



**COMMISSIONERS RECOMMENDATIONS
PROPOSED PLAN CHANGE 1**

Minor Changes

FOR CONSIDERATION BY
COUNCIL
27 September 2018

These are the recommended decisions of the Resource Management Act Policy Committee:

Signed:

Commissioner



Cr Karen Hunt (Chair)

Date: 10/09/2018

Commissioner



Cr Rob Kent

Date: 10/09/2018

Commissioner



Gina Mohi
Te Tatau o Te Arawa

Date: 14/09/18

That were adopted by the Rotorua Lakes Council on _____

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INTRODUCTION

- 1.1 This report records the Resource Management Act Policy Committee's (the Committee's) recommended decisions on Plan Change 1: *Minor Changes* to the Rotorua District Plan.
- 1.2 The plan change has been proposed to correct minor errors that were initially identified after the District Plan became operative in June 2016. The plan change does not change the intent or policy direction of the District Plan.
- 1.3 The main amendments proposed when the plan change was notified relate to:
 - the density rules/performance standards in the Rural and Residential Zones (additional household units, subsidiary household units), and the associated definition of Household Unit;
 - consistent references to site area ('net' or 'gross') within specific rules/performance standards;
 - Florey Heights, Tihi Road and Gallagher Street – rezoning the land back to Residential (Residential 1);
 - Household Unit Density (Apartments) within City Centre 1 and Commercial Zones. Inclusion of additional Performance Standards, Assessment Criteria and a Policy relating to residential amenity associated with apartments;
 - Air Noise Area around Airport – Change of activity status from Prohibited to Non-Complying for new buildings and extensions to activities sensitive to aircraft noise and subdivisions;
 - Commercial 6 Zone (Trade Central) – Amendments to rules (default category, retailing and day spas);
 - Commercial outdoor recreation activities in Reserve Zones.
- 1.4 The proposed changes to the District Plan wording are shown in Appendix One.
- 1.5 The plan change was notified for submissions on 28 October 2016 and for further submissions on 28 January and 1 February 2017. A hearing on the submissions was held on 25 July 2018 by the Committee. The Committee's recommendations on these submissions are provided in Appendix Two.
- 1.6 The Committee's decisions as to whether to extend timeframes to allow consideration of late submissions are also recorded in this report.
- 1.7 Finally, in making changes to the District Plan, Council must undertake an evaluation of the proposed changes (this is referred to as a Section 32 Report). The recommended Evaluation Report is provided in Appendix Three.
- 1.8 Council has delegated the hearing of submissions to the Committee. However, the final decision on any plan change lies with Council.
- 1.9 The evaluation and decisions generally reflect the advice of the reporting officers, Ann Nicholas and Lorelle Barry (Sigma Consultants Ltd), who provided a comprehensive report to the Committee (section 42A report).

1.10 The format of this report is as follows:

- Statutory Framework – Outlines the statutory provisions that govern the plan change process.
- Submissions – Summarises the submissions and our consideration of late submissions.
- Hearing – Briefly discusses the hearing process
- Evaluation – Evaluates the matters raised in submissions
- Conclusion
- Appendix 1 (Track changes to the District Plan) – Shows the changes notified for submissions and the Committee’s recommended changes.
- Appendix 2 (Summary of Decisions on Submissions) – Summarises the submission points and the Committees decisions on submissions
- Appendix 3 (Evaluation of the Plan Change) – Evaluates the plan change in light of Sections 32 and 32AA of the Resource Management Act

STATUTORY FRAMEWORK

1.11 The Committee agrees with the summary of statutory requirements for plan changes provided in the Reporting Officers report, which is repeated below. To this, additional information is added about the evaluation requirements under section 32 and 32AA of the Resource Management Act 1991 (RMA).

1.12 Schedule 1 of the RMA sets out the requirements for the preparation, change and review of policy statements and plans. This process can be summarised as follows:

- Following public notification of a proposed change and the lodging of submissions and further submissions, the Council is required to hold a hearing of the submissions in accordance with Clause 8B of Schedule 1.
- The Council is then required to give its decision on the submissions in accordance with Clause 10 of Schedule 1.
- Appeals against the decision may be made to the Environment Court by any submitter.

1.13 The purpose and principles of the RMA are set out in Part 2 of the Act. Section 5 of the RMA describes this purpose as:

“Managing 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 reasonably 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.

1.14 Part 2 also includes Section 6 which sets out matters of national importance to recognise and provide for. Of relevance is:

- (a) *the preservation of natural character of the coastal environment (including the marine coastal 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.*

1.15 Section 7 lists matter which particular regard must be given to. These include:

- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*

These are relevant in terms of the effects on amenity values and the quality of the environment which have given rise to the plan change. Amenity values are defined in the Act as:

“Means those natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, cultural and recreational attributes.”

1.16 Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account. The plan change amends the references to kaumātua housing and papakāinga, the policy for buildings adjacent to marae and the description in Section 3.1 of the Plan (Topic 6) to recognise the historical and cultural significance of the traditional villages of Ōhinemutu, Whakarewarewa and Ngāpuna. These support the significance of buildings on and near marae, as well as the significance of Ngāpuna along with Ōhinemutu and Whakarewarewa and are consistent with the principles of the Treaty.

1.17 PC1 was notified before the Resource Legislation Amendment Act 2017. Section 31 of the RMA has since been amended but required the following Council functions in relation to:

- *The avoidance or mitigation of natural hazards; and*
- *The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
- *The prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
- *The maintenance of indigenous biological diversity.*
- *The control of emission of noise and the mitigation of the effects of noise;*
- *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes*

1.18 It is noted that the second bullet point was repealed under the RLAA 2017. However, there are no changes relating to Part 16: Hazardous Substances and Contaminated Land of the Plan.

- 1.19 Under s74 of the RMA, as well as the functions under section 31, when preparing a plan change the Council must consider the provisions of Part 2 (s74(1)(b)) and any proposed Regional Policy Statement (s74(2)(a)(i)) or Proposed Regional Plan (s74(2)(a)(ii)), any management plans and strategies prepared under other Acts (s74(2)(b)(i)), and any relevant entry in the Historic Places Register (s74(2)(b)(ia)).
- 1.20 Schedule 1 of the RMA sets out the requirements for the preparation, change and review of policy statements and plans. Any decisions made in relation to submissions must include a further evaluation of the proposed changes in accordance with section 32AA in a scale appropriate to the change. Consequential alterations may also be required.
- 1.21 Both the Bay of Plenty Regional Natural Resources Plan and the Waikato Regional Plan include relevant policies relating to Outstanding Natural Features and Landscapes (ONFLs) and Significant Natural Areas (SNAs), as well as earthworks. The effects on significant values and on water and air resources are recognised, as well as potential effects on archaeological, wāhi tapu or other sites of significance.
- 1.22 There are no National Policy Statements, National Environmental Standards or Regulations that are of specific relevance to any part of this plan change.
- 1.23 Council published its evaluation of the proposed plan change under section 32 of the RMA when the plan change was notified for submissions. A further evaluation must now be made under 32AA of the RMA. The evaluation must again address the matters in section 32, but only in respect of any changes made in response to submissions. In summary, section 32 requires consideration of whether the proposed changes are the most appropriate way to achieve the objectives of the plan, while also considering efficiency, effectiveness, costs, benefits and the risks of acting or not acting. This further evaluation is covered by the evaluation section of the report (section 5).

NOTIFICATION AND SUBMISSIONS

Plan change process

- 1.24 The Officers Report outlines the steps that were taken to notify the plan change. We are comfortable that the process meets the requirements of the Act¹.

Submissions

- 1.25 Seventeen submissions were received on the plan change and four further submissions.
- 1.26 It is noted that three late submissions were received. All of the late submissions were advertised with the other submissions received, and as such, acceptance of the late submissions did not affect the integrity of the process in any way. In addition, acceptance of the late submissions allows a more robust assessment of the proposed changes. The Committee therefore recommends that these late submissions are accepted².

¹ Clause 5, 1st Schedule, Resource Management Act

² Sections 37 and 37A of the Act

HEARING

1.27 Three submitters attended the hearing:

- Stratum Consultants Ltd: Brett Farquhar
- Kelly Mau
- Shelley Eagle

1.28 Mr Farquhar provided evidence in relation to the proposed amendments to the subdivision performance standards. He noted that Stratum Consultants Ltd had taken over the submission from the Ward Family Trust. Specifically, he opposed the 'proposed introduction of a minimum 'net' site area to the District Plan subdivision performance standards in the Rural 2 zone.'

1.29 Kelly Mau appeared in favour of the proposed change in zoning for a number of properties within Florey Heights, Tihi Crescent and Gallagher Street.

1.30 Finally, Shelley Eagle submitted in relation to the proposed changes affecting subdivision and development within the Air Noise Area surrounding the Airport.

1.31 Tabled evidence was submitted for consideration of the Committee by the following submitters that did not attend the hearing:

- The Oil Companies (Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd) represented by John McCall from Burton Planning Consultants Ltd. The evidence related to their submissions on:
 - Topic 9: Commercial Zone;
 - Topic 15: Restricted Discretionary Activity Criteria: Service Stations;
 - Topic 20: Industrial Zone
 - Topic 33: Minor Changes
- The Oil Companies supported the recommendation of the Reporting Planner and requested that the recommendations be accepted.
- The Bay of Plenty Regional Council was satisfied that their concerns had been adequately addressed and they supported the Reporting Planners recommendations on their submission points.
- Rotorua Regional Airport was represented by Rowan Little from Cheal Consultants Ltd. The evidence related to the proposed changes affecting subdivision and development within the Air Noise Area surrounding the Airport. The issues raised by the Airport are detailed in the discussion below.
- Federated Farmers of New Zealand represented by Martin Meier from FFNZ. The evidence related to their submissions on Topic 22: Rural Zone – Water Tanks. For further discussion on this see below.

It is noted that the evidence was not received until 26 July (the day after the Hearing) due to an email issue. The Committee are happy to accept the evidence to help to ensure that the process is robust and given that the Hearing had not been formally closed at this point.

1.32 The issues raised by the submitters and through the tabled evidence are discussed further below.

EVALUATION

1.33 The following sections set out, by topic the:

- background;
- changes requested;
- analysis; and
- decisions on submissions.

1.34 This evaluation, for the most part, reflects that provided by the reporting officers in the section 42A report. The evaluation is also intended to satisfy section 32AA of the RMA.

1.35 The track changes to the District Plan in Appendix One show the changes to the District Plan text proposed by Plan Change 1 and the further changes made in response to submissions.

Topic 3: Rural Zone – Financial Contributions

Background

1.36 The Planners Report states that: *‘the plan change proposes to include clearer cross referencing from the zone chapters to Chapter 14 Financial Contributions. The proposed wording does not change the requirement for a financial contribution to be paid in specific circumstances but it makes it clear that a financial contribution may be paid.’*

Submissions and Further Submissions

1.37 Two submissions were received in relation to the proposed change.

Submitter Number	Submitter Name	Support/ Oppose/ Amend
12.1	NZTA	Support
14.1	Federated Farmers of NZ	Oppose

1.38 The first was from NZTA which generally supported the proposed change while Federated Farmers opposed the Performance Standard only in relation to the Rural Zone as *“it is inconsistent with the objectives and policies of Part 14 and unnecessary to achieve the stated cross-referencing purpose.”*

And as:

“Part 14 is clear that financial contributions are to be levied on activities that increase the density of housing and tourist accommodation in the district. The range of activities which fall

under that scope are not managed as either permitted or controlled activities under the operative plan. As such there is no need to introduce a new performance standard under which permitted and controlled activities are required to comply with Part 14 Financial Contributions requirements - a section in the plan which does not relate to permitted or controlled activities.”

1.39 The submitter requested that the proposed wording is not included in Part 8 Rural.

1.40 This was not addressed in the tabled evidence by Federated Farmers.

Evaluation

1.41 The Planners Report explains that the ‘purpose of the proposed wording is to provide a consistent cross reference from the Zone chapters to the requirements of Part 14’.

1.42 We note that the Planner has recommended an amendment to the Financial Contributions Performance Standard for the Rural Zone which recognises that Permitted Activities are not required to pay a financial contribution. We support this amendment, along with the recommendation that a consequential change is made to the same standard in the Residential Zone.

1.43 The change to the Rural Zone falls within the scope of the submission from Federated Farmers, while the change to the Residential Zone Performance Standard is considered to be of minor effect as it reflects the current practice, and as such can be made as an administrative change³.

Committee’s Recommendation

1.44 No changes are proposed to the provisions as notified, with the exception of the following Performance Standards (see highlighted text):

Part 4 Residential

4.6.16 Financial Contribution

All activities except permitted activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

Part 9 Rural

9.6.22 Financial Contribution

All activities except permitted activities will be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

Topic 5 – Rotorua Airport – Objectives and Policies + Land Use and Subdivision Rules

Background

1.45 The Planners Report outlines the background to the proposed change as follows:

Rotorua Airport is zoned in the District Plan and is managed through designations RDC500 and RDC501. The controls include the identification of approach and take off obstacle limitation surfaces within which specific controls apply to buildings, structures and vegetation to protect the approaches and take off paths to the runway. The District Plan – Appendix 7 also imposes controls on “activities sensitive to aircraft noise” and on subdivision within three identified

³ Clause 16, 1st Schedule, Resource Management Act.

areas where aircraft noise may exceed acceptable levels for habitable buildings. These areas are identified as:

- Air Noise Area (this is the closest boundary to the Airport and affects a small number of Residential and Rural Zoned properties);
- Inner Control Area;
- Outer Control Area (furthest boundary from the airport).

The District Plan currently classifies any new or extension to an activity sensitive to aircraft noise within the Air Noise Area only as a Prohibited Activity. Therefore, no application can be made. There are three zones affected for land use activities: Residential 1, Commercial 3 and Rural 1. Subdivision in the Residential 1, Rural 1 and Reserve, Community Assets and Water Zones 1 and 3 is also prohibited in these areas.

PPC1 proposes that in both instances the status be amended to Non-Complying to recognise that at times there may be minor changes to existing noise sensitive activities that are acceptable as they are required to maintain the activity on the site or to achieve a minor boundary adjustment or convert cross lease titles to freehold. Prohibited status is unduly onerous for affected land owners in this case.

The ability to make an application would allow the effects of the modification to be fully assessed and is considered to strike a fair balance between the needs of landowners and protection of the Airport. Non-complying status nevertheless sets a high threshold for approval and as a result the protection of the Airport is not greatly diminished from the current status.

A new Objective 15.3.4 and associated policies are proposed and changes to the activity status table in the affected zones and Part 15 Subdivision.

Submissions and Further Submissions

- 1.46 Two submissions were received in relation to this topic, one in support and one in opposition, with one further submission.

Submitter Number	Submitter Name	Support/ Oppose/ Amend	Further Submitter	Support/ Oppose/ Amend
13	Shelley Eagle	Support with Amendment	Rotorua Regional Airport	Opposes
10.	Rotorua Regional Airport	Conditionally Oppose		

Planners Report

- 1.47 In light of the above submissions, the Planners Report has recommended amendments to the rules that would 'provide as a non-complying activity the opportunity to modify or replace an existing dwelling and to allow limited subdivision where the building platform is outside the Air Noise Area'. While new activities sensitive to aircraft noise and any other form of subdivision within the Air Noise Area would remain as a Prohibited Activity.

- 1.48 An administrative change has also been proposed in relation to the Commercial Zone deleting these provisions as there is no commercially zoned land within this area under the current District Plan (this is simply a consequence of changes in zoning when the District Plan was reviewed).
- 1.49 Finally, an administrative change was proposed to retain the noise rules in the activity status tables in the zone chapters as opposed to in Appendix 11: Noise as proposed by Plan Change 4.

Evidence Presented at Hearing

- 1.50 One submitter, Kelly Mau, made a presentation to the Committee, and tabled evidence was provided by Rowan Little on behalf of the Airport.
- 1.51 Kelly Mau explained that she had purchased her property in 2005. The property contained two existing dwellings which she had hoped to subdivide. However, the District Plan was changed around 2008 and subdivision within the Air Noise Area became a Prohibited Activity. Ms Mau was supportive of the proposed changes recommended in the Planners Report on the basis that she understood this would enable her to apply for a subdivision consent.
- 1.52 When questioned by the Panel, Ms Nicholas explained that the situation outlined by Ms Mau would, as proposed, would still be classed as a Prohibited Activity. Given the situation Ms Mau had outlined, that being two existing dwellings on one site, Ms Nicholas considered that a Non-Complying Activity status would be more appropriate. Ms Nicholas noted that the Non-Complying Activity status would allow Council to consider the merits of the application while taking into consideration reverse sensitivity issues that could affect the Airport. Ms Nicholas was requested to provide an amended rule for consideration of the panel.
- 1.53 The tabled evidence of Rowan Little on behalf of the Rotorua Airport addressed the following components of the plan change:
- Objectives and Policies, and Plan Structure, specifically suggesting:
 - that the Objectives and Policies (Obj 15.3.4, Policies 15.3.4.1 – 3) would be more appropriately located within Appendix 11: Noise.
 - amendments to the Objectives and Policies.
 - Support for the proposed amendments to the prohibited activity status of new buildings within the Air Noise Area.
 - Suggested rules for Noise Sensitive Activities within the Reserve 1 and 2 Zones within the Air Noise Area.
 - Concern at the proposed subdivision rule that would allow, as a Non-Complying Activity, limited subdivision where the building platform was outside the Air Noise Area.

