

Part F

Recommended District Plan
Provisions

PLAN CHANGE 47 – PROPOSED PLAN PROVISIONS (INCLUDING RECOMMENDATIONS FROM HEARINGS REPORT)

The following table of changes is the notified version of the proposed Plan Change including the additional amendments recommended from the Hearings report. The notified rule changes are shown in **red** text. Recommended changes from the hearings report to rule provisions are shown in blue underline and ~~blue-strikeout~~, with comments made in **blue** where changes to plan zones and overlays are proposed.

The proposed changes for Horrell Road and Kuranui Road will not be considered as part of the current hearings process. The proposed changes have been retained in the rule provisions as notified and are highlighted **yellow**. This is to act as a place holder and no decisions on these provisions will be made as part of the current hearings process.

MATAMATA		
PROPOSED CHANGES		NOTES
Zoning	<p>A number of changes are proposed to the zoning of properties within and around Matamata.</p> <p>The area and proposed changes are shown on Plan Change maps Matamata MM2 – MM6 and the Proposed District Plan Maps including the Eldonwood South and Tower Road Structure Plans.</p> <p>A summary of the zoning changes is also listed below.</p>	
• New Business Zone	<p><u>Change</u> the zoning of the following properties from Residential to Business with a Business/Residential Interface Overlay:</p> <ul style="list-style-type: none"> • East side of Smith Street between Broadway and Farmers Road, • East side of Waharoa Road East south of Jim Gardiner Grove reserve from 13 Waharoa Road East up to and including the new Warehouse site, • 13 Meura Street to Tamihana Street, and • North side of Broadway from Vosper Street to Hohaia Crescent 	
• New Industrial Zone	<p><u>Change</u> the zoning of the following properties from Rural to Industrial:</p> <ul style="list-style-type: none"> • East of Rockford Street to boundary of Lot 2 DP 313622 and PtL 4 DPS 803 on State Highway 24 	
• Precinct F	<p><u>Change</u> the zoning of the following properties:</p> <ul style="list-style-type: none"> • The properties within the existing Precinct F Area in accordance with Eldonwood South Structure Plan. 	
• Rural-Residential	<p><u>Change</u> the zoning of the following properties from Rural-Residential to Rural Residential 2:</p> <ul style="list-style-type: none"> • North of Station Road and west of Sheffield Street 	
• Residential	<p><u>Change</u> the zoning of the following property from Rural to Residential</p> <ul style="list-style-type: none"> • Land parcel located between Bridie Avenue and Magnolia Drive (North of Tower Road) and in accordance with the Tower Road Structure Plan. • New area of Residential Zone proposed to complete the Banks Road Structure Plan area. 	
Future Residential Policy Area	<p>A new area is proposed north of Tower Road as a Future Residential Policy Area (which is adjacent to a new Residential Zone) and is shown on Plan Change Map MM2). This area will retain its Rural zoning but the policy area will signal that this area may be considered for residential development at some point in the future should demand occur for more residential zoning. Any residential development will require a further plan change process.</p> <p>The area identified for the Future Policy area is approximately 48 ha and could provide for a yield of 384 dwellings (based on an average yield of 8 dwellings per ha).</p>	

	<p><u>Insert</u> a new Future Residential Policy Area overlay onto the planning maps.</p> <p>[Note: Future Residential Policy Area is to be removed from Tower Road and replaced with a new area on Banks Road. See planning maps 33 - 35 from "Part E – Annotated Changes to Notified District Plan Maps", and maps 33 - 35 from "Part G - Recommended District Plan maps"].</p>	It is proposed to have Future Residential Policy Areas in each of our three towns. New plan provisions are also proposed for these areas – refer General Plan Provisions section.
Residential Infill	<p>The area for Residential Infill development is proposed to change. Currently it is defined as Residential zoned land 200m or less from a Business Zone boundary. The plan change proposes to identify the Residential Infill area based on a defined area around the town centre.</p> <p>The Residential Infill area is shown on Plan Change Map MM3 and on the Proposed Planning Maps.</p>	
	<p><u>Insert</u> a new Residential Infill overlay onto the planning maps.</p> <p>[Note: some changes to the Residential infill areas have been recommended – see planning map 32 "Part E – Annotated Changes to Notified District Plan Maps", and maps 32 from "Part G - Recommended District Plan maps"].</p>	The spatial area for Residential Infill is proposed to be inserted and shown on the planning maps for Morrinsville, Matamata and Te Aroha. New plan provisions are also proposed for the Infill Areas – refer General Plan Provisions section.
Equine Areas	<p>A new area is proposed around the Matamata racecourse which will enable limited opportunities for subdivision of lots for equine related activities. The underlying zoning of this area will remain as Rural.</p> <p>The Equine Area is shown on Plan Change Map MM1 and on the Proposed Planning Maps.</p>	
	<p><u>Insert</u> a new Equine Area overlay onto the planning maps.</p> <p>[Note: The proposal for Equine Areas in Matamata (and in Te Aroha) are now recommended to be retracted]</p>	An Equine Area is proposed to be inserted and shown on the planning maps for Matamata and Te Aroha. New plan provisions are also proposed for the Equine Areas – refer General Plan Provisions section.
Precinct F (Eldonwood South)	<p>Precinct F describes the area between Firth Street and Station Road which is currently subject to a specific set of plan provisions and a Structure Plan for development including infrastructure and servicing. It is proposed to remove the existing plan provisions and replace these with a combination of residential, rural residential and rural zoning.</p> <p>It is also proposed to relabel the area from 'Precinct F' to Eldonwood South as 'Precinct F' does not identify the location of the area. The area affected and the proposed new zonings are shown on Plan Change Map MM4 and on the Proposed Planning Maps. Refer also to the Eldonwood South Structure Plan.</p>	
	<p><u>Replace</u> Appendix 9.2 Precinct F Structure Plan Area (Plan and Text) with Eldonwood South Structure Plan.</p>	Specific numbering of rule reference will be confirmed at the time of the final

	<p><u>Relabel</u> Precinct F to Eldonwood South</p> <p><u>Change</u> the zoning of the Precinct F area to Residential, Rural-Residential 1, Rural-Residential 2 and Rural in accordance with Plan Change Map MM4 and the Eldonwood South Structure Plan.</p> <p><u>Delete</u> Objective 3.4.2 O6, Policy 9; Objective 2.4.4 O2 and Policy 2 and Implementation Methods.</p> <p><u>Delete</u> Rule 1.4.21 (Subdivision restricted discretionary activities in Precinct F).</p> <p><u>Delete</u> Rule 1.4.31 General Rules – (Neighbourhood nodes)</p> <p><u>Amend</u> Section 6 in relation to existing Precinct F provisions <i>Refer Plan Change 47 – Section 6 Track Change (Appendix B)</i></p> <p><u>Amend</u> Rule 1.4 Notes, Rule 3.1.1, 3.1.2 iii, 3.1.3, 3.2.1, 3.2.2(ii) to remove reference to Precinct F and associated rule provisions</p> <p><u>Delete</u> Provisions for Comprehensive Residential Development and neighbourhood nodes, including Activity Status Table 2.2: - 3.2, 3.4, 3.14, 3.15, 3.16 Rule 1.4.32, 4.13 and Rule 4.14.</p>	decisions version and may include consequential numbering changes.
Shop Frontage Areas	The Plan Change has considered the extent of the Shop Frontage Area in Matamata, as well as Morrinsville and Te Aroha. For Matamata, it is considered that the existing Shop Frontage Areas are appropriate and no changes are proposed.	
	<p><u>Retain</u> the existing Shop Frontage Area on the planning maps.</p> <p>[Note: The Shop Frontage Area is largely retained with a change recommended along Arawa Street. See planning map 32 from “Part E – Annotated Changes to Notified District Plan Maps”, and map 32 from “Part G - Recommended District Plan maps”].</p>	For clarification, the extent of the Shop Frontage Areas in Matamata is within the scope of this Plan Change and therefore business owners and other parties may submit on this topic.
Principal Road Landscaping Areas	<p>It is proposed to delete the existing provisions which require landscaping in the front yard of all business and industrial sites and only require landscaping on sites which have frontage to roads along the entrance corridors into each of our towns. These frontage areas will be called Principal Road Landscaping Areas. The actual requirements for landscaping on these sites will also be more flexible than what is required under the existing District Plan provisions.</p> <p>For Matamata, the Principal Road Landscaping Areas are located along parts of Mangawhero Road, Broadway, Peria Road, Firth Street and Waharoa Road East. Refer Plan Change Map MM5 and Proposed Planning Maps.</p>	
	<u>Insert</u> a new Principal Road Landscaping Area overlay onto the planning maps.	New plan provisions are also proposed for these areas – refer General Plan Provisions section.

MORRINSVILLE		
PROPOSED CHANGES		NOTES
Zoning	<p>A number of changes are proposed to the zoning of properties within and around Morrinsville.</p> <p>The area and proposed changes are shown on Plan Change Maps MV1-MV5 and the Proposed District Plan Maps including the Horrell Road Structure Plan.</p> <p>A summary of the zoning changes is also listed below.</p>	
<ul style="list-style-type: none"> New Rural Zone and Future Residential Policy Area 	<p><u>Change</u> the zoning of the following properties from Rural-Residential to Rural and introduce a Future Residential Policy Area:</p> <ul style="list-style-type: none"> The area south of Taukoro Road 	
<ul style="list-style-type: none"> Rural-Residential 	<p><u>Change</u> the zoning of the following properties from Rural-Residential to Rural-Residential 2:</p> <ul style="list-style-type: none"> The area southwest of Hangawera Road <p><u>Change</u> the zoning of the following properties from Rural to Rural-Residential 1:</p> <ul style="list-style-type: none"> The area south of State Highway 26 and bounding onto the existing railway line. The area north of Kuranui Road. Properties to the west of Horrell Road in accordance with the Horrell Road Structure Plan. Refer also Horrell Road Notice of Requirement. 	
<ul style="list-style-type: none"> Industrial 	<p><u>Change</u> the zoning of the following properties from Rural to Industrial</p> <ul style="list-style-type: none"> The triangular area between Kereone Road and Morrinsville-Walton Road south to the existing boundary with the Industrial Zone. 	
Future Residential Policy Area	<p>A new area is proposed south of Taukoro Road as a Future Residential Policy Area. This area is shown on Plan Change Map MV2 and is proposed to be zoned Rural but the proposed policy area will signal that this area may be considered for residential development at some point in the future should demand occur for more residential zoning. Any residential development will require a further plan change process.</p> <p>The area identified for the Future Policy area is approximately 43.8 ha and could provide for a yield of 350 dwellings (based on an average yield of 8 dwellings per ha).</p>	
	<p><u>Insert</u> a new Future Residential Policy Area overlay onto the planning maps.</p>	<p>It is proposed to have Future Residential Policy Areas in each of our three towns. New plan provisions are also proposed for these areas – refer General Plan Provisions section.</p>

Residential Infill Area	<p>The area for Residential Infill development is proposed to change. Currently it is defined as Residential zoned land 200m or less from a Business Zone boundary. The plan change proposes to identify the Residential Infill Area based on a defined area around the town centre.</p> <p>The Residential Infill Area is shown on Plan Change Map MV4 and on the Proposed Planning Maps.</p>	
	<p><u>Insert</u> a new Residential Infill overlay onto the planning maps.</p> <p>[Note: some changes to the infill areas have been recommended – see planning maps 28 and 29 from “Part E – Annotated Changes to Notified District Plan Maps”, and maps 28 and 29 from “Part G - Recommended District Plan maps”].</p>	<p>A spatial area for Residential Infill is proposed to be inserted for Morrinsville, Matamata and Te Aroha. New provisions are also proposed for the Infill Areas – refer General Plan Provisions section.</p>
Shop Frontage Areas	<p>The Plan Change has considered the extent of the Shop Frontage Area in Morrinsville as well as Matamata and Te Aroha. For Morrinsville, it is considered that the existing Shop Frontage Areas are appropriate and no changes are proposed.</p>	
	<p><u>Retain</u> the existing Shop Frontage Area on the planning maps.</p> <p>[Note: The Shop Frontage area is largely retained with a change recommended along Studholme Street. See planning map 28 from “Part E – Annotated Changes to Notified District Plan Maps”, and map 28 from “Part G - Recommended District Plan maps”].</p>	<p>For clarification, the extent of the Shop Frontage Areas in Morrinsville is within the scope of this Plan Change and therefore business owners and other parties may submit on this topic.</p>
Principal Road Landscaping Areas	<p>It is proposed to delete the existing provisions which require landscaping in the front yard of all business and industrial sites and only require landscaping on sites which have frontage to roads along the entrance corridors into each of our towns. These frontage areas will be called Principal Road Landscaping Areas. The actual requirements for landscaping on these sites will also be more flexible than what is required under the existing District Plan provisions.</p> <p>For Morrinsville, the Principal Road Landscaping Areas are located along parts of Thames Street, Marshall Street, Allen Street, Studhome Street and the new Industrial Zone at Kereone Road. Refer Plan Change Map MV3 and Proposed Planning Maps.</p>	
	<p><u>Insert</u> a new Principal Road Landscaping Area overlay onto the planning maps.</p>	<p>New plan provisions are also proposed for these areas – refer General Plan Provisions section.</p>

TE AROHA		
PROPOSED CHANGES		NOTES
Zoning	<p>A number of changes are proposed to the zoning of properties in and around Te Aroha.</p> <p>The area and proposed changes are shown on Plan Change Maps TA2-TA5 and Proposed Planning Maps.</p> <p>A summary of the zoning changes is also listed below.</p>	
<ul style="list-style-type: none"> Rural-Residential Zone 1 and 2 	<p><u>Change</u> the zoning of the existing Rural-Residential Zone west of Grattan Road, with a central portion rezoned to Rural-Residential 2 and the remainder zoned to Rural.</p> <p><u>Change</u> the zoning of the lower portion of Rural zoned land on Golf Course Road from Rural to Rural-Residential 2.</p>	
<ul style="list-style-type: none"> Rural Zone 	<p><u>Change</u> the zoning of the upper portion of the existing Rural-Residential area south of Tui Road to Rural Zone.</p>	
<ul style="list-style-type: none"> Residential Zone 	<p><u>Change</u> the zoning of the lower portion of the existing Rural-Residential area south of Tui Road to Residential.</p> <p><u>Change</u> the zoning west of Stirling Street from Rural-Residential to Residential in accordance with the Stirling Street Structure Plan.</p> <p><u>Change</u> the zoning of 37 and 39 Whitaker Street from Rural to Residential</p>	
Future Residential Policy Area	<p>A new area is proposed west of Stanley Road as a Future Residential Policy Area. This area is shown on Plan Change Map TA4 and will change its underlying zoning from Rural-Residential to Rural. The policy area will signal that this area may be considered for residential development at some point in the future should demand occur for more residential zoning. Any residential development will require a further plan change process.</p> <p>The area identified for the Future Policy area is approximately 18 ha and could provide for a yield of 143 dwellings (based on an average yield of 8 dwellings per ha).</p>	
	<p><u>Insert</u> a new Future Residential Policy Area overlay onto the planning maps.</p>	<p>It is proposed to have Future Residential Policy Areas in each of our three towns. New plan provisions are also proposed for these areas – refer General Plan Provisions section.</p>
Residential Infill Area	<p>The identified area for Residential Infill development is proposed to change. Currently it is defined as Residential zoned land 200m or less from a Business Zone boundary. A plan change proposes to identify the Residential Infill Area based on a spatial area around the town centre.</p> <p>The Residential Infill Area and proposed changes are shown on Plan Change Map TA3 and the Proposed Planning Map.</p>	
	<p><u>Insert</u> a new Residential Infill overlay onto the planning maps.</p>	<p>A spatial area for Residential Infill is proposed to be inserted for Morrinsville,</p>

