

**DECISION REPORT ON SUBMISSIONS TO THE WAIKATO DISTRICT PLAN
- PLAN CHANGE 8: TECHNICAL AMENDMENTS**

FROM: The Hearing Commissioners for the Waikato District Council being Dr Phil Mitchell (Chair), Cr Dynes Fulton and Cr Janet Gibb

DATE: **16 June 2016**

SUBJECT: Waikato District Plan – Plan Change 8: Technical Amendments

HEARING DATE: 27 April 2016

SUMMARY OF DECISIONS: The Commissioners have decided that:

- (a) Plan Change 8 is approved subject to the amendments described in this report; and
- (b) The submissions be accepted, accepted in part or rejected in accordance with the reasons set out in this report.

SUMMARY OF PLAN CHANGE

Relevant Regional or District Plan/s	Waikato District Plan: Waikato Section
Status of document	Operative
Number and name of Plan Change	Plan Change 8: Technical Amendments
Type of Change	Council-initiated
Date of notification of proposed Plan Change	19 October 2015
Submissions received	2
Date summary of submissions notified	8 April 2016
Number of further submissions received	2
Main issues or topics emerging from all submissions	<ul style="list-style-type: none"> ▪ The definitions of: <ul style="list-style-type: none"> ○ "kitchen"; ○ "dwelling"; ○ "indicative road"; ○ "Industrial Activity"; ○ "building"; and ○ "peak hour" ▪ Various Plan mapping details ▪ Amendments to building setback rules ▪ Including a new rule for "Buildings for productive rural activities" ▪ Road hierarchy details ▪ In addition we identified a number of technical drafting issues.

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1. INTRODUCTION

This decisions report relates to Plan Change 8: Technical Amendments (hereafter referred to as “PC8”) to the Waikato District Plan: Waikato Section and addresses the submissions that were received in respect of it. Two submissions and two further submissions were received on PC8.

The background to PC8 and a summary of its contents are provided in Section 2 of this report, while Section 3 sets out the statutory requirements of the Resource Management Act 1991 (“RMA”) in respect of plan changes. Sections 4 and 5 provide a summary of the hearing proceedings and the subsequent adjournment, respectively. Our decisions on submissions are set out in Section 6. The decision stating whether the relief sought in the submissions has been accepted, accepted in part, or rejected is provided at the conclusion of each submission topic.

Where amendments have been made to PC8, these are included as red tracked changes to the notified PC8 text in **Appendix 2**.

2. PLAN CHANGE 8

2.1 Background

The Waikato District Plan (“**District Plan**”) was made operative on 5 April 2013.

PC8 proposes to make a number of minor changes to the Waikato Section of the Waikato District Plan. These technical amendments predominantly consist of changes to rules and definitions necessary to enhance their clarity for interpretation and improve the efficiency of some rules for the end user by being more permissive regarding their activity status. Additionally, PC8 also proposes to delete a number of indicative roads from the Planning Maps of the District Plan to reflect either an alternative formed road layout or landowner requests for the deletion of a number of indicative roads.

2.2 Summary of PC8

By way of summary, PC8 proposes the following amendments to the District Plan¹.

- To include a new definition of “kitchen”, as follows:

Definition of kitchen:

Means any space, facility or room for the storage, preparation and/or cooking of food, washing of utensils and disposal of wastewater. It includes any two or more of the following in the same space, facility or room; a sink, an oven, stove or separate hob. A small scullery or utility room accessed only from the kitchen is included as part of one kitchen. This definition excludes a microwave or an outside kitchen.

-
- Text shown in black is from the Operative District Plan.
 - Text shown in red and underlined is new text introduced into the District Plan by the notified version of PC8.
 - Text shown in ~~red and struck through~~ is text deleted from the District Plan by the notified version of PC8.

- To amend the definition of “dwelling”, as follows:

Definition of dwelling:

A building for the occupation of a single household unit containing one kitchen. It includes a dependent person’s dwelling.

- To amend the definition of “indicative road”, as follows:

Means an indicative road shown any area identified on the Planning Maps as an indicative road. It shall not include any area identified on the Planning Maps as an indicative road where a subdivision on that property has been approved by Council and consent has not lapsed.

- To amend the definition of “industrial activity”, as follows:

Means the processing, manufacturing, fabricating, packing or storage of goods in a warehouse or purpose built unit, and includes servicing and repair activities, rural industries, electricity generation (excluding wind energy facilities) and stockpiling of coal but excludes farming and temporary events.

- To amend the definition of “building”, as follows:

Has its meaning in the Building Act 2004, excluding:

- (a) a pergola, not roofed or enclosed, less than 3 metres in height, or
- (aa) a swimming pool, ornamental pool, deck, or other structure not roofed or enclosed, less than 1.5 metre in height, or
- (b) a fence, or a wall other than a retaining wall, less than 2 metres in height, or
- (c) a retaining wall or retaining structure less than 1.5 metres in height, provided that where a fence or non-retaining wall is placed at the top of the retaining wall, the combined height is less than 2 metres².
- (d) Tanks up to 35,000 litres in capacity that protrude a maximum of 1 metre above natural ground level.

- To include a new definition of “peak hour”, as follows:

Definition of peak hour:

When the hourly traffic flow on the adjacent road (or intersection) is at its highest within a 24 hour period

- To amend various planning maps to delete “indicative roads” where either an alternative road layout has been authorised and formed, or when landowners have requested it (and the Council agrees).
- To amend building setback rules in the rural zone (Rules 25.54 and 25.55) to make it clear that a building requires resource consent as a discretionary activity if a minimum setback requirement is not satisfied at any boundary with a neighbouring property.
- To include an amendment to Rule 25.52 regarding “non-residential buildings” and a new Rule 25.52A in respect of “buildings for productive rural activities”, as follows:

² The text “, or” was omitted from the notified proposed

25.52 Non-residential building

ITEM	PERMITTED	RESOURCE CONSENT
25.52 Non-residential building	<p>25.52.1 Construction or alteration of a non-residential building is a permitted activity if:</p> <p>a) the gross floor area of any <u>each</u> non-residential building does not exceed 400m² <u>500m²</u>, and</p> <p>b) the gross floor area of any non-residential building on a site of less than 2 ha does not exceed 250m².</p> <p><u>Note:</u> <u>This rule does not apply to buildings for productive rural activities. For this, refer to rule 25.52A.</u></p>	25.52.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

25.52A Buildings for productive rural activities

ITEM	PERMITTED	RESOURCE CONSENT
<u>25.52A Buildings for productive rural activities</u>	<p><u>25.52A.1 Construction or alteration of a building used for productive rural activities is a permitted activity if:</u></p> <p>a) <u>the gross floor area of each building does not exceed 1000m².</u></p>	-

- To amend the District Plan's "Roading Hierarchy" to reflect the changes resulting from completion of the Waikato Expressway.
- To include a new definition of "gross land area", as follows:

Gross land area

Means the area of all the land within a particular stage of the Horotiu Industrial Park. Specifically;

Stage 1 – 26ha gross land area;

Stage 2 – 30ha gross land area;

Stage 3 – 84ha gross land area.

- To clarify the "sale of liquor" rule in all zones to ensure alignment with the Sale and Supply of Alcohol Act 2012, to read as follows
- To clarify the wording of the "plant or animal effluent disposal" rules in all zones.

- To clarify the “temporary events” rules in all zones to make it clear that the 500 person limit applies to each temporary event.
- To amend the “home occupation” rules in the Country Living Zone to make them consistent with the rules introduced via Plan Change 3 for the Tamahere Countryside Living Zone.
- To amend the “earthworks” rules in various zones to improve the purpose and clarity of the rules.
- To include two new rules to address an anomaly regarding the stopping of paper roads and the requirement in certain circumstances for the Council to take an esplanade reserve under the Local Government Act.
- To amend the existing rule relating to “esplanade reserves and esplanade strips” in the Country Living Zone (Rule 27.70) to make it consistent with the format of similar rules for other zones.

