

# SECTION 42A REPORT

Rebuttal Evidence

## Hearing 6: Village Zone – Land use and activities

Report prepared by: Kelly Cattermole

Date: 9/12/19



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# I Introduction

## I.1 Background

1. My full name is Kelly Nigel Cattermole. I am employed by the Waikato District Council as a Senior Planner (Consents Team) and I am currently on a fixed-term secondment to the Policy Team.
2. I am the writer of the original S42A report for Hearing 6: Village Zone – Land use and activities.
3. In the interests of succinctness I do not repeat the information contained in section I.1 to I.4 of that S42A Hearing Report for Hearing 6: Village Zone – Land use and activities, and request that the Hearings Panel take this as read.

## 2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:
 

*If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.*
5. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters.
6. Evidence relating to the land use and activities topic for the Village Zone was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel<sup>1</sup>:
  - a. Heritage New Zealand Pouhere Taonga [559]
  - b. Horotiu Properties Limited [397]
  - c. Horticulture New Zealand [419]
  - d. Greig Metcalfe [602]
  - e. Fire and Emergency New Zealand [378]
  - f. KiwiRail Holdings Limited [986]
  - g. The Surveying Company [746]
  - h. The Ministry of Education [781]
  - i. The Department of Corrections [496]
  - j. New Zealand Transport Agency [742]
  - k. Transpower NZ Limited [576]
  - l. Siska Falconer Rahui Pokeka [271]
  - m. Waikato Regional Council [81]
  - n. Counties Power Limited [405]

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<sup>1</sup> Hearings Panel Directions 21 May 2019

### 3 Consideration of evidence received

#### 3.1 Matters addressed by this report

7. The main topics raised in evidence and rebuttal evidence from submitters that are in disagreement with the recommendations of the original S42A report for Hearing 6: Village Zone – Land use and activities included:
  - a. Heritage and earthworks
  - b. Heritage and signs
  - c. Building coverage and public reticulation/private reticulation
  - d. Garage location in relation to the house façade
  - e. Waterbodies setback
  - f. Retirement villages
  - g. Signs
  - h. Provision for hose drying towers
  - i. Railway corridor
  - j. Education facilities
  - k. Community corrections activities
  - l. Traffic restrictions – Home Occupations
  - m. Use of the term ‘avoid/avoidance’ for Policy 4.4.7 - Managing the adverse effects of signs
  - n. Signs and State Highways
  - o. Policy – Whanaungatanga – Taupiri Mountain
8. There are a number of points raised within the evidence and rebuttal evidence from submitters which support the recommendations contained within the original S42A report for Hearing 6: Village Zone – Land use and activities. In the interests of succinctness I do not comment upon these within this report.
9. I have therefore structured my response as follows:
  - a. Retirement villages – Greig Metcalfe
  - b. Airport obstacle limitation surface – Greig Metcalfe
  - c. Building coverage - Greig Metcalfe and Horotiu Properties Limited
  - d. Education facilities– Ministry of Education
  - e. Education facilities – Policy - Ministry of Education
  - f. Community corrections activities – Department of Corrections
  - g. Hose drying towers - Fire and Emergency New Zealand
  - h. Heritage and signs/earthworks - Heritage New Zealand Pouhere Taonga
  - i. Railway setback – KiwiRail Holdings Ltd
  - j. Railway and signs - KiwiRail Holdings Ltd
  - k. Home occupations – traffic numbers – New Zealand Transport Agency
  - l. Signs - New Zealand Transport Agency
  - m. Policy - Whanaungatanga - Taupiri Mountain
10. In this rebuttal evidence, I do not address every point raised in the evidence. I respond only to the points where I consider it is necessary to clarify an aspect of my earlier s42A report,

or where I am persuaded to change my recommendation. In all other cases I respectfully disagree with the evidence, and affirm the recommendations and reasoning in my s42A report.

## 4 Retirement villages

### 4.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Bevan Ronald Houlbrooke on behalf of Greig Metcalfe	Paragraph 8-15, pages 2-3	Greig Metcalfe [602.46]
S42A report	Paragraph 49, page 47	

### 4.2 Analysis

11. Mr Houlbrooke on behalf of Greig Metcalfe disagrees with my recommendations regarding retirement villages in the Village Zone (retaining their Non-Complying Activity status, as an activity not provided for).
12. In my report (paragraph 55, page 48) I recommended that submission point 602.46 be rejected.
13. Mr Houlbrooke suggests the addition of a permitted activity rule with a condition that the density of the retirement village aligns with the intended density of the Village Zone. This would as a consequence manage off-site transportation effects. Mr Houlbrooke also adds in an alternative, such as a Restricted Discretionary Activity status with a matter of discretion relating to density, character and amenity, noting that a Restricted Discretionary Activity status would be more appropriate than a Non-Complying activity status.
14. I agree with the comments made by Mr Houlbrooke. In my opinion, a Restricted Discretionary Activity status with matters of discretion relating to the density would be preferable. The locations where retirement villages can establish should be restricted to Tuakau, Pokeno and Te Kowhai. The reason for this geographical restriction is that these are the locations that have the best opportunities for reticulation, closest to potential public transport and have existing facilities that retirement village users are most likely to need. It would also be inappropriate to give opportunities for retirement villages to establish in the rural-type villages, as they would generally lack the aforementioned aspects.
15. While Mr Houlbrooke has not made comment on the associated policies that were sought by the submitters to accompany the retirement village activity and the sought permitted activity provision for alterations and additions to existing retirement villages, these should be included as a part of my changed recommendations, as they form the necessary framework for retirement villages.