		Matamata and Te Aroha. New provisions are also proposed for the Infill Areas – refer General Plan Provisions section.
Principal Road Landscaping Areas	<p>It is proposed to delete the existing provisions which require landscaping in the front yard of all business and industrial sites and only require landscaping on sites which have frontage to roads along the entrance corridors into each of our towns. These frontage areas will be called Principal Road Landscaping Areas. The actual requirements for landscaping on these sites will also be more flexible than what is required under the existing District Plan provisions.</p> <p>For Te Aroha, the Principal Road Landscaping Areas are located along parts of Whittaker Street and Kenrick Street. Refer Plan Change map TA5 and Proposed Planning Maps.</p>	
	<u>Insert</u> a new Principal Road Landscaping Area overlay onto the planning maps.	New plan provisions are also proposed for these areas – refer General Plan Provisions section.
Te Aroha Character Area	<p>It is proposed to amend the name and area of the Te Aroha Character Area and focus more specifically on the areas along the main shopping areas (Whittaker Street) and connections to the domain.</p> <p>Refer Plan Change Map TA6 and to the Proposed Planning Maps.</p>	
	<u>Amend</u> the area of the Te Aroha Character Area. Amend District Plan legend entry and plan references to 'Te Aroha Heritage Character Area'	New plan provisions are also proposed for these areas – refer General Plan Provisions section.
Equine Areas	<p>A new area is proposed around the Te Aroha racecourse which will enable limited opportunities for subdivision of lots for equine related activities. The underlying zoning of this area will remain as Rural.</p> <p>The Equine Area is shown on Plan Change Map TA1 and on the Proposed Planning Maps.</p>	
	<p><u>Insert</u> a new Equine Area overlay onto the planning maps.</p> <p>[Note: The proposal for Equine Areas in Te Aroha (and in Matamata) are now recommended to be retracted]</p>	<p>An Equine Area is proposed to be inserted and shown on the planning maps for Matamata and Te Aroha. New plan provisions are also proposed for the Equine Areas – refer General Plan Provisions section.</p>
Shop Frontage Areas	<p>The Plan Change proposes some minor changes to the Shop Frontage Area in the town centre. The changes propose to reduce the extent of the Shop Frontage Area along Whittaker Street, Lawrence Avenue and Boundary Road.</p> <p>The proposed changes are shown on Plan Change Map TA5 and the Proposed Planning Maps.</p>	

	<u>Amend</u> the Shop Frontage Area on the planning maps.	
GENERIC PLAN PROVISIONS		
PROPOSED CHANGES		NOTES
Residential Infill	These new provisions will apply to the new areas for Residential Infill development as identified on the Planning Maps. The density for Residential Infill is proposed to be amended and new urban design standards are also proposed to ensure that any Residential infill development is well designed and compatible with the surrounding residential areas.	
• Objectives and Policies	<u>Insert</u> A new Policy P6 in Section 3.5.2.1 <i>P6 To enable infill housing in identified residential areas where such development demonstrates good urban design and is compatible with surrounding residential character.</i>	
• Rules	<u>Insert</u> A new rule for Residential Infill housing (4.13) <i>4.13 Residential Infill Development</i> <i>4.13.1 Restricted Discretionary Activities – Residential Infill</i> <i>Residential Infill development and subdivision within identified areas complying with the standards of Rule 4.13.4.</i> <i>For the purpose of this rule, identified areas are defined as the Residential infill areas shown on the planning maps for Matamata, Morrinsville and Te Aroha, and within 200m of the Residential Business Zone boundary for Waharoa and Waihou.</i> <i>4.13.2 Discretionary Activities – Residential Infill</i> <i>(a) Residential Infill development and subdivision within an identified area that does not comply with the standards of Rule 4.13.4.</i> <i>(b) Residential Infill development and subdivision complying with the standards of Rule 4.13.4 not within an identified area.</i> <i>4.13.3 Non-Complying - Residential Infill</i> <i>(a) Residential Infill development and subdivision not within an identified area and not complying with the standards of Rule 4.13.4.</i> <i>(b) Any subdivision for Residential Infill which does not give effect to an approved land use consent.</i> <i>4.13.4 Development Standards – Residential Infill Development</i> <i>(i) Overall Site Standards (parent lot)</i> <i>(a) One dwelling per 325m² net site area.</i> <i>(ii) Building Envelope</i> <i>Unless amended by the following specific rule standards, the standards of 3.1 shall apply.</i> <i>(iii) Urban Design Standards</i> <i>(a) Each dwelling shall have a household recreational space which:</i> <i>• Is not less than 60m² in area.</i> <i>• Contains no dimension less than 3 metres</i>	

- Contain a circle of 6m in diameter located to the north, east or west of the dwelling and which is accessed directly from the main living areas.
- At least 30m² of this area must be located to the north, east or west of the dwelling.
- Shall be located clear of parking and manoeuvring space.

The household recreational space may contain a first floor balcony/deck between 10m² and 15m² with no dimension less than 1.8m.

- (b) The design of all dwellings shall only provide for two levels (ground floor and first floor).
- (c) Any building exterior wall shall not exceed 15m in length without provision for a 2m by 2m step.
- (e) Each dwelling shall have an exclusive net site area where the total building coverage shall not exceed 45%.
- (f) Each dwelling shall have an exclusive net site area which has no less than 20% permeable surface comprising gardens or lawn area.
- (g) No yard or height relative to boundary ~~ie~~ rules shall apply to new internal boundaries established as part of any concurrent subdivision application

(iv)

Development Suitability

All Residential Infill development and subdivision shall comply with the performance standards listed in Rule 5.9.

4.13.5

Restricted Discretionary Assessment Criteria

Council has reserved control and may impose conditions in respect of the following matters:

- (a) The performance standards listed in Section 6.2.
- (b) Urban Design
- (c) Residential character and amenity

4.13.6

Notification Rule

An application for a Restricted Discretionary activity in accordance with Rule 4.13.1 shall be assessed and determined on a non-notified basis and no affected parties shall be identified.

Amend Table 2.2 to include provision for subdivision for Residential Infill development.

Activity	Residential
1. Minimum Lot size 350m²(within 200m of Residential/Business zone boundary)-Residential Infill	€ See Rule 4.13

Amend Table 6.1 to include provision for subdivision and Residential Infill development.

Refer Rule 6.1 in Plan Change 47 – Section 6 Track Change (Appendix C)

Equine Areas	These new provisions will apply to the new Equine Areas around the Matamata and Te Aroha racecourses. It is proposed to enable subdivision for equine activities subject to specific rules about the size of the lots and how they will be used.	
• Objectives and Policies	Insert New Policy 3.4.2 P6 P6 To provide opportunity for limited subdivision of new lots around the Matamata and Te Aroha racecourses that support the equine sector. And renumber remaining policies	
• Rules	Insert New Activity Rule for Equine Lots into Table 6.1 Insert New performance standard rule for Equine Lots Refer Rule 6.1 and Rule 6.3 in Plan Change 47 – Section 6 (Appendix B)	
Future Residential Policy Areas	These new provisions will apply to the new Future Residential Policy Areas. It is intended that these areas will retain their Rural zoning and that the Policy Area will only take affect if any form of significant subdivision or development was proposed which could compromise the area for future residential development.	
• Objectives and Policies	Insert A new Policy P4 in Section 3.3.2.1 P4 To identify potential areas for future residential development which should be protected from new subdivision and development which may compromise the future intended use.	
• Rules	Insert A new performance standard Rule 5.9 for activities within the Future Residential Policy Area to change the permitted activity status to Controlled activity and renumber existing Rule 5.9. Rule 5.9 Future Residential Policy Areas Any activity shall not be located within a Future Residential Policy Area, shall not be established or located in such a manner that in a location which may interfere with or compromise the alignment of any and roading linkage to adjacent Residential Zoned land and/or an identified road corridor.	
• Rules	Insert A new assessment criteria Rule 5.10.3(vi) and 6.4.6(x) (for land use and subdivision applications). Rule 5.10.3(vi) and 6.4.6 Future Residential Policy Areas Whether the proposed land use or subdivision activity may compromise the future ability of the area to be developed for residential development and how this objective can be achieved through changes in the design or layout of the activity. Refer Plan Change 47 – Section 6 Track Change (Appendix C)	
Rural-Residential Subdivision	It is proposed to provide two distinct Rural-Residential Zones that will replace the existing Rural-Residential zone. The proposed zones will have different rules for lot sizes.	
• Rules	Amend Provisions for Rural Residential subdivision Refer Section 6 Track Change (Appendix B)	

Business Zone	New provisions are proposed for the sites that are proposed to be rezoned to Business. The provisions are proposed to recognise and protect the existing residential amenity of these areas while providing a transition to commercial activities.					
<ul style="list-style-type: none"> Rules 	<p><u>Insert</u> <i>New activity status for Business/Residential Interface Areas in Table 2.2</i></p> <table border="1" data-bbox="443 477 1134 602"> <tr> <td data-bbox="443 477 820 528">Activity</td> <td data-bbox="820 477 1134 528">Business</td> </tr> <tr> <td data-bbox="443 528 820 602">8.7 Activities within Business/Residential Interface Areas</td> <td data-bbox="820 528 1134 602">Refer Rule 4.14</td> </tr> </table> <p><u>Insert</u> <i>New performance standards at Rule 4.14.</i></p> <p>4.14 <i>Business Activities within Business/Residential Interface Areas</i></p> <p>4.14.1 <i>Permitted Activities</i></p> <p><i>In addition to the Development Controls listed in Section 3, 4 and 5, any business activity will only be a Permitted Activity in the Business/Residential Interface Areas of the Business Zone if:</i></p> <p><i>(i) It complies with the definition of a commercial service, medical facility or office, and</i></p> <p><i>(ii) The activity is established and operated within the confines of the existing building area (excluding parking areas).</i></p> <p>4.14.2 <i>Non-compliance</i></p> <p><i>Any business activity which does not comply with 4.14.1 shall be a Discretionary activity and the assessment of effects shall not be restricted.</i></p>	Activity	Business	8.7 Activities within Business/Residential Interface Areas	Refer Rule 4.14	
Activity	Business					
8.7 Activities within Business/Residential Interface Areas	Refer Rule 4.14					
Te Aroha Character Area	Some changes are proposed to the spatial area of the Character Area and to the rules to focus the assessment of any effects regarding heritage to the building façade and frontage.					
<ul style="list-style-type: none"> Rules 	<p><u>Amend</u> Section 10 <i>Refer Plan Change 47 – Section 10 (Appendix C)</i></p> <p><u>Delete</u> Rule 3.4.5</p> <p><u>Add</u> New definition</p> <p><i>“Building Façade or Frontage” in relation to the Te Aroha Character Area means the building façade directly facing the street and the exposed sides of the building where these are viewable from the street frontage. Any building which is located behind another building will not be deemed to have a building façade or frontage in this instance.”</i></p> <p><i>Rename Te Aroha Character Area to ‘Te Aroha Heritage Character Area’ on maps legend and in text throughout plan</i></p>	The proposed changes to these rules have been developed in association with a review of the extent of the Character Area which is proposed to be amended as part of the plan change.				
Landscape Provisions – Business and Industrial Zones	It is proposed to delete the existing provisions which require landscaping in the front yard of all business and industrial sites and only require landscaping on sites which have frontage to roads along the entrance corridors into each of our towns. These frontage areas will be called Principal Road Landscaping Areas. The actual requirements for landscaping on these sites will also be more flexible than what is required under the existing District Plan provisions.					
<ul style="list-style-type: none"> Rules 	<u>Delete</u> Rule 3.3.5(i) and (ii) and 3.4.3(ii) and <u>replace</u> with the following	The Principal Road Landscaping Areas				

