

Proposed Plan Change 8 Technical Amendments

Section 32 Evaluation Report

Waikato Section, Waikato District Plan

Waikato District Plan
To be Notified 17 October 2015



Plan Change 8 – Technical Amendments – Section 32 Report: August 2015

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1.0 Introduction

- 1.1 Proposed Plan Change 8 (PC8) proposes to make approximately 24 separate minor changes to the Waikato District Plan: Waikato Section. 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.

2.0 Section 32 Analysis

Under Section 32 of the RMA, a local authority, when proposing to undertake a plan change to a District Plan, must carry out an evaluation of alternatives, benefits and costs. This report is Council's evaluation of PC8 under Section 32.

Section 32 of the RMA is re-printed below:

An evaluation must -

- 1(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- 1(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
- 1(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

An evaluation must also:

- 2(a) identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- 2(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- 2(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matters of the provisions.*

- 3 *If the proposal (an amending proposal) will amend a standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –*
- (a) the provisions and objectives of the amending proposal; and*
 - (b) the objectives of the existing proposal to the extent that those objectives –*
 - (i) are relevant to the objectives of the amending proposal; and*
 - (ii) would remain if the amending proposal were to take effect.*

The evaluation report must be available for public inspection at the time the proposed Plan Change is publicly notified. This report is the Waikato District Council's response to this statutory requirement.

Section 32 of the RMA requires the consideration of other reasonably practicable options and an assessment of costs and benefits of other options. The alternatives of the plan change are summarised under the relevant headings below:

Option One – *Do nothing*. This option would see Council and the community continue to be frustrated by the lack of clarity and, in some instances, unfairness in costs for activities that they undertake.

Option 2 – *Make the appropriate minor technical amendments as recommended*. This option would enable Council to deliver more cost effective and efficient rules and methods where issues have been experienced and ensure the efficient functioning of the District Plan.

2.1 Statutory Framework

2.1.1 The preparation of PC8 has been undertaken in accordance with the First Schedule of the Resource Management Act 1991 (RMA). Clause 21 in Part II of the First Schedule clarifies that the provisions of Part I as they relate to 'Preparation and change of policy statements and plans by local authorities' provides the relevant procedures to be adhered to for a plan change such as the one proposed.

2.1.2 In this regard, Clause 21 states:

"21. Requests –

- (4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of the Part shall not apply and the procedure set out in Part I shall apply."*

Details of the consultation undertaken for PC8 are provided in part 4 of this report. The consultation meets the requirements of the First Schedule.

PC8 has been made in accordance with the First Schedule of the Act. An analysis has been undertaken in accordance with Section 32 of the Act (refer to part 14.0) and an assessment of environmental effects has been made (refer to part 11.0).

2.2 Relevant Planning context

There are a number of matters that Council must give consideration to under Section 72 of the RMA. Each relevant matter is addressed below.

2.2.1 Future Proof

In this case, there are no specific aspects of Future Proof of relevance to this plan change, as the subject matter of the plan change represents minor details in the context of the Future Proof Strategy.

2.2.2 Waikato District Growth Strategy

In this case, there are no specific aspects of the Waikato District Growth Strategy of relevance to the subject matter of this plan change.

2.2.3 Waikato District Long Term Plan (LTP)

WDC adopted the 2015-2025 LTP on June 30 2015. This plan change has no implications on the current or future LTP, as it relates only to discrete development control matters that are relevant only to the District Plan.

2.2.4 Appeals Version of Proposed Waikato Regional Policy Statement (PRPS)

Council is required to have regard to any relevant proposed regional policy statement when preparing or changing a district plan, in accordance with Section 74(2)(a)(i) of the RMA.

A number of topics have been resolved by consent orders. There are still however a number of topics that are subject to appeal.

2.2.5 Operative Regional Policy Statement

The Regional Policy Statement (RPS) was made operative in October 2000, and provides an overview of resource management issues in the Waikato Region. It provides objectives and a range of policies and methods to achieve integrated management of natural and physical resources across different resources, jurisdictional boundaries and agency functions, and guides the development of subordinate plans (Regional as well as District) and the consideration of resource consents.

2.2.6 Waikato Regional Plan

In accordance with Section 74(2)(a)(ii) of the RMA, when preparing or changing a district plan a territorial authority must have regard to the regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility.

Regard has been given to the Waikato Regional Plan with respect to the proposed Plan Change. However as this plan change is a minor detail in the context of the Regional Plan, it is considered irrelevant.

2.2.7 Waikato Regional Land Transport Strategy

The Waikato Regional Land Transport Strategy (RLTS) was adopted by WRC in April 2011. The RLTS provides direction for transport planning in the Waikato Region over the period 2011 to 2041. Its purpose is to establish a set of policies and actions and an investment programme to guide the local, regional and national agencies developing and maintaining the transport system in the Waikato. When preparing or changing a district plan, a territorial authority must have regard to this strategy under Section 74(2)(b)(i) of the RMA.

The RLTS identifies issues with respect to road safety and provides a Strategic direction for the region which is strongly linked with the Regional Plan and District Plans. PC8 involves a number of minor amendments, proposed new rules and the proposed deletion of identified indicative roads and therefore does not specifically correlate to the RLTS.

2.2.8 Waikato Raupatu Claims (Waikato River) Settlement Act 2010

The Waikato Raupatu Claims (Waikato River) Settlement Act 2010 ('The Settlement Act') gives effect to the 2009 Deed of Settlement in respect of the Raupatu claims over the Waikato-Tainui area. This legislation also records that the Waikato River and its contribution to New Zealand's cultural, social, environmental and economic wellbeing is of national importance. The overarching purpose of the Settlement Act is to restore and protect the health and well-being of the Waikato river for future generations, while providing for the establishment of a Vision and Strategy for the Waikato River and associated co-governance arrangements to achieve the overarching purpose of the Settlement Act; and co-management arrangements to facilitate the exercise of mana whakahaere by Waikato-Tainui.

Schedule 2 of the Settlement Act contains Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River. The Vision and Strategy is the primary direction-setting document for the Waikato River and its catchments, which includes the lower reaches of the Waipa River.

The Vision and Strategy incorporates the objectives sought by Waikato-Tainui and other objectives that reflect the interests of Waikato River Iwi and of all New Zealanders. The Vision and Strategy for the Waikato River sets clear obligations for WDC in regard to protecting the health and wellbeing of the Waikato River. On 23 March 2010, WDC Waikato-Tainui signed a legally binding Joint Management Agreement to formalise their relationship at both governance and management levels in working together to achieve the overarching purpose of the Deed of Settlement.

The aspirations within the Vision and Strategy are being considered during this plan change process. However, given the minor nature of this plan change, it is considered the impacts on the JMA will be negligible.

3.0 Statutory Context

3.1 Part II considerations

A plan change must be in accordance with part II of the RMA. This is discussed below.

3.1.1 Section 5:

The purpose of the RMA in Section 5 is to promote the sustainable management of natural and physical resources. Sustainable management means the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *avoiding, remedying and mitigating any adverse effects of activities on the environment.*

As the content of PC8 is varied and relates to proposed amendments to improve the clarity of specific rules, updating required changes and proposing to delete redundant indicative roads, the proposed amendments do not directly correlate to Section 5 of the RMA.

3.1.2 Section 6:

Section 6 of the RMA includes seven matters of national importance which need to be recognised and provided for when preparing a change to a district plan.

Section 6 of the RMA states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (c) The protection of areas of significant indigenous vegetation and significant indigenous fauna;*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*

As outlined in section 1.1 of this report, PC8 seeks to undertake minor amendments 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. Due to the nature of PC8 it has little impact on S6 of the RMA.

3.2 Other Matters (Section 7)

Section 7 of the RMA sets out a number of matters which must be given regard to in developing a plan change to a district plan.

The relevant parts of Section 7 are as follows:

Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (a) kaitiakitanga:*
 - (aa) the ethic of stewardship;*
 - (b) the efficient use and development of natural and physical resources:*
 - (ba) the efficiency of the end use of energy;*
 - (c) the maintenance and enhancement of amenity values:*
- (i) the effects of climate change:*

Given the minor nature of the content of PC8 it is considered to have little impact on S7 of the RMA.

3.3 Treaty of Waitangi

Section 8 of the Act sets out as follows:

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of the natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of the Treaty of Waitangi have been taken into account in developing PC8, particularly in terms of the consultation requirement.

4.0 Consultation

4.1 Section 3 of the RMA sets out the consultation requirements and is re-printed below:

3(1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult –

- (a) the Minister for the Environment; and*
- (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and*
- (c) local authorities who may be so affected; and*
- (d) the tangata whenua of the area who may be so affected, through iwi authorities; and*
- (e) any customary marine title group in the area.*

3(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan

Section 3(1) above is mandatory while S3(2) is at the discretion of the Council.

4.2 In accordance with Section 3(1) above, on the 18th September 2015, Council staff sent out letters to the parties listed in Section 3(1) above to explain the purpose of PC8 including a copy of the plan change for their review. Furthermore, the letter advised that Council intended to notify PC8 on the 17th October 2015 and provided the opportunity for the parties to contact Council staff to meet and discuss the plan change.

4.3 PC8 addresses a number of errors or omissions that have been identified and recorded since the Waikato Section of the Waikato District Plan became operative in April 2011. Given the wide ranging number of proposed amendments, it was difficult to accurately determine which, if any parties would be directly affected by the proposed amendments. Where the components of PC8 are specific to a particular activity or property it was easy to identify the affected parties.

4.4 Identified affected persons:

The most easily identified property owners was those property owners that have an indicative road on their property or nearby. In this case direct letters were sent to these property owners outlining the proposed amendments and providing the opportunity for the parties to contact Council staff to discuss the proposed amendments. A period of approximately four weeks was provided to the affected property owner/s to contact Council and discuss the proposed deletion of the indicative roads and provide their feedback.

4.5 This was the case with the proposed deletion of redundant indicative roads on:

- Blunt Road, Te Kauwhata;
- Off Greenslade Road, Raglan;
- Waikowhai Place and Puka Place, Raglan;
- Birchwood Lane extension; and
- Indicative road off Birchwood Lane.

4.6 Council staff met with the landowners of the affected properties on Greenslade Road, Raglan and Birchwood lane extension and the indicative road off Birchwood lane. Furthermore, Council staff received written reply from the affected property owner of Blunt Road regarding the deletion of the indicative road.

4.7 It is important to highlight that the two small cul de sac indicative roads on Greenslade Road, Raglan, the indicative road off Blunt Road, Te Kauwhata and the indicative road referred to as the Birchwood Lane extension were included within PC8 as a direct result of the affected property owners contacting Council and requesting the deletion of the indicative roads.

4.8 Following receipt of the affected property owners' feedback in relation to indicative roads, Council advertised public open days in the relevant newspapers and on the Council website as follows:

- Waikato Times – 14, 18 and 21 February 2015;
- North Waikato News – 11 and 18 February 2015;
- Raglan Chronicle – 30 January 2015; and

- Waikato District Council website – 11 to 22 February 2015.

4.9 Public generally

The following open days were held to provide the wider community with an opportunity to view draft PC8 and provide their feedback.

- 5 February 2015 – Raglan – 3 – 8pm;
- 19 February 2015 – Ngaruawahia – 3 – 7pm; and
- 26 February 2015 – Tamahere – 3 – 7pm.

4.10 The three public open days were attended by members of the community with the following approximate number of people attending:

- Ngaruawahia open day: Approximately 4 people;
- Tamahere open day: Approximately 25 people; and
- Raglan open day: Approximately 20 people.

It is important to highlight that with regard to the attendees of the Tamahere open day, the majority were interested in the deletion of the indicative roads.

4.11 The open days provided Council with important feedback that was reviewed and where applicable was included within PC8.

5.0 Plan Change 8 Content

PC8 comprises approximately 24 separate minor changes to the District Plan. The changes include a number of proposed amendments to the rules, definitions and minor amendments to the Planning Maps (indicative roads).

PC8 does not involve any changes to the existing objectives and policies. Instead it proposes to make general minor amendments to the District Plan in order to ensure its efficient functioning. Due to the nature of the proposed amendments there are only limited options available and for the same reason it is not practicable to quantify the benefits and costs. This report has been prepared to address the Section 32 requirements.

5.1 Proposed amendments to definitions

It is proposed to amend four existing definitions and introduce three new definitions.

5.1.1 Industrial Activity

The present definition of Industrial activity is provided below:

“Means the processing, manufacturing, fabricating, packing or storage of goods, and includes servicing and repair activities, rural industries, electricity generation (excluding wind energy facilities) and stockpiling of coal but excludes farming”.

The words “storage of goods” is proving to be too broad in that it can be interpreted as capturing all activities that store any type of good, either on a temporary or permanent basis. The implication of this is that there is potential for that any activity that stores any type of goods to be defined as an industrial activity and, depending on the zoning may require resource consent. This is not the intention of the definition and is treating parts of the community unfairly.

The intent of the definition was to capture activities that store goods in a warehouse or similar type of storage facility and not to capture all activities that store goods. An example is self storage type activities.

The amendment proposes to clarify this ambiguity so that the definition does not capture all storage of goods. It is proposed to undertake the following amendments:

“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.

5.1.2 Dwelling

The current dwelling rule in the District Plan provides for 1 dwelling per certificate of title in the Living Zone as a permitted activity. Two dwellings on one certificate of title require resource consent.

The present definition of dwelling simply refers to “a building for the occupation of a single household unit”. The District Plan includes a definition for “household unit” that essentially requires interaction of people on a daily domestic basis. More than one kitchen with associated plumbing in a dwelling enables people to operate independently from another household unit.

The interpretation of this definition is proving to be ambiguous because there is no reference to a single kitchen facility being provided. This lack of specificity has given rise to the opportunity for buildings to contain more than one kitchen and is not deemed to be consistent with the current definition of one dwelling.

The concern for Council is that at the time of building consent applications being checked for planning compliance, there are generally two scenarios in relation to dwellings and dependent person’s dwellings:

- Applications for dependent persons dwellings that do not comply with the definition (particularly size of the unit and dependent person) essentially resulting in the application being treated as a second dwelling requiring consent as a discretionary activity; or
- Applications for very large houses with separate wings labelled as “bars”, “sinks” and “mud rooms” with associated plumbing facilities alongside closely associated bedrooms that can clearly be operated separately/independently from the primary dwelling (can use these areas as a kitchen so do not need to interact on a daily basis with the other main part of the dwelling and therefore can operate as a separate household unit). The effect of which is essentially 2 household units in one dwelling.

Once building consent is issued, it is very difficult for Council’s Monitoring Department to enforce compliance because of the unclear definitions in the District Plan. This can result in single dwellings being converted into multiple dwellings; or turning single and dependent person’s dwellings into two full dwellings.

At present there is confusion in the District Plan between the uses of dwellings especially when there would clearly be two households under one roof. Clarifying

the definition of dwelling so that it includes the presence of only one kitchen will help avoid interpretation issues.

Therefore it is proposed to make the following amendments to the definition of “dwelling”:

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

The aim of the amendment is to make it clear that a building is a “dwelling” and that the use of the building is one “household”. Including reference to one kitchen is to limit one set of kitchen facilities per dwelling as it is the kitchen facilities that enable independent functioning of people to the main household unit.

5.1.3 New definition of ‘kitchen’

At present there is no definition of a kitchen in the District Plan. In this instance, where the District Plan is silent on the matter then the definition in the Concise Oxford Dictionary (9th edition) applies. This definition is re-printed below:

“the room or area where food is prepared and cooked. b kitchen fitments or units, esp. as sold together. of or belonging to the kitchen (kitchen knife; kitchen table)”

The above definition is very broad with the implication being that it would capture an outdoor kitchen where food is prepared and cooked as a separate kitchen area effectively defining the household unit as having two kitchens. Furthermore, the above definition does not link the kitchen area to being connected to services such as wastewater.

Through the proposed insertion of “containing one kitchen” in the definition of “dwelling” this necessitates the requirement to establish a definition of kitchen within the District Plan. The definition of kitchen is proposed as follows:

“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.”

It is considered that inclusion of the proposed new definition would provide clarity to Council’s Regulatory and Monitoring Department as to what constitutes a kitchen and what can be included within a kitchen without triggering the requirement of resource consent.

5.1.4 Indicative road

The present definition of indicative road is:

“Means an indicative road as shown on the Planning Maps”

This current definition does not provide great clarity on the form or function of an indicative road shown on the Planning Maps of the District Plan. Therefore it is considered that additional wording is required to indicate what qualifies as an indicative road. It is proposed to make the following amendments:

“~~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.”

The purpose of the second sentence of the definition is to provide flexibility for instances when a previously approved subdivision or land use consent (provided it has not lapsed) provides for a road network that differs from either the location or alignment of an indicative road shown on the Planning maps of the District Plan.

5.1.5 Building

An issue has arisen with regard to rainwater tanks. Currently, the definition of ‘Building’ includes any structure that is 2 metres or greater in height. Many 5000 litre water tanks sometimes required within small Living zoned properties are greater than 2 metres in height and therefore are technically defined as a building.

As a building, rainwater tanks would then have to comply with the standards of the District Plan principally setbacks from boundaries. With a minimum net site area of 450m² in the Living Zone, compliance with the setback standard of the District Plan (minimum of 1.5 metres for side and rear boundaries and 3m front yard or 6m front yard in Raglan) for rainwater tanks can be difficult to achieve and could result in landowners having to apply for resource consent for a setback variation which is costly and inefficient. This was not the intent of the definition and doesn’t give rise to adverse effects.

To address this issue, it is proposed to insert additional wording (d) into the ‘building’ definition 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.
- d) Tanks up to 35,000 litres in capacity that protrude a maximum of 1 metre above natural ground level.”

The proposed clause (d) would ensure that any rainwater tanks up to 35,000 litres in capacity and protruding no more than 1 metre above ground level would not be defined as a ‘building’. With regard to the Living Zoned properties this would mean that 5000 litre tanks would not be defined as a ‘building’ and would not have to meet the performance standards of the District Plan provided that the tanks do not protrude more than 1m above ground level.

5.1.6 Gross land area and peak hour:

Both the above proposed definitions relate specifically to rule 24B.16.1 within Schedule 24B of the District Plan relating to Horotiu Industrial Park.

Rule 24B.16.1 a) provides that the trip generation shall not exceed 15.4 trips/ha gross land area/peak hour. The intent of this clause is clear and measurable; however during the drafting of Schedule 24B it did not include any definition or guidance for “gross land area/peak hour”.

In addition to this it was always envisaged that trip generation would be taken over the total area within each stage (there being three stages within the Horotiu Industrial Park) as opposed to the net developable area of each individual lot after subdivision. The reason for this approach was to establish a baseline for traffic movements at an appropriate effects based level.