Evaluation

Subdivision Rules

- 1.54 In light of the submission by Ms Mau, and based on the wording provided by Ms Nicholas, we recommend that an additional rule be created which provides for subdivision of sites within the Residential Zone where there are two existing dwellings. A Non-Complying Activity status would ensure that there is a robust assessment of applications, and would not guarantee that consent would be granted.

- 1.55 We support the concerns raised by the Rotorua Airport that providing for subdivisions as a non-complying activity where a building platform is provided outside of the Air Noise Area would not be consistent with the planning framework that aims to avoid adverse reverse sensitivity effects on existing activities. And as such we have not recommended the inclusion of an additional rule where there is a building site outside the Air Noise Area as proposed in the Planners Report.
- 1.56 We agree with the Reporting Planner in relation to the other recommended changes to the subdivision rules within the Air Noise Area, and consider that the overall package will provide an appropriate balance between the rights of land owners while still protecting the airport from reverse sensitivity complaints.
- 1.57 To summarise, the subdivision rules for the Residential and Rural Zones for sites within or dissected by the Air Noise Area will allow consent to be sought for subdivision in the following circumstances:
- Residential sites where there are already two or more dwellings and the subdivision will not create any additional building platforms (Residential 1 Zone only);
 - Where the subdivision is a boundary adjustment or is the conversion of a cross lease title into a freehold title (Residential 1 and Rural 1 Zones).
- 1.58 The activity status for these subdivisions will be Non-Complying to enable a robust assessment of any additional development potential against broader considerations including reverse sensitivity effects.
- 1.59 Subdivision of sites where the land would be used for a noise sensitive activity within the Air Noise Area on land Zoned as Reserve 1 and 2 would remain as a Prohibited Activity. However, there is an administrative correction – currently the rules relate to the Reserve 1 and 3 Zones, whereas it is the reserve 1 and 2 Zones that fall within the Air Noise Area. The rules have been amended to reflect this.
- 1.60 Any other subdivision within the above-mentioned zones would continue to be classed as a Prohibited Activity. As such, consent could not be sought.

Land Use Rules

- 1.61 We note that Mr Little supports the changes that the Planner has suggested to the rules relating to new buildings within the Residential and Rural Zones, and the Air Noise Area. We also agree with the approach proposed.
- 1.62 In relation to the Reserve 1 and 2 Zones, Mr Little has noted that the Plan Change does not include any rules or standards for new buildings or extensions to existing activities sensitive to aircraft noise within the Air Noise Area. An example of this theoretically could be a crèche within a Reserve next to the Airport. Mr Little has suggested that extensions and upgrades to such buildings should be classed as a Non-Complying Activity, while new activities sensitive to Aircraft Noise should be classed as Prohibited. (This is the same approach as proposed in the Residential and Rural Zones).

- 1.63 We note that the area of reserve land around the Airport is limited and we consider it unlikely that development sensitive to aircraft noise would locate in this location. However, we agree with Mr Little that such a change is prudent.

Objectives and Policies

- 1.64 Mr Little has requested amendments to the proposed objective and has requested an additional policy which address reverse sensitivity. We agree with Mr Little in this regard, and have taken the Reporting Planners advice on the wording of the provisions to ensure an appropriate weight is given to these considerations.
- 1.65 Mr Little has also requested that the objective and policies are relocated to Appendix 11: Noise. We are mindful that MfE is currently consulting on National Planning Standards that, if adopted, will result in a rearrangement of the chapters of the District Plan, and we note, a stand-alone Airport Chapter is proposed. As such, we recommend that the objective and policies remain in the Infrastructure Chapter in the interim.

Committee's Decision

- 1.66 It is recommended that the following changes are made to the Operative District Plan:

Part 13 Subdivision

Table 13.5.1 Subdivision in Residential Zones

	RD1	RD2	RD3	RD4	RD5
<u>9. The subdivision of sites containing existing household units within or dissected by the Air Noise Area, as shown on the Planning Maps, where there will be no additional building platforms.</u>	<u>NC</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>9a. Boundary adjustments and conversion of cross lease sites or buildings within or dissected by the Air Noise Area, as shown on the Planning Maps.</u>	<u>NC</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>9b. The subdivision of sites or buildings within or dissected by the airport Air Noise Area, as shown on the Planning Maps, unless stated above.</u>	Pro	NA	NA	NA	NA

Table 13.10.1 – Subdivision in Rural Zones

	RR1	RR2	RR3
<u>11. Boundary adjustments and conversion of cross lease sites or buildings within or dissected by the Air Noise Area, as shown on the Planning Maps.</u>	<u>NC</u>	<u>NA</u>	<u>NA</u>
<u>11a. The subdivision of sites or buildings within or dissected by the airport Air Noise Area, as defined in Part 17 as shown on the Planning Maps unless stated above.</u>	Pro	NA	NA

Table 13.11.1 – Subdivision in Reserves, Community Assets and Water Zones

	RV1	RV2	RV3	W1
9. The subdivision of sites or buildings within or dissected by the airport Inner Control Area or within or dissected by the Air Noise Area, unless stated above.	Pro	NA <u>Pro</u>	Pro <u>NA</u>	NA

Part 10 Reserves, Community Assets and Water

Table 10.5 Activities in the Reserves, Community Assets and Water Zones

Rules	Zones			
	RV1	RV2	RV3	W1
Airport Noise Contour Controls				
<u>20a. Any extension to or upgrade or replacement of a building accommodating an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps</u>	<u>NC</u>	<u>NC</u>	<u>NA</u>	<u>NA</u>
<u>20b. Any new Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps</u>	<u>Pro</u>	<u>Pro</u>	<u>NA</u>	<u>NA</u>

Objective: To promote the safe, effective and efficient operation of the Rotorua Regional Airport.

Policy 15.3.4.2

Minor additions to existing noise sensitive activities and subdivisions (for example, boundary adjustments and conversions of cross lease titles to freehold titles) are provided for where these do not result in the intensification of existing noise sensitive activities on the site or reverse sensitivity effects on the continued operation of the airport.

Topic 8 – City Centre and Commercial Zones – Household Unit Density**Background**

1.67 The Planners Report outlined the background to the proposed change as follows:

The District Plan encourages residential living in the City Centre and Commercial zones to add activity and vibrancy to the environment. Household units are a permitted activity above ground level in all these zones except that they are allowed at ground level in the Commercial 5 zone. A minimum net site area of 50m² is currently required within the City Centre. There is 'no minimum site area per building' within the Commercial 1, 2, 3, 5 and 6 Zones. In addition, the requirement for car parking is no longer required in the City Centre. There is a requirement for outdoor living space to be provided for each unit and a density requirement applies, but the wording is unclear and inconsistent across zones.

In reviewing the requirements for household units in the city centre and commercial zones, the reference to minimum net site area is not appropriate as control is required over the minimum floor area not site area for household units. A minimum net floor area of 50m² was considered to be too restrictive to provide for inner city living. Therefore, PPC1 increases the minimum net floor area to 70m² and the rule was corrected to net floor area rather than site area.

Amended standards are proposed to ensure that the orientation and size of outdoor living spaces will be usable. In addition, there is a requirement for ground floor storage to be provided for each unit to provide for bicycles or scooters to support the use of alternative forms of transport. Heating and cooling is required where there are 3 or more household units and so heating and cooling units need to be managed to avoid noise affecting adjacent outdoor living areas and to control the visual effects of outdoor mounted units. Where performance standards are not met, an activity must be considered as a restricted discretionary activity and new criteria are proposed.

Submissions and Further Submissions

1.68 Three submissions were received in relation to this topic: one in support and two in opposition seeking amendments. The two submissions in opposition were received late as discussed above.

Submitter Number	Submitter Name	Support/ Oppose/ Amend
12.3	NZTA	Support
16.1	Stewart Brown	Oppose
17.1 – 17.3	Darryl Church	Oppose

1.69 The overall changes requested were:

- Retain a minimum net floor area of 50m² rather than 70m²
- Remove the orientation requirement for the outdoor living area
- Remove the requirement for a ground floor storage area.

Planners Report

1.70 In light of the submissions, the Planners Report recommended an amended minimum net floor area of 50m² for a studio or one bedroom apartment, and 70m² for two or more bedrooms; while the requirements relating to the orientation of outdoor living areas and the requirement for ground floor storage were recommended to be retained.

Evaluation

1.71 The introduction to the City Centre Zone sets out that inner city living is enabled in the City Centre to help achieve vibrancy. We agree that providing liveable and attractive inner city apartments will help to stimulate the night-time economy, provide a positive housing choice and will make good use of the existing built environment. As such, we are all in support of encouraging apartment development.

- 1.72 We support the changes to the Performance Standards which will allow for smaller apartments where these are studios or one bedroom units. This will help to encourage the variety of apartment sizes sought by the submitters.
- 1.73 We also recognise the issues raised by submitters in relation to the Performance Standards requiring ground floor storage and requiring outdoor living areas to be orientated to the north, east or west of the units.
- 1.74 We note, in most cases buildings being developed into apartments will require resource consent in any case e.g. in the City Centre 1 Zone any new buildings or alterations that modify the front façade require consent.
- 1.75 The Performance Standards apply to Permitted and Controlled Activities. Where an activity does not meet the performance standard it would be assessed as a Restricted Discretionary Activity with the Assessment Criteria limited solely to the criteria specified. As such, it is not considered that the requirement for consent where the performance standards are not met, in this case, is a significant barrier.
- 1.76 In relation to the submissions on the provision of storage, the requirement was intended to ensure that accessible space was provided for items such as a bike or a mobility scooter, recognising that there is no requirement for car parking within the City Centre Zone. However, we agree with the submitter that greater flexibility should be allowed for where the same outcome is achieved. As such, we have recommended a minor alteration to the Performance Standard to allow for storage space that is accessible by lift.
- 1.77 In relation to the requirement for an Outdoor Living Area orientated to the east, north or west. We recognise that there will be alternative ways of ensuring that apartments have good quality outdoor space, for example a communal roof terrace. These would be assessed via the consent process, with the assessment criteria focused purely on ensuring the outdoor space was of an appropriate quality.

Committee's Decision

- 1.78 Amend Performance Standards 5.6.1.4 as follows⁴:

Part 5 City Centre

5.6.1.4 Household Unit Density

- a. The minimum net-site-floor area for any one a household unit shall be ~~is~~ 50m² for a studio or one bedroom unit and 70m² for a unit with two or more bedrooms.

b. New Buildings

ii. Storage

1. Each household unit shall be provided with a secure, weatherproof storage area either at ground floor level or below, or accessed via a lift; that is readily

⁴ Note, only the provisions amended as a result of the hearing are repeated here.

accessible to the household unit with a minimum capacity of 6m³, and width or depth of at least 1.5m and a height of 2.4m.

Part 6 Commercial

ii. Storage

1. Each household unit shall be provided with a secure, weatherproof storage area either at ground floor level or below, or accessed via a lift; that is readily accessible to the household unit with a minimum capacity of 6m³, and width or depth of at least 1.5m and a height of 2.4m.

Topic 22 – Rural Zone: Water Tanks

Background

1.79 The Planners Report outlined the background to the proposed change as follows:

The plan change proposes to amend the current requirement for water tanks in a Significant Natural Area to be “naturally recessive exterior colour” to “a reflectance value of between 0 and 37%”. The purpose of the change is to increase clarity and certainty of the standard as the “naturally recessive exterior colour” is not a defined term. A reflectance value of 0 to 37% is well understood in the context of the Lakes A Zone and is commonly used as a reference in plan provisions and resource consent conditions in sensitive landscapes.

Submissions and Further Submissions

1.80 Two submissions were received in relation to this topic: one in support and one in opposition. One further submission was also lodged.

Submitter Number	Submitter Name	Support/ Oppose/ Amend	FS #	Further Submitter	Support/ Oppose/ Amend
14.3, FS4.1 – 4.2	Federated Farmers	Oppose			
2.2, 2.3	BoPRC	Support	FS4.1 FS4.2	Federated Farmers	Oppose

1.81 Federated Farmers opposed the requirement for a reflectance value to be applied to water tanks. They noted that water tank manufacturers do not apply reflectance values to water tanks and that they typically do not have matt finishes. The wording in the Operative District Plan is preferred.

- 1.82 BOPRC supports the proposed change as it clarifies interpretation of the rule. This is opposed by the further submission from Federated Farmers.

Planners Evidence

- 1.83 The Planners recommended amendments to Performance Standard to help address the issues raised by Federated Farmers.

Evaluation

- 1.84 We note, that the proposed restrictions on the colour/reflectivity of water tanks only relate to water tanks proposed within Significant Natural Areas, and on this basis support the amended wording proposed.

Committee's Decision

- 1.85 That an amended performance standard A9.2.12 is included as follows:

The exterior surfaces of any water tank with a paint finish shall have a reflectance value of between 0 and 37% and, if plastic, shall not be white.

Topic 23 – Rural Zone: Activities Affected by Fault Traces

Background

- 1.86 The Planners report provides the following explanation of the proposed change:

The Operative District Plan includes mapped Fault Avoidance Zones which apply to parts of the Rural (RR1), Residential (RD1 & RD4) and Reserve (RV1) Zones. They were introduced at the time of the last review and were based on the 2010 report by GNS on Active Fault Hazards⁵. The Fault Avoidance Zone identifies potentially affected areas and the types of structures that should be managed in proximity to active fault lines.

The list of permitted activities and the requirement for resource consent was drafted as part of the now Operative District Plan with reference to the Ministry for the Environment Guidelines⁶. The guidelines acknowledge that buildings have been built under past rules within a fault avoidance zone. Buildings within fault avoidance zones are likely to be damaged in the event of a fault rupture. The guidelines identify building importance categories in relation to risk levels for building collapse. Category one is least important and Category 4 is most importance in terms of the risk associated with a building within a fault avoidance zone.

The rules for Fault Avoidance Zone therefore allow additions to existing buildings or replacement buildings as well as buildings of low importance and structures or replacement buildings. This is subject to a performance standard (9.6.20.b) that requires replacement buildings to be within the same footprint. Non-compliance with the rules or new buildings are restricted discretionary activities and require a natural hazard assessment report from a suitably qualified person/ geotechnical engineer in relation to the potential location of the fault line, its recurrence interval and any building design and location requirements or restrictions on use.

⁵ Rotorua District Council: Hazard Studies: Active Fault Hazards, August 2010, GNS Science Consultancy Report 2010/182

⁶ Kerr J, Nathan, S, Van Dissen, R, Webb, P, Brunson, D, and King A, 2003, Planning For Development Of Land On Or Close To Active Faults: A Guideline To Assist Resource Management Planners In New Zealand, GNS Client Report 2002

This change is required because the activity status table in the Rural 2 and 3 Zones lists as NA activities in relation to buildings near fault lines. It has been confirmed that there are fault lines identified on the Planning Maps that are located in the Rural 2 and 3 zones. Therefore, an activity status must be stated, rather than being “Not Applicable”. The status of activities not expressly stated is either Discretionary or Non-Complying.

The plan change therefore proposes to give the same status in the Rural 2 and 3 zones as in the Rural 1 Zone, being permitted for additions and “buildings of low importance” and Restricted Discretionary for new buildings not provided for as permitted activities.

Submissions and Further Submissions

1.87 Two submissions were received and no further submissions.

Submitter Number	Submitter Name	Support/ Oppose/ Amend
4.1	Tina Masters and Don Johnstone	Support with amendment
15.1	Kathryn Noble	Support with amendment

1.88 The submission from Masters and Johnstone identifies that, while they understand the change is to align the same process across all zones, their concern relates to the accuracy of the fault lines and the fault avoidance zone. Their experience has been that the fault avoidance zone that applies to their property is inaccurate. Therefore, the rule would be too restrictive. They request that Council provides certainty and clearness as to the fault location.

1.89 The submission from Kathryn Noble also identifies that the location of the fault lines is poorly defined and that Council needs to provide certainty in relation to the fault location and reduced width of the fault avoidance zone.

Planners Evidence

1.90 The Planner has recommended that proposed amendments are adopted as notified.

Evaluation

1.91 The Committee recognises that the GNS Active Fault Database provides information at a broad level. In the absence of additional investigations there remain significant risks in the event of a major fault rupture. As such, it is appropriate that land owners undertaking development on their sites undertake more detailed investigations if their proposed building platform is within a Fault Avoidance Zone.