	<p><i>Landscaping shall be required on sites that are located within the identified Principal Road Landscaping Areas subject to the following criteria:</i></p> <p>a) <i>A redevelopment of the site is proposed which includes any new or replacement building footprint of <u>by</u> 50m² or more,</i></p> <p>b) <i>A minimum of 15% of the front yard requirement shall be landscaped and maintained with a mixture of shrubs, specimen trees and ground cover. The landscaping area shall have a minimum dimension of 1m and shall be located in front of the primary building.</i></p> <p>And renumber sections as required.</p> <p><u>Rename</u> Rule 3.4.6 to Shop Frontage <u>Areas</u></p>	<p>are shown on the planning maps and generally relate to the entrances to the town centres.</p>
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Residential Performance Standards		
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<ul style="list-style-type: none"> Rules 	<p><u>Amend</u> Rule 3.1.1 as follows</p> <table border="1" data-bbox="408 884 1093 1668"> <thead> <tr> <th data-bbox="408 884 467 920">(iii)</th> <th colspan="3" data-bbox="467 884 1093 920">Yards – Residential buildings and accessory buildings</th> </tr> </thead> <tbody> <tr> <td data-bbox="408 920 467 1126"></td> <td data-bbox="467 920 715 1126">General</td> <td data-bbox="715 920 906 1126"></td> <td data-bbox="906 920 1093 1126"><i>Except where within an identified Structure Plan (refer Activity Table 2.2) the following apply:</i></td> </tr> <tr> <td data-bbox="408 1126 467 1164">Front</td> <td data-bbox="467 1126 715 1164">5.0m</td> <td data-bbox="715 1126 906 1164"></td> <td data-bbox="906 1126 1093 1164"><i>2.0m</i></td> </tr> <tr> <td data-bbox="408 1164 467 1202">Side</td> <td data-bbox="467 1164 715 1202">1.5 m</td> <td data-bbox="715 1164 906 1202"></td> <td data-bbox="906 1164 1093 1202"><i>1.5m</i></td> </tr> <tr> <td data-bbox="408 1202 467 1240">Rear</td> <td data-bbox="467 1202 715 1240">1.5m</td> <td data-bbox="715 1202 906 1240"></td> <td data-bbox="906 1202 1093 1240"><i>4.0m</i></td> </tr> <tr> <td data-bbox="408 1240 467 1279">Rear site yards</td> <td data-bbox="467 1240 715 1279">1.5m</td> <td data-bbox="715 1240 906 1279"></td> <td data-bbox="906 1240 1093 1279"><i>3.0m</i></td> </tr> <tr> <td data-bbox="408 1279 467 1317">River protection</td> <td data-bbox="467 1279 715 1317">20.0m</td> <td data-bbox="715 1279 906 1317"></td> <td data-bbox="906 1279 1093 1317"><i>20.0m</i></td> </tr> <tr> <td data-bbox="408 1317 467 1413"><i>Rural Yard – yard adjoining a rural zoned site</i></td> <td data-bbox="467 1317 715 1413">Na</td> <td data-bbox="715 1317 906 1413"></td> <td data-bbox="906 1317 1093 1413"><i>20.0m</i></td> </tr> <tr> <td data-bbox="408 1413 467 1668"><i>Rural Yard – Structure Plan Precinct F, Matamata – Yard adjoining a rural zoned site inclusive of the Pedestrian walkway (cycleway) adjoining the boundary of the precinct with the Rural Zone.</i></td> <td data-bbox="467 1413 715 1668">Na</td> <td data-bbox="715 1413 906 1668"></td> <td data-bbox="906 1413 1093 1668"><i>40.0m</i></td> </tr> </tbody> </table> <p><i>Provided that for General:</i></p> <p><i>Side and rear, and rear site yard dimensions may be relaxed by up to 50% where it can be demonstrated that vehicle access, parking and outdoor storage can be provided elsewhere on site may be reduced to 1.25m so long as the written consent of all property owners contiguous to any building is obtained and rule 3.1.1(ii) (a) is not compromised:</i></p> <p>(a) <i>On a corner site one front yard may be reduced to 3.0m;</i></p> <p>(b) <i>Accessory buildings may be erected on any rear, side</i></p>	(iii)	Yards – Residential buildings and accessory buildings				General		<i>Except where within an identified Structure Plan (refer Activity Table 2.2) the following apply:</i>	Front	5.0m		<i>2.0m</i>	Side	1.5 m		<i>1.5m</i>	Rear	1.5m		<i>4.0m</i>	Rear site yards	1.5m		<i>3.0m</i>	River protection	20.0m		<i>20.0m</i>	<i>Rural Yard – yard adjoining a rural zoned site</i>	Na		<i>20.0m</i>	<i>Rural Yard – Structure Plan Precinct F, Matamata – Yard adjoining a rural zoned site inclusive of the Pedestrian walkway (cycleway) adjoining the boundary of the precinct with the Rural Zone.</i>	Na		<i>40.0m</i>	
(iii)	Yards – Residential buildings and accessory buildings																																					
	General		<i>Except where within an identified Structure Plan (refer Activity Table 2.2) the following apply:</i>																																			
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Side	1.5 m		<i>1.5m</i>																																			
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<i>Rural Yard – Structure Plan Precinct F, Matamata – Yard adjoining a rural zoned site inclusive of the Pedestrian walkway (cycleway) adjoining the boundary of the precinct with the Rural Zone.</i>	Na		<i>40.0m</i>																																			

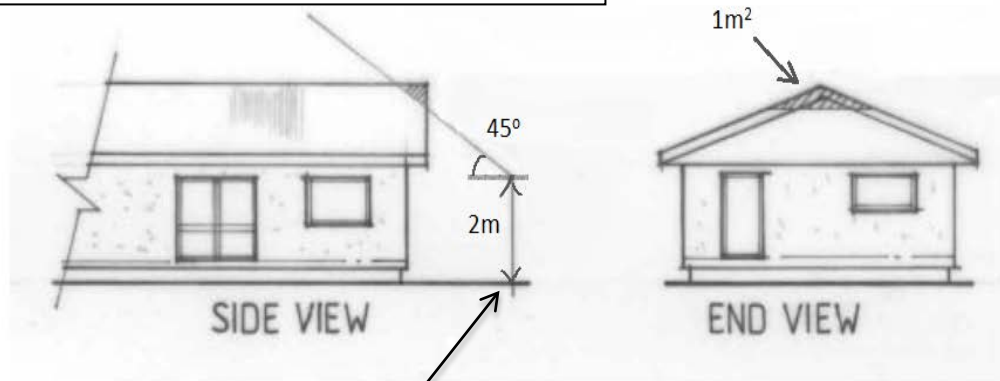
	<p>yard or rear site yard so long as the written consent of all property owners contiguous to any building is obtained and Rule 3.1.1(ii) (a) is not compromised.</p> <p>(c) Compliance with Rule 9.1.2(ix) in relation to garages and carports on corner sites within 5m of the site's front boundary is required.</p> <p>(d) All structures on or adjacent to site boundaries must also comply with the provisions of the Building Act.</p> <p>Amend Rule 3.1.2 as follows</p> <p>3.1.2 Density</p> <p>Household density shall not exceed:</p> <p>(i) One dwelling per 450 500m² of net site area for sites greater than 200 metres from a Residential/ Business zone boundary;</p> <p>(ii) One dwelling per 350m² of nett site area for sites 200 metres or less from a Residential/ Business zone boundary.</p> <p>(iii) One dwelling per certificate of title in an identified Structure Plan (refer Activity Table 2.2) except where the Comprehensive Residential Development Overlay applies (refer Rule 4.14)</p> <p>Note: See Rule 4.13 for density and rule provisions for Infill Residential Areas.</p>	
Rural-Residential Performance Standards		
• Rules	<p>Amend Rule 3.2.1(ii) as follows:</p> <p>(iii) Yards</p> <p><u>Rural front yard</u> 25m</p> <p><u>Rural side yard and rear yards</u> 10m</p> <p><u>Rural-Residential front yards</u> 10m</p> <p><u>Rural-Residential side and rear yards</u> 5m</p> <p>River protection yard 20m</p> <p>Front yards, side yards and rear yards in an identified Structure Plan 10m</p> <p>(refer Activity Table 2.2)</p> <p>Rural Yard – yard adjoining a rural zoned site in an identified Structure Plan 20m</p> <p>(refer Activity Table 2.2)</p> <p>Rural Yard – Structure Plan Precinct F, Matamata – yard adjoining a rural 40m</p> <p>zoned site inclusive of the pedestrian walkway (cycloway) adjoining the boundary of the Precinct with the Rural Zone</p>	
Residential Subdivision	Proposed technical changes and also a reduction in minimum lot size to 450m ² net site area.	
• Rules	Refer Plan Change 47 Section 6 (Appendix B)	
Urban	Proposal to remove Urban Design as a standard for all subdivision and only apply it	

Design Standards and Activity Status for Residential Subdivision	to subdivision for 10 or more lots. This will also affect the status of subdivision for 10 or more lots with a Restricted Discretionary Activity status proposed.	
• Rules	Refer Plan Change 47 Section 6 (Appendix B)	
Restructure of Performance Standards, Matters of Control and Matters of Discretion for Subdivision.	A reformatting of the performance standards and assessment criteria is proposed. In most cases, the same standards have been adopted although specific new provisions have also been proposed as part of this plan change.	
• Rules	Refer Plan Change 47 Section 6 (Appendix B)	
Building Site Coverage and Exclusive Use Area	A new definition is proposed to clarify how the site coverage rule is applied. The new definition calculates site coverage principally on the exterior wall line.	
• Rules	<p><u>Insert</u> New definition for site coverage</p> <p><i>"Site coverage" means that portion of a site area which may be covered by buildings or parts of a building that are enclosed by the face of any exterior wall of the building, including exterior walls above ground floor level, but excludes:</i></p> <p><i>a) open decks and or balconies which may be covered for sun protection;</i></p> <p><i>b) any part of the eaves (including guttering);</i></p> <p><i>c) structures below ground level.</i></p> <p><u>Delete</u> Definition for 'Exclusive use area'.</p>	
Other	A number of changes are proposed to the existing rules provisions to ensure that there is alignment with the proposed amendments and other associated provisions within the District Plan. In addition, some rule provisions are proposed to be amended where these do not support the appropriate outcomes sought by the District Plan.	
• Rules	<p><u>Delete</u> Part Rule 3.1.3 - last sentence and reference to Structure Plan which is no longer relevant.</p> <p><i>Alternative means of compliance</i></p> <p><i>With respect to this rule the maximum building coverage stipulated may be increased to 45% on payment of a Development Contribution for Reserves and Recreational Facilities. See Development Contributions: Section 7. This provision does not apply to an identified Structure Plan (refer Activity Table 2.2).</i></p> <p><u>Delete</u> Amend Rule 3.1.4 (ii) – alternative provisions for outdoor space on multi-household units, which is proposed to be replaced with specific provisions for infill housing.</p> <p><i>(ii) For accommodation facilities, each independent</i></p>	

	<p><i>residential unit shall</i> Alternatively each multi-household unit may provide a living court or balcony with a minimum area of 15m² for each unit <i>which can accommodate a 6m diameter circle to the north, east or west of the unit and which is assessed directly from the main living areas. In addition, a communal area shall be provided which shall:</i></p> <ul style="list-style-type: none"> (a) Have a minimum area of 80m² for each dwelling in the development; (b) Have a readily useable shape that can contribute to the recreational and service needs of the occupants of the development, such as communal swimming pools, tennis courts; (c) Have adequate provision made for its continued maintenance and management. <p>Delete Rule 3.1.4 (i) – Alternative means of compliance, which is no longer considered appropriate as each household unit should have outside space and the rule is rarely applied in practice.</p> <p><i>Alternative means of compliance</i></p> <p>With respect to this rule the minimum dwelling recreation area of 80m² may be reduced by up to 50% on payment of a Development Contribution for Reserves and Recreational Facilities. See Development Contributions: Section 7.</p> <p>Delete Rule 3.1.5 – Screening for storage areas on sites containing two or more residential dwellings as the rule is not implemented in practice.</p> <p>3.1.5 — Screening</p> <p>For sites containing two or more residential dwellings</p> <p>Where any storage or service area adjoins or directly faces residentially zoned land, public road, public reserve, or a second or subsequent dwelling on the same site, such an area shall be screened by either:</p> <ul style="list-style-type: none"> (i) — A solid wall or screen not less than 1.8m in height; or (ii) — Planting to a minimum height of 1.8m. <p>Delete Rule 3.3.4 – design and appearance of industrial buildings as this rule is not implemented</p> <p>3.3.4 — Design and appearance of buildings (scheduled and non-scheduled sites)</p> <p>All new buildings or structures shall be designed to minimise adverse visual impact on adjacent properties and on the road frontage in particular. No reflective material or unpainted surfaces should be used which could cause glare.</p> <p>Amend Rule 3.3.5 to apply landscaping standard only to scheduled sites.</p> <p>Delete Rule 3.3.8 – Derelict Buildings as it is doubtful that the rule could be applied.</p> <p>3.3.8 — Derelict buildings (scheduled and non-scheduled sites)</p> <p>If required by Council any buildings and/or structures left unused and in disrepair or derelict shall be removed or repaired within 2 years of the notice being served.</p> <p>Amend Definition for 'Building' to refer to the Building Act 2004 and delete The Third Schedule of the Building Act 1991 defines Exempt Buildings and Building Work. For the avoidance of doubt, excluded from the definition of "Building" shall be any detached building or structure 10m² or less in area which does not exceed one storey, and does not contain sleeping accommodation or sanitary facilities for the storage of potable water located closer than its own height to any legal boundary or any residential accommodation. For requirements regarding buildings not requiring building consent see Section 4.6.'</p> <p>Amend Replace existing 'Apex gable end' diagram in Appendix 2 with 'Building</p>	
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	height control in relation to boundary Figure 2' (below).	
<u>Amend</u>	Section 1 of the Proposed Plan to remove existing provisions which will be made redundant by Plan Change 47 including;	
	1.4.20 Subdivision – See Section 6	
	1.4.21 Subdivision – restricted discretionary activities in Precinct F	
	1.2.31 Neighbourhood Node – restricted discretionary activities	
	1.2.32 Comprehensive Residential Development	

**Building height control in relation to boundary:
Figure 2**



Height measured at the boundary from natural ground level

• Rules	<p><u>Insert</u> Rule 5.9.1(iv)(c) in relation to the restriction on access to the state highway for the new industrial zone at Matamata.</p> <p><i><u>(c) Subdivision and development of the Industrial Zone area east of Rockford St (Lot 2 DP 313622 and PTL 4 DPS 803) shall not have direct access onto State Highway 24. Failure to comply with this rule will require resource consent as a Non-Complying Activity.</u></i></p>	This rule is for the new Industrial zone in Morrinsville and seeks to ensure that no direct access is available to the state highway.
• Rules	<p><u>Insert</u> Rule 5.9.1(vi) in relation to firefighting water supply.</p> <p><u>(vi) Firefighting Water Supply</u></p> <p><i><u>Where a connection to a reticulated water supply is not possible, adequate provision shall be made for firefighting water supply and access to the supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u></i></p> <p><u>Insert</u> Rule 5.9.2(vi) in relation to firefighting water supply.</p> <p><u>(vi) Firefighting Water Supply</u></p> <p><i><u>Failure to comply with Rule 5.9.1(vi) shall be considered a Restricted Discretionary Activity. Council has restricted its discretion to the matters outlined in Section 5.9.3(vi). If consent is granted Council may impose conditions to avoid, remedy or mitigate adverse effects relating to these matters.</u></i></p> <p><u>Insert</u> Rule 5.9.3(vi) in relation to firefighting water supply.</p>	These changes are in response to the NZ Fire Service submission.

	<p><u>(vi) Firefighting Water Supply</u></p> <p><u>The need to provide adequate supply for firefighting purpose and access to the supply.</u></p>	
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PLAN CHANGE 47 – PROPOSED PLAN PROVISIONS - SECTION 6 (INCLUDING RECOMMENDATIONS FROM HEARINGS REPORT)

The following table of changes is the notified version of the proposed Plan Change including the additional amendments recommended from the Hearings report. The notified rule changes are shown in **red** text. Recommended changes from the hearings report to rule provisions are shown in blue underline and ~~blue strikeout~~, with comments made in **blue** where changes to plan zones and overlays are proposed.