### 4.3 Recommendations

16. My replacement recommendations are now to:

- **Accept in part** Waikato District Council submission point [697.458] and Greig Metcalfe further submission point [FS/335.12]
- **Accept in part** Waikato District Council submission point [697.545], Tamahere Eventide Home Trust-Tamahere Eventide Retirement Village (submitter 769) further submission point [FS/004.6], Tamahere Eventide Home Trust-Atawhai Assessi Retirement Village (submitter 765) further submission point [FS/004.10]
- **Accept in part** Grieg Metcalfe submission point [602.46], Greig Developments No 2 Limited further submission point [FS/187.9] and The Surveying Company further submission point [FS/308.84]
- **Accept in part** Greig Developments No 2 Limited submission point [689.17]
- **Accept in part** The Surveying Company submission point [746.124]
- **Accept in part** Waikato District Council submission point [697.942], Greig Developments No 2 Limited further submission point [FS/187.111] and The Surveying Company further submission point [FS/308.114].

#### 4.4 Recommended amendments

17. I therefore make the following amendments to my initial recommendations (new amendments):

##### 4.3.16 Policy – Outdoor living court – Retirement villages

- (a) Require outdoor living courts or communal outdoor living courts to be usable and accessible.

##### 4.3.17 Policy – Retirement villages

- (a) Provide for the establishment of new retirement villages and care facilities that:

(i) Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;

(ii) Promote visual integration with the street scene, neighbourhoods and adjoining sites;

(iii) Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;

(iv) At higher densities where appropriate for Housing and care facilities for older people;

(v) Provide high quality on-site and neighbourhood amenity; and

(vi) Integrate with local services and facilities, including public transport.

- (b) Enable alterations and additions to existing retirement villages that:

(i) Promote visual integration with the street scene, neighbourhoods and adjoining sites;

(ii) Recognise that housing and care facilities for older people can require higher densities;

(iii) Provide high quality on-site amenity; and

(iv) Integrate with local services and facilities, including public transport and alternative transport modes.<sup>2</sup>

<sup>2</sup> Waikato District Council submissions [697.545], [697.458]

**Rule 24.1.2**Activity RD2 – Tuakau, Pokeno and Te KowhaiA new retirement village or alterations/additions to an existing retirement village:Activity-Specific Conditions:(a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha;(c) The site is connected to public water and wastewater infrastructure;(d) Minimum living court or balcony area and dimensions:(i) Apartment – 10m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;(ii) Studio unit or 1 bedroom unit – 12.5m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; or(iii) 2 or more bedroomed unit – 15m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;(e) Minimum service court is either:(i) Apartment – Communal outdoor space (ie no individual service courts required) of at least 5m<sup>2</sup> with a minimum dimension of 1.5 metres for each apartment; or(ii) All other units – 10m<sup>2</sup> with a minimum dimension of 1.5 metres for each unit;(f) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high;(h) The following Land Use – Building rules in Rule 24.3 do not apply:(i) Rule 24.3.1 (Dwelling);(ii) Rule 24.3.3 (Building Height);(i) The following Infrastructure and Energy rule in Chapter 14 does not apply:(i) Rule 14.12.1 P4(1)(a) (Traffic generation).<sup>3</sup>Council's discretion shall be restricted to the following matters:(a) Infrastructure and servicing:(i) Servicing and capacity in the public reticulated water supply and wastewater network to service the proposed development.(b) Building intensity, scale, location, form and appearance:(i) Whether the development, while bringing change to existing environments, is appropriate to its context taking into account:

- intensity and scale of the activity;
- the building location;
- form and appearance

<sup>3</sup> Waikato District Council submission [697.942], Greig Metcalfe submission [602.46], Greig Developments No 2 Limited submission [689.17], The Surveying Company submission [746.124]

(c) Appropriate response to context with respect to structure plans, subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles

(c) Traffic:

(i) Integration of public transport opportunities such that the activity does not create high levels of additional nonresidential traffic on roads.

(ii) Number of traffic movements, effects on safety and efficiency of road network, pedestrian access

(d) Design of parking and access:

(i) Whether adequate parking and access is provided.

(ii) Location of entrance

(e) Residential amenity for neighbours, in respect to outlook, privacy, noise, odour and light spill through site design, building, living court, service court, orientation, internal layouts, landscaping and use of screening

(f) Number and density of residential units

(g) Number of residents living on site

#### **4.5 Section 32AA evaluation**

18. The following points evaluate the recommended change under Section 32AA of the RMA.

##### **4.5.1 Other reasonably practicable options**

19. One other option would be to have Retirement Villages (including additions/alterations to existing) as a Permitted Activity, with density as an activity-specific condition requirement. Alternatively, another option would be my original recommendation, which would result in retirement villages being a Non-Complying Activity.

