

RESOURCE CONSENT APPLICATION

APPLICANT: Quattro Property Holdings Limited

CONSENT AUTHORITY: Waikato District Council

STATEMENT OF EVIDENCE OF CHRISTOPHER MARK FRANCIS DILLON

Dated: 6 November 2020

Introduction

1. My full name is Christopher Mark Francis Dillon.
2. I am employed as a Senior Planner at Terra Consultants (CNI) Limited.

Experience and Qualifications

3. I have 24 years' experience as a Planner working in a variety of roles in local and central government and in private practice in New Zealand, the United Kingdom and the Middle East. Previous roles held include: Planner at Christchurch City Council, Planner at various local authorities in the United Kingdom, Airport Planner at Wellington International Airport Limited, Senior Planner at the Ministry of Municipality and Urban Planning, Qatar, and Senior Spatial Planner at Parsons Saudi Arabia. I have been a Full Member of the New Zealand Planning Institute since 2000 and have a Bachelors Degree in Resource and Environmental Planning (Hons) from Massey University.

Code of Conduct

4. I have read the Environment Court's Code of Conduct for Expert Witnesses in the Environment Court of New Zealand and I agree to comply with it. My qualifications and experience as an expert are set out above. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
5. The evidence that I give in these proceedings is within my area of expertise, except when I rely on the evidence of another witness or other evidence, in which case I have explained that reliance.

Scope of Evidence and Report Structure

6. This planning evidence is provided in support of the resource consent application made by Quattro Property Holdings Limited for the construction and operation of a Retail Centre at 561 Horotiu Road, Te Kowhai.
7. In the interests of efficiency this report will not repeat material nor traverse ground that is considered adequately covered off in the Council's Planning Officer's s.42A report, and instead concentrates on areas of disagreement and areas not addressed in that report. For ease of reference and comparison this report follows the sequencing of the s.42A report.

Executive Summary

Proposal

8. The proposal is for a commercial development with a floor area of 1,290m² comprising seven retail tenancies, with associated parking and landscaping throughout the curtilage of the centre. Wastewater and water supply will be on site as there are no such reticulated networks present as yet in Te Kowhai. A 7m high freestanding sign that was proposed in the original application is no longer proposed, and will be replaced with signage attached directly to the fascia of the building.

District Plan Provisions

9. The proposal is located in the Country Living Zone under the Operative District Plan (ODP) and in the Business Zone under the Proposed District Plan (PDP). The Business Zone proposed for this site has not been challenged, either through submissions or further submissions, and can therefore be said to have effect (RMA s86F(1)(a)).
10. The proposal is a Discretionary activity under the ODP, and is therefore contemplated in the zone, subject to assessment of effects and consistency

with policy provisions. The assessment carried out within this evidence confirms that the effects of the activity, in terms of character, economic impacts, traffic, noise, infrastructure and earthworks and construction are minor or acceptable. Further it is considered the proposal will have a net positive social impact, in quantified economic terms and through creating significant opportunities for social coherence and amenity in and near Te Kowhai. The consented café which is about to commence operation immediately adjacent the subject site is supportive of the presence of the proposal. The reasons for granting approval to the café included acknowledgement that the area is one of mixed use, in which a departure can more easily be made from the Country Living zone to the commercial uses.

11. The proposal is consistent with the Business zoning of the site under the PDP, which is beyond challenge. The proposal is also consistent with the objectives and policies of both the ODP and PDP.
12. It is contended by the Reporting Officer that the proposal will offend the aspiration made in the 2017 Ngaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan for a town centre in Te Kowhai. This report establishes that aspiration has not been brought into the PDP, the term 'town centre' is a misnomer in the context of Te Kowhai, and the scale of Te Kowhai is such that cannot support the centres hierarchy the Reporting Officer claims should be applied. In the absence of s.32 justification it is inferred that Business zoning, in the context of Te Kowhai and other similar settlements such as Port Waikato, is intended to function for the retail servicing of these settlements. For Te Kowhai this may be supplemented at some future point by the establishment of something approaching a town centre in accordance with the 2017 structure plan.
13. As a Discretionary activity, any potential for harm to the integrity of the Plan or trigger a precedent effect is limited by the particular circumstances of the site and proposal. The proposal will not in itself catalyse intensive growth to the north of Te Kowhai. Any such development would be subjected to the same assessment as this proposal, or a plan change process.