The rule provisions for Horrell Road have been retained in the rule provisions as notified and are highlighted **yellow**. This is to act as a place holder and no decisions on these provisions will be made as part of the current hearings process.

6 Subdivision

6.1 Activity Table

KEY							
P	Permitted activity	C	Controlled activity				
D	Discretionary activity	RD	Restricted Discretionary activity				
N/C	Non Complying activity	PRHB	Prohibited activity				
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5							
Type of subdivision		Zones					
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
6.1.1	All Zones						
(a)	Boundary Adjustment	C	C	C	C	C	C
(b)	Bonus Protection Lots	D	D	D	D	D	D
(c)	Works and Network Utilities.	C	C	C	C	C	C
(d)	Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> Within a National Grid Subdivision Corridor; Within 20m either side of the centreline of a sub-transmission line. 	RD	RD	RD	RD	RD	RD
(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> Any state highway, or A railway line included in the definition of "regionally significant infrastructure" 	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12
(f)	Subdivision of Scheduled Sites				D		
6.1.2	Subdivision in Residential, Business and Industrial Zones						
(a)	Residential Infill			See Rule 4.13			
(b)	Residential Minimum Lot size 450m ² net site area			C			
(c)	Industrial (non-scheduled sites) Minimum Lot size 500m ² net site area				C		
(d)	Business (Non Shop Frontage Area). Minimum Lot size 500m ² net site area.					C	
(e)	Business (Shop Frontage Area) No minimum Lot size.					C	
(f)	Subdivision in accordance with Rule 6.1.2(b)-2(e) where more than 10 lots is proposed			RD	RD	RD	
(g)	Subdivision within the Banks Road Structure Plan Area complying with the average and minimum lot size specified in Rule 6.3.2.			C			
(h)	Subdivision within the Eldonwood South, Tower Road or Stirling Street Structure Plan Areas			RD			

KEY						
P	Permitted activity	C	Controlled activity			
D	Discretionary activity	RD	Restricted Discretionary activity			
N/C	Non Complying activity	PRHB	Prohibited activity			
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5						
Type of subdivision		Zones				
		Rural	Rural-Res	Residential	Industrial	Business
6.1.3	Rural-Residential					
(a)	Rural-Residential 1 and 2.		RD (see Rule 6.3.5)			
(b)	Subdivision within the Eldonwood South Structure Plan Area.		RD			
(c)	Subdivision within the Horrell Road Structure Plan Area.		RD			
6.1.4	Rural Subdivision on High Quality Soils					
(a)	Rural lot. Minimum lot size 40ha.	C				
(b)	Small Rural Lot. One Small Rural Lot per title in existence at 4 December 2013 or per title created after 4 December 2013 where an entitlement to apply for subdivision of a Small Rural Lot as a controlled activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size between 8ha and 40ha and subject to a balance lot area of 20ha or more.	C				
(c)	One Rural Lifestyle Lot per title in existence at November 1996 or per title created as a result of a Small Rural lot subdivision after November 1996 where an entitlement to apply for subdivision of a Rural Lifestyle Lot as a restricted discretionary activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size of between 2500m ² and 10,000m ² and subject to a balance area of 40ha or more.	RD				
6.1.5	Rural Subdivision on General Quality Soils					
(a)	Rural lot. Minimum lot size 20ha.	C				
(b)	Small Rural Lot. One Small Rural Lot per title in existence at 4 December 2013 or per title created after 4 December 2013 where an entitlement to apply for subdivision of a Small Rural Lot as a controlled activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size between 8ha	C				

KEY						
P	Permitted activity	C	Controlled activity			
D	Discretionary activity	RD	Restricted Discretionary activity			
N/C	Non Complying activity	PRHB	Prohibited activity			
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5						
Type of subdivision		Zones				
		Rural	Rural-Res	Residential	Industrial	Business
	and 20ha and subject to a balance lot area of 20ha or more.					
(c)	One Rural Lifestyle Lot per title in existence at 4 December 2013 or per title created as a result of a Small Rural lot subdivision after 4 December 2013 where an entitlement to apply for subdivision of a Rural Lifestyle Lot as a restricted discretionary activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size between 5000m ² and 2ha and subject to a balance area of 8ha or more.	RD				
6.1.6	Rural Lot with a complying dwelling site:					
(a)	Within 500 metres of an existing intensive farm as at 1 September 2003.	RD	RD			
(b)	Within 250 metres of an existing litter poultry farm as at 1 September 2003.	RD	RD			
	Measurement of the separation of Intensive Farming/Litter Poultry Farming is to be from the perimeter of the existing sheds/facilities exclusive of spray irrigation areas.					
(c)	Within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou as at 1 September 2003.	RD	RD			
(d)	Within 300 metres of the existing Fonterra – (Waitoa) wastewater plant as at 1 September 2003.	RD	RD			
(e)	Within the Reverse Sensitivity Areas for the Motumaoho Quarry as shown in Appendix 8 as at 13 May 2005.	RD	RD			
6.1.7	Rural Zone					
(a)	Boundary Relocation Lot.	D				
(b)	Equine Lots within the identified Equine Areas	D				
<i>Note: Subdivision of land within areas identified as Natural Hazards on the Planning Maps. See Section 11.</i>						

Structure Plans include:

- Banks Road, Matamata
- Eldonwood South, Matamata
- Tower Road, Matamata
- Horrell Road, Morrinsville
- Stirling Street, Te Aroha

Refer to Planning Maps and Appendix 9 for Structure Plans.

Advice Note: Works in close proximity to all electric lines can be dangerous. Compliance with the NZECP 34 is mandatory for buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting.

6.2 General Performance Standards

6.2.1 All Subdivision – General Performance Standards

(i) General performance standards

All subdivision shall comply with the relevant performance standards in this section (General Performance Standards).

(ii) Controlled Assessment Criteria

The matters of control within Section 6.4 shall apply.

(iii) Non-compliance

Any subdivision proposal which does not comply with (i) above and is not subject to a rule provision which assigns an alternative activity status, shall be a Restricted Discretionary activity.

6.2.2 Applicant's representative

Applications for subdivision consent shall be prepared by a registered surveyor or other qualified person and shall be drawn to scale with appropriate key and supporting documentation as specified in General Provisions: Information Requirements, Section 1.

Applications for subdivision consent (i.e. the plans and report) shall be submitted to the Council for consent before any work involving disturbance of the land surface or excavation of the land surface (other than work necessary to prepare the application) is undertaken.

Should any variations be proposed that are not in accordance with the Development Manual being the preferred means of compliance a "Specification Variation Request" should be provided to Council for evaluation and confirmation. The process is outlined within the Development Manual. This is a variation to the specification within the Development Manual, rather than a variation under the provisions of the Resource Management Act 1991. However, where the District

Plan requires a standard referred to in the Development Manual to be met, a resource consent is requires to depart from the standard.

6.2.3 Infrastructure and sServicing sStandards

- (i) The standards within Section 5.9 shall apply.
- (ii) In addition, adequate provision shall be made for on-site wastewater and stormwater disposal for subdivision in the Rural and Rural-Residential zones.

6.2.4 Development sSuitability

- (i) Building site

Each lot must contain a minimum 150m² rectangular area of land for a building site with no dimension less than 10m measuring no less than 10 metres by 15 metres with provisions for a 6m diameter circle to the north, east or west of rectangle area. The area shall also be free of impediments to buildings such as: drainage lines, building line restrictions, easements, development controls, protected registered significant features or other items or topographical impediments.

- (ii) Council will require a report, including certification from an appropriately qualified person(s), stating that the land is suitable for the activities anticipated in the zone, or the development proposed, and/or the conditions under which development will be appropriate including:
 - (a) Each building area as described in (i) above is free from flooding or inundation, erosion, subsidence and thermal ground;
 - (b) Slope stability, foundations of structures, major earthworks including access tracks and roads;
 - (c) Ground water table levels;
 - (d) Earthquake faultlines or other seismic hazard;
 - (e) For contaminated sites, a report on the extent and likely effect of the contamination on the proposed activity, including any off-site effects that may occur as a result of disturbance or development of the site;
 - (f) The matters within the Development Manual.

The report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based.

- (iii) Where a site lies outside of the hazard areas but may be subject to any:
 - Natural hazard;
 - Slope stability issues; or
 - Ground conditions not suitable for the foundations of buildings, services or other works;

Any persons proposing to use, develop (including bulk earthworks) or subdivide the site will require a site evaluation from a suitably qualified engineer or other person confirming that the site can be safely developed

without adverse effects either on or off the site for a permitted activity including necessary access and servicing requirements.

6.2.5 Development Contributions

The standards within Section 7 shall apply.

The **consent holder** shall contribute to the provision of services, reserves and recreation facilities identified as being necessary to serve the anticipated demand resulting from the subdivision of the land.

The **consent holder** shall provide any other services required at their own expense.

6.2.6 Esplanades

(i) Esplanade reserves

Where subdivision occurs, creating lots less than 4 hectares, or greater than 4 hectares along rivers specified in (d) below, Council shall require esplanade reserves of 20m in width. However in some circumstances it may be appropriate either to increase or decrease the width of the reserve or to establish an esplanade strip as an alternative.

(a) An esplanade reserve may be reduced below 20m in the following circumstances:

- Where an existing structure is located within the 20m reserve and an appropriately smaller esplanade reserve can be vested;
- Where a natural hazard protection area is operative on land that would otherwise be an esplanade reserve;
- Where the topography limits the effectiveness of the reserve.

(b) An esplanade reserve of a greater width than 20m may be taken in the following circumstances:

- Where the area has significant conservation and heritage values which require protection greater than a 20m reserve can provide;
- Where the topography requires it to be more effective.

(c) An esplanade reserve may be waived in the following circumstances:

- Where the land is identified on a Queen Elizabeth II National Trust Protective Covenant, Reserves Act Covenant, Conservation Act Covenant or other Covenant that is in perpetuity;
- Where by reason of public safety and/or security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example, where there are defence lands, existing public road, sensitive machinery, irrigation works or activities.

- (d) Where subdivision occurs creating lots 4 hectares or more in size, Esplanade Reserves shall be taken along the following rivers:
- Waihou, Waitoa, Piako, Waitakaruru, Waiomou, Rapurapu, Topehaehae and from land immediately adjoining the Kopuatai Peat Dome;
 - The width of the reserve shall be 20m unless any of the above circumstances (a, b or c) apply.
- (ii) Esplanade strips
- (a) An esplanade strip may be established instead of an esplanade reserve in the following circumstances:
- Where significant erosion is known to occur.
- (b) Where an esplanade strip is considered to be more appropriate than an esplanade reserve, the width of that esplanade strip shall be:
- A minimum of 20m where erosion is a known problem;
 - A minimum of 5m where the esplanade strip is established solely for access purposes.
- The situations relating to a reduction or increase in width of esplanade reserves shall relate to the physical conditions of the site.
- (iii) Access strips
- (a) An access strip may be established instead of an esplanade reserve or an esplanade strip in the following circumstances:
- Where for reasons of public security or public safety restrictions, access is required;
 - Where existing development means that an esplanade reserve or esplanade strip cannot practically be established;
 - Where roads are available for the purpose.

6.2.7 Protection and preservation of existing drainage channels

All subdivisions shall be planned, designed and constructed so as to:

- (i) Protect and preserve existing natural or open drainage channels;
- (ii) Ensure all drainage systems do not cause erosion or flooding outside the subdivision to any greater extent that would occur in the absence of subdivision and improvements;
- (iii) Avoid flooding of land;
- (iv) Leave all drainage channels in as natural a condition as possible, enhance fish habitats and water quality with riparian planting where appropriate;
- (v) Provide for crossing of water courses whose bed has an average width of 3 metres or more by spanning so that natural stream beds will not be altered thereby causing adverse environmental damage.

See also Section 8: Works and Network Utilities and Section 11: Natural Hazards.

6.2.8 Earthworks

See Performance Standards: Section 5 and the requirements of the Development Manual.

6.2.9 Natural Hazards

See Natural Hazards: Section 11.

6.2.10 Conservation

See Performance Standards: Section 5.

6.2.11 Vesting of beds and rivers

The bed of any river over 3 metres in width included in a subdivision consent shall be vested in the Crown.

6.2.12 Protection of scheduled significant items

Council shall require the legal protection in perpetuity of any scheduled significant item or feature with the exception of Scheduled Item 213 of Schedule 3, as a condition of subdivision consent. Scheduled significant items are listed in Schedules 1, 2 and 3.

- (a) Council shall require that legal boundaries are located in a position that does not impair or destroy the integrity of the scheduled significant item;
- (b) Suitably qualified persons shall, be engaged, if necessary, to determine the boundaries or significance of such items;
- (c) Any such required protective measures shall be taken into account when addressing the Development Contribution for reserves that would otherwise apply. See Section 7: Development Contributions.

6.2.13 Protection of other items

Council may require, as a condition of subdivision consent, the legal protection in perpetuity of a significant feature that is found to exist on the property for the purpose of protecting the feature. A feature may include an area or item of significant indigenous, ecological, landscape or heritage value to the community.

Provided that this rule shall not apply to Scheduled Item 213 of Schedule 3 and where approval has otherwise been given for use of archaeological sites from **Heritage New Zealand**. Evaluation shall be undertaken in accordance with the criteria in Appendix 1. The feature/area must be fully described and intrinsic value ranked alongside other similar features. Any protective measures shall be taken into account when assessing the financial contribution for reserves that would otherwise apply. See Development Contributions: Section 7.

Council may require that legal boundaries are located in a position that does not impair or destroy the integrity of the significant feature found to exist on the property.

6.2.14 Protection of riparian areas

See Performance Standards: Section 5.1.1.

6.2.15 Existing buildings to comply

All subdivision consent applications shall demonstrate that existing and proposed buildings comply with the provisions of the District Plan once the new lots have been created.

If an existing building is unable to comply with the provisions of the District Plan with respect to yard setbacks from external, un-changed boundaries a land use consent will not be required in respect of this non-compliance.

6.3 Additional pPerformance sStandards by sSubdivision aActivity

The following additional performance standards will apply in the specific circumstances identified in the specific rule provision and are in addition to the General pPerformance sStandards listed in Section 6.2.

6.3.1 Residential, Business and Industrial (non-scheduled) lots s (Controlled aActivity)

(i) Additional performance standards

For subdivisions proposing five or more lots in accordance with Rule 6.1.2(b)-(f), at least one half of all lots shall have an area greater than 650m² net site area and at least one quarter of all lots shall have an area greater than 800m².

(ii) Controlled Assessment cCriteria

See Section 6.4.

(iii) Non-compliance

Subdivision that fails to comply with the controlled activity standard in 6.3.1(i) above shall be considered a discretionary activity.

