposed public reserve within the meaning of the Reserves Act 1977 and any national park purposes under the National Parks Act 1980.

Public work and work mean—

(a) Every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain by or under this or any other Act; and include anything required directly or indirectly for any such Government work or local work or use:

(b) Every Government work or local work constructed, undertaken, established, managed, operated, or maintained by any Education Authority within the meaning of the Education Act 1964 and every use of land for any Government work or local work which such Education Authority constructs, undertakes, establishes, manages, operates, or maintains, and includes anything required directly or indirectly for any such Government work or local work or use:

(c) Any Government work or local work that is, or is required, for any university within the meaning of the Education Act 1989].

Quarry Resource Area

Means land identified on the Planning Maps that contains:

(a) an operating extractive industry that is lawfully established and the means by which it was lawfully established has not expired or lapsed; and/or

(b) a known source of aggregate (including sand) which is either within the landholdings of an operating extractive industry operator and/or is subject to a resource consent for mineral extraction that has not lapsed.

Quarry Reverse Sensitivity Area

Means a strip of land identified on the Planning Maps, on which the existence of mineral extraction activities adjoining it, has resulted in the application of an activity status for lifestyle lot subdivision, other than Controlled, to enable assessment of reverse sensitivity effects on the Quarry Resource Area.

Regulatory Sign

Means traffic signs on roads, erected or approved by the road controlling authority relating to on road traffic control and road condition.

Relocatable

Means the building (including foundations) is able to be practicably moved to an alternative site outside the erosion protection setback lines as defined in Rule 8.2.3.1 within 10 working days (as defined in the RMA) from the start of such relocation activity, by way of removal truck, a roller and/or crane and that access can be gained to the site to move the building to the satisfaction of the Council.
Note: The abandonment of the building does not meet the definition of ‘relocatable’. Total demolition and removal of debris and foundations would meet this definition.

**Renewable Electricity Generation Activities**

Means the construction, operation and maintenance of structures associated with the generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current resources, and includes the system of electricity conveyance required to convey electricity to the local electricity distribution network and/or the national grid.

**Residential Area**

Means an area of land to be used for a dwelling, associated minor dwelling unit, and associated residential purposes which in its entirety is not liable to flooding, erosion, landslip or instability, and excludes all necessary yards and any area within 15 metres of an open drain and Significant Natural Areas listed and described in Section 6.2.

Note: The Council may require from the applicant an engineering report on the stability of the land, to be prepared by a Registered Engineer experienced and practising in soil mechanics and the stability of soils to confirm compliance with this definition.

**Residential Property/Site**

Means any occupied dwelling and associated minor dwelling unit, community house or any form of tourist accommodation lawfully established which is located on a separate certificate of title from that on which the noise level of an activity is being measured and assessed.

**Residential Purposes or Activities**

Means the construction of a dwelling and any use of the dwelling, land or other accessory buildings, for purposes ancillary or incidental to the occupation of the dwelling exclusively by one household for living accommodation purposes and may include an associated minor dwelling unit that may be occupied by a separate household.

* **Restricted Discretionary Activity** (refer s87A (3) RMA)

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and—

(a) the consent authority’s power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and

(b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.
Retail Activity

Means land or buildings used for the display and/or sale of goods by retail or hire to members of the public but does not include "Warehouse" which is separately defined.

Riparian Area

Means a strip of land adjacent to a water body and which contributes, or may contribute, to the maintenance or enhancement of the natural functioning, quality and character of the water body.

River Control Works

Means works carried out by either the Hauraki District Council or Waikato Regional Council with respect to maintenance of the flood protection schemes for the following rivers:

(a) Waitakaruru
(b) Piako
(c) Ohinemuri
(d) Waihou.

RMA


Road

Shall be defined as including all land comprising legal but unformed roads and all land comprising formed and existing roads under the control of the road controlling authority and is inclusive of the definitions contained in the Local Government Act 1974 and the Government Roading Powers Act 1989.

* Rule (refer s43AA RMA)

Means a district rule or a regional rule.

Rural Area

 Means land within a Rural, Coastal, Marae Development (excluding the Waihi Community Marae), Conservation (Indigenous Forest or Wetland), or Karangahake Gorge Zones.

Rural Contractor Depot

Means land and/or buildings used for the purpose of storing equipment (ie vehicles and machinery) associated with a business which wholly serves the farming industry.

Rural Production Activities

Means surface mining, and rural land use activities that rely on the productive capacity of land such as agriculture, pastoral farming, horticulture, and forestry and includes their associated support industries.
Sensitive Zone
Means a Residential, Low Density Residential, Township, Marae Development or Reserve (Passive) Zone.

Service Industrial Activity
Means activities involving light manufacturing or repair or servicing of goods of a light nature and includes repair and servicing of household appliances, electronic equipment, vehicles and machinery (excluding panel beating and spray painting) and craft and clothes manufacture.

Service Station
Means an activity comprising the sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may also include any one or more of the following:
(a) the sale of kerosene, alcohol based fuels, lubrication oils, tyres, batteries, vehicle spare parts and other accessory items normally associated with motoring and convenience items including food and refreshments;
(b) car wash facilities.
In addition in the Industrial and Township Zones, this activity may include:
(a) mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers and domestic gardening equipment);
(b) warrant of fitness testing.

Shared Environment Road
Means roads designed as spaces shared by pedestrians, playing children, cyclists and low speed vehicles.

Shelter Belt
Means a line of trees in one or more rows, planted for the purpose of providing wind shelter, screening or for ornamental purposes.

Sign
Means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance, or any other thing of a similar nature used to attract attention. It shall include all parts, portions, units and materials composing the same, together with the frame, background, structure or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle.

Significant Natural Area
Means areas of significant indigenous vegetation and/or habitats of indigenous fauna in terrestrial and wetland ecosystems in the Hauraki District, as listed in Section 6.2 and shown on the planning maps.
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

Section 4: Definitions

(Words in italics are defined within this section)

Site
Means a physical area of land with defined legal boundaries comprising one or more allotments, or part of an allotment, related to a particular development application, proposal or use. A site comprising more than one allotment shall be held in such a way that separate allotments or part of an allotment cannot be disposed of separately.

Site Coverage
Means that portion of a net site area which is covered by buildings, whether principal or accessory, excluding eaves less than 600mm wide, and uncovered decks and terraces at ground floor level only.

SNA (refer to definition of ‘Significant Natural Area’)

Sports Ground
Means an open designated area where people gather to watch and participate in a particular sporting event (excluding motorised sport or firearm sport) and includes golf courses, tennis and netball courts, fields for rugby, hockey, soccer etc.

State Highway
Means a road, whether or not constructed or vested in the Crown, that is declared to be a state highway under Section 11 of the National Roads Act 1953, Section 60 of the Government Roading Powers Act 1989, or under Section 103 of the Land Transport Management Act 2003, and includes all land along or contiguous with its route that is the road, and any part of an intersection that is within the route of the state highway.

In Hauraki District the state highways are shown on Planning Map L1, L2 and L3, and include State Highways 2, 25, 26 and 27. The dominant function of the state highways is the safe and efficient movement of both large volumes of traffic and heavy traffic.

* Structure (refer also to definition of ‘Building’) (refer s2 RMA)
Means any building, equipment, device or other facility made by people and which is fixed to land; and includes any raft.

* Subdivision (refer s218(1) RMA)
Means—

(a) the division of an allotment—
(i) by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or
(ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
(iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
(iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or
(v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or
(b) an application to Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226,—

and the term subdivide land has a corresponding meaning.

Subject to Inundation (refer to definition of ‘Area Subject to Inundation’)

Surface Mining
Means taking, winning or extraction of naturally occurring minerals from under or on the land surface utilising open pit, open cast or other recognised surface mining techniques, methods and equipment. It does not include minor surface activities (eg removal of boulders from the surface of land) which are provided for separately under the “Earthworks” provisions. It excludes “Mining Operations” (refer to separate definition).

*Tangata Whenua (refer s2 RMA)
In relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

Temporary Military Training
Means activities undertaken to meet the purposes of the Defence Act 1990 provided:
(a) the activity does not require the construction of permanent structures;
(b) the activity does not require (permanent or mechanical) excavation unless provided for elsewhere in the Plan;
(c) flying activities are in compliance with civil aviation regulations or in agreement with the local controlling authority.

Temporary Uses and Buildings
Means the following:
(a) Temporary offices, temporary accommodation in association with the construction of a dwelling on the same site, storage sheds, storage yards, builders' workshops and other similar buildings and uses, which are required as incidental to a building or construction project. These are permitted only for the duration of that project, and not for a period exceeding 12 months. Where the temporary use or building relates to the construction of a building, no such temporary use or building shall be commenced or erected, unless a building consent for the erection of the permanent building on the site has been issued.
(b) Temporary uses and buildings for such purposes as carnivals, bazaars, public meetings and the like. These are permitted for a period not exceeding one week in any one year.
(c) Drilling to determine ground conditions (geotechnical investigations) and/or to undertake ground water monitoring.

*Tikanga Maori (refer s2 RMA)
Means Maori customary values and practices.

Title (refer to definition of ‘Certificate of Title’)

Tourist Facility Sign
Means a sign giving directions to a geographic feature, commercial enterprise or scenic route which caters for tourists and is located adjacent to the road, or on a side road off it, and includes signs for tourist features (eg scenic lookouts, waterfalls), tourist establishments (eg museums, wineries, craft centres) and major tourist attractions (eg national parks) and tourist drives or routes (scenic drive, wine trail).

Travellers’ Service Centre
Means an activity comprising of a service station and any one or more of the following as an integrated development:
(a) rest, picnic and sealed parking areas
(b) public toilets
(c) food, refreshments and fast food outlets providing on-demand meals for consumption therein or for take-away
(d) an information centre for the provision of information for travellers and tourists.

Turning Area (refer to definition of ‘Manoeuvring/Turning Area’)

Underground Mining
Means taking, winning or extraction of naturally occurring minerals from under the land surface utilising shafts, adits, tunnelling and other recognised underground mining techniques, methods and equipment, and includes surface disturbance associated with underground mining and backfilling of the void with waste rock. It excludes “Mining Operations” (refer to separate definition).

Urban Area
Means land within a Residential, Low Density Residential, Township, Marae Development (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) Zones.

Vehicle Access Strip
Means, in relation to a rear site, that strip of land extending from the street frontage to that site, of minimum specified width and for the permanent and legal use of that site only, for ingress and egress.
**Ventilation System**

Means a system complying with the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This will provide a minimum level of mechanical ventilation. An air conditioning system may also be necessary to achieve thermal comfort.

**Visitor Accommodation**

Means building(s) used for day to day accommodation by visitors where tariffs are charged and includes hotels, motels, guest houses, bed and breakfast accommodation, and backpackers’ accommodation. It excludes camping grounds and motor camps.

Note: Where the operator(s) of the visitor accommodation lives on-site, any maximum occupancy standard specified in the zone rules for the visitor accommodation shall not include the operator(s) and their required residential accommodation (ie a separate dwelling may be provided for the operator(s) in addition to the visitor accommodation facility where permitted by the rules of the Plan).

See also ‘Homestay/Farmstay’.

**Warehouse**

Means any building, or land, where materials, articles or goods are stored pending sale or removal. Any warehouse shall be deemed to include only such offices, showrooms, and wholesale shops as are necessary for, incidental to and part of the principal use of the site as a warehouse.

**Wind Farm**

Means land, buildings or structures used to generate electricity from the wind.

*Working Day (refer s2 RMA)*

Means a day of the week other than –

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and

(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.

**Yard**

Means a part of a site measured from the boundary of the site which is required to be unobstructed by buildings from the ground upwards except that:

(a) a verandah or canopy attached to a non-residential building may project over any front yard;

(b) an open fire escape may project over any yard;

(c) a fence, boundary wall or retaining wall not exceeding 2 metres in height (but in each case not being a building) may be erected on any yard;

(d) an uncovered deck of less than 1 metre in height may project over any yard;
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(e) where a building line restriction is imposed over the site, the yard shall be measured back from the building line; and

(f) eaves no more than 600mm wide may encroach into any yard.

<table>
<thead>
<tr>
<th>Section 4: Definitions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front Yard</strong></td>
<td>Means a yard between the road (whether formed or unformed) and a line parallel thereto, extending across the full width of the site.</td>
</tr>
<tr>
<td><strong>Rear Yard</strong></td>
<td>Means a yard in any site other than a corner site, bounded by the rear boundary of the site and a line extending across the full width of the site, except that a rear yard in respect of any rear lot means a yard between the full length of all boundaries of the site and a line parallel thereto.</td>
</tr>
<tr>
<td><strong>Side Yard</strong></td>
<td>Means a yard, except for any portion of the site comprised in a front or rear yard, that lies between the full length of a side boundary and a line parallel thereto. On a corner site every boundary not being a road frontage shall be deemed to be a side boundary.</td>
</tr>
<tr>
<td><strong>Other Yard</strong></td>
<td>Means any yard other than a Front Yard.</td>
</tr>
</tbody>
</table>

Youth Play Areas
Means play areas and associated equipment and structures for non organised recreational activities suited to youth, and may include skate boarding, BMX and agility courses.

Zone
Means a portion of the District shown on the planning maps by distinctive notation, for the purpose of indicating the policies and controls in the Plan for the erection or use of buildings or the use of land.

Zone Coverage
Means that portion of a zone which is covered by buildings, whether principal or accessory, excluding eaves less than 600mm wide, and uncovered decks and terraces at ground floor level only.

Zone Development Standard
Means limits for external effects of activities as specified in this District Plan.
Section 5.1: Rural Zone

Note: Recommended changes to the District Plan that were publicly notified are shown in red text and subsequent changes recommended via the Staff Report are shown in blue text.

5.1 RURAL ZONE

5.1.1 ZONE PURPOSE

(1) Apart from those areas specifically zoned as Conservation, Coastal, Karangahake or Reserve Zones most of the land outside of the towns and townships of the District is within the Rural Zone.

(2) The Rural Zone is almost exclusively a farming area covering the fertile Hauraki Plains and Waihi Basin areas, the western foothills of the Hapuakohe Range, the eastern hills of the Waihi Basin and the foothills of the Coromandel and Kaimai-Mamaku Ranges. Predominantly dairy farming is concentrated on the plains area. Horticulture is predominantly located in the Waihi Basin. Extensive grazing and production forestry occurs in the hill country. The rural land resource is one of the most valued of the natural and physical resources in the District. Important mineral resources are located within the Rural Zone.

(3) Most of the land in the Rural Zone is in pasture or under cultivation. Areas of commercial forestry are located particularly on the western ranges, and extractive industry occurs in a number of locations. In other locations within the Rural Zone, protection of public water supply sources, water and/or soil conservation and land management considerations require that the land either remain undeveloped or the current ground cover remain undisturbed, or that the land is carefully managed.

(4) There are significant natural areas (eg stands of indigenous vegetation), outstanding natural features and landscapes and district amenity landscapes within the rural area, that require protection from adverse effects of some activities. The protection provisions for indigenous biodiversity of significance in the Rural Zone are supplemented by other general provisions relating to less significant indigenous biodiversity.

(5) The Rural Zone is of a generally open character, with buildings mainly limited to dwellings and other buildings directly associated with rural production activities.

5.1.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure a range of compatible rural land use activities can be undertaken, which benefit from the productive potential, location and rural character of the zone.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

(i) Rural production activities that require the use of land with productive capability should be able to locate on land with such value.

(ii) Land use activities which do not rely on land with high productive capability (including urban development and rural lifestyle activities) should not be sited on...

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 5.1: Rural Zone

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
(ii) Require that the adverse effects of mineral investigation, extraction activities (including overburden cleanfills) and associated industrial activities be avoided, remedied or mitigated.

(iii) Provide for associated industries to co-locate with extractive industries to encourage on-site processing of minerals.

(iv) Recognise that the voids and other landscape features created by mining activities may be appropriate for a range of other uses (including recreational and industrial), and to allow for such uses in a manner where adverse effects are avoided, remedied or mitigated.

(b) Reasons

(i) The District includes areas which are currently being mined or are known to have potential for the discovery of mineral resources.

(ii) The environmental effects of investigating mineral resources potential needs to be managed in an appropriate manner.

(iii) The on-site processing and use of mineral resources may result in significant cost and environmental savings by reducing transportation requirements.

(iv) The voids and other landscape features created by some mining activities are a physical resource that should be used and developed in a manner that avoids, remedies or mitigates potential adverse effects.

(4) OBJECTIVE 4

To ensure that adverse effects of a land use activity on the environment or on the amenities of neighbours are avoided, remedied or mitigated.

(a) Policies

Objective 4 will be achieved by implementation of the following policies:

(i) Require that all effluent is able to be safely disposed of to protect human health, and there is no associated smell nuisance from effluent or any other aspect of the activity.

(ii) Ensure the implications of land use activities for the safety and efficiency of the roading network (especially through the integration of land uses with the roading network) are properly addressed.

(iii) Other adverse effects (eg noise, smell, glare, vibration, visual) on the environment and amenity of the District (particularly where they are near to residential or other sensitive activities) should where practicable be avoided, or remedied or mitigated.

(iv) Development in natural hazard areas that is likely to be adversely affected by such hazards should be avoided, where necessary, in preference to mitigating adverse hazard effects.

(b) Reasons

(i) Whilst accepting that a range of activities should be provided for in the Rural Zone, care must be taken to ensure that: any adverse effect arising from the activities
Section 5.1: Rural Zone

(5) **OBJECTIVE 5**

To recognise and provide for the development and use of ancestral Maori Land in a manner that recognises the cultural based housing needs and traditions associated with such land.

(a) **Policies**

Objective 5 will be achieved by implementation of the following policies:

(i) Residential activities (Papakāinga) should be able to be developed and carried out on Maori land, where the effects on the environment can be avoided, remedied or mitigated.

(b) **Reasons**

(i) The relationship of Maori, including their culture and traditions, with ancestral lands is required to be recognised and provided for as a Matter of National Importance as stipulated in the Act, and this is partly given effect to by supporting traditional Maori cultural living on Maori land.

(ii) The District Plan also needs to take into account the Principles of the Treaty of Waitangi.

(iii) The Marae Development Zone (Section 5.9) provides for wider Maori development than purely residential.

5.1.3 **ENVIRONMENTAL RESULTS**

(1) The main expected environmental result of the Rural Zone is to facilitate productive uses of land that are compatible with retaining the open character and environmental amenity of the rural area and which promote the sustainable management of the physical and natural resources of the rural area.

(2) It is recognised that in addition to traditional farming and forestry activities there is a need to accommodate a diverse range of opportunities for land use activities that enhance the social, economic and cultural wellbeing of the rural community. Some of these activities may have adverse effects that are incompatible with each other. Such activities should be managed to ensure the effects do not detrimentally impact on the physical and natural resources, other rural activities or the amenities of existing residents.

(3) Within the rural zones, certain areas/features have been identified as being significant resources worthy of protection. Such areas/features include significant ecological areas, built heritage, areas of high scenic quality and important landscape features. The result sought with regard to such areas is that they are not adversely affected by the impacts of land use and subdivision activities.
Section 5.1: Rural Zone

5.1.4 ACTIVITY STATUS

Activities and their accessory uses, and buildings (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

5.1.4.1 PERMITTED ACTIVITIES

Those activities listed below are a Permitted Activity, unless otherwise specified and subject to compliance with the:

- Zone Development Standards specified in Rule 5.1.5;
- Activity Specific Standards specified in Rule 5.1.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

<table>
<thead>
<tr>
<th>P1</th>
<th>DRAINAGE WORKS AND RIVER CONTROL WORKS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Note: Resource consent may be required from the Waikato Regional Council for these activities</td>
</tr>
</tbody>
</table>

| P2 | PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS OUTSIDE OF THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |

| P3 | PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS IN THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(8)) |

| P4 | ONE DWELLING ON EACH CERTIFICATE OF TITLE CONTAINING UP TO 40 HECTARES OF LAND (EXCLUDING DWELLINGS AND ADDITIONS THERETO AND ACCESSORY BUILDINGS AND ADDITIONS THERETO IN THE OUTSTANDING NATURAL LANDSCAPE AREA, DISTRICT AMENITY LANDSCAPE AREA OR PIAKO FLOOD PONDING AREA) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |

| P5 | TWO DWELLINGS ON EACH CERTIFICATE OF TITLE CONTAINING 40 OR MORE HECTARES OF LAND (EXCLUDING DWELLINGS AND ADDITIONS THERETO AND ACCESSORY BUILDINGS AND ADDITIONS THERETO IN THE OUTSTANDING NATURAL LANDSCAPE AREA, DISTRICT AMENITY LANDSCAPE AREA, OR PIAKO FLOOD PONDING AREA) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |

| P6 | ONE DWELLING ON EACH CERTIFICATE OF TITLE CONTAINING UP TO 40 HECTARES OF LAND IN THE DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |

| P7 | TWO DWELLINGS ON EACH CERTIFICATE OF TITLE CONTAINING 40 OR MORE HECTARES OF LAND IN THE DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |

| P8 | ACCESSORY BUILDINGS TO DWELLINGS IN THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(6)) OR IN THE DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |

| P9 | FORESTRY (OUTSIDE THE PIAKO FLOOD PONDING AREA, OUTSTANDING NATURAL |

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
### Section 5.1: Rural Zone

#### 5.1.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a Controlled Activity unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.1.5;
- Activity Specific Standards in Rule 5.1.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.
Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

<table>
<thead>
<tr>
<th>C1</th>
<th>PAPAKAINGA HOUSING (EXCEPT IN OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA OR PIAKO FLOOD PONDING AREA) (refer to Activity Specific Standards 5.1.6(4) &amp; (5))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters over which Council has reserved control are:</td>
<td></td>
</tr>
<tr>
<td>(1) Site layout</td>
<td></td>
</tr>
<tr>
<td>(a) Whether buildings are sufficiently set back from the boundaries of the neighbouring properties to avoid causing a nuisance to neighbouring holdings by way of obstruction of views, noise, glare and loss of privacy.</td>
<td></td>
</tr>
<tr>
<td>(b) Whether the layout of the housing on the site maintains an open character in keeping with the locality when viewed from public vantage points and adjacent properties.</td>
<td></td>
</tr>
<tr>
<td>(2) Location and design of vehicle access</td>
<td></td>
</tr>
<tr>
<td>(a) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public road. Pertinent matters for consideration in this regard are:</td>
<td></td>
</tr>
<tr>
<td>(i) the carrying capacity, standard and status in the roading hierarchy of the route concerned;</td>
<td></td>
</tr>
<tr>
<td>(ii) the means by which any likely traffic hazard can be avoided or mitigated.</td>
<td></td>
</tr>
<tr>
<td>(3) Carparking</td>
<td></td>
</tr>
<tr>
<td>(a) The ability of the site to accommodate the necessary parking and on-site manoeuvring areas.</td>
<td></td>
</tr>
<tr>
<td>(b) Carparking areas on-site should be visually obvious to drivers from the road.</td>
<td></td>
</tr>
<tr>
<td>(c) Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the road.</td>
<td></td>
</tr>
</tbody>
</table>

| C2 | EXPLORATION (EXCLUDING EXPLORATION IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA) NOT MEETING ONE OR MORE OF THE ACTIVITY SPECIFIC STANDARDS IN 5.1.6(3)(a) FOR PERMITTED ACTIVITIES AND NOT EXCEEDING THE ACTIVITY SPECIFIC STANDARD 5.1.6(3)(c) FOR CONTROLLED ACTIVITIES |

| C3 | EXPLORATION IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(3)(b)) |

Matters over which Council has reserved control for C2 and C3 are:

| (1) Location of vegetation and/or land clearances |
| (a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance. |

| (2) Timing/number of vegetation and/or land clearances |
| (a) Whether the timing and/or number of individual clearances should be |
management and rehabilitation

(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance.

(b) The extent to which existing indigenous or other vegetation which contributes to visual amenity and/or biodiversity values is retained, the reasons why clearance is proposed and the ability to rehabilitate the area to similar values.

(c) Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse visual impact.

5.1.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a Restricted Discretionary Activity subject to compliance with the:

• Conservation and Heritage provisions in Section 6.0;
• Specific and District Wide provisions in Section 7.0; and
• District Wide Performance Standards in Section 8.0.

The matters over which the Council has restricted its discretion are specified for each Restricted Discretionary Activity listed below.

RD1 ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.1.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.1.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY

Matters over which Council has restricted its discretion are:

The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.1.5 for which compliance is not met and the following relevant matters.

(1) Height and Daylighting

(a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.

(b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.

(c) The need to preserve existing trees, vegetation or important physical characteristics of the site.

(d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.

(e) Whether the property adjoining the site is sufficiently higher and therefore the

Section 5.1: Rural Zone

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
adjoining property will not be detrimentally affected.

(f) Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the *amenities* of the neighbouring site.

(g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.

(h) The degree to which *amenity value* and privacy of adjoining properties is affected by matters such as shading and loss of daylight.

(i) The extent to which the *building* visually intrudes on any Outstanding Natural Landscape Area or District Amenity Landscape Area, and what measures are proposed to reduce the visual effects of that intrusion.

(j) Whether the *building* will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(k) Where in proximity to the inland Coastal Zone boundary, whether the *building* will detract from and/or adversely affect the natural character of the coastal *environment*.

(2) **Yards (Buildings)**

(a) The extent that topographical and *site* conditions restrict the area or shape of the *site* that is available and suitable for building.

(b) The degree to which the functioning of the *site* and/or the activity can be improved by not meeting the standard.

(c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the *site*.

(d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.

(e) The extent to which the safe and efficient functioning of the street or *road* will be compromised.

(f) Whether the detrimental effects (including reverse sensitivity effects) of building in the *yard* can be reduced or avoided.

(g) Whether the *yard* functions (including separation, landscaping and service provision) will be provided on the *site* by other means, or are they unnecessary.

(3) **Yards (Shelter Belts and Forestry)**

(a) The extent to which the safe and efficient functioning of the street or *road* will be compromised, through shading and obscuring visibility.

(b) The potential of the tree root system to cause damage to the *road* pavement.

(c) The extent to which the provision of daylight and sunlight into the

---

**Section 5.1: Rural Zone**

*(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)*
neighbouring properties will be affected.

RD2 ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(4) IN THE AREA IDENTIFIED ON THE PLANNING MAPS AS “SUBJECT TO INUNDATION”

Matters over which Council has restricted its discretion are:

1) **Design of buildings**
   
   (a) Whether the building or extension to the building and associated access is designed in such a manner that the building and access to the building will be free from inundation.
   
   (b) Whether the building or extension to the building and access to it will have any consequential flooding effects on the remainder of the site and other sites also subject to potential inundation.

2) **Earthworks/impermeable covering**
   
   (a) Whether the excavation or placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during inundation will be minor and not cumulatively affect the functioning of the Flood Ponding Zone.
   
   (b) Whether the extension of the impermeable covering (building and/or hard surfaces) and access will have any consequential inundation effects on the remainder of the site and other sites also subject to potential inundation and any other adjacent sites.
   
   (c) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).

3) **Planting**
   
   (a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.
   
   (b) Whether the planting will inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other sites also subject to potential inundation. For example vegetation should not impede the free flow of water during the flood ponding/inundation process (both filling and emptying).

RD3 BUILDINGS (INCLUDING DWELLINGS (EXCEPT PAPAKAINGA HOUSING) AND ADDITIONS THERETO IN A DISTRICT AMENITY LANDSCAPE AREA THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(7))

Matters over which Council has restricted its discretion are:

1) The design of the building, including height, size/scale, external finish, colour and reflectance value to avoid, remedy or mitigate the adverse effects on the landscape, including, for example:
   
   (a) use of varied rooflines to create shade effects and break up the bulk of the roofline;
### Section 5.1: Rural Zone

| (b) | lowered building height; |
| (c) | amount and reflectivity of glass; |
| (d) | use of a colour similar to a colour in the Hauraki District Council landscape colour chart (refer to 6.3.7). |

2. The visibility of the building from public viewing points, having regard to the accessibility of the viewing point.

3. The extent to which the building and any associated curtilage will be visually prominent (particularly in relation to nearby or backdrop indigenous vegetation) and/or break a skyline or interrupt the form of ridges, hills or prominent slopes.

4. Whether the District Amenity Landscape Area has the capacity to absorb change, having regard to existing and consented developments in the immediate locality and any benefits that may arise from the clustering of buildings, or if other more suitable sites should be used.

5. Whether the building is located where vegetation and/or landform can provide a backdrop, or the planting of trees and shrubs, the shaping of earth and other landscape features around the building can reduce the visual dominance of the building and assist with its integration into the landscape.

6. The Zone Development Standards in Rule 5.1.5.

#### RD4 ACCESSORY BUILDINGS TO EXISTING DWELLINGS, TO FARMING AND TO EXISTING FORESTRY, IN AN OUTSTANDING NATURAL LANDSCAPE AREA, THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(6)

Matters over which Council has restricted its discretion are:

1. The design of the building, including height, size/scale, external finish, colour and reflectance value.

2. The appropriateness of the building site having regard to geotechnical conditions and site suitability.

3. The visibility of the building from public viewing points, having regard to the accessibility of the viewing point.

4. The extent to which the building and any associated curtilage will be visually prominent (particularly in relation to nearby or backdrop indigenous vegetation) and/or break a skyline or interrupt the form of ridges, hills or prominent slopes.

5. Whether the Outstanding Natural Landscape Area has the capacity to absorb change, having regard to existing and consented developments in the immediate locality and any benefits that may arise from the clustering of buildings.

6. Whether the building is located where vegetation and/or landform can provide a backdrop, or the design of any landscaping around the building can mitigate any visual effects.

7. Whether physical access to the building follows the contours of the land and minimises the visual impact of cut and fill.