Status of the Two Plans

14. In contrast to the position of the Reporting Planner, I believe considerable weight can be applied to parts of the PDP in the context of this application and site, by virtue of the unchallenged status of the Business zoning. That notwithstanding, it is considered that the proposal is acceptable under both the ODP and PDP.

Professional opinion

15. In light of the evaluation below, it is my professional opinion that the application can be approved, under both ODP and PDP, subject to the conditions that are proposed by the Applicant and endorsed by me.

Introduction

Summary of Site and Planning Information

16. I concur with the summary as provided in the s.42A report.

Proposal

17. I concur with the outline provided, which is extracted from the original application. Since the original application, tenancies have been secured for the following commercial activities (the plan identifying the tenancies is attached as Appendix 5):

- Superette in Tenancy A
- Liquor Store in Tenancy B
- Hairdresser in Tenancy C
- Pizza Shop in Tenancy D
- Bakehouse in Tenancy E
- Health and Beauty in Tenancy G

18. These uses fit comfortably with the Operative District Plan's (ODP) definition of retail (the ODP uses the term 'commercial activity', as set out at Appendix P3¹).

19. Mr Barnes expands on the tenancies secured and additional tenancy anticipated in his evidence in paragraph 15.

¹ **Commercial activity**

Means activities involving the sale, distribution, or supply of goods and services, and government and community activities whether or not customers visit the site, excluding industrial activities and farming.

20. The freestanding sign located near the Horotiu road boundary of the site has been removed from the application and will be replaced with signage attached to the fascia of the retail building.

Description of site

21. I concur with the description of the site provided in the s42A report, except as modified through subsequent discussion as to the conclusions of the Waikato District Council on the nature of the area, which commended granting approval to the commercial activity on the adjoining site.

Description of Te Kowhai Village

22. To a point I agree with how Te Kowhai Village is described in the s.42A report, in that it is a settlement made up of mostly 1970's residential activities mixed in with newer rural lifestyle dwellings. However I would not describe it as small, as its physical extent is reasonably large relative to its population. The older development originating in the 1970's appears suburban in nature but occurs on sites generally larger than their urban counterparts and generally has not undergone further subdivision. This residential development begins around the intersection of Horotiu and Te Kowhai Roads and proceeds in a ribbon form down Horotiu Road to the south but is asymmetrical and perhaps compelled further south by the non-residential uses on the opposite side of Horotiu Road which features Te Kowhai Park, an area of regenerating bush to the west of Te Kowhai School and rural land. There is also some concentration of older residential development to the south of the Horotiu Road and Te Kowhai Road intersection.
23. The northern half of the Te Kowhai Village is the product of a significantly different development process, comprising some urban residential development but substantially more recent lifestyle blocks, with relatively large dwellings surrounded by a generous curtilage.