3. STATUTORY REQUIREMENTS – RESOURCE MANAGEMENT ACT 1991

The matters to be considered by a territorial authority in preparing or changing a district plan are set out in section 74 of the RMA. Section 74(1) requires the territorial authority to carry out this duty in accordance with its functions as set out under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32 and any regulations. More specifically, section 74(2) sets out the matters to which regard shall be had when preparing or changing a district plan:

- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
 - (a) any—
 - (i) proposed regional policy statement; or
 - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
 - (b) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (ii) [Repealed]
 - (iia) relevant entry in the Historic Places Register; and
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—

to the extent that their content has a bearing on resource management issues of the district; and
 - (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

In accordance with section 75 of the Act, a district plan must give effect to any national policy statement, any New Zealand coastal policy statement and any regional policy

statement. It must also not be inconsistent with a water conservation order or a regional plan.

The functions of a territorial authority are set out in section 31(1) of the RMA which include the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district.

Section 32 of the Act seeks to ensure that the costs and benefits of proposed plan provisions are considered and that the proposed controls are justified. Each objective that is proposed has to be examined with regard to the extent to which it is the most appropriate way to achieve the purpose of the RMA, taking into account the benefits and costs of the proposed policies, rules or other methods and the risk of acting, or not acting, if there is uncertain or insufficient information about the subject matter of those policies, rules or other methods. Any rules or other methods should be aimed at achieving the objectives and policies. A section 32 assessment was prepared and made available as part of the public notification process for PC8.

The process for plan changes is set out in the First Schedule of the RMA. Clause 10 of the First Schedule states a local authority must give a decision on the provisions and matters raised in the submissions and must include the reasons for accepting or rejecting any submissions. However, it is not required to address each submission individually.

All of the above is guided by the overarching purpose and principles of the RMA as set out in Part 2 of the Act.

4. SUBMISSIONS AND FURTHER SUBMISSIONS

PC8 attracted two submissions, one each from Mr Craig Smith and the Waikato District Council. Two further submissions were received, one from the Property Council of New Zealand ("PCNZ") and one from Mr Bruce Davidson.

The submissions and further submissions raised the following points.

Mr Smith

Mr Smith is opposed to the proposed amendments to the definition as this will mean that a dwelling with more than one kitchen will be classified as two dwellings. Mr Smith states that a dwelling that has more than one kitchen does not contribute to a 'greater dwelling density' as it is simply one dwelling. He considered that if the Council's concern is with the number of dwellings in the Rural Zone and that second dwellings be utilised for farm workers then it should make second dwellings a non-complying activity.

In relation to this matter Mr Smith also states that it is not clear from the section 32 Report which objectives and policies are inconsistent with the current situation and how the proposed amendment will address the inconsistency and what the issue is with dependent persons dwelling. Additionally, the submission states the section 32 Report does not explain the environmental costs of the status quo option as receiving applications for large houses is not an environmental cost. Furthermore, Mr Smith considers that the section 32 Report does not define the economic costs or the benefit for affected families.

Mr Smith is also concerned that although the section 32 Report details the social benefit of families being able to live within the one building, there is no recognition that for many families a 70m² dependent persons dwelling is insufficient.

Mr Smith requests that the limit of one kitchen per dwelling within the dwelling definition is deleted and amend the definition of dwelling or household unit, or both, to clarify that a household unit comprising extended family falls under the definition of a household unit.

Waikato District Council

The Council submission requests a number of drafting amendments to further improve the clarity and implementation of PC8. These submissions are, in effect, “matters of detail” around drafting (rather than supporting or opposing the intention of PC8. As such we do not summarise them individually here, save for addressing the definition of kitchen because that is the subject of both further submissions. The Council’s submission sought that the definition of “kitchen” be amended, as follows:

...any space, facility or room for the storage, preparation and/or cooking of food, washing of utensils and disposal of wastewater. It includes ONE of the following: a sink, an oven, stove or separate hob. An incidental scullery or utility room is included as part of one kitchen. This definition excludes a microwave or an outside kitchen.

Property Council of New Zealand

PCNZ’s further submission opposes the revised definition of “kitchen” contained in the Council’s submission, as this is a significant alteration to the notified proposal and this may disadvantage parties who did not lodge a submission because they were satisfied that a dwelling could contain a kitchen and a kitchenette.

PCNZ is concerned that any residential building that includes a kitchen and a kitchenette or bar will be treated as if it were two dwellings under one roof, and therefore require a resource consent and payment of development contributions.

PCNZ agrees that it is appropriate for the District Plan to limit the number of household units in a residential building, but does not agree that preventing kitchenettes and bars is the appropriate mechanism for doing so. The PCNZ further submission therefore supports the notified version.

Mr Davidson

Mr Davidson’s further submission arises from his intention to build an independent person’s dwelling and that the Council has advised him that they would like the kitchen removed once the dependent person no longer requires the property.

He cited problems in Hart Road where houses are being used for student accommodation and each bedroom contains a bathroom and a quasi-kitchen. He considers this to create amenity problems but that an independent person’s dwelling does not significantly affect residential amenity.

Mr Davidson opposes the definition of kitchen set out in the Council’s submission. He considers that the revised proposed definition does not deal with the real issue, that being to prevent two dwellings on one property without interfering in the lives of people in their homes. He also considers that if a second building contains a household then it

is clearly a second dwelling and any problems could be addressed by changing the definition of household.

5. THE HEARING

A hearing for PC8 was held on 27 April 2016 in the Council Chamber, Waikato District Office, 15 Galileo Street, Ngaruawahia.

No submitters or further submitters attended the hearing, but a written statement from Property New Zealand was tabled. That written statement elaborated on the matters contained in their further submission and cited the recently reviewed Proposed Waipa District Plan as being a good example of how to control multiple household units whilst still allowing flexibility to also have facilities like kitchenettes and bars included. PCNZ confirmed that the proposed amended definition should be rejected.

Mr Troy Martin and Ms AnaMaria D'Aubert spoke to the proposal and the matters raised in submissions and explained in some detail the analyses contained in the Council's section 42A report that was pre-circulated in advance of the hearing.

We asked Mr Martin and Ms D'Aubert a number of questions about the wording of various aspects of PC8, and following that they agreed that there was merit in adjourning the hearing so that they could give further consideration to drafting details.

Accordingly, we issued the following directions on 27 April 2016:

10. We confirm our Directions as being as being:
 - a. That the Council's Hearing Secretary, Ms Sandra Kelly, is to provide a copy of these Directions to all submitters and further submitters and the relevant Council staff, as soon as it is practicable to do so.
 - b. That any changes the Council proposes to make to the PC8 provisions, together with the rationale for proposing them, are to be provided to all submitters and further submitters and to Ms Kelly no later than **5pm on Friday 13 May 2016**.
 - c. That any submitter or further submitter who wishes to provide any comments on these new proposed changes must do so in writing and provide them to Ms Kelly (either by mail or courier to the Council's postal address or by email) no later than **5pm on Friday 27 May 2016**.

Note that Ms Kelly's contact details are set out in the covering letter.

11. On receipt of all material referred to in paragraphs 10. a. and b. above, we will decide whether or not it is necessary to resume the hearing, and then issue the necessary further Directions in that regard.

The Council provided a number of proposed amendments that we address in Section 6 below. By way of summary, Council proposed further amendments to the following provisions of PC8:

- The definitions of:
 - Industrial activity
 - Dwelling
 - Kitchen, including a new definition of "kitchenette"
 - Indicative road

- Building
- Peak hour
- Home occupation rules for the Country Living Zones.
- The roading hierarchy.

PCNZ was the only submitter that provided comments on the amended provisions, stating that with some minor amendments (which we discuss in Section 6 below) the amendments would address the matters raised in their further submission.

6. DETERMINATION OF SUBMISSIONS

For the purpose of our evaluation, we have considered the submissions and further submissions on PC8 by topic, under the following headings³.

Number	Topic
1	Definitions of "kitchen" and "dwelling"
2	Definition of "indicative road"
3	Definition of "industrial activity"
4	Definition of "building"
5	Definition of "peak hour"
6	Amendments to planning maps"
7	Amendments to building setback rule
8	New rule for buildings for productive rural activities
9	Amendments to the road hierarchy
10	Other matters

Also, because:

- The drafting of the provisions has undergone various iterations to either address submission points or/and aid clarity; and
- None of the proposals affect the over-arching objectives and policies in the District Plan,

we focus below on the latest iteration of any proposed drafting amendments (being either the version circulated by the Council in accordance with our directions, or, where no changes were proposed at that time, the version presented in the section 42A report).

6.1 Topic 1: Definitions of Kitchen and Dwelling

6.1.1 Submissions

This topic is raised by both submitters and both further submitters, as discussed in Section 5 above.