8. The design and siting of services (especially overhead services) to the building and the ability of these services to follow natural contours, and whether the visual effects...
**Section 5.1: Rural Zone**

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

<table>
<thead>
<tr>
<th>RD5</th>
<th>ADDITIONS TO EXISTING BUILDINGS (INCLUDING DWELLINGS) IN THE PIAKO FLOOD PONDING AREA, WHERE OTHERWISE PROVIDED FOR IN THE RURAL ZONE (OUTSIDE THE PIAKO FLOOD PONDING AREA) AS A PERMITTED OR CONTROLLED ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters over which Council has restricted its discretion are:</td>
<td></td>
</tr>
<tr>
<td>(1) Design of Buildings</td>
<td></td>
</tr>
<tr>
<td>(a) Whether the building is designed in such a manner that the site can still practically accommodate the same flood ponding volume.</td>
<td></td>
</tr>
<tr>
<td>(10) Removal of Vegetation /Impermeable Surface Covering</td>
<td></td>
</tr>
<tr>
<td>(a) Whether any proposed measures to retain the ponding volume are adequate.</td>
<td></td>
</tr>
<tr>
<td>(b) The cumulative effect of works on the functioning of the flood ponding area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RD6</th>
<th>TRACKS, DRIVEWAYS IN THE OUTSTANDING NATURAL LANDSCAPE AREA THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters over which Council has restricted its discretion are:</td>
<td></td>
</tr>
<tr>
<td>(1) Whether the track or driveway follows the contours of the land and minimises the visual impact of cut and fill.</td>
<td></td>
</tr>
<tr>
<td>(2) Whether the visual effects can be lessened by proposed landscaping.</td>
<td></td>
</tr>
<tr>
<td>(3) Whether the location of the track or driveway minimises the removal of or modification to indigenous vegetation, and the extent of earthworks that will be potentially visually prominent.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RD7</th>
<th>PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS IN THE OUTSTANDING NATURAL LANDSCAPE AREA THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters over which Council has restricted its discretion are:</td>
<td></td>
</tr>
<tr>
<td>(1) Whether the track or driveway follows the contours of the land and minimises the visual impact of cut and fill.</td>
<td></td>
</tr>
<tr>
<td>(2) Whether the visual effects can be lessened by proposed landscaping.</td>
<td></td>
</tr>
<tr>
<td>(3) Whether the location of the track or driveway minimises the removal of or modification to indigenous vegetation, and the extent of earthworks that will be potentially visually prominent.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RD8</th>
<th>ONE MINOR DWELLING UNIT ACCESSORY TO A DWELLING ON A CERTIFICATE OF TITLE CONTAINING UP TO 40 HECTARES OF LAND (EXCLUDING IN THE OUTSTANDING NATURAL LANDSCAPE AREA, OR PIAKO FLOOD PONDING AREA) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(9))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters over which Council has restricted its discretion are:</td>
<td></td>
</tr>
<tr>
<td>(1) Landscape, visual and amenity effects.</td>
<td></td>
</tr>
<tr>
<td>(2) Effects on the privacy of neighbouring properties and dwellings.</td>
<td></td>
</tr>
<tr>
<td>(3) Potential nuisance effects on neighbouring properties and dwellings.</td>
<td></td>
</tr>
</tbody>
</table>
Section 5.1: Rural Zone

5.1.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a Discretionary Activity (except where otherwise specified*) and shall be assessed against the relevant criteria in Rule 5.1.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the Discretionary Activity status for the activities specified below or require additional resource consents.

<table>
<thead>
<tr>
<th>D1</th>
<th>ONE DWELLING ON EACH CERTIFICATE OF TITLE IN THE OUTSTANDING NATURAL LANDSCAPE AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>D2*</td>
<td>MULTIPLE DWELLINGS (MORE THAN ONE DWELLING ON EACH CERTIFICATE OF TITLE CONTAINING LESS THAN 40 HECTARES OF LAND, OR MORE THAN TWO DWELLINGS ON EACH CERTIFICATE OF TITLE CONTAINING 40 OR MORE HECTARES OF LAND) EXCLUDING IN THE OUTSTANDING NATURAL LANDSCAPE AREA</td>
</tr>
<tr>
<td>D3</td>
<td>PAPAKAINGA HOUSING IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA</td>
</tr>
<tr>
<td>D4*</td>
<td>PRODUCE MARKET AND MORE THAN ONE PRODUCE STALL PER HOLDING</td>
</tr>
<tr>
<td>D5</td>
<td>PRODUCE STALLS IN THE OUTSTANDING NATURAL LANDSCAPE AREA</td>
</tr>
<tr>
<td>D6*</td>
<td>HELICOPTER LANDING AREA OR AIRSTRIP</td>
</tr>
<tr>
<td>D7*</td>
<td>FACTORY FARMING ACTIVITIES WHICH COMPLY WITH THE STANDARDS FOR NON-DOMESTIC EFFLUENT DISPOSAL IN PERFORMANCE STANDARD 8.5.2</td>
</tr>
<tr>
<td>D8*</td>
<td>INDUSTRIAL ACTIVITY EXCLUDING THE WHOLESALE STORAGE AND DISTRIBUTION OF MOTOR SPIRITS (INCLUDING LPG AND CNG)</td>
</tr>
<tr>
<td>D9</td>
<td>COMMERCIAL SERVICE, COMMUNITY FACILITY, EDUCATION AND TRAINING FACILITY OUTSIDE THE PLAINS AND WAIHI BASIN AREAS (REFER TO MAPS M1 – M4)</td>
</tr>
<tr>
<td>D10*</td>
<td>DEPOTS AND RURAL CONTRACTOR DEPOTS FOR THE MAINTENANCE, REPAIR AND STORAGE OF VEHICLES, MACHINERY, EQUIPMENT AND MATERIALS ASSOCIATED WITH AND USED FOR RURAL ACTIVITIES, NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY</td>
</tr>
<tr>
<td>D11*</td>
<td>LANDFILLS</td>
</tr>
<tr>
<td>D12*</td>
<td>ANY PERMITTED, CONTROLLED OR DISCRETIONARY ACTIVITY IN THE RESERVE</td>
</tr>
</tbody>
</table>

### Section 5.1: Rural Zone

**5.1.14** (ACTIVE) ZONE, WHERE NOT OTHERWISE PROVIDED FOR IN P2, P19, P20, C2 or RD7 ABOVE

<table>
<thead>
<tr>
<th>D13*</th>
<th>EXPLORATION NOT OTHERWISE PROVIDED FOR AS A PERMITTED OR CONTROLLED ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>D14*</td>
<td>UNDERGROUND MINING, SURFACE MINING, AND MINING OPERATIONS</td>
</tr>
<tr>
<td>D15*</td>
<td>ANIMAL FEEDLOTS</td>
</tr>
<tr>
<td>D16*</td>
<td>INTENSIVE OUTDOOR FARMING</td>
</tr>
<tr>
<td>D17*</td>
<td>BOARDING, BREEDING AND TRAINING OF ANIMALS (FACILITIES)</td>
</tr>
</tbody>
</table>

**D18** ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.1.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY

**D19** ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6 AND IS NOT OTHERWISE PROVIDED FOR AS A RESTRICTED DISCRETIONARY ACTIVITY

**D20*** ANY BUILDING OR BUILDING ADDITION LOCATED PARTIALLY OR ENTIRELY OUTSIDE A BUILDING ENVELOPE THAT HAS BEEN DEFINED BY CONDITION OF A RESOURCE CONSENT FOR SUBDIVISION

**D21* **FORESTRY IN THE OUTSTANDING NATURAL LANDSCAPE AREA

**D22** ONE MINOR DWELLING UNIT ACCESSORY TO A DWELLING ON A CERTIFICATE OF TITLE CONTAINING UP TO 40 HECTARES OF LAND (EXCLUDING IN THE OUTSTANDING NATURAL LANDSCAPE AREA, OR PIAKO FLOOD PONDING AREA) THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(9)

*Discretionary Activities D2, D4, D6 to D8, D10 to D17, D20 and D21 are a Non Complying Activity where located in the Piako Flood Ponding Area.

### 5.1.4.5 Non Complying Activities

Those activities listed below are a Non Complying Activity.

<table>
<thead>
<tr>
<th>NC1</th>
<th>NEW BUILDINGS (INCLUDING DWELLINGS) IN THE PIAKO FLOOD PONDING AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC2</td>
<td>DISCRETIONARY ACTIVITIES D2, D4, D6 to D8, D10 to D17, D20 and D21 WHERE LOCATED IN THE PIAKO FLOOD PONDING AREA</td>
</tr>
<tr>
<td>NC3</td>
<td>ANY ACTIVITY NOT OTHERWISE PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY</td>
</tr>
</tbody>
</table>

### 5.1.4.6 Prohibited Activities

Those activities listed below are a Prohibited Activity.

THERE ARE NO PROHIBITED ACTIVITIES

*Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions*
5.1.5 ZONE DEVELOPMENT STANDARDS

(1) The following relevant Zone Development Standards shall be met by all Permitted and Controlled Activities unless otherwise stated.

(2) For Controlled Activities, where Council has reserved control over specified matters in Rule 5.1.4.2, and for Restricted Discretionary Activities in Rule 5.1.4.3, where Council has restricted its discretion to specific matters, more restrictive development standards than those specified in the table below may be imposed as conditions of consent.

(3) The following relevant Zone Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

<table>
<thead>
<tr>
<th>Development Standard*</th>
<th>Parameter</th>
<th>Permitted and Controlled</th>
<th>Restricted Discretionary</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td></td>
<td>11.0 metres (except in the Outstanding Natural Landscape and District Amenity Landscape Areas).</td>
<td>15.0 metres (except in the Outstanding Natural Landscape and District Amenity Landscape Areas).</td>
<td>To ensure that the height of buildings is compatible with the activities permitted in the zone as well as the landscape, amenity and character of both the zone that the building is located in and any adjoining zone.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8.0 metres (in the Outstanding Natural Landscape and District Amenity Landscape Areas).</td>
<td>11.0 metres (in the Outstanding Natural Landscape and District Amenity Landscape Areas).</td>
<td></td>
</tr>
<tr>
<td>Daylight Control</td>
<td></td>
<td>No building shall project above 2.0 metres in height at any holding boundary and not project above a 45° plane into the holding up to the maximum height.</td>
<td>No restriction</td>
<td>To ensure no building unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between buildings.</td>
</tr>
<tr>
<td>Minimum Yards (Building)</td>
<td></td>
<td>Front Yard: 12 metres (except from state highways for those buildings as set out in the rule below).</td>
<td>Front Yard: 12 metres</td>
<td>To allow flexibility in site layout while still maintaining the amenities of the site and adjoining sites and mitigating reverse sensitivity effects from new noise sensitive activities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Front Yard: 20 metres (from state highways) for new dwellings erected or placed on the site after 14 September 2012 (and any subsequent additions to those dwellings).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other yards: 12 metres, except that:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) any building or enclosure used for the housing and keeping of any animals (including milking sheds and stock yards) are not permitted within 50 metres of the boundary of the holding;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) for certificates of title of 2,500m² or less, the yard may be reduced to 3 metres for residential purposes including accessory buildings;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) any new dwellings erected or placed on the site after 14 September 2012 (and any subsequent additions to those dwellings) are not permitted within 20 metres of the boundary of the railway designation (ref G1a on Planning Maps 17, 23, 28, 29, G1,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other yards: Nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Development Standard*

**Permitted and Controlled**
- **G3 & G5)**.

**Restricted Discretionary**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shelter Belts and Forestry</strong></td>
<td>To maintain traffic safety, protect the physical road and maintain the amenities of adjoining sensitive land uses.</td>
</tr>
<tr>
<td>Front Yard: 10 metres.</td>
<td>Front yard: Nil</td>
</tr>
<tr>
<td>Other yards: Nil. Except that where the yard boundary adjoins a sensitive zone boundary, the yard shall be 10 metres.</td>
<td>Other yards: Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Traffic Noise Sensitivity</th>
<th>No restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) All new habitable room(s) where located within 80 metres of the formed carriageway of a state highway shall meet an internal road-traffic design sound level of 40dBLAeq(24hr) with ventilating windows open.</td>
<td>To allow flexibility of site layout while protecting the amenity of sensitive uses, where located in proximity to high speed environment and/or high traffic volume state highways, from potential adverse traffic noise effects.</td>
</tr>
<tr>
<td>(b) An acoustic design report from a suitably qualified and experienced acoustics expert shall be provided to the Council demonstrating compliance with (a) above at the time of building consent application.</td>
<td></td>
</tr>
<tr>
<td>(c) Where the requirements of (a) above can only be met with windows and doors closed a ventilation system shall be installed for the new habitable room(s).</td>
<td></td>
</tr>
<tr>
<td>(d) The requirements of (a) above shall not apply where:</td>
<td></td>
</tr>
<tr>
<td>(i) the nearest façade of the new habitable room(s) is between 50 and 80 metres from the formed carriageway of the state highway and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new habitable room(s) to any part of the formed carriageway of the state highway (where that part of the state highway is within 80 metres of the façade of the new habitable room(s)); or</td>
<td></td>
</tr>
<tr>
<td>(ii) it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics expert that the road traffic noise level from the state highway is less than 55dBLAeq(24hr) on all facades of the new habitable room(s); or</td>
<td></td>
</tr>
<tr>
<td>(iii) the habitable rooms are added to or altered within a dwelling existing at 26 September 2014.</td>
<td></td>
</tr>
</tbody>
</table>

*(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
*These Zone Development Standards shall not apply to “Temporary Uses and Buildings” covered by clause (b) of the definition in Section 4 for “Temporary Uses and Buildings” and to “Prospecting” and “Exploration”.

5.1.6 ACTIVITY SPECIFIC STANDARDS

(1) PRODUCE STALL

(a) No produce stall shall be operated where it obtains its access from a state highway.

(b) The area of land or building used as a produce stall shall not exceed 30m² in total, excluding the area required for off-street parking and manoeuvring.

(c) The produce stall and any land used in conjunction with it for retail display shall be located at least:

(i) 20m from every front boundary of the holding;

(ii) 10m from every other boundary of the holding;

(iii) 60 metres from an intersection with a state highway.

(d) Activity specific standards (b) and (c) above shall not apply to a produce stall where:

(i) the area of land or building on the property used as a produce stall does not exceed 2m² in total; and

(ii) there is a minimum road seal width adjacent to the stall, from the centreline to the edge of the seal, of 3.0 metres; and

(iii) there is parking of a minimum width of 2.5 metres for at least one motor vehicle, off the formed road and adjacent to the stall, that is not a driveway or internal access, with a 4 metre taper at each end; and

(iv) the produce stall is located at least 60 metres from a state highway; and

(v) there is a minimum stopping sight distance of 200 metres, along the road carriageway to the stall.

(2) HOME OCCUPATIONS

(a) At least one person, including the principal operator of the home occupation, shall reside on the site.

(b) A home occupation involving the care, tuition and/or accommodation of no more than five persons at any one time (in addition to the owner(s)/operator(s)) may be undertaken provided the activity and accommodation is principally undertaken within the dwelling.

(c) A Rural Contractor Depot shall not occupy an area exceeding 500m², and shall not be operated within 50 metres of the boundary of the holding and 100 metres from any existing dwelling or visitor accommodation facility that is located on a certificate of title that is in a different ownership to that of the Rural Contractor Depot operator.
Section 5.1: Rural Zone

(d) Except for (b) and (c) above, the home occupation shall be carried out wholly within the dwelling or an associated accessory building erected or modified for the purpose, provided that the gross floor area of the dwelling or accessory building used for the home occupation shall not exceed 30% of the total gross floor area of the dwelling and associated accessory buildings on the site.

(e) Not more than one person from outside the household residing on the site shall be employed in the home occupation.

(f) Apart from the external parking of vehicles and machinery associated with a Rural Contractor Depot, there shall be no exterior display, external storage of materials or other indication of the home occupation or variation from the rural and/or residential character of the property visible from a public place or adjoining neighbouring property.

(g) The home occupation shall be operated so as not to attract pedestrian or vehicular traffic (other than traffic directly associated with the operation of the home occupation, eg rural contractor vehicles returning) between the hours of 10.00pm and 7.00am the following day.

(h) The home occupation may not use equipment which creates electrical interference with television and radio sets on neighbouring properties.

(i) Only goods directly produced or assembled by the home occupation may be sold or offered for sale from the site on which the home occupation is conducted. Assembled means putting together pre-fabricated parts to make a product.

(j) Home occupations shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery (other than mechanical repairs to vehicles and machinery directly associated with the home occupation, eg repair of rural contractor’s truck).

(3) EXPLORATION

(a) PERMITTED ACTIVITIES

(i) Trenching and costeaning is subject to a maximum cross section area of 6m².

(ii) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.

(iii) Exploration drilling is subject to a maximum drilling pad size of 200m².

(iv) Bulk sampling is subject to a maximum of 500m³ of material per 100 hectares.

(v) Exploration tunnels are subject to the maximum volume of excavated material not to result in more than 500m² of surface area being covered, to a maximum height of 2 metres.

(vi) Rehabilitation measures are proposed.

(vii) For exploration activities within an area subject to inundation as identified on the planning maps, activity specific standard 5.1.6(4) also applies.

(b) CONTROLLED ACTIVITIES – within Outstanding Natural Landscape Area and District Amenity Landscape Area

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
(i) Trenching and costeaming is subject to a maximum cross section area of 6m².
(ii) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
(iii) Exploration drilling is subject to a maximum drilling pad size of 200m².
(iv) Bulk sampling is subject to a maximum of 500m³ of material per 100 hectares in the Outstanding Natural Landscape Area and 1000m³ of material per 100 hectares in the District Amenity Landscape Area.
(v) Exploration tunnels are subject to the maximum volume of excavated material not to result in more than 500m² of surface area being covered in the Outstanding Natural Landscape Area and 1000m² square metres of surface area being covered in the District Amenity Landscape Area, to a maximum height of 2 metres.
(vi) Rehabilitation measures are proposed.
(vii) For exploration activities within an area subject to inundation as identified on the planning maps, activity specific standard 5.1.6(4) also applies.

(c) CONTROLLED ACTIVITIES – Outside Outstanding Natural Landscape Area and District Amenity Landscape Area

(i) Trenching and costeaming is subject to a maximum cross section area of 6m².
(ii) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
(iii) Exploration drilling is subject to a maximum drilling pad size of 200m².
(iv) Bulk sampling is subject to a maximum of 2000m³ of material per 100 hectares.
(v) Exploration tunnels are subject to the maximum volume of excavated material not to result in more than 2000m² of surface area being covered, to a maximum height of 2 metres.
(vi) Rehabilitation measures are proposed.
(vii) For exploration activities within an area subject to inundation as identified on the planning maps, activity specific standard 5.1.6(4) also applies.

(4) LAND SUBJECT TO INUNDATION AS IDENTIFIED ON THE PLANNING MAPS

(a) No more than 5% of the area within the site that is subject to inundation as identified on the planning maps shall be covered by buildings and/or covered in an impermeable surface or vegetation (other than grass or similar), or otherwise made unavailable to inundation (eg by bunding or solid fencing), or be subject to exploration, excavation and filling.

(5) PAKAKAINGA HOUSING

(a) Access is not from a state highway.
(b) The land concerned shall be Maori multiple owned freehold land or otherwise be under the jurisdiction of the Maori Land Court.
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(c) The land concerned shall be vested in Trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:

(i) the freehold of the land remains vested in the trustees without power of sale; and

(ii) the occupation and/or beneficial interest in the land is restricted to members of the whanau group for whose use and benefit the land is held.

(d) An average of at least 2500m² of net land area to be provided per dwelling and associated accessory buildings (including dwellings and associated accessory buildings provided for as a Permitted Activity).

(6) ACCESSORY BUILDINGS (TO DWELLINGS, FARMING, FORESTRY) IN OUTSTANDING NATURAL LANDSCAPE AREA

(a) The area of accessory building shall be:

(i) New Accessory Buildings - Maximum area: 100m² per building.

(ii) Additions to existing Accessory Buildings – Total area of addition and existing building: 100m² per building.

(iii) Total building coverage shall not exceed 2% of the certificate of title or 500m², whichever is the larger, for certificates of title up to (and including) 5 hectares in area.

(iv) Total building coverage shall not exceed 1000m² per title, for certificates of title exceeding 5 hectares in area.

(b) The exterior surfaces (walls, joinery and roof) shall be of a colour selected from the Hauraki District Council landscape colour chart (extract from British Standard Colour Range – BS5252), or constructed of materials which fall within this colour range. Refer to Section 6.3.7.

(c) The reflectivity value of the exterior surfaces (walls, joinery and roof) shall not exceed 32%.

(d) No mirror glass shall be used in the exterior walls or roof.

Standards (a) (i) to (iv) above shall not apply where the building is located within a building envelope that has been defined by a condition of a resource consent for subdivision. Refer to Rule 5.1.4.4 D20 for buildings located partially or entirely outside a defined building envelope.

(7) DWELLINGS, MINOR DWELLING UNITS AND ADDITIONS THEREETO AND ACCESSORY BUILDINGS TO DWELLINGS, FARMING AND FORESTRY IN DISTRICT AMENITY LANDSCAPE AREA

(a) The exterior surfaces (walls, joinery and roof) shall be of a colour selected from the Hauraki District Council landscape colour chart (extract from British Standard Colour Range – BS5252) or constructed of materials which fall within this colour range. Refer to Section 6.3.7.

(b) The reflectivity value of the exterior surfaces (walls, joinery and roof) shall not exceed 32%.

(c) No mirror glass shall be used in the exterior walls or roof.
(8) TRACKS, DRIVEWAYS, PEDESTRIAN WALKWAYS, CYCLEWAYS AND JOGGING TRACKS IN OUTSTANDING NATURAL LANDSCAPE AREA

(a) Gradient shall not exceed 1:8.

(b) Cut and fill batter faces shall be a maximum of 2 metres in height.

(c) All batter faces shall be planted or hydroseeded during the first planting season after batter face construction.

(9) RESTRICTED-DISCRETIONARY ACTIVITY STANDARDS FOR MINOR DWELLING UNITS (REFER TO 5.1.4.3 RD8)

(a) A minor dwelling unit must have a gross floor area (excluding its associated garage/carport used for vehicle parking; and its associated decks used for outdoor recreation) of no greater than:

(i) 50m²; or:

(ii) 60m² when Lifemark Design™ Certified, or has another certification acceptable to the Council to demonstrate that the minor dwelling unit is designed to be functional for elderly and disabled occupants.

Note: To qualify for Lifemark™ design certification, minor dwelling units are required to be designed in accordance with, and assessed against, the Lifemark Design Standards and must achieve at least the entry-level "3-star" rating. For further information refer to: www.lifemark.co.nz.

(b) A minor dwelling unit shall not have any accessory buildings except a single garage/carport and a garden shed. The total roof area of the garage/carport and garden shed associated with a minor dwelling unit shall be no greater than 25m².

(c) A minor dwelling unit must be located on a site with a net site area of no less than 2,500m².

(d) A minor dwelling unit located on a site that is subject to inundation as identified on the planning maps must not result in a breach of Activity Specific Standard 5.1.6(4).

(e) A minor dwelling unit located in the District Amenity Landscape Area must comply with Activity Specific Standard 5.1.6(7).

(f) Location

(i) A minor dwelling unit must be located to comply with the following Zone Development Standards (refer to 5.1.5(3)):

1. Maximum height;
2. Daylight control;
3. Minimum Yards (Building); and:
Section 5.1: Rural Zone

5.1-22

(ii) A minor dwelling unit must be located within 20 metres of the principal dwelling on the same site, measured from the closest external wall of the principal dwelling to the closest external wall of the minor dwelling unit.

(iii) A minor dwelling unit must share the same vehicle entrance and driveway access as the principal dwelling on the same site.

(g) Domestic wastewater treatment and disposal

(i) A minor dwelling unit that is not connected to the reticulated sewerage system must show details of the design and lay-out of the proposed on-site domestic effluent system including evidence that the system either complies with the permitted activity standards of the Waikato Regional Plan or the terms of a site specific discharge regional consent.

5.1.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, Council shall have regard to the relevant development standards, activity specific standards, environmental results and assessment criteria for Permitted, Controlled and Restricted Discretionary Activities in Rules 5.1.4 to 5.1.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.1.7.1 GENERAL ASSESSMENT CRITERIA

(1) The degree to which buildings, other structures and activities will adversely affect the rural landscape characteristics, particularly in relation to the open rural character.

(2) Whether the activity and any buildings and structures located within the Outstanding Natural Landscape Area and District Amenity Landscape Area are of a scale, intensity, exterior colour and reflectivity which are in keeping with the natural character and landscape values of the Outstanding Natural Landscape Area or District Amenity Landscape Area.

(3) Whether the activity should be located so that any actual or potentially productive land is not prejudiced from being used for purposes directly related to the inherent productive capability of the land.

(4) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any road. Pertinent matters for consideration in this regard are:

(a) the carrying capacity, standard and status in the roading hierarchy of the road concerned;

(b) the ability of the site to accommodate the activity requirements for on-site parking, loading and manoeuvring areas;

(c) the means by which any likely adverse traffic effects can be avoided, remedied or mitigated;

(d) the access, parking and loading standards for Permitted Activities which shall be used as a guideline in assessing applications for Discretionary Activities.

( Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 5.1: Rural Zone

5.1-23

(e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the state highway network.

(5) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the Region, the District or locality.

(6) Whether buildings are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance by way of overshadowing, obstruction of views, noise, glare and loss of privacy.

(7) The degree to which the location of buildings is such as to retain clear visibility along rural roads and to provide space for vehicle access and loading on the site clear of the road.

(8) Whether features of the proposal including the location, design, and colour of buildings and structures, the planting of trees and shrubs, and the shaping of earth avoid, remedy or mitigate any adverse effect on the existing landscape.

(9) The extent to which existing native bush, or other vegetation which contributes to visual amenity and/or biodiversity values (as assessed against the criteria in 6.2.5.8), is retained and the reasons why any clearance is proposed.

(10) Whether development adjacent to either the Conservation Zones, the Karangahake Gorge Zone or the Coastal Zone creates a situation where the buildings and activities dominate or detract from the natural environment of those zones.

(11) Whether drainage and/or peat mining will have an adverse effect on the function and ecological values of the Kopuatai and Torehape Peat Domes.

(12) Whether any exploration, mining, earthworks and/or tracks and driveways necessary to accommodate the activity would create a significant adverse visual impact, particularly in the Outstanding Natural Landscape Area and District Amenity Landscape Area.

(13) Whether any signs proposed detract from the amenities of the area.

(14) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply, within the boundaries of the site on which the activity is located (except where reticulated services are provided).

(15) The extent to which wastes, spoil, sawdust, effluent etc are to be disposed of so as to avoid, remedy or mitigate nuisance for surrounding residents, damage to property, and pollution of the environment.

(16) Whether the nature of the activity has the potential to create nuisance and health and safety effects, which cannot effectively or practically be controlled by mitigation measures.

(17) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located, or suitably screened from neighbouring properties and any public road or place, to avoid, remedy or mitigate any detriment to amenity.

(18) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

(19) The adequacy of management and rehabilitation plans to ensure the long term stability of any disturbed/excavated area including waste disposal areas (including the possible use of performance bonds or other mechanisms designed to ensure long term stability).
Section 5.1: Rural Zone

(20) Whether access to known mineral deposits will be compromised by the proposal concerned.

(21) Whether the activity and any buildings and structures are of a scale and intensity which are in keeping with the character and amenity values of the existing rural environment.

(22) The extent to which the activity and any building or structure maintains or enhances the cultural or heritage values of the locality.

5.1.7.2 ADDITIONAL DWELLINGS

(1) The extent of the loss of land with high productive potential.

(2) The necessity for additional dwellings to effectively manage the productive use of the land or support other lawfully established rural based activities on the holding.

5.1.7.3 PRODUCE MARKETS AND MORE THAN ONE PRODUCE STALL

(1) Whether the position and orientation of the stalls or market will cause a distraction to passing motorists, thereby potentially leading to traffic hazards.

(2) Whether the stalls or market, and land used in conjunction with them for retail display, are located a safe distance from the front boundary of the property to minimise traffic hazards.

(3) The extent to which the proposal complies with the performance standards for the zone.

(4) Whether the methods proposed for disposal of sewage and stormwater and the provision of a potable water supply are appropriate for the scale of development proposed, and can be effectively maintained.

5.1.7.4 HELICOPTER LANDING AREAS AND AIRSTRIPS

(1) Whether the proposed flight paths to and from the helicopter landing area or airstrip will adversely impact on existing activities in the area, and/or the values of the Conservation Zones and any Significant Natural Areas. The following matters will be considered:

(a) hazard from aircraft movements

(b) noise (NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas, shall be used in the management, control and assessment of noise effects)

(c) ground access and traffic

(d) hours of operation

(e) the frequency of aircraft movements

(f) intrusion into the visual environment

(g) effect on amenity values in the surrounding area

(h) whether the use is temporary or intermittent.

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
5.1.7.5 FACTORY FARMING AND ANIMAL FEEDLOTS

(1) Whether the design of the buildings and/or operation of the activity will ensure that all animals to be housed or kept cannot escape and that rodents or other animal pests can be managed.

(2) Whether appropriate buffer distances from existing and likely future activities on adjoining and nearby properties are achieved, in order that potential adverse effects of noise, odour and traffic can be avoided, remedied or mitigated. Regard shall be had to the Code of Practice - Pig Farming (New Zealand Pork Industry Board) 2nd Edition, August 1993, when considering an intensive pig farming operation.

(3) Whether the proposed management of effluent (including location of effluent disposal areas) is to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.

(4) The extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.

5.1.7.6 INTENSIVE OUTDOOR FARMING

(1) Whether the number and intensity of animals is at a level which makes the adverse effects of the intensive outdoor farming activity difficult to avoid, remedy or mitigate.

(2) Whether the animals are located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects can be avoided, remedied or mitigated.

(3) Whether the proposed management of effluent (including location of effluent disposal areas) is to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.

(4) Whether there are management aspects of the proposed activity (e.g., rotation of animals around the site, time that animals are in any one location, screening/landscaping) that will avoid or reduce any likely adverse effects arising.

5.1.7.7 INDUSTRIAL ACTIVITY

(1) Whether it is established that there are particular characteristics of the use - either relating to location, area of land, relationship with other uses - which has a resource relationship that provides environmental benefits, that makes it suitable to be located in the Rural Zone.

(2) Whether the scale of the use is in keeping with the character of the rural locality.