6.3.2 Banks Road Structure Plan aArea (Controlled aActivity)

- (i) Additional performance standards for subdivisions utilising Rule 6.1.2(i):
 - Compliance with the Banks Road, Matamata – Development Structure Plan;
- (ii) Controlled Assessment cCriteria
See Section 6.4.
- (iii) Non-compliance
Subdivision that fails to comply with the additional controlled standards in 6.3.2(i) above shall be a non-complying activity.

6.3.3 Structure Plan aAreas (Restricted Discretionary aActivity)

- (i) Additional pPerformance sStandards
Compliance with the relevant Structure Plan for subdivision within the following areas:
 - Eldonwood South Structure Plan
 - Tower Road Structure Plan
 - Horrell Road Structure Plan
 - Stirling Street Structure Plan

Note: The Structure Plans provide important rules that affect the type of subdivision which may be granted including in some cases, restrictions on the number of lots that may be consented.
- (ii) Restricted Discretionary aAssessment cCriteria
See Section 6.5.
- (iii) Non-compliance
Subdivisions within the Structure Plan areas that fails to comply with the additional restricted discretionary standard in 6.3.3(i) above shall be a non-complying activity.

6.3.4 General gQuality sSoils (controlled activity and restricted discretionary)

- (i) General quality soils – additional performance standard
For subdivisions utilising the general quality soils lot rules the parent lot shall contain no more than 25% high quality soils and site specific soil classification assessment from a suitably qualified person may be required to determine the amount of high quality soils on the site at a scale of 1:5,000.
- (ii) Controlled and Restricted Discretionary aAssessment cCriteria
- (iii) Non-compliance
Subdivisions utilising the general quality soil rules that fails to comply with the standards in 6.3.4(i) above shall be a non-complying activity.

6.3.5 Rural-Residential zone (Restricted Discretionary activity)

(i) Additional performance standards

	Density (per existing title)	Minimum Lot Size	Additional provisions
Rural-Residential 1	1 lot per ha	2,500m ²	<ul style="list-style-type: none"> Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at least half of the total number of additional lots proposed.
Rural-Residential 2	1 lot per 5,000m ²	2,500m ²	<ul style="list-style-type: none"> Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at least half of the total number of additional lots proposed. Any previous restriction regarding average lot sizes from subdivisions granted prior to [insert date of Plan Change becoming operative] shall be nullified.

(ii) Access to all lots created from one title is to be from a new road or, if none is provided for, then one entranceway off an existing road.

(iii) **Restricted Discretionary** [aAssessment](#) [cCriteria](#)

See Section 6.5.

(iv) Non-compliance

Any subdivision proposed which does not comply with 6.3.5(i) and (ii) above shall be a non-complying activity.

6.3.6 Boundary adjustment (Controlled activity)

(i) Additional [pPerformance](#) standards

For subdivisions utilising the boundary adjustment rule (Rule 6.1.1(a)) the following standards shall apply:

(a) The adjustment of boundaries between any existing allotments which will result in no additional lots being created and leave each of the allotments involved with substantially unchanged frontages and areas. A threshold of ten percent shall generally apply to the respective lot areas.

(b) No additional potential for a dwelling as a permitted activity and no additional subdivision potential is created, beyond what was already provided for prior to the application for a boundary adjustment.

(c) A variation to an existing cross lease plan that is required to show new building(s) and/or building line

extension(s) provided that any new building(s) and/or extension(s) have obtained a building consent; and

(ii) **Controlled aAssessment cCriteria**

See Section 6.4.

(iii) **Non-compliance**

Any subdivision proposed which does not comply with 6.3.6(i) above shall be a **non-complying** activity.

6.3.7 Works and network utilities (Controlled activity)

In any zone the minimum size for subdivision shall not apply where a subdivision is required for the purposes of a network utility or public work.

(i) **Additional pPerformance standards**

For subdivisions utilising the works and network utilities rule (Rule 6.1.1.(c) the following performance standard shall apply:

The subdivision must be required for the purpose of a work or network utility as defined in Section 15.

(ii) **Controlled aAssessment cCriteria**

See Section 6.4.

(iii) **Non-compliance**

Any subdivision which does not comply with 6.3.7(i) above shall be a **non-complying** activity.

(iv) **Notification**

A subdivision for a work or network utility utilising this rule shall not be subject to public or limited notification.

6.3.8 Bonus protection lot (Discretionary activity)

(i) **Additional pPerformance standards**

For subdivisions utilising the bonus protection lot rule (Rule 6.1.1.(b) the following standards shall apply:

(a) Where an identified significant feature registered in the Plan or any other feature proven to be of natural, historical, ecological or cultural significance is to be legally and physically protected in perpetuity, one residential lot may be created from the parent lot where the area to be protected is 1 to 15 hectares in area provided that:

One further house site may be permitted where the area to be protected is greater than 15 hectares provided however in both cases the whole of the bush, feature or area worthy of protection on the property must be protected and no area of bush or other feature can be left out or divided for the purposes of obtaining additional lots;

The residential lot created is to have a maximum area of 5,000 m² and a minimum area of 2500 m² exclusive of the area/feature to be protected.

- (b) Other “features of significance” shall require certification from an appropriately qualified person that the feature is of such value that it is in the public interest for the feature to be protected in perpetuity. The feature/area must be fully described and its intrinsic value ranked alongside other similar features.
 - (c) The house lot must be on the property which contains the area to be protected but it may be distant from the area to be protected and the area to be protected may remain within the balance lot rather than be within the residential lot.
 - (d) The legal protection of the area/feature shall be achieved by way of a condition of the subdivision consent which requires a legal instrument to be registered on the title of the newly created lot. An agreement regarding an encumbrance or covenant must be entered into before the issue of the Section 224 Certificate under the Act.
 - (e) The physical protection of the feature shall be achieved by the erection and maintenance of fencing to a stock proof standard. The area must be kept free of livestock and as far as is practicable pests, plants and animals subject of a Regional Pest Management Strategy, and domestic and feral cats and, if flightless or ground nesting native birds are present, free of dogs. All protected features shall be identified by signs and plaques in an appropriate position. The covenant or encumbrance shall include enforcement and penalty provisions.
- (ii) **Discretionary aAssessment cCriteria**
See Section 6.6.
 - (iii) Non-compliance
Any subdivision proposed which does not comply with **Rule 6.3.8 (i)** above shall be a non-complying activity.

6.3.9 Boundary relocation lot (Discretionary activity)

- (i) Additional **pPerformance** standards
For subdivisions utilising the boundary relocation lot rule (Rule 6.1.7(a)) the following standards shall apply:
 - (a) The relocation of the common boundary between two existing directly adjoining Certificates of Title (excluding Certificates of Title created by stopped road or railway severances);

- (b) No additional potential for development shall be created for the new lots that did not exist prior to the application for boundary relocation;
- (c) The resultant lot size of one title has a maximum area of one hectare and a minimum area of 2,500m²;
Advice Note: A larger minimum net site area may be required to satisfy the requirements of the Waikato Regional Council for the disposal of stormwater and wastewater.
- (d) The before and after number of Certificates of Title containing in excess of 40ha shall be at least the same;
- (ii) **Discretionary Assessment Criteria**
See Section 6.6.
- (iii) Non-compliance
Any subdivision proposed which does not comply with **Rule 6.3.9** above shall be a non-complying activity.

6.3.10 ~~Equine Lots (Discretionary activity)~~

- ~~(i) Additional performance standards~~
 - ~~(a) Additional Equine Lots shall only be subdivided within the identified Equine Area.~~
 - ~~(b) Only one Additional Equine Lot shall be subdivided from a qualifying title. A qualifying title shall be defined as a title existing on [insert date of Plan Change becoming operative] which has an area of 4ha or more and is currently occupied by an existing dwelling.~~
 - ~~(c) The Additional Equine Lot shall have an area between 2ha and 4ha. The new lot and future equine activities shall be in addition to any existing equine activities which may currently exist on the parent title.~~
 - ~~(d) Any application for an Additional Equine Lot shall demonstrate a direct association with the equine sector and how the future use of the new lot will permanently accommodate equine related activities.~~
~~Note: For the purpose of this rule, a direct and permanent association with the equine sector may take the form of a permanent bridle path network and/or purpose built stables for a commercial equine enterprise. Domestic equine activities do not qualify for the creation of an additional Equine Lot.~~
 - ~~(e) Any Additional Equine Lot shall not provide for a new house site within 100m of a boundary with a site which is occupied by an intensive farming, industrial or other such like activity which may be affected by reverse sensitivity effects.~~
 - ~~(f) Any application for an Additional Equine Lot shall not result in a balance title of less than 8ha which is not occupied by an existing dwelling. The 'balance lot' is~~

~~the residual lot from which the Additional Equine Lot is to be subdivided.~~

~~(ii) Discretionary Assessment Criteria~~

~~See Section 6.6.~~

~~(iii) Non-compliance~~

~~Any Equine lot subdivision which does not comply with the additional performance standards in 6.3.10(i) shall be a Non-Complying Activity.~~

6.3.10 Subdivision within a National Grid Subdivision Corridor or within a 20m wide corridor either side of the centreline of a sub-transmission line (Restricted Discretionary activity)

(i) **Additional pPerformance standards**

For subdivisions utilising Rule 6.1.1(d) the following performance standards shall apply:

- (a) Subdivision within a National Grid Subdivision Corridor must nominate within each new vacant developable lot a designated building envelope (footprint and height) that is outside the National Grid Yard and complies with NZECP 34.
- (b) Subdivision within 20m either side of the centreline of a sub-transmission line must nominate within each new vacant developable lot a designated building envelope (footprint and height) that complies with NZECP 34.

(ii) **Restricted Discretionary aAssessment cCriteria**

See Section 6.5.

(iii) **Non-compliance**

Any subdivision proposed which does not comply with 6.3.11(i) above shall be considered a non-complying activity.

6.3.11 Subdivision with one or more new vacant developable lots adjoining any state highway, or railway line included in the definition of “regionally significant infrastructure”

(i) **Additional pPerformance standards**

(a) Subdivision must nominate within each new vacant developable lot a designated building envelope including balconies and decks that is setback a minimum distance of:

- 10m from the boundary of a state highway where the speed limit is 70km/h or less; or:
- 20m from the boundary of a state highway where the speed limit is more than 70km/h; and:

- 10m from the boundary of the railway corridor.

(ii) **Assessment cCriteria**

See Section 6.5.

(iii) **Non-compliance**

Any subdivision proposed which does not comply with (i) above shall be considered a non-complying activity.

Explanation

The minimum Lot size has been defined to retain the open character of the residential and business areas of the District.

It should be noted that for scheduled sites only there is no provision for subdivision to avoid fragmentation and sale of the significant Industrial areas and their associate buffers to other operators.

Council has adopted the rural subdivision minima to protect the high quality soils of the District as expressed in Objective 3.3.2.1 O2, O3 and corresponding Policy 3.3.2.1 P1, P2, P3 concerning Sustainable Activities. High quality soils shall be protected from inappropriate fragmentation and only limited opportunity for rural lifestyle lots shall be provided in the Rural zone. The boundary relocation lot provision may also provide for rural lifestyle lots and the creation of larger rural productive lots. Council shall monitor the use of such lands over the term of this District Plan.

6.4 Controlled aActivity aAssessment cCriteria

The Controlled aActivity assessment criteria in Rule 6.4.1 applies to all subdivision. The remaining assessment criteria apply in addition to 6.4.1 depending on the rule provisions applicable to the specific type and nature of subdivision application being assessed.

6.4.1 All Subdivision in all zZones

Council has reserved control and may impose conditions in respect of the following matters:

- (i) The performance standards listed in Section 6.2.

6.4.2 Subdivision in Rural and Rural-Residential zZones

Council has reserved control and may impose conditions in respect of the following matters:

- (i) Rural amenity and character
 - (a) The potential location of future development and the effect on the surrounding environment and rural **and rural-residential** character.
 - (b) The extent of existing vegetation which is to be retained.
- (ii) Reverse sensitivity
 - (a) The avoidance, or mitigation, of conflicts between activities and the potential reverse sensitivity effects on existing lawfully established activities.

6.4.3 Works and nNetwork uUtilities

Council has reserved control and may impose conditions in respect of the following matters:

- (i) The need for the proposed lot to have legal and/or physical access;
- (ii) The adequacy of the vehicle crossing serving the proposed lot and the need to create additional access;
- (iii) The adequacy of infrastructure serving the proposed lot and the need to provide additional infrastructure;
- (iv) The extent to which any subsequent use that is likely to be made of the proposed lot is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source;
- (v) The effects of the subdivision on the legal and/or physical access to the balance lot and the need to provide additional access and/or create right of way easements to protect the access;
- (vi) The effects of the subdivision on infrastructure serving the balance lot and the need to provide additional infrastructure and/or create easements to protect the infrastructure.

6.4.4 Kaitiaki (Conservation zZone)

Council has reserved control and may impose conditions in respect of the following matters:

- (i) The nature and extent of the proposed work and the degree to which it may disturb natural landforms, landscapes, features and vegetation, or create soil instability, or lead to adverse effects to natural habitats, watercourses and wetlands.
- (ii) Any proposal for use and development shall as far as practicable, be located, designed, constructed or placed to complement the character of the environment in which it is located.
- (iii) Use and development shall be considered inappropriate where it would modify, damage or destroy any regionally or nationally or internationally rare, threatened or endangered indigenous fauna or habitat of such fauna, plant or plant community, or any significant indigenous vegetation which contributes to the recognised values of the area.
- (iv) The location and extent of any archaeological cultural and historic sites within any area subject to the application and how they will be affected by the proposal.
- (v) The likely impact of the proposal on natural landforms in terms of visual appearance, and the potential for subsidence or erosion (including stream banks).
- (vi) Development proposals shall ensure that any run-off or stormwater resulting from the establishment of the activity does not lead to siltation, sedimentation, or a reduction of water quality in natural watercourses and groundwater that leads to adverse effects on identified natural habitats and ecosystems or detracts from the natural character of the environment.
- (vii) All existing indigenous vegetation shall be retained except where removal is unavoidable for the following reasons:
 - (a) To create a building platform;

- (b) For access and parking;
- (c) For the purposes of the proposed activity.
- (viii) Native vegetation removal and all earthworks must not adversely affect the sustainability of natural habitats and ecosystems.
- (ix) Details of an appropriate rehabilitation programme or other mitigation measures for the area to be subject to the proposed activities.
- (x) The time period over which the work will take place.
- (xi) The provisions of any relevant management plan or conservation plan.
- (xii) In addition to (i) – (xi) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Okauia 1 Block being Part DP7148, Okauia 4B Block, Lot 1 DPS 24315 Blocks IV and VIII Tapapa SD as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated.
- (xiii) In addition to (i) – (xi) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Section 126, Block II Tapapa East Survey District (CT SA5B/22) as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated.
- (xiv) And the standards and terms of 1.4.29(i).