Committee’s Decision

1.92 We therefore recommend that the provisions are adopted as notified.

Topic 26: Rural Zone – Household Unit Density

Background

1.93 The Planners Report provided the following background to this proposed change:

This proposed change relates to the number of household units allowed within the Rural zones. The Operative District Plan defines household unit as follows:

'Any building, part of a building or vehicle, whether temporary or permanent, that is occupied as a residence, including any structure or outdoor living area that is accessory to and used wholly or principally for the purposes of the residence. A part of a household unit that it is accessible from within the main household unit, is not physically separated and is occupied by a member or members of the main household, is considered an accessory activity, not a separate household unit (commonly referred to as a granny flat).'

The plan change proposes to delete the second sentence so it reads as follows:

'Any building, part of a building or vehicle, whether temporary or permanent, that is occupied as a residence, including any structure or outdoor living area that is accessory to and used wholly or principally for the purposes of the residence.'

The purpose of the change is to clarify the definition and remove an unintended provision for two minor household units (such as small household units or granny flats) in the Rural zones, where one was intended and consistent with development rights under previous district plans. Direct controls to manage minor units are clearer if detailed in the zone activity list and managed through performance standards. Therefore, minor changes are made to the zone text, to include consistent reference to:

- *Household unit – one per site (instead of lot), and*
- *Clarify the separate provision for a small household unit with a maximum floor area of 72m² (excluding garaging) from additional household units in general. These are currently Controlled in the Residential 1 Zone and Permitted in the Rural zones.*

The same changes for consistency were proposed in the Residential zone and no submissions were received in relation to these changes. These are considered to be effectively operative under section 86F of the RMA.

Submissions and Further Submissions

1.94 One submission was received in relation to the proposed change to the definition and to the changes proposed to the Rural zone provisions. No further submissions were received.

Submitter Number	Submitter Name	Support/ Oppose/ Amend
14.6	Federated Farmers	Support in part

1.95 Federated Farmers supports in part the proposed change provided that there are no fundamental changes to the rules relating to density and allocation entitlements, especially in relation to replacing “site” with “lot”.

Reporting Officer

- 1.96 The Reporting Officers Report recommended changes to remove ambiguity in relation to additional and subsidiary units. In discussing this issue, we requested further clarification to ensure the language was clear without altering the meaning or intent of the plan change.
- 1.97 The only submission is generally in support. The definition is not challenged and is therefore supported by all parties. This definition will be clearer and supports the rules in the District Plan.
- 1.98 The reference to site or lot has not been used consistently in the Rural chapter. Site is defined in the District Plan. Site is more inclusive as a descriptor as it covers situations where two lots are held together.
- 1.99 The word 'subsidiary' is not defined in the District Plan and is not supported by performance standards. The only relevant control on such units is the maximum floor area. Therefore, it is considered that the rule will provide more certainty and clarity if it is further amended to delete the reference to 'subsidiary' with this replaced with 'minor'.
- 1.100 These further changes are intended to make it clear that within the Rural Zone:
- one household unit is permitted;
 - a minor household unit (or granny flat) is also permitted; and
 - additional household units are provided for subject to compliance with performance standards.

Evaluation

- 1.101 In discussing this issue, we requested further clarification from the Reporting Planner to ensure the language was clear without altering the meaning or intent of the plan change. As such, these changes are made under clause 16, 1st Schedule of the RMA.
- 1.102 The plan change also notified similar changes affecting the Residential Zone density provisions. For consistency we have also recommended that the reference to 'subsidiary' household unit is replaced with 'minor'.
- 1.103 It is also highlighted that the rules within the Residential 2 – 5 Zones (this is all of the other Residential Zones) classed 'Subsidiary' household units as a Non-Complying Activity, while additional household units were classed as a Controlled Activity. This anomaly has also been corrected as an administrative change.

Recommendation

- 1.104 It is recommended as follows:

Submitter Number	Submitter Name	Support/ Oppose/ Amend	Staff Recommendation
14.6	Federated Farmers	Support in part	Accept in part

1.105 That the changes proposed to the definition of Household Unit are adopted as notified.

1.106 That the rules and performance standards of the Rural Zone are amended as follows as:

Rural Zone Rules (Table 9.5):

Home and Households			
	RR1	RR2	RR3
11. Household Unit, one per lot <u>site</u>	P	P	P
12. Additional household unit	C	C	C
13. Buildings accessory to a household unit	P	P	P
14. One additional <u>minor</u> household unit that is subsidiary to an established household unit <u>per site.</u>	P	P	P
15. An additional household unit, or an additional <u>minor</u> household unit within the sensitive landscape area of the caldera rim as shown on Planning Map 215	D	D	D

Amend Performance Standard 9.6.4: *Household Unit Density* as follows:

a. Rural 1 zone

One household unit per site, except:

- i. For sites that exceed an area of 30 hectares, one additional household unit per 15 useable hectares.
- ii. For sites outside the Lake Rotorua catchment with versatile soils, one additional household unit per 40 useable hectares
- iii. One ~~additional~~ minor household unit per site not exceeding 72m² gross floor area (excluding garaging) and that is subsidiary to an existing household unit.

b. Rural 2 zone

One household unit per site, except:

- i. No more than one household unit per 8,000m² of the site area shall be constructed onsite within areas not serviced by public reticulation for wastewater provided that the requirements of the relevant regional council for the treatment and management of wastewater, including any associated disposal field is met.
- ii. No more than one household unit per 4,000m² of the site area shall be constructed onsite within areas serviced and connected to public reticulation for sanitary sewer.

- iii. One ~~additional~~ minor household unit per site not exceeding 72m² gross floor area (excluding garaging) and that is subsidiary to an existing household unit.
 - iv. i, ii and iii above ~~do~~ shall not apply to the Brunswick Park area, where no more than one household unit per 8000m² of the site area shall be constructed onsite. In addition to an existing household unit in the Brunswick Park area, one minor ~~additional~~ household unit not exceeding 72m² gross floor area (excluding garaging) may be constructed as a subsidiary part of the principal unit, but not as a separate building.
- c. Rural 3 zone

One household unit per site, except:

- i. No more than one household unit per 1,500m² of the site area shall be constructed onsite within areas not serviced by public reticulation for wastewater provided that the requirements of the relevant regional council for the treatment and management of sewer wastewater, including any associated disposal field is met.
- ii. No more than one household unit per 1000m² of the site area shall be constructed onsite within areas serviced and connected to public reticulation for sanitary sewer.
- iii. One ~~additional~~ minor household unit per site not exceeding 72m² gross floor area (excluding garaging) and that is subsidiary to an existing household unit.

Amend Residential Zone Rules 4.5.9 as follows:

Household Units					
	RD1	RD2	RD3	RD4	RD5
4. Household unit, one per site	P	P	P	P	P
9. Additional household units, <u>including minor household units</u>	C	C	C	C	NC

Amend Residential Zone Performance Standards 4.6.4 as follows:

4. Household Unit Density

- a. Residential 1
 - i. The minimum permitted net site area for any one household unit shall be 350m², provided that the average net site area for all household units on a site is at least 450m².
 - ii. For sites that exceed a net site area of 600m², there may be one minor ~~additional~~ household unit with a net floor area not exceeding 72m² (excluding garaging). ~~This is to enable provision of a small household unit on a site, for the accommodation of family members for example.~~

- ~~Subdivision of lots of this size is not allowed for by the plan, so the additional house will remain accessory to the principal household unit.~~
- iii. Within the area covered by the Wharenui Road Development plan only one household unit may be constructed for each 450m² net site area.
 - iv. Within the area covered by the Twin Oaks Development Plan only one household unit may be constructed for each 700m² net site area. See Appendix 5.8
- b. Residential 2
 - i. The minimum permitted net site area for any one household unit shall be 350m² without an approved comprehensive residential development plan.
 - c. Residential 3
 - i. The minimum net site area for any one household unit shall be 250m².
 - d. Residential 4
 - i. One household unit may be constructed on site per 2,000m² of net site area provided that the site is able to meet the relevant regional council requirements for on-site effluent or sewage disposal, including any associated disposal field.
 - ii. One household unit may be constructed per 1,000m² of net site area in an area where a public sanitary sewer reticulation system is operational.
 - e. Residential 5
 - i. One household unit per 1,500m² net site area provided that the average net site area for all households onsite ~~is~~ shall be 2,000m².

TOPIC 28 - RESERVE ZONE – COMMERCIAL RECREATION ACTIVITIES AND COMMERCIAL ACTIVITIES

Background

1.107 The Planners Report provided the following background to this proposed change:

Commercial recreation activities are an accepted part of some of the key reserves in the District, such as the Lakefront and Government Gardens. However, although commercial outdoor recreation is identified and managed in the Rural zones, the same distinction is not made in the Reserve zones. Changes are proposed to differentiate commercial recreation from private or community recreation and to clarify the rules relevant to commercial activities.

The plan change therefore proposes the following changes:

Rules	Zones			
	RV1	RV2	RV3	W1
Retail and Commercial				
<u>32a. Commercial Outdoor Recreation activities</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
36. Any other Commercial Activities.	NC	NC	NC	NC

12.2 Submissions

1.108 One submission and one further submission were received in relation to the proposed change, as follows:

Submitter Number	Submitter Name	Support/ Oppose/ Amend	FS #	Further Submitter	Support/ Oppose/ Amend
5.7	Volcanic Air Safaris Ltd	Support with amendment	FS3.1	Kawarau Jet Rotorua Ltd	Supports &/or Opposes
5.8		Oppose			

1.109 Volcanic Air Safaris Ltd supports the differentiation between ‘commercial outdoor recreation activities’ and ‘outdoor recreation activities’ in 32a, but identified three issues to be addressed:

- The status of buildings (as distinct from lake structures) associated with (or accessory to) the outdoor recreation activity is not clear. "Accessory buildings and activities" are permitted under Rule 10.5.3, "Buildings for recreational activities unless otherwise stated" as restricted discretionary under Rule 10.5.4 and "Where an activity is not expressly stated in Table 10.5" is discretionary under Rule 10.5.2. The submitter suggests that restricted discretionary status is appropriate.
- The submitter requests amendments to the relevant criteria to align consideration of commercial outdoor recreation activities with the criteria applicable to restricted discretionary activities, namely to amend 10.9.1 General Assessment Criteria to provide for items h to k, and n in 10.8.1.1.
- The submitter also requests amendments to the policy provisions in particular to address the issue of reverse sensitivity by amending Policy 10.3.5.2 to read:

Activities on the surface of water are managed to minimise any potential conflict between those activities, and to avoid, remedy or mitigate reverse sensitivity effects.

1.110 In relation to new rule 10.5.35a Volcanic Air Safaris requested clarification of the inclusion Rule 35a. In particular the relationship with listed activities “Restaurants” (Rule 33), “Retail activities” (Rule 34) and “Ancillary retail activities” (Rule 35) which are all “NA” in the Water 1 Zone. The default status of Discretionary was noted as appropriate rather than the Non-Complying status proposed. The further submission requested that Rule 35a was deleted.

1.111 Kawarau Jet Rotorua submitted in support of/ opposition to the submission as necessary to protect their current and future business opportunities while achieving the sustainable management purpose of the Act, met the requirements of section 32 and implement the Plan. No specific changes were therefore identified.

Reporting Officer

1.112 In relation to Volcanic Air Safaris submission the Reporting Officer recommended a number of amendments to in response to the submission, namely:

- Clarification of the status of buildings associated with outdoor recreation;
- inclusion of Assessment Criteria for these activities; and
- amendments to policy 10.3.5.2 to include consideration of reverse sensitivity effects.

Evaluation

1.113 We agree with the analysis of the Reporting Planner, and specifically support the proposed assessment criteria.

12.4 Recommendation

1.114 It is recommended that the following amendments are made as a result of submissions:

Policy 10.3.5.2	Activities on the surface of water are managed to minimise any potential conflict between those activities, <u>and to avoid, remedy or mitigate reverse sensitivity effects.</u>
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Rules	Zones			
	RV1	RV2	RV3	W1
Retail and Commercial				
<u>32a. Commercial outdoor recreation activities, including associated buildings and structures</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
36. Any other Commercial Activities.	NC	NC	NC	NC

1.115 Amend 10.9.1 General Assessment Criteria as follows:

23. The extent to which the activity adversely affects adjoining sites or land-based activities.
24. The extent to which the activity adversely affects the public access to the lake or waterway.
25. The extent to which the activity adversely affects the recreational values of the lakes and waterways.
26. The extent to which the activity conflicts with other users of the surface of waters of the lake or river, including recreational and commercial activities.
27. The extent to which the activity will avoid, remedy, or mitigate reverse sensitivity effects on lawfully established activities or existing infrastructure.

13. TOPIC 29 – CHAPTER 13 SUBDIVISION – NATURAL FEATURES AND CULTURAL HISTORIC HERITAGE

Background

1.116 The plan change proposes a minor amendment to provide clearer direction in Policy 13.3.10.1 which relates to subdivision of sites containing natural features and cultural and historic heritage.

Submissions

1.117 Two submissions and no further submissions were received in relation to this topic, one in support and one seeking amendment.

Submitter Number	Submitter Name	Support/ Oppose/ Amend
2.4	BoPRC	Support
8.1	Waikato RC	Support with Amendment

1.118 Waikato RC supports the proposed amendment to the policy as it provides greater clarity regarding policy direction. They request a minor amendment to reflect the language of Section 6 of the RMA.

Reporting Officer

1.119 The Reporting Planner agreed with Waikato Regional Council that the focus of Section 6 of the RMA in relation to Outstanding Natural Features and Landscapes, Significant Natural Areas and in relation to historic heritage is on protection, and therefore agreed that the wording proposed by the WRC was more appropriate.

Evaluation and Recommendation

1.120 We agree with the changes proposed by the Reporting Officer with minor administrative changes as follows:

Policy 13.3.10.1 – Natural Features and Cultural Historic Heritage

Manage ~~Avoid~~ subdivision so that features and values such as: of sites unless the features listed below are sensitively incorporated into the subdivision design and the values associated with these features are protected:

- Streams, rivers, wetlands, lakes and their margins
- Outstanding natural features and landscapes and landforms
- Geothermal surface features
- Cultural and historic heritage landscapes, sites and features
- Significant indigenous vegetation and habitat of indigenous fauna

~~are excluded from subdivision or sensitively incorporated into subdivision design and protected from future land use activities.~~

14. TOPIC 31 - SUBDIVISION CHAPTER - RURAL SUBDIVISION PERFORMANCE STANDARDS – NET SITE AREA

Background

- 1.121 Currently, within the Rural 2 Zone (Rural Lifestyle) – and excluding Brunswick Park, the subdivision standards had inconsistent references to the minimum site area.
- 1.122 Under Performance Standard 13.10.2.1: *Site Dimension Requirements*, un-sewered sites required a minimum site area of 8,000m² (net) and sewered sites had a minimum site area of 4000m² (gross) to be classed as a Discretionary Activity subdivision.
- 1.123 Whereas Performance Standard 13.10.4: *Minimum Lot Design Requirements* required a minimum site area of 8,000m² (gross) and sewered sites had a minimum site area of 4000m² (net).
- 1.124 The plan change proposed a consistent approach whereby a net site area would be used in all cases.

Submissions

- 1.125 One submission and one further submission were received as follows:

Submitter Number	Submitter Name	Support/ Oppose/ Amend	Further Submitter #	Further Submitter	Support/ Oppose/ Amend
7.1 7.2 7.3	Ward Family Trust	Oppose	FS4.6	Federated Farmers	Neutral

One submission in opposition was received with a further submission identifying the intention to maintain an interest in the change. The submission opposes the imposition of “net” to the minimum site area as it will limit the ability to subdivide parent sites with an area of close to 8,000m² into two lots. The submitter identifies that the character of Rural 2 zones varies in different locations (e.g. Ngongotahā compared with Hamurana) which make tighter restrictions inappropriate across the zone.

Planners Response

- 1.126 The Reporting Officer explained that the purpose of the change is to clarify the minimum site area as being net for subdivision in the Rural 2 Zone where references are inconsistent. In some locations, a significant area of land could be required for access to a rear site which would result in usable site area being below the required 4,000m².

Evidence Presented at the Hearing

1.127 Mr Farquhar presented evidence to the Hearing stating that the proposed change would only result in a negative effect with the likely reduction in infill development, with implications for rates, capital contributions and housing availability. He explained that the change would make many properties in Hamurana unable to be subdivided, providing a plan showing sites that were either 8,000m² or just above. He considered that there was no valid environmental reason for the change. He did agree however that the rules need to be made consistent across both the Subdivision and Rural Zone Chapters, and suggested the removal of the term 'net' from the Rural Subdivision standards.