24. Both the historical pattern of development proceeding in ribbons away from the Te Kowhai Road/Horotiu Road intersection and the more recent lifestyle block subdivision combine to provide a distinct spread-out, low density character and feeling to the Village. The scattering of existing commercial offerings in the Village follows this dispersed distribution with three separate locations, two of which are some distance to the south from the existing garage at the most central intersection.
25. Nor would I consider Te Kowhai a village in the traditional sense, with a defined core comprising activities servicing the village and development emanating out in a cohesive concentric pattern. There are currently no sites and activities in Te Kowhai that legibly identify the centre of the settlement. The garage that could be said to mark the geographical centre of the settlement is a poor proxy for the genesis of a core, and the other existing commercial activities are all in locations precluding consideration as a core.
26. Importantly I consider the character of Te Kowhai is predominantly derived from it's low density nature rather than any prevalent built form. Most dwellings and buildings recline on their sites away from the road with the larger sites also allowing for ample landscaping and vegetative screening. The buildings that do have some prominence such as the Te Kowhai Hall, and at Te Kowhai School and Te Kowhai Garage either do not possess any inherent architectural merit or detract from any such character as it exists. The only building that proactively contributes to the establishment of some type of built form character is the relocated church to the immediate south of the subject site. This will be discussed below.

Consented Receiving environment

27. The s.42A site description contains passing reference to the consented café and gift shop located with a relocated church on the adjoining site to the south at No. 571 Horotiu Road. Given its bearing on the subject proposal, description of this activity deserves expansion.

28. Firstly the café premises are not untenanted. A lease has been secured with a tenancy operator who is in the process of setting up. A s.127 application is currently with the District Council for amendments to the original consent to match the preference of the operator and is based on a format used successfully at other locations in the Waikato managed by the operator. Mr. Barnes confirms this in his evidence.
29. On 14 July 2017 Waikato District Council granted consent for the relocation of an existing building onto the site and for the establishment of a café activity within this building.
30. By way of a summary, the land use consent for the café granted approval to the following:
- Relocation and refurbishment of a character building and conversion of the building to accommodate the café activity;
 - Total GFA of the building is 390m² including the café kitchen and dining area and a modest 'gift shop';
 - The total height of the building was consented at 8.8m above existing ground level;
 - The total seated capacity of the café (included outdoor seating) is 140 patrons;
 - The café activity is provided with a total of 45 parking spaces and a dedicated loading space;
 - The provision of a planted earth berm along the southern boundary of the site;
 - Access to the site by way of a purpose-built deceleration lane on the western side of Horotiu Road
31. A copy of the approved land use consent has been included as Appendix 1.
32. Attached to the Decision were a number of reasons, with some of the more salient repeated as follows:

The location of the proposal is on the edge of a township and is not located within the middle of a rural area which is dominated by predominantly rural productive activities. The area is made up of a mixture of zoning within the localised environment which also includes Living Zone... and Rural Zone...in addition to Country Living Zone...I do not consider the wider area to be solely Country Living in character...and establishing the proposed activity in such a location would not necessarily be out of place in this mixed use environment.

Vehicle access for the proposal is along Horotiu Road which is classified as an Arterial Road which is likely to result in a number of customer visits being incidental...within the area which in turn reduces additional vehicle movements along Horotiu Road.

In terms of visual effects on the wider environment, the impact of the bulk of the proposed café and gift shop building, outdoor dining areas, decks, water tanks and parking area will be reduced and softened by the proposed fencing and landscaping as seen in Figure 1 from those in the surrounding environment including those travelling along Horotiu Road. It is noted the proposed café and gift shop building are setback 30m from all Living Zone boundaries and setback more than 13m from the legal boundary of Horotiu Road and all other boundaries.

33. Several obvious points can be drawn regarding the Council's previous position on the character of the area, the importance of through-traffic, and the impact that setbacks and landscaping can have on mitigating visual effects.
34. I will return to these points later in my evidence.
35. Consent has also recently been obtained to undertake a 19 lot subdivision in the Country Living zone immediately adjoining the subject site to the east. The subdivision layout approved has been incorporated into the ODP zoning for Te Kowhai, as shown in Figure 1 below.