6.4.5 Banks Road Structure Plan

Council has reserved control and may impose conditions in respect of compliance with the Banks Road – Development Structure Plan.

6.4.6 Future Residential Policy Areas

Council has reserved control and may impose conditions in respect of the following matter:

- (i) Whether the proposed land use or subdivision activity may compromise the future ability of the area to be developed for residential development and how this objective can be achieved through changes in the design or layout of the activity.

6.5 Restricted Discretionary aActivity aAssessment aCriteria

6.5.1 All Subdivision in all zZones

The relevant Controlled Activity assessment criteria in Section 6.4 shall also apply as assessment criteria for any subdivision which is a Restricted Discretionary activity.

6.5.2 Subdivision not complying with pPerformance sStandards

For subdivision which is a Restricted Discretionary Activity in accordance with Rule 6.2.1(iii), the assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) The potential and actual effects of the non-compliance with the performance standard,
- (ii) The appropriateness of alternative design solutions or mitigation methods and whether these provide for acceptable environmental and servicing outcomes.

6.5.3 Subdivision for more than 10 lots

For subdivision for more than 10 lots in accordance with Rule 6.1.2(f), the assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) Consistency with The New Zealand Urban Design Protocol and the National Guidelines for Crime Prevention Through Environmental Design principles within the Residential, Business and Industrial zones taking into account the following assessment framework.

Context: Seeing buildings, places and spaces as part of whole towns by analysing each project in relation to its setting and ensuring that each development fits in with and enhances its surroundings.

Each subdivision should take into account:

- Existing local landmarks and focal points.
- Walking distance to a range of services and amenities.
- Convenient access to public parks, open space and community facilities.

Character: Reflecting, enhancing and protecting the distinctive character, significant cultural and visual landscape features, historic heritage and cultural identity of the urban environment.

In particular the layout should contribute to the local identity of urban areas by:

- Responding to existing site characteristics.
- Responding to the surrounding environment.
- Protecting and enhancing built, cultural and visual landscape features, landforms and significant views.

Connections: Enhancing transportation networks and the links between the different transport modes (pedestrian, cycleway, street, etc.) to ensure safe and easy movement for people and the integration of the subdivision with surrounding neighbourhoods through these networks.

- Custodianship:** Ensuring that the design is environmentally and economically sustainable and that publicly accessible open spaces are well overlooked, safe and accessible.
- Collaboration:** Takes an approach to the design that acknowledges the contribution of different disciplines and perspectives, communicating and sharing knowledge for the integration of landuse, structures and networks.
- CPTED:** Crime Prevention through Environmental Design.
In particular this includes:
- Good visibility, sightlines and casual surveillance (overlooking) of public or publicly accessible spaces.
 - Safe routes and connections.
 - A clear and logical layout.

(ii) Compliance with the following urban design criteria.

- (a) The subdivision shall be integrated with the existing urban context.
- (b) The layout and pattern of development traditionally representative of the existing urban area shall be continued.
- (c) The design shall be highly connected with and between neighbourhoods for cycle, pedestrian and vehicle transport modes as appropriate to the scale of the subdivision.
- (d) Safe pedestrian and cycle routes should be generally integrated within the road reserve and other public open space.
- (e) Where appropriate and unless otherwise determined by an operative structure plan, all subdivision shall provide road and/or pedestrian connections between the land being subdivided, existing roads, adjoining properties, and balance lots in accordance with the Development Manual, including the minimum sight distances.

Any connections that are required above shall be vested as road and designed and constructed within 1m of the boundary.
- (f) The subdivision design shall retain key visual linkages within and between neighbourhoods.
- (g) The subdivision shall be representative of street, block and lot layouts and landscape elements that build on and integrate with the existing local residential character.
- (h) Public open space should be prominent and accessible, with good road frontage, within the local area.
- (i) There shall be a predominance of lots fronting the street.
- (j) Rear lot access areas should contain area available for landscaping.
- (k) Existing vegetation which contributes to the overall amenity and character of the site and neighbourhood shall where possible be retained or consideration to mitigation is required.

- (l) Where there are more than five lots a variety of lot sizes should be provided.
 - (m) Orientation of lots should maximise solar access.
 - (n) The design and lot layout should be designed to achieve casual surveillance of public open space.
- (iii) Council has prepared Urban Design Guidelines advice to assist applicants in preparing subdivision consent applications. Where compliance with the above provisions is not clearly demonstrated the Council may seek an independent peer review by a suitably experienced professional in the urban design field. Any such peer review shall be at the applicant's expense.
- (iv) Consistency with Rule 6.3.1.

6.5.4 Structure Plan aAreas

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters within the following Structure Plan areas:

- Eldonwood South
- Tower Road
- Horrell Road
- Stirling Street

The relevant matters are:

- (i) Compliance with the applicable Structure Plan.
- (ii) The timing, sequencing and funding of infrastructure to service the structure plan area.

6.5.5 Rural subdivision

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) Productive capability
 - (a) The effects on the productive capability of the soil resource.
 - (b) The degree to which the soil resource, in the potential area of development, has already been compromised.
- (ii) Rural amenity and character
 - (a) Effect on the rural environment, including character, amenity and visual effects.
 - (b) The potential location of future development and the effect on the surrounding environment.
 - (c) The extent of existing vegetation which is to be retained.
 - (d) A variety of lot sizes is provided in accordance with the rural provisions. The clustering of lots will only be considered in specific circumstances where it can be demonstrated that a more

appropriate form of rural amenity and design is achieved, cumulative effects are avoided and appropriate mitigation is provided.

(iii) Visual

(a) The visual effects of a subdivision will be assessed in terms of the likely effect on:

- The surrounding environment and general landscape character (including ridgelines and view planes) with particular consideration of public roads, public reserves, identified significant features, Residential zones, dwellings in Rural zones, or marae in the vicinity of the proposed facility;
- Design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
- The mitigating effects of any proposed landscaping.

(b) In making an assessment of visual impact for a subdivision consent potential building platforms shall be identified and regard shall be had to the following and conditions may be imposed in respect of these matters:

- The scale of a potential building;
- Height, cross sectional area, colour and texture of possible buildings on the building platforms identified;
- Distance of structures to site boundaries, the degree of compatibility with surrounding properties;
- Site location in terms of the general locality, topography, geographical features, adjoining land use, i.e. landscape character, rural houses;
- Proposed planting, fencing and other landscaping treatments.

(c) In assessing any proposed landscaping regard shall be had to:

- Whether existing landscape features are integrated into the new subdivision layout;
- Whether the layout and design are of a high standard, and provide a visual environment that is interesting and in scale with the proposed subdivision and possible future development;
- Size and type of trees to be planted at the time of planting and at maturity having considered:
 - The character of the site;
 - The character of adjacent properties;
 - Potential shadowing in winter of adjacent properties or reserves;
 - Underground and overground services;
 - Suitability of the species to the location;

- Suitability of the maintenance plan and watering programme to the species.
 - The timing of implementation of the landscape plan and the maintenance of approved planting;
 - Whether the type and the location of planting promotes public safety;
 - Whether the Landscape Plan is certified by an appropriately qualified person as consisting of hardy plants suited to the location and capable of achieving the appropriate screening or enhancement purposes desired in the circumstances;
 - The Preliminary Visual and Landscape Study, October 1992 (Volume I);
 - Whether any landscaping or screening adversely affects the safe and efficient operation and function of the transportation networks.
- (iv) Reverse sensitivity
- (a) The avoidance of conflicts between activities and potential reverse sensitivity effects on lawfully established activities.
 - (b) Where conflict or reverse sensitivity effects cannot be avoided, the effectiveness and appropriateness of mitigation measures to protect lawfully established activities.
- (v) Transportation, traffic and access
- (a) Whether the subdivision addresses, and where necessary mitigates, the extent and nature of effects from additional traffic on the road network.
 - (b) Whether any reverse sensitivity effects can arise from the subdivision taking into account the criteria in Rule 6.5.5(iv).
 - (c) The safety and efficiency of vehicle access and the roading network.
 - (d) Should any roading, access or infrastructure service be required, particular regard shall be had to any necessary easements that may be required for public infrastructure or stormwater disposal.
 - (e) The following matters:
 - Traffic volumes, traffic mix relative to the existing and future traffic patterns, speed environment, access, parking and loading on-site;
 - Construction traffic volumes, traffic mix, hours of operation;
 - The operational requirements of the activity (e.g. wherever more than one access facilitates the safe and efficient movement of vehicles to and from the site);
 - The extent to which potential adverse effects of the activity on traffic safety and efficiency will be avoided, remedied or mitigated by implementing traffic management measures such as:
 - Flush medians or solid medians;

- Deceleration and acceleration lanes on state highways;
- The careful design and location of access points on to roads, particularly state highways;
- The effects of the activity having regard to the LTSA Guidelines for Service Stations (to the extent that these are relevant to other high traffic generating uses);
- The effects, including cumulative effects on the safe and efficient function of the transportation networks.

(vi) Servicing

- (a) Whether sites can be adequately managed for on-site stormwater (while managing cumulative effects on a catchment wide basis), wastewater, water supply and utilities.
- (b) Whether the subdivision is in general accordance with the Development Manual.
- (c) The effects on the public services the Council is responsible for in the locality or district and that the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which “development contributions” may be required to offset adverse effects).
- (d) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that development and the provision of infrastructure keep pace with each other.
- (e) Whether the subdivision is consistent with any approved discharge consent, and/or relevant regional technical publication. Further, that appropriate measures are proposed to avoid, remedy or mitigate the effects of stormwater discharges onto the subdivision site and from the subdivision site onto any other lot.
- (f) The proposal shall be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of ground or water or Council’s stormwater system. Techniques such as bunding, impermeable layers under bunds and interceptors may be required. The extent of measures required will be determined after consideration of the Building Code and the sensitivity of the receiving environment to discharges.

(vii) Soil quality

The following criteria shall only apply to subdivisions **utilising the high quality soils rules** (in addition to the above criteria):

- (a) The amount of earthworks of high quality soils for access, building platforms, building curtilage and associated services shall be minimised.
- (b) Continuous areas of high quality soils are maintained.
- (c) That the high quality soils on the site are not degraded, compromised or lost as a result of the proposal.
- (d) That the productive potential of a site in terms of reliance on soils shall be at least retained.

6.5.6 Rural-Residential subdivision

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

(i) Visual

The visual effects of a subdivision will be assessed in terms of the likely effect on:

- The surrounding environment and general landscape character (including ridgelines and view planes) with particular consideration of public roads, public reserves, identified significant features, Residential zones, dwellings in Rural zones, or marae in the vicinity of the proposed facility;
- Design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
- The mitigating effects of any proposed landscaping.

(ii) Reverse sensitivity

- (a) The avoidance of conflicts between activities and potential reverse sensitivity effects on lawfully established activities.
- (b) Where conflict or reverse sensitivity effects cannot be avoided, the effectiveness and appropriateness of mitigation measures to protect lawfully established activities.

(iii) Transportation, traffic and access

- (a) Whether the subdivision addresses, and where necessary mitigates, the extent and nature of effects from additional traffic on the road network.
- (b) Whether any reverse sensitivity effects can arise from the subdivision taking into account the criteria in Rule 6.5.6(ii).
- (c) The safety and efficiency of vehicle access and the roading network.
- (d) Should any roading, access or infrastructure service be required, particular regard shall be had to any necessary easements that may be required for public infrastructure or stormwater disposal.
- (e) The following matters:
 - Traffic volumes, traffic mix relative to the existing and future traffic patterns, speed environment, access, parking and loading on-site;
 - Construction traffic volumes, traffic mix, hours of operation;
 - The operational requirements of the activity (e.g. wherever more than one access facilitates the safe and efficient movement of vehicles to and from the site);
 - The extent to which potential adverse effects of the activity on traffic safety and efficiency will be avoided, remedied or mitigated by implementing traffic management measures such as:

- Flush medians or solid medians;
 - Deceleration and acceleration lanes on state highways;
 - The careful design and location of access points on to roads, particularly state highways;
 - The effects of the activity having regard to the LTSA Guidelines for Service Stations (to the extent that these are relevant to other high traffic generating uses);
 - The effects, including cumulative effects on the safe and efficient function of the transportation networks.
- (vi) Servicing
- (a) Whether sites can be adequately managed for on-site stormwater (while managing cumulative effects on a catchment wide basis), wastewater, water supply and utilities.
 - (b) Whether the subdivision is in general accordance with the Development Manual.
 - (c) The effects on the public services the Council is responsible for in the locality or district and that the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which “development contributions” may be required to offset adverse effects).
 - (d) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that development and the provision of infrastructure keep pace with each other.
 - (e) Whether the subdivision is consistent with any approved discharge consent, and/or relevant regional technical publication. Further, that appropriate measures are proposed to avoid, remedy or mitigate the effects of stormwater discharges onto the subdivision site and from the subdivision site onto any other lot.
 - (f) The proposal shall be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of ground or water or Council’s stormwater system. Techniques such as bunding, impermeable layers under bunds and interceptors may be required. The extent of measures required will be determined after consideration of the Building Code and the sensitivity of the receiving environment to discharges.

6.5.7 Transmission Corridors

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing National Grid and sub-transmission lines, for example through the location and design of roads, reserves and landscaping under the route of the line;
- (ii) The ability for maintenance and inspection of National Grid and sub-transmission lines including ensuring access;

- (iii) The extent to which the design and development will minimise risk, injury or property damage from such lines;
- (iv) The extent to which potential adverse effects from, and on, the line, including risks, reverse-sensitivity, and visual effects, are mitigated, for example through the location of building platforms;
- (v) The ability to provide a complying building platform;
- (vi) Compliance with NZECP 34;
- (vii) Technical advice provided by the affected line owner/operator.