Evaluation

1.128 We have discussed this issue in depth.

1.129 We understand that the change was originally proposed to correct an inconsistency in the District Plan.

1.130 We acknowledge the points raised by Mr Farquhar in terms of the potential effects on properties in Hamurana that are close to 8000m². We have also discussed the other issues raised by Mr Farquhar in terms of reduced potential for infill development and fewer ratepayers contributing to rural water and wastewater schemes.

1.131 On the other side of this issue, we also note that the issue of density at Hamurana was a very contentious issue when the District Plan was reviewed. Many in the community were strongly opposed to the proposed intensification that was being considered at the time in order to protect the existing character of Hamurana.

1.132 We also note that the difference between net site area and gross site area only affects subdivisions where a rear site is proposed.

1.133 We also note that subdivision of sites that fail to meet the performance standards is not prohibited. Such subdivisions are classed as a non-complying activity, and although this is a tougher test to meet such subdivisions may still be consented.

1.134 Finally, we are aware that this change affects all subdivisions within the Rural 2 Zone, and not just those within Hamurana.

1.135 On balance, we consider that the intention of the proposed change is significant to our decision – the Reporting Planner has made it clear that the intention of these changes was to clarify the approach taken in the District Plan. It was not intended that the approach taken in Hamurana or elsewhere would change. On this basis we agree with the Reporting Planner that the provisions should be adopted as notified.

Recommendation

1.136 It is recommended that the wording is adopted as notified.

TOPIC 33 – MINOR CHANGES TO 17.2 DEFINITIONS – LOW IMPORTANCE BUILDING

Refer also to Topic 23 in section 10 above

Background

1.137 The Planners Report outlines the background to the proposed change as follows:

As discussed in relation to Topic 23 above, activities are managed in Fault Avoidance Zones by reference to Buildings of Low Importance. At present the wording in the activity list in the affected zones (Residential 1 and 4 (RD1 & RD4), Reserve 1 (RV1) and Rural 1, 2 and 3 (RR1, RR2 & RR3)) is generally as follows:

Buildings of low importance located within the fault avoidance area on Planning Map 210 e.g. farm buildings, fences, structures with a floor area of less than 30 square metres, masts or towers in rural situations and temporary structures.

1.138 Rather than qualify the intended meaning of “Buildings of Low Importance” in each rule, Plan Change 1 introduced a new definition, as follows:

Definition of Low Importance Building under 17.2

<u>Low Importance Building</u>	<u>In relation to buildings with fault avoidance areas, buildings posing low risk to human life or the environment, or a low economic cost, should the building fail. These are typically small non-habitable buildings, such as sheds, barns, and the like.</u>
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1.139 As a consequence the wording in the activity status table would be amended to refer to the defined term alone.

Submissions

1.140 One submission in opposition was received from Federated Farmers seeking that the definition is deleted as it is more confusing than the current description in the activity status tables. No further submissions were lodged.

Submitter Number	Submitter Name	Support/ Oppose/ Amend
14.7	Federated Farmers	Oppose

Planners Evidence

1.141 The Planner has explained that ‘the definition was intended to provide more certainty and clarity than the existing examples in the activity status tables. Through the evaluation of Topic 23 in section 10 above, the base document, the MfE Guideline was referenced. The term “Buildings of Low Importance” is used in the document and is informed by AS/NZS 1170.0:2002 Structural Design Actions Part 0 – General Principles.

1.142 The GNS advice that only buildings of Buildings Importance Category 2a to 4 be excluded. This leaves only category 1 buildings which are described as:

Structures presenting a low degree of hazard to life and other property: examples are structures with a total floor area of less than 30m², farm buildings, isolated structures, towers in rural situation, fences, masts, walls and in-ground swimming pools.

1.143 All other buildings and structures have a moderate or higher risk for loss of life.

1.144 The definition as notified is based on the definition in clause A3 of the Building Code. It is potentially less clear than the description from the MfE Guidelines, as the examples in the Guidelines are more specific.

1.145 Therefore, an amended definition is considered to be more helpful. However, as the definition itself is drawn from the activity status rule and does not represent a material change from the provisions as already operative, the retention of a definition and the amendment of the activity status table wording remains appropriate and consistent with the intent to clarify and provide more certainty'.

Evaluation and Recommendation

1.146 We agree with the Planners analysis. However, we note that the MfE Guidance refers to 'Buildings of Low Importance'. For consistency we recommend that the same terminology is used.

1.147 It is therefore recommended that the definition is amended as follows:

<u>Building of Low Importance</u>	<u>In relation to buildings within fault avoidance areas, non-habitable buildings and structures presenting a low degree of hazard to life and other property: examples are structures with a total floor area of less than 30m²; farm buildings; isolated structures; towers in rural situation; fences; masts; walls and in-ground swimming pools.</u>
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Consequential changes are recommended to the activity status tables in 4.5, 9.5, and 10.5 to read as follows:

Buildings of low importance located within the fault avoidance area on the Planning Maps 210 e.g. farm buildings, fences, structures with a floor area of less than 30 square metres, masts or towers in rural situations and temporary structures.

16. TOPIC 36 – APPENDIX 9 – WALKING AND CYCLING TRACKS IN SIGNIFICANT NATURAL AREAS – UNFORMED TRACKS

Background

1.148 The Planners Report outlines the background to the proposed change as follows:

The performance standards in Appendix 9 manage activities in relation to matters of national importance: historic heritage structures and sites, notable trees, disturbance of indigenous vegetation within significant geothermal features or significant natural areas, and buildings

and landscapes within outstanding natural landscapes, significant natural areas or near other sites with specific values. Rule A9.2.3 sets rules for disturbance, removal, restoration and re-vegetation or enhancement of indigenous vegetation within significant geothermal features or significant natural areas.

Rule A9.2.3.3.a states that indigenous vegetation may be disturbed for the purpose of pedestrian or cycling use. This is not constrained in any way and could include formation of formal tracks through to informal “cross country” walking and cycling where vegetation can be cut back without limit. This links to Table 9.5.72, with maintenance of existing walking tracks allowed as a permitted activity under 9.5.75 and a range of trimming and pruning alongside pedestrian and cycling tracks is authorised under 9.5.74. New walking (but not cycling) tracks require resource consent under rule 9.5.76 and the matters to which the Plan restricts discretion are set out in A9.4.2. This lack of clarity and certainty led to the proposed amendment in proposed plan change 1 to differentiate the type of pedestrian and cycling tracks anticipated as permitted activities from formal surfaced tracks. It does not change or affect the rules for farm or forestry tracks.

The plan change proposes to qualify the nature of pedestrian and cycling use to refer to “Unformed tracks” only in A9.2.3.3.i. A similar change is made in A9.2.3.3.a.vi from “walking tracks” to “Unformed tracks” for providing access for pest control. A new definition of unformed tracks is proposed, as follows:

Term	Definition
Unformed Track	In relation to pedestrian and cycling tracks in SNA’s, means a track that does not have any formal edging, all weather or permanent surfacing or structures such as bridges or timber walkways. An example is shown below.

Submissions

1.149 Three submissions were received, two in support and one in opposition. Two further submissions were received.

Submitter Number	Submitter Name	Support/ Oppose/ Amend	FS #	Further Submitter	Support/ Oppose/ Amend
2.5	BOPRC	Support	FS4.3	Federated Farmers	oppose
8.2	WRC	Support / Amend	FS4.4	Federated Farmers	oppose
14.8	Federated Farmers	Oppose			

1.150 Both BOPRC and Waikato Regional Council support the proposed change in wording. BOPRC seeks that the wording is retained as notified. Waikato Regional Council supports the change and seeks the addition as follows:

“Unformed tracks no greater than 3m wide for pedestrian and cycling use.”

1.151 Federated Farmers opposes the inclusion of the reference to unformed tracks in relation to A9.2.3(a)(iv) and seeks the deletion of the new definition. A9.2.3(a)(iv) refers to walking access for the purpose of providing access for pest management purposes.

Planners Evaluation

1.152 The Planner has provided the following evaluation:

The wording of the activity status rules and the performance standards is currently conflicting and unclear. Disturbance of vegetation for the maintenance of walking and cycling tracks is provided for separately, both through the definition of "Disturbance of vegetation" and through the activity status table, as a permitted activity. However, because the scope of the rule is not limited in A9.2.3.3.a.i, track formation could be authorised. Therefore a change to the wording is necessary.

The choice of the word "unformed tracks" is not sufficiently clear without reference to the definition but it does convey the level of track anticipated to be addressed through permitted activity status. Reference to the photograph shows a track that could be considered to be "formed" as it is clearly defined. However, it can be differentiated by the lack of imported surface material, edging and drainage.

Therefore, I consider that the change to A9.2.3.3.a.i is necessary to remove ambiguity and lack of certainty from the provision. In addition, the definition is necessary to assist the plan user and give specific definition to the rule. While a maximum width of 3m is requested by Waikato Regional Council, I consider that this would be wider than the corridor anticipated as shown in the photograph which forms part of the definition. Therefore, no change is suggested in relation to these provisions.

In relation to the submission by Federated Farmers seeking that the wording of A9.2.3.3.vi remains as in the operative plan, I consider that this has merit. The rules states:

'walking tracks for the purpose of providing access for pest management purposes'.

The wording is specific and identifies the type of activity permitted, by comparison with the previous broad reference to "pedestrian and cycling use". I note that the rule above refers to "māimāi and walking access to it" which is similarly clear. Therefore, I suggest that the wording of A9.2.3.3.a.vi is not amended and reverts to the wording in the Operative Plan.

Evaluation and Recommendation

1.153 We agree with the Planners Assessment and proposed amendment.

1.154 It is recommended that the wording is amended as follows:


A9.2.3 Disturbance, Removal, Restoration and Revegetation or Enhancement of Indigenous Vegetation within Significant Geothermal Features, or Significant Natural Areas

A9.2.3.3 Disturbance of indigenous vegetation within a Significant Natural Area shall be subject to the following:

- a. The vegetation can be disturbed for any of the following purposes:
 - i. Unformed tracks for pedestrian or cycling use; or

- ii.
- vi. Walking tracks for the purpose of providing access for pest management purposes.
- vii.

Definitions

Term	Definition
<u>Unformed Track</u>	<p>In relation to pedestrian and cycling tracks in SNA's, means <u>a track that does not have any formal edging, all weather or permanent surfacing or structures such as bridges or timber walkways. An example is shown below.</u></p> 

17. TOPIC 37 - SECTION 6 MATTERS – EARTHWORKS: DISCRETIONARY ACTIVITIES - METHOD OF ASSESSMENT (APPENDIX 9)

Background

1.155 The Planners Report outlines the background to the proposed change as follows:

The plan change proposes the inclusion in A9.5.4 of an additional assessment criteria to address the effect of access tracks in relation to new buildings, structures or plantation forests within an outstanding natural feature or landscape (ONFL) or SNA, or for mining and quarrying adjacent to an ONFL. The proposed wording is as follows:

A9.5.4 New Buildings and Structures and New Plantation Forestry Located within an Outstanding Natural Feature or Landscape. Significant Natural Area or Mining and Quarrying on a site that adjoins the boundary of an Outstanding Natural Feature or Landscape

3. The effect of any associated access tracks on the values of any Outstanding Natural Feature or Landscape, or any Significant Natural Area.

This has been introduced to make it explicit that the effects of access on the ONFL or SNA may need to be considered with the main purpose of the application. This is part of the criteria so will be considered on a case by case basis. As there is a broad discretion for a discretionary

activity application the new matter does not change the range of matters that may be considered nor does it make it mandatory.

Submissions

1.156 Two submissions were received in relation to this topic: one in support and one in opposition. Two further submissions were also received.

Submitter Number	Submitter Name	Support/ Oppose/ Amend	FS #	Further Submitter	Support/ Oppose/ Amend	Staff Recommendation
14.9	Federated Farmers	Oppose	FS 1.1	BOPRC	Oppose	
8.3	Waikato RC	Support	FS4.5	Federated Farmers	Oppose	

1.157 Waikato Regional Council supports the amendment as it gives effect to RPS section 11.2.2. Federated Farmers further submitted in opposition to the submission, seeking the existing provisions remain as they are adequate to control earthworks.

1.158 Federated Farmers submitted in opposition on the basis that the existing provisions are adequate. BOPRC lodged a further submission in opposition to this submission and supporting the change.

Planners Report

1.159 The Planners Report outlined the following: ‘The proposed change introduces an additional matter to be considered where appropriate and makes it explicit that the effects of the access to a proposed activity may need to be considered. This is not mandatory as there is an overriding broad discretion but provides additional guidance for applicants and decision makers.

1.160 This is appropriate for sites within or adjacent to ONFLs and SNAs which are matters of national importance. Any activity that may impact on their values requires robust consideration against all relevant potential effects.

1.161 No change is considered appropriate.’

Evaluation and Recommendation

1.162 We agree with the Planners Assessment and therefore no change is recommended to the wording as notified.

TOPIC 38 - PLANNING MAP 343 – FLOREY HEIGHTS REZONING

Background

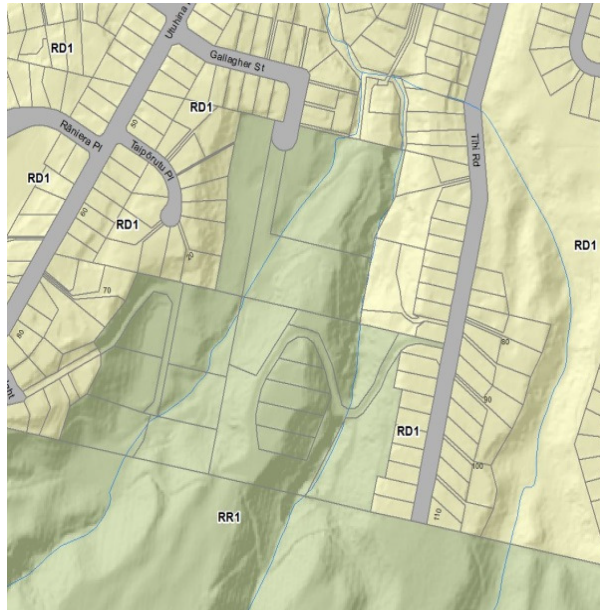
1.163 The Planners Report outlined the background to the proposed change as follows:

The proposed plan change proposes to amend the zoning of the following sites from Rural 1 to Residential 1:

- 6, 8, 10, 15, 17 and 19 Florey Heights

- 93A, 93B, 93C, 93D, 95A, 95B, 95C, 95D Tihi Road
- 17, 17, 30 Gallagher Street

The current planning map is shown below, where the green shading is Rural 1 Zone:



18.2 Submissions

1.164 Four submissions were received and no further submissions. Two submitters are in support of the change and seek that the proposed rezoning proceeds. The other two submitters oppose the rezoning.

Submitter Number	Submitter Name	Support/ Oppose/ Amend
1.1	Geoffrey Albert Kitson	Support
3.1	David Hunt	Oppose
6	Ross James Smyth	Oppose
11	Kelly Mau	Support

Planners Report

1.165 The Planners report outlined the following: ‘The affected sites are zoned Rural 1 in the Operative District Plan. The Rural 1 Zone is defined in the District Plan as follows:

Productive rural land for agriculture and forestry. Features that contribute to the amenity of this zone include the open space, forested landscapes, large lot sizes, low traffic levels, and the low numbers of buildings. The main activities provided for within this zone involve agricultural practices such as farming and forestry as well as infrastructure and network utility operations. Moderate noise levels, odour and other disturbance from agriculture, forestry, network utility infrastructure, rural industries such as mining and quarrying, and geothermal electricity generation activities are an expected element of the working rural environment.

1.166 The proposed zoning, Residential 1 – Low Density Living, is defined as follows:

Low density residential areas, such as Ngongotahā, Kawaha Point, Western Heights, Hillcrest, Springfield and Lynmore. There is a mix of single storey and two-storey houses of various styles and materials. There is a balance between the built and natural elements of the environment in this zone. There is a sense of space around buildings, which is enhanced by the landscaping on site and trees within the road reserve. Other characteristics include generally low levels of noise and low traffic levels.

1.167 Therefore, the Rural 1 zone is the working rural zone with a minimum lot area of 15ha of usable land. For land uses, the minimum setback from boundaries for buildings is 10m. Non-habitable buildings may be up to 10m high. Permitted activities include agricultural production activities including farming, plantation forestry, accessory buildings for rural production activities, and veterinary clinics. These activities are not consistent with the size of the lots and the established character of the area. A veterinary clinic or plantation forestry adjacent to low density residential environment would not be the anticipated outcome for the residential area.