The Council's latest proposal is as follows:

³ The section 42A report used these groupings, except our "Topic 1" was listed as two topics in the section 42A report

Definition of “dwelling”:

Means a building for the occupation of a single household unit containing only one kitchen and may include an additional kitchenette. It includes a dependent person’s dwelling.

Definition of “kitchen”

“Means any space, facility or surface for the storage, preparation and/or cooking of food, the washing of kitchenware, the disposal of wastewater, a food preparation bench, sink, oven, stove, hotplate or separate hob, refrigerator, dishwasher or other kitchen appliances. A small scullery or utility room accessed only from the kitchen is included as part of one kitchen. This definition excludes a microwave or an outside kitchen.”

Definition of kitchenette

Means a space which may contain a sink and does not meet the definition of a kitchen and is restricted to the purposes of tea and coffee making, drinks bar and the rinsing of utensils and does not include fixed food preparation facilities. A kitchenette shall be secondary to the main kitchen, and shall not enable part of the dwelling to be used independently as separate household unit.

6.1.2 Discussion

We deal with Mr Smith’s submission and Mr Davidson’s further submission first.

The section 42A report⁴ states:

The reasons for the proposed amendments and concern raised by [the Council in its submission] is that currently the Council’s consents team are receiving either building consents or resource consents that show large dwellings that include facilities that can be used as two kitchens which are therefore two dwellings. Furthermore, the internal layout of the proposed dwellings is such that the dwellings can be operated independently, effectively creating two dwellings under the one roof.

We are satisfied that any decision regarding the desirability, or otherwise, of having multiple dwellings in one building is, first and foremost, a policy decision. PC8 is not concerned with amending policy and the appropriate vehicle for considering whether or not to do so is the upcoming District Plan review. As it is, we are satisfied that the current District Plan framework is not designed to permit multiple household units, of the type suggested by Mr Smith, in particular, without a resource consent. That said, the proposed amended provisions that we have decided upon (see below) do go some way to liberalising what might have been the case if kitchenettes and bars etc were not able to be installed in a conventional residence.

The Council’s own submission has been superseded by its own amendment and we don’t discuss that further – it is set out in Section 6.1.1 above.

PCNZ’s suggested amendments to the amended Council proposal are shown in red below as follows:

Dwelling:

A building for the occupation of a single household unit containing only one kitchen and may include ~~an additional~~ one kitchenette. It includes a dependent person’s dwelling.

Kitchen:

Means any space, facility, surface or room for the storage, preparation and/or cooking of food, the washing of kitchenware and the disposal of wastewater and may include but not is limited to a food preparation bench, sink, oven, stove, hotplate or separate hob, refrigerator, dishwasher or other kitchen appliances. A small scullery or utility room accessed from the kitchen is included as part of one kitchen. This definition excludes a microwave or an outside kitchen.

Kitchenette:

Means any space, facility or surface which may contain a sink and does not meet the definition of a kitchen and is restricted to the purposes of tea and coffee making, a drinks bar and the rinsing of utensils and does not include fixed appliances for cooking food preparation facilities. A kitchenette shall be secondary to the main kitchen, and shall not enable part of the dwelling to be used independently as a separate household unit.

We are not satisfied that the PCNZ amendments are necessary, and in fact have the potential to create confusion in the future.

6.1.3 Decision

That submissions on Topic 1 be accepted to the extent described above and set out in Appendix 2.

6.2 Topic 2: Definition of Indicative Road

6.2.1 Submissions

The Council was the only submitter on this topic, and following our Directions, proposed the following:

Indicative road

Means any area identified on the Planning Maps as an indicative road. It shall not include any area identified on the Planning Maps as an indicative road where a subdivision on that property has been approved by Council making the indicative road redundant and consent has not lapsed.

6.2.2 Discussion

We are satisfied with the intent of this modification and consider that it “within scope” of the submissions received. Furthermore, the purpose of the amendment is to assist landowners by removing a roading classification over their properties (and freeing up its development) in circumstances where a resource consent has been granted in circumstances when an “actual road” has been approved that provides the same function as the (now redundant) indicative road.

That said, we consider the drafting could be improved, as follows:

Indicative road

Means any area identified on the Planning Maps as an indicative road. It shall not include any area identified on the Planning Maps as an indicative road where a resource consent has been granted for activities within that area and that resource consent has authorised an alternative roading layout, such that the need for the indicative road has become redundant.

6.2.3 Decision

That the submission on Topic 2 be accepted to the extent described above and as set out in Appendix 2.

6.3 Topic 3: Definition of Industrial Activity

6.3.1 Submissions

The Council was the only submitter on this topic, and following our Directions, proposed the following:

Industrial activity

Means the use of land and/or buildings for the processing, manufacturing, fabricating, packing or bulk storage of goods in a warehouse or purpose built unit, or in any other building, or outdoors and includes self-storage units, servicing and repair activities, rural industries, electricity generation (excluding wind energy facilities) and stockpiling of coal but excludes farming and temporary events.

6.3.2 Discussion

We consider this amendment to be a significant improvement over the notified proposal in that it avoids a number of drafting problems inherent in the notified version, whilst achieving its intended purpose.

That said, we consider that the reference to self-storage units extends the provision considerably beyond the notified version, and that it is therefore not within the scope of PC8 and the submission on this point. We have determined the following to be the appropriate wording:

Industrial activity

Means the use of land and/or buildings for the processing, manufacturing, fabricating, packing or bulk storage of goods, whether in a building or outdoors, servicing and repair activities, rural industries, electricity generation (excluding wind energy facilities) and stockpiling of coal but excludes farming and temporary events.

6.3.3 Decision

That the submission on Topic 3 be accepted to the extent described above and as set out in Appendix 2.

6.4 Topic 4: Definition of Building

6.4.1 Submissions

The Council was the only submitter on this topic, and following our Directions, proposed the following definition of “building” (with the change only relating to sub-clause (d) which concerns tanks:

Building

Has its meaning in the Building Act 2004, excluding:

- (a) a pergola, not roofed or enclosed, less than 3 metres in height, or
- (aa) a swimming pool, ornamental pool, deck, or other structure not roofed or enclosed, less than 1.5 metre in height, or

- (b) a fence, or a wall other than a retaining wall, less than 2 metres in height, or
- (c) a retaining wall or retaining structure less than 1.5 metres in height, provided that where a fence or non-retaining wall is placed at the top of the retaining wall, the combined height is less than 2 metres, or
- (d) tanks up to a total of 35,000 litres in capacity that protrude a maximum of 1 metre above natural ground level.

6.4.2 Discussion

We accept the intention of the amendment is sound, but consider that the wording of clause (d) should be improved, in the interests of clarity, as follows:

- (d) tanks with a total capacity of not more than 35,000 litres, provided that no part of any tank protrudes more than 1 metre above natural ground level.

6.4.3 Decision

That the submission on Topic 4 be accepted to the extent described above and as set out in Appendix 2.

6.5 Topic 5: Definition of Peak Hour and Gross Land Area

6.5.1 Submissions

The Council was the only submitter on this topic (but only in respect of the “peak hour” definition), and following our Directions, proposed the following:

Peak Hour

When the hourly traffic flow on the closest regional arterial roads on Great South Road and associated intersections on the adjacent road (or intersection) is at its highest within a 24 hour period. This relates only to the Horotiu Industrial Park.

6.5.2 Discussion

We understand and accept the intention of this amendment. However, the wording is not particularly clear and we consider that it needs to be much more clearly expressed.

The Council staff explained that this definition only related to the Horotiu Industrial Park and was needed to implement the rules package associated with that development – and in particular to measure and control the hourly traffic flows on the nearby District Council roads, being Great South Road and its intersections. We accept that reasoning, but do not consider that the proposed wording makes that clear. Accordingly, we have determined that the definition should be rewritten, as follows:

Peak Hour

Means the highest hourly traffic flow in a 24 hour period on either Great South Road immediately adjacent to the Horotiu Industrial Park; or the nearest intersections on Great South Road to the Horotiu Industrial Park.

This definition only applies to the Horotiu Industrial Park.

There were no submissions on the definition of Gross Land Area and we adopt and accept the reasoning in the section 42A report.

6.5.3 Decision

That the submission on Topic 5 be accepted to the extent described above and as set out in Appendix 2.