6.5.8 Rural Lots (Subject to Rule 6.1.6)

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) Any reverse sensitivity effect which may arise from the proposed subdivision/residential development in respect of any lawfully existing activities (“relevant existing activity”) in the vicinity. Sensitivity of proposed residents is to be considered in respect of the nature, scale and size of the subdivision/residential development and its location and topographical relationship to, and distance and bearing from, the relevant existing activity. As a reverse sensitivity effect may be present only in certain circumstances, the following factors will be relevant and should be taken into account:
 - (a) The frequency of the relevant adverse effect;
 - (b) The duration of the relevant adverse effect and time of exposure;
 - (c) The character and intensity of the relevant adverse effect;
 - (d) The location of the relevant adverse effect;
 - (e) Previous experiences of people with the relevant adverse effect;
 - (f) Existing levels of sensitivity;
 - (g) Whether or not mitigation measures can be put in place;
 - (h) The effects of the relevant established existing activity in its particular environment having regard to such factors as direction and velocity of wind and air movement and the extent to which mitigation of adverse effects is reasonable;
 - (i) Whether mitigation of the reverse sensitivity effect by the applicant for the proposed subdivision/residential development is in all the circumstances reasonable whether by way of design, earthworks, planting or moving the proposal (either by increasing the separation from the relevant existing activity, or by changing the bearing from the relevant existing activity by moving a proposed house site within the lot).
- (ii) On receipt of the resource consent application the Council shall notify the owner/operator of the relevant existing activity which has triggered this rule, and the owner/operator shall advise within 10 working days if he/she wishes to enter into consultation as to whether the proposal will give rise to a reverse sensitivity effect.
- (iii) Following the opportunity for consultation, the Council shall proceed to deal with the application in the ordinary manner.

Advice note: For the guidance of Council, when assessing an application for such consent the Council will request the owner/operator of the relevant existing activity to provide an assessment of its effects to which the proposed dwelling or site will probably be subject. This assessment shall address criteria (a) to (i) above and, subject to any agreement between the applicant and the owner/operator, shall be provided at the cost of the owner/operator.

6.6 Discretionary and Non-Complying aAssessment cCriteria

6.6.1 All Subdivision in all zZones

The Controlled and Restricted Discretionary aAssessment criteria may be used as a framework for assessing Discretionary and Non-Complying subdivision. However all actual and potential effects from any such subdivision shall be assessed and may be used in determining an application and/or imposing conditions.

6.6.2 Bonus protection lots

Council shall assess the significance of the area being protected, in particular the following:

- (a) With regard to native bush. See Appendix 1 for Evaluation Criteria for Significant Natural Features:
 - That the area of bush is at least 1 hectare in size;
 - Consists of a coherent well-developed canopy of native species;
 - Contains at least 25% of mature native trees;
 - Consists of a representative range of type native species;
 - Represents a significant or prominent landscape feature.
- (b) With regard to areas of biological or scientific significance. See Appendix 1 for Evaluation Criteria for Significant Natural Features.
 - The habitat of rare and endangered species;
 - An area of recognised wildlife significance;
 - A significant or uncommon geological feature;
 - A freshwater wetland;
 - An uncommon indigenous vegetation community.
- (c) With regard to historic features or sites. See Appendix 1 for Evaluation Criteria for Buildings and Objects.
 - The degree of risk which the historic feature or site is subject to and the benefit that will be realised by the granting of subdivision consent;
 - Alternative protection methods;

- Ongoing responsibility and costs to the community in not protecting/protecting the heritage feature or site.
- (d) The extent to which the subdivision affects the usability of the balance lot for rural activities.
- (e) The location and appropriateness of the protection lot, in particular the effect that a dwelling will have on the protected feature.

Objectives/Policies		
2.4.1	O1	P1, P2
2.4.2	O1, O3	P1, P3
2.4.6	O1	P1, P2, P3, P4, P5
2.4.7	O1, O2, O3	P5, P7
3.1.2.1	O1	P1
3.1.2.2	O1	P3, P4
3.1.2.3	O1	P1, P2, P4, P6
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1
3.3.2.1	O1, O2, O3, P4	P1, P2, P3, P4, P5, P6
3.4.2.1	O1, O2, O3, O4, O5	P1, P2, P3, P4, P5, P6, P7, P8,
3.5.2.1	O2	P1, P2, P3, P4, P5, P6
3.5.2.2	O1, O2, O3	P1, P5, P7, P9
3.5.2.3	O4	P5, P6
3.7.2.1	O1, O2	P2, P3, P4, P5, P6, P9
3.8.2	O1, O2, O3, O6	P1, P2, P3, P4, P6, P7, P8, P9, P10, P11, P12, P13, P14, P15, P17, P19

PLAN CHANGE 47 – PROPOSED PLAN PROVISIONS - SECTION 10
(INCLUDING RECOMMENDATIONS FROM HEARINGS REPORT)

The following table of changes is the notified version of the proposed Plan Change including the additional amendments recommended from the Hearings report. The notified rule changes are shown in **red** text. Recommended changes from the Hearings report to rule provisions are shown in blue underline and ~~blue~~ ~~strikeout~~, with comments made in **blue** where changes to plan zones and overlays are proposed.

10 Natural environment and heritage

10.1 ~~Activities involving scheduled items and natural resources~~

~~Activities involving scheduled natural environment resources shall comply with the following:~~

- ~~(i) 10 days notice in writing shall be given to the Council of any proposed work, redecoration, repair or alteration to any scheduled work, or any work in the Te Aroha Character Conservation Area, to determine the environmental effects of the proposed work.~~

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

10.1 Activity Table

KEY			
P	Permitted activity	C	Controlled activity
D	Discretionary activity	RD	Restricted Discretionary activity
N/C	Non Complying activity	PRHB	Prohibited activity
<i>All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for.</i>			
Activity		All zones	
1. Buildings And Objects In Schedule 1 and Buildings and Objects Within The Te Aroha Character Area			
(a) Character Any minor redecoration, repair and/or insignificant alteration to a scheduled item, building or object which is carried out in a manner and design and with similar materials and appearance to those originally used which does not detract from those features for which the item has been scheduled.		P	
(b) All activities affecting the appearance of any building or object in Schedule 1 and in the Te Aroha Character Area not considered to be minor including: <ul style="list-style-type: none"> Any alteration, modification or demolition; to non-scheduled buildings constructed earlier than 1914. The construction of any new building. 		D	
2. Buildings and Sites Within The Te Aroha <u>Heritage</u> Character Area			
(a) Any minor maintenance and repair to the building façade or frontage of a building.		P	
(b) All activities affecting the appearance of the building façade or frontage which is not minor		RD	
(c) The construction of any new building where the new building is located alongside or in front of any existing building.		RD	
(d) The demolition of any building which has a the building façade or frontage.		D	
1. Buildings And Objects In Schedule 1 and Buildings and Objects Within The Te Aroha <u>Heritage</u> Character Area			
(a) Character Any minor redecoration, repair and/or insignificant alteration to a scheduled item, building or object which is carried out in a manner and design and with similar materials and appearance to those originally used which does not detract from those features for which the item has been scheduled.		P	
(b) All activities affecting the appearance of any building or object in Schedule 1 and in the Te Aroha <u>Heritage</u> Character Area not considered to be minor including:		D	

<ul style="list-style-type: none"> Any alteration, modification or demolition to non-scheduled buildings constructed earlier than 1914. Construction of any new building. 	
<i>Advice note: See definitions for interpretation of "minor". Refer also to "Project Te Aroha" and supporting documentation in Clause 1.8 (Part A).</i>	
2. Protected Trees within Part A of Schedule 3	
(a) Minor trimming, pruning or maintenance of any tree undertaken in accordance with accepted arboricultural practice and limited to either: <ul style="list-style-type: none"> Pruning and removal of branches with a maximum diameter of 40mm; and No more than 10% canopy removal per calendar year; or Trimming, pruning or maintenance required to comply with Electricity (Hazards from Trees) Regulations 2003. 	P
(b) The removal of dead, damaged or diseased limbs of any tree when undertaken by an arborist on the Council list of qualified arborists, in compliance with Section 10.3.1.	P
(c) The removal of any tree that is dead, dying or terminally damaged by disease or natural causes, in compliance with 10.3.1.	P
(d) The removal of limbs from any tree to provide for pedestrian and traffic safety, in compliance with 10.3.1 when undertaken by an arborist on the Council list of qualified arborists.	P
(e) The emergency removal of any tree where there is an imminent threat to life or property, in compliance with 10.3.1.	P
(f) Works within the drip line of any tree including: <ul style="list-style-type: none"> compaction, sealing, soil raising or soil disturbance, except for sealing of an existing footpath; and construction of structures; and parking or storage of materials, vehicles or machinery; and discharge of an ecotoxic substance. 	RD
(g) Any trimming, pruning or maintenance (including to the roots) of any tree that is not otherwise permitted.	RD
(h) Removal of any tree (excluding those trees that meet the provisions of 2c and 2e)	N/C
3. General Tree Protection Provisions not covered by 10.2.2	
(a) Any major trimming, (that which cannot be done by hand operated clippers) pruning, maintenance or removal of any indigenous vegetation within 20m of river or stream.	D
4. Identified Sites in Schedules 1 (Heritage Buildings and Objects), 2 (Waahi Tapu) and 3 (Outstanding or Significant Natural Features, and Protected Trees and Other Protected Items) except Scheduled Buildings and the understorey and regrowth of vegetation in a plantation forest.	
(a) Modification of any natural landform	D
(b) Any building or structure of any kind, including any fence boundary wall or retaining wall except in the Kaitiaki (Conservation) zone.	D
(c) Maimais in wetlands unless defined as not being permitted in a management plan of the wetland.	P
(d) Excavation, damage or alteration, reconstruction, or destruction to any scheduled resource.	N/C
(e) Wildlife management activities carried out by the Department of Conservation and Fish & Game Council.	P
5. Unscheduled Significant Natural Features	
Damage, alteration or destruction of any significant indigenous vegetation or habitat or indigenous fauna meeting any one of the criteria of Appendix 1, Clause 5 (i) or (xi).	D

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1, O2	P1, P2, P3, P4, P5, P6, P7
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

Explanation: Section 13, Other Methods.

While some outstanding and significant natural features have been identified in Schedule 3, it is important when contemplating activities that may affect other natural features, that the criteria of Appendix 1 Section 5, are used to evaluate their significance, and thus determine whether that activity has permitted status or whether it is one that may require a resource consent. Council has agreed that by July 2003 it will initiate a study to identify any other significant natural features within the District that fit within the criteria so that this rule does not become a costly exercise to members of the community with the objective of completing the exercise by July 2005.

Council recognises that many landowners are already aware and voluntarily protect indigenous vegetation and wetlands for their own sake and as habitats of indigenous fauna. Council encourages such protection through incentives provided in this plan as follows:

- Subdivision rights where certain significant features are to be protected by landowners. See bonus protection lots Section 6, Subdivision.
- Provision of professional assistance from Council staff, liaison with other agencies and a willingness to consider supporting specialist outside advice where appropriate.
- Identification of the role of Council's Strategic and Annual Plans for advice to property owners, education, financial assistance and other incentives. This may include in the future rate relief, waiver of development levies or transferable development rights. See Section 13: Other methods.
- Limited land purchase for esplanade reserves and access. See Section 13: Other Methods.
- Promotion of, and provision for assistance in the preparation of Landcare Plans which provide for eligibility for Council grants for fencing and planting. See Section 13: Other Methods.

Advice Note: Works on trees in close proximity to electricity lines are subject to compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.

Any work to a protected tree required under and carried out in accordance with the Electricity (Hazards from Trees) Regulations 2003, shall be undertaken by an arborist who has the appropriate qualifications and experience to do work near power lines. The Council holds a reference list of arborists who have such qualifications and experience and have been approved by the council or accepted by the relevant electricity network operator.

10.2 Performance Standards

10.2.1 Tree Protection

For the permitted activity rules which are subject to compliance with this performance standard, a report from a qualified arborist on Council's list of approved arborists shall be lodged with Council a minimum of 10 working days prior to any works commencing, with the exception of works to be undertaken in accordance with Rule 10.2.2(e), in which case the report can be submitted within 5 working days of any works being undertaken.

The report shall:

- (a) Document the rationale for the works; and
- (b) Include photos of the tree before the works; and
- (c) Where the tree is to be retained, assess the impact of the works on the long term health and vitality of the tree.

10.2.2 Conservation plans

Any resource application on a Category 1 building which in the opinion of the Council involves significant work or alteration shall include a Conservation Plan as a part of the application. A Conservation plan must include:

- (i) A statement of the significance of the heritage item.

- (ii) The physical, conservation action and care necessary for retaining or revealing the heritage significance - this may include maintenance, reconstruction or restoration.
- (iii) Particular activities which may be compatible with the protection of the heritage item and those which may need to be constrained.
- (iv) Policies to enable the cultural significance of a place to be retained in its future use and development.

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1, O2	P1, P2, P3, P4, P5
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

Explanation

These scheduled natural resources are considered significant (through complying with the evaluation criteria in Appendix 1) to Matamata-Piako and worthy of protection in the public interest. Resources included in the schedules are considered to be community assets and which would be valued ahead of most land development proposals which might endanger them or compromise their form or condition. Additional features may be added to the schedule by the Plan Change procedure including compliance with Appendix 1.

Heritage resources can be easily devalued or compromised by development or change, hence the need for rigorous controls on activities concerning ever the redevelopment of these resources. The degree of protection afforded to heritage places should be adjusted to take account of the relative heritage value of the feature concerned. Categorising heritage significance into registration classes allows greater scope for adaptation and redevelopment of less significant items. It can also establish priority for the allocation of conservation resources.

Protected trees listed in Schedule 3 (Part A) are recognised as community assets and are afforded the greatest level of protection. Any alteration to the Schedule must be by way of a plan change. The general tree protection category recognises the considerable amenity, historical and ecological value afforded by the most notable trees in our district and hence the provision for their protection. Trees located in the vicinity of rivers and streams contribute to water and soil conservation and can assist in minimising damage from natural hazards such as floods, erosion and siltation.

To avoid unnecessary delay in maintaining any scheduled items provision is made for minor or insignificant works as permitted activities.

Provisions for scheduled resources take precedent over the more general Te Aroha Character Area provisions. By controlling non-scheduled buildings in the conservation area it is expected that over time the particular character of Victorian Te Aroha will be retained and enhanced. Activities which do not adversely affect this character will be permitted in this area, as will new buildings and additions complimentary and in keeping with the character of the Te Aroha Character Area.

The Kaitiaki (Conservation) zone is applied to significant natural landscapes and habitats where the geographical spread of areas or features is sufficient to justify zoning rather than individual schedule of areas. This zone applies to areas to protect or enhance their natural, intrinsic, or other recognised values of an area. It covers the Kaimai Ranges, Western Ranges, Peat Dome, riparian areas and Kahikatea floodplain forest remnants over 4000m² in area. The Kaitiaki zone in the Kaimai Ranges includes all that land held in public reserve, areas identified by previous Hauraki Catchment Commission reports as being subject to soil conservation and generally all land down to the bush line at the base of the ranges. Pastoral country is generally excluded. Provisions are designed to achieve the conservation emphasis of the zone and any development or activities are restricted to ensure adverse effects on the environment are minimised. Mineral or peat processing is prohibited in this zone as such activities can be located in less environmentally sensitive areas, and their adverse effects can be more appropriately mitigated. Protection Forestry is permitted subject to Council conditions concerning rehabilitation, replanting within one year and soil conservation matters. The Forestry Code of Practice will be used by Council as a guide to the implementation of the controlled category criteria. Pastoral farming that exists as at November 1996 may continue with existing use rights. The clearance of further bush for farming use within the Kaitiaki zone is not to be allowed. Buildings are discretionary within the Kaitiaki zone to ensure an appropriate location relative to the visual impact, the impact on ecology and fire fighting facilities.