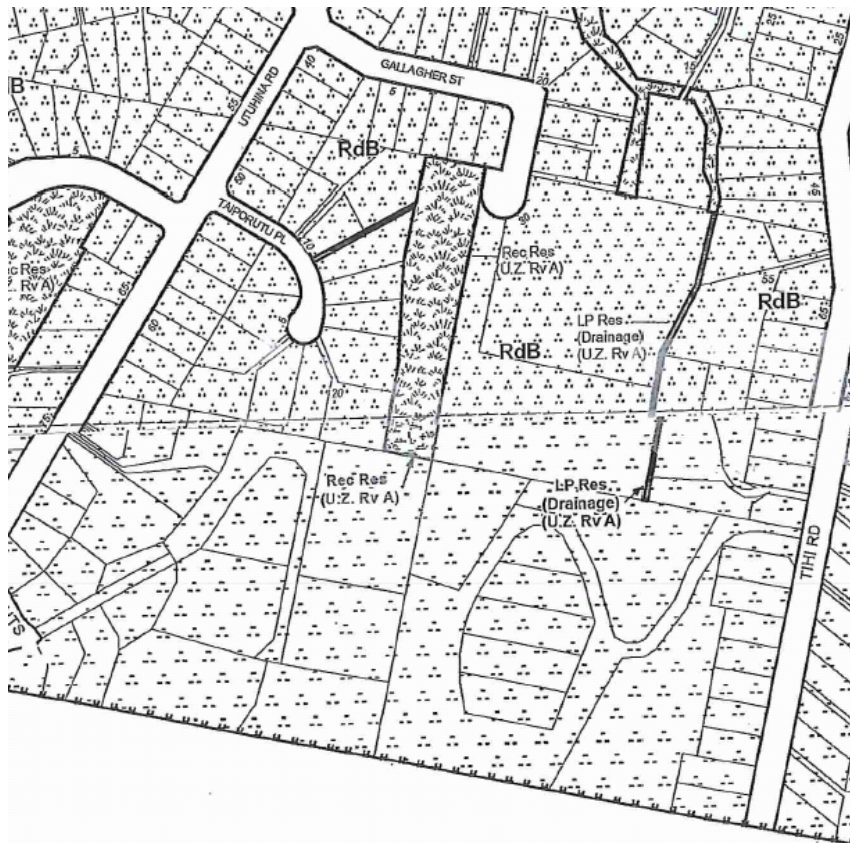
1.168 The plan change is intended to correct what was essentially an oversight in the district plan review process which resulted in established residential zoning being amended to rural. If rural zone was intended, the working rural zone was the least appropriate rural zone to apply.

1.169 Except for a Council reserve at the end of Gallagher Street which was zoned for reserve purposes, the sites have been zoned for residential purposes since before 1985, as shown below in the planning maps for the Transitional Plan and the last District Plan (the “Black Plan”). It was only in the recent plan review that the sites have been rezoned for Rural 1 purposes. The reason for this change was not clear.

Transitional District Plan (Planning Map 42):



Last District Plan (An amalgam of Planning Maps 37 & 41):



1.170 As stated above, the reason for the rezoning is not clear as the sites have been fully subdivided and, due to topographic constraints, have limited future development potential.

While they may appear to have potential for additional subdivision and development the Florey Heights and Tihi Road sites have consent notices which prevent further subdivision:

- The Tihi Road sites are accessed off Tihi Road below and vary in size from 1109m² to 2149m². There are consent notices limiting the number of household units on each site to one and preventing further subdivision of Lots 1 – 8.
- The Florey Heights development is accessed off a reasonably steep access drive dropping down into the gully from Florey Heights. The sites range in size from 3063m² to 6686m² and the character is rural residential. There is a number of restrictions on the titles including a limit of one household unit per site due to the topography, the limited width of the vehicle access and the available suitable building sites. There are also restrictions through the bottom of the gully associated with a secondary overflow path.

1.171 The only development potential may be two lots with access from Gallagher Street. As the topography and ground conditions are similar to the land further south, the same constraints on density are likely to apply. It is also noted that there is a Council reserve running south from the end of Gallagher Street which could not be developed without the reserve being uplifted.

1.172 Overall, the previous residential zoning is more appropriate than the current Rural zoning and, as it have been in place for over 30 year, it would be consistent with the character and amenity of the sites to reinstate the previous zoning.'

Submissions Presented at Hearing

1.173 Kelly Mau attended the hearing in support of her submission.

Evaluation and Recommendation

1.174 We concur with the Planners assessment that the rezoning of the area from Residential to Rural when the District plan was reviewed appears to be an oversight, and agree that rezoning the land to Residential is appropriate. It is therefore recommended that the zoning as notified is confirmed.

19. ADMINISTRATIVE CHANGES AND CORRECTIONS

1.175 The Reporting Planner has highlighted additional amendments to the plan change to be considered under clause 16, 1st Schedule, RMA. These are discussed below.

TOPIC 4 - DEVELOPMENT PLANS

PC1#	Provision #	Topic	Purpose
4.	4.5.107 4.6.4 Table 5.5.1 Table 6.5.1 Table 7.5 Table 8.5.1 Table 8.5.2 Table 9.5 Table 10.5 Appendix 5	Development Plans	Consistent wording to make it clear changes to development plans must be subject to a plan change process

Planners Assessment

1.176 'Plan Change 1 proposes to correct the references in the zone chapters to the Plan Change Process. The plan currently sets out a process to include a development plan by resource consent. However, under the Act changes to plan provisions must follow the process in the first schedule.

1.177 The corrections to the rules have inadvertently deleted a small number of essential cross references to activity rules in the zone chapters and in Appendix 5. These affect the status of activities in the Whangamoia and Kāingaroa Papakāinga Development Plan areas in the Rural Zone and need to be reinstated. The Commissioners' decision is requested to support the withdrawal of these specific rules. This will not affect the validity of the rest of the change or the effectiveness of the rules'.

1.178 The plan change, in relation to the Rural Zone as notified is as follows:

Table 9.5: Activities in the Rural Zones

Rules	Zones		
	RR1	RR2	RR3
General			
133. Activities in accordance with <u>an approved development plan in Appendix 5</u> the Approved Whangamoa Trust Development Plan contained within Appendix 5 – Development Plans	Refer to Appendix 5C € €		
134. Activities in accordance with the Approved Kāingaroa Papakāinga development plan contained within Appendix 5 – Development Plans	P	P	P
135. Application for approval of a new development plan as outlined under Appendix 5 – Development Plans	D	D	D
136. Development in accordance with the Ōturoa Vista development plan	RD	RD	NA
137. Development in accordance with the Tāheke 8C development plan	Refer to Appendix 5		
138. Development in accordance with the Ōwhatiura development Plan	Refer to Appendix 5		

- The withdrawal of part of the plan change would result in the following wording:

Table 9.5: Activities in the Rural Zones

Rules	Zones		
	RR1	RR2	RR3
General			
<u>133. Activities in accordance with an approved development plan in Appendix 5</u>	Refer to Appendix 5C		
134. Activities in accordance with the Approved Whangamoa Trust Development Plan contained within Appendix 5 – Development Plans	C		
135. Activities in accordance with the Approved Kāingaroa Papakāinga development plan contained within Appendix 5 – Development Plans	P	P	P
135. Application for approval of a new development plan as outlined under Appendix 5 – Development Plans	D	D	D

Rules	Zones		
	RR1	RR2	RR3
136. Development in accordance with the Ōturoa Vista development plan	RD	RD	NA
137. Development in accordance with the Taheke 8C development plan	Refer to Appendix 5		
138. Development in accordance with the Ōwhatiura development Plan	Refer to Appendix 5		

1.179 No change is sought in relation to Appendix 5.

1.180 We agree with the Planners Assessment and the withdrawal of these rules under Clause 8d of the RMA.

Topic 6 – Part 3 Recognition of Ngāpuna

1.181 We agree with the proposed changes recognising Ngāpuna Village alongside Ōhinemutu and Whakarewarewa. However, we would like to note that there appears to be little recognition within the District Plan of the other Māori Villages within the District, including Hinemoa Point, Mourea and Awahou amongst others.

TOPIC 33 - DEFINITION OF SERVICE STATION

PC1#	Provision #	Topic	Purpose
33.	7.6.12 8.6.14	Service Station (and associated Performance Standards)	Delete retail floor area limit Add performance standard and criteria for retail floor area

1.182 Plan Change 1 proposed a change to the definition of service station to transfer the maximum retail floor area from the definition to the performance standards.

1.183 The only submissions were in support subject to a minor requirement for numbering the provision correctly ie 7.6.17 instead of 7.6.12.

1.184 We agree with the reporting Planner that this is a minor change.

MINOR CHANGES TO 17.2 DEFINITIONS	
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Site	<ol style="list-style-type: none"> 1. An area of land which is the smaller land area of either: <ol style="list-style-type: none"> a. land comprised in a single lot held in one Computer Register (Certificate of Title); or b. land comprised in a single lot or the balance area on an approved subdivision scheme plan for which a separate certificate of title can be issued without further Council involvement. 2. An area of land comprising two or more adjoining lots held in one certificate of title that cannot be treated separately without the Council granting its consent. 3. An area of land comprising two or more adjoining lots held in two or more certificates of title where the titles are: <ol style="list-style-type: none"> a. subject to Section 75 of the Building Act 2004: “Construction of building on 2 or more allotments” or Section 37 of the Building Act 1991: “Construction of building on 2 or more allotments”; or b. held together in such a manner that they cannot be assessed individually without the consent of the Council. 4. An area of Māori freehold land that either: <ol style="list-style-type: none"> a. is land created by way of partition under Sections 297 and 301 of Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993) and held in one Māori Land Court Title, or b. is land defined by survey and created by way of partition into one parcel to be held by an owner who is a member of the same hapū, or owners who are members of the same hapū, or c. is land defined by survey and held in a Māori Land Court Title and for which ownership can be determined, or d. is land defined by survey and created by way of partition for a site for a dwelling under Section 296 of Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993). 5. An area of Māori Customary Land. 6. Is land defined by survey and reserved under the
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	<p>Reserves Act 1977 or Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993).</p> <p>7. Notwithstanding paragraphs 1– 6 above, where land has been subdivided under the cross lease or company lease systems (other than unit titles), a site means an area of land containing:</p> <p>a. building(s) for residential, commercial and industrial activities with any accessory building(s) and land exclusively set aside for the occupants/users of the building(s); or</p> <p>b any share in the fee simple which creates a vacant part of the whole for future cross lease or company lease purposes; and</p> <p>8. Notwithstanding paragraphs 1– 6 above, any land subdivided under the Unit Titles Act 1972 (other than unit titles) a site shall mean either:</p> <p>a. The area of land containing the principal unit (or proposed unit) on the unit plan, and any identified accessories to that principal unit, or</p> <p>b. The underlying certificate of title of the land containing the unit titles, immediately prior to subdivision.</p> <p>9, In addition to the above, the following shall apply:</p> <p>a. Where a site is divided by the district boundary, the area of the site remaining within the district shall be considered the site.</p>
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1.185 We recommend that the definition of 'Site' reverts to the original definition to provide clarity that someone constructing a dwelling on the second half of a cross-lease title does not trigger the density performance standards which would, in the majority of cases, have required resource consent. This change is recommended as a withdrawal under clause 8d, 1st Schedule, RMA.

CONCLUSION

1.186 We agree with the reporting officer that the proposed plan change has been correctly framed, subject to minor changes.

1.187 The Committee's final track changes recommended by the Committee to the District Plan are shown in Appendix 1. The decisions on submissions, recommended for adoption by the Council are summarised in Appendix 2.

Appendix 1 – Recommended Amendments to District Plan (track changes)

The following changes are recommended to the District Plan as a result of Plan Change 1. The amendments are shown in underline (for additions), ~~striketrough~~ (for deletions). Additions or deletions proposed as a result of the Hearing are underlined and highlighted in grey.

Please note, a number of the proposed changes were not submitted on and therefore are not discussed in the main report.

1. <u>NATURAL HAZARD HEIGHT PERFORMANCE STANDARD</u>	NO CHANGES
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Part 5 City Centre

5.6.1.16 Natural Hazards

- b. Buildings within the flood zone as indicated on Map 208:
 - i. Building platforms must be above the stated maximum lake level.
 - ii. ~~The maximum height of a building or structure shall not exceed 7.5 metres above the natural ground level. The following may apply: for sites where the building platform has to be raised to be above the stated maximum lake level, the roof structure may exceed the 7.5 metres height limit by up to 1.0 metre, providing the building does not extend outside the daylight envelope.~~

Part 9 Rural

9.6.20 Natural Hazards

- c. Buildings within the flood zone as indicated on Map 208 and the 300 series maps shall comply with the following standards:
 - i. Building platform must be above the stated maximum lake level.
 - ii. ~~The maximum height of a building or structure shall not exceed 7.5 metres above the natural ground level. The following may apply: f~~For sites where the building platform has to be raised to be above the stated maximum lake level, the roof structure may exceed the ~~7.5 metres~~maximum height limit by up to 1.0 metre, providing the building does not extend outside the daylight envelope.

Part 10 Reserves, Community Assets and Water

10.6.16. Natural Hazards

- c. Buildings within the flood zone as indicated on map 208 and the 300 series maps shall comply with the following standards:
 - i. Building platform must be above the stated maximum lake level.
 - ii. ~~The maximum height of a building or structure shall not exceed 7.5 metres above the natural ground level. The following may apply: f~~For

sites in the Reserve 1 and 2 Zones where the building platform has to be raised to be above the stated maximum lake level, the roof structure may exceed the 7.5 metres maximum height limit by up to 1.0 metre, providing the building does not extend outside the daylight envelope, where applicable.

2. <u>HELICOPTER TAKE-OFF AND LANDING AREAS</u>	DELETED UNDER PLAN CHANGE 4
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Part 5 City Centre

~~5.9.2.1 — Helicopter Take-Off and Landing Areas~~

- ~~a. — Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes, to ensure. These shall be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.~~

Part 6 Commercial

~~6.9.2.1 — Helicopter Take-Off and Landing Areas~~

- ~~a. — Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes, to ensure to be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.~~

Part 7 Industrial

~~7.9.2.2 — Helicopter Take-off and Landing Areas~~

- ~~a. — Whether approach paths to and from all helicopter facilities, other than for temporary or emergency purposes, to ensure are to be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.~~

Part 8 Business and Innovation

~~8.9.2.1 — Helicopter Take-Off and Landing Areas~~

- ~~a. — Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes, to ensure to be located so that no residential zones are flown over at lower than 300m above ground level at that point.~~

Part 9 Rural

~~9.9.2.3. — Helicopter Take-Off and Landing Areas~~

- ~~a. — Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes, to ensure. These shall be located so~~

~~that no residential zones are flown over at lower than 300 metres above ground level at that point.~~

Part 10. Reserves, Community Assets and Water

~~10.9.2.2 Helicopter Take-Off and Landing Areas~~

- ~~a. Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes, to ensure. These shall be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.~~

3.	<u>FINANCIAL CONTRIBUTION</u>	NO CHANGES EXCEPT IN PARTS 4 AND 9
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Part 4 Residential

4.6.16 Financial Contribution

All activities ~~except permitted activities~~ shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

Part 5 City Centre

5.6.1.15 Financial Contribution

~~No financial contributions apply to the city centre zones.~~

All activities shall be assessed under Part 14.7, Financial Contributions to determine if a financial contribution is required.

The District Wide Performance Standards 14.5 do not apply.

5.6.2.13 Financial Contribution

~~No financial contributions apply to the city centre zones.~~

All activities shall be assessed under Part 14.7, Financial Contributions to determine if a financial contribution is required.

The District Wide Performance Standards 14.5 do not apply.

5.7.1.5 Financial Contribution

All activities will be assessed under Part 14.7, Financial Contributions to determine if a financial contribution is required.

The District Wide Performance Standards 14.5 do not apply.

5.8.1.2 Financial Contribution

All activities will be assessed under Part 14.7, Financial Contributions to determine if a financial contribution is required.

The District Wide Performance Standards 14.5 do not apply.