6.6 Topic 6: Amendments to Planning Maps

6.6.1 Submissions

PC8 proposes amendments to the road hierarchy due to the change in the State Highway network following the completion of the Waikato Expressway. However, the Council submission explains that Planning Maps ii, iii, iv, 20, 20.6, 20.7, 25, 26, 26.1 and 26.2 still show the now redundant annotation of State Highway. Accordingly, the Council submission requests that these Planning Maps are updated to remove the annotation of State Highway on them which is no longer applicable.

6.6.2 Discussion

We accept the Council submission.

The other planning map amendments are set out in Section 2.3.2 of the section 42A report and attracted no submissions. We adopt the reasoning and conclusions in the section 42A report in coming to that conclusion.

6.6.3 Decision

That the Planning Maps be amended as set out in Appendix 2.

6.7 Topic 7: Amendments to building setback rule

6.7.1 Submissions

The Council was the only submitter on this issue.

The submission points out that there was a drafting error in the notified version in Rule 25.55.2 a) of PC8 which incorrectly referred to a figure of 25 m instead of 12 m, meaning that the rules should read as follows:

25.55.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity if it is:

- a) A non habitable building within 12 m from one or more boundaries other than a road boundary if the adjoining allotment is 6 ha or more.

6.7.2 Discussion

We are satisfied that this is a typographical error made when reproducing the version of the rule in the operative plan and that the amendment should be adopted.

6.7.3 Decision

That the Council submission be accepted and the rule amended as set out above and in Appendix 2.

6.8 Topic 8: New rule for buildings for productive rural activities

6.8.1 Submissions

The Council was the only submitter on this issue.

The submission points out that there was a drafting omission in the notified version of Rule 25.52A of PC8 which inadvertently left the third column (Rule 25.52A.3) blank meaning that the activity status of an application that did not meet the requirements of Rule 25.52A.2 was not stated. The submission states that it was intended to say that such an activity was a discretionary activity.

6.8.2 Discussion

We are satisfied that this is a typographical error, noting also that if the correction was not made (i.e the column remain blank) the activity status would be inordinate and therefore be considered as discretionary in any case. As such we satisfied that the amendment should be made.

6.8.3 Decision

That the Council submission be accepted and the rule amended as set out above and in Appendix 2.

6.9 Topic 9: Amendments to the road hierarchy

6.9.1 Submissions

The Council was the only submitter on this issue and noted that there was an omission from the notified version of Appendix A, Table 8 in respect of Whatawhata Avenue. Additionally, following our Directions, one minor clarification was proposed to aid clarity, such that the table now proposed by Council staff reads as follows⁵:

Appendix A:

Table 8: Road Hierarchy

The district road hierarchy is as follows.

National Routes	Start	Finish	Road – Predominant Traffic Function
State Highway 1 (SH 1)	North district boundary	Hamilton city boundary	Main north – south route
SH 2	North district boundary	East district boundary	Main route south and east of Auckland
SH 26	Hamilton city boundary	East district boundary	Main route east from Hamilton
SH 1	Hamilton city boundary	South district boundary	Main north – south route

⁵ The changes proposed in the Council's submission are shown in blue and those made following our Directions are shown in green (with the notified changes incorporated and shown in black)

Regional Arterial Roads	Start	Finish	Road – Predominant Traffic Function
SH 1B (Gordonton Rd)	SH 1 Taupiri	Taylor Rd	Inter-regional link, access to Hamilton
SH 1B (Taylor Rd)	Gordonton Rd	Puketaha Rd	Inter-regional link
SH 1B (Puketaha Rd)	Taylor Rd	Telephone Rd	Inter-regional link
SH 1B (Telephone Rd)	Puketaha Rd	Holland Rd	Inter-regional link
SH 1B (Marshmeadow Rd)	Holland Rd	SH 26	Inter-regional link
SH 1B (Hoeka Rd)	SH 26	Tauwhare Rd	Inter-regional link
SH 1B (Marychurch Rd)	Tauwhare Rd	South east district boundary	Inter-regional link
Gordonton Rd	Taylor Rd	Hamilton city boundary	Link to Hamilton city
SH 23	Hamilton city boundary	Manukau Rd, Raglan	Access to Raglan and west coast
SH 21 (Airport Rd)	Tamahere Interchange	West district boundary	Access to airport
SH39 (Koura Dr)	SH 1 (Waikato Expressway)	SH39 (Te Kowhai Rd)	Western bypass of Hamilton City
SH39 (Te Kowhai Rd)	SH39 (Koura Dr)	SH39 (Limmer Rd)	Western bypass of Hamilton City
SH 39 (Limmer Rd)	SH39 (Limmer Rd)	SH39 (Horotiu Rd)	Western bypass of Hamilton city
SH 39 (Horotiu Rd)	SH39 (Limmer Rd)	SH 23 (Whatawhata Rd)	Western bypass of Hamilton city
SH 39 (Kakaramea Rd)	SH 23	South district boundary	Inter-regional link
Great South Rd (via Ngaruawahia)	Gordonton Rd roundabout	SH 1 (Waikato Expressway) Horotiu Roundabout	Inter-regional link, access to Hamilton

Arterial Roads	Start	Finish	Road – Predominant Traffic Function
Te Kauwhata Rd	SH 1	Main Rd	Links TeKauwhata township to SH1
Horotiu Bridge Rd	SH 1	River Rd	<u>Second river crossing north of Hamilton</u>
Victoria Rd	South district boundary	Tauwhare Rd	<u>Inter-regional link Cambridge to Morrinsville</u>
Whitikahu Rd	Gordonton Rd	East district boundary	Alternative route Hamilton – east via Tauhei Rd
Holland Rd	Ruakura Rd	Waverley Rd	Alternative route Hamilton – east
Piako Rd	Gordonton Rd	East district boundary	Alternative route Hamilton – east
Ruakura Rd	Hamilton city boundary	SH 26	Alternative route Hamilton – east
Glen Murray Rd	Te Ohaki Rd	West district boundary	Rural link
Hetherington Rd	Te Ohaki Rd	Commins Rd	Coal haul route
Hetherington Rd	Commins Rd	Highway 22	Rural link
Waverley Rd	Holland Rd	Piako Rd	Alternative route Hamilton – east
Tauwhare Rd	SH 1	SH 26	Inter-regional traffic and rural link
Platt Rd	SH 26	Tauwhare Rd	Inter-regional traffic and rural link
River Rd	SH 1	Hamilton city boundary	Alternative route between Hamilton and north
Tahuna Rd	SH 1	East district boundary	Rural link
Okaeria Rd	Waerenga Rd	SH 2	Inter-regional traffic & rural link, SH 2 Detour Route

Arterial Roads	Start	Finish	Road – Predominant Traffic Function
Waerenga Rd	Main Rd	Okaeria Rd	Inter-regional traffic & rural link
Coalfields Rd	Island Block Rd	SH 2	Coal haul route
Island Block Rd	SH 1	Coalfields Rd	Coal haul route
Puketaha Rd (less SH 1B)	Gordonton Rd	Piako Rd	Rural link
Bankier Rd	Gordonton Rd	Horsham Downs Rd	Milk haul route to Te Rapa
Lake Rd	Horsham Downs Rd	River Rd	Milk haul route to Te Rapa
Horotiu Rd	Great South Rd	SH 39	Milk haul route to Te Rapa
	Whatawhata Ave		
Ngaruawahia Rd		Horotiu Rd	Inter-regional traffic and rural link
Whatawhata Avenue	Ellery Street	Ngaruawahia Road	Inter regional traffic and rural link.