The Council will undertake a review, 5 years after the plan has become operative, of the environment along the Waihou, Waitoa and Piako rivers in terms of land use, the Kaitiaki (Conservation) zone and the categorisation of activities and methods used within the Kaitiaki (Conservation) zone in conjunction with affected landowners, interest groups and other members of the public who may have an interest.

10.3 Restricted Discretionary Activity Criteria

For activities which are a Restricted Discretionary Activity in accordance with Rule 10.1.2, Council has reserved control and may impose conditions in respect of the following matters:

10.3.1 General

- (a) Whether the proposal has adverse effects on the scheduled resource and the measures taken to avoid, remedy, or mitigate potential adverse effects;
- (b) The necessity for the proposed works or activity and any alternative methods and locations available to the applicant for carrying out the work or activities;
- (c) Whether the proposed activity detracts from the intrinsic value of the resource;
- (d) Whether the works or activity would wholly or partially nullify the effect of scheduling the resource;
- (e) Whether there is any change in circumstance that has resulted in a reduction of the value of the resource since it was scheduled in the plan.

10.3.2 Trimming, maintenance, removal and the undertaking of any activity or works within the dripline of any tree listed in Part A of Schedule 3:

- (a) The necessity for carrying out the works, including whether the tree is:
 - Dead, dying, diseased, or has lost the original qualities for which it was originally scheduled,
 - Required to be removed from drainage systems, rivers or watercourses,
 - Interfering with network utilities or other public works,
 - Causing significant or unusual hardship.
- (b) The extent of trimming, maintenance and the methods to be employed and whether this is in accordance with accepted arboricultural practice;
- (c) Any alternative methods which may be available to protect the tree, including modification of development controls where this would encourage retention and enhancement of existing large trees on the site;
- (d) Whether the tree can be relocated;
- (e) Whether the proposed activities in the dripline of the tree are, in the opinion of Council, likely to damage the tree or endanger its health;
- (f) The extent to which the tree contributes to the amenity of the neighbourhood, both visually and physically, including as a habitat for native birds and animals;
- (g) Whether the proposed landscaping or revegetation can compensate for any envisaged loss.

10.3.3 Te Aroha Heritage Character Area

- (a) Regard to the nature, form and extent of the development, alteration or change and its effect on the particular character of the character-area;
- (b) Regard to the use of similar building materials and design in alterations or additions;
- (c) Providing reasons why the work is necessary;
- (d) Where demolition or removal of a building and or subsequent/a new building is proposed, demonstration is required that such action will not significantly affect the streetscape appearance of the character area and will not destroy its unified entity;

- (e) Whether the proposed activity will positively enhance the protection and maintenance of the building, in a manner in keeping with the particular character of the character area;
- (f) Whether the proposal will have an adverse effect on the particular character or environment of the character area.

10.4 Discretionary and non-complying assessment criteria.

The Restricted Discretionary Assessment criteria may be used as a framework for assessing Discretionary and Non-complying activities. However all actual and potential effects from any such activity shall be assessed and may be used in determining an application and/or imposing conditions

PLAN CHANGE 47 – PROPOSED PLAN PROVISIONS – STRUCTURE PLANS (INCLUDING RECOMMENDATIONS FROM HEARINGS REPORT)

The following table of changes is the notified version of the proposed Plan Change including the additional amendments recommended from the Hearings report. The notified rule changes are shown in **red** text. Recommended changes from the Hearings report to rule provisions are shown in blue and in ~~blue~~, with comments made in **blue** where changes to plan zones and overlays are proposed.

The proposed changes for Horrell Road and Kuranui Road will not be considered as part of the current hearings process. The proposed changes have been retained in the rule provisions as notified and are highlighted **yellow**. This is to act as a place holder and no decisions on these provisions will be made as part of the current hearings process.

Changes to the Bank Road Structure Plan have been recommended in the Hearings Report. The amended Banks Road Structure Plan is included in this set of Structure Plan maps. This has a different format to the new Structure Plan maps as it is part of the existing District Plan.

9.2 Eldonwood South Structure Plan

9.2.1 Compliance with Structure Plan

The Eldonwood South Structure Plan comprises the following components;

- Additional Performance Standards for subdivision or development
- Specific Infrastructure and Servicing Standards
- Off Site Infrastructure and Servicing Schedule
- Eldonwood South Development Structure Plan Map

Where a rule in the District Plan requires compliance with the Eldonwood South Structure Plan, then this shall be interpreted as requiring compliance with all components of the Structure Plan. Where any standard or schedule within the Structure Plan varies or is inconsistent with any other District Plan standard or rule, then the provisions of the Structure Plan shall take precedence.

9.2.2 Additional Performance Standards for subdivision or development

- (i) Any subdivision or development within the Structure Plan area shall provide for a collector road between Firth Street and Station Road with two links provided to Station Road.
- (ii) A minimum number of two roading links shall be provided between the collector road and Jellicoe Street.
- (iii) Pedestrian/cycle linkages shall be provided between the collector road, the existing Eldonwood subdivision and Firth Street.

9.2.3 Specific Infrastructure and Servicing Standards

- (i) Any subdivision or development within the Structure Plan area shall ensure that adequate servicing and infrastructure capacity is available or will be supplied to service the development. The provision of upgraded infrastructure and services reticulation in accordance with 9.2.4 will need to be assessed and applied as part of any consent conditions as necessary. The provision for off-site infrastructure and services may also be subject to a Developer Agreement or Development Contributions.
- (ii) Stormwater from the Structure Plan area needs to be disposed of on-site through soakage and no existing public system is available or is proposed to be extended to serve the Structure plan area.

9.2.4 Infrastructure and Servicing Schedule

The following schedule identifies the infrastructure and servicing upgrades which will need to be assessed as part of any resource consent process, contribution model or Developer Agreement. All subdivision and development within the

Structure Plan area is also subject to the engineering and infrastructure provisions contained within the District Plan and Development Manual.

Wastewater
250mm pressure sewer from existing WWPS to proposed Tower Road pump station
300mm rising/falling main to WWTP
New WWPS at Tower Road
Upgrade existing WWPS pumps and power supply.
WWTP capacity upgrade works

Water
Main Connection to Structure Plan Area
Additional source supply, treatment plan upgrades and storage

Stormwater
Ponds/wetlands for roading stormwater

Roading
Station Road East
Hampton Terrace
Smith Street
Intersection upgrades
Haig Road
Additional widening of collector road where required

9.2.5 Eldonwood South Development Structure Plan Map

Refer Planning Maps – Eldonwood South Structure Plan

9.3 Tower Road Structure Plan

9.3.1 Compliance with Structure Plan

The Tower Road Structure Plan comprises the following components;

- Additional Performance Standards for subdivision or development
- Specific Infrastructure and Servicing Standards
- Off Site Infrastructure and Servicing Schedule
- Tower Road ~~North~~ Development Structure Plan Map

Where a rule in the District Plan requires compliance with the Tower Road Structure Plan, then this shall be interpreted as requiring compliance with all components of the Structure Plan. Where any standard or schedule within the Structure Plan varies or is inconsistent with any other District Plan standard or rule, then the provisions of the Structure Plan shall take precedence.

9.3.2 Additional Performance Standards for subdivision or development

- (i) Any subdivision or development within the Structure Plan area shall provide for a collector road between Magnolia Drive and Bridie Avenue ~~and three future links to the adjoining Future Residential Policy Area.~~
- (ii) No more than 100 lots or dwelling units shall be consented prior to a collector road link being provided between Magnolia Drive and Bridie Avenue.

9.3.3 Specific Infrastructure and Servicing Standards

- (i) Any subdivision or development within the Structure Plan area shall ensure that adequate servicing and infrastructure capacity is available or will be supplied to service the development. The provision of upgraded infrastructure and services reticulation in accordance with 9.3.4 will need to be assessed and applied as part of any consent conditions as necessary. The provision for off-site infrastructure and services may also be subject to a Developer Agreement or Development Contributions.
- (ii) Stormwater disposal will need to be reticulated to the retention ponds area located at the north of the Structure Plan unless otherwise approved by Council.
- (iii) Minor upgrades works on the surrounding roading networks will be required including parking bays and pedestrian facilities.
- (iv) Upgrading of the electricity supply is likely to be required as part of development within the Structure Plan area.

9.3.4 Infrastructure and Servicing Schedule

The following schedule identifies the infrastructure and servicing upgrades which will need to be assessed as part of any resource consent process, contribution model or Developer Agreement. All subdivision and development within the Structure Plan area is also subject to the engineering and infrastructure provisions contained within the District Plan and Development Manual.

Wastewater
Tower Road pump stations (3) and upgrades
300mm rising/falling main to WWTP
WWTP capacity upgrade works
Water
200 mm water main (Bridie Ave)
Connection Magnolia
Bore, treatment plant and storage
Stormwater
Extension of Tawari retention pond
Soakage from roading links
Roading
Parking Bays and carriageway improvements
Bridie Ave pedestrian facilities

9.3.5 Tower Road Structure Plan Map

Refer Planning Maps – Tower Road Structure Plan

9.4 Horrell Road Structure Plan

9.4.1 Compliance with Structure Plan

The Horrell Road Structure Plan comprises the following components;

- Additional Performance Standards for subdivision or development
- Specific Infrastructure and Servicing Standards
- Off Site Infrastructure and Servicing Schedule
- Horrell Road Development Structure Plan Map

Where a rule in the District Plan requires compliance with the Horrell Road Structure Plan, then this shall be interpreted as requiring compliance with all components of the Structure Plan. Where any standard or schedule within the Structure Plan varies or is inconsistent with any other District Plan standard or rule, then the provisions of the Structure Plan shall take precedence.

9.4.2 Additional Performance Standards for subdivision or development

- (i) Prior to the physical works being completed to relocate the Horrell Road intersection and upgrade the Murray Road intersection and railway crossing, the following limitation will apply to subdivision within the Structure Plan area:

Only one additional lot may be created in accordance with the subdivision rule provisions for each qualifying title within the Structure Plan area.

9.4.3 Specific Infrastructure and Servicing Standards

- (i) Any subdivision or development within the Structure Plan area shall ensure that adequate servicing and infrastructure capacity is available or will be supplied to service the development. The provision of upgraded infrastructure and services reticulation in accordance with 9.4.4 will need to be assessed and applied as part of any consent conditions as necessary. The provision for off-site infrastructure and services may also be subject to a Developer Agreement or Development Contributions.
- (ii) Horrell Road shall be relocated and upgraded in accordance with the Notice of Requirement and designation plan (Refer TDG 13711-N1A).
- (iii) The Murray Road intersection shall be upgraded to provide additional road widening for right turning traffic off State Highway 26.
- (iv) The railway crossing on Murray Road shall be upgraded with half arm barriers, lights and bells.
- (v) Provision of pedestrian/cycle bridge and link to Morrinsville.

(vi) Up to 10 lots may be served by a private accessway. Specific design will be required for the formation taking into account the length of the private access and the number of lots served.

9.4.4 The following schedule identifies the infrastructure and servicing upgrades which will need to be assessed as part of any resource consent process, contribution model or Developer Agreement. All subdivision and development within the Structure Plan area is also subject to the engineering and infrastructure provisions contained within the District Plan and Development Manual.

Stormwater
Roading SW

Roading
Horrell Road intersection (refer Designation)
Upgrade of Murray Road intersection and railway crossing
Road legalisation
Provision of pedestrian/cycle linkages

9.4.5 Horrell Road Structure Plan Map

Refer Planning Maps – Horrell Road Structure Plan

9.5 Stirling Street Structure Plan

9.5.1 Compliance with Structure Plan

The Stirling Street Structure Plan comprises the following components;

- Additional Performance Standards for subdivision or development
- Specific Infrastructure and Servicing Standards
- Off Site Infrastructure and Servicing Schedule
- Stirling Street Development Structure Plan Map

Where a rule in the District Plan requires compliance with the Stirling Street Structure Plan, then this shall be interpreted as requiring compliance with all components of the Structure Plan. Where any standard or schedule within the Structure Plan varies or is inconsistent with any other District Plan standard or rule, then the provisions of the Structure Plan shall take precedence.

9.5.2 Additional Performance Standards for subdivision or development

- (i) Potential roading links shall be provided off any new road reserves to service adjoining land titles which may otherwise be constrained in terms subdivision development due to existing topography and restrictions on access to Stirling Street.
- (ii) A minimum of three pedestrian/cycle linkages shall be provided from Stirling Street to the cycleway (running along the western boundary). These shall be generally be located on the properties shown on the Structure Plan map however the alignment will need to be confirmed through the design and layout of any future subdivision or development.

9.5.3 Specific Infrastructure and Servicing Standards

- (i) Any subdivision or development within the Structure Plan area shall ensure that adequate servicing and infrastructure capacity is available or will be supplied to service the development. The provision of upgraded infrastructure and services reticulation in accordance with 9.5.4 will need to be assessed and applied as part of any consent conditions as necessary. The provision for off-site infrastructure and services may also be subject to a Developer Agreement or Development Contributions.
- (ii) The ability to accommodate existing overland flow and discharge from the upstream catchment shall not be compromised by any subdivision or development within the Structure Plan area.
- (iii) The ability to utilise the existing gullies for stormwater discharge shall not be compromised by any subdivision and development within the Structure Plan area.

9.5.4 Infrastructure and Servicing Schedule

The following schedule identifies the infrastructure and servicing upgrades which will need to be assessed as part of any resource consent process, contribution model or Developer Agreement. All subdivision and development within the Structure Plan area is also subject to the engineering and infrastructure provisions contained within the District Plan and Development Manual.

Wastewater
Main Connections to Structure Plan Area
WWTP capacity upgrades work

Water
Connection to Hikutaia Street
Upgrade main in Stirling Street
Internal feeder mains

Stormwater
Discharge consent WRC
Internal reticulation

Roading
Stirling sStreet North
Stirling sStreet South
Hikutaia Street

9.5.5 Stirling Street Structure Plan Map

Refer Planning Maps – Stirling Street Structure Plan