Part 7 Industrial

7.6.17 Financial Contribution

All activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

Part 8 Business and Innovation

8.6.1.13 Financial Contribution

All activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

8.6.2.13 Financial Contribution

All activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

8.6.3.14 Financial Contribution

All activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

Part 9 Rural

9.6.22 Financial Contribution

All activities **except permitted activities** will be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

Part 10 Reserves

10.6.17 Financial Contribution

All activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

4. DEVELOPMENT PLANS

Part 4 Residential

Table 4.5: Activities in the Residential 1 - 5 Zones

Rules	Zones				
	RD1	RD2	RD3	RD4	RD5
Other Activities					
<u>107. Activities in accordance with an approved development plan in Appendix 5</u>	<u>Refer to Appendix 5 Development Plans</u>				

Performance Standard 4.6.4

- iv Within the area covered by the Twin Oaks Development Plan ~~only one household unit may be constructed for each 700m² net site area. See refer Appendix 5.8.~~

Part 5 City Centre

Table 5.5.1: Activities in the City Centre 1-2 Zones

Rules	Zones	
	CC1	CC2
53. Application for approval of a new development plan as outlined under Appendix 5, Development Plans.	⌀	⌀
54. Activities in accordance with an approved development plan in <u>Appendix 5</u>	<u>Refer to Appendix 5 Development Plans</u>	

Part 6 Commercial

Table 6.5: Activities in the Commercial 1 – 6 Zones

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6
<u>Other Activities</u>						
91. Application for approval of a new development plan as outlined under Appendix 5, Development Plans.	⌀	⌀	⌀	⌀	⌀	⌀
92. Activity in accordance with an approved development plan in <u>Appendix 5</u>	<u>Refer to Appendix 5 Development Plans</u>					

Part 7 Industrial

Table 7.5 Activities in the Industrial Zones

Activities	Zones			
	ID1	ID1E	ID2	T
<u>Other Activities</u>				
100. Application for approval of a new development	⌀	⌀	⌀	NC

Activities	Zones			
	ID1	ID1E	ID2	T
plan as outlined under Appendix 5, Development Plans				
101. Activity in accordance with an approved development plan in <u>Appendix 5</u>	<u>Refer to Appendix 5 Development Plans</u>			

Part 8 Business and Innovation

Table 8.5.1: Activities in the Scion Innovation Park (BI1)

Rules	BI1	
Precincts	A	B
Other Activities		
38. Application for approval of a new development plan as outlined under Appendix 5 – Development Plans	D	
38. Activity in accordance with an approved development plan in <u>Appendix 5</u>	<u>Refer to Appendix 5 Development Plans</u>	

Table 8.5.2: Activities in the Waipa Business Park (BI2)

Rules	BI2	
Precincts	A	B
Other		
33. Application for approval of a new development plan as outlined under Appendix 5 – Development Plans	D	
33. Activity in accordance with an approved development plan in <u>Appendix 5</u>	<u>Refer to Appendix 5 Development Plans</u>	

Part 9 Rural

Table 9.5: Activities in the Rural Zones

Rules	Zones		
	RR1	RR2	RR3

Other Activities	RR1	RR2	RR3
133. Activities in accordance with an approved development plan in Appendix 5 – Development Plans	Refer to Appendix 5		
1343. Activities in accordance with the Approved Whangamoā Trust Development Plan contained within Appendix 5 – Development Plans	C		
1354. Activities in accordance with the Approved Kāingaroa Papakāinga development plan contained within Appendix 5 – Development Plans	P	P	P
135. Application for approval of a new development plan as outlined under Appendix 5 – Development Plans	⌀	⌀	⌀
136. Development in accordance with the Ōturoā Vista development plan	RD	RD	NA
137. Development in accordance with the Taheke 8C development plan	Refer to Appendix 5		
138. Development in accordance with the Ōwhatiura development Plan	Refer to Appendix 5		

Part 10 Reserves, Community Assets and Water

Table 10.5: Activities in the Reserves, Community Assets and Water Zones

Rules	Zones			
	RV1	RV2	RV3	W1
Other Activities				
101. Application for approval of a new development plan as outlined in Appendix 5 – Development Plans	⌀	⌀	⌀	⌀
102. Activity in accordance with an approved development plan in Appendix 5	P-Refer to Appendix 5			

Appendix 5 Development Plans

Additional assessment criteria for identified activities are also included within this Appendix, to be included in the assessment of any resource consent application for development provided for by the approved development plans.

Inclusion of additional development plans shall be considered through either a public or private plan change (see First Schedule of the Resource Management Act 1991).

A5.1.1 — Discretionary Assessment Criteria

1. — Approval of Development Plan

A development plan that provides a detailed assessment of effects shall be provided to Council for approval, including at least the following information:

- a. — A site plan showing the location and lot size of proposed lots.
- b. — A site plan showing the location of existing and proposed infrastructure to service the development including:
 - i. — Water
 - ii. — Stormwater
 - iii. — Sewage
 - iv. — Road
- c. — Design specifications of the proposed infrastructure required.
- d. — A site plan showing any location of landscaping proposed to reduce reverse sensitivity at zone interfaces and for stormwater management.
- e. — Details of any proposed staging of development.
- f. — Traffic impact assessment.
- g. — Geo-technical assessment.

2. — Amenity

- a. — Compatibility and connectivity of the proposed development with the surrounding environment.
- b. — The landscaping proposed to mitigate potential adverse effects on view shafts gained of the caldera walls.
- c. — Any methods proposed to mitigate or reduce any potential reverse sensitivity effects that may occur at any rural zone interface.
- d. — How any proposed lot sizes comply with the relevant zones lot size and assessment criteria as specified in Part 13 — Subdivision.

3. ~~Parking, Access and Turning~~

- a. ~~Ensuring the proposal has been designed to be in accordance with the provisions of Appendix 4 Parking and Turning Standards.~~
- b. ~~How the proposal will mitigate any street congestion and manage levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding environment.~~

4. ~~Infrastructure~~

- a. ~~The effects on infrastructure and its efficient use and development, including capacity, safety and the ability of the areas utility's services to function efficiently.~~
- b. ~~The level of reserve land provides for, connectivity to existing and future reserves, to provide for the increased demand on the reserve network as a result of the subdivision.~~

5. ~~Financial Contribution~~

~~All activities shall be assessed under Part 14 Financial Contributions, to determine if a financial contribution is required up to the maximum of the actual cost of the necessary works.~~

5. ROTORUA AIRPORT - PROHIBITED ACTIVITIES

Part 4 Residential

Table 4.5 Activities in the Residential 1 – 5 Zones

Airport Noise Contour Controls					
	RD1	RD2	RD3	RD4	RD5
49. Any new or extension to or upgrade or replacement of a building accommodating an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	Pro NC	NA	NA	NA	NA
49a. Any new or extension to an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	Pro	NA	NA	NA	NA

Part 6 Commercial

Table 6.5 Activities in the Commercial 1 – 6 Zones

Airport Noise Contour Controls						
	CM1	CM2	CM3	CM4	CM5	CM6

54. Any new or extension to an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	NA	NA	Pro NC	NA	NA	NA
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Part 9 Rural

Table 9.5 Activities in the Rural Zones

Airport Noise Contour Controls			
	RR1	RR2	RR3
60. Any new or extension to or upgrade or replacement of a building accommodating an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	Pro NC	NA	NA
60a. Any new or extension to an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	Pro	NA	NA

Part 10 Reserves, Community Assets and Water

Table 10.5 Activities in the Reserves, Community Assets and Water Zones

Rules	Zones			
	RV1	RV2	RV3	W1
<u>Airport Noise Contour Controls</u>				
20a. Any extension to or upgrade or replacement of a building accommodating an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	NC	NC	NA	NA
20b. Any new Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	Pro	Pro	NA	NA

Part 13 Subdivision

Table 13.5.1 Subdivision in Residential Zones

	RD1	RD2	RD3	RD4	RD5
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9. <u>The subdivision of sites containing existing household units within or dissected by the Air Noise Area, as shown on the Planning Maps, where there will be no additional building platforms.</u>	<u>NC</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
9a. <u>Boundary adjustments and conversion of cross lease sites or buildings within or dissected by the Air Noise Area, as shown on the Planning Maps.</u>	<u>NC</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
9b. <u>The subdivision of sites or buildings within or dissected by the airport Air Noise Area, as shown on the Planning Maps, unless stated above.</u>	<u>Pro</u>	NA	NA	NA	NA

Table 13.10.1 – Subdivision in Rural Zones

	RR1	RR2	RR3
11. <u>Boundary adjustments and conversion of cross lease sites or buildings within or dissected by the Air Noise Area, as shown on the Planning Maps.</u>	<u>NC</u>	<u>NA</u>	<u>NA</u>
11a. <u>The subdivision of sites or buildings within or dissected by the airport Air Noise Area, as defined in Part 17 and shown on the Planning Maps unless stated above.</u>	<u>Pro</u>	NA	NA

Table 13.11.1 – Subdivision in Reserves, Community Assets and Water Zones

	RV1	RV2	RV3	W1
9. The subdivision of sites or buildings within or dissected by the airport Inner Control Area or within or dissected by the Air Noise Area, unless stated above.	Pro	<u>NA</u> <u>Pro</u>	<u>Pro</u> <u>NA</u>	NA

Part 15 – Infrastructure

Insert the following policy stream.

Objective 15.3.4

To promote the safe, effective and efficient operation of the Rotorua Regional Airport.

Policy 15.3.4.1

Avoid the establishment of new and intensification of existing noise sensitive activities within the Air Noise Area.

Policy 15.3.4.2

Minor additions to existing noise sensitive activities and subdivisions (for example, boundary adjustments and conversions of cross lease titles to freehold titles) are provided for where these do not result in the intensification of existing noise sensitive activities on the site or reverse sensitivity effects on the continued operation of the airport.

Policy 15.3.4.3

Any additions to noise sensitive activities are fitted with appropriate acoustic insulation and associated ventilation. The certification of an approved acoustical engineer will be accepted as evidence that the design meets the insulation standard.

Administrative changes

Move table A11.5.2: Airport Noise Contour Controls inserted through Plan Change 4: Noise to the respective rule chapters, with cross references back to the Assessment Criteria in Appendix 11.

6.	<u>PART 3 RECOGNITION OF NGAPUNA</u>	NO CHANGES
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Insert the following into Section 3.1

There are over 30 marae and a significant number of cultural and historical features in the district. These features are an integral part of Māori culture and marae are places of cultural living history.

Council acknowledges that the traditional Māori Villages of Ōhinemutu, Whakarewarewa and Ngāpuna in the Urban Area have historical and cultural significance to the tangata whenua. Although all three retain a primarily residential function, the villages of Ōhinemutu and Whakarewarewa have become significant destinations for tourists as well.

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Part 5 – City Centre Zone

7.	<u>CITY CENTRE NOISE COMPLIANCE</u>	MOVED TO APPENDIX 11 UNDER PLAN CHANGE 4
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5.6.1.6 — Noise

- a. ~~Unless otherwise specified under 5.6.6.c, noise from any activity, shall not exceed the following limits:~~

Daytime	7am to 10pm, any day except public holidays	65dB L_{Aeq}
Night time	At all other times	60dB L_{Aeq} and 75dB L_{Amax}

- b. ~~Noise from any activity shall not exceed the noise limits specified for the adjoining zone when measured at the notional boundary or within the receiving site.~~
- c. ~~Noise emitted for large scale community events located on council owned or controlled property within city centre 3 shall comply with the following standards and limits:~~
- i. ~~For four events in any 12 month period a noise limit of 95dB L_{Aeq} (1 hour) within relevant adjacent zones.~~
 - ii. ~~For the four events provided for under i. above the events shall conclude by 12.30am.~~
 - iii. ~~For two events in any 12 month period a noise limit of 70dB L_{Aeq} (1 hour) within relevant adjacent zones providing the event does not exceed 12 hours per day over a two day period.~~
 - iv. ~~All other events shall comply with the noise standards specified under 5.6.1.6.a and 5.6.1.6.b.~~
 - v. ~~Octave band noise levels within residential zones shall not exceed 85dB L_{Aeq} (1 min) at 63Hz and 75dB L_{Aeq} (1 min) at 125Hz.~~

8. HOUSEHOLD UNITS DENSITY – PERFORMANCE STANDARDS

Part 5 City Centre

Part 5.1 Introduction

Insert the following text after paragraph 7:

Inner city living is enabled in the city centre 1 zone to promote vibrancy. Allowing more people to live in the city centre increases pedestrian movement and expands the range of activities permitted to make more efficient use of the extensive commercial, retail and office footprint zoned as city centre 1. This will help to achieve a compact vibrant business and retail hub.

Policy 5.3.1.5

Encourage the provision of high amenity residential accommodation within the City Centre 1 Zone above ground level.

This will be achieved by ensuring residential units provide good access to sunlight from living rooms, good quality outdoor living spaces, appropriate noise insulation, and are of a size and shape that will enable for the functional use of the units.

5.6.1.4 Household Unit Density

- a. The minimum net floor net-site area for any one a household unit shall be is 50m² for a studio or one bedroom unit and 70m² for a unit with two or more bedrooms
- b. New Buildings
 - i. Outdoor Living Space:
 1. Any household unit within a new building shall be provided with a minimum of 10m² of private outdoor living space in the form of a patio, terrace or balcony (deck), with a minimum area of 10m² and a minimum depth of 2m;
 2. The outdoor living space shall be directly accessed off the main living room; and
 3. The outdoor living space shall be located to the north, east or west.
 - ii. Storage
 1. Each household unit shall be provided with a secure, weatherproof storage area either at ground floor level or below, or accessed via a lift; that is readily accessible to the household unit with a minimum capacity of 6m³, and width or depth of at least 1.5m and a height of 2.4m.
 2. The access to the storage shall not be via steps.
- c. General Amenity - Heating and Ventilation
 - i. Where 3 or more households units are being created, provision shall be made for heating and ventilation for each unit.
 - ii. Any associated plant/units shall be located on the roof or to the rear of the building. The plant/units shall be screened from public view, and separated from outdoor living space for other household units unless acoustically treated.

5.8 RESTRICTED DISCRETIONARY ACTIVITY: METHODS OF ASSESSMENT

5.8.2 ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES

2. Household Units/Apartments

Council shall restrict its discretion to the following matters:

- a. Size
 - i. The extent to which the layout and design of the units will ensure that the units are both functional and will provide a high level of amenity for future occupants.
 - ii. Whether units of a variety of sizes are provided to accommodate different household sizes.
- b. Outdoor living space

Ensure that a high quality outdoor living space is provided for all residents that:

 - i. is accessible;
 - ii. has good access to sunlight;
 - iii. is of a functional size and dimension; and
 - iv. will provide a high quality amenity space. In assessing the quality of the amenity space consideration will be given to the proximity of the amenity space to roof plant, for example, air conditioning units and extract systems and any acoustic treatment.
- c. Storage

Storage is provided that is practical and accessible for residents to use on a daily basis for the storage of larger items such as bikes and mobility scooters.
- d. General Amenity - Heating and Ventilation
 - i. Whether the location of heating and ventilation equipment will detract from the external appearance of the building when viewed from a public place.
 - ii. Amenity impacts on neighbours associated with the placement and associated noise of heating and ventilation units.

Part 6 Commercial

6.6.4 Household Unit Density

- a. Commercial 1, 2, 3, and 5 zones: There is no minimum site area per household unit, subject to compliance with i - iii below building:
 - i. The minimum net floor area for a household unit shall be 70m².
 - ii. New Buildings
 - i. Outdoor Living Space:

1. ~~Any~~ household unit within a new building shall be provided with a ~~minimum of 10m² of~~ private outdoor living space in the form of a patio, terrace or balcony (deck), with a minimum area of 10m² and a minimum depth of 2m;
2. The outdoor living space shall be directly accessed off the main living room; and
3. The outdoor living space shall be located to the north, east or west.

ii. Storage

1. Each household unit shall be provided with a secure, weatherproof storage area either at ground floor level or below, or accessed via a lift; that is readily accessible to the household unit with a minimum capacity of 6m³, and width or depth of at least 1.5m and a height of 2.4m.
2. The access to the storage shall not be via steps.

iii. General Amenity - Heating and Ventilation

1. Where 3 or more households units are being created, provision shall be made for heating and ventilation each unit. Any associated plant/units shall be located on the roof or to the rear of the building. The plant/units shall be screened from public view, and separated from outdoor living space for other household units unless acoustically treated.

- b. Commercial 4: One ~~dwelling~~ household unit per 450m² net site area.

6.8 RESTRICTED DISCRETIONARY ACTIVITY: METHODS OF ASSESSMENT

6.8.2 ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES

10. Household Units/Apartments

Council shall restrict its discretion to the following matters:

a. Size

- i. The extent to which the layout and design of the units will ensure that the units are both functional and will provide a high level of amenity for future occupants.
- ii. Whether units of a variety of sizes are provided to accommodate different household sizes.

- b. Outdoor living space
Ensure that a high quality outdoor living space is provided for all residents that:
 - i. is accessible;
 - ii. has good access to sunlight;
 - iii. is of a functional size and dimension; and
 - iv. will provide a high quality amenity space. In assessing the quality of the amenity space consideration will be given to the proximity of the amenity space to roof plant, for example, air conditioning units and extract systems and any acoustic treatment.
- c. Storage
Storage is provided that is practical and accessible for residents to use on a daily basis for the storage of larger items such as bikes and mobility scooters.
- d. General Amenity - Heating and Ventilation
 - i. Whether the location of heating and ventilation equipment will detract from the external appearance of the building when viewed from a public place.
 - ii. Amenity impacts on neighbours associated with the placement and associated noise of heating and ventilation units.