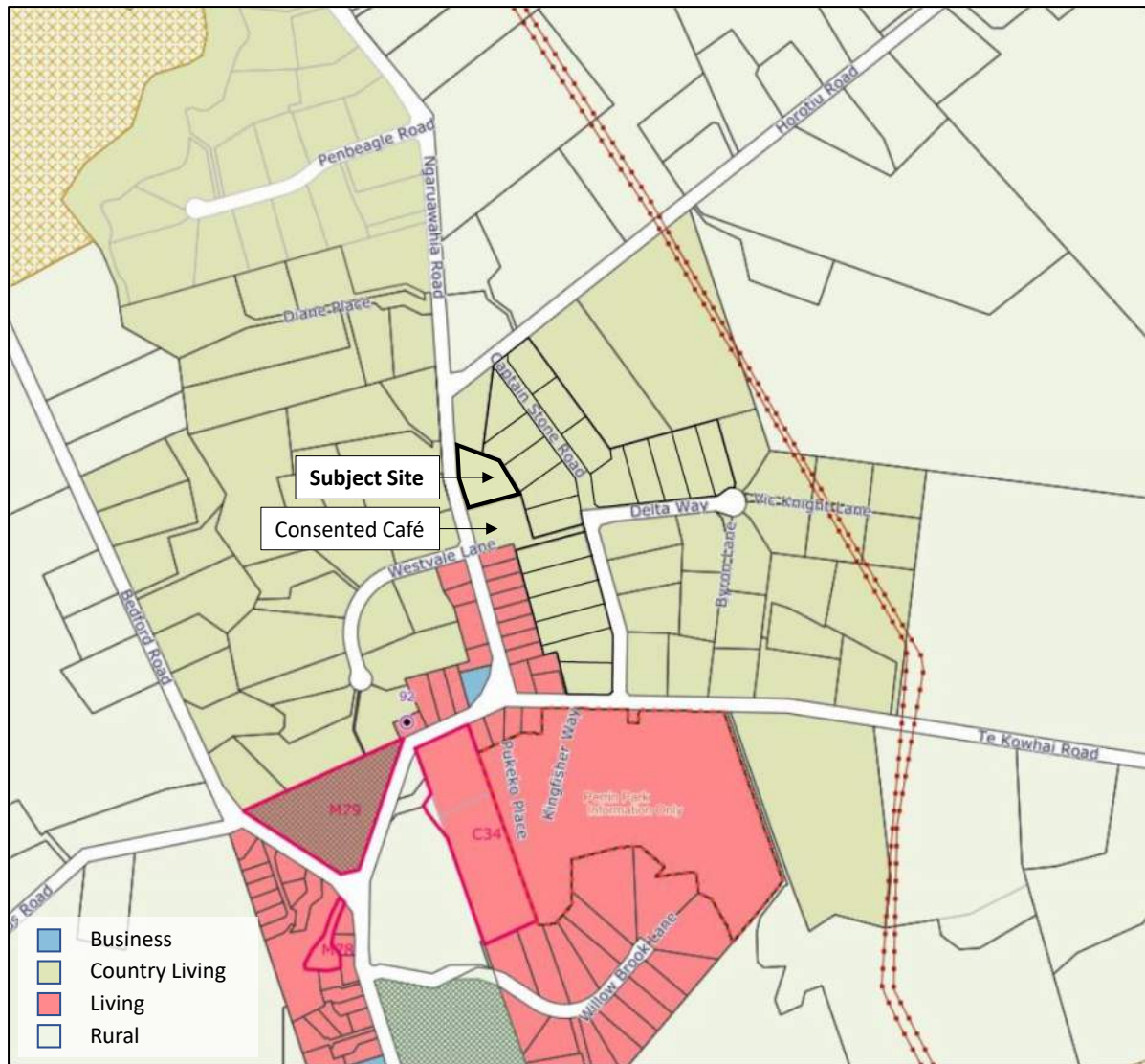


Figure 1: ODP zoning for Te Kowhai, incorporating consented subdivision layout to the east of the subject site

36. The first reason for granting consent is:

The proposed lots located between smaller Living zoned lots and larger Country Living Zone lots provide a transition between the larger and smaller lots that exist in Te Kowhai Village with the smaller lots abutting to the west/south west and the larger lots to the east/south. This is considered a unique factor of the site which contributes to ensuring amenity values of the sites and localities are maintained and enhanced. In addition, another unique factor is that the two titles subject to the proposal are significantly larger than

any other existing titles in Te Kowhai zoned County Living Zone, thus providing for a more planned approach to the lot arrangement.