(3) In the case of industrial activities, rural contractor depots, and any activity retailing motor spirits (including CNG and LPG and other fuels), refuelling motor vehicles on the site regard shall be had to the following:

(a) the Ministry of Transport (Traffic Safety Services) Standards for Petrol Stations (1983) or any substitution to that publication;

(b) the ability of the site to accommodate within its boundaries storage and filling facilities, standing room for vehicles waiting to be refuelled and any isolation distances required by the Environmental Protection Authority;
Section 5.1: Rural Zone

5.1.7.8 UNDERGROUND MINING, SURFACE MINING, MINING OPERATIONS, EXPLORATION AND LANDFILLS

(1) Whether public safety and security are adequately provided for.

(2) Whether acceptable plans for the rehabilitation of all the disturbed areas, once earthworks have ceased, have been provided, including implementation programmes.

5.1.7.9 BOARDING, BREEDING AND TRAINING OF ANIMALS

(1) Whether the design of the buildings and/or operation of the activity will ensure that all animals to be housed or kept cannot escape and that rodents or other animal pests can be managed.

(2) Are the animals located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects of noise, odour and traffic can be avoided, remedied or mitigated.

(3) Is the proposed management of effluent (including location of effluent disposal areas) to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.

(4) The extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

Note: Recommended changes to the District Plan that were publicly notified are shown in red text and subsequent changes recommended via the Staff Report are shown in blue text.

5.7 RESIDENTIAL ZONE

5.7.1 ZONE PURPOSE

(1) The Residential Zone covers those areas of the District that have previously been zoned for residential purposes with some minor expansion in some settlements where the land has been demonstrated to be suitable for residential purposes to meet the foreseeable future demand.

(2) The Residential Zone enables a variety of residential activities and some compatible non-residential activities to establish in a manner that ensures that the amenity and character of the residential areas is protected.

(3) The settlements of Waikino, Mackaytown and Karangahake have a servicing constraint (no reticulated sewage treatment and disposal). As such, the performance and subdivision standards for these settlements have been set at a level that enables servicing on site and recognises a lower density of development that characterises these settlements.

(4) The boundaries of the residential areas in part reflect the physical constraints, historical factors and financial ability to service these areas. Physical boundaries and natural hazards have defined the residential areas (eg flooding, hills, Ohinemuri River in Paeroa; Waitete Stream, Ohinemuri River and mining areas in Waihi; Piako River in Ngatea). The policies of protecting land of high productive capability for food production purposes has also constrained not only residential but all urban development.

(5) The residential areas of the District are characterised by low density, low rise housing development and are generally low noise environments with low volumes of through traffic. Poor house design and siting can lead to a loss of sunlight, daylight and privacy. More intensive development is provided for where the layout is well planned to minimise these adverse effects, and where infrastructure and other urban amenities are available.

(6) Residential growth areas have been identified in Paeroa and Waihi and in some of the smaller settlements. Structure planning exercises have been undertaken for the majority of these growth areas to ensure a well planned and integrated approach to transport networks, infrastructure and zoning and to avoid adverse impacts upon identified areas of landscape, biodiversity, heritage and cultural value.

5.7.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To provide for residential development that maintains and enhances neighbourhood amenities and qualities consistent with the aspirations of the individual communities within those areas.
Section 5.7: Residential Zone

Objective 1 will be achieved by implementation of the following policies:

(i) Require activities in residential areas to be sited, designed and operated in such a way that avoids, remedies or mitigates adverse noise, privacy and traffic effects on health, safety and amenity values.

(ii) Provide for residential development where servicing constraints do not exist and ensure any required infrastructure upgrades are borne by the development.

(iii) Provide for higher density residential development (comprehensive residential developments) where these can be accommodated in a manner that promotes good urban design and does not detract from the character of the locality.

(iv) Provide services to a standard that can meet the demands of the intensity of development.

(v) Provide flexibility for the development and operation of a range of non-residential activities which are not incompatible in scale, intensity and character with the residential area in which they are located.

(2) OBJECTIVE 2

To develop residential areas free from the effects of hazards.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

(i) Identify hazards such as flooding, filled areas and mine shafts on the District Plan maps and/or Council's Land Information Memoranda and other information systems.

(ii) Limit the development of land for residential purposes within areas subject to inundation adjacent to the area zoned for flood ponding purposes in Paeroa.

(iii) In areas known to be subject to flooding establish building floor levels to avoid risk to human life and mitigate risk to dwellings and communal buildings.
Section 5.7: Residential Zone

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(iv) Avoid intensive residential development and subdivision in areas known to be subject to flooding.

(v) Place constraints on development in areas of coastal erosion hazard potential at Whiritoa.

(b) Reasons

(i) Most hazards are of such a nature that no intervention or identification is required within the District Plan. Rather, many hazards are of a "site specific" nature, and can be properly addressed through other mechanisms such as the Project Information Memorandum and Land Information Memorandum systems, and the provisions of the Building Act.

(ii) Flooding is a recognised natural hazard that is appropriate to include in the District Plan as it is of a general nature applying to identified areas.

(iii) The effects of coastal erosion at Whiritoa would increase if inappropriate development occurred on or near the foredune area.

(3) OBJECTIVE 3

To avoid, remedy or mitigate any adverse effect of residential and non-residential developments on the environment and character of the locality.

(a) Policies

Objective 3 will be achieved by implementation of the following policies:

(i) Ensure development and subdivision is designed and located to:

(1) integrate well with the immediate locality;

(2) contribute positively to the streetscape;

(3) provide occupants of dwellings with a reasonable outlook, access to sufficient open space and reasonable aural and visual privacy.

(ii) Ensure development and subdivision can be effectively serviced by local infrastructure or in a manner which can protect the health and safety of residents and does not have a detrimental effect on the environment.

(iii) Ensure development and subdivision can safely cater for on-site traffic, parking and servicing needs and has safe and practical vehicular access to a public road.

(b) Reasons

(i) The Resource Management Act 1991 promotes the management (by various means) of the effects of activities on the environment. The manner in which residential activities are allowed to develop must be in accordance with that emphasis.

(ii) A limited range of non-residential activities can operate without detriment to the residential environment, as long as their effects are maintained within specific limits. The ability of activities to remain within these limits needs to be monitored, as does the appropriateness of the limits themselves.

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
(iii) Community expectations for environmental quality are continually changing (usually to require greater residential amenity), and the performance standards reflect that community expectation.

5.7.3 ENVIRONMENTAL RESULTS

(1) The primary expected environmental result of this zone is to maintain, develop and enhance a resource and an environment to meet the social and economic needs of the existing and future communities.

(2) To meet the changing residential needs of the community in terms of increased density, the range of residential accommodation types and the high standard of residential amenity desired by the community.

(3) The establishment of non-residential activities that complement the surrounding residential area and enhance, where appropriate, the amenity and character of the neighbourhood.

(4) The development of anticipated future residential growth areas, co-ordinated with Council’s infrastructure planning and asset management programme, which integrate with established communities.

5.7.4 ACTIVITY STATUS

Activities and their accessory uses and buildings (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

5.7.4.1 PERMITTED ACTIVITIES

Those activities listed below are a Permitted Activity unless otherwise specified and subject to compliance with the:

- Zone Development Standards specified in Rule 5.7.5;
- Activity Specific Standards specified in Rule 5.7.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

| P1 | RESIDENTIAL ACTIVITIES (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5)) |
| P2 | HOME OCCUPATIONS (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(1) AND (5)) |
| P3 | HOMESTAY |
| P4 | PASSIVE RECREATION (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5)) |
| P5 | PROSPECTING |
| P6 | DRAINAGE WORKS |

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
### Section 5.7: Residential Zone

#### 5.7.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a Controlled Activity unless otherwise specified and subject to compliance with the:

- **Zone Development Standards** specified in Rule 5.7.5;
- **Activity Specific Standards** specified in Rule 5.7.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

**Conditions** may be imposed in relation to the matters over which control has been reserved, as specified below.

<table>
<thead>
<tr>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C1</strong> EDUCATION AND TRAINING FACILITIES AND OFFICES (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(2) &amp; (5))</td>
</tr>
<tr>
<td><strong>C2</strong> COMMUNITY HOUSING AND VISITOR ACCOMMODATION (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(3) &amp; (5))</td>
</tr>
<tr>
<td><strong>C3</strong> COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN WAIHI AND PAEROA ONLY (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(4) &amp; (5))</td>
</tr>
<tr>
<td><strong>C4</strong> EXPLORATION INVOLVING MORE THAN 20M³ AND NO MORE THAN 50M³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5))</td>
</tr>
<tr>
<td><strong>C5</strong> IN WAIHI, PAEROA AND WHIRITOA: TWO OR MORE DWELLINGS PER CERTIFICATE OF TITLE, EACH DWELLING MEETING THE ZONE DEVELOPMENT, SUBDIVISION, AND DISTRICT WIDE PERFORMANCE STANDARDS AS IF THE CERTIFICATE OF TITLE IS TO UNDERGO SUBDIVISION IN FUTURE (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(5) &amp; (6))</td>
</tr>
</tbody>
</table>

**Matters over which Council has reserved control** For C1, C2 & C3 are:

1. **Design and appearance of buildings**
   - **Buildings** should be of a residential scale and appearance, to reflect a residential not a commercial façade.

2. **Site Layout**
   - **Buildings**, utility areas and activities should be arranged in order that visual and aural privacy is maintained for **dwellings** on the same and adjoining **allotments**.

---

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
(b) For Education and Training Facilities, Community Housing and Visitor Accommodation, outdoor living areas should be separated from the main living areas on adjoining residential properties unless suitably screened to minimise noise levels.

(c) For Comprehensive Residential Developments, buildings should not be grouped in one part of the site, to avoid dominance of buildings and expanses of carparking in another part of the site.

(d) For Comprehensive Residential Developments, any communal facilities (e.g. recreation and leisure and communal dining facilities) should be centrally located on the site or buffered from adjoining residential property boundaries by residential buildings.

(3) Location and design of vehicle access

(a) Access from the road to the property boundary should be located as far as practicable from the boundary of an adjoining residential property in order to reduce the effects (noise, fumes) of vehicle movements.

(b) Internal accesses and on-site carparking should be located as far from adjoining residential property boundaries as is practicable and buffered by either buildings, landscaping or screening.

(c) For Comprehensive Residential Developments, the internal circulation for pedestrians and vehicles should be integrated and designed to provide for the safety of residents and visitors.

(4) Landscape design

(a) Landscaping should be carried out in a manner that reinforces the residential character of the area, and screens any service areas.

(b) Parking and vehicle access areas should be screened from adjoining residential properties by landscape planting, where alternative screening is not provided or appropriate, to provide a physical barrier to reduce or remove the effects of glare from headlights, exhaust fumes, noise and dust.

(5) Carparking

(a) Carparking on-site should be visually obvious from the street to drivers. Landscaping and signs can assist in defining the access point and the parking area.

(b) Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the road.

(c) Adequate on-site parking should be provided to accommodate the demands of occupiers and visitors, particularly where the site adjoins or has access to an arterial road.

Matters over which Council has reserved control For C4 are:

(1) Location and Duration

(a) The location of the exploration activities to ensure the stability of adjacent land/buildings and network utility infrastructure is protected.

(b) The duration of the exploration activities to minimise disturbance on adjacent residential amenities.

(2) Management and rehabilitation

(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as
(b) The extent to which existing indigenous or other vegetation which contributes to visual amenity and/or biodiversity values is retained, the reasons why clearance is proposed and the ability to rehabilitate the area to similar values.

(c) Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse visual impact.

Matters over which Council has reserved control for C5 are:

(1) Adequacy of information
   (a) The adequacy of information including a dimensioned scheme plan and engineering design plan to show that the location of the dwellings, design and servicing of the proposed development, and future subdivision boundaries can meet the relevant Zone Development Standards (refer to 5.7.5(3)), Activity Specific Standards (refer to 5.7.6(5) & 5.7.6(6)), Subdivision Standards (refer to 9.4.3.1(1)), and District Wide Performance Standards for Development and Subdivision (refer to Section 8) as if the certificate of title is to undergo subdivision in future.

(2) Methods to ensure compliance with the District Wide Performance Standards for Development and Subdivision
   (a) Refer to Section 8.

(3) Controlled activity assessments matters for all residential zones
   (a) Refer to 9.4.3.3(1).

(4) Controlled activity assessment matters
   (a) Refer to 9.5.

(5) Urban design principles
   (a) Refer to 9.1.3(2)(a)(ii).

5.7.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a Restricted Discretionary Activity subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the Council has restricted its discretion are specified for each Restricted Discretionary Activity listed below.
Section 5.7: Residential Zone

RD1 ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.7.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.7.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY

Matters over which Council has restricted its discretion are:

The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.7.5 for which compliance is not met and the following relevant assessment criteria:

(1) Height and Daylighting

(a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.

(b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.

(c) The need to preserve existing trees, vegetation or important physical characteristics of the site.

(d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.

(e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.

(f) Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.

(g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.

(h) The degree to which amenity value and privacy of adjoining properties is affected by matters such as shading and loss of daylight.

(i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape, and what measures are proposed to reduce the visual effects of that intrusion.

(j) Whether the building will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(k) Where the Residential Zone land is within the coastal environment, whether the building will complement the coastal location in terms of scale.

(2) Yards

(a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for building.

(b) The degree to which the functioning of the site and/or the activity can be improved by not meeting the standard.

(c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.

(d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
Section 5.7: Residential Zone

5.7-9

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

Section 5.7: Residential Zone

(a) Whether the excavation or placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during inundation will be minor and not cumulatively affect the functioning of the Flood Ponding Zone.

(b) Whether the extension of the impermeable covering (building and/or hard surfaces) and access will have any consequential inundation effects on the remainder of the site and other sites also subject to potential inundation and any other adjacent sites.

(c) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).

(3) Planting

(a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.

(b) Whether the planting will inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other sites also subject to potential inundation. For example vegetation should not impede the free flow of water during the flood ponding/inundation process (both filling and emptying).

RD3

IN WAIHI, AND PAEROA AND WHIRITOA: ONE MINOR DWELLING UNIT ACCESSORY TO A DWELLING OR APPROVED ADDITIONAL DWELLING (REFER TO 5.7.4.2 C5 AND ACTIVITY SPECIFIC STANDARD 5.7.6(7))

Matters over which Council has restricted its discretion are:

(1) Landscape, visual and amenity effects.
(2) Effects on the privacy of neighbouring properties and dwellings.
(3) Potential nuisance effects on neighbouring properties and dwellings.
(4) Adequacy of provision for domestic effluent disposal, potable water supply, and stormwater drainage.
(5) Adequacy of outdoor recreation space.
(6) Access, parking and manoeuvring.
(7) Traffic effects.
(8) Location of the minor dwelling unit and orientation to enable daylight penetration for both the minor dwelling unit and principal dwelling.
(9) The size, location, and use of buildings and structures including garaging and decks to be used in association with the minor dwelling unit.
(10) Methods to ensure compliance with Activity Specific Standard 5.7.6(7) and the definition of minor dwelling unit (refer Section 4).

5.7.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a Discretionary Activity and shall be assessed against the relevant criteria in Rule 5.7.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the Discretionary Activity status for the activities specified below or require additional resource consents.

Section 5.7: Residential Zone 5.7-10

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

### Section 5.7: Residential Zone

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

<table>
<thead>
<tr>
<th>D1</th>
<th>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.7.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>D2</td>
<td>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.7.6 AND IS NOT OTHERWISE PROVIDED FOR AS A RESTRICTED DISCRETIONARY ACTIVITY</td>
</tr>
<tr>
<td>D3</td>
<td>COMMUNITY FACILITIES</td>
</tr>
<tr>
<td>D4</td>
<td>UNDERGROUND MINING</td>
</tr>
<tr>
<td>D5</td>
<td>DAIRY</td>
</tr>
<tr>
<td>D6</td>
<td>EXPLORATION NOT PROVIDED FOR AS A PERMITTED OR CONTROLLED ACTIVITY</td>
</tr>
<tr>
<td>D7</td>
<td>IN WAIHI AND PAEROA: A MINOR DWELLING UNIT THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.7.6(7).</td>
</tr>
</tbody>
</table>

#### 5.7.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a Non Complying Activity.

| NC1 | ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY |

#### 5.7.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a Prohibited Activity.

| PR1 | SURFACE MINING |

#### 5.7.5 ZONE DEVELOPMENT STANDARDS

1. The following relevant Zone Development Standards shall be met by all Permitted and Controlled Activities unless otherwise stated.

2. For Controlled Activities, where Council has reserved control over specified matters in Rule 5.7.4.2, and for Restricted Discretionary Activities in Rule 5.7.4.3, where Council has restricted its discretion to specific matters, more restrictive development standards than those specified in the table below, may be imposed as conditions of consent.

3. The following relevant Zone Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Restricted Discretionary</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>8.0 metres</td>
<td>9.0 metres</td>
<td>To ensure that the height of buildings is compatible with the activities permitted in the zone as well as the</td>
</tr>
</tbody>
</table>

---

5.7-11
<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Restricted</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permitted and Controlled</td>
<td>Discretionary</td>
<td>landscape, amenity and character of both the zone that the building is located in and any adjoining zone.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daylight Control (refer to definition for explanatory diagram)</td>
<td>No building shall project above 2.0 metres in height at any site boundary and not project above a 45° plane into the site up to the maximum height.</td>
<td>No restriction</td>
<td>To ensure no building unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between buildings.</td>
</tr>
<tr>
<td>Minimum Yards</td>
<td>Front Yard: • 4.5 metres (except for Ngatea) • 7.5 metres (Ngatea only)</td>
<td>Front Yard: • 4.5 metres (except for Ngatea) • 7.5 metres (Ngatea only)</td>
<td>To allow flexibility in site layout while still maintaining the amenities of the site and adjoining sites. To provide an open streetscape that allows for planting and ensures the traffic function of the road is not compromised.</td>
</tr>
<tr>
<td>Other Yards: 1.5 metres, except for rear lots there shall be at least two yards of 4.5 metres.</td>
<td>Other Yards: Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Site Coverage</td>
<td>35% (excluding a Comprehensive Residential Development) 45% for a Comprehensive Residential Development</td>
<td>40% (excluding a Comprehensive Residential Development) 50% for a Comprehensive Residential Development</td>
<td>To limit the scale and intensity of building development to a level appropriate to the character and amenity of the area. In areas not served by reticulated stormwater and sewage disposal systems, an adequate area for on-site stormwater and effluent disposal is maintained to avoid adverse effects on adjacent properties and the environment.</td>
</tr>
<tr>
<td>Traffic Noise Sensitivity</td>
<td>(a) All new habitable room(s) where located within 40 metres of the formed carriageway (excluding State Highway 2 service roads at Waihi) of a state highway (except for the Residential Zones at Waikino, Mackaytown/ Karangahake, and Whiritoa, where all new habitable room(s)</td>
<td>No restriction</td>
<td>To allow flexibility of site layout while protecting the amenity of sensitive uses where located in proximity to high speed environment and/or high traffic volume state</td>
</tr>
</tbody>
</table>
### Section 5.7: Residential Zone

(\textit{Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions})

<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Restricted Discretionary</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>located within 80 metres of the formed carriageway of a \textit{state highway} shall meet an internal road-traffic design sound level of 40\text{dBL}_\text{Aeq}(24\text{hr}) with ventilating windows open.</td>
<td></td>
<td></td>
<td>highways, from potential adverse traffic noise effects.</td>
</tr>
</tbody>
</table>

\textbf{(b)} An acoustic design report from a suitably qualified and experienced acoustics expert shall be provided to the \textit{Council} demonstrating compliance with (a) above at the time of building consent application.

\textbf{(c)} Where the requirements of (a) above can only be met with windows and doors closed a \textit{ventilation system} shall be installed for the \textit{habitable room(s)}.

\textbf{(d)} The requirements of (a) above shall not apply where:

\begin{itemize}
  \item[(i)] the nearest façade of the new \textit{habitable room(s)} is between 20 and 40 metres from the formed carriageway of the \textit{state highway} (except for the Residential Zones at Waikino, Mackaytown/ Karangahake, and Whitiotoa, where the nearest façade of the new \textit{habitable room(s)} is between 50 and 80 metres from the formed carriageway of the \textit{state highway} and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new \textit{habitable room(s)} to any part of the formed carriageway of the \textit{state highway} (where that part of the state highway is within 40 metres (or 80 metres for the Residential Zones at Waikino, Mackaytown/ Karangahake, and Whitiotoa) of the façade of the new \textit{habitable room(s)}); or
  \item[(ii)] it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics expert that the road traffic noise level from the \textit{state highway} is less than 55\text{dBL}_\text{Aeq}(24\text{hr}) on all facades of the new \textit{habitable room(s)}; or
  \item[(iii)] the \textit{habitable rooms} are added to or altered within a \textit{dwelling} existing at
### Section 5.7: Residential Zone

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permitted and Controlled</td>
<td>Restricted Discretionary</td>
</tr>
<tr>
<td></td>
<td>26 September 2014.</td>
<td></td>
</tr>
<tr>
<td>Density (principal dwelling)</td>
<td>One dwelling per certificate of title, or a minimum net site area per dwelling of 350m² for Comprehensive Residential Development.</td>
<td>One dwelling per certificate of title or a minimum net site area per dwelling of 350m² for Comprehensive Residential Development.</td>
</tr>
<tr>
<td>Density (principal and additional dwelling(s))</td>
<td>Waihi, Paeroa and Whiritoa: Two or more dwellings per certificate of title as a Controlled Activity (refer to 5.7.4.2 C5).</td>
<td>Waihi, Paeroa and Whiritoa: Two or more dwellings per certificate of title as a Controlled Activity (refer to 5.7.4.2 C5).</td>
</tr>
<tr>
<td>Density (dwelling(s) and associated minor dwelling unit(s))</td>
<td>Waihi, Paeroa and Whiritoa: One dwelling and associated minor dwelling unit per certificate of title (refer to 5.7.4.3 RD3). Two or more dwellings approved as a Controlled Activity (refer to 5.7.4.2 C5) and their associated minor dwelling units as a Restricted-Discretionary Activity (refer to 5.7.4.3 RD3).</td>
<td></td>
</tr>
<tr>
<td>Outdoor Living Area (Dwelling)</td>
<td>Minimum Area: 60m² plus 10m² for each additional bedroom over 2. Minimum Dimension: Can contain a 6.0 metre diameter circle.</td>
<td>Minimum Area: 60m² plus 10m² for each additional bedroom over 2. Minimum Dimension: Can contain a 6.0 metre diameter circle.</td>
</tr>
<tr>
<td>Development Standard *</td>
<td>Parameter</td>
<td>Restricted Discretionary</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Outdoor Living Area (Minor Dwelling Unit)</td>
<td>Minimum Area: 30m², Minimum Dimension: Must contain a rectangle with dimensions no less than 3m by 4m.</td>
<td>Minor dwelling unit as a Restricted-Discretionary Activity (refer to 5.7.4.3 RD3)</td>
</tr>
<tr>
<td>Outdoor Service Area (Dwelling)</td>
<td>Minimum Area: 20m², Minimum Dimension: 3.0 metres, Except that, for Community Housing and Visitor Accommodation, where a fully equipped laundry facility (both washing and drying machines are provided) the minimum required outdoor service area can be reduced to 10m² and minimum dimension reduced to 2 metres.</td>
<td>Nil</td>
</tr>
</tbody>
</table>
| Privacy and Separation | (a) For buildings on the same allotment:  
   (i) No part of a dwelling/household unit /minor dwelling unit and any other building shall protrude through a plane rising at an angle of 45° commencing at an elevation of 2 metres at a line midway between the dwelling/household unit/minor dwelling unit and the other building unless the other building is accessory to the dwelling/household unit/minor dwelling unit.  
   (ii) No wall of a dwelling/household unit/minor dwelling unit shall be sited closer than 3.0m to the wall of another building (including another dwelling/household unit/minor dwelling unit), unless it is accessory to the dwelling/household unit/minor dwelling unit. | Nil | To protect existing and future residential amenities, particularly where two storey living and comprehensive residential development has the potential to detrimentally affect environmental qualities such as privacy, quietness and space. |
### Section 5.7: Residential Zone

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Permitted and Controlled</th>
<th>Restricted Discretionary</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>dwelling unit.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td>Where the buildings are attached by adjoining or common walls, the above separation setbacks are not required between those buildings.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>All dwellings/household units/minor dwelling units on the same allotment shall be arranged so that:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>a sight line drawn from any point on the main glazing of the living room in one dwelling/minor dwelling unit does not penetrate the main glazing of the living room of any other dwelling/household unit/minor dwelling unit unless:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) such glazing is at least 6m apart; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) the angle between the two planes of that glazing is &gt;120°</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(3) where the living rooms of both dwellings/household units/minor dwelling units are at ground floor level screening is provided in the form of close boarded or similar fences, or planting of not less than 1.8 metres in height...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>No windows of all habitable rooms (apart from the main glazing of the living room) in one dwelling/household unit/minor dwelling unit shall face towards the window of any habitable room in any other dwelling/household unit/minor dwelling unit unless:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) the separation is at least 6 metres; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) the window sill is at least 1.7 metres above either finished ground or upper floor level; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(3) the angle between the two planes of the glazing is &gt;120°; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4) where the habitable rooms are at ground floor level screening is provided in the form of close boarded or similar fences, or</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Section 5.7: Residential Zone

**5.7-17 Development Standard**

<table>
<thead>
<tr>
<th>Parameter</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted and Controlled</strong></td>
</tr>
<tr>
<td><strong>Restricted</strong></td>
</tr>
<tr>
<td><strong>Discretionary</strong></td>
</tr>
<tr>
<td><strong>Environmental Result</strong></td>
</tr>
<tr>
<td>planting of not less than 1.8 metres in height.</td>
</tr>
<tr>
<td>(c) A balcony or window of a habitable room of a dwelling/household unit/</td>
</tr>
<tr>
<td>minor dwelling unit at above ground floor level shall be set back at</td>
</tr>
<tr>
<td>least 6 metres from any boundary (excluding the road boundary or adjoining</td>
</tr>
<tr>
<td>internal access or vehicle access strip of 3 metres width or more) unless:</td>
</tr>
<tr>
<td>(i) windows are at an angle of 60° or greater to the boundary; or</td>
</tr>
<tr>
<td>(ii) the window sill is at least 1.7 metres above finished upper floor</td>
</tr>
<tr>
<td>level; or</td>
</tr>
<tr>
<td>(iii) opaque or obscure glazing is provided; or</td>
</tr>
<tr>
<td>(iv) the side of the balcony facing the adjoining boundary is enclosed</td>
</tr>
<tr>
<td>with non-see-through materials.</td>
</tr>
</tbody>
</table>

*These Zone Development Standards shall not apply to “Temporary Uses and Buildings” covered by clause (b) of the definition in Section 4 for “Temporary Uses and Buildings” and to “Prospecting” and “Exploration”.

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
5.7.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

(a) At least one person, including the principal operator of the home occupation, shall reside on the site.

(b) A home occupation involving the care, tuition and/or accommodation of no more than five persons at any one time (in addition to the owner(s)/operator(s)) may be undertaken provided the activity and accommodation is principally undertaken within the dwelling.

(c) Except for (b) above, all other home occupations shall be carried out wholly within the dwelling or an accessory building erected or modified for the purpose, provided that the gross floor area of the dwelling or accessory building used for the home occupation including any area used for retail sales shall not exceed 30% of the total gross floor area of buildings on the site.

(d) Not more than one person from outside the household residing on the site shall be employed in the home occupation.

(e) There shall be no exterior display, external storage of materials or other indication of the home occupation or variation from the residential character of the property.

(f) The home occupation shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 10.00pm and 7.00am the following day.

(g) The home occupation may not use equipment which creates electrical interference with television and radio sets on neighbouring properties.

(h) Only goods directly produced or assembled by the home occupation may be sold or offered for sale from the site on which the home occupation is conducted.

(Note: Assembled means putting together pre-fabricated parts to make a product)

(i) Home occupations shall not include a business or trade that involves panel beating, spray painting, mechanical repairs to vehicles and machinery, engineering work, animal boarding or bee keeping.

(2) EDUCATION AND TRAINING FACILITIES AND OFFICES

(a) The maximum gross floor area occupied by the activity shall not exceed 150m² per site.

(b) The activity shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 7.00pm and 7.00am the following day.

(c) No exterior indication of the activity, including the display or storage of materials, shall be visible from the street, except for permitted signage and parking.

(d) For education and training facilities there shall be no more than 10 students or children receiving tuition or being cared for on the site at any one time.

(e) The activity shall be designed to ensure that the maximum occupancy of fulltime equivalent staff on the site is four.
Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(f) Education and training facilities shall not have their vehicular access to or from a no-exit road.

(g) Education and training facilities shall not include courses involving practice in panel beating, spray painting of vehicles or engineering.

(3) COMMUNITY HOUSING AND VISITOR ACCOMMODATION

(a) The total gross floor area of the building(s) used for the activity (excluding accessory buildings not used for accommodation purposes) shall not exceed 250m² per site.

(b) No more than ten persons (including live in staff) shall be accommodated on the site.

(4) COMPREHENSIVE RESIDENTIAL DEVELOPMENT

(a) The minimum net site area shall be 2000m².

(b) Includes an area capable of containing a 35 metre by 35 metre square excluding any required yard setbacks.

(c) No vehicular access to or from a no-exit road or state highway.

(5) LAND SUBJECT TO INUNDATION AS IDENTIFIED ON THE PLANNING MAPS

(a) No more than 45% of the area within the site that is subject to inundation as identified on the planning maps shall be covered by buildings and/or covered in an impermeable surface or vegetation (other than grass or similar), or otherwise made unavailable to inundation (eg. by bunding or solid fencing), or be subject to exploration, excavation and filling.

(6) WAIHI, PAEROA AND WHIRITOA: CONTROLLED ACTIVITY STANDARDS FOR TWO OR MORE DWELLINGS PER CERTIFICATE OF TITLE (REFER TO 5.7.4.2 C5C2)

(a) Each dwelling must meet the relevant Zone Development Standards (refer to 5.7.5(3)), Activity Specific Standard 5.7.6(5), Subdivision Standards (refer to 9.4.3.1(1)), and District Wide Performance Standards for Development and Subdivision (refer to Section 8) as if the certificate of title is to undergo subdivision in future.