##### **4.5.2 Effectiveness and efficiency**

20. The provision of retirement villages, associated policies and in particular, the amendment suggested by Mr Houlbrooke, will in my opinion form a framework that will align with the relevant objectives of the Village Zone. It is important to note that the density for the retirement village will need to correspond with the density recommended within the Village Zone – subdivision topic.

##### **4.5.3 Costs and benefits**

21. If provision for retirement villages were not to be explicitly provided for, then the activity would be a Non-Complying Activity which, while not impossible to get through as a part of the resource consent process, will make it more difficult (compared to a permitted activity for instance). This may restrict the ability and likelihood of a retirement village establishing in the Village Zone, accordingly there may be impacts upon people and the community, as it would restrict the range of housing options that may occur and limit the ability for a family to reside close to a retirement village which may house a relative or friend. It may also restrict the ability for an elderly or infirm person (typical residents of a retirement village) to remain within a town/village that they feel the strongest connection to or wish to reside within.

22. Retirement villages are likely to provide employment, although I do not have an indication as to the number of staff who are typically employed by a retirement village.
23. There are potential costs in terms of traffic generation, however the matching of density with the rest of the Village Zone will likely mean that those traffic effects are no different to other developed parts of the Village Zone.

#### **4.5.4 Risk of acting or not acting**

24. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.

#### **4.5.5 Decision about most appropriate option**

25. The amendments give effect to the relevant objectives and policies of the Village Zone. They are considered to be more appropriate in achieving the purpose of the RMA than the notified version.

## **5 Airport obstacle limitation surface**

### **5.1 Documents referred to in this section**

<b>Evidence</b>	<b>Paragraph, page</b>
Bevan Ronald Houlbrooke on behalf of New Zealand Transport Agency	Paragraphs 16-22, Pages 3-4
S42A report	Paragraph 12, page 19

### **5.2 Analysis**

26. Bevan Houlbrooke in paragraph 20 of his evidence outlines that it appears that submissions relating to Rule 24.3.3.2 - Height - Buildings, structures or vegetation within an airport obstacle limitation surface have been omitted.

### **5.3 Recommendations**

27. It is correct that these submissions were not addressed as a part of my report, as these will be addressed as a part of the Te Kowhai topic (as stated within my s42A report – Village Zone – Land use and activities – paragraph 12).

## 6 Building Coverage

### 6.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Pervinder Kaur on behalf of Horotiu Properties Limited	Paragraph 19, Page 7	Horotiu Properties Limited [397.9]
Bevan Ronald Houlbrooke on behalf of Greig Metcalfe	Paragraph 46, Page 11	Greig Metcalfe [602.49]
S42A report	Paragraphs 475-481, pages 147-148	

### 6.2 Analysis

30. In my report (paragraph 475-481, pages 147-148) I recommended that submission point Grieg Metcalfe [602.49] be rejected.
31. In my report (paragraphs 475-481, pages 147-148) I recommended that submission point Horotiu Properties Limited [397.9] be rejected.
32. Mr Kaur on behalf of Horotiu Properties Limited disagrees with my recommendations with regard to the requirement for public reticulation (wastewater) and a reticulated water supply for Rule 24.3.5 – Building coverage.
33. Mr Kaur disagrees with this because; *“Development in the Village Zone can be serviced by reticulated services that are privately owned”*.
34. Mr Houlbrooke has a similar comment to that of Mr Kaur (paragraph 45 of his evidence), but he notes that Rule 24.3.5 – Building coverage is inherently linked to the decision for Rule 24.4.2 – Subdivision Te Kowhai and Tuakau.
35. I agree with Mr Houlbrooke in that the two rules are inherently linked, and it is appropriate that the building coverage rule 24.3.5 ultimately aligns with the decision on the subdivision rule 24.4.2 – Te Kowhai and Tuakau. I note that Mr Cleese’s s42A report for the Village Zone: Subdivision, addresses this matter (paragraph 91 of his report) as submissions have sought to remove the ‘public’ requirement from the relevant rules which require reticulation.

### 6.3 Recommendations

36. If the requirements for public reticulation remain within the 24.4.2 – Te Kowhai and Tuakau - RD2 rule, then I recommend that they remain within the building coverage Rule 24.3.5. Likewise, if the requirement is removed, then I recommend that they be removed from the building coverage rule as well.

## 7 Education facilities

### 7.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Keith Frenz on behalf of the Ministry of Education	Paragraphs 5.1-5.14, pages 5-8	Ministry of Education [781.16]
S42A report	Paragraphs 231-244, page 86-89	

### 7.2 Analysis – Education facilities activity

37. Mr Frenz on behalf of The Ministry of Education disagrees with my recommendations on a new rule allowing education facilities. I recommended in my report the introduction of a Restricted Discretionary rule allowing for education facilities not exceeding 200m<sup>2</sup> gross floor area. Mr Frenz suggests dropping the 200m<sup>2</sup> gfa from the activity description, and instead including the bulk of buildings as a matter of discretion.
38. In my report (paragraph 233, page 88) I recommended that submission point 781.16 be accepted in part.
39. I agree with and I am persuaded by, the comments made by Mr Frenz, and that the amendment to the matters of discretion will allow for the building bulk to be assessed as a part of the resource consent process, while avoiding the anomalies that may have arisen from a 200m<sup>2</sup> GFA restriction.