To resolve any ambiguity around the interpretation of the rule, there needs to be a definition for “gross land area” and “peak hour”.

PC8 proposes to insert the following two new definitions:

“Gross land area” Means the total area of all the land within a particular stage of the Horotiu Industrial Park as at [enter date of consent order]. Specifically;

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

- Stage 3 – 84ha gross land area.

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

5.2 Proposed amendments to Planning Maps

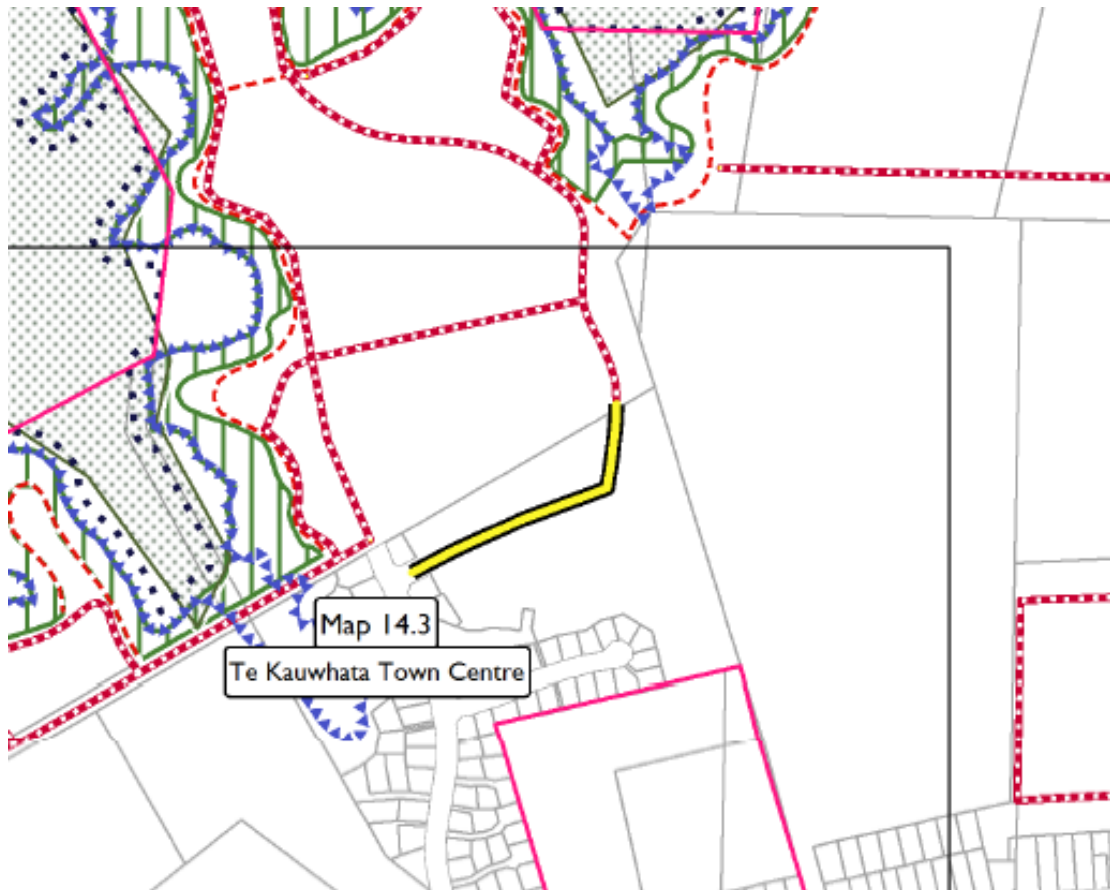
5.2.1 Map 14.2 – Proposed deletion of the indicative road on Blunt Road, Te Kauwhata

Map 14.2 of the Planning Maps identifies an indicative road on Lot 200 DP 391858.

The proposed deletion of the indicative road on Lot 200 DP 391858, Blunt Road, Te Kauwhata has arisen due to an ‘approved’ road layout via subdivision consent (SUB 0164/14) differing from the location and alignment of the indicative road in the District Plan.

The indicative road on Lot 200 DP 391858 was established during the development of the Te Kauwhata Structure Plan. At that time, the purpose of the indicative road was to provide for an extension off Blunt Road whilst providing the opportunity for a road linkage with the adjoining property to the north (Lot 201 DP 391858). This is demonstrated on the map (Figure 1) below with the yellow highlighted indicative road being the indicative road in question.

Figure 1: Blunt Road, Te Kauwhata



Subsequent to the Te Kauwhata Structure Plan becoming operative, Council approved subdivision consent for the subject property. Giving effect to this subdivision consent will render the indicative road redundant and a hindrance for the formation of the approved subdivision. This is due to the fact that upon completion of the approved subdivision, a number of lots created would be intersected by the indicative road. In accordance with Rule 21.49.1 any building as a permitted activity would have to be set back a minimum of 13m from the centre line of the indicative road. Given the relatively small size of the approved lots this places a significant restriction on property owners and could result in property owners requiring consent as a Discretionary Activity.

Compounding the above issue, Rule 21.5 (h) provides that it is a prohibited activity to construct a building valued at \$15,000 or more on the route of an indicative road. Therefore, retention of the indicative road would result in the possibility that the construction of a dwelling on a number of lots would be severely restricted due to the underlying indicative road and the prohibition of the above rule.

Therefore PC8 proposes to delete the indicative road, instead relying on the road layout in the approved subdivision consent.

5.2.2 Map 23.4 – Proposed deletion of the indicative road on Birchwood Lane extension, Tamahere

Planning Map 27.2 of the District Plan demonstrates a number of indicative roads within Tamahere. PC8 proposes to delete one indicative road that is referred to as the Birchwood Lane extension and is demonstrated in yellow highlight on the following page in Figure 2. Furthermore, PC8 proposes to delete second indicative road off Birchwood Lane identified by the blue highlight in Figure 2 below.

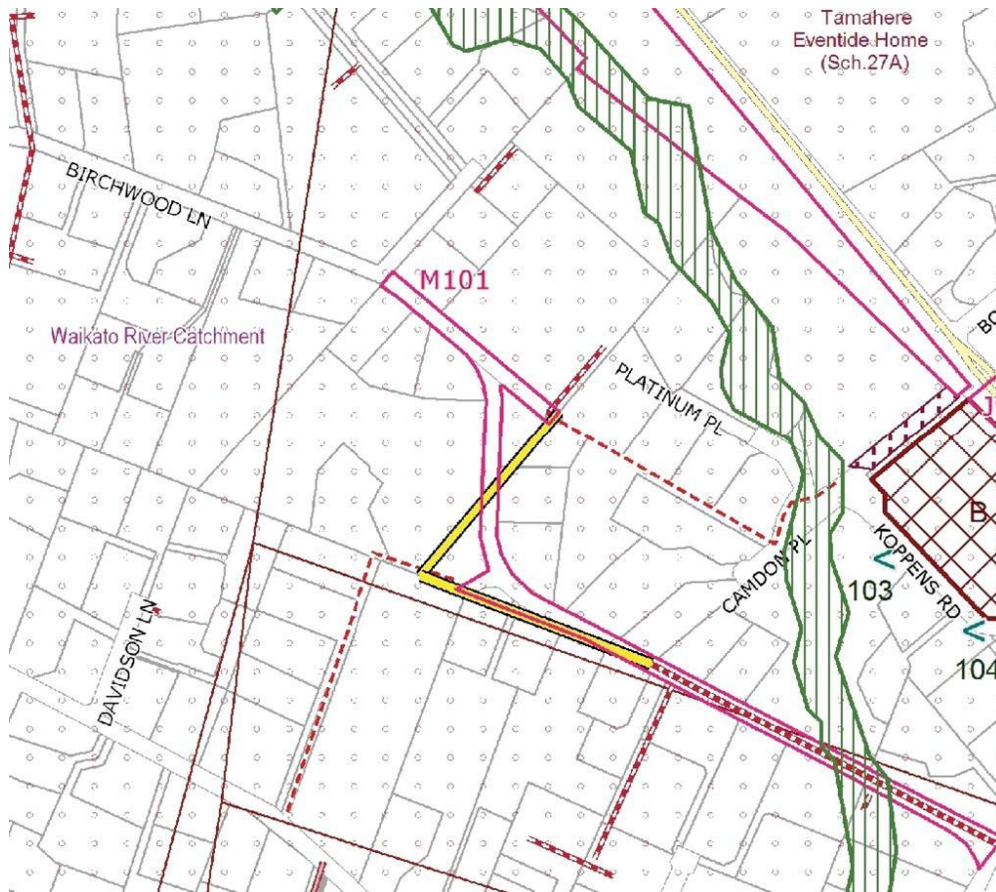
Deletion of Birchwood Lane indicative road:

Birchwood Lane is a local road off Newell Road in Tamahere and is located within the Country Living Zone. Council wanted to extend the road to connect with Devine Road. To ensure the importance of this link was secured, an indicative road (intent important) was established on Planning Map 27.2 of the District Plan. Additionally, a Notice of Requirement was lodged with Council on 9 August 2005 with designation M101 being confirmed and included on Planning Map 27.2 in the District Plan (Operative in Part) 2011.

Following discussions with adjacent landowners wishing to subdivide their properties, and progressing Council's intention for a connection to Devine Road, the area was surveyed and a detailed design undertaken. It became clear during this design that the designated alignment could not provide a safe route due to the low radius, high deflection angle curves required.

On the basis of the proposed new alignment design, in November 2011 Council (Roading Department, as the requiring authority) lodged a Notice of Requirement for an alteration of designation M101 to address a re-alignment of the designation and a removal of parts of the existing designation made redundant by the alteration.

Figure 2: Birchwood Lane, Tamahere



Due to the change in the roading alignment and the designation being established the original indicative road above is no longer required. The concern for landowners that have the indicative road running through their property is that pursuant to Rule 27.48.1, the construction of any building must be located a minimum of 17.5 metres from the centre line of an indicative road.

The proposed deletion of this indicative road not only reflects the change in the designated extension of Birchwood Lane but removes the current restrictions that the properties have particularly 107 and 106 Birchwood Lane who would have to site any new buildings a minimum of 17.5m from the centreline of the indicative road. This is particularly an issue for 107 Birchwood Lane as the indicative road runs through approximately one third of the lot. With an area of only 6579 square metres significantly restricts the location for the sitting of a new dwelling as a permitted activity.

Deletion of indicative road off Birchwood Lane:



At present, there is an indicative road that runs off the Birchwood lane extension north eastwards on numbers 2 and 4 Figgmartin Lane, Tamahere. This indicative road was established in 2004 and provided a mechanism to highlight the requirement for an indicative road in the future with the location not being important.

Since the establishment of the indicative road the underlining title has since been subdivided into 7 freehold Country Living lots with a central private right of way (Figgmartin Lane) servicing the lots. At the time of undertaking the subdivision the landowner had the ability to construct a indicative road on the approx location as identified on the Planning map, however due to the location being close to the south east boundary of the property, it was a far more efficient utilisation of the property to establish a private right of way down the approximate middle of the property to service the lots.

The new effect of the indicative road is that the construction of any new building on lots 2 and 4 Figgmartin Lane as a permitted activity would have to be a minimum of 17.5 metres from the centreline of the indicative road as well as the 12 metre minimum from every other boundary other than a road boundary. This limits the location of permitted dwellings on the two properties and may result in the landowners having to apply for resource consent.

5.2.3 Proposed deletion of indicative roads Greenslade Road, Raglan

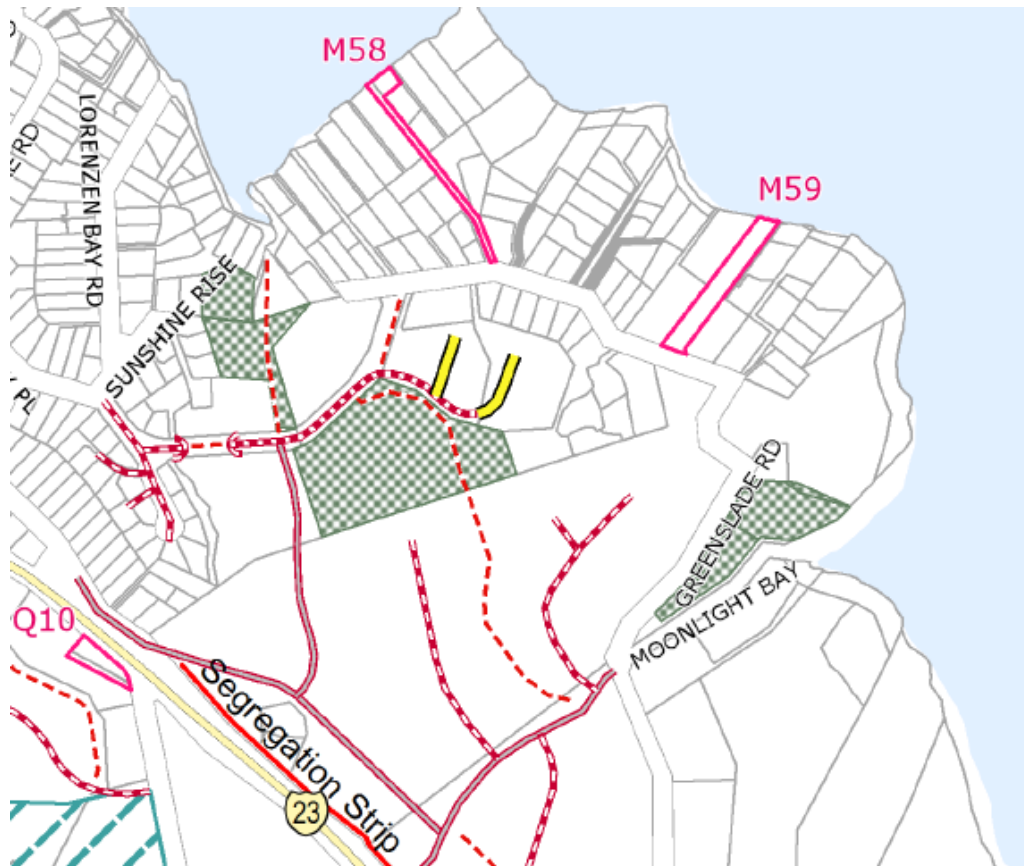
PC8 proposes to delete the two small yellow highlighted indicative roads demonstrated on the map below (Figure 3).

Planning Map 23.4 of the District Plan demonstrates that properties 109 and 113 Greenslade Road have 2 small cul du sac indicative roads on the properties. These

two cul du sac indicative roads are connected to another indicative road that is located along the southern boundary of 113 Greenslade Road and runs along the boundary of an adjoining Council reserve area to the south west.

These indicative roads were established during the development of the Lorenzen Bay Structure Plan to reflect the future subdivision of the above properties into 27 proposed Living Zoned allotments. This consent was not approved by Council and subsequently the properties have changed hands. The current property owners have undertaken considerable native planting and have no desire for a Living Zoned subdivision.

Figure 3: Greenslade Road, Raglan



It is important to note that PC8 does not propose to delete the effective indicative link road that is located along the southern boundary of 113 Greenslade Road. Council intends to retain this indicative road as it serves the purpose of highlighting the importance of a future link road possibly through to Lorenzen Bay Road as well as possibly through to the future subdivision of the 12.5 hectare property (Pt Lot 30 DPS 31092) to the south east of the property with linkages onto Greenslade Road or a new road.

5.2.4 Proposed deletion of indicative road – Waikowhai Place and Puka Place, Raglan

PC8 proposes to delete indicative roads that were established before the subdivision (SUB0068/05) creating Waikowhai Place and Puka Place, Raglan. The subject indicative roads are shown as yellow highlight on Figure 4 on the next page.

Figure 4: Waikowhai Place and Puka Place, Raglan



The roads/access that is subject of the indicative road has been constructed and Council has previously issued S224C certificates for the lots. The problem has arisen because the location of the constructed Waikowhai Place and Puka Place roads are different than the location of the indicative roads.

The effect of this is that 7 Waikowhai Place and 10, 4 and 2D Puka Place currently have an indicative road that bisects the property. Rule 21.5 of the District Plan makes the construction of a building valued over \$15,000 on the route of an indicative road a prohibited activity for which no consent can be lodged. Furthermore, 5A Waikowhai Place and 10 Puka Place have new buildings on them as a result of BLD345/10 and BLD380/10 building consents.

Currently the owner of 4 Puka Place has lodged a consent application for the construction of a dwelling on the property, however this property is bisected by the indicative road which taking into account the minimum setback of 16 metres from

the centreline of the indicative road effectively forces the landowners to have to apply for resource consent to build on the property.

5.3 Proposed amendments to rules

5.3.1 Sale of Liquor rule – all zones

PC8 proposes to amend the sale of liquor rules in all zones to ensure that the sale of liquor rule is consistent with the Sale and Supply of Alcohol Act 2012 and ensure there is connectivity within the rule itself.

The proposed amendment is:

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, ~~or~~ **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.

The amendment proposes to replace “or” with “and” to provide for connectivity between (b) (i) and (b) (ii). Currently the rules provide that the sale of liquor is a permitted activity if the activity does not occur between the hours stated in (b) (i) or the activity does not occur on a site within 50m of land in the Living Zone. The implications of this is that the sale of liquor would be permitted if the activity complies within only one of the above so either (b) (i) or (b) (ii).

The concern for Council is that the sale of liquor should only be permitted if the activity complies with both the hours in (b)(i) and the site characteristics in (b)(ii) or (iii) and not if the activity only complies with one of the two standards. By replacing “or” with “and” this will ensure condition connectivity.

Requiring compliance with both (b) (i), (b) (ii) or (iii) is considered to mitigate the adverse environmental effects associated with such activities and generally the patrons using them on the residential character and amenity of the Living Zone.

5.3.2 Plant or animal effluent – All zones

This rule is located in all zones of the District Plan and provides for the disposal of liquid effluent derived from plants or animals, or whey as a permitted activity. It is proposed to simply change the location of the word “whey” within the rule to not only improve the readability of the rule but provide greater clarity. The proposed amendment is:

“Any activity is a permitted activity if:

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

The current location of the word “whey” within the rule appears that it was essentially an afterthought during the rules drafting. Undertaking the proposed amendments is considered to improve the clarity and applicability of the rule and hence improve the ease of understanding for District Plan users.

5.3.3 Temporary Events – All zones

One of the requirements of the current temporary event rule provides that a temporary event is a permitted activity if it does not involve the assembly of more than 500 people. However, the wording of the rule allows for different interpretations. On the one hand, it could be interpreted that a temporary event is a permitted activity if it does not involve more than 500 people per event, or it does not involve the assembly of more than 500 people over the entire three events, maximum as per the rule.