(7) WAIHI, AND PAEROA AND WHIRITOA: RESTRICTED-DISCRETIONARY ACTIVITY STANDARDS FOR MINOR DWELLING UNITS (REFER TO 5.7.4.3 RD3)

(a) A minor dwelling unit must have a gross floor area (excluding its associated garage/carport used for vehicle parking; and its associated decks used for outdoor recreation) of no greater than:

(i) 50m²; or:

(ii) 60m² when Lifemark Design™ Certified, or has another certification acceptable to the Council to demonstrate that the minor dwelling unit is designed to be functional for elderly and/or disabled occupants.
Section 5.7: Residential Zone

Note: To qualify for Lifemark™ design certification, minor dwelling units are required to be designed in accordance with, and assessed against, the Lifemark Design Standards and must achieve at least the entry-level “3-star” rating. For further information refer to: www.lifemark.co.nz.

(b) A minor dwelling unit shall not have any accessory buildings except a single garage/carport and a garden shed. The total roof area of the garage/carport and garden shed associated with a minor dwelling unit shall be no greater than 25m².

(c) A minor dwelling unit must be located on a site with a net site area of no less than:

(i) 650m² per associated dwelling if the site has a connection to the Council’s reticulated sewer network; or:

(ii) 2,500m² per associated dwelling if the site is not connected to the Council’s reticulated sewer network.

(c) A minor dwelling unit located on a site that is subject to inundation as identified on the planning maps must not result in a breach of Activity Specific Standard 5.7.6(5).

(d) Location

(i) A minor dwelling unit must be located to comply with the following Zone Development Standards (refer to 5.7.5(3)):

1. Maximum height;
2. Daylight control;
3. Minimum Yards;
4. Maximum site coverage;
5. Traffic noise sensitivity;
6. Density; and:
7. Outdoor living area
8. Privacy and separation.

(ii) A minor dwelling unit must share the same vehicle entrance and driveway access as the associated dwelling on the same site.

(e) Domestic wastewater treatment and disposal

(i) A minor dwelling unit that is not connected to the reticulated sewerage system must show details of the design and lay-out of the proposed on-site domestic effluent system including evidence that the system either complies with the permitted activity standards of the Waikato Regional Plan or the terms of a site specific discharge consent.
5.7.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, Council shall have regard to the relevant development standards, activity specific standards, environmental results and assessment criteria for Permitted, Controlled and Restricted Discretionary Activities in Rules 5.7.4 to 5.7.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.7.7.1 GENERAL ASSESSMENT CRITERIA

(1) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public road. Pertinent matters for consideration in this regard are:

   (a) the carrying capacity, standard and status in the roading hierarchy of the road concerned;

   (b) the ability of the site to accommodate the activity requirements for on-site parking, loading and manoeuvring areas;

   (c) the means by which any likely adverse traffic effects can be avoided, remedied or mitigated;

   (d) the access, parking and loading standards for Permitted Activities that shall be used as a guideline in assessing applications for Discretionary Activities;

   (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the state highway network, where access is from or in the vicinity of a state highway.

(2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.

(3) Whether buildings are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance by way of overshadowing, obstruction of views, noise, glare and loss of privacy.

(4) The degree to which the location of buildings is such as to retain clear visibility along urban roads and to provide space for vehicle access and loading on the site clear of the road.

(5) The extent to which the development’s design maintains or enhances the anticipated scale, character and amenity of the residential neighbourhood.

(6) The extent and quality of any proposed landscaping and/or retention of existing vegetation on the site and the effectiveness of planting in enhancing the streetscape of the area.

(7) The location of carparking on-site in relation to residential activities (both on and off-site) and the extent of adverse effects on the visual and aural privacy of these residential activities.

(8) The extent of potential reduction in the availability of on-street parking for residents, occupants or visitors to the site or neighbourhood.

(9) Whether any signs proposed detract from the amenities of the area.

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(10) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the site on which the activity is located (except where reticulated services are provided).

(11) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.

(12) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

(13) Whether the activity and any building and structures are of a scale and intensity which is in keeping with the character, amenity and ambience values of the existing urban environment.

5.7.7.2 UNDERGROUND MINING AND EXPLORATION

(1) Whether public safety is adequately provided for and adverse effects of vibration in the ground can be adequately mitigated.

(2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided, including implementation programmes.

5.7.7.3 ACTIVITIES/DEVELOPMENT WITHIN WHIRITOA

(1) Whether the activity and any buildings and structures are of a scale, intensity and character to protect coastal natural character, maintain the amenities of the existing built environment, and recognise the potential for coastal erosion.

Section 5.7: Residential Zone

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
5.8 LOW DENSITY RESIDENTIAL ZONE

5.8.1 ZONE PURPOSE

(1) Low density residential development areas are designed to satisfy a particular demand from people wishing to live in a semi-rural setting, but to have minimal involvement in farming activities. By providing these low density residential areas, the ad hoc use of productive rural land for urban purposes would be avoided, thereby sustaining such land for productive purposes for future generations.

(2) In addition, such areas could be adequately serviced, where services are available or economically viable. Sporadic urban development can lead to demand for services and/or roading infrastructure which is uneconomic, inefficient and/or physically difficult to provide, as well as adversely affecting the effectiveness, efficiency and safety of the existing transport network.

(3) The demand for low density residential living on smaller blocks is evident. While the Resource Management Act 1991 does not specifically charge Council with the requirement to preserve land of high actual or potential value for productive purposes, such land is a finite resource that is required to be sustained to meet not only existing needs but also the needs of future generations.

(4) Low density residential developments can lead to detrimental effects on the environment. Such detrimental effects can include groundwater contamination from septic tanks, or dust damage to horticultural crops from increased vehicular traffic. Residential based activities can also adversely affect the efficient operation of rural production activities and other lawfully established rural based activities through generating reverse sensitivity towards those activities. By creating specific Low Density Residential Zones (with the appropriate performance standards) on the periphery of established urban areas and settlements, and providing the services in a manner that is sustainable and uses the minimum of resources to provide and maintain them, these effects can either be avoided or minimised.

(5) The Low Density Residential Zone in this District Plan covers those areas zoned Rural Residential in the previous District Plan and also extends to new areas in Paeroa (Range Street), Waikino (Old Waitekauri Road) and Mackaytown (Edwin Street).

5.8.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To retain land of high productive capability for existing and future rural production activities.

(a) Policy

Objective 1 will be achieved by implementation of the following policy:
Section 5.8: Low Density Residential Zone

(i) Provide for low density residential activities in a number of locations on land suitable for that activity and of lesser quality for productive purposes.

(ii) Restrict low density residential activities on land of high productive capability.

(b) Reasons

(i) This objective and the policies are complementary to the objectives and policies in the Rural Zone, which seek to maintain the potential of high productive land.

(ii) A range of low density residential locations needs to be provided to cater for the market demands.

(2) OBJECTIVE 2

To provide areas that are attractive for low density residential development and can be serviced to appropriate standards, and which minimise reverse sensitivity effects on existing lawfully established rural based activities.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

(i) Locate low density residential development adjacent to the main urban areas, and in locations that can be readily serviced, and with minimal impact and demand on the transport network.

(ii) Provide for differing lot sizes appropriate to the amenity and character of the locality.

(iii) Protect and enhance the rural-residential amenities of the zone (eg privacy, space, quiet) by controlling the scale, location and type of activities compatible with the environment they are located within.

(b) Reasons

(i) Low density residential development has the potential to detrimentally affect the environment and create reverse sensitivity effects for legitimate rural based activities. The locations for low density residential development, and requirement that development meets appropriate standards, can avoid those effects.

(ii) Services and standards should clearly be to a level appropriate to the low density residential lifestyle. Should services be installed at close to a residential standard, this would lead to pressure for the areas to develop into residential areas. This would lead to subsequent pressure to have more low density residential land made available.

(3) OBJECTIVE 3

To ensure that low density residential development does not detrimentally affect the environment.

(a) Policies

Objective 3 will be achieved by implementation of the following policies:
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

5.8-3

(i) Ensure minimal disturbance to natural landforms such as ridges, streams, knolls, gullies, indigenous vegetation and to water bodies during subdivision and subsequent development.

(ii) Require urban services to be provided where available to avoid or minimise any detriment to the environment caused by an intensification of development.

(b) Reasons

(i) As for Objectives 1 and 2 above.

(4) OBJECTIVE 4

To sustain the existing urban areas.

(a) Policies

Objective 4 will be achieved by implementation of the following policy:

(i) Seek to locate low density residential developments adjacent to existing urban areas where such development would not hinder their development and/or consolidation.

(b) Reasons

(i) Low density residential development can assist in sustaining the economic, social and cultural viability of the towns and smaller urban settlements.

(ii) Low density residential development should be allowed on the outskirts of the towns and smaller urban settlements, in areas that are not likely to be suitable for more intensive residential development in the future due to topographical and/or infrastructure servicing constraints.

5.8.3 ENVIRONMENTAL RESULTS

(1) The expected environmental result for this zone is to provide and sustain a low density residential style of living on land of lesser value for productive purposes, in a manner that does not detrimentally affect the natural and physical resources and minimises the potential for reverse sensitivity effects on legitimate rural based activities.

5.8.4 ACTIVITY STATUS

Activities and their accessory uses, and buildings (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

5.8.4.1 PERMITTED ACTIVITIES

Those activities listed below are a Permitted Activity subject to compliance with the:

Section 5.8: Low Density Residential Zone 5.8-3

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 5.8: Low Density Residential Zone

5.8.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a Controlled Activity, subject to compliance with the:

- Zone Development Standards specified in Rule 5.8.5;
- Activity Specific Standards specified in Rule 5.8.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

| P1   | RESIDENTIAL ACTIVITIES                  |
| P2   | HOME OCCUPATIONS (REFER TO ACTIVITY SPECIFIC STANDARD 5.8.6(1)) |
| P3   | HOMESTAY                                |
| P4   | PASSIVE RECREATION                      |
| P5   | PROSPECTING                             |
| P6   | EXPLORATION INVOLVING NOT MORE THAN 20m³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR |
| P7   | TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING) |
| P8   | DEMOLITION AND REMOVAL OF BUILDINGS     |
| P9   | DRAINAGE WORKS                          |
| P10  | ONE STORAGE BUILDING PER SITE THAT DOES NOT CONTAIN A DWELLING PROVIDED THE BUILDING DOES NOT EXCEED A GROSS FLOOR AREA OF 50m² AND IS USED SOLELY BY THE OWNER OF THE PROPERTY FOR PERSONAL STORAGE INCLUDING HOUSEHOLD ITEMS, VEHICLES, BOATS, MACHINERY, AND/OR TOOLS. |
| P11  | ACCESSORY BUILDINGS ASSOCIATED WITH A MINOR DWELLING UNIT (REFER TO ACTIVITY SPECIFIC STANDARD 5.8.6(3)). |

Matters over which Council has reserved control are:

1. Location and Duration
   a. The location of the exploration activities to ensure the stability of adjacent land/buildings and network utility infrastructure is protected.
   b. The duration of the exploration activities to minimise disturbance on adjacent

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 5.8: Low Density Residential Zone

5.8.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a Restricted Discretionary Activity subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
The matters over which the Council has restricted its discretion are specified for each Limited Discretionary Activity listed below.

<table>
<thead>
<tr>
<th>RD1</th>
<th>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.8.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.8.5 FOR A LIMITED DISCRETIONARY ACTIVITY</th>
</tr>
</thead>
</table>

**Matters over which the Council has restricted its discretion are:**

The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.8.5 for which compliance is not met and the following relevant assessment criteria:

1. **Height and Daylighting**
   - (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.
   - (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
   - (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
   - (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
   - (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
   - (f) Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
   - (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
   - (h) The degree to which amenity value and privacy of adjoining properties is affected by matters such as shading and loss of daylight.
   - (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape, and what measures are proposed to reduce the visual effects of that intrusion.
   - (j) Whether the building will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.
   - (k) Where the Low Density Residential Zone land is within the coastal environment, whether the building will complement the coastal location in terms of scale.

2. **Yards**
   - (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for building.
   - (b) The degree to which the functioning of the site and/or the activity can be improved by not meeting the standard.
   - (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.
Section 5.8: Low Density Residential Zone

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
5.8.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a Discretionary Activity and shall be assessed against the relevant criteria in Rule 5.8.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the Discretionary Activity status for the activities specified below or require additional resource consents.

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.8.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</td>
</tr>
<tr>
<td>D2</td>
<td>HOME OCCUPATIONS THAT DO NOT MEET ACTIVITY SPECIFIC STANDARDS IN RULE 5.8.6(1)</td>
</tr>
<tr>
<td>D3</td>
<td>VISITOR ACCOMMODATION</td>
</tr>
<tr>
<td>D4</td>
<td>UNDERGROUND MINING</td>
</tr>
<tr>
<td>D5</td>
<td>EXPLORATION NOT PROVIDED FOR AS A PERMITTED OR CONTROLLED ACTIVITY</td>
</tr>
<tr>
<td>D6</td>
<td>IN WAIHI, AND PAEROA AND WHIRITOA: A MINOR DWELLING UNIT THAT DOES NOT COMPLY WITH THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.8.6(3).</td>
</tr>
</tbody>
</table>

5.8.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a Non Complying Activity.

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC1</td>
<td>ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY</td>
</tr>
</tbody>
</table>

5.8.4.6 PROHIBITED ACTIVITIES

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR1</td>
<td>SURFACE MINING</td>
</tr>
</tbody>
</table>

5.8.5 ZONE DEVELOPMENT STANDARDS

(1) The following relevant Zone Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.

(2) For Controlled Activities, where Council has reserved control over specified matters in Rule 5.8.4.2, and for Restricted Discretionary Activities in Rule 5.8.4.3, where Council has restricted its discretion to specific matters, more restrictive development standards than those specified in the table below, may be imposed as conditions of consent.

(3) The following relevant Zone Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.
### Section 5.8: Low Density Residential Zone

*Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions*

<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted and Controlled</strong></td>
<td><strong>Restricted Discretionary</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Maximum Height | 8.0 metres | 10.0 metres | To ensure that the *height of buildings* is compatible with the activities permitted in the *zone* as well as the landscape, *amenity* and character of both the *zone* that the *building* is located in and any adjoining *zone*.
| Daylight Control (refer to definition for explanatory diagram) | No building shall project above 2.0 metres in *height* at any site boundary and not project above a 45° plane into the *site* up to the maximum *height*. | No Restriction | To ensure no building unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between *buildings*.
| Minimum Yards | Front Yard: 7.5 metres (except state highways for those *buildings* as set out in the *rule* below). | Front Yard: 7.5 metres (except state highways where the posted speed limit is 80km/hr or greater, for those *buildings* as set out in the *rule* below). | To allow flexibility in *site* layout while still maintaining the *amenities* of the *site* and adjoining sites.
| | Front Yard: *(a)* 12 metres for new *dwellings* where the *site(s)* have *frontage* or are adjacent to *state highways* where the posted speed limit is less than 80km/hr, or *(b)* 12 metres for new *dwellings* on Lots 1 – 3 DP376263, State Highway 25,Whiritoa, and Orchard Road/Parry Palm Avenue Area, Waihi, or *(c)* 20 metres for new *dwellings* where the *site(s)* have *frontage* or are adjacent to *state highways* (where the posted speed limit is 80km/hr or greater), and *(d)* the new *dwellings* are erected or placed on the *site(s)* after the 14th September 2012 (including any subsequent additions to those *dwellings*). | Front Yard: *(a)* 12 metres for new *dwellings* where the *site(s)* have *frontage* or are adjacent to *state highways* where the posted speed limit is 80km/hr or greater, and *(b)* the new *dwellings* are erected or placed on the *site(s)* after 14 September 2012 (including any subsequent additions to those *dwellings*). | To provide an open *streetscape* that allows for planting and ensures the traffic function of the *road* is not compromised and to mitigate reverse sensitivity effects from new noise sensitive activities.
| | Other Yards: *6.0 metres – Orchard Road/Parry Palm Avenue area, Waihi; otherwise 10 metres.* | Other Yards: Nil | |

---

*Hauraki District Plan*  
*Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019*
## Section 5.8: Low Density Residential Zone

### (Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted and Controlled</strong></td>
<td><strong>Restricted Discretionary</strong></td>
<td></td>
</tr>
<tr>
<td>(a) Orchard Road/ Parry Palm Avenue area, Waihi – 3m; (b) Old Waitekauri Rd, Waikino – 10m; (c) Otherwise – 5m</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Traffic Noise Sensitivity**

(a) All new habitable room(s) where located within 80 metres of the formed carriageway of a state highway shall meet an internal road-traffic design sound level of 40dBLAeq(24hr) with ventilating windows open.

(b) An acoustic design report from a suitably qualified and experienced acoustics expert shall be provided to the Council demonstrating compliance with (a) above at the time of building consent application.

(c) Where the requirements of (a) above can only be met with windows and doors closed a ventilation system shall be installed for the new habitable room(s).

(d) The requirements of (a) above shall not apply where:

(i) the nearest façade of the new habitable room(s) is between 50 and 80 metres from the formed carriageway of the state highway and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new habitable room(s) to any part of the formed carriageway of the state highway (where that part of the state highway is within 80 metres of the façade of the new habitable room(s)); or

(ii) it can be demonstrated by way of prediction or

No restriction

To allow flexibility of site layout while protecting the amenity of sensitive uses where located in proximity to high speed environment and/or high traffic volume state highways, from potential adverse traffic noise effects.
### Section 5.8: Low Density Residential Zone

*Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions*

#### Development Standard *

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Permitted and Controlled</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted and Controlled</strong></td>
<td>Restricted Discretionary</td>
<td>measurement by a suitably qualified and experienced acoustics expert that the road traffic noise level from the state highway is less than 55dBAeq(24hr) on all facades of the new habitable room(s); or (iii) the habitable rooms are added to or altered within a dwelling existing at 26 September 2014.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Site Coverage</th>
<th>30%</th>
<th>40%</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain a low intensity of development that is appropriate to the character of the area and to ensure a certain level of amenity within the zone.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Density (principal dwelling)</th>
<th>Orchard Road/Parry Palm Avenue Area, Waihi: One dwelling per certificate of title with a minimum residential area of 300m².</th>
<th>Orchard Road/Parry Palm Avenue Area, Waihi: One dwelling per certificate of title with a minimum residential area of 300m².</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other Areas:</td>
<td>One dwelling per certificate of title with a minimum residential area of 700m².</td>
<td>All other Areas: One dwelling per certificate of title with a minimum residential area of 700m².</td>
</tr>
<tr>
<td>To maintain a low intensity of development that is appropriate to the character of the area and to ensure a certain level of amenity within the zone.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Density (principal and additional dwelling(s))</th>
<th>Waihi, Paeroa, &amp; Whiritoa: Two or more dwellings per certificate of title as a Controlled Activity (refer to 5.8.4.2 C2) where each dwelling meets the density standard above.</th>
<th>Waihi, Paeroa, &amp; Whiritoa: Two or more dwellings per certificate of title as a Controlled Activity (refer to 5.8.4.2 C2) where each dwelling meets the density standard above.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain a low density of development that is appropriate to the character of the area and to ensure a certain level of amenity within the zone.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Density</th>
<th>Waihi, and Paeroa.</th>
<th>To maintain a low density</th>
</tr>
</thead>
</table>

---

District Plan Hearing Agenda 9
May 2019

Page 179 of 266
### Section 5.8: Low Density Residential Zone

(Word in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

<table>
<thead>
<tr>
<th>Development Standard *</th>
<th>Parameter</th>
<th>Environmental Result</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permitted and Controlled</td>
<td>Restricted Discretionary</td>
</tr>
<tr>
<td>(dwelling(s) and associated minor dwelling unit(s))</td>
<td>Whiritoa: One dwelling and associated minor dwelling unit per certificate of title (refer to 5.8.4.3 RD2). Two or more dwellings approved as a Controlled Activity (refer to 5.8.4.2 C2) and their associated minor dwelling units as a Restricted-Discretionary Activity (refer to 5.8.4.3 RD2).</td>
<td>of development that is appropriate to the character of the area and to ensure a certain level of amenity within the zone.</td>
</tr>
<tr>
<td></td>
<td>Minimum Area: 60m² plus 10m² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.</td>
<td>Minimum Area: 60m² plus 10m² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.</td>
</tr>
<tr>
<td>Outdoor Living Area (Dwelling)</td>
<td>Minor dwelling unit as a Restricted-Discretionary Activity (refer to 5.8.4.3 RD2). Minimum Area: 30m². Minimum Dimension: Must contain a rectangle with dimensions no less than 3m by 4m.</td>
<td></td>
</tr>
<tr>
<td>Outdoor Service Area (Dwelling)</td>
<td>Minimum Area: 20m² Minimum Dimension: 3.0 metres</td>
<td>Nil</td>
</tr>
</tbody>
</table>

*These Zone Development Standards shall not apply to “Temporary Uses and Buildings” covered by clause (b) of the definition in Section 4 for “Temporary Uses and Buildings” and to “Prospecting” and “Exploration”.*
5.8.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

(a) At least one person, including the principal operator of the home occupation, shall reside on the site.

(b) A home occupation involving the care, tuition and/or accommodation of no more than six persons at any one time (in addition to the owner(s)/operator(s)) may be undertaken provided the activity and accommodation is principally undertaken within the dwelling.

(c) Except for (b) above, all other home occupations shall be carried out wholly within the dwelling or an accessory building erected or modified for the purpose, provided that the gross floor area of the dwelling or accessory building used for the home occupation including any area used for retail sales shall not exceed 30% of the total gross floor area of buildings on the site.

(d) Not more than one person from outside the household residing on the site shall be employed in the home occupation.

(e) There shall be no exterior display or external storage of materials associated with the home occupation, excluding permitted signage.

(f) The home occupation shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 10.00pm and 7.00am the following day.

(g) The home occupation may not use equipment which creates electrical interference with electrical equipment on neighbouring properties.

(h) Only goods directly produced or assembled by the home occupation may be sold or offered for sale from the site on which the home occupation is conducted.

(Note: Assembled means putting together pre-fabricated parts to make a product.)

(i) Home occupations shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery, engineering works, animal boarding facilities or bee keeping.

(2) WAIHI, PAEROA, AND WHIRITOA: CONTROLLED ACTIVITY STANDARDS FOR TWO OR MORE DWELLINGS PER CERTIFICATE OF TITLE (REFER TO 5.8.4.2 C2)

(a) Each dwelling must meet the relevant Zone Development Standards (refer to 5.8.5(3)), Subdivision Standards (refer to 9.4.2.1(1)), and District Wide Performance Standards for Development and Subdivision (refer to Section 8) as if the certificate of title is to undergo subdivision in future.

(3) WAIHI, AND PAEROA, AND WHIRITOA: RESTRICTED-DISCRETIONARY ACTIVITY STANDARDS FOR MINOR DWELLING UNITS (REFER TO 5.8.4.3 RD2)

(a) A minor dwelling unit must have a gross floor area (excluding its associated garage/carport used for vehicle parking; and its associated decks used for outdoor recreation) of no greater than:

(i) 50m²; or:
Section 5.8: Low Density Residential Zone

5.8-14

(ii) 60m² when Lifemark Design™ Certified, or has another certification acceptable to
the Council to demonstrate that the minor dwelling unit is designed to be functional
for elderly and disabled occupants.

Note: To qualify for Lifemark™ design certification, minor dwelling units are
required to be designed in accordance with, and assessed against, the Lifemark
Design Standards and must achieve at least the entry-level “3-star” rating. For
further information refer to: www.lifemark.co.nz.

(b) A minor dwelling unit shall not have any accessory buildings except a single garage/carport and a garden shed. The total roof area of the garage/carport and garden shed
associated with a minor dwelling unit shall be no greater than 25m².

(c) A minor dwelling unit must be located on a site with a net site area of no less than:

(i) 1,000m² per associated dwelling if the site has a connection to the Council’s
reticulated sewer network; or:

(ii) 2,500m² per associated dwelling if the site is not connected to the Council’s
reticulated sewer network.

(d) Location

(i) A minor dwelling unit must be located to comply with the following Zone
Development Standards (refer to 5.8.5(3)):

(1) Maximum height;
(2) Daylight control;
(3) Minimum Yards;
(4) Traffic noise sensitivity;
(5) Maximum site coverage;
(6) Density; and:
(7) Outdoor living area

(ii) A minor dwelling unit must share the same vehicle entrance and driveway access
as the associated dwelling on the same site.

(e) Domestic wastewater treatment and disposal

(i) A minor dwelling unit that is not connected to the reticulated sewerage system
must show details of the design and lay-out of the proposed on-site domestic
effluent system including evidence that the system either complies with the
permitted activity standards of the Waikato Regional Plan or the terms of a site
specific discharge consent.

5.8.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, Council shall have regard to the
relevant development standards, activity specific standards, environmental results and
assessment criteria for Permitted, Controlled and Restricted Discretionary Activities in Rules

(9.3 Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
5.8.4 to 5.8.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.8.7.1 GENERAL ASSESSMENT CRITERIA

(1) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public road. Pertinent matters for consideration in this regard are:
   (a) the carrying capacity, standard and status in the roading hierarchy of the road concerned;
   (b) the ability of the site to accommodate the activity requirements for necessary on-site parking, loading and manoeuvring areas;
   (c) the means by which any likely adverse traffic effects can be avoided, remedied or mitigated;
   (d) the access, parking and loading standards for Permitted Activities that shall be used as a guideline in assessing applications for Discretionary Activities;
   (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the state highway network.

(2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.

(3) Whether buildings are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance by way of overshadowing, obstruction of views, noise, glare and loss of privacy.

(4) The degree to which the location of buildings is such as to retain clear visibility along urban roads and to provide space for vehicle access and loading on the site clear of the road.

(5) Whether any signs proposed detract from the amenities of the area.

(6) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the site on which the activity is located (except where reticulated services are provided).

(7) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.

(8) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

(9) Whether the activity and any building and structures are of a scale and intensity which are in keeping with the character, amenity and ambience values of the existing urban environment.
5.8.7.2 UNDERGROUND MINING AND EXPLORATION

(1) Whether public safety is adequately provided for and adverse effects of vibration in the ground can be adequately mitigated.

(2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided, including implementation programmes.

5.8.7.3 ACTIVITIES/DEVELOPMENT WITHIN WHIRITOA

(1) Whether the activity and any buildings and structures are of a scale, intensity and character to protect coastal natural character and maintain the amenities of the existing built environment.
Note: Recommended changes to the District Plan that were publicly notified are shown in red text and subsequent changes recommended via the Staff Report are shown in blue text.

7.8 EXCAVATIONS AND PLACEMENT OF FILL (EARTHWORKS)

7.8.1 BACKGROUND

(1) Section 9(3) of the Resource Management Act 1991 (RMA) includes the following "uses" (by reference to the definition in Section 2 of "use") in relation to land that require resource consent approval, unless provided for in the District Plan or as an existing use:

(Section 2(a) RMA)

[(a)(ii) drill, excavate or tunnel land or disturb land in a similar way:]
[(a)(iv) deposit a substance in, on or under land].

(2) Many land use activities involve excavation and placement of deposits in the form of fill on land. In most circumstances such activities are considered to constitute part of the operation of the use. Where the use concerned is permitted as of right, the various activities involving excavations/filling are seen as part of that operation and are likewise permitted as of right (eg putting metal on farm races, establishing silage pits, land cultivation and "hump and hollow" formation, wintering pads). Other situations (eg road works) would normally require resource consent, except where the work is provided for within the road reserve, and any aspects of concern regarding the works can be addressed through that process.

(3) The management of the principal effects (eg soil erosion, water quality control) of some earthworks are primarily the responsibility of the Waikato Regional Council.

(4) Particularly in an urban context, the management of excavations and fills on land is generally handled through either:

(a) other legislation, in particular the Building Act 2004 in terms of which site works (including earthworks) require approval by Council as part of the building consent;

(b) the subdivision of land procedures under the Resource Management Act 1991 (eg conditions of subdivision consent relating to filling, compaction, protection against erosion) and the requirement that a completion certificate confirm the works have been undertaken in conformity with such conditions.

(5) It should also be recognised that excavations or fills on one property may affect the adjoining property (eg a fence might fall over, trees die etc). So long as such activities fall within the general scope of an activity permitted on the land, any such disputes are to be treated as civil matters. However, should an excavation/fill - in say a residential area - relate mainly to an off-site business which is not a permitted activity in the area, control in the Resource Management Act 1991 is available (abatement notice, enforcement order etc).

(6) On occasions surplus cut material from road works needs to be disposed of. Such material normally comprises clean topsoil/subsoil and is valued by farmers to fill gullies, depressions etc. The disposal of limited volumes of such material is not considered by the Council to require land use consent (however resource consents from the Regional Council may be required).
Section 7.8: Excavations and Placement of Fill (Earthworks)

7.8.2 RESOURCE MANAGEMENT ISSUES

(1) The nature, location and scale of earthworks can have significant adverse visual and traffic effects, and adversely affect vegetative cover, the soil profile, the nature of stormwater runoff, downstream water quality and the suitability of the land for future development.

7.8.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure site earthworks associated with land use and subdivision activities avoid, remedy or mitigate adverse visual effects and off-site effects.

(a) Policies

Objective 1 will be achieved by the implementation of the following policies:

(i) Recognise that excavations and fills are undertaken as part of legitimate land use activities.

(ii) Differentiate between accessory on-site earthworks, and excavations involving significant movement of material off the site.

(iii) Ensure that only clean imported fill is placed on sites.
Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(iv) Limit the scale and location of earthworks to: minimise the risk of instability and damage to other properties, network utilities and the environment; not increase the risk of potential flooding or reduce the function of ponding areas, overland flow paths, and spillways; minimise amenity and public safety impacts.

(v) Limit the scale and location of earthworks to avoid, remedy or mitigate adverse visual effects, particularly in sensitive zones and in areas of outstanding and high amenity and/or natural character values.