### 7.3 Recommendations

40. My recommendation on the relevant submission points Ministry of Education [781.16] and New Zealand Transport Agency [FS/202.92] remain unchanged, as the amendments created as a result of the evidence provided are different to that of the original submission.

### 7.4 Recommended amendments

41. I therefore make the following amendments to my initial recommendations:

#### 24.1.2 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

Activity RDI Education facilities ~~not exceeding 200m<sup>2</sup> gross floor area~~.<sup>4</sup>

Council's discretion shall be restricted to the following matters:

- The extent to which it is necessary to locate the activity in the Village Zone.
- Reverse sensitivity effects of adjacent activities.
- The extent to which the activity may adversely impact on the transport network.

<sup>4</sup> Evidence of Mr Frenz, on behalf of Ministry of Education [781]

- d. The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood, with particular regard to the bulk of the buildings.<sup>5</sup>
- e. The extent to which the activity may adversely impact on the noise environment.

## 7.5 Section 32AA evaluation

42. The amendments do not alter the s32AA evaluation that I have undertaken as a part of my original report (paragraphs 235-244) and as such, will not be repeated here.

## 8 Education facilities - Policy

### 8.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Keith Frenz on behalf of the Ministry of Education	Paragraph 5.14, page 8	Ministry of Education [781.16]

### 8.2 Analysis – Education facilities policy

43. Mr Frenz on behalf of The Ministry of Education has stated that in paragraph 5.14 of his evidence that: *“In addition, in the absence of any supporting policy framework there should be new policies in each zone that enable educational facilities, for example:*

*New Policy – Education facilities*

*(a) Provide for education facilities in the [Insert Name of Zone] zone.”*

44. With respect to the policy sought for education facilities, I note that the original submission includes similar relief sought for a number of zones, but not the Village Zone. As the original submission does not include any relief for consequential amendments, it may be out of scope.

## 9 Community corrections activities

### 9.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Sean Grace on behalf of The Department of Corrections	Pages 1-5	The Department of Corrections [496.9]
S42A report	Paragraphs 270-275, pages 94-95	

<sup>5</sup> Evidence of Mr Frenz, on behalf of Ministry of Education [781]

## 9.2 Analysis

45. Mr Grace on behalf of The Department of Corrections disagrees with my recommendations regarding 'Community corrections activities' and requests, in light of the recommendations from Topic 5: Definitions, that 'Community corrections activities' be instead listed within Rule 24.1.3 – Discretionary Activities.
46. In my report (paragraph 272) I recommended that submission point 496.9 be accepted.

## 9.3 Recommendations

47. I agree with and I am persuaded by, the comments made by Mr Grace and concur with the amendments sought, noting that the original submission includes scope for the activity to be subject to a resource consent.
48. My recommendation on the submission point [496.9] remains unchanged (accept), although the amendment I have recommended has changed as a result of the evidence provided.

## 9.4 Recommended amendments

49. I therefore make the following amendments to my initial recommendations:
- 24.1.1  
P5 Community activity ~~Nil Excluding a community correction activity~~<sup>6</sup>
- 24.1.3  
~~D3 Community corrections activities Nil~~<sup>7</sup>

## 9.5 Section 32AA evaluation

50. The amendments do not alter the s32AA evaluation that I have undertaken as a part of my original report (paragraphs 274-275) and as such, will not be repeated here.

# 10 Hose drying tower

## 10.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Craig Sharman on behalf of Fire and Emergency New Zealand	Paragraphs 9-34, Pages 9-13	Fire and Emergency New Zealand [378.49]
S42A report	Paragraphs 435 and 442, pages 134-135	

<sup>6</sup> Evidence of Mr Grace, on behalf of Department of Corrections [496]

<sup>7</sup> Evidence of Mr Grace, on behalf of Department of Corrections [496]

## 10.2 Analysis

51. Mr Sharman on behalf of Fire and Emergency New Zealand disagrees with my recommendation regarding their specific request for hose drying towers to be exempt.
52. In my report (paragraph 442) I recommended that submission point [378.49] be rejected.
53. Mr Sharman notes that the towers would not have unintended consequences and that the hose drying towers are necessary at some stations, in preparation for further emergency responses. It is also stated that Fire and Emergency do have other methods of drying hoses, including taking them off-site.

## 10.3 Recommendations

54. While I do agree with the comments to a degree, I am still of the opinion that it can be a matter that can be assessed as a part of a resource consent process and does not need a specific exemption. Accordingly, I have not changed my recommendations with regard to the request to exempt hose drying towers from Rule 24.3.3.1 – Height – Building general.