Collector Roads	Start	Finish	Road – Predominant Traffic Function
Tainui Bridge Rd	SH 1	Harris Street	Urban collector
Harris Street	Tainui Bridge	Hetherington Rd	Urban collector
Hakanoa Street	Fletcher Street	Onslow Street	Urban collector
Onslow Street	Hakanoa Street	William Street	Urban collector
Rayner Rd	SH 1	William Street	Urban collector
William Street	Onslow Street	Rayner Rd	Urban collector
Road 4	SH 23	Greenslade Rd	Urban collector
Road 5	Lorenzen Bay Rd Extension	Road 15	Urban collector
Lorenzen Bay Rd Extension	Lorenzen Bay Rd	Road 4	Urban collector
Matangi Rd	SH 26	Tauwhare Rd	Rural collector
Rotowaro Rd	Harris Street	Waikokowai Rd	Rural collector
Waingaro Rd	SH 1	Ohautira Rd	Rural collector
TePahu Rd	SH 23	South district boundary	Rural collector
Newell Rd	SH 1	Devine Rd	Country Living Collector

Scenic And Tourism Routes	Start	Finish	Road – Predominant Traffic Function
Highway 22	North boundary	Waingaro Rd	Tourism/Scenic
Waingaro Rd	Highway 22	Ohautira Rd	Tourism/Scenic
Ohautira Rd	Waingaro Rd	SH 23	Tourism/Scenic
Te Mata Rd	SH 23	Kawhia Rd	Tourism/Scenic
Kawhia Rd	Te Mata Rd	Bridal Vail Falls	Tourism/Scenic
Wainui Rd	Bow Street	Whaanga Rd	Tourism/Scenic
Waerenga Rd	TeKauwhata	Waikare Rd	Tourism/Scenic
Waikare Rd	Waerenga Rd	Waiterimu Rd	Tourism/Scenic
Waiterimu Rd	Ohinewai	Waikare Rd	Tourism/Scenic

Local Roads

All other roads are local roads. A private access will also be considered as a local road if it serves more than one lot, or more than one activity.

6.9.2 Discussion

We are satisfied that these changes are appropriate.

6.9.3 Decision

That the Council submission be accepted and the rule amended as set out above and in Appendix 2.

6.10 Topic 10: Other matters**6.10.1 Home occupation rules**

There were no submissions on this matter when PC8 was notified. Following our Directions, the Council advised that Rule 27.11.2 specified that any non-compliance with Rule 27.11 b) made the activity in question a controlled activity. However, the notified version did not address the activity status of a proposal that did not meet the other applicable performance standards.

The Council therefore proposed the following amendment⁶:

ITEM	PERMITTED	RESOURCE CONSENT
27.11 Home occupation	<p>27.11.1 A home occupation that complies with all effects and building rules is a permitted activity if:</p> <ul style="list-style-type: none"> a) it involves no more than 40m² of the total gross floor area; and b) is wholly contained within the dwelling or attached garage; and c) no more than 2 people who are not permanent residents of the site are employed at any one time; and d) the activity does not interfere with neighbour's televisions, radios, telephones or electronic equipment; and e) the activity creates no more than 4 heavy vehicle movements per day; and f) there is no unloading and loading of vehicles or the receiving of customers or deliveries before 7:30am or after 7:00pm on any day; and g) there is no operation of machinery before 7:30am or 	<p>27.11.2 A home occupation that does not comply with a condition b) for a permitted activity is a controlled activity if it is contained within an accessory building; and</p> <ul style="list-style-type: none"> a) the activity involves no more than 40sqm gross floor area, and b) no more than 2 people who are not permanent residents of the site are employed at any one time, and c) the activity does not interfere with neighbour's televisions, radios, telephones or electronic equipment, and d) the activity creates no more than 4 heavy vehicle movements per day, and e) there is no unloading and loading of vehicles or the receiving of customers or deliveries before 7:30am or after 7:00pm on any day, and f) there is no operation of machinery

⁶ We have addressed several typographical errors, but do not show them as tracked changes for each of comprehension. The changes shown in green are those now recommended by the Council, noting that the changes contained in the notified version have been accepted and shown in black

	<p>after 7:00pm on any day; and</p> <p>h) materials, machinery, trailers or heavy vehicles associated with the home occupation are not visible from a public road or neighbouring property.</p>	<p>before 7:30am or after 7:00pm on any day, and</p> <p>g) materials, machinery, trailers or heavy vehicles associated with the home occupation are not visible from a public road or neighbouring property.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • location of building/activity to boundaries of site • entrances in relation to boundaries • noise and acoustic insulation • visual amenity. <p>27.11.3</p> <p>A home occupation that does not comply with the condition for a controlled activity is a discretionary activity.</p>
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Whilst the amendment was not subject to any submissions and the amendment is, on its face substantive, we are satisfied that it is a legitimate consequential change arising from the notified version of PC8. The District Plan is replete with examples of where controlled activities must also comply with general performance standards and this situation is no different from that. Accordingly, we accept that the requested amendment should be made.

6.10.2 Submissions on other provisions

There were no submissions or further submissions on the other provisions of PC8. Nor were they addressed at the hearing.

6.10.3 Discussion

We have reviewed all those proposals and the section 32 report and are satisfied that all these provisions are appropriate.

6.10.4 Decision on other provisions

That these provisions of PC8, as set out in Appendix 2, be approved.

7. DECISIONS

Pursuant to clause 10 of the First Schedule of the RMA, we have decided that:

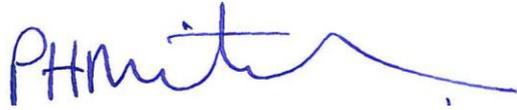
- (a) **Plan Change 8 to the Waikato District Plan is approved with amendments, as set out in Appendix 2; and**
- (d) **The submissions seeking changes to Plan Change 8 be accepted, accepted in part or rejected;**

for the reasons set out in this decision.

For the avoidance of doubt we confirm that we have considered the submissions, further submissions and drafting amendments in accordance with sections 32 and

32AA of the RMA. Having done so, we are satisfied that the section 32 report prepared by the Council is appropriate and can be relied upon. This decision has only served to refine / clarify / simplify the drafting, and as such we are satisfied that the provision set out in Appendix 2 meet the requirements of section 32AA.

Signed by:



For and on behalf of Dr P H Mitchell, Cr D Fulton and Cr J Gibb

APPENDIX 1

Commissioners' Directions

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Proposed Plan Change 8 to the
Waikato Section of the Waikato
District Plan

DIRECTIONS FROM HEARING COMMISSIONERS

A. Introduction

1. We were appointed by the Waikato District Council (“**the Council**”) to hear and make decisions on Proposed Plan Change 8 to the Waikato Section of the Waikato District Plan (“**PC8**”).
2. The hearing of PC 8 was held on 27 April 2016. Council staff were present and spoke to the pre-circulated section 42A report, and a written statement from the Property Council of New Zealand was tabled. No submitters or further submitters were in attendance.
3. At the conclusion of the Council’s oral presentation to us, Council staff requested that the hearing be adjourned so that they could give further consideration to matters raised by us and in submissions / further submissions.
4. We agreed to that request and adjourned the hearing. In doing so, we made a number of Directions about the process to be followed, as we set out below.

B. Directions

10. We confirm our Directions as being as being:

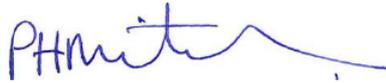
- a. That the Council’s Hearing Secretary, Ms Sandra Kelly, is to provide a copy of these Directions to all submitters and further submitters and the relevant Council staff, as soon as it is practicable to do so.
- b. That any changes the Council proposes to make to the PC 8 provisions, together with the rationale for proposing them, are to be provided to all submitters and further submitters and to Ms Kelly no later than **5pm on Friday 13 May 2016**.
- c. That any submitter or further submitter who wishes to provide any comments on these new proposed changes must do so in writing and provide them to Ms Kelly (either by mail or courier to the Council’s postal address or by email) no later than **5pm on Friday 27 May 2016**.

Note that Ms Kelly’s contact details are set out in the covering letter.

11. On receipt of all material referred to in paragraphs 10. a. and b. above, we will decide whether or not it is necessary to resume the hearing, and then issue the necessary further Directions in that regard.

Signed for and on behalf of:

P Mitchell, F Dynes and J Gibb (Hearing Commissioners)

A handwritten signature in blue ink, appearing to read 'PH Mitchell', with a long horizontal flourish extending to the right.

P H MITCHELL (Independent Chair)

27 April 2016

APPENDIX 2

Decision on Plan Change 8

Amend the Waikato District Plan as follows:

- Include new definitions of “kitchen” and “kitchenette, as follows:

“kitchen”

“Means any space, facility or surface for the storage, preparation and/or cooking of food, the washing of kitchenware, the disposal of wastewater, a food preparation bench, sink, oven, stove, hotplate or separate hob, refrigerator, dishwasher or other kitchen appliances. A small scullery or utility room accessed only from the kitchen is included as part of one kitchen. This definition excludes a microwave or an outside kitchen.”