6.7.2 Matters of Control for Specific Activities

- 5. Change of use from tourist accommodation to permanent residence within an existing building:
 - a. Provision for safe and convenient access to the household unit, including allocated parking, where required.
 - b. Access to a private outdoor living area facing north, east or west.
 - c. Provision for secure storage in a convenient location.
 - d. Mitigation of potential reverse sensitivity effects of the activity on adjoining sites.
 - e. Maintenance of the amenity of the streetscape and sites in the same and adjacent zones.

Part 6 - Commercial Zone

**9. COMMERCIAL ZONES – REMOVAL OF UNDERGROUND TANKS FROM SERVICE STATIONS
 NO CHANGES**

Table 6.5: Activities in the Commercial 1 – 6 Zones

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6
Retail and Commercial						
18. Service stations including extensions and the addition, replacement or removal of underground tanks	RD	RD	NC	NC	NC	C

10. COMMERCIAL 1 AND 2 ZONES – DEMOLITION OF HERITAGE STRUCTURES NO CHANGES

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6
65. Re-siting, or demolition of a historic heritage structure listed in Appendix 1, Cultural Historic Heritage Inventory	NA <u>NC</u>	NA <u>NC</u>	NC	NC	NC	NC

11. COMMERCIAL ZONES – RETAIL AND DAY SPAS NO CHANGES

Table 6.5: Activities in the Commercial 1 – 6 Zones

An activity that is listed as permitted or controlled must meet all the performance standards in 6.6.

Table 6.5: Activities in the Commercial 1 – 6 Zones

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6
General						
2. Where an activity is not expressly stated in 6.5	NC	NC	NC	NC	NC	<u>NC</u> RD

Consequential change for clarity:

Retail and Commercial

13.	Retail shops and day spas under 400m ² ground floor area	P	NC	NC	NC	NC	NC
13a.	Retail shops and day spas under 400m ² ground floor area	P	NC	NC	NC	NC	NC

6.8.1 General Assessment Criteria

1. Natural Hazards

...

12. CONTROLLED ACTIVITY: RESTAURANTS IN COMMERCIAL 5 ZONE NO CHANGES

6.7.2 Matters of Control for Specific Activities

5. Restaurants

- a. Mitigation of effects of noise and lighting in relation to adjacent sites zoned Residential or Rural, including hours of operation.

13. CONTROLLED ACTIVITY: COMMUNITY HOUSING IN CM1 AND CM2 NO CHANGES

6.7.2 Matters of Control for Specific Activities

6. Community Housing

- a. Mitigation of adverse effects in relation to adjacent sites zoned Residential; and
- b. Provision of private outdoor space and outlook, especially to the north, east or west.

14. CONTROLLED ACTIVITY: DAYCARE CENTRES IN CM3 NO CHANGES

6.7.2 Matters of Control for Specific Activities

7. Daycare Centres

- a. Number of children and staff on site at any one time;
- b. Mitigation and management of noise in relation to adjacent sites zoned Residential;
- c. Hours of operation;
- d. Provision for adequate parking and safe access to and from the centre, where required;
- e. Site layout and location of outdoor play areas in relation to zone boundaries;
- f. Landscaping and/or fencing of boundaries adjoining sites zoned Residential.

15. RESTRICTED DISCRETIONARY ACTIVITY CRITERIA: RESTAURANTS AND SERVICE STATIONS IN CM1, CM2, CM6; DRIVE-THROUGH RESTAURANTS IN CM1 & CM2; DAYCARE CENTRES IN CM6 NO CHANGES

6.8.2 Assessment Criteria for Specific Activities

4. Restaurants and Supermarkets

- a. ...
- b. Building design and landscaping provided within the front yard to enhance the amenity values of the city entranceway and streetscape.

5. ~~Educational Facilities Accessory to Onsite Tourism Activities~~ Service Stations, and Drive Through Restaurants

- a. The design and location of aAccess, on-site parking, queuing and turning areas ~~are designed and located~~ to provide efficient circulation on-site and avoid potential adverse effects on adjoining sites, the safety of pedestrians, cyclists and the safe and efficient functioning of the road network.
- b. Ensuring adequate sight distances are provided to prevent on-street congestion caused by the ingress or egress of vehicles to and from sites.
- c. Implementation of tThe recommendations in an integrated transport assessment if one is required under Appendix 4, Parking and Turning Standards.
- d. Landscaping to maintain the amenity of surrounding areas (particularly residential areas) and streetscapes.
- e. In relation to Drive Through Restaurants:
 - The intensity and scale of the activity in relation to both any residential activities within close proximity of the site and any effects on vitality and viability of the City Centre.
 - The noise, lighting and hours of operation.

11. Daycare Centres

- a. Number of children and staff on site at any one time;
- b. Hours of operation;
- c. Provision for adequate parking, where required, and safe access to and from the centre;
- d. Site layout and location of outdoor play areas in relation to adjacent activities; and
- e. Landscaping and fencing.

Chapter 7 – Industrial Zone

16. POLICY 7.3.2.1 LOCATION OF BUILDINGS RELATIVE TO MARAE	NO CHANGES
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Objective 7.3.2

Efficient industrial environments that do not detract from the amenity of adjacent residential and rural zones and respect the visual and cultural prominence of Marae.

Policy 7.3.2.1

Control the location and design of buildings, structures and operations ~~within adjacent to~~ Ngapuna marae and ~~adjacent to any other marae to respect the Tikanga of the Wharehau.~~ to ensure development respects the visual and cultural prominence of the Marae.

17. INDUSTRIAL RULES MINOR CHANGE – STATUS OF ‘OUTDOOR RECREATION OUTLET STORES’, ‘INDOOR COMMERCIAL RECREATION’ AND ‘MEDICAL CENTRES’. NO CHANGES

Part 7 Industrial

Table 7.5 Activities in the Industrial Zones

Activities	Zones			
	ID1	ID1E	ID2	T
Tourism and Recreation				
31. Outdoor recreation outlet stores	NC	<u>€D</u>	NC	NC
34. Medical centres	D	<u>€D</u>	NC	NC
43. Indoor commercial recreation activities	<u>€D</u>	RD	NC	NC

18. INDUSTRIAL PERFORMANCE STANDARDS – LANDSCAPING NO CHANGES

Part 7 Industrial

11. Landscaping

- a. In the Industrial 1 and Industrial 1E zones, where a yard is required under 7.6.2(a)(i), (ii) and iv, the yard adjoining a boundary with a Residential, or Transitional or Rural zone or a site containing a marae shall be landscaped with trees and shrubs or fenced in a manner that will provide a continuous screen of at least 1.8 metres in height in all seasons, except for Lot 1 DPS 70760 (Owhatiura South).

19. INDUSTRIAL RULES MINOR CHANGE – STATUS OF PAPAKAINGA/KAUMATUA HOUSING
NO CHANGES

Part 7 Industrial

Table 7.5 Activities in the Industrial Zones

Activities	Zones			
	ID1	ID1E	ID2	T
Homes and Households				
48. Kaumātua flats	NCRefer Part 3			
49. Papakāinga	NCRefer Part 3			

Table 3.5 Activities Related to Iwi Cultural Historic Heritage and Economic Resource

Kaumātua Flats, Papakāinga and Households	
13. Kaumātua flats, <u>except as stated in Rule 3.5.14a</u>	P
14. Papakāinga, <u>except as stated in Rule 3.5.14a</u>	P
<u>14a. Kaumātua flats and Papakāinga in an Industrial Zone</u>	NC

20. INDUSTRIAL RULES MINOR CHANGE – INCLUSION OF ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES
NO CHANGES

7.8 RESTRICTED DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT

7.8.1 General Assessment Criteria

1. Activities that may affect the vitality and viability of the City Centre and Commercial Zones

- the extent to which the retail activity impacts on the overall vitality and viability of the CBD.
- the extent to which the activity promotes the efficient use of resources and a compact urban form.

- the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces.
- how the activity promotes accessibility, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities.

12. Natural Hazards

.....

3. City Entranceways

- The extent to which the proposal will enhance the character and amenity of the city entranceways.

7.8.2 Assessment Criteria for Specific Activities

2. Sawmilling, Truck Stops, and Wood or Timber Storage and ~~Motor Vehicle Repair Garages within the Industrial 1 and 1E zone~~
 - a. How the hours of operation may conflict with existing residential land uses located within residential zones and the transitional zone.
 - b.

X. Service Stations:

- a. The design and location of access, on-site parking, queuing and turning areas to provide efficient circulation on-site and avoid potential adverse effects on adjoining sites, the safety of pedestrians, cyclists and the safe and efficient functioning of the road network.
- b. Ensuring adequate sight distances are provided to prevent on-street congestion caused by the ingress or egress of vehicles to and from sites.
- c. Implementation of the recommendations in an integrated transport assessment if one is required under Appendix 4, Parking and Turning Standards.
- d. Landscaping to maintain the amenity of surrounding areas (particularly residential areas and City Entranceways), streetscapes and pedestrian amenity.

Chapter 9 – Rural Zone

21. RURAL ZONE – ACTIVITIES ACCESSORY TO OUTDOOR ACTIVITIES	NO CHANGES
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Amend Table 9.5 as follows:

Tourism and Recreation				
40.	Outdoor recreation activities	P	P	P
41.	Commercial outdoor recreation	D	D	D
42.	Activities <u>Buildings</u> accessory to outdoor recreation activities	D	D	D

22.	<u>RURAL ZONE – WATER TANKS</u>	REFER TO SECTION 9
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Amend Rule 9.5.78 re: Water Tanks as follows:

78.	Water tanks not exceeding 25000 litres and 3 metres in height with naturally recessive exterior colour , with associated pump and pipe installation work, located within a Significant Natural Area in accordance with the standards in Appendix 9 – Section 6 Matters.	P	NA	NA
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Include the following Performance Standard under A9.2.12: *Water Pump and Pipe Network associated with a Water Tank located within a Significant Natural Area provided for in Rule 9.5.78*

- C. The exterior surfaces of any water tank with a paint finish shall have a reflectance value of between 0 and 37% and, if plastic, shall not be white.

23. RURAL ZONE – ACTIVITIES AFFECTED BY FAULT LINES RURAL ZONES REFER TO SECTION 10
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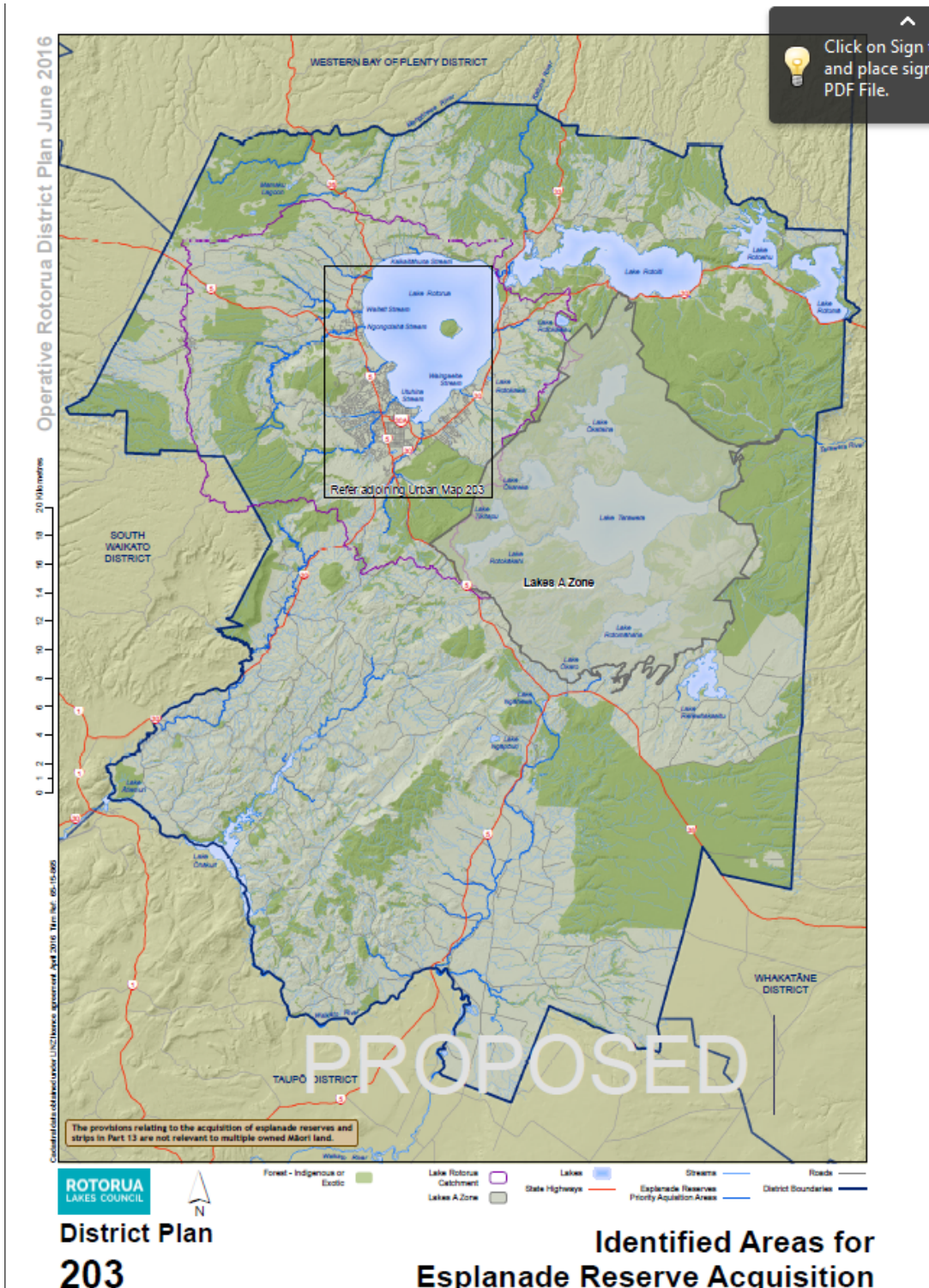
Amend Rules 9.5.117 – 119 as follows:

Activities Affected by Fault Lines				
		RR1	RR2	RR3
17.	Additions to existing buildings or replacement buildings located within the fault avoidance area on Planning Map 210.	P	<u>NA P</u>	<u>NAP</u>
18.	Buildings of low importance <u>Low Importance Buildings</u> and structures or replacement buildings located within the fault avoidance area on Planning Map 210 e.g. farm buildings, fences, structures with floor areas of less than 30 square metres, masts/towers in rural situations and temporary structures	P	<u>NA P</u>	<u>NAP</u>
19.	New buildings located within the fault avoidance area on Planning Map 210, <u>unless specified under Rule 9.5.117 or 118.</u>	RD	<u>NA RD</u>	<u>NA RD</u>

24. RURAL ZONE – CONTAMINATED SITES	NO CHANGES
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126. Activities undertaken on a site of potential contamination without remediation	D	D	D
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25. 9.6.4.A.I HOUSEHOLD UNIT DENSITY – ADD REFERENCE TO LAKE ROTORUA CATCHMENT IN DISTRICT PLAN MAPS. NO CHANGES



26.	<u>9.6.4.B.IV HOUSEHOLD UNIT DENSITY – RURAL 2 ZONE</u>	REFER TO SECTION 11
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Definitions:

Household Unit

Any building, part of a building or vehicle, whether temporary or permanent, that is occupied as a residence, including any structure or outdoor living area that is accessory to and used wholly or principally for the purposes of the residence. ~~A part of a household unit that is accessible from within the main household unit, is not physically separated and is occupied by a member or members of the main household, is considered an accessory activity, not a separate household unit (commonly referred to as a granny flat).~~

Rural Zone Rules (Table 9.5):

Home and Households			
	RR1	RR2	RR3
11. Household Unit, one per lot <u>site</u>	P	P	P
12. Additional household unit	C	C	C
13. Buildings accessory to a household unit	P	P	P
14. One additional minor household unit that is subsidiary to an established household unit, one per site.	P	P	P
15. An additional household unit, or an additional subsidiary <u>minor</u> household unit within the sensitive landscape area of the caldera rim as shown on Planning Map 215	D	D	D

Amend Performance Standard 9.6.4 as follows:

a. Rural 1 zone

One household unit per ~~site~~ lot, except:

- i. For sites that exceed an area of 30 hectares, one additional household unit per 15 useable hectares.
- ii. For sites outside the Lake Rotorua catchment with versatile soils, one additional household unit per 40 useable hectares
- iii. One ~~additional subsidiary minor~~ household unit per site not exceeding 72m² gross floor area (excluding garaging) and that is subsidiary to an existing household unit.

b. Rural 2 zone

One household unit per site, except:

- i. No more than one household unit per 8,000m² of the site area shall be constructed onsite within areas not serviced by public reticulation for wastewater provided that the requirements of the relevant regional council for the treatment and management of wastewater, including any associated disposal field is met.
- ii. No more than one household unit per 4,000m² of the site area shall be constructed onsite within areas serviced and connected to public reticulation for sanitary sewer.
- iii. One additional subsidiary minor household unit per site not exceeding 72m² gross floor area (excluding garaging) and that is subsidiary to an existing household unit.
- iv. i, ii and iii above ~~do~~ shall not apply to the Brunswick Park area, where no more than one household unit per 8000m² of the site area shall be constructed onsite. In addition to an existing household unit in the Brunswick Park area, one additional subsidiary minor household unit not exceeding 72m² gross floor area (excluding garaging) may be constructed as a subsidiary part of the principal unit, but not as a separate building.

c. Rural 3 zone

One household unit per site, except:

- i. No more than one household unit per 1,500m² of the site area shall be constructed onsite within areas not serviced by public reticulation for wastewater provided that the requirements of the relevant regional council for the treatment and management of sewer wastewater, including any associated disposal field is met.
- ii. No more than one household unit per 1000m² of the site area shall be constructed onsite within areas serviced and connected to public reticulation for sanitary sewer.
- iii. One additional subsidiary minor household unit per site not exceeding 72m² gross floor area (excluding garaging) and that is subsidiary to an existing household unit.