The purpose of the particular wording was for a maximum of 500 people per event and therefore up to 500 people over three events per year adding to a total of 1500 people for the year. To eliminate the potential for a different interpretation it is proposed to insert “per event” at the end of the relevant clause: as demonstrated below:

“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”*

5.3.4 Rule 25.52 – Non-residential building in the Rural Zone

At present, Rule 25.52 provides for the establishment of a non-residential building up to 400m² in area as a permitted activity in the Rural Zone. The purpose of this rule is to provide for buildings to be used for rural purposes, such as implement sheds without the need for resource consent.

However, there are two matters that require addressing. First, the current wording of the rule does not make it clear whether only one 400m² building is permitted per lot or if the limit applies to each building with no limit on the number of buildings (the latter was the intention because Rule 25.51 Site Coverage effectively governs the total number of buildings on a lot). To address this matter it is proposed to insert “each” into 25.52.1 a) to ensure the purpose of the rule is clear.

The second matter is related to the 400m² limit per building. Council has had examples that have demonstrated that the 400m² limit may be too restrictive and it would be more appropriate to increase this limit to 500m².

The proposed amendments to the rule are:

“Construction or alteration of a non-residential building is a permitted activity if:

a) the gross floor area of ~~any~~ each non-residential building does not exceed ~~400m²~~ 500m²;
and

b) the gross floor area of any non-residential building on a site of less than 2ha does not exceed 250m²”

Note:

This rule does not apply to buildings for productive rural activities. For this, refer to rule 25.52A.

It is important to outline that it is proposed to insert a new note at the bottom of the rule. The purpose of this is to provide clarity that this rule does not apply to buildings that are to be used for productive rural purposes as defined within the District Plan. This is discussed below.

5.3.5 New Rule 25.52A – Buildings for productive rural activities in Rural Zone

Associated with the last paragraph above, Council acknowledges that within the rule framework of the Rural Zone there is no allowance for the establishment of large farming-related buildings as a permitted activity. Currently, pursuant to Rule 25.52 the establishment of a 400m² (proposed to be amended to 500m²) building is a permitted activity. However, the establishment of any building above the current 400m² (proposed 500m) limit would require consent as a Discretionary Activity.

In cases where the landowner wishes to establish a building for productive purposes such as rearing calves, herd homes or goat farming, a 400m² restriction is too low and accordingly Discretionary Activity consent is required. This is an inefficient

approach and there have been many examples of such consents being applied for to establish larger buildings to be used for productive purposes in the Rural Zone.

To address this it is proposed to introduce a new rule 25.52A that would cater solely for those buildings larger than 400m² to be used for productive rural activities. It is proposed to set the permitted level at 1000m² with no restriction on the number of buildings as this is controlled by the site coverage rule.

It is important to highlight that through Plan Change 2 a new definition of productive rural activities was established as:

“Means those activities that use rural resources for economic gain and which cannot be carried out easily or appropriately in an urban setting. They include energy generation, access to and extraction of mineral resources including extractive industry, soil-based production and the processing of primary products”

The proposed amended rule is re-printed below:

“Construction or alteration of a building used for productive rural activities is a permitted activity if:

a) the gross floor area of each building does not exceed 1000m²”

The proposed new Rule 25.52A recognises that buildings can be used for productive rural activities as defined above. In the case that such a building/s is not utilised for purposes consistent with the above definition, then this new rule will not apply and compliance with the 400m² within Rule 25.52 would be applicable.

5.3.6 Rule 27.11.1 – Home occupation in the Country Living Zone

The current home occupation rule in the Country Living Zone provides for home occupations as a permitted activity subject to compliance with standards (a) to (d).

Plan Change 3 (Tamahere Structure Plan) introduced new Rule 27.11A for home occupation within the Tamahere Country Living Zone. This rule was written on the basis of Rule 27.11.1 but included new standards establishing limits on:

- The gross floor area that the home occupation comprises;
- Restricting the home occupation within a dwelling or attached garage; and
- Limiting the home occupation to no more than 4 heavy vehicle movements daily.

It is considered that instead of having two different home occupation rules in the Country Living Zone that both set out to achieve the same outcome, it would be more efficient to introduce Rule 27.11A across the entire the Country Living Zone in the District.

At present there are no limitations on the size of the area that the home occupation occupies or that the activity is contained within the dwelling or an attached garage. A 40m² maximum floor area and ensuring the activity is undertaken within a dwelling or attached garage (i.e. preventing undertaking the activity in a detached building) are standards to control the size and location of the home occupation and therefore minimising the adverse effects of a home occupation on the surrounding environment whilst aiding in the protection of the predominant residential amenity of the locality.

Currently there is also no limitation on the number of heavy vehicle movements that a home occupation generates. An unlimited number of heavy vehicle movements per day could depending on the locality result in adverse effects on the occupants of the surrounding environment.

The proposed rule is re-printed below:

“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.*

27.10.2

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

27.10.3

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

5.3.7 Rule 25.54 – Building setbacks – Allotments 1.6ha or more in the Rural Zone

The purpose of this rule is to establish a minimum 25 metre setback from every boundary other than a road boundary. Buildings that comply with this requirement are a permitted activity. Pursuant to Rule 25.54.2 non compliance with this rule changes the application to a Discretionary Activity if it is a non-habitable building within 25m of every boundary other than a road boundary. Therefore, should a building be located within 25m of only one boundary then the application defaults to non complying.

This was not the intention of the rule and it is proposed to amend the wording to ensure that non-compliance with only one boundary other than a road boundary would require consent as a Discretionary Activity instead of a Non Complying Activity. The proposed amendment is:

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 every one or more boundaryies other than a road boundary”*

5.3.8 Rule 25.55 – Building setbacks – 5000m² to 1.6ha in the Rural Zone

As discussed above, Rule 25.55.2 has the same issue and it is proposed to be amended as:

“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 every one or more boundaryies other than a road boundary if the adjoining allotment is 6ha or more.”*

5.3.9 Rules 21.24, 22.22, 23.26, 24.25 and 25.25 – Earthworks in various zones

The earthworks rule in all applicable zones is proposed to be amended to improve the purpose and clarity of the rule. The proposed amendments are:

1. Pursuant to the earthwork rule in the zones (particularly Rule 21.24 in the Living Zone) earthworks are a permitted activity if there is compliance with all standards (a) through to (j). Clause (d) is important to highlight as it requires that no material is removed from the site.

A Living Zone has a minimum net site area of 450m² or 600m² in the New Residential Zone. These site sizes are relatively small so it is common for material to be removed from the site as it is not appropriate to stock pile material on site. Currently this rule would trigger the requirement for resource consent for every new dwelling constructed or relocated within the Living Zone which is highly inefficient and contrary to the purpose of the Living Zone.

To address this issue, it is proposed to delete clause (d) so that material can be removed from the site and the permitted activity status can still be retained.

2. Rule 21.24.1 (j) establishes a square metre permitted limit. The purpose of this clause is to establish a permitted limit on the area of the earthworks being undertaken. However the current wording of the clause does not make it clear that it relates to an area. To address this it is proposed to make a small amendment to include the new words “in area” at the end of this clause.
3. Following clause (j), the earthwork rules have a “*despite*” section that provides exclusions from the clauses in (h) to (j). The purpose of this section is to provide for earthworks as a permitted activity if they comply with clauses (a) to (ga) and the works are part of an approved subdivision or approved via a building consent and the works are no more than 150% of the area of the building works or occurs on land no steeper than 1:8 gradient.

The current format of the above section is not clear and has resulted in confusion as to the clear purpose and application of the clause. The purpose of section (k) (ii) is twofold with earthworks being permitted if:

- the earthworks are necessary for building works authorised by a building consent and the area is no more than 150% of the area of the building works; or
- The earthworks occurs on land with an average gradient no steeper than 1:8.

The format of the rule is not clear and the “or” between the above two bullet points can get lost within the clause. To address this and improve the clarity of the rule it is proposed to make the following format amendment:

“is necessary for building works authorised by a building consent and:

- ~~and~~ *the area of earthworks is no more than 150% of the area of those building works; or*
- ~~or~~ *occurs on land with an average gradient no steeper than 1:8, or”*

5.3.10 Two new rules – road stopping and esplanade reserve:

PC8 proposes to introduce two new rules to address an anomaly with regards to the stopping of paper roads and the requirement in certain instances for Council to take an esplanade reserve pursuant to the Local Government Act. (“LGA”).

Pursuant to section 345(3) of the LGA upon the stopping of any road along:

- (i) the mark of mean high water springs of the sea; or
- (ii) the bank of a river with an average width of 3 metres or more; or
- (iii) the margin of any lake with an area of 8 hectares or more.

then Council must take a 20m minimum width of esplanade reserve. In accordance with s345(3) of the LGA there is no ability for Council to either waiver this requirement or to take less than 20m in instances where 20m width is not appropriate.

Section 77(3) of the RMA provides that a territorial authority may include a rule in their District Plan that either allows the taking of less than 20 metres in width or that section 345(3) of the LGA does not apply so effectively waiving the requirement of taking an esplanade reserve. The wording of s77(3) is very clear that the only mechanism available for territorial authorities is inclusion of a rule in the District Plan and does not provide the ability for a territorial authority to establish a policy regarding this matter.

The two rules are proposed in accordance with section 77(3) of the RMA to provide the opportunity for Council to either waive the requirement of taking an esplanade reserve, taking esplanade reserves less than 20m in width or more than 20m in width. The two proposed rules are re-printed on the following page:

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

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p><u>25.11D</u> <u>Creation of esplanade reserve on road stopping -</u> <ul style="list-style-type: none"> <u>waiver of esplanade reserve.</u> </p>	<p><u>25.11D.1</u> <u>On the stopping of any road along:</u> <u>(i) the mark of mean high water springs of the sea;</u> <u>or</u> <u>(ii) the bank of a river with an average width of 3 metres or more; or</u> <u>(iii) the margin of any lake with an area of 8 hectares or more;</u> <u>waiving the requirement to create an esplanade reserve on road stopping, as required under the Local Government Act 1974, is a restricted discretionary activity.</u></p> <p><u>Discretion restricted to:</u></p> <ul style="list-style-type: none"> <u>the extent to which the value of the subject land in terms of the purpose of esplanade reserves and strips is not significantly diminished;</u> <u>the extent to which objectives and policies of Chapter 2 and 15 of the District Plan are met;</u> <u>the nature and degree of existing public access to the water body adjacent to the road being stopped;</u> <u>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;</u> <u>whether circumstances exist such that it would not be appropriate to require an esplanade reserve;</u> <u>whether an alternative land use would be of a greater community interest;</u> <u>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;</u> <u>whether the purposes of esplanade reserves can be achieved by other means;</u> <u>topography of the land.</u> 	<p><u>25.11D.2</u> <u>Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</u></p>

5.3.11 Rule 27.70 – Esplanade reserves and esplanade strips:

The current format of Rule 27.70 is not only inconsistent with the format of the rule in the other zones of the District Plan but also potentially confusing for District Plan users. The existing rule is re-printed below:

<p>27.70</p> <p>Esplanade reserves and esplanade strips</p>	<p>27.70.1</p> <p>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> <p>(c) less than 4ha and within 20m of</p> <p>(i) mean high water springs, or</p> <p>(ii) the bank of any river whose bed has an average width of 3m or more, or</p> <p>(iii) a lake whose bed has an area of 8ha or more, or</p> <p>(iv) 4ha or more within 20m of mean high water springs, or a water body identified in Appendix G (Esplanade Priority Areas).</p> <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. 	<p>27.70.2</p> <p>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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The format of the above rule means that (iv) is one of the standards of 27.70.1 (a). However, the confusion arises as 27.70.1 (a) applies only to areas less than 4ha in area and (iv) applies to areas 4ha or more in area and therefore is not an appropriate standard for inclusion in 27.70.1 (a).

It is therefore proposed to amend the format of this rule to delete (iv) and replace with (b) so it is an independent standard within the rule. The proposed amendments are re-printed below.

“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:

(a) less than 4ha and within 20m of

(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) ~~(iv)~~ 4ha or more within 20m of mean high water springs, or a water body identified in Appendix G (esplanade Priority Areas)”

5.4 Proposed amendments to other text

5.4.1 Amendment to Table 8 – Road Hierarchy of Appendix A

Amendments are proposed to Table 8: Road Hierarchy of Appendix A in the District Plan to reflect changes to the Regional Arterial and Arterial Road network of the District. These amendments are required as a consequence of the construction of the Te Rapa and Ngaruawahia Sections of the Waikato Expressway that have replaced the former State Highway 1 which extended from the District Boundary in the North of Hamilton to Taupiri. This has resulted in the re-classification of the former State Highway 1 and also consequential amendments to associated roading networks.

The proposed amendments are shown below:

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
<u>SH39 (Koura Dr)</u>	<u>SH1 (Waikato Expressway)</u>	<u>SH39 (Te Kowhai Rd)</u>	<u>Western bypass of Hamilton City</u>
<u>SH39 (Te Kowhai Rd)</u>	<u>SH39 (Koura Dr)</u>	<u>SH39 (Limmer Rd)</u>	<u>Western bypass of Hamilton City</u>
SH 39 (Ngaruawahia Rd) (<u>Limmer Rd</u>)	Ngaruawahia <u>SH39 (Limmer Rd)</u>	<u>SH39 (Horotiu Rd)</u>	Western bypass of Hamilton city

SH 39 (Horotiu Rd)	SH 1, Horotiu <u>SH39 (Limmer Rd)</u>	SH 23 (<u>Whatawhata Rd</u>)	Western bypass of Hamilton city
SH 39 (Kakaramea Rd)	SH 23	South district boundary	Inter-regional link
<u>Great South Rd</u>	<u>Gordonton Rd roundabout</u>	<u>SH1 (Waikato Expressway) Horotiu Roundabout</u>	<u>Inter-regional link, access to Hamilton</u>

Arterial Roads	Start	Finish	Road – Predominant Traffic Function
Te Kauwhata Rd	SH 1	Main Rd	Links Te Kauwhata township to SH 1
Horotiu Bridge Rd	SH 1	River Rd	First First <u>Second</u> river crossing north of Hamilton
Victoria Rd	South district boundary	Tauwhare Rd	Inter-regional link Cambridge to Morrinsville
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
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

Arterial Roads	Start	Finish	Road – Predominant Traffic Function
Horotiu Rd	SH 1 Great South Rd	SH 39	Milk haul route to Te Rapa
Ngaruawahia Rd	Whatawhata Ave	Horotiu Rd	Inter-regional traffic and rural link
Te Kowhai Rd	Exelby Rd	Limmer Rd	Whatawhata and west to Te Rapa
Limmer Rd	Te Kowhai Rd	SH 39	Whatawhata and west to Te Rapa

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
Te Pahu Rd	SH 23	South district boundary	Rural collector
Newell Rd	SH 1	Devine Rd/ Proposed Link Rd intersection	Country Living Collector
Proposed Link Rd	Devine Rd/Proposed Link Rd intersection	SH 21	Country Living Collector

6.0 Section 32 Considerations

The tables below provide an analysis of the costs and benefits of the proposed amendments.

This analysis enables an assessment of the efficiency, effectiveness and appropriateness of PC8. Given the nature of the content of PC8 it is not practicable to quantify the costs and benefits.

Only two options have been considered for these assessments due to the minor nature of the proposed amendments and they are:

- do nothing (i.e. retain status quo), or
- amend the District Plan as proposed.

Table 1 – Proposed amendment to Industrial Activity definition

Description of amendment	<p>Retaining the current definition means that the specific wording “storage of goods” is potentially a catch all as any activity that stores any type of goods (excluding farming) could be defined as an Industrial Activity. The implications of this are that for many activities, depending on the zoning, a resource consent as an industrial activity may be required.</p> <p>It is proposed to insert the words “in a warehouse or purpose built unit” after the “storage of goods” to provide clarity to the definition by restricting its applicability from the current wide reaching storage of any goods to those goods only stored within a warehouse or purpose built facility.</p>	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend definition. This is the recommended option
Costs	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> With the current potential catch all for many activities this will require an application for a resource consent which is a cost for the applicant. This is a highly inefficient and costly exercise and is not the intention of the current definition.</p> <p><u>Social cost:</u> Lack of clarity for District Plan users.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> The only cost would be limited to the cost of preparing and undertaking the plan change.</p> <p><u>Social cost:</u> The District Plan would be easier to interpret and would provide more certainty for users.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>
Benefits	As discussed, the current definition is considered a catch all for any activity that stores goods excluding farming. Retaining the status quo is not considered to provide any	Would narrow the scope or applicability of the definition through providing greater detail on exactly what activities that store goods would be captured by the definition and therefore

	benefits as most if not all activities that store goods would be defined as an Industrial activity and may require resource consent for their establishment.	<p>defined as an industrial activity. This makes it easier for the District Plan user to interpret and easier for the administration of the District Plan.</p> <p>This option would ensure that the potential for any activity that stores goods would not be defined as an industrial activity and may require resource consent.</p> <p>Limits the requirements of when resource consent is required.</p> <p>promotes good planning outcomes for the community.</p>
Efficiency & Effectiveness of achieving objectives	The current definition is neither efficient nor effective because it captures activities that the industrial activity related objectives and policies of the District Plan were not intended to capture. This means that the relationship of the relevant policy provisions to activities for which consent is required (simply because of the current definition wording) is tenuous. This is not an effective or efficient means of achieving the relevant objectives.	Amending the definition will mean that only those activities that the relevant District Plan objectives were intended to relate to will be captured and require resource consent, and thus the need to be tested against those objectives. This is a more effective and efficient means of achieving the relevant objectives.
Most appropriate for achieving objectives	The current definition is not considered appropriate as the definition does not achieve the intent of the related objectives and policies. This means that the relationship of the relevant policy provisions to activities for which consent is required (simply because of the current definition wording) is tenuous. This is not an appropriate means of achieving the relevant objectives.	The proposed amendment is considered appropriate as it would narrow the scope and applicability of the current definition. This ensure that any activity that stores goods is not automatically captured as a Industrial activity, thus eliminating the current inefficient approach but also provide certainty for District Plan users.
Risk of acting or not acting	Not applicable	There is no uncertainty regarding the proposed amendment to the definition.