“kitchenette”

Means a space which may contain a sink and does not meet the definition of a kitchen and is restricted to the purposes of tea and coffee making, drinks bar and the rinsing of utensils and does not include fixed food preparation facilities. A kitchenette shall be secondary to the main kitchen, and shall not enable part of the dwelling to be used independently as separate household unit.

- Amend the definition of “dwelling”, to read as follows:

“dwelling”:

Means a building for the occupation of a single household unit containing only one kitchen and may include an additional kitchenette. It includes a dependent person’s dwelling.

- Amend the definition of “indicative road”, to read as follows:

“Indicative road”

Means any area identified on the Planning Maps as an indicative road. It shall not include any area identified on the Planning Maps as an indicative road where a resource consent has been granted for activities within that area and that resource consent has authorised an alternative roading layout, such that the need for the indicative road has become redundant.

- Amend the definition of industrial activity”, to read as follows:

“Industrial activity”

Means the use of land and/or buildings for the processing, manufacturing, fabricating, packing or bulk storage of goods, whether in a building or outdoors, servicing and repair activities, rural industries, electricity generation (excluding wind energy facilities) and stockpiling of coal but excludes farming and temporary events.

- Amend the definition of “building”, to read as follows:

Building

Has its meaning in the Building Act 2004, excluding:

- (a) a pergola, not roofed or enclosed, less than 3 metres in height, or
- (aa) a swimming pool, ornamental pool, deck, or other structure not roofed or enclosed, less than 1.5 metre in height, or
- (b) a fence, or a wall other than a retaining wall, less than 2 metres in height, or

- (c) a retaining wall or retaining structure less than 1.5 metres in height, provided that where a fence or non-retaining wall is placed at the top of the retaining wall, the combined height is less than 2 metres, or
- (d) tanks with a total capacity of not more than 35,000 litres, provided that no part of any tank protrudes more than 1 metre above natural ground level.

- Include a new definitions of “peak hour” and “gross land area”, as follows:

“Peak Hour”

Means the highest hourly traffic flow in a 24 hour period on either Great South Road immediately adjacent to the Horotiu Industrial Park; or the nearest intersections on Great South Road to the Horotiu Industrial Park.

This definition only applies to the Horotiu Industrial Park.

“Gross Land Area”

Means the area of all the land within a particular stage of the Horotiu Industrial Park. Specifically:

- Stage 1 – 26ha gross land area;
- Stage 2 – 30ha gross land area;
- Stage 3 – 84ha gross land area.

- Amend the planning maps to delete “indicative roads” as set out in the section 42A report, and summarised as follows:

Map 14.2 – Deletion of the indicative road on Lot 200 DP 391858 Blunt Road, Te Kauwhata

Map 27.2 – Deletion of the indicative road on Birchwood Lane, Tamahere, and deletion of the indicative road off Birchwood Lane, Tamahere

Map 23.4 – Deletion of two indicative roads on Greenslade Road, Raglan and deletion of indicative roads at Waikowhai Place and Puka Place, Raglan

- Amend building setback Rules 25.54.1 and 25.55.2 to read as follows:

25.54.1: Any activity that does not comply with a condition for a permitted activity is a discretionary activity if it is:

- a) a non habitable building within 25m from one or more boundaries other than a road boundary

25.55.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity if it is:

- a) a non habitable building within 12 m from one or more boundaries other than a road boundary if the adjoining allotment is 6 ha or more ...

- Include an amended Rule 25.52 regarding “non-residential buildings” and a new Rule 25.52A in respect of “buildings for productive rural activities”, to read as follows:

25.52 Non-residential building

ITEM	PERMITTED	RESOURCE CONSENT
25.52 Non-residential building	<p>25.52.1 Construction or alteration of a non-residential building is a permitted activity if:</p> <p>a) the gross floor area of any each non-residential building does not exceed 400 m² 500m², and</p> <p>b) the gross floor area of any non-residential building on a site of less than 2 ha does not exceed 250m².</p> <p>Note: This rule does not apply to buildings for productive rural activities. For this, refer to rule 25.52A.</p>	<p>25.52.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

25.52A Buildings for productive rural activities

ITEM	PERMITTED	RESOURCE CONSENT
25.52A Buildings for productive rural activities	<p>25.52A.1 Construction or alteration of a building used for productive rural activities is a permitted activity if:</p> <p>a) the gross floor area of each building does not exceed 1000m².</p>	<p>25.52A.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

- Amend the District Plan's "Roading Hierarchy" to read as follows:

Appendix A:**Table 8: Road Hierarchy**

The district road hierarchy is as follows.

National Routes	Start	Finish	Road – Predominant Traffic Function
State Highway 1 (SH 1)	North district boundary	Hamilton city boundary	Main north – south route
SH 2	North district boundary	East district boundary	Main route south and east of Auckland
SH 26	Hamilton city boundary	East district boundary	Main route east from Hamilton
SH 1	Hamilton city boundary	South district boundary	Main north – south route

Regional Arterial Roads	Start	Finish	Road – Predominant Traffic Function
SH 1B (Gordonton Rd)	SH 1 Taupiri	Taylor Rd	Inter-regional link, access to Hamilton
SH 1B (Taylor Rd)	Gordonton Rd	Puketaha Rd	Inter-regional link
SH 1B (Puketaha Rd)	Taylor Rd	Telephone Rd	Inter-regional link
SH 1B (Telephone Rd)	Puketaha Rd	Holland Rd	Inter-regional link
SH 1B (Marshmeadow Rd)	Holland Rd	SH 26	Inter-regional link
SH 1B (Hoeka Rd)	SH 26	Tauwhare Rd	Inter-regional link
SH 1B (Marychurch Rd)	Tauwhare Rd	South east district boundary	Inter-regional link
Gordonton Rd	Taylor Rd	Hamilton city boundary	Link to Hamilton city
SH 23	Hamilton city boundary	Manukau Rd, Raglan	Access to Raglan and west coast
SH 21 (Airport Rd)	Tamahere Interchange	West district boundary	Access to airport
SH39 (Koura Dr)	SH 1 (Waikato Expressway)	SH39 (Te Kowhai Rd)	Western bypass of Hamilton City
SH39 (Te Kowhai Rd)	SH39 (Koura Dr)	SH39 (Limmer Rd)	Western bypass of Hamilton City
SH 39 (Limmer Rd)	SH39 (Limmer Rd)	SH39 (Horotiu Rd)	Western bypass of Hamilton city
SH 39 (Horotiu Rd)	SH39 (Limmer Rd)	SH 23 (Whatawhata Rd)	Western bypass of Hamilton city
SH 39 (Kakarama Rd)	SH 23	South district boundary	Inter-regional link
Great South Rd (via Ngaruawahia)	Gordonton Rd roundabout	SH 1 (Waikato Expressway) Horotiu Roundabout	Inter-regional link, access to Hamilton

Arterial Roads	Start	Finish	Road – Predominant Traffic Function
Te Kauwhata Rd	SH 1	Main Rd	Links TeKauwhata township to SH1
Horotiu Bridge Rd	SH 1	River Rd	<u>Second river crossing north of Hamilton</u>
Victoria Rd	South district boundary	Tauwhare Rd	<u>Inter-regional link Cambridge to Morrinsville</u>
Whitikahu Rd	Gordonton Rd	East district boundary	Alternative route Hamilton – east via Tauhei Rd
Holland Rd	Ruakura Rd	Waverley Rd	Alternative route Hamilton – east
Piako Rd	Gordonton Rd	East district boundary	Alternative route Hamilton – east
Ruakura Rd	Hamilton city boundary	SH 26	Alternative route Hamilton – east
Glen Murray Rd	Te Ohaki Rd	West district boundary	Rural link
Hetherington Rd	Te Ohaki Rd	Commins Rd	Coal haul route
Hetherington Rd	Commins Rd	Highway 22	Rural link
Waverley Rd	Holland Rd	Piako Rd	Alternative route Hamilton – east
Tauwhare Rd	SH 1	SH 26	Inter-regional traffic and rural link
Platt Rd	SH 26	Tauwhare Rd	Inter-regional traffic and rural link
River Rd	SH 1	Hamilton city boundary	Alternative route between Hamilton and north
Tahuna Rd	SH 1	East district boundary	Rural link
Okaeria Rd	Waerenga Rd	SH 2	Inter-regional traffic & rural link, SH 2 Detour Route

Arterial Roads	Start	Finish	Road – Predominant Traffic Function
Waerenga Rd	Main Rd	Okaeria Rd	Inter-regional traffic & rural link
Coalfields Rd	Island Block Rd	SH 2	Coal haul route
Island Block Rd	SH 1	Coalfields Rd	Coal haul route
Puketaha Rd (less SH 1B)	Gordonton Rd	Piako Rd	Rural link
Bankier Rd	Gordonton Rd	Horsham Downs Rd	Milk haul route to Te Rapa
Lake Rd	Horsham Downs Rd	River Rd	Milk haul route to Te Rapa
Horotiu Rd	Great South Rd Whatawhata Ave	SH 39	Milk haul route to Te Rapa
Ngaruawahia Rd		Horotiu Rd	Inter-regional traffic and rural link
Whatawhata Avenue	Ellery Street	Ngaruawahia Road	Inter regional traffic and rural link.