Amend Residential Zone Rules 4.5.9 as follows:

Household Units					
	RD1	RD2	RD3	RD4	RD5
4. Household unit, one per site	P	P	P	P	P

9. Subsidiary household unit, one per site.	C	NC	NC	NC	NC
9. Additional household units, including minor household units.	C	C	C	C	NC

Amend Residential Zone Performance Standards 4.6.4 as follows:

4. Household Unit Density

a. Residential 1

- i. The minimum permitted net site area for any one household unit shall be 350m², provided that the average net site area for all household units on a site is at least 450m².
- ii. For sites that exceed a net site area of 600m², there may be one ~~additional subsidiary minor~~ household unit with a net floor area not exceeding 72m² (excluding garaging). ~~This is to enable provision of a small household unit on a site, for the accommodation of family members for example. Subdivision of lots of this size is not allowed for by the plan, so the additional house will remain accessory to the principal household unit.~~
- iii. Within the area covered by the Wharenui Road Development plan only one household unit may be constructed for each 450m² net site area.
- iv. Within the area covered by the Twin Oaks Development Plan only one household unit may be constructed for each 700m² net site area. See Appendix 5.8

b. Residential 2

- i. The minimum permitted net site area for any one household unit shall be 350m² without an approved comprehensive residential development plan.

c. Residential 3

- i. The minimum net site area for any one household unit shall be 250m².

d. Residential 4

- i. One household unit may be constructed on site per 2,000m² of net site area provided that the site is able to meet the relevant regional council requirements for on-site effluent or sewage disposal, including any associated disposal field.
- ii. One household unit may be constructed per 1,000m² of net site area in an area where a public sanitary sewer reticulation system is operational.

e. Residential 5

- i. One household unit per 1,500m² net site area provided that the average net site area for all households onsite is shall be 2,000m².

Chapter 10 – Reserves, Community Assets and Reserves

27. FLOODLIGHTS ON SPORTS FIELDS NO CHANGES

Table 10.5: Activities in the Reserves, Community Assets and Water Zones

Rules	Zones			
	RV1	RV2	RV3	W1
Reserve Activities				
11. Sports fields and club rooms	NA	P	P	NA
13. Flood lights on sports fields	NA	<u>NAP</u>	P	NA

28. COMMERCIAL OUTDOOR RECREATION ACTIVITIES AND COMMERCIAL ACTIVITIES REFER TO SECTION 12

Policy 10.3.5.2	Activities on the surface of water are managed to minimise any potential conflict between those activities, <u>and to avoid, remedy or mitigate reverse sensitivity effects.</u>
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Rules	Zones			
	RV1	RV2	RV3	W1
Retail and Commercial				
<u>32a. Commercial Outdoor Recreation activities, including associated buildings and structures</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
33. Restaurants	D	D	D	NA
34. Retail activities	NC	NC	NC	NA
35. Ancillary retail activities	P	P	P	NA
<u>35a. Any other Commercial Activities</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>

10.9.1 General Assessment Criteria

....

23. The extent to which the activity adversely affects adjoining sites or land-based activities.
24. The extent to which the activity adversely affects the public access to the lake or waterway.
25. The extent to which the activity adversely affects the recreational values of the lakes and waterways.
26. The extent to which the activity conflicts with other users of the surface of waters of the lake or river, including recreational and commercial activities.
27. The extent to which the activity will avoid, remedy, or mitigate reverse sensitivity effects on lawfully established activities or existing infrastructure.

Chapter 13 - Subdivision

29. Policy 13.3.10.1 – Natural Features and Cultural Historic Heritage

A minor correction is proposed to the wording of this policy as follows:

~~Manage Avoid subdivision so that features and values such as of sites unless the features listed below are sensitively incorporated into the subdivision design and the values associated with these features are protected: containing the following features:~~

- Streams, rivers, wetlands, lakes and their margins
- Outstanding natural features and landscapes and landforms
- Geothermal surface features
- Cultural and historic heritage landscapes, sites and features
- Significant indigenous vegetation and habitat of indigenous fauna

~~are excluded from subdivision or unless these features are sensitively incorporated into subdivision design and the values associated with these features are protected maintained and protected from future land use activities.~~

30.	<u>SITE DESIGN PERFORMANCE STANDARDS: RESIDENTIAL ZONES</u>	NO CHANGES
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Zone	Minimum Site Area	Site Design Factor
Residential 1 Low Density Living (Exclusive of the Wharenui Road area)	350m ² net site area provided that the average site area of all new sites shall be at least 450m ² .	<p>Sites of 450m² net site area and above: The site shall contain an area of 180m² that is suitable for building and does not intrude into the yard buffers.</p> <p>Sites of less than 450m² net site area: The site shall contain an area of 150m² that is suitable for building and does not intrude into the yard buffers.</p>

31.	<u>RURAL SUBDIVISION – PERFORMANCE STANDARDS – NET OR GROSS SITE AREA</u>	
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Table 13.10.2 – Rural Site Design:

Zone	Minimum Site Area	Site Design Factor
Rural 2 Rural lifestyle	<i>The minimum net site area is 8,000 m² provided that where Rule 13.10.4.2 applies the net site area of all new lots shall be at least 4,000m².</i>	<i>Sites shall be capable of accommodating activities that comply with Rule 13.10.2.2</i>

Performance Standard 13.10.4 Rural 2 – Rural Lifestyle Zones:

1. *Minimum lot design requirements*

Lots within the Rural 2 zone may be created as a discretionary activity subject to the following conditions:

- a. *The minimum net site area for any new lot for which a separate Computer Register (Certificate of Title) is intended to be issued shall be 8,000m², provided that:*

Chapter 15 - Infrastructure

32.	<u>CHAPTER 15 – NOTABLE TREES</u>	NO CHANGES
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Amend Rule 15.5.5 bullet point 4 as follows:

'Requiring the removal of a notable tree unless provided for under in accordance with the standards in A9.2.2 and ...'

Chapter 17 - Definitions

33. MINOR CHANGES TO 17.2 DEFINITIONS **NO CHANGES**

Term	Definition
Building façade	The <u>exterior wall of the building facing the road reserve.</u> existing location of the building façade at ground level facing the street.
<u>Colonnade</u>	<u>A row of columns holding up a roof, either freestanding or attached to a building.</u>
<u>Low Importance Building</u> <u>Buildings of Low Importance</u>	In relation to buildings within fault avoidance areas, <u>non-habitable buildings and structures presenting a low degree of hazard to life and other property: examples are structures with a total floor area of less than 30m², farm buildings, isolated structures, towers in rural situation, fences, masts, walls and in-ground swimming pools. buildings posing low risk to human life or the environment, or a low economic cost, should the building fail. These are typically small non-habitable buildings, such as sheds, barns, and the like.</u>

Consequential changes are recommended to the activity status tables in 4.5, 9.5, and 10.5 to read as follows:

Buildings of low importance located within the fault avoidance area on the Planning Maps 210 e.g. farm buildings, fences, structures with a floor area of less than 30 square metres, masts or towers in rural situations and temporary structures

Service station	An activity which sells fuels (including petrol, LPG, CNG and diesel) and may also include any one or more of the following : <ol style="list-style-type: none"> 1. The sale of kerosene, alcohol based fuels, lubrication oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motoring; 2. <u>Ancillary rRetail premises where the gross floor area devoted to for the display, sale or hire of retail goods (other than motor vehicle parts, accessories or goods associated with motoring) does not exceed 250 square metres unless otherwise permitted in the zone; and</u>
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	3. Car wash facilities.
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Consequential changes: Add a new performance standard as follows:

7.6.17 Maximum Retail Area – Service Stations

The maximum trading floor space devoted to the display, sale or hire of retail goods (other than motor vehicle parts, accessories or goods associated with motoring) shall not exceed 250m².

7.8.2 Assessment Criteria for Specific Activities

1. Permitted and Controlled Activities that do not meet the Performance Standard

- d. the extent to which the retail activity impacts on the overall vitality and viability of the CBD.

8.6.3 Eastgate Business Park Performance Standards

8.6.3.14 Maximum Retail Area – Service Stations

The maximum trading floor space devoted to the display, sale or hire of retail goods (other than motor vehicle parts, accessories or goods associated with motoring) shall not exceed 250m².

Site	<ol style="list-style-type: none"> 1. An area of land which is the smaller land area of either: <ol style="list-style-type: none"> a. land comprised in a single lot held in one Computer Register (Certificate of Title); or b. land comprised in a single lot or the balance area on an approved subdivision scheme plan for which a separate certificate of title can be issued without further Council involvement. 2. An area of land comprising two or more adjoining lots held in one certificate of title that cannot be treated separately without the Council granting its consent. 3. An area of land comprising two or more adjoining lots held in two or more certificates of title where the titles are: <ol style="list-style-type: none"> a. subject to Section 75 of the Building Act 2004: “Construction of building on 2 or more allotments” or Section 37 of the Building Act 1991: “Construction of building on 2 or more allotments”; or b. held together in such a manner that they cannot be assessed individually without the consent of the Council. 4. An area of Māori freehold land that either: <ol style="list-style-type: none"> a. is land created by way of partition under Sections 297 and 301 of Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993) and held in one Māori Land Court Title, or b. is land defined by survey and created by way of partition into one parcel to be held by an owner who is a member of the same hapū, or owners who are members of the same hapū, or c. is land defined by survey and held in a Māori Land Court Title and for which ownership can be determined, or d. is land defined by survey and created by way of partition for a site for a dwelling under Section 296 of Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993). 5. An area of Māori Customary Land. 6. Is land defined by survey and reserved under the Reserves Act 1977 or Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993).
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	<p>7. Notwithstanding paragraphs 1– 6 above, where land has been subdivided under the cross lease or company lease systems (other than unit titles), a site means an area of land containing:</p> <ul style="list-style-type: none">b. building(s) for residential, commercial and industrial activities with any accessory building(s) and land exclusively set aside for the occupants/users of the building(s); orb any share in the fee simple which creates a vacant part of the whole for future cross lease or company lease purposes; and <p>8. Notwithstanding paragraphs 1– 6 above, any land subdivided under the Unit Titles Act 1972 (other than unit titles) a site shall mean either:</p> <ul style="list-style-type: none">c. The area of land containing the principal unit (or proposed unit) on the unit plan, and any identified accessories to that principal unit, ord. The underlying certificate of title of the land containing the unit titles, immediately prior to subdivision. <p>9, In addition to the above, the following shall apply:</p> <ul style="list-style-type: none">b. Where a site is divided by the district boundary, the area of the site remaining within the district shall be considered the site.
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34. DEFINITION: YARD **NO CHANGES**

<p>Yard</p>	<p>The space within and adjacent to the boundaries of a site which is required to be left unoccupied and unobstructed by buildings from the ground upwards having the dimension specified in the rules for the zone, except as otherwise provided by this District Plan. The eaves of any building and any roof, gutter or downpipe may intrude into any yard by not more than 600mm.</p> <p>Where a road widening designation applies, the yard shall be measured as if any required road widening had been removed from the site.</p> <ol style="list-style-type: none"> 1. Front Yard means a yard between a road frontage of a site and a line parallel thereto, extending across the full width of the site. 2. Rear Yard means a yard between the rear boundary of the site, and a line parallel thereto extending across the full width of the site. 3. Rear Site Yard in respect of any rear site, means rear yard a continuous rear yard bounded by all the boundaries of the site (except any boundary fronting a road). 4. Side Yard means a yard which, except for any portion of the site comprised in a front or rear yard, lies between the full length of a side boundary and a line parallel thereto, provided that in respect of a site with more than one frontage every boundary not fronting a road shall be deemed to be a side boundary. <div style="text-align: center;"> </div>
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Appendix 1 – Cultural Historic Heritage Inventory

35.	APPENDIX 1/ PLANNING MAP 335	NO CHANGES
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A1.3 HISTORIC STRUCTURES

Photo	Map site reference	Item	Location	Legal description	NZHPT Category
	H1.8 Planning Map 335	"Glenholme" Dwelling Edwardian Villa, (whole building)	63 Miller Street	Lot 77 DPS 602 Pt Lot 5 DPS 4366	2

And that Planning Map 335 is amended as follows:



Appendix 9 – Section 6 Matters

36. APPENDIX 9 - WALKING AND CYCLING TRACKS IN SIGNIFICANT NATURAL AREAS


A9.2.3 Disturbance, Removal, Restoration and Revegetation or Enhancement of Indigenous Vegetation within Significant Geothermal Features, or Significant Natural Areas

A9.2.3.3 Disturbance of indigenous vegetation within a Significant Natural Area shall be subject to the following:

- a. The vegetation can be disturbed for any of the following purposes:
 - i. Unformed tracks for pedestrian or cycling use; or
 - ii. ...
 - vi. Walking unformed tracks for the purpose of providing access for pest management purposes.
 - vii.

17.2 Definitions

Term	Definition
<u>Unformed Track</u>	<u>In relation to pedestrian and cycling tracks in SNAs, means a track that does not have any formal edging, all weather or permanent surfacing or structures such as bridges or timber walkways. An example is shown below.</u>

Term	Definition
	

**37. EARTHWORKS - DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT (APPENDIX 9)
NO CHANGES**

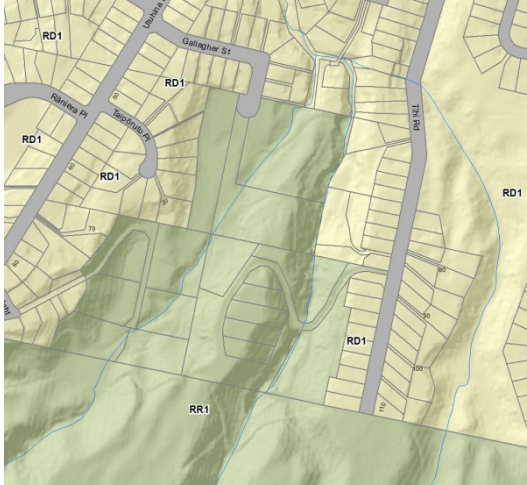
A9.5.4 New Buildings and Structures and New Plantation Forestry Located Within an Outstanding Natural Feature or Landscape, Significant Natural Area or Mining and Quarrying on a site that adjoins the boundary of an Outstanding Natural Landscape or Feature

1. The extent to which any additional buildings or structures may cause cumulative adverse effects on the identified values or characteristics of the Outstanding Natural Feature or Landscape.
2. ...
8. The effect of any associated access tracks on the values of any Outstanding Natural Feature or Landscape, or and Significant Natural Area.

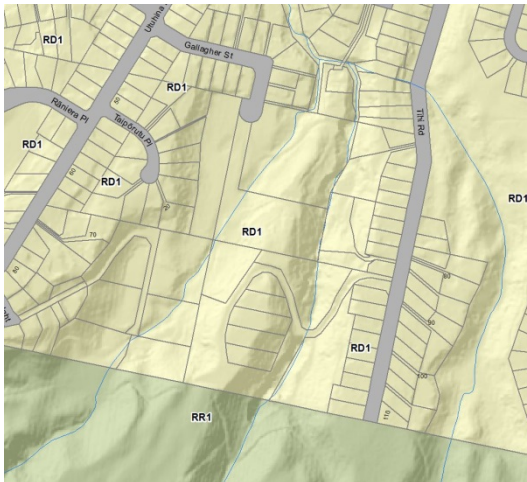
Planning Maps

38. PLANNING MAP 343: FLOREY HEIGHTS REZONING

Replace the current zoning with the proposed map below.



Proposed map.



Administrative Corrections

39. Macron Usage

Ensure correct macron usage throughout these changes.

Appendix 2 Recommended Decisions on Submissions and Further Submissions

Appendix 3 Original Evaluation Report (Section 32 Report)