Table 2 – Proposed amendment to Dwelling definition

Description of amendment	It is proposed to amend the definition of dwelling to insert “containing one kitchen” to limit each dwelling to one kitchen only. This will tighten up the definition of a dwelling and would ensure that there is only one kitchen per dwelling.	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend definition. This is the recommended option
Costs	<p>There is already a clear direction in the District Plan as to the expected number of dwellings per site (i.e. one per site, in all zones) which is interrelated to the District Growth Strategy to redirect the majority of growth into existing towns and villages. However, this is not supported by the existing definition of dwelling which is undermining the achievement of the growth strategy.</p> <p><u>Environmental cost:</u> The cost of the status quo is that Council is receiving applications for Building Consent for very large houses with other wings and elements such as “bars”, “sinks”, and “mud rooms” that have associated plumbing facilities alongside closely associated bedrooms that can clearly be operated separately/independently from the primary dwelling.</p> <p>In these instances applicants are essentially proposing multiple dwellings that generally require a resource consent for two dwellings on one certificate of title (depending on the zoning).</p> <p>The definition of a dwelling is therefore critical for Council to have the ability to ensure that a dwelling has only one kitchen.</p>	<p>Amending the current definition to stipulate only one kitchen per dwelling would significantly clarify what constitutes a dwelling whilst significantly deterring the current practice of dwellings being applied for with more than one kitchen. Additionally, Council’s Regulatory department place a heavy reliance on the definition of dwelling with the current definition not addressing the kitchen/second dwelling issue.</p> <p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> With the definition clearly limiting one kitchen per dwelling there is the cost to applicants of having to apply for resource consent for two dwellings.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>

	<p><u>Economic cost:</u> A cost for Council is that once building consent has been issued it is very difficult for Council's Monitoring department to address as the current definition in the District Plan does not specifically state that a dwelling shall only have one kitchen.</p> <p><u>Social cost:</u> With the potential for a dwelling to essentially contain a number of separate independent dwellings it can result in poor planning outcomes and adverse effects for the neighbouring environment. This is because establishing more than one dwelling on a site also potentially leads to greater effects on neighbours and the transport network through increased numbers of vehicle movements, potentially inadequate on-site car parking leading to overspill parking in shared driveways/Right of Ways or on local roads, and generally greater levels of effects generating activity on a site than would be experienced if only one dwelling was present.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>	
Benefits	<p><u>Social benefit:</u> The only benefit generated by the status quo may be that some families would be able to house extended family in one building. However, the District Plan already makes provision for dependent person's dwellings.</p> <p><u>Economic benefit:</u></p>	<p><u>Environmental benefit:</u> Would ensure that one dwelling has only one kitchen preventing the opportunity for what is effectively more than one dwelling per certificate of title excluding a dependent persons dwelling.</p> <p>Would provide Council's Regulatory department with the statutory ability to advise applicants that applications for a</p>

	<p>Resource consent would not be required for landowners wishing to establish a dwelling with more than one kitchen on a property.</p>	<p>dwelling with more than one kitchen does not meet the definition of a dwelling and require consent as two dwellings on the same certificate of title.</p> <p>The proposed amendment would also provide Council's Monitoring department with the statutory ability to enforce any instances where a dwelling is built with more than one kitchen.</p> <p><u>Economic benefit:</u> There are no economic benefits considered.</p> <p><u>Social benefit:</u> Provides certainty for District Plan users.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>The current definition of dwelling is not considered efficient or effective as it contributing to the issue of greater dwelling density on properties throughout the District than the relevant objectives of the District Plan (closely related to the Waikato District Growth Strategy) were intended to achieve. Increasing numbers of resource consents, prompted by planning checks on building consents, are being required for second dwellings. It is probable that in some cases two dwellings per site are being established without resource consent because of the size of the dwelling and the way that the dwelling plans are labelled at the time of Building Consent application. This is not an effective or efficient means of achieving the relevant objectives.</p>	<p>Amending the definition will mean that activities that the relevant District Plan objectives relate to will be captured and require resource consent, and be tested against those objectives. This is a more effective and efficient means of achieving the relevant objectives than the current situation where there is the potential for (effectively) second dwellings to be established without the situation being tested against the relevant objectives.</p>
<p>Most appropriate for achieving objectives</p>	<p>The current definition is promoting the opportunity for a dwelling density that the relevant objectives and policies of the District Plan were not formulated to achieve. This means that the relationship of the relevant policy provisions to activities for which consent is required (as promoted by the definition) is tenuous. This is not an appropriate means of achieving the relevant objectives.</p>	<p>Amending the definition to provide greater clarity and certainty of what constitutes a dwelling, and thus when consent is and isn't required for a second dwelling on the same Certificate of Title, is the most appropriate means of achieving the relevant District Plan objectives.</p>

Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.
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Table 3 – Proposed new definition of Kitchen

Description of amendment	<p>It is proposed to establish a new definition for kitchen as currently there is no definition of a kitchen in the District Plan. In instances like this where the District Plan is silent on the matter then the definition in the Concise Oxford Dictionary (9th edition) is applicable.</p> <p>The amendment is required due to the proposed amendment to the definition of dwelling referring to one kitchen.</p>	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend definition. This is the recommended option
Costs	<p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> As the proposed definition of kitchen is only being promulgated due to the proposed amendment to the definition of dwelling, the same costs apply to this option as set out in the costs for amending the definition for dwelling as set out above.</p> <p><u>Social cost:</u> There are no social costs considered.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>	<p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> The only cost associated would be a tightening up of what constitutes a dwelling and for applicants a significant reduction of the flexibility currently (inadvertently) available for the application of more than one kitchen within one dwelling. This would result in a resource consent being required.</p> <p><u>Social cost:</u> Would prevent the current opportunity for one dwelling to contain more than one kitchen.</p> <p><u>Cultural effects:</u> There are no cultural costs considered.</p>
Benefits	<p>As the proposed definition of kitchen is only being promulgated due to the proposed amendment to the definition of dwelling, the same benefits apply to this option as set out in the benefits for amending the definition for dwelling as set out above.</p>	<p>With the proposed amendment to the definition of dwelling this would necessitate the introduction of a definition of a kitchen to ensure the efficient application of dwelling definition.</p> <p>As discussed in Table 2, the benefits associated with this</p>

		<p>approach are:</p> <p><u>Environmental benefit:</u></p> <ul style="list-style-type: none"> • Would provide clarity to the District Plan users as well as Council's Regulatory and Monitoring departments on what constitutes a kitchen and what can be included within a dwelling without triggering the requirement of a kitchen; • Would provide clarity to Council's Regulatory and monitoring departments for the application of the dwelling and the enforcement if required; • Would aid in the achievement of the established District Growth Strategy; and • Would ensure a strong correlation with the proposed amendments to the definition of dwelling.
Efficiency & Effectiveness of achieving objectives	The consequential nature of this amendment means that the efficiency and effectiveness analysis set out above for the definition of dwelling amendment is also applicable here.	The consequential nature of this amendment means that the efficiency and effectiveness analysis set out above for the definition of dwelling amendment is also applicable here.
Most appropriate for achieving objectives	The consequential nature of this amendment means that the appropriateness analysis set out above for the definition of dwelling amendment is also applicable here.	<p>The consequential nature of this amendment means that the appropriateness analysis set out above for the definition of dwelling amendment is also applicable here.</p> <p>It is important to highlight that the proposed new definition is critical for achieving the efficient applicability of the proposed amendments to the dwelling definition.</p>
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 4 – Proposed amendment to Indicative road definition

Description of amendment	It is proposed to amend the definition of indicative road to provide greater clarity over what constitutes an indicative road and shall not include an area on the Planning Maps of the District Plan where a subdivision has been approved and has not lapsed.	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend definition. This is the recommended option
Costs	<p>The existing definition is re-printed below:</p> <p><i>“Means an indicative road shown on the Planning Maps”</i></p> <p><u>Environmental costs:</u> There are no environmental costs considered.</p> <p><u>Economic costs:</u> There are no economic costs considered.</p> <p><u>Social costs:</u> Existing definition does not provide any guidance to District Plan users on what an indicative road is and nor does it provide guidance on the instance where subdivision consent has been issued with a roading layout that is different to the location and/or alignment of the indicative road.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>	<p><u>Environmental costs:</u> There are no environmental costs considered.</p> <p><u>Economic costs:</u> There are no economic costs considered.</p> <p><u>Social costs:</u> The proposed amendment expands the current definition to enable an exclusion to the definition to provide greater clarity for District Plan users.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>
Benefits	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p>	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> The preferred option would ensure that applicants have the ability to apply for consent for a differing road network layout</p>

	<p><u>Social benefits:</u> There are no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p>and/or location.</p> <p><u>Social benefits:</u> Provides greater clarity for District Plan users on what is an indicative road.</p> <p>Provides the opportunity for instances where indicative roads are not included within the definition. This is important because there have been instances where a property with an indicative road on the Planning Map obtains subdivision consent from Council with the roading network having a location or alignment different from the indicative road.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 8.2.1: <i>“An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.”</i></p> <p>Retaining the current definition is not considered to be consistent with achieving the objective due to the lack of clarification of what specifically constitutes an indicative road.</p>	<p>Objective 8.2.1: <i>“An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.”</i></p> <p>Amending the definition as proposed will provide the benefit of greater clarity to plan users and decision makers in the event that a proposal on a site that contains an indicative road, but where an alternative alignment has previously been approved and/or formed, requires assessment against this objective. This improves the effectiveness and efficiency of the Indicative Road provisions in terms of achieving the objective.</p>
<p>Most appropriate for achieving objectives</p>	<p>Retaining the current broad definition with its associated uncertainty is not considered the most appropriate for achieving objective 8.2.1.</p>	<p>The preferred option would provide that when a property with an indicative road obtains subdivision consent from Council, then the roading layout in the approved consent takes precedence over any indicative road. Additionally, any indicative road as shown on the Planning Maps would not be defined as an indicative road.</p>

		<p>This is important because at the time of identification of an indicative road alignment (generally during a structure plan process) the actual final layout of subdivisions is not known as this is determined at a later stage taking into account a number of factors. Accordingly, indicative roads are developed to represent either important links with existing or proposed road networks or provide a level of guidance through a signal of intent on what may constitute an acceptable roading layout.</p> <p>The preferred roading layout is generally designed during the detailed design and planning for the development of the property and therefore it is not uncommon for the preferred roading layout to differ from the indicative road layout or configuration on the Planning Maps.</p> <p>Given all the above, amending the definition as set out above is appropriate to achieve the objective.</p>
<p>Risk of acting or not acting</p>	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 5 – Proposed amendment to Building definition

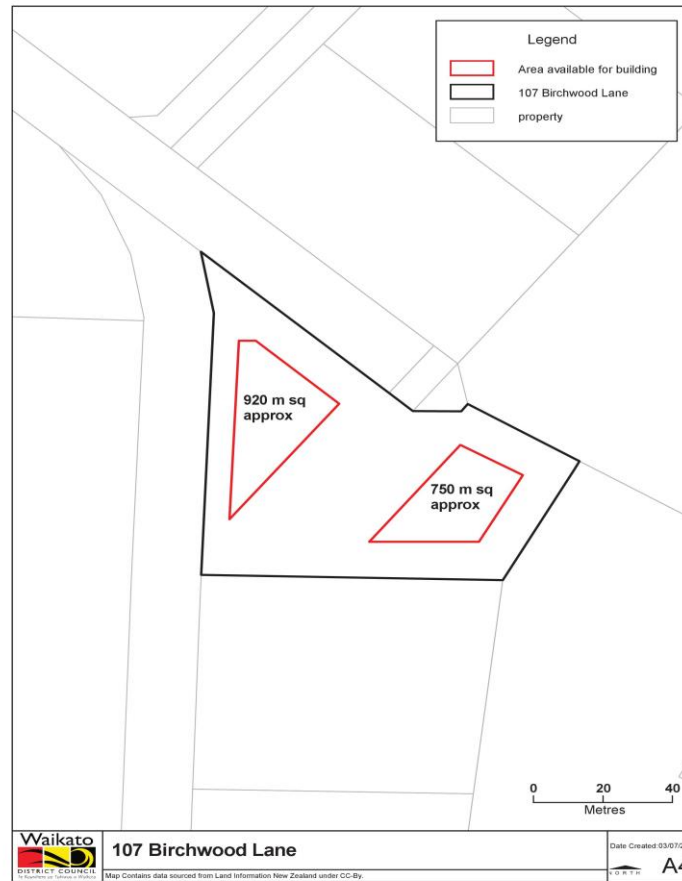
<p>Description of amendment</p>	<p>In accordance with the current definition, the installation of rainwater tanks if greater than 2 metres in height above natural ground level trigger the definition of a building.</p> <p>To provide the opportunity for rainwater tanks not to be defined as a building and potentially require resource consent it is proposed to insert an additional clause d) in the definition of building as follows:</p> <p><i>“d) Tanks up to 35,000 litres in capacity that protrude a maximum of 1 metre above natural ground level”.</i></p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend definition. This is the recommended option</p>
<p>Costs</p>	<p><u>Environmental cost:</u> Having to site rainwater tanks on properties to meet the minimum setback requirements from boundaries can result in adverse amenity effects on the property and the surrounding environment.</p> <p><u>Economic cost:</u> As a building, rainwater tanks need to comply with the relevant performance standards of the District Plan for the zone (e.g. boundary setbacks). Non compliance with one of the performance standards requires resource consent.</p> <p>Retention of the existing definition would result in a continuation of the above situation and in many instances require landowners to apply for a resource consent, with attendant time and financial costs.</p> <p><u>Social cost:</u></p>	<p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> The cost of Council for the preparing of this plan change.</p> <p><u>Social cost:</u> Would provide greater certainty for District Plan users.</p> <p><u>Cultural effects:</u> There are no cultural costs considered.</p>

	<p>No certainty for property owners that have to apply for resource consent for a variation to the minimum setbacks.</p> <p><u>Cultural effects:</u> There are no cultural costs considered.</p>	
Benefits	<p>Retention of the existing definition is not considered to result in any benefits, apart from the relative certainty of maintaining the status quo.</p>	<p>The preferred option would exclude rainwater tanks (provided they meet the standards) from being defined as a building and therefore would be exempt from compliance with the performance standards of the District Plan.</p> <p><u>Environmental benefit:</u> Can mitigate potential adverse dominance and amenity effects from rainwater tanks.</p> <p><u>Economic benefit:</u> In many instances eliminate the financial burden and time consuming process of applying for resource consent.</p> <p><u>Social benefit:</u> Would provide certainty for District Plan users</p> <p><u>Cultural benefit:</u> There are no cultural benefits considered.</p>
Efficiency & Effectiveness of achieving objectives	<p>It is considered there are no specific objectives of the District Plan that apply to the current definition.</p>	<p>It is considered there are no specific objectives of the District Plan that apply.</p>
Most appropriate for achieving objectives	<p>It is considered there are no specific objectives of the District Plan that apply to the current definition.</p>	<p>It is considered there are no specific objectives of the District Plan that apply to the current definition.</p>
Risk of acting or not acting	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 6 – Proposed deletion of indicative road – Birchwood Lane extension, Tamahere

Description of amendment	It is proposed to delete the indicative road commonly referred to as the Birchwood Lane extension to reflect the current designated re-aligned Birchwood lane extension and the future planned construction of this road extension.	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend Planning Map. This is the recommended option
Costs	<p>The following properties are bisected by the indicative road on Planning Map 27.2 of the District Plan.</p> <ul style="list-style-type: none"> • 106 Birchwood Lane; • 107 Birchwood Lane; • 109 Birchwood Lane; and • 126A, B and C Birchwood Lane. <p>Furthermore, the existing indicative road is located along the northern boundary of 285 Newell Road. The remainder of the indicative road is located within the designated area of Birchwood Lane.</p> <p>107 Birchwood Lane is a 6579m² Country Living Zoned property that is currently vacant of any buildings. The existing indicative road significantly adversely affects the building of a new dwelling and associated buildings on the property as the indicative road runs approximately through the middle of the property. Pursuant to Rule 27.48.1 of the District Plan any building to be constructed as a permitted activity shall be located a minimum of 17.5 metres from the centre line of the indicative road. Compounding this are the minimum setbacks requirements for a permitted activity pursuant to Rule 27.48.1 re-printed below:</p>	<p>The preferred option involves the deletion of the indicative road as its alignment and overall purpose is redundant.</p> <p>The preferred option would provide greater flexibility for the siting of dwellings as a permitted activity on the identified properties and therefore no costs to the affected landowners are considered to be generated.</p> <p>There are no costs in terms of the loss of the potential for the indicative road to be formed because the need for the road is now redundant given other roading developments in the area.</p>

- 7.5 metres from a road boundary; and
 - 12m from every boundary other than a road boundary.
- These setbacks as referred to above combine to create areas available for building on the site as set out in the diagram below.



As demonstrated by the above, constructing a dwelling on the property as a permitted activity is achievable in only two available areas as represented by the red boxes. Each area provides 920m² and 750m² respectively for a dwelling. This significantly limits the opportunity for the construction of a permitted activity dwelling on the property particularly due to the odd shapes of the two areas defined in red as above.

The property at 109 Birchwood Lane is also adversely affected but to a lesser extent than number 107 as the indicative road bisects the north western corner of the property. With compliance with Rule 27.48.1 it still provides sufficient area for the construction of a dwelling and associated buildings as a permitted activity.

With regards to number 106 Birchwood Lane, the indicative road bisects the south eastern area of the property. This property is currently vacant of any dwelling or buildings and with a total area of 5.344 hectares pursuant to Rule 27.62.1 of the District Plan could be subdivided down into 5000m² minimum sized allotments as a controlled activity. Depending on the final configuration of any proposed future subdivision of the property, the existing indicative road could result in a replication of the issue with 107 Birchwood Lane where it may be difficult to construct a new dwelling and associated buildings as of right.