# 11 Heritage and signs/earthworks

## 11.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Carolyn Anne McAlley on behalf of Heritage New Zealand Pouhere Taonga	24.2.7.1 – Signs - General (P2) and the associated Restricted Discretionary rule - Paragraphs 4.1(a), 4.1(b), Pages 4-5  Advice note – Paragraph 4.2(a), page 5  Earthworks Policy 4.3.15, paragraphs 4.3(a) – 4.3(d), pages 5-6	Heritage New Zealand Pouhere Taonga [559.87], [FS1323.91]  Heritage New Zealand Pouhere Taonga [559.87], [FS1323.91]  Heritage New Zealand Pouhere Taonga [559.46], [FS1323.34]
S42A report	24.2.7.1 – Signs - General (P2) and the associated Restricted Discretionary rule and advice note, paragraphs 366 – 368, page 121  Earthworks Policy 4.3.15, paragraph 117, page 63	

55. Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga has disagreed with my recommendations regarding the sign rules 24.2.7.1 – Signs - General (P2) and the associated Restricted Discretionary rule.

56. In my report (paragraph 394, page 124) I recommended that submission point [559.87] be rejected.
57. Carolyn McAlley states that this methodology (rules) does not relate to the individual nature of the heritage buildings and that the permitted activity standards are not sufficiently robust to ensure that effects are managed. An example rule from Waipa District Council has been provided if there is interest in maintaining the permitted activity approach. It is noted that additional consideration is desired for how a sign would be installed, with the preference being that any earthworks associated with the installation would be subject to the relevant earthworks rule.
58. Regarding the advice note sought (paragraph 4.2(a) of the evidence), it has been outlined that the submitter supports cross-referencing and that the advice note itself may be brief.
59. In terms of Policy 4.3.15, the evidence provided raises concerns that Policy 7.1.3 – Heritage Items does not sufficiently address earthworks on built heritage and historic places, as aspects such as new parking areas, new paths, removal of original gardens, landscaping and changes to the ground levels have not been captured. It is the preference that explicit reference be made to Earthworks within Policy 7.1.3 (paragraph 4.3(d)).
60. In my report (paragraph 121) I recommended that submission point [559.46] be rejected.

## 11.2 Recommendations

61. With respect to the evidence provided regarding rules 24.2.7.1 – Signs - General (P2) and the associated Restricted Discretionary rule, I am not persuaded. I am still of the opinion that a sign of up to 0.25m<sup>2</sup> would be unlikely to compromise the feature/site. With respect to the query as to whether or not an earthworks rule would be triggered for a pole installation, I note that the planning standards definition of earthworks which has been recommended in the s42A report for Topic 5: Definitions, excludes fence posts. It is my opinion that this exclusion would not extend to earthworks for a pole, as the two have very different functions. Accordingly, earthworks for a pole would likely be subject to Rule 24.2.4.2 Earthworks for Maaori Sites and Maaori Areas of Significance (where applicable). As such I have not changed my recommendation in this instance.
62. With respect to the comments made on the advice note (paragraph 4.2(a)), I am of the opinion that clutter of the plan should still be avoided, and add that such an advice note could become lengthy if individual cross-references to all of the heritage-related rules were included. Accordingly, my recommendation on this matter has not changed.
63. Regarding Policy 4.3.15, I disagree with the comments that Policy 7.1.3 does not address all of the matters or activities that have been raised in their evidence. In my opinion, 7.1.3 (b) in particular is reasonably broad and covers them through the words “...*inappropriate subdivision, use and development of land...*”. The words ‘use and development of land’ in particular capture the matters raised. Accordingly, I have not changed my recommendation in this instance.

## 12 Railway setback

### 12.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Pam Butler on behalf of KiwiRail Holdings Ltd	Paragraphs 4.11-4.13, Page 5	KiwiRail Holdings Ltd [986.69]
S42A report	Paragraph 520, page 160	

### 12.2 Analysis

64. Pam Butler on behalf of KiwiRail Holdings Ltd has disagreed with my recommendation regarding the non-inclusion of *'The outcome of any consultation with KiwiRail'*. The reasons provided by Pam Butler are outlined in paragraph 4.12 of the evidence.
65. In my report (paragraph 522, page 161) I recommended that the submission point [986.69] be accepted in part.

### 12.3 Recommendations

66. I remain unchanged in my opinion on this matter and think that whether or not KiwiRail would need to be consulted with will be addressed through the resource consent process. In my experience, any encroachment that is not minimal in a situation like this would likely trigger the need for the party to consult with KiwiRail.

## 13 Railway and signs

### 13.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Pam Butler on behalf of KiwiRail Holdings Ltd	Paragraphs 3.1-3.6, Pages 2-3	KiwiRail Holdings Ltd [986.23] KiwiRail Holdings Ltd [986.121]
S42A report	Paragraph 184, page 76 ([986.23]) Paragraph 520, page 160 ([986.121])	

### 13.2 Analysis

67. Pam Butler on behalf of KiwiRail Holdings Ltd has disagreed with my recommendations regarding 'road' verses 'land transport'. It is the preference of KiwiRail that 'land transport'

be used in both Policy 4.4.7 and associated Rule 24.2.7.2(P1)(a) to encapsulate the rail users as well.