(b) Reasons

(i) Many excavations and fills are managed through land subdivision consent procedures. There is no need for any further management of these activities. Excavations and fills in the Rural Zone are often undertaken as part of legitimate land use activities and Council does not consider there is any need for management other than where volumes of material are being transported from one property to another and the excavations have become, in effect, a mine.

(ii) The provisions of the Building Act 2004 with respect to earthworks have limited scope to address the wider issues that may arise from earthworks (eg transport of material, amenity impacts, flood management control). Accordingly, the scale of earthworks permitted has been set at a level that allows for reasonable earthworks associated with permitted activities in each of the zones.

(iii) Some excavations/fills will require authorisations from the Waikato Regional Council to address other potential effects (such as erosion and water quality) notwithstanding that no land use consent is required under the District Plan.

(iv) In Rural zones the disposal of surplus clean fill from roadworks is a matter of negotiation between landowner and roading authority. Council is to be informed where larger volumes of clean material are involved.

7.8.4 ENVIRONMENTAL RESULTS

(1) To ensure Council is fully informed regarding the placement of significant volumes of imported fill and is able to manage the placement of fill which does not comprise clean topsoil/subsoil and demolition rubble.

(2) The effects of the placement of significant volumes of fill will be managed to ensure the amenities of the area concerned and future building activity is not compromised.

(3) To ensure adverse effects of the excavations and fill are minimised.

7.8.5 ACTIVITY STATUS

*Earthworks (excavation and/or fill)* either as:

- an accessory component of a Permitted, Controlled, Restricted Discretionary, Discretionary or Non Complying activity; or
- as a separate earthwork activity,
Section 7.8: Excavations and Placement of Fill (Earthworks)

7.8.5.1 PERMITTED ACTIVITIES

Those activities listed below are a Permitted Activity, unless otherwise specified in Rule 8.2A.1.3(3) and subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0;
- District Wide Performance Standards in Section 8.0.

Note: Earthworks should be undertaken in general accordance with the Waikato Regional Council’s guidelines that are in place at the time that the works are undertaken. The current (2018) guidelines are: “Erosion and sediment control: guidelines for soil disturbing activities”, Report: TR 2009/02, excluding “Section 3.4 Hay Bale Barrier” (these are no longer considered suitable control devices), and as amended by the following fact sheets:
- 3. Sediment Control Practices;
- 3.1 Sediment Retention Pond;
- 3.2 Silt Fence; and
- 3.6 Decanting Earth Bund.

For updated guidelines see: https://www.waikatoregion.govt.nz

Note: Prior to commencement of earthworks, building consent must be obtained for retaining walls that have a surcharge.

Note: Earthworks must comply with the land disturbance rules in the Waikato Regional Plan or resource consent must be obtained from the Waikato Regional Council.

Note: Permitted Activity status for earthworks is subject to compliance with the conservation and heritage provisions in Section 6 of the District Plan, and may alter the activity status.

Note: The location of underground infrastructure should be identified prior to works commencing to ensure that infrastructure is not accidentally dug into and to avoid serious injury or a costly service interruption. Information on the location of underground pipes and cables can be obtained through the “Dial Before You Dig” service found online at http://www.beforeudig.co.nz/.

(1) ALL ZONES OTHER THAN:

- CONSERVATION (INDIGENOUS FOREST);
- CONSERVATION (WETLAND);
- FLOOD PONDING.

P1 EARTHWORKS PROPOSED AND APPROVED AS PART OF A BUILDING CONSENT APPLICATION, UP TO AND EQUAL TO THE SPECIFICATIONS FOR THE RELEVANT ZONE SET OUT IN P3 to P9 BELOW.

P2 EARTHWORKS NECESSARY FOR THE ESTABLISHMENT, OPERATION AND
Section 7.8: Excavations and Placement of Fill (Earthworks)

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 7.8: Excavations and Placement of Fill (Earthworks)
Section 7.8: Excavations and Placement of Fill (Earthworks) 7.8-7

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 7.8: Excavations and Placement of Fill (Earthworks)

(5A) RESIDENTIAL, LOW DENSITY RESIDENTIAL, MARAE DEVELOPMENT, TOWNSHIP, TOWN CENTRE, AND INDUSTRIAL ZONES

P9A  EARTHWORKS (NOT OTHERWISE PROVIDED FOR IN P1 TO P2 ABOVE), SUBJECT TO:

(a) the maximum area of the earthworks not exceeding 500m²;
(b) the maximum volume of the earthworks not exceeding 200 250m³;
(c) the maximum excavation not exceeding a depth of 1.5 metres;
(d) the maximum placement of cleanfill not exceeding a height of 0.5 metres where located within a front yard or other yard;
(e) the maximum placement of cleanfill not exceeding a height of 1.5 metres where located outside of a front yard or other yard;
(f) the Council must be informed of the fill action (where exceeding 30m³) before the activity is carried out and the following details are to be provided to the Council within 1 month following the placement of the cleanfill:
   (i) legal description and street address of the property;
   (ii) nature and source of fill;
   (iii) location of fill on site;
   (iv) depth of fill;
   (v) compaction of fill.
(g) no placement of cleanfill provided for under (d) - (f) above shall be placed in an overland flow path or ponding area.
(h) earthworks shall not change the natural run-off or drainage patterns in a way that causes adverse effects on land in different ownership
(i) no earthworks shall be undertaken on any part of the site that has a slope ≥18º
(j) all bare earth areas, including excavation and fill batter faces, are to be revegetated within 6 months of the earthworks being completed.

Note: Earthworks should be undertaken in general accordance with the Waikato Regional Council’s guidelines that are in place at the time that the works are undertaken. The current (2018) guidelines are: “Erosion and sediment control: guidelines for soil disturbing activities”, Report: TR 2009/02, excluding “Section 3.4 Hay Bale Barrier” (these are no longer considered suitable control devices), and as amended by the following fact sheets:

3. Sediment Control Practices;
3.1 Sediment Retention Pond;
3.2 Silt Fence; and
3.6 Decanting Earth Bund.
For updated guidelines see: https://www.waikatoregion.govt.nz

Note: Compliance is also required with the activity specific standard for land ‘subject to inundation’ in the relevant zone rules, where the land is identified on the planning maps as ‘subject to inundation’, and may alter the activity status.

Note: Prior to commencement of earthworks, building consent must be obtained for retaining...
7.8-9  walls that have a surcharge.

Note: Earthworks must comply with the land disturbance rules in the Waikato Regional Plan or resource consent must be obtained from the Waikato Regional Council.

(6) CONSERVATION (INDIGENOUS FOREST) AND CONSERVATION (WETLAND) ZONES

P10  EARTHWORKS ASSOCIATED WITH PERMITTED ACTIVITIES LISTED IN THE ZONE RULES 5.2.4.1 AND 5.3.4.1

7.8.5.2 CONTROLLED ACTIVITIES

Those activities listed below are a Controlled Activity.

THERE ARE NO CONTROLLED ACTIVITIES

7.8.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a Restricted Discretionary Activity.

RD1  EARTHWORKS SPECIFIED AS A RESTRICTED DISCRETIONARY ACTIVITY IN RULE 8.2A.1.3 (3)(b). Matters over which the Council has restricted its discretion are listed in 8.2A.1.4(1)(b).

7.8.5.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a Discretionary Activity and shall be assessed against the relevant criteria in Rule 7.8.6.

D1  ANY EARTHWORKS NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY, EXCEPT IN THE CONSERVATION (WETLAND) AND FLOOD PONDING ZONE.

7.8.5.5 NON COMPLYING ACTIVITIES

Those activities listed below are a Non Complying Activity.

NC1  ANY EARTHWORKS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY.

7.8.5.6 PROHIBITED ACTIVITIES

Those activities listed below are a Prohibited Activity.

PR1  EARTHWORKS IN THE CONSERVATION (WETLAND) ZONE, NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY.
7.8.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

(1) When assessing any application for a Discretionary Activity, Council shall have regard to the relevant Earthworks objectives and policies, the relevant assessment criteria listed below and any other matters it considers appropriate:

(a) The degree of slope and the extent of earthworks.

(b) The extent to which the earthworks will change the ground level of the site.

(c) The degree to which the finished ground levels reflect the contour of the development site and the adjoining sites.

(d) The degree to which the earthworks will enable additional built form, scale and massing below ground level and the effect this has on the surrounding character and amenity values.

(e) The effects on landscape, heritage and biodiversity values and in particular effects on features and areas identified in Section 6 of the District Plan, and the landscape and natural character values of the Coastal and Karangahake Gorge Zones and Outstanding Natural Landscape Areas and District Amenity Landscape Areas.

(f) The effect on sensitive receivers from additional noise and dust associated with the earthworks.

(g) The time period, hours of the day and days of the week over which the excavation and fill will be undertaken.

(h) The extent to which the movement of soil or cleanfill material to and from the site may affect the roads to be travelled and the amenity of residents along the transportation route.

(i) The time period over which the soil will be exposed.

(j) The extent of modification or barriers to natural drainage and flood control systems, including ponding areas, overland flowpaths, and spillways.

(k) The methods to control sediment runoff.

(l) The stability of any cut or fill and the method to achieve stability.

(m) The nature of the fill to be used.
8.4 VEHICLE PARKING, LOADING AND ACCESS

8.4.1 NUMBER AND LOCATION OF PARKING SPACES

8.4.1.1 DISCUSSION, PURPOSE AND REASONS

(1) Vehicular traffic is a major user of resources (particularly energy and space).

(2) Traffic management (including parking) can assist in reducing the use of resources, thereby sustaining those resources for future generations.

(3) The efficient and safe movement of vehicles on the street system is aided by having adequate on-site vehicle parking provided. This is particularly relevant in rural areas where high traffic speeds and the carriageway formation make parking on the road inappropriate.

(4) Different activities have the potential to attract and/or generate varying demands for parking. In general, the majority of such parking needs to be provided on or as close as possible to the site that the activity is located on.

(5) In some circumstances, concentrating or sharing parking can improve efficiency of land use and reduce adverse effects.

(6) The parking standards set out below are a reasonable provision that will adequately protect the community from possible adverse effects of parking (eg. amenity, traffic safety and efficiency) generated by the operation of the activity.

(7) No specific standards are provided for the provision of on-site bicycle parking facilities. Adequate access for pedestrians and cyclists is expected to be available through provisions for on-site carparking and/or public parking facilities. The requirements for pedestrians and cyclists will however be assessed for larger scale developments through the provision of a Transportation Impact Assessment.

8.4.1.2 ENVIRONMENTAL RESULTS

(1) Ensure the general efficiency and safety of the roading system is maintained by accommodating vehicles on site, rather than on the road.

(2) Provide the necessary parking in a convenient manner and thereby contribute to the success of the activity on the site.

(3) Protect the safe and convenient movement of pedestrians and cyclists, particularly in the commercial areas.

(4) Maintain an open streetscape, thereby contributing to visual environmental amenity.

(5) Support appropriate development by achieving a balance between accommodating peak parking demand and resulting off-site adverse effects.
**8.4.1.3 STANDARDS**

(1) Where any new activity establishes, the use of any land or building changes or a building is constructed or substantially reconstructed, altered or added to, parking facilities shall be provided on that site in accordance with the minimum standards set out in the table below.

(2) Generally, the standard for parking is set out by activity (regardless of the zone it is located in), as the activity generates/attracks demand for parking to similar levels regardless of the zoning. However, some specific zone situations are identified.

(3) Where there is more than one activity on a site the parking requirement is calculated separately for each activity and then added together. If a particular activity is not referred to in the following table, the most similar activity for the proposal shall apply to determine the parking requirement.

(4) Where the assessment of the number of parking spaces results in a fractional space being involved, any fraction under one-half shall be disregarded and fractions of one-half or more shall be counted as one space.

<table>
<thead>
<tr>
<th>Zone/Activity</th>
<th>Minimum Parking Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2 spaces for each dwelling</td>
</tr>
<tr>
<td>Minor Dwelling Unit</td>
<td>1 space for each Minor Dwelling Unit</td>
</tr>
<tr>
<td>Visitor accommodation, and Housing for the elderly</td>
<td>1 space for each dwelling or visitor accommodation unit, plus 1 space for every 4 units, plus 1 space for each non resident staff member</td>
</tr>
<tr>
<td>Hospitals</td>
<td>2 spaces for every 3 patients the facility is designed to accommodate</td>
</tr>
<tr>
<td>Community Housing</td>
<td>1 space for every 4 occupants the facility is designed to accommodate</td>
</tr>
<tr>
<td>Place of worship or assembly, Marae</td>
<td>1 space for every 15m² gfa of the public meeting area</td>
</tr>
<tr>
<td>Cafes, restaurants, tearooms and licensed premises not otherwise specified (excluding the Town Centre Zone where the premises adjoin a Pedestrian Frontage)</td>
<td>1 space per 10m² gfa</td>
</tr>
<tr>
<td>Health Care Services</td>
<td>2 spaces per consultant and 1 space per non-consultant staff members</td>
</tr>
<tr>
<td>Education/ Training Activities and Facilities</td>
<td>1 space per staff member (Full Time Equivalent), plus 1 space for every 10 students the facility is designed to accommodate, except the parking standard for students does not apply to childcare facilities and school students in Years 1 to 10</td>
</tr>
<tr>
<td>Produce Stalls</td>
<td>4 spaces per stall</td>
</tr>
<tr>
<td>Boarding, Breeding and Training of</td>
<td>1 space per non-resident employee plus 2 for the activity</td>
</tr>
<tr>
<td>Zone/Activity</td>
<td>Minimum Parking Standard</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Animal Facilities</td>
<td></td>
</tr>
<tr>
<td>Supermarkets</td>
<td>1 space per 20m² gfa</td>
</tr>
<tr>
<td>Hotels and Taverns</td>
<td>1 space per 6m² public floor area (includes bars, restaurants and reception areas) and 1 per bedroom unit.</td>
</tr>
<tr>
<td>Premises/Yards for sale of vehicles, machinery etc., and garden centres</td>
<td>1 space per every 200m² site area, with a minimum of 4 spaces</td>
</tr>
<tr>
<td>Service Station</td>
<td>2 spaces per 3 staff, plus 2 spaces for a convenience shop, 4 spaces per workshop bay, 3 queuing spaces for a car wash, 1 space for an air hose or vacuum facility</td>
</tr>
<tr>
<td>Any retail (except where otherwise specified) or office activity in the Town Centre Zone where the premises does not adjoin a Pedestrian Frontage, and any ancillary retail or office activity in the Reserve (Active) or Industrial Zones</td>
<td>1 space for every 30m² gfa or site area, whichever is applicable</td>
</tr>
<tr>
<td>Any industrial or warehouse activity (except where otherwise specified and excluding self-storage facilities)</td>
<td>1 space for every 100m² gfa</td>
</tr>
<tr>
<td>Self Storage Facilities</td>
<td>Nil, except for associated office space (refer to standards for offices)</td>
</tr>
<tr>
<td>Outdoor Recreation (not otherwise specified)</td>
<td>1 space per 4 persons the activity is designed to cater for plus 1 space per 25m² gfa for associated buildings</td>
</tr>
<tr>
<td>Sports Grounds</td>
<td>6 spaces for every field or court plus 1 space per 25m² gfa for associated buildings</td>
</tr>
<tr>
<td>Indoor sports facilities</td>
<td>6 spaces per court or 1 space for every 25m² gfa whichever is the greater</td>
</tr>
</tbody>
</table>

(5) For dwellings in the Residential and Township Zones one of the two parking spaces is to be shown on the building consent application in a position that a garage or carport can be built on the site in compliance with the provisions of the District Plan.

(6) In the Conservation (Wetland) and (Indigenous Forest) Zones parking shall be provided within the zone and clear of any public road. No parking area providing spaces for more than five vehicles shall be located within 50 metres of any dwelling located outside the zone. Where the dwelling is separated from the zone by a road, this separation standard shall not apply.

(7) In all zones, for any new or expanded activity where any of the circumstances set out in (7)(a) or (7)(b) below apply, a Transportation Impact Assessment (TIA) shall be prepared. Where the activity is a Permitted, Controlled or Restricted Discretionary Activity in the zone, the activity shall be a Restricted Discretionary Activity, with discretion restricted to the assessment matters in Rule 8.4.1.4(1)(c).

(a) For sites with direct access to a state highway, the activity will:
(i) Provide 5 or more parking spaces on site either to meet the requirements of this District Plan or to meet the demand generated by the activity; and/or

(ii) Have an average daily traffic generation/through put of 10 vehicle movements or more (ingress and egress is 2 movements).

(b) For sites with direct access to a road other than a state highway, the activity will:

(i) Provide 50 or more parking spaces on site either to meet the requirements of this District Plan or to meet the demand generated by the activity; and/or

(ii) Have an average daily traffic generation/through put of 250 vehicle movements or more (ingress and egress is 2 movements).

Notes:

For the purpose of determining whether a Transportation Impact Assessment is required typical vehicle movement values for various land use categories can be sourced as a guide from NZTA Research Report 453 Trips and Parking Related to Land use, November 2011. Refer to Table C1 in Appendix C.

In the case of a single dwelling an average of 8.5 vehicle movements has been adopted for the purpose of this rule.

(8) Where a Transportation Impact Assessment is required, it shall be at a level of detail appropriate to the scale of the activity, consider all relevant modes, and consider the network affected by the proposal at least including the intersections upstream and downstream. The assessment shall address the following matters:

(a) Description of the existing environment, including:

(i) The site, its location and existing activities

(ii) The surrounding road network – infrastructure capacity and condition, traffic volumes, traffic conditions, safety performance, any transport strategy considerations and the ability of the local network to safely and efficiently accommodate traffic.

(b) Location, type and scale of the proposal – traffic generation, transport modes, vehicle types, vehicle parking and manoeuvring layout and design standards, signage, pedestrian and cycle access, cycle parking, end of journey facilities, rail level crossings and consistency with any relevant transport strategies.

(c) Transportation Considerations – the extent to which particular roads will be affected in terms of safety, efficiency, pavement life and maintenance cost; on-site provision for parking; loading/servicing and queuing; safe and efficient provision for ingress/egress including capacity, separation and visibility. Note: Where fewer carpark spaces are proposed than required by the Standard in Rule 8.4.1.3, an assessment in terms of the matters in Rule 8.4.1.4(1)(a) shall be provided.

(d) Evaluation of Transportation Impacts – transportation effects, mitigation options and proposals for mitigation.

(e) Written approvals/comments from the relevant road controlling authority.

(f) Conclusions - transportation impact, mitigation proposed.
For Temporary Uses, where the relevant Road Controlling Authority has approved, or waived the requirement for, a temporary traffic management plan then the requirement for a Transportation Impact Assessment under Rule 8.4.1.3(7)(a) or (b) above shall not apply, provided that any approved temporary traffic management plan or associated restrictions shall be adhered to.

Notes:
For some zones, where sites adjoin a residential or reserve zone, specific standards and criteria are provided in that zone for consideration of the location of parking spaces.

8.4.1.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

(1) The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.1.2 of the Standards in Rule 8.4.1.3 for which compliance is not met and the following relevant matters:

(a) Number of Parking Spaces

In assessing a lesser number of parking spaces than required for a particular use or development or where no suitable standard is provided, regard shall be had to the following:

(i) The hours of operation relative to other activities on the site or on adjoining sites and opportunities for sharing parking spaces.

(ii) The status of the road in the roading hierarchy.

(iii) The ability of the road to accommodate parking in a safe manner.

(iv) The total parking demand generated by the proposed development including typical operating and peak conditions. Where it can be demonstrated that this is less than the number of spaces required by the standard and that the development is such that the premises cannot be used for any other purpose, a lesser number of parking spaces may be accepted by Council as being adequate.

(v) The availability of payment in lieu of parking where any reduction from the required parking cannot be granted.

(vi) The availability of appropriate off-road public parking in the locality, particularly where the developer has financially supported such provision.

(vii) The amount of public space which is incorporated within the building and the intensity of use of such facilities.

(viii) Any inappropriate modification to the natural environment that would result from providing the parking spaces.

(ix) Options for providing additional parking if required.
(b) Location of Parking Spaces

In assessing whether the required parking for a particular activity or development may be provided on other sites, regard shall be had to the following:

(i) Whether off-site parking is in close proximity with clear, safe and convenient access.

(ii) Whether joint parking provision is acceptable particularly where hours of operation are different.

(iii) The desirability of avoiding vehicular access to the site on traffic safety or pedestrian amenity grounds.

(iv) The convenience and safety of those using the parking spaces especially the general public.

(v) Any arrangement for alternative parking provision is adequately secured to Council's satisfaction.

(vi) In the Conservation (Indigenous Forest) and (Wetland) Zones, whether there would be no significant detraction from the amenities enjoyed by the occupants of the dwelling.

(vii) In relation to the addition to or alteration of a scheduled heritage feature, whether this would assist with the protection of the feature.

(viii) The extent to which the safe and efficient functioning of the street or road is affected.

(c) Transportation Impact Assessment

The following matters will be used to assess a Restricted Discretionary Activity, where a Transportation Impact Assessment is required:

(i) Whether the parking area is designed to ensure it is readily accessible from the road and convenient for the user.

(ii) Whether the access is designed and located to allow safe and efficient movement to and from the adjacent road network.

(iii) Whether the internal access and vehicular layout is designed in order to minimise conflicts between pedestrians, cyclists, vehicles and service access.

(iv) Whether vehicles entering and leaving the site can be accommodated without adversely impacting on the activities of adjacent sites, the safe and efficient functioning of the road system and the road infrastructure.

(v) Whether improvements are required to the adjacent road system and infrastructure.

(vi) The recommendations of the Transportation Impact Assessment and any proposed conditions.

(vii) Any comments from the relevant Road Controlling Authority.
8.4.2 NUMBER AND LOCATION OF LOADING/DROP OFF SPACES

8.4.2.1 DISCUSSION, PURPOSE AND REASONS

(1) As with parking, loading spaces are required not only to service the activity, but also to ensure that the safety and efficiency of the roading resource is not compromised.

(2) Different activities have different loading requirements. In addition, the nature of providing a loading service has changed over time. For instance, most commercial and business activities are served daily by courier services, using smaller vans. Accordingly, smaller loading spaces are required, but these are required to be available at all times. Vacant parking spaces can be used by courier vans. Activities such as supermarkets and other large format retail outlets are serviced by large vehicles, as well as courier vans. Accordingly, larger specified loading spaces are required for this type of loading requirement.

8.4.2.2 ENVIRONMENTAL RESULTS

(1) Minimise conflict with the efficient and effective movement of traffic on streets and minimise detraction from neighbourhood amenities as a result of loading and unloading on the street, footpath or verge.

8.4.2.3 STANDARDS

(1) Where any new activity establishes, the use of any land or building changes, or a building is constructed or substantially reconstructed, altered or added to, loading facilities shall be provided on that site in accordance with the following standards set out in the table below.

(2) Where the assessment of the number of loading/drop off spaces results in a fractional space being involved, any fraction under one-half shall be disregarded and fractions of one-half or more shall be counted as one space.

<table>
<thead>
<tr>
<th>Zone/Activity</th>
<th>Number</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Childcare Facilities</td>
<td>1 drop-off car space per 10 children the facility is designed to accommodate.</td>
<td></td>
</tr>
<tr>
<td>(b) Primary, Intermediate and Secondary Schools and Education/Training Activities and Facilities (not otherwise specified)</td>
<td>1 drop-off car space per 40 students the facility is designed to accommodate and 1 bus space per 200 students.</td>
<td></td>
</tr>
<tr>
<td>(c) All Non-Residential Activities in the Residential and Township Zones; all Activities in the Town Centre and Industrial Zones</td>
<td>1 loading space per activity.</td>
<td></td>
</tr>
<tr>
<td>(d) Town Centre Zone (Waihi and Ngatea only)</td>
<td>Where an existing or proposed service lane is shown on the</td>
<td></td>
</tr>
</tbody>
</table>
### Zone/Activity

<table>
<thead>
<tr>
<th>Zone/Activity</th>
<th>Number</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Planning Maps, then the loading space shall be so designed and located that access to it can or will be obtained from that service lane.</td>
</tr>
<tr>
<td>(e) All other Activities</td>
<td></td>
<td>Loading shall be undertaken within the site that the activity is located on.</td>
</tr>
</tbody>
</table>

**Note:**

For some zones, where sites adjoin a residential or reserve zone, specific standards and criteria are provided in that zone for consideration of the location of loading spaces.

### 8.4.2.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

**1.** The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.2.2 of the Standards in Rule 8.4.2.3 for which compliance is not met and the following relevant matters:

- **(a) Number of Loading/Drop Off Spaces**
  
  In assessing a lesser number of loading/drop off spaces than required for a particular use or development regard shall be had to the following:
  
  - (i) The adequacy of the loading facilities to accommodate those vehicles which normally visit the site.
  - (ii) Avoids major conflict with traffic on adjoining streets or significantly detracting from pedestrian amenities.
  - (iii) Does not give rise to situations that would create a significant traffic hazard.
  - (iv) Avoids significant detraction from the amenities of the neighbourhood and is not substantially detrimental to the operation of any adjoining business.
  - (v) Has regard to any proposals for shared access and loading.

- **(b) Location of Loading/Drop Off Spaces**
  
  The required loading/drop off spaces may be accepted on an adjoining site from the development site, where having regard to the following:
  
  - (i) Whether the above matters in 8.4.2.4(1)(a) can be satisfied.
  - (ii) Whether on-site provision would be impractical, would not be warranted in the particular circumstances, or would be in conflict with other objectives of the District Plan.
  - (iii) Whether the arrangements for alternative loading provision can be secured to Council’s satisfaction.
8.4.3 VEHICLE ACCESS AND CROSSINGS

8.4.3.1 DISCUSSION, PURPOSE AND REASONS

(1) Vehicle crossings must be located to ensure safe entry or egress. The main factors affecting safety are the availability of satisfactory visibility of approaching traffic, and sufficient separation between existing intersections and major access points to avoid conflicts with vehicle turning movements. In the Town Centre Zone, vehicle access can conflict with the objective of creating a safe and pleasant environment for pedestrians. The matter of access through "Defined Pedestrian Frontages" is provided for in the Town Centre Zone.

(2) The type, design and location of vehicle crossings need to be flexible to not only meet the vehicle access needs of the activity, but also the traffic function of the road itself.

(3) It is recognised that roading represents a substantial use of resources in both its establishment and maintenance. Resources used include land, space, physical elements (gravel, concrete, bitumen, paint) and energy. Any "side friction" (the potential for conflict between roadside activities and through traffic, such as turning movements on and off the road, that may result in increased crashes) caused by access to and from the road has the potential to reduce the efficiency and safety of the road and can result in unplanned increases in the allocation of resources to keep the traffic moving.

(4) A number of matters need to be controlled in order to achieve the objective of producing a safe vehicle crossing that does not detract from the efficiency of the road function. These matters include sight distances, intersection separation, separation between vehicle crossings, number of vehicle crossings, dimensions (design), construction and gradient.

(5) SIGHT DISTANCE

(a) The sight distance standard is based on the minimum safe stopping distance for a vehicle travelling at the speed environment for the road. In some circumstances, where the average speeds on a road are low, and roads are lightly trafficked, a lesser sight distance can still provide an adequate level of safety. In these circumstances an application for a reduced sight distance may be made and considered in terms of safety criteria.

(6) INTERSECTION SEPARATION

(a) The intersection separation standard takes into account the safe stopping distance for vehicles, stacking and double conflict circumstances. In some cases circumstances may prevail where a lesser distance can provide an adequate level of safety. In these circumstances an application for a reduced intersection separation may be made and considered in terms of safety criteria.
Section 8.4: Vehicle Parking, Loading and Access

Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(7) **ACCESS SEPARATION AND DIMENSION**

(a) For most activities, two vehicle crossings to a property would be considered adequate to meet its access needs. Any more vehicle crossings would be an unusual situation and accordingly require assessment of the effects. In the urban areas, a minimum separation between vehicle crossings also allows for on-street parking to be accommodated.

(b) Dimensions of vehicle crossings are important to ensure that the crossing is wide enough to meet the needs of the vehicles entering, but not so wide that the crossing becomes a hazard to pedestrians, or allows entry and exit to the road at high speed.

(8) **ACCESS CONSTRUCTION**

(a) Vehicle crossings need to be constructed to a standard which matches the standard of the road and avoids the tracking of material (mud, stones etc) from the site onto the road. Mud and stones have the potential to create a hazard for cyclists, reduce braking efficiency and can cause broken windscreens. The construction standards also ensure that no dust nuisance is created for adjoining properties and that problems of erosion and stormwater runoff are prevented.

(9) **ACCESS GRADIENT**

(a) The physical nature of some sites means that vehicle access can be difficult and lead to problems of instability and loss of amenity. In order to avoid the adverse effects of steep vehicle access the Council has set a maximum gradient for vehicle access legs and accessways. In situations where it is not possible to provide vehicle access to a site without exceeding this limit it may be preferable for alternative access and vehicle parking to be provided.

(10) **ACCESS FOR HEAVY VEHICLES**

(a) In situations where the site is likely to be required to be serviced with heavy vehicles, then vehicle crossing standards have been designed to also protect the road resource itself. The development and maintenance of the roading resource represents a significant investment of physical and financial resources. Destruction of this resource can be avoided or minimised, by providing vehicle crossings to properties that do not require hard braking and acceleration or sharp turning.

(11) **SUBDIVISION**

(a) Adequate access and vehicle crossing places need to be demonstrated at the time of seeking subdivision approval.

(b) Where there is more than one position on a lot frontage to provide a safe vehicle crossing, it is more appropriate that its construction take place at the time of development or immediately prior to the commencement of an activity on the lot. This
provides flexibility for the developer to decide which of the safe vehicle crossing options is appropriate to the intended use of the lot.

(c) In the situation where there is only one safe vehicle crossing point, or the position is legally determined by an access leg, right of way or access lot, it is appropriate for construction of the crossing to occur at the time of subdivision. Where there is only one safe vehicle crossing, a prospective developer is then aware of the situation before making a commitment on a particular development or activity. In the case of joint access, difficulties can arise in sharing the cost of construction when lots are not all developed at the same time. A condition of subdivision consent may be imposed that will limit the position on the frontage where a vehicle crossing may be formed.