Collector Roads	Start	Finish	Road – Predominant Traffic Function
Tainui Bridge Rd	SH 1	Harris Street	Urban collector
Harris Street	Tainui Bridge	Hetherington Rd	Urban collector
Hakanoa Street	Fletcher Street	Onslow Street	Urban collector
Onslow Street	Hakanoa Street	William Street	Urban collector
Rayner Rd	SH 1	William Street	Urban collector
William Street	Onslow Street	Rayner Rd	Urban collector
Road 4	SH 23	Greenslade Rd	Urban collector
Road 5	Lorenzen Bay Rd Extension	Road 15	Urban collector
Lorenzen Bay Rd Extension	Lorenzen Bay Rd	Road 4	Urban collector
Matangi Rd	SH 26	Tauwhare Rd	Rural collector
Rotowaro Rd	Harris Street	Waikokowai Rd	Rural collector
Waingaro Rd	SH 1	Ohautira Rd	Rural collector
TePahu Rd	SH 23	South district boundary	Rural collector
Newell Rd	SH 1	Devine Rd	Country Living Collector

Scenic And Tourism Routes	Start	Finish	Road – Predominant Traffic Function
Highway 22	North boundary	Waingaro Rd	Tourism/Scenic
Waingaro Rd	Highway 22	Ohautira Rd	Tourism/Scenic
Ohautira Rd	Waingaro Rd	SH 23	Tourism/Scenic
Te Mata Rd	SH 23	Kawhia Rd	Tourism/Scenic
Kawhia Rd	Te Mata Rd	Bridal Vail Falls	Tourism/Scenic
Wainui Rd	Bow Street	Whaanga Rd	Tourism/Scenic
Waerenga Rd	TeKauwhata	Waikare Rd	Tourism/Scenic
Waikare Rd	Waerenga Rd	Waiterimu Rd	Tourism/Scenic
Waiterimu Rd	Ohinewai	Waikare Rd	Tourism/Scenic

Local Roads
All other roads are local roads. A private access will also be considered as a local road if it serves more than one lot, or more than one activity.

- Clarify the wording of the “sale of liquor” rule in all zones to read as follows:

Any activity is a permitted activity if the sale of liquor:

- (a) is authorised by a special licence, or
- (b) in the case of any other licence, does not occur:
 - (i) between 10 and 7am, and
 - (ii) on a site within 50m of land in the Living Zone, or
 - (iii) on a site within 50m of a dwelling in the Pa, Rural, Coastal, Country Living or Recreation Zones.

- Clarify the wording of the “plant or animal effluent disposal” rules in all zones so that they read as follows:

Any activity is a permitted activity if:

- (a) Treatment and application of whey or liquid effluent derived from plants or animals (including disposal onto land by spray irrigation)

- Clarify the wording of the “temporary events” rules in all zones, to read as follows.

A temporary event is a permitted activity if:

- (a) The event takes place within a public park, school or community centre, and
- (b) The event occurs no more than 3 times per year, and it does not involve the assembly of more than 500 people per event; and

- Amend the “home occupation” rules in the Country Living Zone, to read as follows:

27.11.1

A home occupation that complies with all effects and building rules is a permitted activity if:

- a) it involves no more than 40m² of the total gross floor area; and
- b) is wholly contained within the dwelling or attached garage; and
- c) no more than 2 people who are not permanent residents of the site are employed at any one time; and
- d) the activity does not interfere with neighbour’s televisions, radios, telephones or electronic equipment; and
- e) the activity creates no more than 4 heavy vehicle movements per day; and
- f) there is no unloading and loading of vehicles or the receiving of customers or deliveries before 7.30am or after 7.00pm on any day; and
- g) there is no operation of machinery before 7:30am or after 7:00pm on any day; and
- h) materials, machinery, trailers or heavy vehicles associated with the home occupation are not visible from a public road or neighbouring property.

27.11.2

A home occupation that does not comply with b) for a permitted activity is a controlled activity if it is contained within an accessory building

Control reserved over:

- location of building to boundaries of site

- entrances in relation to boundaries
- noise and acoustic insulation
- visual amenity

27.11.3

A home occupation that does not comply with the condition for a controlled activity is a discretionary activity.

- To amend various “earthworks” rules, to read as follows:

ITEM	PERMITTED	RESOURCE CONSENT
21.24 Earthworks	<p>21.24.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> a) are not in the Flood Risk Area except for filling in accordance with rules 21.26 and, aa) are not in the Huntly East Mine Subsidence Area, and b) comply with Appendix B (Engineering Standards), and c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and d) deleted e) retain sediment on the site through implementation and maintenance of sediment controls, and f) do not adversely affect other land through changes in natural water flows or established drainage paths, and g) deleted h) deleted i) do not disturb or move more than 100m³ within a site in a single calendar year, and j) in relation to the height of any cut or batter face does not exceed 2m, and k) do not exceed 1000m² in area. <p>Despite (h) to (j), the following earthworks are permitted if they comply with (a) to (ga) and</p> <ul style="list-style-type: none"> l) the work; <ul style="list-style-type: none"> i) is part of an approved subdivision, or ii) is necessary for building works authorised by a building consent and: <ul style="list-style-type: none"> • the area of earthworks is no more than 150% of the area of those building works; or • occurs on land with an average gradient no steeper than 1:8, or iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or iiia) is for construction and maintenance of existing public roads. 	<p>21.24.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.22 Earthworks</p>	<p>22.22.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) are not in the Flood Risk Area except for filling in accordance with rule 22.24, and (aa) are not in the Huntly East Mine Subsidence Area, or Hauraki Gulf Catchment Area, and (b) comply with Appendix B (Engineering Standards), and (c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) do not remove material from the site, and (e) retain sediment on the site through implementation and maintenance of sediment controls, and (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and (g) deleted (ga) deleted (h) do not disturb or move more than 100m³, within a site in a single calendar year, and (i) in relation to the height of any cut or batter face do not exceed 2m, and (j) do not exceed 1ha in area. <p>Despite (h) to (j) the following earthworks are permitted if they comply with (a) to (ga) and</p> <ul style="list-style-type: none"> (k) the work; <ul style="list-style-type: none"> (i) is part of an approved subdivision, or (ii) is necessary for building works authorised by a building consent and; <ul style="list-style-type: none"> • the area of earthworks is no more than 150% of the area of those building works; or • occurs on land with an average gradient no steeper than 1:8, or (iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or (iia) is for construction and maintenance of existing public roads. 	<p>22.22.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.26 Earthworks</p>	<p>23.26.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) are not in the Flood Risk Area except for filling in accordance with rule 23.28, and (aa) are not in the Huntly East Mine Subsidence Area, and (b) comply with Appendix B (Engineering Standards), and (c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) deleted (e) retain sediment on the site through implementation and maintenance of sediment controls, and (f) do not adversely affect other land through changes in natural water flows or established drainage patterns, and (g) deleted (ga) deleted (h) do not disturb or move more than 100m³, within a site in a single calendar year, and (i) in relation to the height of any cut or batter face does not exceed 2m, and (j) do not exceed 1000m² in area. <p>Despite (h) to (j) the following earthworks are permitted if they comply with (a) to (ga), and</p> <ul style="list-style-type: none"> (k) the work: <ul style="list-style-type: none"> (i) is part of an approved subdivision, or (ii) complies with the controls for building platform earthworks, or (iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or (iiia) is for construction and maintenance of existing public roads. 	<p>23.26.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