In accordance with Rule 27.5 (e) of the District Plan, it is prohibited to construct a building valued at \$15,000 or more on the route of an indicative road in the Tamahere Country Living Zone. The purpose of this rule was to protect the indicative road areas to allow for their construction and use

	<p>in the future. However, it is acknowledged that the Birchwood Lane extension indicative road is now redundant due to the new designation M101 and the construction of this road that links to the Hamilton Southern Interchange of the Waikato Expressway.</p> <p>Effectively, the cost of this is that even though the indicative road is now redundant because it is still identified on the Planning Maps in accordance with Rule 27.5 (e) of the District Plan it is still prohibited for a property owner to construct a building within the route of the indicative road.</p>	
Benefits	<p>Retention of the existing indicative road is now redundant due to the designation of the re-alignment of Birchwood Lane and its subsequent construction. Accordingly, retention of the indicative road has no resource management purpose and no benefits.</p>	<p>The reason for the preferred option is to address the existing situation of a re-aligned and altered designation M101 and an already constructed roading extension.</p> <p>The overall benefit of the preferred option is that it would provide greater flexibility for the siting of a dwelling as a permitted activity on the identified properties.</p> <p>Associated with the above, pursuant to Rule 27.5 (e) of the District Plan the construction or alteration of a building valued at \$15,000 or more on the route of an indicative road in the Tamahere Country Living Zone are a prohibited activity for which no resource consent can be applied for. The implications of this are that property owners of the properties with the indicative road do not currently have the ability to even apply for resource consent for the construction of a dwelling or other building on the route of the indicative road even through it is acknowledged that the indicative road is redundant.</p>
Efficiency & Effectiveness of achieving objectives	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p>

	<p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>Retention of the indicative road and its construction would not provide a safe route due to the low radius, high deflection angle curves required. Furthermore, the existing indicative road would not ensure safe access way sight distances for the adjacent lifestyle lots and cul de sac intersections. Notwithstanding this, the extension of Birchwood Lane has already been constructed pursuant to the current designation M101.</p> <p>For these reasons, it is considered retention of the existing indicative road is not an efficient and effective option in achieving the relevant objectives.</p>	<p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>The alteration to the designation and construction of the Birchwood Lane extension is a more efficient and safe roading alignment compared to the location and alignment of the indicative road.</p> <p>The Birchwood Lane extension indicative road is now redundant having been replaced by a more efficient and effective roading alignment that is consistent with objectives 8.2.1 and 8.4.1.</p>
<p>Most appropriate for achieving objectives</p>	<p>As detailed above, it is considered the status quo option is not the most appropriate for achieving the relevant objectives of the District Plan.</p>	<p>As detailed above, it is considered the preferred option is the most appropriate for achieving objectives 8.2.1 and 8.4.1 of the District Plan.</p>
<p>Risk of acting or not acting</p>	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 7 – Proposed deletion of indicative road – off Birchwood Lane extension, Tamahere

Description of amendment	It is proposed to delete the small indicative road that runs off the Birchwood Lane extension to reflect the current formed right of way named Figgmartin Lane that has been formed to service the subdivided Country Living lots. This has resulted in the indicative road effectively redundant.	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend Planning Map. This is the recommended option
Costs	<p><u>Environmental costs:</u> Future owners of 2 and 4 Figgmartin Lane may have to site their new dwellings in an inefficient location in terms of orientation to sunlight and positively contributing to amenity due to the requirement to comply with the 17.5m minimum setback from the centreline of the indicative road.</p> <p><u>Economic costs:</u> Future owners of 2 and 4 Figgmartin Lane may have to apply for resource consent to construct a new dwelling within the minimum setback from the indicative road.</p> <p><u>Social costs:</u> Having to apply for resource consent provides no certainty for future landowners of 2 and 4 Figgmartin lane.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>	<p><u>Environmental costs:</u> There are no environmental costs considered because the need for the road is now redundant given the formation of Figgmartin Lane.</p> <p><u>Economic costs:</u> There are no economic costs considered.</p> <p><u>Social costs:</u> There are no social costs considered.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>
Benefits	<p><u>Environmental benefits:</u> The indicative road is now redundant with the formation of Figgmartin Lane. No environmental benefits are considered.</p> <p><u>Economic benefits:</u></p>	<p><u>Environmental benefits:</u> The need for the indicative road is now redundant with the formation of Figgmartin Lane.</p> <p><u>Economic benefits:</u></p>

	<p>As the purpose of the indicative road is now redundant no economic benefits are considered.</p> <p><u>Social benefits:</u> There are no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p>Deletion of the indicative road eliminates the potential cost of the future owners of 2 and 4 Figgmartin lane of having to apply for resource consent for the construction of a dwelling within the setback from the indicative road.</p> <p><u>Social benefits:</u> Provides certainty for the future landowners of 2 and 4 Figgmartin Lane regarding the availability for the construction of a dwelling on both properties as a permitted activity (provided all other relevant performance standards of the District Plan are met).</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>Figgmartin Lane is already formed and therefore the need for the indicative road is no longer required. Retention of the indicative road would not promote an integrated, safe, responsive and sustainable road network and would serve no purpose due to the already formed Figgmartin Lane.</p> <p>For these reasons, it is considered retention of the existing indicative road is not an efficient and effective option in achieving objectives 8.2.1 and 8.4.1 of the District Plan.</p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>The purpose of the indicative road was to highlight the need for a future cul des sac road to service the future subdivision of the subject property. During the development of the subdivision of the property the landowner decided the most efficient roading access mechanism was for the formation of a right of way down the approximate middle of the property to service the Country Living lots. This right of way was consented by Council confirming that it complied with all relevant requirements of the District Plan.</p>

		Deletion of the indicative road to reflect the formed right of way is therefore considered the most efficient and effective mechanism for achieving the purpose of objectives 8.2.1 and 8.4.1 of the District Plan.
Most appropriate for achieving objectives	As detailed above, it is considered the status quo option is not the most appropriate for achieving the relevant objectives of the District Plan.	As detailed above, it is considered the preferred option is the most appropriate for achieving objectives 8.2.1 and 8.4.1 of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 8 – Proposed deletion of indicative road – Blunt Rd, Te Kauwhata

Description of amendment	It is proposed to delete the indicative road that runs off Blunt Road Te Kauwhata northwards that was established as part of the Te Kauwhata structure plan. The recent approved subdivision consent for the subject property approved an alternative cul de sac roading network on a different alignment to the indicative road. Therefore the indicative road is effectively redundant.	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend Planning Map. This is the recommended option
Costs	<p>The indicative road on the subject property was established during the development of the Te Kauwhata Structure Plan and provided an indicative roading linkage with the future subdivision of the subject property and adjoining properties to the north.</p> <p>Since the Te Kauwhata Structure Plan has become operative, the landowner of Lot 200 DP 391858 Blunt Road obtained resource consent for the subdivision of the property (SUB0164/14). As part of this consent an alternative cul de sac roading arrangement was approved that is different to the alignment of the indicative road shown on the Planning Maps for the property.</p> <p>Formation of the consented subdivision including the construction of the approved road network would effectively make the indicative road on the property redundant.</p> <p>The approved subdivision consent includes two cul de sac roads that differ from the indicative road on the property. Additionally, the proposed allotment configuration does not provide the opportunity for a future road linkage to the property to the north as depicted by the indicative road and</p>	<p>Approval of subdivision consent (SUB0164/14) effectively supersedes the location and alignment of the indicative road.</p> <p>Deletion of the indicative road will not provide the opportunity for future linkage with the property to the north, however this is not considered a cost due to the following:</p> <ul style="list-style-type: none"> • SUB0164/14 does not provide a roading linkage with the property to the north; and • Planning Map 14.3 demonstrates that an indicative road network on the adjoining northern property provides the opportunity for an extension of Blunt Road, without the requirement to access the property in question.

	<p>proposed indicative road network on Planning Map 14.3.</p> <p>Upon completion of the approved subdivision, a number of lots created would be intersected by the indicative road. In accordance with Rule 21.49.1 any building as a permitted activity would have to be set back a minimum of 13m from the centre line of the indicative road. Given the relatively small size of the approved lots this places a significant restriction on property owners and could result in property owners requiring consent as a Discretionary Activity.</p> <p>Compounding the above issue, Rule 21.5 (h) details that it is a prohibited activity to construct a building valued at \$15,000 or more on the route of an indicative road. Therefore, retention of the indicative road would result in the possibility that the construction of a dwelling on a number of the approved lots would be severely restricted due to the underlying indicative road and the prohibition created by the above rule.</p>	
Benefits	<p>As the subject property has an approved subdivision consent retention of the indicative road would not provide any resource management benefits for the building of new dwellings on the affected allotments.</p>	<p>Formation of the road network in accordance with SUB0164/14 effectively makes the indicative road redundant. The benefits of the preferred approach are as follows:</p> <ul style="list-style-type: none"> • Provides for the formation of the consented roading network; and • Deletion of the indicative road would ensure that any future lots created by the subdivision would not have an indicative road potentially running through many of the lots. This ensures that any future building on the lots would not have to be set back a minimum of 13 metres from the centreline of the indicative road.
Efficiency &	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land</i></p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport</i></p>

<p>Effectiveness of achieving objectives</p>	<p><i>transport network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>During the development of the Te Kauwhata Structure Plan a network of important indicative roads were established as a guide for the future road linkages of the subject property and adjoining northern property, effectively allowing for future subdivision with the main access off Blunt Road.</p> <p>At this time the configuration and roading network of a future subdivision of the properties was not known so the indicative roads effectively identified the importance of linkages and access off Blunt Road. After detailed design and analysis, a subdivision consent has been granted with a differing road layout to the indicative road, which means that the consented roads layout at least matches the indicative road layout in terms of efficiency and effectively achieving the objectives.</p>	<p><i>network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>As part of the processing of the subdivision consent for the property, the Council undertook an assessment of the application against the relevant performance standards of the Zone including the standards in Appendix A and B (Transportation and Engineering) of the District Plan.</p> <p>An approval of the subdivision consent confirms that Council is satisfied with the design and alignment of the roading network to service the consented subdivision.</p> <p>For these reasons, it is considered the preferred option is the most efficient and effective to achieve the relevant objectives of the District Plan.</p>
<p>Most appropriate for achieving objectives</p>	<p>It is considered the status quo option is not the most appropriate for the achievement of the relevant objectives of the District Plan.</p>	<p>As detailed above, it is considered the preferred option is the most appropriate for the achievement of the relevant objectives of the District Plan.</p>
<p>Risk of acting or not acting</p>	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 9 – Proposed deletion of indicative road – Greenslade Road, Raglan

Description of amendment	It is proposed to delete two small cul de sac indicative roads that were established as part of the Lorenzen Bay structure plan to service the future subdivision of the subject property. The current landowners have no intention of subdividing the properties and the indicative roads place restrictions on the landowners in terms of permitted activity locations for the construction of a new dwelling.	
	OPTION 1: Do nothing – Retaining existing indicative roads	OPTION 2: Amend Planning Map to delete indicative roads. This is the preferred option
Costs	<p>Planning Map 23.4 of the District Plan demonstrates that the properties at 109 and 113 Greenslade Road have 2 small cul du sac indicative roads on the properties. These two cul du sac indicative roads are connected to another indicative road that is located along the southern boundary of 113 Greenslade Road and runs along the boundary of an adjoining Council reserve area to the south west.</p> <p>These indicative roads were established during the development of the Lorenzen Bay Structure Plan to reflect future subdivision of the properties proposed to be rezoned to Living and New Residential. Associated with this was the development of a subdivision plan and application to Council for the proposed subdivision of Lots 1, 2 and 3 DPS 89955 to create 24 additional certificates of title.</p> <p>The above subdivision application (WDC Ref 70 04 167) was for stage 1 of a two stage development concept that proposed to create approximately 70 residential allotments and to link Greenslade Road to Lorenzen Bay Road via an (at the time) unformed road. The subdivision would have created 27 new residential lots ranging in size from 501m² to 734m².</p>	<p>Deletion of the cul de sac indicative roads from 109 and 113 Greenslade Road is not considered to have any long term strategic costs for the following reasons:</p> <p>(i) 109 and 113 Greenslade Road are zoned Living and therefore retain the ability to subdivide to create many residential allotments. Deletion of the two small cul des sac indicative roads is not considered a cost as the roads are indicative only and do not require landowners to comply with the location and alignment of the indicative roads during subdivision design. Effectively, if/when the properties are subdivided in the future, the location and alignment of any future road to service the Living Zoned allotments is at the discretion of the landowner with no requirement to comply with the indicative roads on the Planning Map.</p> <p>Furthermore, it is important to highlight that PC8 does not propose to delete the effective indicative link road that is currently located along the southern boundary of 113 Greenslade Rd. Council intends to retain this indicative road as it serves the purpose of highlighting the importance of a future link road possibly through to Lorenzen Bay Road as well as possibility through to the future subdivision of the 12.5 hectare</p>

	<p>The subdivision application included lot 30 having an area of 3291m² to be vested in Council as a road (ending as a cul de sac) enabling the extension of Greenslade Road into an adjoining allotment. Additionally, a number of lots would have access from lot 29 being a 505m² right of way accessed off lot 30. Both lot 30 and 29 are generally consistent with the alignment and purpose of the indicative roads shown on the Planning map for both properties.</p> <p>The subdivision application was lodged with Council on 13th January 2004 however no decision was issued by Council.</p> <p>The ownership of 109 and 113 Greenslade Road has changed hands with the current owners having invested considerable time and money into establishing native plantings on their properties. Both property owners have no desire to undertake subdivision on their property as they wish to construct separate dwellings to enjoy the open space and amenity both properties provide.</p> <p>Retention of the two cul du sac indicative roads on the two properties significantly affects the location that a future dwelling could be constructed on 109 and 113 Greenslade Road as a permitted activity. This is principally due to Rule 21.49.2 (b) (ii) requiring a minimum setback of 13m either side of the centreline of an indicative road. In conjunction with the sloping topography of both properties, the location of the existing driveways for both properties and the native restoration planting undertaken on both properties it severely restricts a complying location for the construction of a dwelling.</p>	<p>property (Pt Lot 30 DPS 31092) to the south east of the property with linkages onto Greenslade or a new road.</p>
Benefits	The only benefit of the retention of the indicative roads is	Deletion of the indicative roads provides the flexibility for the

	<p>that they highlight a potential roading network for the future subdivision of the properties.</p>	<p>current property owners to construct a dwelling as a permitted activity within a location on the properties that takes into account the topography, orientation, existing driveways and location of extensive native planting restoration.</p> <p>Furthermore, through Council retaining the existing indicative road located along the southern boundary of 113 Greenslade Road this has the benefit of highlighting the importance of a future potential link road through to Lorenzen Bay Road and/or a linkage through to the future subdivision of the 12.5 hectare property to the south east of the property.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>The status quo option involves retention of the existing two cul du sac indicative roads. Both indicative roads were established to highlight the possible location and alignment of new roads to service the proposed subdivision of both properties. However, a safe and efficient roading network could still be readily developed to serve the lots at the time of subdivision without the presence of the indicative road.</p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>Retention of the indicative road along the southern boundary of 113 Greenslade Road highlights the importance of a possible future link with Lorenzen Bay Road to promote an integrated, safe roading network recognising the contours of the locality. Furthermore, for any future subdivision of 109 and 113 Greenslade Road, the roading layout and alignment will be determined during the detailed design stage of the proposal taking into account, geotechnical constraints, lot numbers and sizes and servicing constraints.</p> <p>For these reasons it is considered the preferred option is the most efficient and effective for the achievement of the relevant objectives of the District Plan.</p>
<p>Most appropriate</p>	<p>It is considered retaining the two small cul de sac indicative</p>	<p>For the reasons detailed above, it is considered the preferred</p>

for achieving objectives	roads is not the most appropriate mechanism for the achievement of the relevant objectives of the District Plan.	option is the most appropriate for the achievement of the relevant objectives of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 10 – Proposed deletion of indicative road – Indicative road by Waikowhai Place and Puka Place, Raglan

Description of amendment	It is proposed to delete two indicative roads that run alongside Waikowhai Place and Puka Place, Raglan. The indicative roads were established during the Lorenzen Bay structure plan to show a possible future roading network for the subdivision of the subject property. The property has been subdivided and Waikowhai Place and Puka Place constructed in a location slightly different to the indicative roads. This has rendered the indicative roads redundant.	
	OPTION 1: Do nothing – Retaining existing indicative roads	OPTION 2: Amend Planning Map to delete indicative roads. This is the preferred option
Costs	<p><u>Environment costs:</u> There are no environmental costs considered.</p> <p><u>Economic costs:</u> If the property owners of 7 Waikowhai Place and 2D and 4 Puka Place were to apply for building consent for the construction of a new dwelling then pursuant to Rule 21.49 of the District Plan any permitted dwelling would have to be set back a minimum of 16 metres from the centre line of an indicative road.</p> <p>Given the size of the lots (number 7 Waikowhai Place at 978m² being the largest, number 4 Puka Place at 654m² and number 2D Puka Place at 634m²) the properties are relatively small and the minimum setback from the indicative road effectively renders much of the properties as un-buildable in terms of a permitted activity. The true cost of this is that the property owners of the three properties would have to apply for resource consent.</p> <p><u>Social costs:</u></p>	<p>The preferred option proposes to delete the indicative roads along Waikowhai Place and Puka Place that are now redundant due to the construction of the new road links in different location than the indicative roads.</p> <p><u>Environment costs:</u> There are no environmental costs considered.</p> <p><u>Economic costs:</u> There are no economic costs considered.</p> <p><u>Social costs:</u> There are no social costs considered.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>

	<p>Having to apply for resource consent provides no certainty for the landowners of the three properties.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>	
Benefits	<p><u>Environmental benefits:</u> There are no environmental costs considered.</p> <p><u>Economic benefits:</u> Construction of a dwelling would effectively requires resource consent so no economic benefits are considered.</p> <p><u>Social benefits:</u> Having to apply for resource consent does not provide certainty for the three property owners so no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p><u>Environmental benefits:</u> Deletion of the indicative roads allows the landowners of the three properties greater choice for the siting of new dwellings on the lots that could result in positive amenity and character benefits for the surrounding residential environment.</p> <p><u>Economic benefits:</u> The property owners would no longer be required to apply for resource consent so this option provides a financial saving.</p> <p><u>Social benefits:</u> There would no longer be the uncertainty of whether resource consent would be granted providing social benefits for the property owners.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>
Efficiency & Effectiveness of achieving objectives	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.</i></p> <p>Objective 8.4.1: <i>Land transport networks are provided, while not compromising the qualities and character of surrounding environments.</i></p> <p>Waikowhai Place and Puka Place have been located and</p>

	<p>The status quo option involves retention of the existing indicative roads. Both indicative roads were established to highlight the possible location and alignment of new roads to service the proposed subdivision of the property.</p> <p>The developer has constructed new cul des sac roads taking into account the topography of the land and the layout of the proposed new lots. This is slightly different than the location and alignment of the indicative roads.</p>	<p>constructed taking into account the topography of the property and the layout of the subdivision whilst complying with the requirements of the District Plan to ensure a safe and efficient road network. The indicative roads are therefore redundant and their retention provides no resource management purpose.</p> <p>For these reasons it is considered the preferred option is the most efficient and effective for the achievement of the relevant objectives of the District Plan.</p>
Most appropriate for achieving objectives	It is considered retaining the two small cul de sac indicative roads is not the most appropriate mechanism for the achievement of the relevant objectives of the District Plan.	For the reasons detailed above, it is considered the preferred option is the most appropriate for the achievement of the relevant objectives of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 11 – Sale of Liquor rule – all zones