(d) Where a site has an alternative access location from a collector or local road this should be the preferred option to an access from an arterial road or state highway, because of their traffic function and to minimise side friction safety effects. The provisions of the Local Government Act 1974 and the Government Roading Powers Act 1989 also apply in respect of access to a Limited Access Road.

8.4.3.2 ENVIRONMENTAL RESULTS

(1) To protect the function of the road for the safe free flow of traffic by providing easy access between the road and the property boundary, in a manner that does not detract from the safety and amenity of pedestrians, protects the amenities of adjoining properties and does not significantly interfere with the provision of on-street parking.

(2) To sustain the energy resource used in transportation, by making the roading system as safe, efficient and effective as possible, and thereby reducing energy wastage.

8.4.3.3 STANDARDS

(1) Vehicle crossings for an activity shall be provided from the formed carriageway of a public road, other than a state highway, in accordance with the following standards:

NOTE: Refer also to Rule 8.4.1.3(7) to determine if a Transportation Impact Assessment is required.

(a) Sight Distances

(i) The minimum sight distances from vehicle crossings in all zones shall be in accordance with Table 3.4 and shall be measured in accordance with Diagram HDC304 of the HDC Engineering Manual.

(b) Separation

(i) Where the regulatory speed limit is 50km/hr or less the minimum separation between any vehicle crossing and an intersection in all zones shall be in accordance with Diagram HDC305 of the HDC Engineering Manual.

(ii) Where the regulatory speed limit is greater than 50km/h the minimum separation between any vehicle crossing and an intersection in all zones shall be in accordance with Diagram HDC306 of the HDC Engineering Manual.
Section 8.4: Vehicle Parking, Loading and Access

(iii) The minimum separation distances between vehicle crossings in all zones shall be in accordance with Diagram HDC306 of the HDC Engineering Manual.

(iv) The minimum separation distance between a vehicle crossing and a railway level crossing shall be 30 metres.

(c) Number of Vehicle Crossings

The maximum number of vehicle crossings in the urban areas shall be as below:

(i) Site less than 20m frontage: One crossing

(ii) Site greater than 20m frontage: Two crossings.

(d) Location of Vehicle Crossings

(i) Except for in the rural area, for any corner site, only one vehicle crossing per frontage shall be permitted.

(ii) In the rural area where a corner site has a frontage to a state highway or arterial road as well as to a collector road or local road, then the vehicle crossing shall be limited to the frontage located on the collector or local road.

(iii) For Lot 6 DP 399569 (12 Magnolia Lane, Waihi) no vehicle crossing point connection to Cornwall Street/Lawrence Road shall be permitted.

(iv) For the land to the east of Smith Street and north of Wenlock Street, Waihi (legally described as part of Lot 7 DPS 33511) no vehicle crossing point connection to Whangamata Road-SH 25 shall be permitted.

(v) No new vehicle crossing is permitted onto a state highway.

(e) Dimensions, Formation and Construction of Vehicle Crossing Points

(i) The minimum dimensions for vehicle crossings off a local road, collector road or arterial road shall be in accordance with the following standards:

<table>
<thead>
<tr>
<th>Class</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Standard Articulated Vehicle Crossing in the rural area.</td>
</tr>
<tr>
<td>B</td>
<td>Standard Rural Vehicle Crossing for all activities that do not require a Class A entrance nor are residential activities, in the rural area.</td>
</tr>
<tr>
<td>C</td>
<td>Standard Vehicle Crossing for residential activities, in the rural area, Reserve (Active) and Reserve (Passive) Zones.</td>
</tr>
<tr>
<td>D</td>
<td>Standard Commercial/Industrial Vehicle Crossing for non-residential activities, in the urban area.</td>
</tr>
<tr>
<td>E</td>
<td>Standard Residential Vehicle Crossing for residential activities, in the urban area and Reserve (Active) Zones.</td>
</tr>
</tbody>
</table>

Notes

(1) The dimensions and formation standards for the above classes of vehicle crossings are in the HDC Engineering Manual. A copy of the standards is included in Appendix 13 in Section 8.6.14.
Section 8.4: Vehicle Parking, Loading and Access

(2) Where access within a site is required to be provided to a “two-way access” standard, the width of the vehicle crossing from the road shall be the same or greater than the width of the “two-way access.”

(3) For the dimension and formation standards of crossings off a state highway refer to the Transit NZ Planning Policy Manual.

(4) The New Zealand Transport Agency is the controlling authority for state highways. Section 51 of the Government Roading Powers Act 1989 lists many things which it is an offence to do, cause or permit on a state highway, without the written permission of the New Zealand Transport Agency. This includes undertaking any work on a state highway. Reference to the section referred to is advised before undertaking work on a state highway.

(f) Gradient

(i) In all zones, the grade change from the formed road edge, the vehicle crossing itself and the internal access, access leg or internal driveway within the property (where the entrance has to be partly formed within the property as it cannot all be formed in the road reserve), shall not exceed the access drive, breakover angle and departure angles as set out in Section 3.11 of the HDC Engineering Manual.

(ii) The maximum centre-line gradient for vehicle access (ie. internal access, access leg or internal driveway to the body of the lot as required in (g)(ii) below) shall be in accordance with the relevant standard in Tables 3.1 or 3.2 of the HDC Engineering Manual (refer to Appendix 1 and 2 in Sections 8.6.1 and 8.6.2 for a copy of Tables 3.1 and 3.2).

(g) Additional Standards Applicable to Subdivision

In all zones, access shall be provided as follows:

(i) Every lot shall be provided with legal access in terms of Section 106 of the Resource Management Act 1991.

(ii) Every lot shall be capable of being provided with a vehicle crossing in accordance with the performance standards in 8.4.3.3 above (other than allotments created through road closure or severance, access denial strips, public utilities and allotments created for the protection of a significant heritage or environmental feature where vehicle access is not required), except that where vehicle access to the body of the lot is restricted by terrain or a water course, an internal vehicle access shall be constructed from the vehicle crossing to a point immediately beyond the restriction.

(iii) For those lots which can only provide one safe vehicle crossing point, or access via an internal access or access leg, then the construction of the vehicle crossing shall be required to the minimum standards stated in 8.4.3.3 above.

(iv) No additional lots shall be created which require vehicle access onto a Limited Access Road.
Notes:

(1) Access Denial Strips will be required as a condition of subdivision consent where circumstances require access to be prohibited in terms of maintaining road safety.

(2) Where vehicle access into the body of a lot crosses difficult terrain, the vehicle access shall be required to be constructed at time of subdivision to allow access into the body of the lot or to a defined building platform (where this is required to be shown) as a condition of the subdivision approval.

8.4.3.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

(1) The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.3.2 of the Standards in Rule 8.4.3.3 for which compliance is not met and the following relevant matters:

(a) In determining the location, number, configuration and gradient of vehicle crossings onto any road, regard shall be had to whether they:

(i) Unnecessarily disrupt the provision of on-street parking.

(ii) Detract from the amenities of the locality, particularly residential properties.

(iii) Give rise to traffic hazards through factors such as inadequate visibility and unsafe stopping distances.

(iv) Conflict significantly with the normal flow of traffic.

(v) Unreasonably obstruct access to services.

(vi) Unreasonably inhibit the utilisation of the site having regard to the scale of the activity and its operational needs.

(vii) Restrict ready access to the site particularly where large vehicles and/or significant volumes of traffic are involved such as at service stations, having regard to the relevant Ministry of Transport Guidelines.

(viii) Readily enable vehicles (that are likely to use the access) to cope with the gradient and other design matters.

(ix) Are impractical to provide due to the physical restrictions on the ground.

(x) Keep the number of vehicle crossing points to a minimum having regard to the availability of alternative access, the opportunities for shared access, the volume and nature of the traffic generated and the operational requirements of the activity.

(xi) Are sited and designed in such a way that the operation of any intersection or Limited Access Road is not compromised to a level which significantly diminishes the traffic capacity or safety and that traffic conflicts and hazardous traffic situations are minimised.

(xii) Are preferable in traffic management terms to be sited on a "greater" road rather than a lesser road in the case of corner sites.
Section 8.4: Vehicle Parking, Loading and Access

(xiii) In respect of Lot 6 DP 399569 (12 Magnolia Lane, Waihi), whether or not a vehicle access connection to Cornwell Street /Lawrence Road can be provided in a manner that does not unduly compromise the safe and efficient operation of the intersection (Cornwell Street/Lawrence Road/Goldfields Railway Line).

(xiv) The comments from the relevant Road Controlling Authority.

Note:

The Transport Minister’s approval is also required under s.93 Government Roading Powers Act 1989 for lots which require vehicle access onto a Limited Access Road.
8.4.4 DESIGN OF PARKING, DROP OFF AND LOADING SPACES, ACCESS AND TURNING AREAS

8.4.4.1 DISCUSSION, PURPOSE AND REASONS

(1) Parking, drop off and loading spaces and access to them represent a significant resource use in terms of space and physical and financial resources to provide and maintain them. This resource use can be compromised if the access, parking, drop off and loading design does not allow easy and convenient use. In addition, if these parking, drop off and loading functions are not carried out on site, they have the potential to detrimentally affect the safety and efficiency of the roading network and the amenity of other activities (particularly residential).

(2) The design, shape and location of access, turning, parking, drop off and loading spaces on a site needs to be such that those areas can be readily used by the type and number of vehicles involved.

(3) It is important that parking, drop off, access and turning areas are attractive to use. Otherwise, motorists will not use them and the detrimental effects of vehicles parking on grass verges or on-street will result (eg traffic hazard, and loss of street amenity).

(4) The standards set out below are designed to meet the space requirements of a 90 percentile vehicle.

8.4.4.2 ENVIRONMENTAL RESULTS

(1) To ensure that the design and layout of parking, loading/drop off spaces and access to them is developed to a standard that any adverse effects on the safety and efficiency of the road network is avoided, and any adverse effects on the streetscape and surrounding land uses is mitigated to a level that is compatible with the amenity of the area.

8.4.4.3 STANDARDS

(1) Where parking, loading/drop off spaces are provided on a site, the following standards shall be met:

(a) Any carparking area and/or drop off spaces shall be laid out in accordance with the car turning and parking dimensions shown in Diagram HDC307 in the HDC Engineering Manual and the 90 percentile car tracking curve.

(b) On site turning areas shall be provided to avoid the reversing of vehicles from:

   (i) any carparking or drop off area containing more than three parking spaces; or

   (ii) any access onto a state highway or arterial road; or

   (iii) any carpark or loading/drop off space located a minimum of 20 metres from the road boundary.

(c) Any loading space(s) shall have minimum dimensions as follows:

   (i) Length 8.0 metres

   (ii) Width 4.0 metres
Section 8.4: Vehicle Parking, Loading and Access

(8.4-17) Vesting

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

(iii) Height 4.4 metres

with sufficient turning areas to accommodate a 90 percentile single axle truck tracking curve, which would avoid the need to reverse vehicles from the loading space(s) to the road and vice versa.

(d) Any vehicle occupying any parking or loading/drop off space must have ready access to a road at all times, without the necessity of moving any vehicle occupying any other parking or loading space, with the exception of vehicle parking for a dwelling, where only one parking space need be accessible at all times. In the case of a minor dwelling unit its associated parking space must be accessible at all times, unobstructed by the parking spaces allocated to the principal dwelling, and any additional dwellings and their associated minor dwelling units on the same site.

(e) Where the internal access width is required to be provided for the two-way operation of vehicles onto and off the site, then the access width shall be at least 6m wide for a distance of 10m within the site from the road boundary.

8.4.4.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

(1) The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.4.2 of the Standards in Rule 8.4.4.3 for which compliance is not met and the following relevant matters:

(a) Whether the carparking or drop off area is used regularly by the same people, making "tighter" carparking dimensions acceptable to those users.

(b) Whether there are physical impediments, vegetation worthy of protection or other characteristics of the site, activity and/or road that would make it impracticable or unnecessary to provide the turning areas on site or ready access to a road from any parking or loading/drop off space.

(c) Whether the nature, scale, character or intensity of development or activity carried out on the site are such that the loading and unloading of goods involves vehicles other than those requiring a 90 percentile single axle truck standard.

(d) Although the receiving road may have status in the roading hierarchy, whether there are factors relating to the road (such as volume, type or speed of traffic) which would allow reversing of vehicles onto the road, without significant detriment to the safety and efficiency of that road.
8.4.5 FORMATION, SCREENING AND LANDSCAPING OF PARKING AND LOADING AND MANOEUVRING AREAS

8.4.5.1 DISCUSSION, PURPOSE AND REASONS

(1) Either due to the nature or scale of the activity itself or its location in relation to other activities, parking, loading and manoeuvring areas need to be developed to a standard that ensures any detrimental affects are avoided or reduced to an acceptable level.

(2) The detrimental effects that need to be considered include:

(a) Transfer of mud, stones and other material across footpaths and onto the street. This is not only an amenity issue, but also a safety issue, particularly for pedestrians and cyclists.

(b) Dust

(c) Noise

(d) Glare from headlights

(e) Loss of privacy.

(3) Methods to reduce or avoid these detrimental effects relate to forming the surface, landscaping, screening and delineating the parking and loading areas.

8.4.5.2 ENVIRONMENTAL RESULTS

(1) Parking, loading and manoeuvring areas developed to a standard that ensures that any detrimental effects of activities carried out in those areas are mitigated to a level that is compatible with the amenities of the area, and adverse effects on traffic safety are avoided.

8.4.5.3 STANDARDS

(1) Where parking, loading/drop off spaces and manoeuvring areas are provided on a site, the following standards shall be met:

(a) Where three or more parking and/or a loading/drop off space(s) are required to be provided (excluding those required for a dwelling and minor dwelling unit), such parking and loading spaces shall be clearly marked out and identified.

(b) Where a group of three or more parking spaces is required to be provided (excluding those required for a dwelling and minor dwelling unit or located within a building) in the Residential, Town Centre, Industrial, Reserve (Active) and Township Zones on sites which adjoin a sensitive zone, the parking spaces shall be effectively screened on the applicable side(s) by a solid fence not less than 1.8m in height.

(c) In the Town Centre, Industrial, or Township Zones, kerbing or a similar barrier not less than 0.100m high shall be provided on those parts of the site frontage not used for vehicular access, where parking spaces and/or a loading/drop off space(s) or manoeuvring area(s) adjoins a road, to separate parking, loading and manoeuvring areas from the road.
Section 8.4: Vehicle Parking, Loading and Access

8.4-19

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 8.4: Vehicle Parking, Loading and Access

(c) The extent to which the standard and method of formation achieves a result similar to that of a formed permanent hard surface.

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
8.4.6 PROTECTION OF TRAFFIC SIGHT LINES

8.4.6.1 DISCUSSION, PURPOSE AND REASONS

(1) Visibility at all intersections (road and rail) is an important aspect of maintaining traffic safety throughout the District. While there is no substitute for careful, defensive driving, factors such as visibility at intersections can decrease the risk of traffic accidents and consequent injury.

(2) It would be impracticable for Council to negotiate the purchase of pieces of land on every corner in the District, survey them off and thereafter maintain them free of any impediment to drivers’ visibility.

(3) All new roads are created with corner splays at the time they are subdivided. Also, when subdivision of land on a corner occurs, the opportunity is taken to require the appropriate corner splay to vest in Council as road. Accordingly, the standards for sight lines below are accommodated within the standards for corner splays under Performance Standard 8.4.7 - Corner Splays.

8.4.6.2 ENVIRONMENTAL RESULTS

(1) To manage the roading resource in a manner that contributes to people’s health and safety.

8.4.6.3 STANDARDS

(1) No construction of buildings, fences or other structures, placing of obstructions or the growth of vegetation shall be permitted in the immediate vicinity of road and railway intersections as follows:

(a) Town Centre, Industrial and Township Zones

Road Intersections – over 1 metre in height within the area shown in the diagram, except above first floor level.
(b) All other zones

Road Intersections – over 1 metre in height within the area shown in the diagram.

Note: The standards in (a) and (b) above do not apply where a corner splay has already been vested and cleared in accordance with Performance Standard 8.4.7 - Corner Splays.

(c) All zones - Railway Intersections

(i) Over 1 metre in height within the area shown in the diagram. Where there are two or more rail tracks the 37m sight line applies from the centreline of the nearest track.

Note: The standards in (a) and (b) above do not apply where a corner splay has already been vested and cleared in accordance with Performance Standard 8.4.7 - Corner Splays.

8.4.6.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

(1) The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.6.2 of the Standards in Rule 8.4.6.3 for which compliance is not met and the following relevant matters:

(a) Whether the existence of traffic management methods (eg stop signs, railway signals) provides a level of traffic safety that cancels or reduces the need for sight lines.

Section 8.4: Vehicle Parking, Loading and Access

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 8.4: Vehicle Parking, Loading and Access

8.4-23

(b) Whether factors such as traffic speed are such that traffic safety is maintained without the need for, or with reduced sight lines.

(c) Whether train movements (time of day, speed of train) are such that traffic safety is maintained without the need for, or with reduced sight lines.

(d) The restricted discretionary activity matters for Performance Standard 8.4.7 - Corner Splays.

Note:

The consent of the controlling authority for the railway facility will be required before Council will consider granting an application for reduced sight lines.
8.4.7 CORNER SPLAYS

8.4.7.1 DISCUSSION, PURPOSE AND REASONS

(1) Subdivision is an appropriate time at which to obtain corner splays where these have not already been provided. The "Protection of Traffic Sight Lines" (Performance Standard Section 8.4.6), provides an interim mechanism to enhance traffic safety at road intersections until such time as Council can obtain the corner splay. The corner splay not only provides for traffic sight lines, but also provides the area of land to provide for the turning of traffic. As such, the dimensions of the corner splay may be greater than for sight lines.

8.4.7.2 ENVIRONMENTAL RESULTS

(1) To manage the roading resource in a manner that contributes to people’s health and safety.

8.4.7.3 STANDARDS

(1) Where land at an intersection is subject to subdivision, or where a new subdivision involves creating an intersection, corner splays to the dimensions set out in the table below shall be shown on the subdivision plan and shall be shown as "Road" to vest in the Council on the survey plan.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, Low Density Residential and Industrial</td>
<td>6.0 metre splay</td>
</tr>
<tr>
<td>Township, Town Centre</td>
<td>2.5 metre splay</td>
</tr>
<tr>
<td>Rural, Marae Development, Coastal, Karangahake Gorge</td>
<td>40 metres on state highways, arterial roads</td>
</tr>
<tr>
<td></td>
<td>15 metres on collector roads and local roads</td>
</tr>
<tr>
<td>Reserve (Active and Passive), Conservation (Indigenous and Wetland) and Paeroa Flood Ponding</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notes:

(a) The corner splays shall be defined by a diagonal line joining points, the standard distance back from where two straight lines (one line along each street/road boundary) meet.

(b) The corner splay may need to be cleared of vegetation and/or re-contoured to provide the necessary sight lines as required in the Standards in Rule 8.4.6.3.
8.4.7.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

(1) The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.7.2 of the standards in Rule 8.4.7.3 for which compliance is not met and the following relevant matters:

(a) Whether the taking of a corner splay will not significantly improve visibility for motorists due to there being existing buildings, land or vegetation between the corner and the required sight line, or a difference in road levels.

(b) Whether a lesser standard will give a similar and adequate level of visibility and turning areas, because of factors such as reduced traffic speeds in the area, low volumes of traffic or the nature of the traffic.

(c) The full corner splay cannot be provided due to existing physical features which cannot be reasonably removed.

(d) The restricted discretionary activity matters in Performance Standard 8.4.6 - Protection of Traffic Sight Lines.
8.4.8 INTERNAL ACCESS

8.4.8.1 DISCUSSION, PURPOSE AND REASONS

(1) In a number of situations, the most practical way of obtaining access to a lot or dwelling can be over other land in other ownership, especially to overcome physical problems of getting to a site. In other situations, a combined access arrangement allows a subdivision or development pattern that makes the most efficient use of the land (i.e., large areas of land are not taken up with unneeded roads) and also at a lower cost.

(2) Internal access arrangements are the responsibility of the landowner or developer, and are not a roading cost to the general ratepayer. In most cases, the lower volume of traffic on the internal access means that the costs of formation and the amount of resources used are reduced, as the standards are less than those needed for a road.

(3) The reduced standards (e.g., width, formation) for internal access must not be at the expense of or detriment to the amenities of an area, particularly residential areas. For this reason, the number of lots and/or dwellings that can be served by an internal access needs to be controlled to ensure the volume of traffic is not such that it creates a detriment to the amenities of the area, or traffic conflicts where the access meets the road in an "uncontrolled" manner. In addition, poor maintenance of the internal access in the vicinity of its intersection with the road can compromise the safe and efficient use of the adjacent road, by the transmission of metal and dirt onto the footpath and roadway.

(4) The rules set out below restrict the number of lots and/or dwellings that can be served by the internal access and the length of the internal access, as without such restrictions the traffic volumes and traffic behaviour (especially speed) can become similar to that of a public road. Private control is unlikely to be able to deal with the potential detrimental effects from such traffic.

(5) From an urban design perspective, controlling the number of lots and/or dwellings that can be served by the internal access, and the length of the internal access, assists in managing residential infill in existing residential areas to a level that does not detract from the street or neighbourhood character, and minimises parking, vehicle and pedestrian conflict and privacy issues.

8.4.8.2 ENVIRONMENTAL RESULTS

(1) That internal access to lots and/or dwellings is provided in a manner that enables physical or legal access to be achieved in a manner that does not detrimentally affect the environment and amenities of the area, create a traffic hazard or reduce pedestrian safety within the internal access itself or at its intersection with the road.

(2) To ensure the residential amenity of multi-unit developments is enhanced by providing for internal access that allows easy vehicle movements and minimises traffic noise as a result of the number of vehicle movements and vehicle speed up and down the internal access.
8.4.8.3 STANDARDS

(1) The maximum number of lots or dwellings and minor dwelling units served by an internal access shall not exceed the limits specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Use of Internal Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Residential</td>
<td>Up to 3 Allotments, or 3 Dwellings including any Minor Dwelling Units accessory to the Dwellings</td>
</tr>
<tr>
<td>(b) Low Density Residential</td>
<td>Up to 4 Allotments, or 4 Dwellings including any Minor Dwelling Units accessory to the Dwellings</td>
</tr>
<tr>
<td>(c) Industrial, Town Centre, Township</td>
<td>Up to 2 Allotments</td>
</tr>
<tr>
<td>(d) Rural and Coastal</td>
<td>Up to 5 Allotments, or 5 Dwellings including any Minor Dwelling Units accessory to the Dwellings</td>
</tr>
</tbody>
</table>

Note: The above standards are more restrictive than the standards for use of internal access in the HDC Engineering Manual; for the avoidance of doubt the standards in Rule 8.4.8.3(1) above prevail.

(2) The legal width, maximum length, carriageway width and formation standards of the internal access shall be in accordance with either Table 3.1 or 3.2 of the HDC Engineering Manual (refer to Appendix 1 and 2 in Sections 8.6.1 and 8.6.2 for a copy of Tables 3.1 and 3.2).

(3) The legal boundary of the internal access shall accommodate any required passing bays.

(4) Where the internal access standards as specified in (a) to (d) above are not met, the internal access shall be provided to full road standard in accordance with the standards in Rule 8.4.9 and shall vest in the Hauraki District Council as "Road". For an existing internal access this rule shall only apply when additional lots are to be created which require access from it.

(5) No two or more vehicle access strips within a subdivision or development may lie adjoining or adjacent to one another unless easements are granted over each vehicle access strip in a manner which enables their combined use with a single point of access to a public road.

(6) Where the internal access in the Industrial and Town Centre Zones is located adjacent to the zone boundary with a sensitive zone, the nearest boundary of the internal access shall be located two metres from the zone boundary to allow a landscape buffer strip to be provided (refer to Rule 8.4.5) unless the boundary is effectively screened for the length of the internal access by a solid fence not less than 1.8 metres in height. The required minimum width of an internal access shall be measured from the edge of the two metre landscape buffer strip or fenceline.

Note: The above standards for internal access are either not applicable or should be used as a guide in the Paeroa Flood Ponding, Conservation (Indigenous Forest & Wetland), Reserve (Active & Passive), Karangahake Gorge or Marae Development Zones.

8.4.8.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

(1) The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.8.2 of the Standards in Rule 8.4.8.3 for which compliance is not met and the following relevant matters:
Section 8.4: Vehicle Parking, Loading and Access

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
8.4.9 STREET AND ROAD DESIGN

8.4.9.1 DISCUSSION, PURPOSE AND REASONS

(1) The way in which the street or road is laid out can have a significant impact on:
(a) The volume and type of traffic that is attracted to use that road.
(b) The speed of traffic.
(c) Impact on the amenities of adjoining land use activities.
(d) The amount of energy used by vehicles. For example, the design of residential roads can increase their attractiveness to become a "short-cut" between main traffic routes. Roads that need to carry large volumes of traffic can be designed to achieve that purpose by reducing the number of intersections, providing turning bays that avoid disruption to traffic flows and providing linkages to other main roads.

(2) A number of factors are involved which combine to provide a design that matches the purpose of the road. These factors include: widths, gradients, pavement surfaces, kerbing and channelling. These design factors also recognise that roads have a number of purposes other than conveying vehicles, cycles and pedestrian traffic. Other purposes include contributing to stormwater control, providing security through street lighting and enhancing the appearance of an area through the planting of trees.

(3) The standards set out below seek to provide a road design that meets these purposes, is safe, usable and attractive for all users (including cyclists, pedestrians, people with disabilities and public transport) and is compatible with the amenities of the area.

(4) In addition, the resources required to form or upgrade a road are substantial. In order that resources are not wasted and therefore are available for use by future generations, roading needs to be to a standard that can cope with the anticipated traffic for a certain length of time. Proper initial road construction can significantly reduce maintenance costs and use of resources at a later date.

8.4.9.2 ENVIRONMENTAL RESULTS

(1) To create a road network that provides for the safe and efficient movement of traffic (vehicular and pedestrian) in a manner that promotes the sustainable management of resources used in its development and maintenance, is of a design that meets the requirements of all road users, and enhances the amenities of the locality appropriate to the location.

8.4.9.3 STANDARDS

(1) Where a subdivision or development results in a need to upgrade an existing road or form a new road, that road development shall comply with:
(a) The relevant standards in either Tables 3.1 or 3.2 of the HDC Engineering Manual (refer to Appendix 1 and 2 in Sections 8.6.1 and 8.6.2 for a copy of Tables 3.1 and 3.2).
8.4.4.4 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

(1) The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.4.9.2 of the Standards in Rule 8.4.9.3 for which compliance is not met and the following relevant matters:

(a) Whether the width, alignment, strength and surfacing of any carriageway is sufficient to accommodate, in a safe and efficient manner, the volume and type of traffic likely to use it, including service and emergency vehicles on local residential roads and heavy trucks on industrial roads.

(b) The adequacy of provision for the movement of pedestrians, cyclists and the disabled.

(c) The adequacy of provision within the road reserve for parking spaces relative to the existing and potential developments on adjoining land.

(d) Whether the carriageway, kerb, channel, footpath and associated works such as street lighting will be constructed so as to have a design life that will not require premature maintenance or replacement. As a guide, construction and materials should have a minimum design life of 25 years.

(e) The degree to which the extension to an existing, a new or an upgraded road "matches" the rest of the existing roading network (eg levels, design, construction).

(f) The degree to which the design of the road has been developed to allow for ease of cleaning and maintenance, for example the clearing of stormwater channels and drains.

(g) Whether the design of the road allows for easy installation and maintenance of network utility services and amenity tree planting.