68. In my report (paragraph 394) I recommended that submission point 986.121 be accepted in part.
69. In my report (paragraph 193) I recommended that submission point 986.23 be rejected.
70. I agree with the intent of the amendments sought by KiwiRail in this regard, and there would be benefit in encapsulating the rail users as well. There is a risk that 'land transport' as a term may leave some plan users uncertain as to what exactly it may address, especially when compared to the plain English version of 'road user'. An alternative that would achieve the same outcome would be '*...road or rail user...*' as this would address both road and railway while being user-friendly in its language, and I recommend this approach.

### 13.3 Recommendations

71. In light of the above comments, the s42A recommendation for KiwiRail Holdings Limited [986.23] and [986.121] remains unchanged, although it should be noted that I agree in principle with the outcome sought by their evidence and have recommended amendments accordingly. My recommendations for the other submissions addressed above have not changed.

### 13.4 Recommended amendments

72. I therefore make the following amendments to my initial recommendations:

4.4.7 Policy – Managing the adverse effects of signs

(a) The location, colour, content, and appearance of signs directed at or visible to road users ~~traffic~~ is controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road or rail<sup>8</sup> users;

24.2.7.2 Signs - Effects on Traffic

PI (a) Any sign directed at road or rail<sup>9</sup> users must comply with the following conditions:

### 13.5 Section 32AA evaluation – addition of 'or rail'

73. The recommended amendments to Policy 4.4.7 and Rule 24.2.7.2 are to provide clarification to assist with the understanding of the purpose/intent of the rules and how they are to be assessed. Accordingly, no s32AA evaluation has been required to be undertaken.

<sup>8</sup> Evidence of Pam Butler, on behalf of KiwiRail [986]

<sup>9</sup> Evidence of Pam Butler, on behalf of KiwiRail [986]

## 14 Home occupation – Traffic numbers

### 14.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Tanya Running on behalf of New Zealand Transport Agency	Paragraphs 5.1-5.4, Page 3	New Zealand Transport Agency [742.145]
S42A report	Paragraphs 278-282, page 96	

### 14.2 Analysis

74. Tanya Running on behalf of the New Zealand Transport Agency has elaborated on the reasoning for the amendments sought. It has been highlighted that it would be the preference for a new condition to be provided to the home occupation rule limiting vehicle movements.
75. In my report (paragraph 282) I recommended that the submission point [742.145] be rejected.
76. In Ms Running's evidence, Rule 14.12.1.4 P4 (1)(a) has been highlighted as a rule that would apply, but in their view, it allows for a scale of traffic that is above what a typical home occupation would generate.

### 14.3 Recommendations

77. I do agree that the traffic movements specified in Rule 14.12.1.4 P4 (1)(a) are of a scale that is far beyond that which would typically occur from a home occupation, but without advice from a relevant expert I do not know what the appropriate level of traffic would be. I also agree that a condition on the traffic movements would be appropriate for home occupations.
78. I invite the submitters to provide evidence at the hearing as to what may be the appropriate level of traffic movements for a home occupation in the Village Zone. Accordingly, my recommendation at this time remains unchanged.

## 15 Signs

### 15.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Tanya Running on behalf of New Zealand Transport Agency	Policy 4.4.7 – managing the adverse effects of signs Paragraphs 6.1-6.2, Pages 3-4	New Zealand Transport Agency [742.25]

	Rule 24.2.7.2 PI – Signs – Effects on traffic, paragraphs 7.1-7.4, page 4	New Zealand Transport Agency [742.149]
S42A report	Policy 4.4.7 – paragraphs 187-191, pages 76-77  Rule 24.2.7.2 PI – Signs – Effects on traffic - Paragraphs 385-387, page 123	

## 15.2 Analysis – Policy 4.4.7

79. In my report (paragraph 193) I recommended that submission point [742.25] be accepted in part.
80. Tanya Running on behalf of the New Zealand Transport Agency has reiterated their stance regarding the amendments sought to Policy 4.4.7, and has proposed slightly different wording to that provided in their original submission [742.25], with the additional wording being (“...on road users...” – paragraph 6.2, page 4 of the evidence).

## 15.3 Recommendations

81. While I appreciate the additional wording that has been suggested, my recommendation does not change, as the term ‘avoided’ is still sought, and non-compliance with the relevant rule does not equate to a Non-Complying activity status.

## 15.4 Analysis – Rule 24.2.7.2 PI – Signs – Effects on traffic

82. With respect to the evidence provided regarding Rule 24.2.7.2 PI(a)(v), it has been elaborated that the amendment is sought to the Transport Agency’s brochure which was prepared with input from the Transport Agency’s Safety Engineers. It is noted that the brochure is for state highways, but in the opinion of the evidence writer, can be applied directly to local roads as well.
83. With regard to the evidence provided by the New Zealand Transport Agency on Rule 24.2.7.2 PI – Signs – Effects on traffic, I appreciate the elaboration provided by the submitter and note their view that the state highway requirements for signs should be applied to local roads as well. While Ms Running has expressed the view that it may be directly applicable to local roads, there does not appear to be any evidence provided to support that view and it is my opinion that it is unclear as to whether or not it should be applied to local roads as well. I note the suggested advice note (paragraph 7.4 of the evidence), however it would not be relevant, given that Rule 24.2.7.1 P2(a)(vii) requires any sign to be set back at least 50m from a state highway and the Waikato Expressway.