<p>Description of amendment</p>	<p>The current rule provides that the sale of liquor is a permitted activity if the activity does not occur between 10pm and 7am or does not occur on a site within 50m of land in the Living Zone. This configuration only requires compliance with one of the standards and therefore the current rule can result in the sale of liquor activities becoming established within 50m of a Living Zone property as a permitted activity.</p> <p>It is proposed to amend the sale of liquor rule in all applicable zones to ensure condition connectivity between (b) (i), (ii) and (iii). The proposed amendment amends the word “or” at the end of (b) (i) and replaces with “and” to ensure that all three of the performance standards in (i), (ii) and (iii) need to be met as a permitted activity compared to the current requirement of only requiring compliance with one of the three performance standards.</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend rule. This is the recommended option</p>
<p>Costs</p>	<p><u>Environmental cost:</u> Premises involved in the sale of liquor that are close to residential areas have the potential to create adverse effects that conflict with the amenity of the neighbouring areas. This is a cost associated with retaining this rule as written.</p> <p><u>Economic Cost:</u> There are no economic costs considered.</p> <p><u>Social cost:</u> There is the potential for adverse social and well-being effects to arise from premises which sell liquor to be located within close proximity to residential areas.</p> <p>The Section 32 report for the District Plan notes that the sale of liquor can result in the above adverse effects and:</p>	<p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> The costs of this option is that the establishment of a premise involved in the sale of liquor as a permitted activity would be more stringent for applicants and in many instances would require an application for a resource consent as a Discretionary Activity. This would place a financial and time cost for applicants as well as the uncertainty of whether the consent will be granted. This option also reduces the potential range of sites where a premise involved in the sale of liquor can be established as a permitted activity.</p> <p><u>Social cost:</u> There are no social costs considered.</p>

	<p><i>“Therefore restrictions have been placed on the location and the hours of operation of such activities”</i></p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>	<p><u>Cultural effects:</u> There are no cultural effects considered.</p>
Benefits	<p>The benefits of retaining the current rule are:</p> <p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> Provides less restrictive performance standards for the establishment of a licensed premise as a permitted activity.</p> <p><u>Social benefits:</u> There are no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p>The benefits of the preferred option are:</p> <p><u>Environmental benefits:</u> Recognises the adverse environmental effects, which often accompany licensed premises and the patrons using them.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p> <p><u>Social benefits:</u> More restrictive for the establishment of a premise involved in the sale of liquor.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>
Efficiency & Effectiveness of achieving objectives	<p>The objectives considered applicable to the current rule are:</p> <p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The sale of liquor within 50m of a Living Zone or alternatively between the hours of 10pm and 7am has</p>	<p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The preferred option would ensure that as a permitted activity premises involved in the sale of liquor must be located greater than 50m from a Living Zone and cannot operate between the hours of 10pm and 7am. Requiring compliance with both of</p>

	<p>potential to result in adverse effects on the quality of life for the occupants of the adjoining Living Zone and adversely impact the residential character and amenity of the Living Zone. This is not consistent with objectives 13.2.1 and 13.2.6 and therefore the status quo option is not efficient and effective in achieving these objectives.</p>	<p>these standards would mitigate the adverse environmental effects associated with such activities and generally the patrons using them on the residential character and amenity of the Living Zone.</p> <p>This is considered consistent with objectives 13.2.1 and 13.2.6 as the preferred option would ensure that the qualities and character of the surrounding environment (particularly the Living Zone) would not be unreasonably compromised aiding the maintenance and enhancement of the locality.</p>
<p>Most appropriate for achieving objectives</p>	<p>For the reasons detailed above, it is considered that retention of the existing rule is not the most appropriate for achieving the relevant objectives of the District Plan.</p>	<p>For the reasons detailed above, it is considered the preferred option would encourage outcomes that are consistent with objectives 13.2.1 and 13.2.6 and is the most appropriate method for the achievement of these objectives.</p>
<p>Risk of acting or not acting</p>	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 12 – Plant or animal effluent – all zones

<p>Description of amendment</p>	<p>The current configuration and wording of the rule makes it appear that “whey” was an afterthought within the rule and that “whey” was essentially inserted without any regard to the flow and ease of understanding of the rule.</p> <p>It is proposed to amend the positioning of the words “or whey” within the body of the rule. The overall intention of the rule is not changed.</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend rule. This is the recommended option</p>
<p>Costs</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> Retention of the existing wording of the rule would ensure the continued misplacement of the words “or whey” adversely impacting the clarity and understanding of the rule for District Plan users.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>	<p><u>Environmental costs:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> The cost of undertaking the plan change.</p> <p><u>Social cost:</u> The preferred option will improve the clarity and applicability of the rule for District Plan users.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>
<p>Benefits</p>	<p><u>Environmental benefits:</u> No benefits are considered.</p> <p><u>Economic benefits:</u> No benefits are considered.</p> <p><u>Social benefits:</u> No benefits are considered.</p>	<p><u>Environmental benefits:</u> No benefits are considered.</p> <p><u>Economic benefits:</u> No benefits are considered.</p> <p><u>Social benefits:</u> Eliminates the perception that the inclusion of “whey” in the</p>

	<p><u>Cultural benefits:</u> No benefits are considered.</p>	<p>rule was an afterthought and improves the clarity and applicability of the rule from a more efficient placement of “or whey” within the rule;</p> <p><u>Cultural effects:</u> No benefits are considered.</p>
Efficiency & Effectiveness of achieving objectives	<p>Any objectives in the District Plan regarding the treatment, application and disposal of any plant or animal effluent deal with minimising the effects associated.</p> <p>Objective 10.2.8: <i>“Effects of solid waste collection, recycling, recovery, transfer, treatment and disposal operations are minimised”.</i></p> <p>The existing rule governs the treatment and application of liquid effluent on site with the overall purpose of ensuring a safe and efficient disposal of liquid waste on site. The existing rule would still encourage this.</p>	<p>Objective 10.2.8: <i>“Effects of solid waste collection, recycling, recovery, transfer, treatment and disposal operations are minimised”.</i></p> <p>The format and flow of the preferred option is considered more efficient for the effective achievement of objective 10.2.8.</p>
Most appropriate for achieving objectives	<p>The existing rule encourages the efficient disposal of liquid waste on site that is consistent with the objectives. However, the current wording of the rule is not considered the most appropriate for achieving objective 10.2.8 as it may cause confusion.</p>	<p>The format and flow of the preferred option is considered more appropriate for achieving the outcome promoted by objective 10.2.8.</p>
Risk of acting or not acting	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 13 – Temporary Events – all zones

<p>Description of amendment</p>	<p>The current rule provides for a temporary event as a permitted activity subject to compliance with performance standards that require that the event does not involve the assembly of more than 500 people or 1000 people in the Rural Zone.</p> <p>It is proposed to amend the existing rule in all applicable zone chapters of the District Plan by inserting the words “per event” after the numerical limit for the zone. This does not change the original intention of the rule.</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend rule. This is the recommended option</p>
<p>Costs</p>	<p><u>Environmental cost:</u> Results in an uncertainty of outcome.</p> <p><u>Economic cost:</u> May result in the need for unnecessary resource consents and the costs and time associated with those.</p> <p><u>Social cost:</u> The cost of retaining the current rule is that the current wording is confusing and enables the following two interpretations of the rule: 1. The limitation on the number of people (500 or 1000) is per event; or 2. The limitation on the number of people is cumulative maximum to be calculated over the three events permitted each year.</p> <p>Retention of the existing wording of the rules would continue the lack of clarity of the rule due to the two interpretations provided. This does not provide any certainty for District Plan users.</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> The only costs considered to be relevant are those associated with undertaking this plan change (being the time and costs involved in the plan change process).</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>

	<p><u>Cultural effects:</u> No cultural effects are considered.</p>	
Benefits	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p> <p><u>Social benefits:</u> There are no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p><u>Environmental benefits:</u> The proposed amendment would significantly clarify that the 500 or 1000 limitation of people (depending on the zone) is per event and is not based on the total number of attendees over the year.</p> <p><u>Economic benefits:</u> Could reduce the requirement for resource consent and the cost associated.</p> <p><u>Social benefits:</u> Provides greater certainty for District Plan users.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>
Efficiency & Effectiveness of achieving objectives	<p>The objectives considered applicable to this proposed amendment are:</p> <p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonable compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Temporary events have the potential to generate adverse effects on their surrounds associated with the increase in activity (for example noise and traffic) albeit for a limited duration. The current rule seeks to limit the scale of such</p>	<p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonable compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The preferred option would clarify the limits of the number of people who may attend temporary events which will improve the efficiency and effectiveness in achieving the objectives by ensuring that amenity values are maintained.</p>

	activities to achieve a balance in providing for temporary events and the associated community benefits and the potential adverse effects to the surrounding community but due to the potential for different interpretations to occur, the rule could be ineffective and inefficient.	
Most appropriate for achieving objectives	The wording is not considered the most appropriate as it may cause confusion.	The amendments proposed will continue to achieve the relevant objectives but will ensure the rule is correctly interpreted.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 14 – Rule 25.52 – Non Residential Building in Rural Zone

<p>Description of amendment</p>	<p>Rule 25.52.1 currently provides for a non residential building as a permitted activity provided the gross floor area does not exceed 400m². This size limitation was established during the development of the District Plan in 2004 and at the time was considered an appropriate size threshold for a permitted activity.</p> <p>It is proposed to increase the permitted activity limit per non residential building from 400m² to 500m².</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend rule. This is the recommended option</p>
<p>Costs</p>	<p>It is important to note that properties in the Rural Zone come in many forms, sizes and shapes, and are distinguished by its location to certain activities. Land uses and requirements of those activities in the Rural Zone have, and will continue to, change. The costs of retaining the existing provision could potentially impact on how rural activities respond, over time, to national, regional and local regulatory provisions, as well as innovative initiatives, to improve on-farm practices, whether environmental, social or economic.</p> <p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> Any non residential building exceeding 400sqm in area would require resource consent.</p> <p><u>Social cost:</u> There are no social costs are considered.</p> <p><u>Cultural effects:</u> There are no cultural effects are considered.</p> <p>The costs of increasing the existing provision by 100m² to 500m² gross floor area for non-residential buildings could be that the increase is not adequate or sufficient to support the activities in the Rural Zone, therefore having the same costs identified under Option 1.</p>	

Benefits	<p><u>Environmental benefit:</u> The intent of the District Plan to preserve the character of the rural environment will be upheld.</p> <p><u>Economic benefit:</u> There are no economic benefits considered.</p> <p><u>Social benefit:</u> There are no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits are considered.</p>	<p><u>Environmental benefit:</u> Given the nature of the Rural Zone and its predominant land uses it is considered that the proposed additional 100m² gross floor area would not detrimentally impact the character and amenity of the rural zone and a 500m² limit is appropriate.</p> <p>A 500m² limit per building is also still considered an appropriate size limit to ensure not only flexibility to service the needs of the property but also protect the rural character and amenity of the rural zone.</p> <p><u>Economic benefit:</u> Provides an additional 100m² area for non residential building without the requirement of a resource consent and associated cost.</p> <p><u>Social benefit:</u> Currently there is confusion in the rule. Changes to the rule will provide certainty and clarity to District Plan users.</p> <p>The recommended option will provide an additional 100m² of gross floor area per non residential building whilst retaining the permitted activity status. This additional floor area provides greater flexibility for District Plan users wishing to construct non residential building buildings within the Rural Zone.</p> <p>Furthermore, the proposed deletion of “any” and replacement with “each” provides greater clarity for District Plan users and Council that the 500m² size limit does not mean that all non residential buildings on a Rural Zone cannot exceed 500m² but highlights that the 500m² permitted activity limit applies to each</p>

		<p>non residential building.</p> <p><u>Cultural benefits:</u> There are no cultural benefits are considered.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p> <p>Objective 13.6.5: <i>“The cumulative adverse effects of subdivision or development on rural character and amenity values are avoided”</i></p> <p>The administration of Rule 25.52.1 has ensured that the objectives identified are achieved, therefore it is effective in this regard. However, the rule does not take into account the differing size, shapes, location and uses of property in the Rural Zone. This lack of flexibility in the rule has the potential to limit the desired outcome(s) for activities in the Rural Zone, which are sought after in objective 13.2.6.</p>	<p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p> <p>Objective 13.6.5: <i>“The cumulative adverse effects of subdivision or development on rural character and amenity values are avoided”</i></p> <p>As detailed, a 100m² additional increase as a permitted activity is considered appropriate. It will provide greater flexibility for the use of the Rural Zoned properties, while also positively contribute to the rural character and amenity of the Rural Zone.</p> <p>Additionally, with regard to objective 13.6.5, specifically cumulative effects, the recommended option does clarify that the gross floor area limit applies to each non residential building and is not a maximum permitted total for all non residential buildings on a certificate of title. It is important to note also, that the recommended option will be complemented by Rule 25.51 of the District Plan, which establishes a permitted site coverage maximum of 2% of the site or 500m² whichever is the larger. As a result, adverse cumulative effects will be managed.</p> <p>For the above reasons, the recommended option is the most efficient and effective in achieving the objectives 13.2.6, 13.6.1 and 13.6.5 of the District Plan.</p>
<p>Most appropriate</p>	<p>For the reasons detailed above, it is considered that the</p>	<p>For the reasons detailed above, it is considered that the</p>

for achieving objectives	status quo option is not the most appropriate for achieving objectives 13.2.6, 13.6.1 and 13.6.5 of the District Plan.	recommended option is the most appropriate for achieving objectives 13.2.6, 13.6.1 and 13.6.5 of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 15 – New Rule 25.52A – Buildings for productive rural activities in Rural Zone

<p>Description of amendment</p>	<p>The existing Rule 25.52.1 sets a 400m² gross floor area limit on non residential buildings in the Rural Zone, whether it is used as storage or the housing of animals. The use and activities on properties in the Rural Zone are many and vary in the Waikato District, and the existing rule does not reflect this. Clarity is needed.</p> <p>It is proposed to establish a new rule that applies solely to the establishment of buildings to be used for productive rural activities establishing a 1000m² limit as a permitted activity.</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Insert new rule. This is the recommended option</p>
<p>Costs</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> The establishment of a non residential building in excess of 400m² requiring consent as a Discretionary Activity. This creates uncertainty as to what activities are encouraged and anticipated in the Rural Zone. For example, this rule does not provide flexibility for the establishment of a larger building to be used for productive rural activities as a permitted activity, such as:</p> <ul style="list-style-type: none"> • Buildings for the housing of goats; • Buildings for calve rearing; • Herd homes; • Buildings for piggeries. <p>The cost of retaining Rule 25.52.1 will continue to bring</p>	<p><u>Environmental cost:</u> The potential costs of this option would be the potential adverse effects on the amenity and character of the rural environment from larger buildings. This is not considered a cost as the existing standards of the District Plan (principally Rule 25.55 – building setbacks and Rule 25.51 – building coverage) have been established to ensure buildings in the Rural Zone do not dominate adjoining properties and allow for the use of the property whilst maintaining the amenity and character of the locality.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>

	<p>uncertainty on what activities are encouraged and anticipated in the Rural Zone.</p> <p><u>Cultural cost:</u> No cultural costs are considered.</p>	
<p>Benefits</p>	<p>There are no benefits in retaining the existing provisions if there is no recognition of the different and various land uses and activities in the Rural Zone.</p>	<p><u>Environmental benefits:</u> Establishes a building footprint limit that is considered to service the productive use of the land whilst minimising adverse effects on the rural character and amenity of the Rural Zone.</p> <p><u>Economic benefits:</u> Potentially (depending on the size) allow for the establishment of buildings for goats, calve rearing, a piggery and herd home to be established without the requirement of a costly resource consent as well as the uncertainty and time delays associated with a resource consent.</p> <p><u>Social benefits:</u> The recommended option would provide greater flexibility for landowners to establish large buildings to be used for productive purposes without the requirement of resource consent. This option would provide certainty and clarity to District Plan users and the community.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p> <p>It is important to note that Plan Change 2 established a definition of a productive rural activity. The proposed new rule is considered to strengthen this definition.</p>
<p>Efficiency &</p>	<p>Objective 13.2.1: <i>"Adverse effects of activities on amenity values are managed</i></p>	<p>Objective 13.2.1: <i>"Adverse effects of activities on amenity values are managed so</i></p>

<p>Effectiveness of achieving objectives</p>	<p><i>so that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p> <p>Objective 13.6.5: <i>“The cumulative adverse effects of subdivision or development on rural character and amenity values are avoided”</i></p> <p>The administration of Rule 25.52.1 has ensured that the objectives identified are achieved, therefore the rule is effective. However, the rule does not clearly distinguish the different forms of land uses in the Rural Zone for which the larger size (and its associated scale of effects) of non-residential buildings are intended to support. The existing rule is an inefficient method to achieve the identified objectives. Clarity and certainty is necessary in the rule.</p> <p>The status quo requires those landowners wishing to establish buildings larger than 400m² to apply for Discretionary Activity resource consent. The resource consent process allows Council’s regulatory Planners to assess the potential adverse effects of the proposal with regards to the preservation of rural character and maintaining the amenity values of the locality. However, the District Plan already includes rules 25.51 and 25.55 that provide an over arching protective mechanism controlling the minimum setbacks from boundaries and the maximum</p>	<p><i>that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p> <p>Objective 13.6.5: <i>“The cumulative adverse effects of subdivision or development on rural character and amenity values are avoided”</i></p> <p>As a new rule, this option would provide for the establishment of buildings up to 1000m² as a permitted activity (provided all other relevant performance standards are met). This option relies on the existing rule framework of the Rural Zone (namely, Rules 25.51 and 25.55) to control the overall level of development on a site and the distances from boundaries. This is an efficient method for controlling the potential adverse effects from new buildings on the amenity and character values of the locality as well as any potential cumulative effects. This approach is considered a more efficient and effective method for the achievement of objectives 13.2.1, 13.2.6, 13.6.1 and 13.6.5 of the District Plan.</p>
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	gross floor area of buildings on a title. Therefore it is considered that requiring a landowner to apply for resource consent when the requirements of Rules 25.51 and 25.55 are met is an inefficient and ineffective method for the achievement of objectives 13.2.1, 13.2.6, 13.6.1 and 13.6.5 of the District Plan.	
Most appropriate for achieving objectives	For the reasons detailed above it is considered that the status quo option is not the most appropriate for the achievement of objectives 13.2.1, 13.2.6, 13.6.1 and 13.6.5 of the District Plan.	For the reasons above, it is considered the recommended option is the most appropriate for the achievement of the above objectives of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 16 – Rule 27.11.1 – Home occupation in Country Living Zone

Description of amendment	It is proposed to amend the Home Occupation rule in the Country Living Zone of the District Plan to not only ensure consistency with the existing rule in the Tamahere Country Living Zone but also to establish a permitted activity limit of 40m ² on the area of the home occupation, limitations on the number of heavy vehicle movements and for the home occupation to be undertaken within a dwelling or attached garage.	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend rule. This is the recommended option
Costs	<p><u>Environmental cost:</u> The existing rule has no limitations on the size of land in the Country Living Zone to accommodate home occupations, and whether the activity is to be contained within a dwelling or an attached garage. The lack of clear standards to control the size and location of the home occupation is apparent and therefore measure to minimise adverse effects of a home occupation on the surrounding environment are not in place</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> There is also no limitation on the number of heavy vehicle movements that a home occupation generates. An unlimited number of heavy vehicle movements per day could depend on the locality result in adverse effects on the occupants of the surrounding environment.</p> <p><u>Cultural effects</u> No cultural effects are considered.</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> The cost of resource consent for home occupations that do not comply with the permitted activity standards.</p> <p><u>Social cost:</u> Uncertainty of whether resource consent will be approved.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>
Benefits	<u>Environmental benefits:</u>	<u>Environmental benefits:</u>