ITEM	PERMITTED	RESOURCE CONSENT
<p>24.25 Earthworks</p>	<p>24.25.1 Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) are not in the Flood Risk Area except for filling in accordance with rules 24.27 and <ul style="list-style-type: none"> (aa) are not in the Huntly East Mine Subsidence Area, and (b) comply with Appendix B (Engineering Standards), and (c) within 5m of the site boundary, including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) deleted (e) retain sediment on the site through implementation and maintenance of sediment controls, and (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and (fa) deleted (fb) do not occur within 15m of the bank of the Waikato River, and (fc) do not disturb or move more than 150m³ in the Landscape Policy Area, and (g) the area of earthworks does not exceed 1ha in area. <p>Despite (g), the following earthworks are permitted if they comply with (a) to (fc),</p> <ul style="list-style-type: none"> (h) the work: <ul style="list-style-type: none"> (i) is part of an approved subdivision, or (ii) is necessary for building works authorised by a building consent; and <ul style="list-style-type: none"> • the area of earthworks is no more than 150% of the area of those building works; or • occurs on land with an average gradient no steeper than 1:8 or (iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or (iiia) is for construction and maintenance of existing public roads. <p>Despite (fb) and (fc), the following earthworks are permitted if:</p> <ul style="list-style-type: none"> (hi) the work: <ul style="list-style-type: none"> a) is limited only to the de-slugging of the mixing ponds at the Te Rapa Dairy Factory Heavy Industrial Zone 	<p>24.25.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity if it is:</p> <ul style="list-style-type: none"> (a) within a Flood Risk Area except for in accordance with rules 24.27 and 24.28; and (b) within the Huntly East Mine Subsidence Area; and (c) do not comply with Appendix B; and (d) within 5m of site boundary including cut and batter faces or filled areas are revegetated to achieve less than 80% ground cover within 12 months of earthworks commencement. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> ▪ effects on amenity values ▪ visual effects ▪ mitigation measures including sediment control ▪ matters listed in Appendix B ▪ effects on land utilisation ▪ effects on erosion ▪ effects on cultural values <p>24.25.3 Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

ITEM	PERMITTED	RESOURCE CONSENT
<p>25.25 Earthworks</p>	<p>25.25.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) are not in the Flood Risk Area or Land Stability Policy Area except for filling in accordance with rule 25.28 and, (aa) are not in the Huntly East Mine Subsidence Area or Hauraki Gulf Catchment Area, and (b) comply with Appendix B (Engineering Standards), and (c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) do not remove material from adjoining sites in common ownership or occupation, and (e) retain sediment on site through implementation and maintenance of sediment controls, and (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and (g) deleted (ga) deleted (h) do not disturb or move more than 500m³ in the Landscape Policy Area or 1000m³ in all other areas, within a site in a single calendar year, and (i) in relation to the height of any cut or batter face do not exceed 2m in the Landscape Policy Area or 3m in all other areas, and (j) do not exceed 250m² in area in the Landscape Policy Area or 1000m² in area in all other areas. <ul style="list-style-type: none"> (jiaa) within an LPA is for the maintenance of existing farm tracks, fences or farm drains, or (jiib) is for production forestry, except if in the Landscape Policy Area, or (jiic) is for construction and maintenance of existing public roads. <p>Despite (h) to (j), the following earthworks are permitted if they comply with (a) to (ga):</p> <ul style="list-style-type: none"> (k) the work: <ul style="list-style-type: none"> (i) is part of an approved subdivision, or (ii) is necessary for building works authorised by a building consent; and <ul style="list-style-type: none"> • the area of earthworks is no more than 150% of the area of those building works; or • the earthworks occurs on land with an average gradient no steeper than 1:8 or (iii) is a backfilled trench for network utilities and original ground levels are reinstated (such trenches are also exempt from (d)), or (iia) outside an LPA is for the construction and/or maintenance of farm tracks, fences or farm drains, or (iiaa) within an LPA is for the maintenance of existing farm tracks, fences or farm drains, or (iib) is for production forestry, except if in the Landscape Policy Area, or (iic) is for construction and maintenance of existing public roads. 	<p>25.25.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

- Include two new rules to address an anomaly regarding the stopping of paper roads and the requirement in certain circumstances for the Council to take an esplanade reserve under the Local Government Act, to read as follows:

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p>25.11C Creation of esplanade reserve on road stopping -</p> <ul style="list-style-type: none"> • esplanade reserve less than 20m in width; or • esplanade reserve greater than 20m in width 	<p>25.11C.1 On the stopping of any road along:</p> <ol style="list-style-type: none"> a) the mark of mean high water springs of the sea; or b) the bank of a river with an average width of 3 metres or more; or c) the margin of any lake with an area of 8 hectares or more; d) the creation of an esplanade reserve on road stopping, as required under the Local Government Act 1974, is a restricted discretionary activity if the width of the esplanade reserve is: <ol style="list-style-type: none"> (i) less than 20m; or (ii) greater than 20m. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • the extent to which the value of the subject land in terms of the purpose of esplanade reserves and strips is not significantly diminished; • the extent to which objectives and policies of Chapter 2 and 15 of the District Plan are met; • whether the conservation and enhancement of the coastal environment and lake margins is still achieved, in particular: <ul style="list-style-type: none"> ▪ the maintenance or enhancement of the natural functioning of the adjacent sea, river or lake; ▪ the maintenance or enhancement of water quality; ▪ the maintenance or enhancement of terrestrial or aquatic habitats; ▪ the mitigation of any actual or potential natural hazards; ▪ the maintenance and enhancement of the natural character and landscape values; • whether safe public access is possible; • whether recreational use of the reserve or adjacent water is enabled or diminished; • the extent to which the natural character and visual quality of the coastline, or margin of the sea, river or lake will be preserved within the proposed reserve; • whether there are any values of significance to Tangata Whenua; • whether there are any significant archaeological or historical sites; • whether there are existing buildings on the subject land; • topography of the land. 	<p>25.11C.2 Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p>25.11D Creation of esplanade reserve on road stopping -</p> <ul style="list-style-type: none"> • waiver of esplanade reserve. 	<p>25.11D.1 On the stopping of any road along:</p> <ol style="list-style-type: none"> a) the mark of mean high water springs of the sea; or b) the bank of a river with an average width of 3 metres or more; or c) the margin of any lake with an area of 8 hectares or more; d) waiving the requirement to create an esplanade reserve on road stopping, as required under the Local Government Act 1974, is a restricted discretionary activity. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • the extent to which the value of the subject land in terms of the purpose of esplanade reserves and strips is not significantly diminished; • the extent to which objectives and policies of Chapter 2 and 15 of the District Plan are met; • the nature and degree of existing public access to the water body adjacent to the road being stopped; • the need for additional public access or potential linkages to any existing esplanade reserve or strip in the vicinity of the water body adjacent to the road being stopped; • whether circumstances exist such that it would not be appropriate to require an esplanade reserve; • whether an alternative land use would be of a greater community interest; • whether other factors are present determining that the provision of an esplanade reserve would have little or no value in achieving the purposes of an esplanade reserve as set out in the Resource Management Act; • whether the purposes of esplanade reserves can be achieved by other means; • topography of the land. 	<p>25.11D.2 Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

- Amend the existing “esplanade reserves and esplanade strips” rule in the Country Living Zone (Rule 27.70) to make it consistent with the format of similar rules for other zones.

<p>27.70 Esplanade reserves and esplanade strips</p>	<p>27.70.1 Subdivision is a controlled activity if an esplanade reserve or strip 20m wide (or other width stated in Appendix G: Esplanade Priority Areas) is created from every allotment:</p> <ol style="list-style-type: none"> (a) less than 4ha and within 20m of: <ol style="list-style-type: none"> (i) mean high water springs, or (ii) the bank of any river whose bed has an average width of 3m or more, or (iii) a lake whose bed has an area of 8ha or more, or (b) 4ha or more within 20m of mean high water springs, or a water body identified in Appendix G (Esplanade Priority Areas). 	<p>27.70.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> ▪ matters that control is reserved over ▪ costs and benefits of acquiring the land.
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	<p>Control reserved over:</p> <ul style="list-style-type: none">▪ the type of esplanade provided – reserve or strip▪ width of the esplanade reserve or strip▪ access to the esplanade reserve or strip▪ matters provided for in an instrument creating an esplanade strip or access strip▪ works required prior to vesting any reserve in the Council.	
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