## 15.5 Recommendations

84. While taking the evidence into consideration, my opinion on this matter remains unchanged.

## **16 Policy - Whanaungatanga - Taupiri Mountain**

### **16.1 Analysis**

85. Fransiska Falconer has provided evidence regarding Taupiri Mountain and the need to be mindful of '*cultural values and/or cultural impacts*' and areas of significance, such as an urupa, being upheld. The evidence presents solutions, including any form of reducing national/local traffic flows at McVie Road, Huntly.

### **16.2 Recommendations**

86. This does not appear to be relevant to the Village Zone on this matter, rather it appears to be specific to the requests regarding Lake Kimihia and a southbound on/exit ramp near Kimihia Road or McVie Road, Huntly. It is my understanding that these are to be addressed in other topics (e.g. Other matters and maps).

## Appendix I: Table of amended recommendations

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
697.458	Waikato District Council	Neutral/Amend	Add new provisions to Chapter 24 Village Zone allowing for new retirement villages to be established as a permitted activity; AND Add provisions for alterations and additions to existing retirement villages as a Permitted Activity; AND Add new policies similar to Policies 4.2.19 and 4.2.13 (Residential Zone) to Chapter 4 Urban Environment to support the proposed provisions.	Accept	4
<i>FS1335.12</i>	<i>Greig Metcalfe</i>	<i>Support</i>		<i>Accept</i>	<i>4</i>
697.545	Waikato District Council	Neutral/Amend	Add to Chapter 4.3 Village Zone Objectives and Policies to add two new policies numbered 4.3.16 and 4.3.17 as follows: <u>4.3.16 Policy – Outdoor living court – Retirement villages (a) Require outdoor living courts or communal outdoor living courts to be usable and accessible. 4.3.17 Policy – Retirement villages (a) Provide for the establishment of new retirement villages and care facilities that: (i) Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people; (ii) Promote visual integration with the street scene, neighbourhoods and adjoining sites; (iii) Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living; (iv) Housing and care facilities for older people can require higher densities; (v) Provide high quality on-site amenity; and (vi) Integrate with local services and facilities, including public transport. (b) Enable alterations and additions to existing retirement villages that: (i) Promote visual integration with the street scene, neighbourhoods and adjoining sites; (ii) Recognise that housing and care facilities for older people can require higher densities; (iii) Provide high quality onsite amenity; and (iv) Integrate with local services and facilities, including public transport and alternative</u>	Accept	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<u>transport modes.</u>		
FS1004.6	Tamahere Eventide Home Trust- Tamahere Eventide Retirement Village (submitter 769)	Support	Allow submission point 697.545	Accept	4
FS1004.10	Tamahere Eventide Home Trust-Atawhai Assessi Retirement Village (submitter 765)	Support	Allow submission point 697.545	Accept	4
602.46	Grieg Metcalfe	Oppose	Add a new rule to Rule 24.1.1 Permitted Activities for "A new retirement village or alterations to an existing retirement village" and appropriate activity-specific conditions. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Accept	4
FS1187.9	Greig Developments No 2 Limited	Support	Support submission point 602.46.	Accept	4
FS1308.84	The Surveying Company	Support		Accept	4
689.17	Greig Developments No 2 Limited	Neutral/Amend	Add a new permitted activity to Rule 24.1.1 Permitted Activities as follows: <u>A new retirement village or alterations to an existing retirement village.</u>	Accept	4
746.124	The Surveying Company	Neutral/Amend	Add a new permitted activity to Rule 24.1.1-Permitted activities as follows: <u>A new retirement village or alterations to an existing retirement village.</u>	Accept	4
697.942	Waikato District Council	Neutral/Amend	Add a new activity to Rule 24.1.1 after P8 for retirement villages, as follows: <u>A new retirement village or alterations to an existing retirement</u>	Accept in part	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p><u>village: Activity Specific Conditions: (a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha; (b) The site is either serviced by or within 400m walking distance of public transport; (c) The site is connected to public water and wastewater infrastructure; (d) Minimum living court or balcony area and dimensions: (i) Apartment – 10m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; (e) Minimum service court is either: (i) Apartment – Communal outdoor space (ie no individual service courts required) of at least 5m<sup>2</sup> with a minimum dimension of 1.5 metres for each apartment; or (ii) All other units – 10m<sup>2</sup> with a minimum dimension of 1.5 metres for each unit; (f) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high; (g) The following Land Use – Effects rule in Rule 24.2 does not apply: (i) Rule 24.2.7 (Signs); (h) The following Land Use – Building rules in Rule 24.3 do not apply: (i) Rule 24.3.1 (Dwelling); (ii) Rule 24.3.3 (Building Height); (j) The following Infrastructure and Energy rule in Chapter 14 does not apply: (i) Rule 14.12.1 P4(1)(a) (Traffic generation).</u></p>		
FS1187.111	Greig Developments No 2 Limited	Support	Support submission point 697.942	Accept in part	4
FS1308.114	The Surveying Company	Support		Accept in part	4

## Appendix 2: Recommended amendments

### 4.3.16 Policy – Outdoor living court – Retirement villages

- (a) Require outdoor living courts or communal outdoor living courts to be usable and accessible.