	<p>No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p> <p><u>Social benefits:</u> Existing rule provides significant flexibility for the establishment and operation of a home occupation activity as a permitted activity. This is because there are currently no limitations on the area that the home occupation occupies of the home, whether the activity is undertaken within the dwelling or an attached garage and also the number of heavy vehicle movements generated per day.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p>	<p>The 40m² size restriction would effectively control the size and scale of effects from home occupation activities in the Country Living Zone.</p> <p>Aids in the protection of the rural residential character of the Country Living Zone particularly through ensuring as a permitted activity the home occupation is undertaken in the dwelling or an attached garage</p> <p><u>Economic benefits:</u> Provides for small scale commercial activities.</p> <p><u>Social benefits:</u> Ensures consistency with the Home occupation rule already established in the District Plan in the Tamahere Country Living Zone.</p> <p>Protecting the health and safety and the general wellbeing of the community</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The existing rule is ineffective due to its lack of appropriate standards to manage the effects from home occupation in the Country Living Zone on the surrounding environment. It</p>	<p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The recommended option would establish clear and appropriate standards to manage the effects of home occupation in the Country Living Zone on the surrounding environment. The size</p>

	is considered that the existing rule is not achieving the desired outcome of each objective.	<p>limitation of 40m² (as a permitted activity) for a home occupation activity is considered the most effective way to ensure that the activity remains at a scale appropriate for the Country Living Zone.</p> <p>Furthermore, ensuring as a permitted activity that a home occupation activity operates from inside a dwelling or an attached garage and not a detached building on the property and limiting the number of heavy vehicle movements per day also aids in the protection of the predominant residential character and amenity of the locality. For these reasons it is considered that the recommended option is the most efficient and effective in achieving objectives 13.2.1 and 13.2.6 of the District Plan.</p>
Most appropriate for achieving objectives	As discussed above, the status quo option is not considered the most appropriate for the achievement of objectives 13.2.1 and 13.2.6 of the District Plan.	The recommended option is considered the most appropriate to achieve the purpose of the RMA and objectives 13.2.1 and 13.2.6 of the District Plan, as it will provide standards to manage (avoid and mitigate) the adverse effects of home occupation in the Country Living Zone, while also providing opportunities for social and economic well-being of landowners.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 17 – Rule 25.54 – Building setbacks – 1.6ha or more in Rural Zone

<p>Description of amendment</p>	<p>It is proposed to amend Rule 25.54.2 as follows:</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if it is:</p> <p>(a) a non habitable building within 25m from every one or more boundary other than a road boundary.</p> <p>This will change the approach of the rule to allow all non-habitable buildings that encroach within the 25m setback from one or more boundary other than a road boundary to be assessed as a Discretionary Activity, regardless of how many boundaries the building actually encroaches on.</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend rule. This is the recommended option</p>
<p>Costs</p>	<p>Rule 25.54.1 allows for the construction or alteration of any building (being both habitable and non-habitable buildings) on an allotment 1.6ha or more as permitted as long as the building is set back at least 25m from every boundary other than a road boundary.</p> <p>Rule 25.54.2 identified that any activity that does not comply with a condition for a permitted activity is a Discretionary Activity if it is a non habitable building within 25m from every boundary other than a road boundary.</p> <p>Rule 25.54.3 specifies that any activity that does not comply with a condition for a Discretionary Activity is a Non Complying activity.</p> <p>As such a non habitable building encroaching within the 25m set back will only be able to remain as a Discretionary Activity under Rule 25.54.2 if it is “within 25m from every boundary other than a road boundary”. Where the non</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> Cost of having to apply for resource consent.</p> <p><u>Social cost:</u> This wording change stops Rule 25.54.2 from penalising non-habitable buildings which comply with some of the boundary setbacks by forcing them to be considered as non-complying activities under Rule 25.54.3.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>

habitable building encroaches on only one boundary (as opposed to every) the wording of the rule directs that the non-habitable building will become a non-complying activity in accordance with Rule 25.54.3.

In effect, the current wording of Rule 25.54.2 is essentially penalising non-habitable buildings that comply with some of the 25m boundary setbacks, by forcing them to be considered as non-complying activities. Whereas if the non-habitable building was within 25m of “every” boundary other than a road boundary they would be considered a Discretionary Activity.

Environmental cost:

The current wording of Rule 25.54.2 creates an environmental cost by encouraging non-habitable buildings to encroach on “every” boundary, which if strictly applied will lead to compromised rural character and amenity, specifically in relation to reducing the open appearance of rural sites by promoting intensified development and potentially creating cumulative effects from multiple boundary encroachments.

Economic cost:

No economic cost is considered.

Social cost:

For property owners is a higher resource management hurdle (and potential financial cost) for those non-habitable buildings that encroach within only one of the three 25m boundary setbacks as these applications firstly have to pass the “threshold test” of S104D of the Resource Management Act 1991. Should an application pass the threshold test then

	<p>the application has to be further assessed in accordance with any other matters.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>	
<p>Benefits</p>	<p>It is considered that there are no resource management benefits to retaining the current approach.</p> <p>The existing rule encourages property owners to locate non habitable buildings within the 25m setback for “every” boundary to ensure their resource consent application is processed as a Discretionary Activity instead of a Non Complying Activity.</p>	<p><u>Environmental benefit:</u> Improving rural character and amenity, by maintaining the open appearance of rural sites, reducing intensified development and avoiding cumulative effects from multiple boundary encroachments</p> <p>Promoting the provision of a sufficient buffer area between non habitable buildings and adjoining properties to maintain and protect rural character and amenity values.</p> <p><u>Economic benefit:</u> Potentially cost saving for not having to apply for resource consent.</p> <p><u>Social benefit:</u> No social benefits are considered.</p> <p><u>Cultural benefit:</u> No cultural benefits are considered.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 13.2.6 <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.4.1: <i>“Amenity values of sites and localities maintained or enhanced by subdivision, building and development”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p>	<p>Objective 13.2.6 <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.4.1: <i>“Amenity values of sites and localities maintained or enhanced by subdivision, building and development”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p>

	<p>The current rule encourages non habitable buildings to be located within “every” boundary setback (to enable the activity to remain as Discretionary Activity) rather than complying with as many boundary setbacks as possible and thereby becoming a non complying activity. The 25m boundary setback was established as a minimum to:</p> <ul style="list-style-type: none"> • Ensure that new buildings in the Rural Zone are sited so as not to detract or dominate adjoining properties aiding in the protection and maintenance of the rural character and amenity; and • Helping to mitigate any potential adverse effects from the storage of material (for example silage) or activities undertaken within the buildings. 	<p>The preferred option would encourage compliance with as many boundary setbacks as possible that would not only help avoid conflicts between rural activities (especially sensitive farming activities) but also help mitigate any potential dominance effects from new non habitable buildings and the adverse effect this can have on the open space character and amenity of the Rural Zone. For these reasons it is considered the preferred option is the most efficient and effective in achieving objectives 13.2.6, 13.4.1 and 13.6.1.</p>
<p>Most appropriate for achieving objectives</p>	<p>Rule 25.54.2 does not promote the maintenance and enhancement of amenity values and rural character. The rule promotes the opposite effectively encouraging the siting of non habitable buildings within the 25m setback boundary requirement on “every” boundary.</p> <p>For the above reason it is considered that Rule 25.54.2 is not the most appropriate for achieving the relevant objectives of the District Plan.</p>	<p>The preferred option is considered a key rule in aiding in the protection of the open space character and amenity of the rural area and is therefore considered the most appropriate option for the achievement of objectives 13.2.6, 13.4.1 and 13.6.1.</p>
<p>Risk of acting or not acting</p>	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 18 – 25.55 – Building setbacks – 5000m² to 1.6ha in Rural Zone

<p>Description of amendment</p>	<p>It is proposed to amend Rule 25.55.2 as follows:</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if it is:</p> <p>(a) A non habitable building within 25m from every one or more boundary other than a road boundary if the adjoining allotment is 6ha or more.</p> <p>This will change the approach of the rule to allow all non-habitable buildings that encroach within the 25m setback from one or more boundary other than a road boundary to be assessed as a Discretionary Activity, regardless of how many boundaries the building actually encroaches on.</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend rule. This is the recommended option</p>
<p>Costs</p>	<p>Rule 25.55.1 allows for the construction or alteration of any building (being both habitable and non-habitable) on an allotment between 5000m² and less than 1.6ha are permitted as long as the building is set back at least 12m from every boundary other than a road boundary, and 25m from the boundary of an adjoining allotment 6ha or more for a building which accommodates a residential activity.</p> <p>Rule 25.55.2 identifies that any activity that does not comply with a condition for a permitted activity is a Discretionary Activity if it is a non habitable building within 25m from every boundary other than a road boundary if the adjoining allotment is 6ha or more.</p> <p>Rule 25.55.3 specifies that any activity that does not comply with a condition for a Discretionary Activity is a non-</p>	<p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> This wording change stops Rule 25.55.2 from penalising non-habitable buildings which comply with some of the boundary setbacks by forcing them to be considered as a non complying activity under Rule 25.55.3.</p> <p><u>Social cost:</u> There are no social costs considered.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>

	<p>complying activity.</p> <p>As such a non habitable building encroaching within the 25m set back will only be able to remain as a Discretionary Activity under Rule 25.55.5 if it is “within 25m from every boundary other than a road boundary if the adjoining allotment is 6ha or more”</p> <p>Where the non-habitable building encroaches on only one boundary (as opposed to every) the wording of the rule directs that the non-habitable building will become a non-complying activity in accordance with Rule 25.55.3.</p> <p><u>Environmental cost:</u> In effect, the current wording of Rule 25.55.2 is essentially penalising non-habitable buildings that comply with some of the 25m boundary setbacks, by forcing them to be considered as non-complying activities. Whereas if the non-habitable building was within 25m of “every” boundary other than a road boundary they would be considered a Discretionary Activity.</p> <p>If strictly applied will lead to compromised rural character and amenity, specifically in relation to reducing the open appearance of rural sites by promoting intensified development and potentially creating cumulative effects from multiple boundary encroachments.</p> <p><u>Economic cost:</u> A higher resource management hurdle (and potential financial cost) for those non-habitable buildings that encroach within only one of the three 25m boundary setbacks as these applications firstly have to pass the</p>	
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	<p>“threshold test” of S104D of the Resource Management Act. Should an application pass the threshold test then the application has to be further assessed in accordance with any other matters.</p> <p><u>Social cost:</u> No cultural effects are considered.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>	
Benefits	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p> <p><u>Social benefits:</u> There are no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p>The preferred option would encourage compliance with as many boundary setbacks as possible for non-habitable buildings.</p> <p><u>Environmental benefits:</u> Improving rural character and amenity, by maintaining the open appearance of rural sites, reducing intensified development and avoiding cumulative effects from multiple boundary encroachments.</p> <p>Promoting the provision of a sufficient buffer area between non-habitable buildings and adjoining properties to maintain and protect rural character and amenity values.</p> <p><u>Economic benefits:</u> Potential cost saving for not having to apply for resource consent.</p> <p><u>Social benefits:</u> No social benefits are considered.</p> <p><u>Cultural benefits:</u> No social benefits are considered.</p>

<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 13.2.6 <i>Amenity values of localities are maintained and enhanced</i></p> <p>Objective 13.4.1: <i>“Amenity values of sites and localities maintained or enhanced by subdivision, building and development”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p> <p>The current rule encourages non habitable buildings to be located within “every” boundary setback (to enable the activity to remain as a Discretionary Activity) rather than complying with as many boundary setbacks as possible and thereby becoming a Non-Complying Activity.</p> <p>The 25m boundary setback was established as a minimum to:</p> <ul style="list-style-type: none"> • Ensure that new buildings in the Rural Zone are sited so as not to detract or dominate adjoining properties aiding in the protection and maintenance of rural character and amenity; and • Helping to mitigate any potential adverse effects from the storage of material (for example silage) or activities undertaken within the buildings. 	<p>Objective 13.2.6 <i>Amenity values of localities are maintained and enhanced</i></p> <p>Objective 13.4.1: <i>“Amenity values of sites and localities maintained or enhanced by subdivision, building and development”</i></p> <p>Objective 13.6.1: <i>“Rural character is preserved”</i></p> <p>The preferred option would encourage compliance with as many boundary setbacks as possible that would not only help avoid conflicts between rural activities (especially sensitive farming activities) but also help mitigate any potential dominance effects from new non habitable buildings and the adverse effect this can have on the open space character and amenity of the Rural Zone. For these reasons it is considered the preferred option is the most efficient and effective in achieving objectives 13.2.6, 13.4.1 and 13.6.1.</p>
<p>Most appropriate for achieving objectives</p>	<p>Rule 25.55.2 does not promote the maintenance and enhancement of amenity values and rural character. The rule promotes the opposite effectively encouraging the siting of non habitable buildings within the 25m setback boundary requirement on “every” boundary.</p> <p>For the above reason it is considered that Rule 25.55.2 is not</p>	<p>The preferred option is considered a key rule in aiding in the protection of the open space character and amenity of the rural area and is therefore considered the most appropriate option for the achievement of objectives 13.2.6, 13.4.1 and 13.6.1.</p>

	the most appropriate for achieving the relevant objectives of the District Plan.	
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 19 – Earthworks in various zones

Description of amendment	It is proposed to undertake a number of amendments to improve the clarity of the earthworks rules in the applicable zones of the District Plan.	
	OPTION 1: Do nothing – Retaining existing provisions	OPTION 2: Amend rule. This is the recommended option
Costs	<p>Retaining the existing rules unchanged may result in a number of costs.</p> <p>PC8 proposes to make a number of amendments to various earthworks rules across a number of zones in the District Plan, as such the costs associated with the specific rule are discussed in relation to each proposed amendment below.</p> <p><u>21.24.1 (d):</u> Rule 21.24.1 (d) applies to the Living Zone of the District and specifies that earthworks activities are permitted where they do not remove material from the site.</p> <p>The Living Zone has a minimum net site area of 450m² with a minimum net site area of 600m² in the New Residential Zone.</p> <p><u>Environment cost:</u> The Living Zoned site sizes are relatively small so it is common for material to be removed from the site as it is not appropriate to stock pile it on site in a residential environment. This can result in adverse effects on neighbouring environment.</p>	<p><u>21.24.1 (d):</u></p> <p><u>Environmental cost:</u> Would ensure consistency with the current earthworks activities undertaken on site where in most instances the topsoil and underlying soil in the building platform is removed for the placement of sand in preparation for a concrete foundation.</p> <p><u>Economic cost:</u> The preferred option would ensure that technically, a Discretionary Activity consent is not required for the construction or relocation of a dwelling on a Living or New Living Zone. Accordingly, no costs are considered.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects</u> No cultural effects are considered.</p> <p><u>21.24.1 (j), 23.26 (j), 24.25 (g) and 25.25 (j):</u> The preferred option involves the insertion of “in area” at the end of (g) or (j) to clarify that this performance standard only applies to the total area of the site that the earthworks is being</p>

	<p><u>Economic cost:</u> Financial cost of applying for resource consent for the removal of excavated material from site as well as the cost of delaying works on site for a minimum of 20 working days.</p> <p><u>Social cost:</u> Nuisance effects for neighbours from the creation of dust from the stockpiling of excavated material.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p> <p><u>21.24.1 (j), 23.26 (j), 24.25 (g) and 25.25 (j):</u> The current wording of the above rules identifies that earthworks are permitted where they do not exceed a particular limit.</p> <p><u>Environment cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> Potential for the financial cost of having to apply for resource consent.</p> <p><u>Social cost:</u> The wording of the rules is such that it is not clear if the limit (such as the 1000m² in the Living Zone) applies to the quantity of earthworks that can be undertaken as a permitted activity or if this applies to the area of the property that the earthworks is to be undertaken.</p> <p>Retention of the current wording of the above rules provides</p>	<p>undertaken.</p> <p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p> <p><u>(k) (ii) – Rules 21.24.1, 22.22.1 and 24.25.1:</u></p> <p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>
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	<p>the opportunity for varying interpretations and does not provide certainty for District Plan users on whether resource consent is required.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p> <p><u>(k) (ii) – Rules 21.24.1, 22.22.1 and 24.25.1:</u> The current wording of (k) (ii) of the above rules provides the opportunity for different interpretations and does not provide clarity to District Plan users.</p> <p>(k) (ii) identifies that the performance standards in (h) to (j) are not applicable if the earthworks are in accordance with an approved building consent (such as a new dwelling) and:</p> <ul style="list-style-type: none"> • The earthworks does not occur on an area more than 150% of the area of the approved building consent; or • The earthworks does not occur on land with an average gradient no steeper than 1:8. <p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> The actual purpose of (k) (ii) could be lost due to the confusing nature of the wording. The current wording does not provide any certainty for District Plan users on whether resource consent is required.</p>	
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	<p><u>Cultural cost:</u> No cultural costs are considered.</p>	
Benefits	<p><u>21.24.1 (d):</u> Compliance with (d) requires that no material is removed from the site during any permitted earthworks activity. As such any material moved for a concrete pad for a new dwelling or material dug from holes for piles must be retained on the site.</p> <p>From a straight technical view point this would effectively require all new dwelling consents and many other building consents to obtain resource consent as a Discretionary Activity in accordance with Rule 21.24.2.</p> <p><u>Environmental benefits:</u> No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p> <p><u>Social benefits:</u> No social benefits are considered.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p> <p><u>21.24.1 (j), 23.26 (j), 24.25 (g) and 25.25 (j):</u> The current wording of (g) or (j) does not make it clear that the limitation applies solely to the area of the site that the earthworks are to be undertaken. This does not provide any clarity or certainty for District Plan users.</p>	<p><u>21.24.1 (d):</u> The preferred option would ensure consistency with the current earthworks activities undertaken on site where in most instances the topsoil and underlying soil in the building platform is removed for the placement of sand in preparation for a concrete foundation.</p> <p><u>Environmental benefits:</u> The stock piling of material on a Living Zone site has the potential to adversely affect the visual amenity of the subject site as well as the surrounding locality as well as generate potential nuisance effects such as from dust for the surrounding locality. The preferred option would ensure that these effects are minimised.</p> <p><u>Economic benefits:</u> Ensures activities do not trigger the requirement for Discretionary Activity resource consent.</p> <p><u>Social benefits:</u> Disposing of excavated material off site eliminates the potential nuisance effects on neighbours from the creation of dust from stockpiled material.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p> <p><u>21.24.1 (j), 23.26 (j), 24.25 (g) and 25.25 (j):</u></p>