(h) Whether the design of the road provides a level of amenity demanded by the community for adjoining activities, particularly residential amenity.
Section 9: SUBDIVISION

Note: Recommended changes to the District Plan that were publicly notified are shown in red text and subsequent changes recommended via the Staff Report are shown in blue text.
## TABLE OF CONTENTS – SECTION 9: SUBDIVISION

<table>
<thead>
<tr>
<th>9.1</th>
<th>BACKGROUND</th>
<th>9.1-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1.1</td>
<td>DESCRIPTION</td>
<td>9.1-1</td>
</tr>
<tr>
<td>9.1.2</td>
<td>RESOURCE MANAGEMENT ISSUES</td>
<td>9.1-3</td>
</tr>
<tr>
<td>9.1.3</td>
<td>OBJECTIVES AND POLICIES</td>
<td>9.1-4</td>
</tr>
<tr>
<td>9.1.4</td>
<td>ENVIRONMENTAL RESULTS</td>
<td>9.1-8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.2</th>
<th>SUBDIVISION ACTIVITY STATUS</th>
<th>9.2-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.2.1</td>
<td>DESCRIPTION</td>
<td>9.2-1</td>
</tr>
<tr>
<td>9.2.2</td>
<td>ACTIVITY STATUS</td>
<td>9.2-1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.3</th>
<th>SUBDIVISION RULES APPLICABLE IN ALL ZONES</th>
<th>9.3-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.3.1</td>
<td>AMENDMENT TO CROSS LEASE, COMPANY LEASE OR UNIT TITLE</td>
<td>9.3-1</td>
</tr>
<tr>
<td>9.3.2</td>
<td>SPECIAL PURPOSE LOTS</td>
<td>9.3-1</td>
</tr>
<tr>
<td>9.3.3</td>
<td>BOUNDARY ADJUSTMENTS AND RELOCATIONS</td>
<td>9.3-2</td>
</tr>
<tr>
<td>9.3.4</td>
<td>PROTECTION OF SIGNIFICANT HERITAGE AND ENVIRONMENTAL FEATURES</td>
<td>9.3-3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.4</th>
<th>SUBDIVISION RULES APPLICABLE FOR SPECIFIC ZONES</th>
<th>9.4-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.4.1</td>
<td>RURAL, COASTAL &amp; KARANGAHAKE GORGE ZONES</td>
<td>9.4-1</td>
</tr>
<tr>
<td>9.4.1.1</td>
<td>GENERAL LOTS IN THE RURAL, COASTAL &amp; KARANGAHAKE GORGE ZONES</td>
<td>9.4-1</td>
</tr>
<tr>
<td>9.4.1.2</td>
<td>LIFESTYLE LOTS IN THE RURAL ZONE</td>
<td>9.4-2</td>
</tr>
<tr>
<td>9.4.1.3</td>
<td>LIFESTYLE LOTS IN THE COASTAL ZONE AND RURAL ZONE (DISTRICT AMENITY LANDSCAPE AREA)</td>
<td>9.4-4</td>
</tr>
<tr>
<td>9.4.1.4</td>
<td>SURPLUS HABITABLE DWELLING LOTS IN THE RURAL ZONE (PLAINS AND WAIHI BASIN AREAS ONLY)</td>
<td>9.4-5</td>
</tr>
<tr>
<td>9.4.2</td>
<td>LOW DENSITY RESIDENTIAL ZONE</td>
<td>9.4-6</td>
</tr>
<tr>
<td>9.4.2.1</td>
<td>GENERAL LOTS IN THE LOW DENSITY RESIDENTIAL ZONE</td>
<td>9.4-6</td>
</tr>
<tr>
<td>9.4.3</td>
<td>RESIDENTIAL ZONE</td>
<td>9.4-8</td>
</tr>
<tr>
<td>9.4.3.1</td>
<td>GENERAL LOTS IN THE RESIDENTIAL ZONES OF WAIHI, PAEROA, NGATEA, TURUA, KEREPEHI &amp; WHIRITOA</td>
<td>9.4-8</td>
</tr>
<tr>
<td>9.4.3.2</td>
<td>GENERAL LOTS IN THE RESIDENTIAL ZONES OF WAIKINO, KARANGAHAKE &amp; MACKAYTOWN</td>
<td>9.4-9</td>
</tr>
<tr>
<td>9.4.3.3</td>
<td>CONTROLLED ACTIVITY ASSESSMENT MATTERS FOR ALL RESIDENTIAL ZONES</td>
<td>9.4-9</td>
</tr>
<tr>
<td>9.4.4</td>
<td>TOWN CENTRE ZONE</td>
<td>9.4-11</td>
</tr>
<tr>
<td>9.4.4.1</td>
<td>GENERAL LOTS IN THE TOWN CENTRE ZONE</td>
<td>9.4-11</td>
</tr>
<tr>
<td>9.4.5</td>
<td>INDUSTRIAL ZONE</td>
<td>9.4-12</td>
</tr>
<tr>
<td>9.4.5.1</td>
<td>GENERAL LOTS IN THE INDUSTRIAL ZONE</td>
<td>9.4-12</td>
</tr>
<tr>
<td>9.4.6</td>
<td>RESERVE ZONES</td>
<td>9.4-13</td>
</tr>
</tbody>
</table>

Section 9: Subdivision 9.0 - 2

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
### Section 9: Subdivision

(\textit{Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions})

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.4.6.1</td>
<td>GENERAL LOTS IN THE RESERVE (PASSIVE) AND (ACTIVE) ZONES</td>
</tr>
<tr>
<td>9.4.7</td>
<td>FLOOD PONDING ZONE</td>
</tr>
<tr>
<td>9.4.7.1</td>
<td>GENERAL LOTS IN THE FLOOD PONDING ZONE</td>
</tr>
<tr>
<td>9.4.8</td>
<td>CONSERVATION ZONES</td>
</tr>
<tr>
<td>9.4.8.1</td>
<td>GENERAL LOTS IN THE CONSERVATION (WETLAND) AND (INDIGENOUS FOREST) ZONES</td>
</tr>
<tr>
<td>9.4.9</td>
<td>MARAE DEVELOPMENT ZONE</td>
</tr>
<tr>
<td>9.4.9.1</td>
<td>GENERAL LOTS IN THE MARAE DEVELOPMENT ZONE</td>
</tr>
<tr>
<td>9.4.10</td>
<td>TOWNSHIP ZONE</td>
</tr>
<tr>
<td>9.4.10.1</td>
<td>GENERAL LOTS IN THE TOWNSHIP ZONE</td>
</tr>
<tr>
<td>9.5</td>
<td>CONTROLLED ACTIVITY ASSESSMENT MATTERS</td>
</tr>
<tr>
<td>9.6</td>
<td>DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA</td>
</tr>
</tbody>
</table>
9.1 BACKGROUND

9.1.1 DESCRIPTION

(1) Subdivision is the division of allotments and in some cases, the redefinition of the boundaries to create separate parcels (titles), which can then be bought and sold. The dividing and redefinition of boundaries can either be to create smaller allotments or to change the shape or size of existing allotments to better enable an activity to establish and/or operate. The type of land tenure, size, shape, road frontage, access and other attributes of the allotments will be primary factors that will determine the subsequent development and use of land. From a practical point of view, subdivision is largely irreversible and it is possible for land to be fragmented into small or irregularly shaped parcels such that appropriate development, use and servicing of such land is unduly inhibited or difficult to achieve.

(2) In addition, the physical process of subdivision construction (roading, servicing and site development) needs to be managed in order that adverse effects on the environment can be mitigated or avoided.

(3) Intervention in the subdivision process is therefore required in order that the purpose of the Resource Management Act 1991 (RMA) relating to sustainable management of natural and physical resources can be achieved.

(4) RESOURCE MANAGEMENT ACT 1991

(a) General subdivision provisions are set out in the RMA, with the objectives, policies and all the detailed standards for subdivision contained within the District Plan. Matters relating to Esplanade Reserves, Esplanade Strips or Access Strips have detailed prescription in the Act. However, there is still a requirement for the District's approach to this matter to be included in the District Plan (refer to Section 7.3).

(b) There is limited potential for subdivision activities to be provided for as permitted activities. This is because it is difficult to provide standards to accommodate the wide range of subdivision situations, and the need for Council to assume a level of discretion not possible where permitted activities are concerned.

(c) Subdivisions which are not provided for as permitted activities under the District Plan will require a resource consent as either a Controlled, Restricted Discretionary, Discretionary or Non Complying Activity.

(5) DISTRICT PLAN

(a) In this District Plan, the subdivision provisions are essentially split between urban and rural activities. This is because rural activities generally relate to the productive capacity of the land. Activities such as factory farming that do not rely on the capacity of the land are exceptions to this. Accordingly, the size, shape and other requirements of rural allotments need to be designed in order that the sustained and future productive potential of the land is maintained for each allotment.
(b) For urban activities, subdivision relates to the "space" needed to carry out urban activities. In addition, matters such as the physical suitability of the land, ability to be servoiced, absence of hazards and ensuring quality urban design are of relevance to urban activities. For example, the "space" resource for residential activities needs to be managed in order that the neighbourhood character is retained, that allotment sizes are such that a house can be built and vehicle access can be obtained, and there is sufficient land for outdoor living areas, vehicle turning and parking and so on.

(c) Accordingly, the subdivision standards are inter-related with the development and performance standards for particular activities in each urban zone.

(6) RURAL SUBDIVISION

(a) While historical subdivision patterns (including size, shape, frontage, etc) of the District are not altogether inconsistent with securing a goal of achieving sustainable land use development, the need for an equitable approach throughout the District towards rural subdivision has been identified by the community.

(b) The closer subdivision of rural land inevitably leads to the intensification of activities on, or associated with the use of, that land. This can have the potential to create adverse effects on the environment. It is these potential effects which are addressed in the subdivision rules set out below. In order to establish appropriate subdivision rules for the District a number of resource management issues have been identified. These are discussed in detail in Section 9.1.2.

(7) URBAN SUBDIVISION

(a) Subdivision has the potential to change or adversely affect the unique identity of the District's towns and townships if sufficient regard is not given to the existing form and function of these urban areas. Subdivision design, size of lots, street layout and connectivity, and provision of open spaces can also influence the type and quality of resulting built form in urban areas.

(b) In the residential areas, the subdivision standards aim to maintain the established character of residential areas, provide for a range of dwelling types, discourage poorly planned infill development and also relate to protecting the amenities (eg open space, privacy, access) of the zone. The density and other performance standards for residential development and activities are measures to provide this protection. Accordingly, the subdivision standards match the development standards.

(c) It is also important that subdivision in the greenfield areas of the main towns connects to and complements the existing urban fabric of these towns. For most of the new growth areas Council has prepared structure plans which provide a framework for future development, and which assist in the coordination of subdivision in the identified areas, and integration with adjacent established areas and with the transport network.
"SPECIFIC PURPOSES" SUBDIVISION

(a) Subdivision to facilitate the identification and protection of specific features (such as a reserve, public utility site, or historic site) needs to be provided for on a case by case basis, as the requirements for each site or activity will vary.

9.1.2 RESOURCE MANAGEMENT ISSUES

(1) The main issues that the subdivision provisions need to address, are ensuring integration between the development and subdivision requirements of activities, and maintaining opportunities for future use and development of land in a sustainable manner.

(2) Other issues include the following:

(a) Ensuring that potentially productive land and associated land use opportunities are preserved by encouraging an appropriate subdivision pattern.

(b) Recognising the inherent constraints of the natural environment (eg slope, natural hazards, drainage) and controlling subdivision accordingly.

(c) Identifying infrastructural constraints (eg provision of public services, ability to effectively accommodate on-site services) and controlling subdivision accordingly.

(d) Recognising significant ecological, landscape, amenity, cultural, heritage, biodiversity and coastal natural character values, and the need to facilitate the protection of them through subdivision rules.

(e) Giving effect to the Treaty of Waitangi as well as recognising the special relationship of Maori with their land in applying subdivision rules.

(f) The need to encourage a logical and stable land tenure pattern which facilitates the sustainable management of the land resource.

(g) Recognising that the design and layout of subdivisions can have an adverse impact on quality urban design outcomes of safe, efficient and coherent communities.

(h) Recognising that the physical act of subdivision and the subsequent development of lots has the potential to detrimentally affect the natural and physical resources, including the efficient provision and maintenance of infrastructure (and in particular the transport network) and the winning and processing of mineral resources from existing mineral extraction sites.

(i) The physical act of subdivision is also an activity in itself, which can be a substantial user of resources. Subdivision standards, including matters such as width of roads, construction standards and allotment design, will determine the amount of space and physical resources used during subdivision.
9.1.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

The productive potential and use of the rural land resource is protected from fragmentation of land and associated non-rural development and activities (including housing).

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

(i) Ensure allotments created by subdivision, particularly in areas containing high quality soils, are appropriately located and shaped and of sufficient size to enable the establishment and efficient operation of rural production activities based on the soil resource.

(ii) Control the scale and intensity of residential activity in the rural area in order to safeguard the life supporting capacity of the soil resource and avoid reverse sensitivity effects on rural production activities.

(b) Reasons for Objective 1

(i) Protection of good quality land for agricultural purposes has been identified by the community as a matter of importance to the District. The type of subdivision pattern provided for has an integral part to play in facilitating the establishment and development of activities that will promote that objective.

(ii) Providing for a range of allotment sizes (from rural lifestyle through to large scale grazing) appropriate to specific land types enables land to be valued at its "productive" value, rather than at its "residential" value.

(iii) The size, shape and location of allotments can assist in reducing or removing the effects of activities on the environment (eg if a factory farming activity is located on a large lot, effects such as smell from effluent disposal can be alleviated by proper treatment on site and the provision of a buffer distance), and sensitive activities can be sited away from the boundaries of high impact rural production activities such as factory farming and mineral extraction.

(2) OBJECTIVE 2

Subdivision that provides for and reinforces the existing built form and distinct urban character of the established urban areas.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

(i) Require an appropriate and acceptable level of urban amenity as part of subdivision design.

(ii) Ensure the design and layout of subdivisions will:

(1) provide for a safe and efficient road network that effectively integrates with the surrounding area;
Section 9.1: Background

(2) provide for safe and direct movement through and between neighbourhoods for pedestrians and cyclists;
(3) maximise allotment frontage to public roads and reserves;
(4) provide access to open space and reserves;
(5) provide good solar orientation for residential allotments, open space and reserves;
(6) provide a variety of allotment sizes, avoiding a concentration together of small lot sizes;
(7) minimise the number of rear lots and avoid irregular shaped or deep allotments;
(8) retain and integrate natural features;
(9) avoid proliferation of cul-de-sacs where these are not associated with topographical constraints;
(10) include use of shared road environments where sustainable;
(11) avoid adverse effects of traffic generation on the transport network;
(12) minimise reverse sensitivity noise effects from regionally significant roads and future potential rail network.

(b) Reasons for Objective 2

(i) The design and standard of subdivision can have a determining influence on the attractiveness of an area to live in.

(ii) Good subdivision design and standards contribute to amenity matters such as streetscape (through the planting of trees and the design of the street), lot size, shape and layout, and security (through street lighting and position of lots).

(3) OBJECTIVE 3

Subdivision is provided with the necessary infrastructure and services to ensure that the land is able to be used for its intended purpose, the future needs and health and safety of people and communities are protected, and amenity values are maintained and enhanced, while avoiding, remedying and mitigating adverse effects on the environment.

(4) OBJECTIVE 4

To minimise the use of natural and physical resources (including energy and space) in providing and maintaining the infrastructure associated with subdivision and subsequent development.

(a) Policies

Objectives 3 and 4 will be achieved by implementation of the following policies:
Section 9.1: Background

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)

(i) Provision of services and infrastructure appropriate to the subdivision in a sustainable manner that minimises detrimental effects on the landscape and amenity of the area.

(ii) Requiring services to be installed to the stated standards as part of the subdivision process, thereby minimising costs, enabling authorities to work together (e.g. trench sharing), minimising detrimental effects on the landscape and amenity of an area and reducing maintenance costs to Council once it accepts responsibility for any services.

(iii) Ensure the subdivision of land in the Urban Growth Areas proceeds in a consecutive sequence and adheres to the requirements of the relevant Structure Plans, and ensure:

(1) use of existing infrastructure services in the vicinity is maximised;

(2) the provision of new services is carried out in a co-ordinated manner.

(iv) Use financial contributions as a mechanism to address the effects of subdivision on infrastructure to sustain environmental and community wellbeing, health and safety.

(b) Reasons

(i) Infrastructure and services are required to be provided at a level that enables the community to meet its social, economic and health needs. For all those situations where public infrastructure and services are not available, adequate provision needs to be made for essential services on-site without having a detrimental effect on the environment.

(ii) Construction of a subdivision entails the use of resources. Such resources should be utilised in a sustainable manner.

(iii) In some instances, the provision of services and infrastructure is better carried out at a later date. Financial contributions are an efficient way of providing for this to occur.

(5) OBJECTIVE 5

Areas of high biodiversity, heritage, cultural and landscape values are protected.

(a) Policies

Objective 5 will be achieved by implementation of the following policies:

(i) Appropriate subdivision provisions to protect, maintain and enhance the features of the District that have been identified or assessed as being of value.

(ii) Ensure that any adverse effects of subdivision on these identified features are appropriately avoided, remedied or mitigated.

(iii) Provide for the legal and physical protection of significant natural areas and scheduled heritage items through subdivision incentive.

(iv) The policies in section 6.3.3 relating to areas of amenity and outstanding landscape value within the Rural, Coastal and Karangahake Gorge Zones.
Section 9.1: Background

(9.1-7) (b) Reasons for Objective 5

(i) The act of subdivision and associated development has the potential to detrimentally affect the integrity and significance of areas of high biodiversity, heritage, cultural and landscape value.

(ii) Allowing for a subdivision of land containing ecological or heritage features acts as an incentive to protect features of value to the community. At the time of subdivision, the necessary legal instruments (eg covenants, encumbrances) can be imposed and registered. A house may be erected on such lots or adjacent lots within the same holding (clear of the significant ecological/heritage feature).

(6) OBJECTIVE 6

The creation of lots and intensification of subdivision does not create or increase a risk (including residual risk) to people, property, infrastructure and the environment due to natural hazards.

(a) Policies

Objective 6 will be achieved by implementation of the following policies:

(i) Ensure that new subdivision and development is located, designed and undertaken so as to avoid the need for further hazard protection works.

(ii) Ensure that where hazard protection works are necessary as part of subdivision, their form, location and design are such as to avoid or mitigate potential adverse environmental effects.

(b) Reasons for Objective 6

(i) It is consistent with ‘sustainable management’ to avoid development in known hazard areas, rather than using resources on an ongoing basis to protect developments from hazards.

(ii) Some areas of the District are unsuitable for development, or require specific measures to be undertaken to avoid the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage.

(7) OBJECTIVE 7

To provide for a range and choice of rural living environments appropriate to specific land types recognising the different lifestyle and cultural requirements of the District’s inhabitants.

(a) Policies

Objective 7 will be achieved by implementation of the following policies:

(i) Identifying areas specifically for low density residential development where rural amenity values will not be compromised and provision of public services is not a constraint.

(ii) Providing for small lot lifestyle subdivision on less productive rural land, subject to ensuring that the rural character, landscape and amenity values are protected.
(iii) Providing for subdivision in the Marae Development zone as one of the means of taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

(b) Reasons for Objective 7

(i) Development of rural "lifestyle" blocks can have the effect of removing land from productive use, and reducing the "viability" of the towns and townships.

(ii) Generally, subdivision will not be required in the Marae Development zone, as land will not be bought and sold in the same manner as general land. Subdivision standards are necessary for those situations where subdivision for alienation of Maori land is required inside the Marae Development zone.

9.1.4 ENVIRONMENTAL RESULTS

(1) In developing environmental results specific to subdivision, it needs to be recognised that a relationship exists between subdivision and possible land use activities, as well as acknowledging that the physical works associated with subdivision are an activity in themselves.

(2) The environmental results for subdivision in the urban area are to facilitate the maintenance and preservation of the established settlement/development pattern and achieve quality urban design outcomes in order to protect amenity and environmental values and the economic, social and cultural wellbeing of communities.

(3) In the rural area, the outcome sought in subdivision management is to ensure the land is not fragmented and effectively rendered unusable for many productive purposes. The retention of the open, spacious character of rural land areas is also a result to be pursued.

(4) A clear distinction is made between subdivision opportunities within the urban and rural zones. In rural areas lot size is principally linked to opportunities based on land use capabilities. In the urban zones subdivisions are generally to provide for housing and commercial/industrial development, while ensuring that subsequent quality development is able to be carried out in a sustainable manner that achieves the creation of 'liveable' communities that are safe, sustainable and have high levels of amenity.

(5) To accommodate a range of lifestyle options, while ensuring land use and development opportunities are consistent with:

(a) preserving the productive potential of rural land;

(b) encouraging the protection of areas of high environmental, heritage, cultural and amenity value;

(c) avoiding development in areas where natural hazards exist;

(d) retaining rural character (open landscape etc);

(e) supporting the community focus and established services and infrastructure of the District's established towns and townships.
9.2 SUBDIVISION ACTIVITY STATUS

9.2.1 DESCRIPTION

(1) Rules are the main method used in this District Plan with respect to achieving the objectives and policies for subdivision. Performance standards will be used to control and guide subdivision design and to achieve consistency and durability of infrastructural works.

(2) Most of the District Wide Performance Standards in the District Plan are applicable to both subdivision and development, with only a few being specific to subdivision. Therefore, all the performance standards are within Section 8.0 District Wide Performance Standards for Development and Subdivision.

9.2.2 ACTIVITY STATUS

(1) In this District Plan the activity status for subdivision depends on two factors:

(a) The activity status listed in the relevant rule in Rule 9.2.2(2).

(b) Compliance with the District Wide Performance Standards in Section 8.0.

(2) Unless otherwise stated in Rules 9.3 and 9.4 all subdivision applications are a Controlled Activity, except in the following circumstances:

(a) All Controlled Activity subdivisions which do not comply with any one of the District Wide Performance Standards (listed in Sections 8.2 – 8.5) shall be assessed as a Restricted Discretionary Activity (unless an alternative activity status is specified in the standard). The matters over which the Council has restricted its discretion are specified within each District Wide Performance Standard.

(b) All subdivision applications in any zone provided for as a Controlled Activity which include land within 32 metres of a high voltage transmission line (as shown on the Planning Maps) shall be assessed as a Restricted Discretionary Activity (refer to Rule 8.2A.1.3(4), and Rule 8.2A.1.4(1)(c) for the matters over which the Council has restricted its discretion).

(c) All subdivision applications in any zone, which are made in conjunction with an application for a land use activity which requires a resource consent as a Discretionary Activity, shall also be assessed as a Discretionary Activity.

(d) All subdivision applications in any zone, which are made in conjunction with an application for a land use activity which requires a resource consent as a Non Complying activity, shall also be assessed as a Non Complying Activity.

(e) All subdivision applications in any zone, which do not meet the minimum area, dimension, location or other standards specified for a subdivision to be a Permitted, Controlled or Restricted Discretionary Activity in Rules 9.3 and 9.4, are a Discretionary Activity, provided that where the non compliance relates to the provisions of the following rules, the status of the subdivision shall become that of a Non Complying Activity.

Section 9.2: Subdivision Activity Status

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 9.2: Subdivision Activity Status

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
9.3 SUBDIVISION RULES APPLICABLE IN ALL ZONES

9.3.1 AMENDMENT TO CROSS LEASE, COMPANY LEASE OR UNIT TITLE

(1) In all zones, an amendment to provide for a new building or addition to an existing building on a cross lease, company lease or unit title plan which has been previously approved and a certificate of title issued by the District Land Registrar, shall be a Permitted Activity, subject to compliance with the following standards:

(a) The dimensions and areas of the amendment shown on the subdivision plan shall be the same as those for the relevant building consent which has been approved by Council; or

(b) Where no building consent was required, the building complies with all the relevant zone development standards of the District Plan or an issued land use consent.

9.3.2 SPECIAL PURPOSE LOTS

(1) In all zones a lot for a special purpose as specified below shall be a Controlled Activity. There are no prescribed minimum dimension standards, except that the District Wide Performance Standards for Subdivision and Development in Section 8.0 (as applicable) shall be complied with and the balance area shall also comply as either a Permitted or Controlled Activity under Rules 9.3 or 9.4.

(a) To be owned in common for access or similar other special purposes as part of a subdivision or as a separate application under Section 348 of the Local Government Act 1974.

(b) A network utility.

(c) A public work.

(d) An access denial or segregation strip.

(e) An access strip from one public place to another public place.

(f) Specified activities (with minimum required area for the specified activity) for which a resource consent has been granted and given effect to, or where, although such consent would currently be required, the use has been otherwise lawfully established (this does not apply to dwellings in the Rural, Coastal or Karangahake Gorge Zones).


(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:
Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(a) Size and Shape of the Lot

(i) Refer to Section 9.5 – Controlled Activity Assessment Matters.

(ii) Whether conditions attaching to any resource consent or designation relevant to the land being subdivided can be met.

9.3.3 BOUNDARY ADJUSTMENTS AND RELOCATIONS

(1) In all zones, subdivision by means of boundary adjustment or relocation between two or more adjoining and existing certificates of title shall be a Controlled Activity, subject to compliance with the following:

(a) The number of certificates of title involved in the subdivision will be the same or less after the subdivision has been undertaken; and

(b) No allotment shall be reduced in size to less than the minimum area for an allotment in the applicable zone (refer to Section 9.4), except as provided for in (c) below.

(c) In the case of an existing dwelling capable of being used for residential purposes at the time of the subdivision in the Rural, Coastal and Karangahake Gorge Zones where the allotment(s) containing the existing habitable dwelling shall be as follows:

(i) Minimum Lot Area - 2,500m²

(ii) Maximum Lot Area - 5,000m².

(iii) The existing dwelling lot shall contain within the boundaries of the lot the effluent disposal system for the existing dwelling.

(iv) The existing dwelling lot shall not be liable to flooding, erosion, landslip or instability. The Council may require from the applicant an engineering report on the stability of the land, to be prepared by a Registered Engineer experienced and practising in soil mechanics and the stability of soils to confirm compliance with this standard.

(v) The existing dwelling lot shall have a frontage to a public road of 20 metres minimum.

(d) The area and dimensions of any existing, non complying allotments can still be less than the required minimum area and dimensions for allotments in the applicable zone (refer to Section 9.4) after the boundary adjustment or relocation, but cannot be reduced to less than what they were prior to the subdivision.

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a) Size, Shape and Dimension of the Lots

(i) Refer to Section 9.5 – Controlled Activity Assessment Matters.
Section 9.3: Subdivision Rules Applicable in all Zones

(ii) Whether the uses of land and buildings on all lots involved in the boundary adjustment or relocation are permitted as of right or have been authorised by resource consent, and whether the boundary adjustment or relocation does not result in any increase in the extent to which it or they fail to conform to the relevant zone development standards and the District Wide Performance Standards for Subdivision and Development in Section 8.0.

(iii) Whether the usefulness of the lot(s) (eg topography, shape, accessibility, ability to be serviced, location and use of buildings) is neutral or improved following the boundary adjustment or relocation.

9.3.4 PROTECTION OF SIGNIFICANT HERITAGE AND ENVIRONMENTAL FEATURES

(1) Subdivision of land to create allotments that results in the legal protection of a significant heritage or environmental feature shall be a Controlled Activity for those features specified below, and subject to the relevant standards in Section 9.3.4(4):

(a) any Significant Natural Area listed and described in Section 6.2;

(b) waahi tapu land gazetted under Te Ture Whenua Māori Act (the Maori Land Act) 1993.

(2) Subdivision of land to create allotment(s) for dwelling(s), where a Significant Natural Area listed in Section 6.2 is legally protected within the same holding, shall be a Controlled Activity subject to the standards in Rule 9.3.4(4)(d). For the avoidance of doubt the allotment(s) may be either contiguous with or separate from the Significant Natural Area.

(3) Subdivision of land to create allotments that results in the legal protection of a significant heritage or environmental feature shall be a Restricted Discretionary Activity for those features specified below, and subject to the relevant standards in Rule 9.3.4(4):

(a) A historic heritage feature listed and described in the Schedule of Historic Heritage Inventory 6.1.6.2 or 6.1.6.3.

The matters over which the Council has restricted its discretion are specified in Rule 9.3.4(6).

(4) STANDARDS

(a) In the Rural, Coastal and Karangahake Gorge Zones, the heritage lot shall encompass the entire feature, and where the feature is a dwelling the lot shall comply with the standards for existing dwellings in Rules 9.3.3(1)(c)(i)-(v).

(b) In all other zones the heritage lot shall encompass the entire feature, and as a minimum, shall comply with the subdivision standards for the zone in which it is located.

(c) In the Rural, Coastal and Karangahake Gorge Zones only:

(i) 10 hectares or more of Significant Natural Area on a holding (listed in Section 6.2) may be subdivided onto a separate lot, which may include an additional area suitable for a dwelling that complies with the standards for existing dwellings in Rules 9.3.3(1)(c)(i)-(iv); and
Section 9.3: Subdivision Rules Applicable in all Zones

(ii) further lots including a minimum of 20 hectares or more of Significant Natural Area on the holding (listed in Section 6.2) may be created, which may include an additional area suitable for a dwelling that complies with the standards for existing dwellings in Rules 9.3.3(1)(c)(i)-(iv), with a maximum of 3 Significant Natural Area lots per Significant Natural Area on a holding; or

(d) Separate lot(s) to construct a dwelling may be subdivided from the holding on which the Significant Natural Area (listed in Section 6.2) is being legally protected, subject to compliance with the standards for existing dwellings in Rules 9.3.3(1)(c)(i)-(v), as follows:

(i) 1 dwelling lot for 10 hectares or more of Significant Natural Area legally protected;

(ii) 2 dwelling lots for 30 hectares or more of Significant Natural Area legally protected;

(iii) 3 dwelling lots for 50 hectares or more of Significant Natural Area legally protected;

(iv) maximum of 3 dwelling lots per holding.

(5) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a) Location, Size, Shape and Dimension of the Lots / Protection of Features

(i) Refer to Section 9.5 – Controlled Activity Assessment Matters.

(ii) Whether the subdivision proposal will assist in achieving the protection in perpetuity of all the significant heritage or environmental features contained within the parent title upon which the application is based.

(iii) Whether the extent of protection and ongoing management proposed as part of the subdivision application, and the nature and extent of the protective legal instruments, will ensure the long term conservation of the values and character of the protected feature.

(iv) Where a dwelling is proposed as part of the lot or as a separate lot, whether it can be erected, including its associated effluent disposal system and vehicular access, without detracting from or causing disturbance to the feature to be protected.

(v) Where a dwelling is proposed as part of the lot, or as a separate lot, in the Rural (Outstanding Natural Landscape Area and District Amenity Landscape Area), Coastal and Karangahake Gorge Zones, whether the boundaries of the new allotment maintain the natural character values of the zone, or appropriate conditions can be imposed on the location and bulk of the future dwelling and/or earthworks and planting to achieve the same outcome.

(6) RESTRICTED DISCRETIONARY ASSESSMENT MATTERS

The Council will restrict the exercise of its discretion to the effects of the subdivision on heritage and cultural values taking into account the following relevant assessment criteria:

( Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 9.3: Subdivision Rules Applicable in all Zones

9.3-5

(a) Whether the subdivision proposal will assist in achieving the protection in perpetuity of all the significant heritage or environmental features contained within the parent title upon which the application is based.

(b) Whether the extent of protection and ongoing management proposed as part of the subdivision application, and the nature and extent of the proposed protective legal instruments, will ensure the long term conservation of the values and character of the protected feature.

(c) The reasons why the subdivision and any associated works are necessary and whether there are other means of achieving the same or similar ends with less adverse effects on the heritage feature.

(d) The impact on the cultural landscape or streetscape values from an amenity and heritage perspective.

(e) Whether the relevant iwi have been consulted (for any heritage feature which is significant to them) and whether the consultation supports the application.

(f) The extent to which the works may adversely affect cultural and spiritual values.

(g) Whether the proposal is consistent with the objectives of any current iwi management plan, current conservation management plan or heritage assessment relating to the heritage feature, and more particularly the stated conservation policies and strategies they identify for the heritage feature.

(h) Whether Heritage New Zealand Pouhere Taonga has been consulted and whether the consultation supports the application.

(i) Whether the conservation principles contained within the International Council on Monuments and Sites (ICOMOS) NZ Charter for the Conservation of Places of Cultural Heritage Value are applicable, and where applicable, whether they have been substantially adhered to.