### 4.3.17 Policy – Retirement villages

- (a) Provide for the establishment of new retirement villages and care facilities that:
- (i) Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;
  - (ii) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
  - (iii) Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;
  - (iv) At higher densities where appropriate for Housing and care facilities for older people;
  - (v) Provide high quality on-site and neighbourhood amenity; and
  - (vi) Integrate with local services and facilities, including public transport.
- (b) Enable alterations and additions to existing retirement villages that:
- (i) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
  - (ii) Recognise that housing and care facilities for older people can require higher densities;
  - (iii) Provide high quality on-site amenity; and
  - (iv) Integrate with local services and facilities, including public transport and alternative transport modes.<sup>10</sup>

### 4.4.7 Policy – Managing the adverse effects of signs

- (a) The location, colour, content, and appearance of signs directed at or visible to road users ~~traffic~~ is controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road or rail <sup>11</sup>users;

## Rule 24.1.1 – Permitted Activities

### 24.1.1

P5 Community activity Nil ~~Excluding a community correction activity<sup>12</sup>~~

<sup>10</sup> Waikato District Council submissions [697.545], [697.458]

<sup>11</sup> Evidence of Pam Butler, on behalf of KiwiRail [986]

<sup>12</sup> Evidence of Mr Grace, on behalf of Department of Corrections [496]

### 24.1.2 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

Activity RDI Education facilities ~~not exceeding 200m<sup>2</sup> gross floor area~~.<sup>13</sup>

Council's discretion shall be restricted to the following matters:

- a. The extent to which it is necessary to locate the activity in the Village Zone.
- b. Reverse sensitivity effects of adjacent activities.
- c. The extent to which the activity may adversely impact on the transport network.
- d. The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood, with particular regard to the bulk of the buildings.<sup>14</sup>
- e. The extent to which the activity may adversely impact on the noise environment.

#### Activity RD2 – Tuakau, Pokeno and Te Kowhai

A new retirement village or alterations/additions to an existing retirement village:

Activity-Specific Conditions:

- (a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha;
- (c) The site is connected to public water and wastewater infrastructure;
- (d) Minimum living court or balcony area and dimensions:
  - (i) Apartment – 10m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;
  - (ii) Studio unit or 1 bedroom unit – 12.5m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; or
  - (iii) 2 or more bedroomed unit – 15m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;
- (e) Minimum service court is either:
  - (i) Apartment – Communal outdoor space (ie no individual service courts required) of at least 5m<sup>2</sup> with a minimum dimension of 1.5 metres for each apartment; or
  - (ii) All other units – 10m<sup>2</sup> with a minimum dimension of 1.5 metres for each unit;
- (f) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high;
- (h) The following Land Use – Building rules in Rule 24.3 do not apply:
  - (i) Rule 24.3.1 (Dwelling);
  - (ii) Rule 24.3.3 (Building Height);
- (i) The following Infrastructure and Energy rule in Chapter 14 does not apply:
  - (i) Rule 14.12.1 P4(1)(a) (Traffic generation).<sup>15</sup>

<sup>13</sup> Evidence of Mr Frenz, on behalf of Ministry of Education [781]

<sup>14</sup> Evidence of Mr Frenz, on behalf of Ministry of Education [781]

Council's discretion shall be restricted to the following matters:

(a) Infrastructure and servicing:

(i) Servicing and capacity in the public reticulated water supply and wastewater network to service the proposed development.

(b) Building intensity, scale, location, form and appearance:

(i) Whether the development, while bringing change to existing environments, is appropriate to its context taking into account:

- intensity and scale of the activity;
- the building location;
- form and appearance

(c) Appropriate response to context with respect to structure plans, subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles

(c) Traffic:

(i) Integration of public transport opportunities such that the activity does not create high levels of additional nonresidential traffic on roads.

(ii) Number of traffic movements, effects on safety and efficiency of road network, pedestrian access

(d) Design of parking and access:

(i) Whether adequate parking and access is provided.

(ii) Location of entrance

(e) Residential amenity for neighbours, in respect to outlook, privacy, noise, odour and light spill through site design, building, living court, service court, orientation, internal layouts, landscaping and use of screening

(f) Number and density of residential units

(g) Number of residents living on site

### **24.1.3 Discretionary Activities**

D3 Community corrections activities Nil<sup>16</sup>

#### 24.2.7.2 Signs - Effects on Traffic

PI (a) Any sign directed at road or rail<sup>17</sup> users must comply with the following conditions:

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<sup>15</sup> Waikato District Council submission [697.942], Greig Metcalfe submission [602.46], Greig Developments No 2 Limited submission [689.17], The Surveying Company submission [746.124]

<sup>16</sup> Evidence of Mr Grace, on behalf of Department of Corrections [496]

<sup>17</sup> Evidence of Pam Butler, on behalf of KiwiRail [986]