	<p><u>Environmental benefits:</u> No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p> <p><u>Social benefits:</u> No social benefits are considered.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p> <p><u>(k) (ii) – Rules 21.24.1, 22.22.1 and 24.25.1:</u> The wording of the existing rule creates some confusion for District Plan users as the purpose of the rule is not clear and this gives rise to more than one interpretation.</p> <p><u>Environmental benefits:</u> No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p> <p><u>Social benefits:</u> No social benefits are considered.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p>	<p><u>Environmental benefits:</u> No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p> <p><u>Social benefits:</u> By inserting in the words “in area” at the end of (g) or (j) for the above rules it would clarify the intention of the rule to specify that the limitation applies solely to the area of the site on which the earthworks is to be undertaken and is not the quantity of earthworks to be undertaken.</p> <p>This would improve the ease of understanding of the performance standard for District Plan users to determine if a resource consent is required or not.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p> <p><u>(k) (ii) – Rules 21.24.1, 22.22.1 and 24.25.1:</u> By inserting “and” at the end of (k) (ii) it provides the link required with the remainder of (k) (ii) that is not currently clear within the existing rule.</p> <p><u>Environmental benefits:</u> No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p>
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<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.4.1: <i>“Amenity values of sites and localities maintained or enhanced by subdivision, building and development”</i></p> <p>Earthworks activities cover a range of different zones, however the relevant objectives of the District Plan seek to ensure that any adverse effects generated by activities and development are managed so that the valued amenity values of the locality are maintained or enhanced.</p> <p>Retention of the existing rules would enable a continuation of a lack of clarity for District Plan users as the rules may potentially have more than one interpretation.</p> <p>Specifically with regard to the protection of amenity values, preventing the removal of material from Living Zone sites in the District would depend on the quantity of the</p>	<p>Objective 13.2.1: <i>“Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>Objective 13.4.1: <i>“Amenity values of sites and localities maintained or enhanced by subdivision, building and development”</i></p> <p>The preferred option would among other things allow that material can be removed from the site. This is particularly important in the Living Zones of the District as the stockpiling or excavated material on a site can result in adverse visual amenity, character and streetscape values of the surrounding environment. Furthermore, depending on the material, its stockpiling can generate nuisance effects on the occupants of adjoining sites from dust generation.</p> <p>For the above reasons it is considered the preferred option would aid in the prevention of adverse amenity and character values on the surrounding environment that is the most efficient and effective in achieving objectives 13.2.1, 13.2.6 and</p>

	<p>earthworks. With a minimum site area of 450m² net for the Living Zone the stockpiling of material has the ability to result in adverse amenity effects not only on the subject site but for the surrounding environment. This is not consistent with the purpose of the above objectives and is therefore not considered efficient and effective in achieving the objectives.</p>	<p>13.4.1 of the District Plan.</p>
<p>Most appropriate for achieving objectives</p>	<p>As discussed above, retention of the current identified rules would result in a continuation of a lack of clarity for District Plan users and result in potential adverse effects on site amenity including adverse effects such as dust for surrounding properties. For these reasons it is considered that retention of the current rules is not the most appropriate for achieving the identified objectives.</p>	<p>For the above reasons, it is considered the preferred option is the most appropriate for the achievement of objectives 13.2.1, 13.2.6 and 13.4.1 of the District Plan.</p>
<p>Risk of acting or not acting</p>	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 20 – Amendment to Table 8 (Roading hierarchy) – Appendix A

<p>Description of amendment</p>	<p>The proposed amendments are required to reflect the current road network of the District. The District’s road network has changed as a result of the construction of sections of the Waikato Expressway and revocation of some sections of former state highway.</p> <p>As a result of the opening of the Te Rapa and Ngaruawahia sections of the Waikato Expressway there has been a revocation process in which some former State Highway sections have been handed to Council to manage by the New Zealand Transport Agency (NZTA).</p>	
	<p>OPTION 1: Do nothing – Retaining existing provisions</p>	<p>OPTION 2: Amend table. This is the recommended option</p>
<p>Costs</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> Would result in a continuation of the current out of date road hierarchy for a number of the Districts roads.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>
<p>Benefits</p>	<p><u>Environmental benefits:</u> No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p> <p><u>Social benefits:</u> No social benefits are considered.</p>	<p>The proposed amendments to Table 8 reflect the change in some of the Districts roads as a result of the construction and opening of parts of the Waikato Expressway.</p> <p><u>Environmental benefits:</u> No environmental benefits are considered.</p> <p><u>Economic benefits:</u> No economic benefits are considered.</p>

	<p><u>Cultural benefits:</u> No cultural benefits are considered.</p>	<p><u>Social benefits:</u> The amendments ensure that there is a consistency in the District Plan.</p> <p><u>Cultural benefits:</u> No cultural benefits are considered.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected”</i></p> <p>The status quo would not ensure that the road hierarchy within the District Plan is up to date to reflect recent changes.</p>	<p>Objective 8.2.1: <i>An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected”</i></p> <p>The recommended option would ensure Table 8 is updated to reflect recent changes to ensure the District Plan is consistent with the existing changes to the road network.</p>
<p>Most appropriate for achieving objectives</p>	<p>The status quo would not ensure that Table 8 is updated to reflect the recent roading changes and therefore overall is not considered the most appropriate for achievement of the relevant objectives of the District Plan.</p>	<p>The recommended option would ensure that Table 8 is updated to reflect the recent changes as a result of the Waikato Expressway and therefore is considered a more appropriate approach for the achievement of the relevant objectives of the District Plan.</p>
<p>Risk of acting or not acting</p>	<p>It is considered that there is no uncertain or insufficient information.</p>	<p>It is considered that there is no uncertain or insufficient information.</p>

Table 21 – New rules - Road stopping and esplanade reserve

<p>Description of amendment</p>	<p>The issue is that when Council stops any road along:</p> <ul style="list-style-type: none"> • the mark of mean high water springs of the sea; or • the bank of a river with an average width of 3 metres or more; or • the margin of any lake with an area of 8 hectares or more. <p>then Council has no option but to take a 20 metre minimum width esplanade reserve.</p> <p>It is proposed to establish two new rules in the Rural Zone of the District Plan for the creation of esplanade reserves on road stopping allowing Council to either waive the requirement of the taking of a 20 metre wide esplanade reserve, or require a lesser width or a width greater than 20 metres.</p>	
	<p>OPTION 1: Do nothing</p>	<p>OPTION 2: New rules – Road stopping and esplanade reserve. This is the recommended option</p>
<p>Costs</p>	<p><u>Environmental cost:</u> There are no environmental costs considered.</p> <p><u>Economic cost:</u> Council would remain responsible for the maintenance of the vested esplanade reserve which may become a liability rather than an asset to the community.</p> <p><u>Social cost:</u> At present, the District Plan includes a rule in the subdivision section of each zone that provides for subdivision as a Restricted Discretionary Activity if an esplanade reserve or strip 20m in width (or other width as stated in Appendix G) is created from every applicable allotment. However, this rule</p>	<p>There are no costs associated with providing a mechanism that reserves Council the discretion to determine whether an esplanade reserve is required as part of a road stopping action. If anything, the preferred option potentially reduces the cost of maintaining an esplanade reserve area that may have little or no public benefit. Council can therefore determine whether an alternative use of the land will generate a greater public benefit.</p>

	<p>only applies when the activity is a subdivision and does not apply when the activity is the stopping of a road. There is no equivalent rule that applies in the event of a road stopping.</p> <p>Retention of the status quo does not therefore provide Council with the ability to waiver the 20 metre minimum width of esplanade reserve or accept a reduced width.</p> <p>The cost of retaining the status quo is that whenever the stopping of any road occurs along:</p> <ul style="list-style-type: none"> (i) the mark of mean high water springs of the sea; or (ii) the bank of a river with an average width of 3 metres or more; or (iii) the margin of any lake with an area of 8 hectares or more <p>then Council has no option but to take a 20 metre minimum width esplanade reserve, even if the result is contrary to the objectives of the Council. Section 77(3) of the RMA provides that a territorial authority may include a rule in the District Plan to allow the taking of less than 20 metres width or the waiving of the requirement. Unless this provision is inserted, Council will be required to take esplanade reserves that may not have any future strategic purpose or linkage to other esplanade reserves.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>	
Benefits	<p>The status quo approach is a continuation of the compulsory taking of a 20 metre wide esplanade strip during the stopping of any road that meets the requirements of (i), (ii) or (iii) above.</p>	<p>Inserting the proposed two new rules is consistent with Section 77(3) of the RMA and would provide the opportunity for Council to either waive the requirement for the taking of an esplanade reserve or taking an esplanade reserve of a width less than the</p>

	<p>Appendix G of the District Plan identifies those esplanade reserves that are priority areas, where Council wishes to secure esplanade reserves and public access both to and along water bodies and the coast.</p> <p>The only potential benefit that may accrue from retaining the rule is the greater capacity that a 20 wide reserve or strip may have in the distant future to accommodate currently unforeseen demand for access. Any such benefits are however speculative and virtually impossible to quantify at the present time.</p>	<p>20 metre minimum, thereby allowing each case to be considered on a case by case basis.</p> <p>The preferred option reserves Council the discretion to consider the appropriateness of taking a proposed esplanade reserve taking into account factors such as topography and the ability to link with existing or other potential esplanade reserve areas. Council will therefore have the discretion to consider whether the taking of the esplanade reserve is in the public interest.</p>
<p>Efficiency & Effectiveness of achieving objectives</p>	<p>Objective 3.6.1: <i>“The natural character of the coastal environment, wetlands, and lakes and rivers and their margins is preserved”</i></p> <p>Objective 4.6.1: <i>“Coastlines, wetlands, lakes and rivers are protected from the adverse effects of subdivision and land disturbance”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The status quo does not provide the opportunity for Council to waive the requirement for the taking of an esplanade reserve or an esplanade reserve less than 20 metres in width. There may be instances where the taking of an esplanade reserve is not appropriate for the locality or the formation of access to the reserve or the creation of the reserve may adversely affect the natural character of the coastal environment, lake or river.</p> <p>For these reasons the status quo is not the most efficient or</p>	<p>Objective 3.6.1: <i>“The natural character of the coastal environment, wetlands, and lakes and rivers and their margins is preserved”</i></p> <p>Objective 4.6.1: <i>“Coastlines, wetlands, lakes and rivers are protected from the adverse effects of subdivision and land disturbance”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The recommended option provides the opportunity for Council to either waive the requirement of the taking of an esplanade reserve or take less than 20 metres in width. This gives Council the discretion to consider the appropriateness of taking an esplanade reserve taking into account factors including the area, topography, access and possible linkages with established reserves. Furthermore, it also allows Council to consider the potential adverse effects the formation of a esplanade reserve would have on the character and amenity values of the coastal, wetland, lake or river environment.</p>

	effective mechanism for achieving objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.	For the above reasons, it is considered that the recommended option is the most efficient and effective method for the achievement of objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.
Most appropriate for achieving objectives	For the reasons detailed above, the status quo is not the most appropriate for achieving objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.	For the reasons detailed above, the recommended option is the most appropriate for achieving objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 22 – Rule 27.73 – Esplanade reserves and esplanade strips

Description of amendment	It is proposed to amend Rule 27.70 of the District Plan to improve the clarity of the rule to ensure a separate (a) and (b). This will also ensure consistency with the other zone rules in the District Plan.	
	OPTION 1: Do nothing	OPTION 2: Amend rule. This is the recommended option
Costs	<p><u>Environmental costs:</u> No environmental costs are considered.</p> <p><u>Economic costs:</u> No economic costs are considered.</p> <p><u>Social costs:</u> Retaining the status quo is not only inconsistent with the format of the rule for the other zones in the District Plan but is also potentially confusing for the District Plan user. With the current wording point (iv) is one of the standards within 27.73.1 (a). However, 27.73.1 (a) applies only to an area less than 4ha in area. The current 27.73.1 (a) (iv) standard applies to 4ha or more and therefore should not logically apply to Rule 27.73.1 (a). The result is that District Plan users may overlook standard (iv).</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>	<p>The recommended option would see an amendment to the format of the rule to amend (iv) and replace with (b) so that the current (iv) is a separate standard independent of 27.73.1 (a).</p> <p><u>Environmental costs:</u> No environmental costs are considered.</p> <p><u>Economic costs:</u> No economic costs are considered.</p> <p><u>Social costs:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> No cultural effects are considered.</p>
Benefits	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p>	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p>

	<p><u>Social benefits:</u> There are no social benefits considered.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p><u>Social benefits:</u> An amendment to the rule would greatly enhance the clarity and ease of understanding of the rule for District Plan users as it would make it very clear that the current 27.73.1(iv) is a separate standard. District Plan users would be able to read the rule and understand that the rule is separated out into two sections. The first applies to an allotment size less than 4ha and the second applies to an allotment size of 4ha or more in area.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>
Efficiency & Effectiveness of achieving objectives	<p>Objective 3.6.1: <i>“The natural character of the coastal environment, wetlands, and lakes and rivers and their margins is preserved”</i></p> <p>Objective 4.6.1: <i>“Coastlines, wetlands, lakes and rivers are protected from the adverse effects of subdivision and land disturbance”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The current format of 27.73.1 (a) (iv) may result in Council “missing” the opportunity for the taking of a esplanade reserve or strip as the 4ha standard in (iv) may become “lost” within the body of (a). Equally, applicants may overlook the requirement to create an esplanade reserve or strip only to have the matter identified post-lodgement, necessitating a reconfiguration of the scheme plan. This is not considered an efficient and effective method for achieving objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.</p>	<p>Objective 3.6.1: <i>“The natural character of the coastal environment, wetlands, and lakes and rivers and their margins is preserved”</i></p> <p>Objective 4.6.1: <i>“Coastlines, wetlands, lakes and rivers are protected from the adverse effects of subdivision and land disturbance”</i></p> <p>Objective 13.2.6: <i>“Amenity values of localities are maintained and enhanced”</i></p> <p>The recommended option would improve the clarity and ease of understanding of the rule. The result of will be a more efficient and effective method for the achievement of objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.</p>
Most appropriate	For the reason detailed above, retaining the status quo is	The recommended option is the most appropriate for achieving

for achieving objectives	not the most appropriate for the achievement of objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.	objectives 3.6.1, 4.6.1 and 13.2.6 of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

Table 23 – Gross land area and Peak hour

Description of amendment	It is proposed to establish definitions for “gross land area” and “peak hour” in the District Plan that relates exclusively to Schedule 24B of the District Plan for the Horotiu Industrial Park.	
	OPTION 1: Do nothing	OPTION 2: Amend rule. This is the recommended option
Costs	<p>Rule 24B.16.1 provides that in the Horotiu Industrial Park, permitted activities shall not exceed a trip generation of 15.4 trips/ha gross land area/peak hour. During the drafting of Schedule 24B of the District Plan, definitions of “gross land area/peak hour” were not included.</p> <p><u>Environmental costs:</u> If Rule 24B.16.1 applied the 15.4 trips per hectare per hour to each allotment within the Horotiu Industrial Park instead of based over the total area of each stage of development then there is potential for a significantly higher number of trip generations and associated effects on the roading network than what would have been anticipated during the development of the Horotiu Industrial Park Schedule.</p> <p><u>Economic costs:</u> If there are a significantly greater number of trips then the associated adverse effects on the road network would result in considerable cost to Council in accelerated ongoing maintenance and repair of the parts of the roading network in question.</p> <p><u>Social costs:</u> Retaining the status quo allows for ambiguity around the interpretation of rule 24B.16.1 as it was always envisaged</p>	<p>The recommended option establishes a definition for “gross land area” and “peak hour”.</p> <p><u>Environmental costs:</u> There are no environmental costs considered.</p> <p><u>Economic costs:</u> There are no economic costs considered.</p> <p><u>Social costs:</u> The new definitions would ensure that there is no longer more than one interpretation of “gross land area/peak hour” and for this reason no costs are anticipated.</p> <p><u>Cultural costs:</u> There are no cultural costs considered.</p>

	<p>during the drafting of the rule that the trip generation would be taken over the total area within each stage (there being three stages within the Horotiu Industrial Park) as opposed to the new developable area of each individual lot after subdivision. However, without a definition of “gross land area/peak hour” this is open to individual interpretation.</p> <p><u>Cultural effects:</u> There are no cultural effects considered.</p>	
<p>Benefits</p>	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p> <p><u>Social benefits:</u> The status quo option is open to more than one interpretation so there would be no social benefits.</p> <p><u>Cultural benefits:</u> There are no cultural benefits considered.</p>	<p><u>Environmental benefits:</u> There are no environmental benefits considered.</p> <p><u>Economic benefits:</u> There are no economic benefits considered.</p> <p><u>Social benefits:</u> By defining the “gross land area” as the area of all of the land within a particular stage of the Horotiu Industrial Park this ensures that the 15.4 trips per hectare trip generation is based exclusively on all of the land within one of the three stages of development and not based on a per allotment area. This would ensure that the traffic generation and associated effects would be consistent with the predicted traffic generation at the time of the design and development of the Horotiu Industrial Park.</p> <p>Additionally, clearly defining “peak hour” will ensure there is no ambiguity in its interpretation and would make it clear to District Plan users that the peak hour is when the hourly traffic flow on the adjacent road or intersection is at its highest within a 24 hour period.</p> <p><u>Cultural benefits:</u></p>

		There are no cultural benefits considered.
Efficiency & Effectiveness of achieving objectives	<p>Objective 24B.4: <i>“Industrial development is consistent with the long-term land use pattern for Horotiu and occurs in an integrated and coordinated manner”</i></p> <p>Without a definition of “gross land area/peak hour” there is some confusion for District Plan users as to the application of Rule 24B.16.1. This could result in a long term land use pattern for the development of the Horotiu Industrial Park occurring in a manner that is inconsistent with Schedule 24B. This is therefore not an efficient and effective mechanism for achieving objective 24B.4 of the District Plan.</p>	<p>Objective 24B.4: <i>“Industrial development is consistent with the long-term land use pattern for Horotiu and occurs in an integrated and coordinated manner”</i></p> <p>The recommended option would establish a clear definition of Gross land area and Peak hour to ensure ease of understanding and applicability for District Plan users. Furthermore, the recommended option would help ensure that the three staged development of the Horotiu Industrial Park is consistent with the intention and purpose of Schedule 24B of the District Plan and that the effects generated are consistent with those anticipated during the development of Schedule 24B. For these reasons it is considered that the recommended option is the most efficient and effective method for achieving objective 24B.4 of the District Plan.</p>
Most appropriate for achieving objectives	For the reason detailed above, it is considered that the status quo option is not the most appropriate for achieving objective 24B.4 of the District Plan.	For the reason detailed above, it is considered that the recommended option is the most appropriate for achieving objective 24B.4 of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.