(7) CONDITIONS OF CONSENT

Conditions specific to Rule 9.3.4 may be imposed in relation to the following matters:

(a) Protection of the significant feature by means of suitable protective instruments such as encumbrances, covenants or consent notices, or other registered legal instruments acceptable to the Council, which shall incorporate, as appropriate, the following:

(i) Identification on a suitable plan attached to the legal documentation of the area of the feature subject to protection.

(ii) Require stock or other activities to be excluded from the protected area and where necessary the erection and maintenance of a stock proof fence as specified by Council.

(iii) A management plan prepared by a suitably qualified and experienced person, including measures to be implemented to ensure the long term protection of the feature, and including management of animal and plant pests, and monitoring and reporting provisions on the implementation and effectiveness of the protection measures.
(iv) Controls on the keeping of dogs and cats.

(v) Specify location and bulk of a proposed dwelling and access thereto, location and method of effluent and stormwater disposal and the formation and design of the vehicle access to protect the character of the Coastal and Karangahake Gorge Zones and/or avoid disturbance to the protected feature.

(vi) Such other reasonable requirements considered necessary by Council to ensure protection of the feature.
9.4 SUBDIVISION RULES APPLICABLE FOR SPECIFIC ZONES

9.4.1 RURAL, COASTAL & KARANGAHAKE GORGE ZONES

(1) PURPOSE

(a) Provision needs to be made for subdivision of rural land to allow development of productive rural activities to continue and/or establish. The minimum lot size varies depending on the established and predominant land use and productive nature of the land.

(b) General farming lots are provided for throughout the zone, with recognition given to the smaller land area requirements of the production types appropriate to the Waihi Basin Area.

(c) The Rural Zone also provides for the development of lifestyle lots requiring a certain amount of land for small scale agricultural activities, and/or for rural living purposes, while the Low Density Residential Zone provides for those people wanting a predominantly residential site in a semi-rural environment. For the Rural Zone, it is intended that lifestyle lots become part of the rural area contributing to the maintenance of social, community and utility services without compromising the potential of the District's productive land to be used for a range of alternative productive activities. As such, lifestyle lots are not permitted on land with high productive capability (Plains and Waihi Basin Areas) unless the site is physically separated from the parent lot and of such a size and shape that prevents its efficient management as part of the parent title.

(d) Council is concerned that unrestricted subdivision of lifestyle lots may be unsatisfactory in terms of generated effects on the open rural character and amenity of the rural area, and also the impact on the natural character of the Coastal and Karangahake Gorge areas and the identified Outstanding Natural Landscape Area and District Amenity Landscape Area. A limited number of lifestyle lots is provided for as a Controlled Activity in the Rural Zone (where the land is not of high productive value), but because of the significant natural character values of the Coastal and Karangahake Gorge Zones and the Outstanding Natural Landscape and District Amenity Landscape Areas, such subdivision is a Discretionary Activity in the Coastal Zone and District Amenity Landscape Area of the Rural Zone, and a Non Complying Activity in the Karangahake Gorge Zone and Outstanding Natural Landscape Area of the Rural zone (due to the limited extent of these areas and their significant landscape value).

(e) The lot size and dimension standards for the subdivision of lifestyle lots are intended to provide a density of development in keeping with the existing rural landscape. These standards are also intended to achieve separation between houses to ensure the privacy of occupants.

9.4.1.1 GENERAL LOTS IN THE RURAL, COASTAL & KARANGAHAKE GORGE ZONES

(1) In the Rural, Coastal and Karangahake Gorge Zones, land may be subdivided to create general lots as a Controlled Activity, subject to compliance with the standards set out below:

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 9.4: Subdivision Rules Applicable for Specific Zones

9.4-2

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 9.4: Subdivision Rules Applicable for Specific Zones

(2)  **ALL OTHER PARTS OF THE RURAL ZONE (OUTSIDE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA)**

(a)  For each certificate of title that existed at 26 September 2000, or that was issued as a result of a Resource Consent granted on or before 26 September 2000, the land may be subdivided to create a maximum of five lifestyle lots.

(b)  The lifestyle lots provided for in (a) above shall comply with the following:

(i)  No more than two lots shall be between 5000m² and 2 hectares; all other lifestyle lots shall be a minimum of 2 hectares.

(ii) The lifestyle lots shall as a minimum contain a residential area of 1000m².

(iii) The lifestyle lots shall not contain land with a Land Use Capability Class of Class VII or VIII. (Note: A report on the Land Use Capability Class of the site shall be prepared by a suitably qualified expert, except where the Land Use Capability Class is clearly beyond doubt by reference to the New Zealand Land Resource Inventory Worksheets, the Council may waive this requirement.)

(iv) No lifestyle lot shall be located within a quarry resource area and the associated quarry reverse sensitivity area, as identified on the planning maps.

(v)  The balance area of any subdivision creating one or more lifestyle lots shall comply with the requirements for General Lots (see Rule 9.4.1.1(1)), unless the balance area also complies with the requirements for creating Lifestyle Lots.

(3)  **CONTROLLED ACTIVITY MATTERS**

In assessing a subdivision for Lifestyle Lots provided for in accordance with Rule 9.4.1.2(1) and (2), conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a)  **Location, Size, Shape and Dimension of the Lots and Access Thereto**

(i)  Refer to Section 9.5 – Controlled Activity Assessment Matters.

(ii) Whether the lifestyle lot subdivision compromises the use of the balance of the holding for a range of rural production activities.

(iii) Whether the lifestyle lot subdivision is designed (eg through identified building platforms, orientation of dwellings) to provide the occupants of the lot(s) with an adequate level of privacy and separation in relation to dwellings on adjacent lifestyle or general rural lots, and in relation to rural production activities on adjacent lots.

(iv) Whether the internal access serving any lots is sufficiently separated or appropriately formed to mitigate potential nuisance effects for dwellings on adjoining lots or on adjacent properties.


Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

(4) DISCRETIONARY ACTIVITY STANDARDS

Lifestyle lots in the Rural Zone (Outside Outstanding Natural Landscape Area and District Amenity Landscape Area) that do not meet one or more of the provisions of Rule 9.4.1.2(2) shall be assessed as a Discretionary Activity provided that:

(a) the maximum number of lifestyle lots created shall not exceed ten.

Note: Where the above standard for a Discretionary Activity is not complied with the subdivision is required to be assessed as a Non Complying Activity.

9.4.1.3 LIFESTYLE LOTS IN THE COASTAL ZONE AND RURAL ZONE (DISTRICT AMENITY LANDSCAPE AREA)

(1) In the Coastal Zone and Rural Zone (District Amenity Landscape Area) land may be subdivided to create lifestyle lots as a Discretionary Activity as follows:

(a) For each certificate of title that existed at 26 September 2000, or that was issued as a result of a Resource Consent granted on or before 26 September 2000, and for a certificate of title issued after 26 September 2000, which is of 40 hectares or more, land may be subdivided to create a maximum of five lifestyle lots.

(b) The lifestyle lots provided for in (a) above shall comply with the following:

(i) No more than two lots shall be between 5000m² and 2 hectares; all other lifestyle lots shall be a minimum of 2 hectares.

(ii) The lifestyle lots shall as a minimum contain a residential area of 1000m².

(iii) The lifestyle lots shall not contain land with a Land Use Capability Class of Class VII or VIII. (Note: A report on the Land Use Capability Class of the site shall be prepared by a suitably qualified expert, except where the Land Use Capability Class is clearly beyond doubt by reference to the New Zealand Land Resource Inventory Worksheets, the Council may waive this requirement.)

(iv) The balance area of any subdivision creating one or more lifestyle lots shall comply with the requirements for General Lots (see Rule 9.4.1.1 (1)), unless the balance area also complies with the requirements for creating Lifestyle Lots.

Note: Where the above provisions are not complied with the subdivision is required to be assessed as a Non Complying Activity.

(2) DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

(a) When assessing a Discretionary Activity application for lifestyle lots in the Coastal Zone and Rural Zone (District Amenity Landscape Area) the Council shall have regard to the Controlled Activity Assessment Matters in Section 9.5 and the Discretionary Activity Assessment Criteria in Section 9.6.
9.4.1.4 SURPLUS HABITABLE DWELLING LOTS IN THE RURAL ZONE (PLAINS AND WAIHI BASIN AREAS ONLY)

In the Plains and Waihi Basin Areas of the Rural Zone, land may be subdivided to remove a surplus habitable dwelling from a certificate of title as a Controlled Activity as specified in 9.4.1.4(1) below:

(1) PLAINS AND WAIHI BASIN AREAS (Refer to Planning Maps M1 – M4):

(a) A surplus habitable dwelling may be subdivided from a certificate of title where the surplus habitable dwelling has been located on the certificate of title for a period of not less than five years, subject to meeting the following standards:

(i) The parent certificate of title on which the surplus habitable dwelling is located must be less than 40 hectares if located in the Plains Area and less than 12 hectares if located in the Waihi Basin Area.

(ii) The allotment containing the surplus habitable dwelling shall have a minimum net lot area of 2500m² and a maximum total area of 1 hectare, and shall contain a residential area of 1000m².

(iii) An existing habitable dwelling shall be located on the lot comprising the balance area.

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a) Location, Size, Shape and Dimension of the Lots and Access Thereto:

(i) Refer to Section 9.5 – Controlled Activity Assessment Matters.

(ii) Whether the surplus habitable dwelling lot subdivision is designed (eg through the shape and size of the allotment, and setback of the dwelling from the new boundaries) to provide the occupants of the surplus habitable dwelling with an adequate level of privacy and separation in relation to dwellings on adjacent rural lots, and in relation to rural production activities on adjacent lots.

(iii) Whether the surplus habitable dwelling lot boundaries will result in any increase in the extent to which the surplus habitable dwelling will fail to conform to the Rural Zone development standards.

(iv) Whether any internal access serving the subdivision is sufficiently separated or appropriately formed to mitigate potential nuisance effects, for the surplus habitable dwelling, associated with the use of the internal access by rural production activities.
9.4.2 LOW DENSITY RESIDENTIAL ZONE

(1) PURPOSE
(a) The Low Density Residential Zone has been provided in specific locations adjoining the towns, to cater for a particular type of residential living that is desired by some sections of the community. To ensure that this land resource is available to meet the needs of the immediate future generations, the subdivision standards are designed to ensure efficient use of the land for residential purposes and associated activities in a low density living environment in a manner where adverse environmental effects are able to be avoided or mitigated.

9.4.2.1 GENERAL LOTS IN THE LOW DENSITY RESIDENTIAL ZONE

In the Low Density Residential Zone, land may be subdivided to create general lots as a Controlled Activity as follows:

(1) STANDARDS
(a) Lot size shall be as follows:

<table>
<thead>
<tr>
<th>Location/Area</th>
<th>Minimum Net Lot Area</th>
<th>Maximum Net Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orchard Road/Parry Palm Avenue, Waihi</td>
<td>(i) 1000m²</td>
<td>(iii) No specified maximum</td>
</tr>
<tr>
<td></td>
<td>(ii) Can contain a residential area of 300m², with no dimension measuring less than 18 metres</td>
<td></td>
</tr>
<tr>
<td>Old Waitekauri Road, Waikino</td>
<td>(iv) 1 hectare</td>
<td>(vi) No specified maximum</td>
</tr>
<tr>
<td>Refer to Structure Plan in Section 8.6.12 Appendix 11</td>
<td>(v) Can contain a residential area of 700m², with no dimension measuring less than 20 metres</td>
<td></td>
</tr>
<tr>
<td>All Other Areas</td>
<td>(vii) 2500m²</td>
<td>(ix) 1 hectare (except that the balance lot may exceed 1 hectare)</td>
</tr>
<tr>
<td></td>
<td>(viii) Can contain a residential area of 700m², with no dimension measuring less than 20 metres</td>
<td></td>
</tr>
</tbody>
</table>

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:
(a) Location, Size, Shape and Dimension of the Lots and Access Thereto
   (i) Refer to Section 9.5 – Controlled Activity Assessment Matters.
   (ii) Whether the subdivision is designed to provide the occupants of the lot(s) with an adequate level of privacy and separation in relation to dwellings on adjacent lots.

Section 9.4: Subdivision Rules Applicable for Specific Zones 9.4-6

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
(iii) Whether the *internal access* serving any *lots* is sufficiently separated or appropriately formed to mitigate potential nuisance effects for *dwellings* on adjoining *lots* or on adjacent properties.

(iv) Whether the *subdivision* layout and provision of infrastructure is provided in a manner consistent with good urban design principles (refer to Section 9.1.3(2)).
9.4.3 RESIDENTIAL ZONE

(1) PURPOSE

(a) The subdivision standards are designed to ensure residential buildings and activities can readily be accommodated on a lot, in a manner that enables the performance standards for residential activities to be met. As such, techniques including area, shape factor and frontage are designed to be complementary to the development standards required for residential activities. Larger lot sizes for certain residential areas are to maintain their established urban character.

(b) A minimum lot size seeks to achieve a good level of amenity for future occupants and to maintain the level of amenity enjoyed by surrounding residents. It is difficult to apply good urban design principles to individual two-lot subdivisions. Only by requiring the new lots to have a larger minimum lot size than for multiple lot subdivisions, where urban design principles can be applied more readily, can the Council ensure a reasonable level of amenity (aural and visual privacy) is achieved.

9.4.3.1 GENERAL LOTS IN THE RESIDENTIAL ZONES OF WAIHI, PAEROA, NGATEA, TURUA, KEREPEHI & WHIRITOA

In the Residential Zone of Waihi, Paeroa, Ngatea, Turua, Kerepehi & Whiritoa land may be subdivided to create general lots as a Controlled Activity as follows:

(1) STANDARDS

(a) Minimum Net Lot Area:

(i) 1 – 2 lots: 525m² except in Turua where 700m² applies irrespective of the number of lots created.

<table>
<thead>
<tr>
<th>Town</th>
<th>Waihi, and Paeroa, &amp; Whiritoa</th>
<th>Ngatea, and Kerepehi</th>
<th>Turua</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Net Lot Area</td>
<td>450m²</td>
<td>525m²</td>
<td>700m² irrespective of the number of lots created.</td>
</tr>
</tbody>
</table>

(ii) 3 or more lots (except in Turua): 450m², provided that for every 2 lots less than 525m² there shall be 1 lot of at least 700m². For incomplete multiples of 3 lots each additional 1 or 2 lots shall have a minimum area of 525m².

(iii) 3 or more lots (except in Turua): No more than 2 lots of between 450m² and 525m² shall adjoin each other.

(b) Maximum Net Lot Area:

(i) 1000m², except that one balance lot per subdivision may exceed 1000m², and must exceed 525m² the minimum net lot area in 1(a)(i) above.

(c) Minimum Shape Factor:

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 9.4: Subdivision Rules Applicable for Specific Zones

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 9.4: Subdivision Rules Applicable for Specific Zones

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
Section 9.4 Subdivision Rules Applicable for Specific Zones

9.4.4 TOWN CENTRE ZONE

(1) PURPOSE

(a) Subdivision for commercial activities has been carried out by a mixture of freehold subdivision and lease arrangements. In many instances the area of floor space required for a shop, office or other town centre activity has been relatively small. In addition, some lease arrangements need to deal with activities that are above ground floor level.

(b) As such, controls on subdivision in the Town Centre Zone (eg minimum area) are somewhat arbitrary and meaningless. Due to the variable nature of commercial requirements, it is preferable to assess each subdivision on its merits having regard to the actual or likely activity that the subdivision seeks to facilitate.

(c) Controls such as access and provision for loading are, however, important to ensure that the commercial activity can function adequately, and without detrimental effect on the amenity of the zone and environment.

9.4.4.1 GENERAL Lots IN THE TOWN CENTRE ZONE

In the Town Centre Zone land may be subdivided to create general lots as a Controlled Activity as follows:

(1) STANDARDS

(a) Minimum Frontage:

   (i) Town Centre – Pedestrian Frontage Area: Nil
   (ii) Town Centre –outside Pedestrian Frontage Area: 9 metres.

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a) Size, Shape and Dimensions of Lots

   (i) Refer to Section 9.5 – Controlled Activity Assessment Matters.
Section 9.4: Subdivision Rules Applicable for Specific Zones

9.4-12

(83x747)Hauraki District Plan

Plan Change 1: Proposed Rule Changes, Recommendations Version, Final 10 April 2019

9.4.5 INDUSTRIAL ZONE

(1) PURPOSE

(a) In the Industrial Zone it is necessary to include subdivision controls over matters such as minimum area of lots, as the availability of land suitable for industrial purposes is a limited resource requiring specific locational criteria. Therefore, it is important that this resource availability is not allowed to be compromised by subdivision into allotments that are too small to adequately enable industrial activities to establish or continue to operate and expand. At Kerepehi, a larger lot size to adequately provide for a range of heavier industrial activities is required. Subdivision to create allotments smaller than the minimum standards can be considered through the resource consent (Discretionary Activity) process.

9.4.5.1 GENERAL LOTS IN THE INDUSTRIAL ZONE

In the Industrial Zone land may be subdivided to create general lots as a Controlled Activity as follows:

(1) STANDARDS

(a) Minimum Net Lot Area: 1000m², except at Kerepehi
(b) Minimum Net Lot Area (Kerepehi only): 2000m².
(c) Minimum Frontage: 6 metres.
(d) Minimum Shape Factor: 15 metres diameter circle (exclusive of yards).

(2) CONTROLLED ACTIVITY MATTERS

(a) Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(b) Size, Shape and Dimensions of Lots

(i) Refer to Section 9.5 – Controlled Activity Assessment Matters.
Section 9.4: Subdivision Rules Applicable for Specific Zones

9.4.6 RESERVE ZONES

(1) PURPOSE

(a) Rule 9.3.2(1) provides for subdivision of Special Purpose Lots, which includes reserves under the Reserves Act 1977 and Conservation Act 1987, in all zones. Rule 9.3.4 also provides for subdivision around significant heritage and environmental features in all zones.

(b) These two provisions on their own are not wide enough to cover all the land that has been zoned as Reserve (Passive) and (Active). Therefore specific subdivision provision is provided.

(c) In Reserve Zones, no particular dimension standards for subdivision are necessary, as the range of purposes for subdivision are too varied. Each subdivision needs to be assessed on its own particular merits.

9.4.6.1 GENERAL LOTS IN THE RESERVE (PASSIVE) AND (ACTIVE) ZONES

In the Reserve Zones land may be subdivided to create general lots as a Controlled Activity as follows:

(1) STANDARDS

(a) Minimum Frontage: all situations – 3.5 metres.

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a) Size, Shape and Dimensions of Lots

(i) Refer to Section 9.5 – Controlled Activity Assessment Matters.
Section 9.4: Subdivision Rules Applicable for Specific Zones

9.4.7 FLOOD PONDING ZONE

(1) PURPOSE

(a) The activities permitted in this zone are related principally to the main purpose of flood ponding, and development which is likely to inhibit the function of the zone is restricted.

9.4.7.1 GENERAL LOTS IN THE FLOOD PONDING ZONE

Subdivision for any purpose other than for boundary adjustments and relocations provided for in Rule 9.3.3 is not provided for and shall be a Non Complying Activity.
9.4.8 CONSERVATION ZONES

9.4.8.1 GENERAL LOTS IN THE CONSERVATION (WETLAND) AND (INDIGENOUS FOREST) ZONES

(1) ACTIVITY STATUS

(a) The provision for subdivision of Special Purpose Lots and significant heritage and environmental features (Rules 9.3.2 and 9.3.4) provide the necessary subdivision provisions for the activities permitted in the Conservation Zones.

(b) Any subdivision outside these provisions will be considered as a Discretionary Activity and shall be assessed in accordance with the assessment criteria in Section 9.6.
9.4.9 MARAE DEVELOPMENT ZONE

(1) PURPOSE

(a) The subdivision of Maori Land is not controlled by the Resource Management Act 1991, where partitions (subdivisions) involve the holding of the land by members of the same hapu. In this situation, the partition of land is the responsibility of the Maori Land Court, acting in accordance with Te Ture Whenua Maori Act (the Maori Land Act) 1993.

(b) Where the partition of land involves the “alienation” of Maori Land, a subdivision consent is to be sought and obtained, prior to the submission of the application for partition to the Maori Land Court.

(c) As with other standards, subdivision within the Marae Development Zone is considered to be a matter that is of interest only to those persons involved in the zone, as long as there is no effect outside the boundaries of the zone. Council is of the opinion that the matter of partition is essentially a matter to be resolved by the “owners” of the land, through the Maori Land Court using the provisions of Te Ture Whenua Maori Act (the Maori Land Act) 1993.

9.4.9.1 GENERAL lots IN THE MARAE DEVELOPMENT ZONE

In the Marae Development Zone land may be subdivided to create “alienation” lots as a Discretionary Activity as follows:

(1) STANDARDS

(a) No standards are provided for the “alienation” of land. Each application will be assessed on its merits.

(2) DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

(a) When assessing a Discretionary Activity application for the “alienation” of land in the Marae Development Zone the Council shall have regard to the Controlled Activity Assessment Matters in Section 9.5 and the Discretionary Activity Assessment Criteria in Section 9.6.
9.4.10 TOWNSHIP ZONE

(1) PURPOSE
   (a) The Township Zone provides for a mixture of residential, commercial and service industrial activities.

9.4.10.1 GENERAL LOTS IN THE TOWNSHIP ZONE

In the Township Zone land may be subdivided to create general lots as a Controlled Activity as follows:

(1) STANDARDS
   (a) Minimum Net Lot Area: 450m².
   (b) Minimum Shape Factor: 15 metre diameter circle (exclusive of any yards and any easements for infrastructure).
   (c) Minimum Frontage: 9 metres.

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a) Size, Shape and Dimensions of Lots
   (i) Refer to Section 9.5 – Controlled Activity Assessment Matters.
9.5 CONTROLLED ACTIVITY ASSESSMENT MATTERS

(1) GENERAL

In assessing an application for a Controlled Activity for any subdivision, the following general assessment matters shall be used as are applicable to the situation:

(a) Whether the area and shape of all lots is appropriate to their specified purposes and intended use(s), taking into account any relevant performance and/or formation standards specified in the Plan.

(b) Whether each new boundary is practically located taking into account the following factors:

(i) topography
(ii) practical management of existing and potential activities on the site
(iii) protection of the land from flooding, erosion and instability
(iv) the location of existing buildings, roads, drains, streams and rivers, internal access and other natural physical features
(v) surface and ground water conditions, including the quality and quantity of the water, the direction of the water flow and the effects that the subdivision may have on them
(vi) local climatic conditions, especially the orientation of the lots in a manner that will allow buildings to be positioned to take advantage of solar energy for heating and lighting, and for buildings to act as a windbreak from prevailing winds
(vii) environmental features that have been identified as requiring protection from development
(viii) where on-site disposal of stormwater and wastewater is required from existing and potential developments, is there sufficient area of the type of land required for servicing purposes, within each lot
(ix) any existing resource consents and the conditions attached to them that need to be accommodated within any lot.

(c) Whether the subdivision (or development of the lots resulting from it eg earthworks, future building sites, access) may affect known sites and/or features having ecological, heritage or cultural value. For determining whether an area of indigenous vegetation is of ecological value, reference should be made to the criteria for determining the significance of indigenous biodiversity in the Waikato Regional Policy Statement. Consideration will also be given to the assessment criteria in 6.2.5.8 as may be relevant, where the area of indigenous vegetation is determined to be of significance. For determining whether a site or feature is of heritage/cultural significance reference should be made to 6.1.6.8 Appendix 1 - Criteria for Assessing Heritage Significance. Consideration will also be given to the assessment criteria in 6.1.5.4(2) as may be relevant, where a site or feature is determined to be of heritage/cultural significance.
Section 9.5: Controlled Activity Assessment Matters

9.5-2

(Words in italics in rules and assessment criteria are defined in Section 4.0 Definitions)
9.6 DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

When assessing an application for a Discretionary Activity for any subdivision, the Council shall have regard to the following assessment criteria as are applicable to the situation and any other matters it considers appropriate:

(1) GENERAL

(a) The Controlled Activity Assessment Criteria in Section 9.5.

(b) The degree to which the proposed subdivision (in terms of matters such as shape, size, access) will facilitate the establishment of the land use activity.

(c) The objectives and policies for subdivision and for the zone in which the subdivision is proposed.

(d) Whether features of the subdivision including the intended location of residential activities, design and location of access, stormwater and wastewater management, the planting of trees and shrubs, and the shaping of earth, avoids, remedies or mitigates any adverse effect on the existing landscape, and/or rivers and streams.

(e) The extent to which existing native bush, or other vegetation which contributes to visual amenity and provides a habitat for indigenous fauna, is retained and the reasons why any clearance is proposed.

(f) Whether traffic movements resulting from the subdivision will have any significant impact on the safe and efficient operation of any public road. Pertinent matters for consideration in this regard are:

   (i) the carrying capacity, standard and status in the roading hierarchy (as defined in the HDC Engineering Manual) of the road concerned;

   (ii) the means by which any likely traffic hazard can be avoided or mitigated;

   (iii) the comments of the New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the state highway network.

(g) The extent to which existing and/or new road access is required to service the subdivision.

(h) The degree to which the subdivision will create/lead to demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.

(i) Whether adequate access to the proposed lots and future house sites, manoeuvring and parking can be accommodated without excessive earthworks or removal of indigenous vegetation, and whether any restrictions on access or use of common access may detract from or help maintain rural/natural character values.

(j) The extent to which the lots to be created are self-contained, with regard to stormwater drainage, effluent disposal and water supply (except where reticulated services are provided).
Section 9.6: Discretionary Activity Assessment Criteria

(k) Whether the subdivision layout will adversely affect the recreational, ecological, or cultural values of any adjoining public open space or the coast.

(l) Whether the subdivision is in an identified hazard area and the physical act of creating the subdivision (e.g., earthworks) or the subsequent development on the allotment(s) could not be adequately protected from the hazard.

(m) Whether the allotment(s) created will be able to adequately accommodate on-site services for the disposal of stormwater and wastewater and other utilities such as power and phone without excessive earthworks or removal of indigenous vegetation, and whether any restrictions on the scale, nature and location of the earthworks and disposal of excess material may help maintain natural character values.

(n) Whether the subdivision (or development of the lots resulting from it, e.g., earthworks and access) may affect known sites and/or features scheduled in Sections 6.1 or 6.2, or sites and/or features not scheduled which may have ecological, heritage and/or cultural value. For determining whether an area of indigenous vegetation is of ecological value reference should be made to the criteria for determining the significance of indigenous biodiversity in the Waikato Regional Policy Statement. Consideration will also be given to the assessment criteria in 6.2.5.8 as may be relevant, where the area of indigenous vegetation is determined to be of significance. For determining whether a site or feature is of heritage/cultural significance reference should be made to 6.1.6.8 Appendix 1 - Criteria for Assessing Heritage Significance. Consideration will also be given to the assessment criteria in 6.1.5.4(2) as may be relevant, where a site or feature is determined to be of heritage/cultural significance.

(o) Where the subdivision involves the creation of lifestyle lots in the Rural Zone (Outside District Amenity Landscape Area) in accordance with Rule 9.4.1.2(4), regard shall be had to the relevant assessment criteria in 9.6(2) below to ensure the open rural character and amenity of the area are maintained and potential reverse sensitivity effects on rural production activities are minimised.

(p) Where the subdivision involves the creation of lots for the protection of a significant heritage or environmental feature that is not listed and described in Sections 6.1.6.2, 6.1.6.3 or 6.2.6, then the significance of the feature shall be assessed against the criteria in 6.1.6.8 for heritage features, and the criteria for determining the significance of indigenous biodiversity in the Waikato Regional Policy Statement for significant natural areas. Regard shall also be had to the Controlled Activity Matters and Conditions of Consent in 9.3.4(5) and (7).

(2) ASSESSMENT CRITERIA FOR LIFESTYLE LOTS IN THE RURAL ZONE (DISTRICT AMENITY LANDSCAPE AREA, QUARRY RESOURCE AREA, QUARRY REVERSE SENSITIVITY AREA) AND COASTAL ZONE

(a) Whether the subdivision layout has taken sufficient account of the topography of the site and surrounding land, through providing for house sites and access thereto that will, when built on, minimize the visual impact of buildings and the access (both individually and cumulatively) on the open rural character or landscapes of district significance or coastal character values of the Rural or Coastal Zones and locality. In particular, the subdivision design should avoid the positioning of proposed building...
platforms that will give rise to any structures being located where they will break the line and form of any skylines or prominent ridges or be highly visible from any approved building site on an adjoining property, a state highway or arterial road, or the surface of water along the eastern coastline of the District.

(b) Whether the cumulative effects of the subdivision will adversely effect:
   (i) the open rural/coastal character and amenity of a particular area;
   (ii) the natural character and landscape values of the District Amenity Landscape Area;
   (iii) the use of the adjoining/surrounding properties for farming and other established rural activities.

(c) Whether the subdivision layout has taken sufficient account of the need to provide open space around buildings and especially between existing houses and potential house sites on adjoining lots and/or adjacent properties.

(d) Whether the subdivision is designed to minimise conflicts (including from reverse sensitivity effects) that can arise between existing and potential rural production activities and lifestyle residents. Particular attention is required to the design of the subdivision (especially the ability to achieve acceptable internal noise levels within habitable rooms of future dwellings) where located within a quarry resource area and the associated quarry reverse sensitivity area as identified on the planning maps.

(e) The appropriateness of mechanisms proposed by the applicant, or the need for consent notices on the resultant titles, to:
   (i) ensure that restrictions are placed on the area of any allotment not nominated for construction of a dwelling and associated accessory buildings to ensure that this area is kept free of any future building development in perpetuity;
   (ii) specify the location and size of building platforms and access thereto;
   (iii) specify the formation standards and design of driveways;
   (iv) provide foundation, wastewater and stormwater disposal designs in accordance with any specified engineering assessments;
   (v) retain, enhance and maintain areas in indigenous vegetation;
   (vi) remove and control noxious plants or other exotic species incompatible with ecological values of the area;
   (vii) prohibit cats, mustelids or ferrets and require ongoing control of feral animal pests;
   (viii) place controls on dogs and grazing of stock.

Note: The subdivision application may be required by Council to be supported by a report from suitably qualified professionals in landscape architecture, ecology, archaeology and traffic engineering specifying any necessary conditions to achieve the above outcomes.