37. A copy of the approved land use consent has been included as Appendix 2.

Submissions

38. I concur with the summary of the submissions carried out by the reporting officer, and conclusions as to trade competition matters. Submissions focus on economic and character impacts, which I will discuss later in my evidence.

Permitted baseline

Operative District Plan

39. I concur with the reporting officer's assessment that application of the permitted baseline principle is not appropriate in this instance under the Operative District Plan.

Permitted activity and development under the PDP Business Zone

40. The proposed zoning of the site as Business Zone in the PDP is unchallenged, so there will be permitted activity commercial development and land use under that zoning, despite the submissions that have been made in relation to the types of commercial activity that are provided for in that zone.
41. The submissions that have been made in relation to the development rules for the proposed Business Zone are all intended to liberalise the controls on development, rather than to create further restrictions. Copies of the relevant submissions are attached as Appendix 3.
42. The landscaping and visual mitigation that is required for any commercial development in the proposed Business Zone is found in Rule 17.2.3 'Onsite

parking areas - Landscaping (attached as Appendix 6). That rule is unchallenged.

43. If account can be taken of the proposed Business zoning, and the nature of submissions in relation to development under that zoning, a building and site development that is the same or very similar to Applicant's proposal could be established as a permitted activity under those rules.
44. The validity of taking that approach to the Proposed District Plan Rules will be addressed in submissions by legal counsel for the Applicant.

Existing Environment

45. I concur with the reporting officer's assessment, except in so far as I have departed as above.

Assessment of effects on the environment

46. I concur with the reporting officer that the proposal, under the Operative District Plan, is a discretionary activity.
47. At 27.10.1 (b) the ODP identifies a commercial activity in the Countryside Living zone as a Discretionary activity.
48. Commercial activities are defined by the ODP as:

'...involving the sale, distribution, or supply of goods and services, and government and community activities whether or not customers visit the site, excluding industrial activities and farming'.

49. The definition is of reasonably wide scope extending beyond purely commercial services to also include government and community activities. Government and community facilities are themselves a broad category within which a variety of intensities and scales reside. In the absence of policy

restriction elsewhere in the ODP it can be taken that the ODP potentially anticipates a wide variety of activities of a variety of intensities and scale within the Country Living zone, subject to appropriate assessment of effects. Couched in this context the proposal involving one moderately sized and six smaller retail tenancies with a total floor area of only 1,290m² can be said to be fully contemplated by the ODP, with the assessment of effects below demonstrating the particular circumstances of the site, vicinity and proposal support approval.

Positive effects

50. The evidence of Mr. F Colegrave identifies some positive effects of the proposal:

Construction jobs

51. Table 8 of the evidence of Mr. F Colegrave report quantifies the economic benefits of construction of the proposal as:
- i) Generating a one-time boost in regional GDP of \$1.9 million;
 - ii) Creating employment for 21 FTE-years²; and
 - iii) Boosting household incomes by \$1.1 million.

Further, over the longer term, the proposed development would provide full-time employment for more than a dozen people to sustain the economic and social wellbeing of study area households. (para. 61).

52. At paragraph 52 the evidence of Mr. F Colegrave identifies customer net benefits and benefits of increased competition, for Te Kowhai residents, including:
- i) Reduced travel time and cost because the new store is closer,

² An FTE-year means one full-time equivalent employed for a full year. Hence, 100 FTE-years could mean 100 people employed for one year, 50 people employed for 2 years, and so on.

- ii) The ability to visit a new store that incorporates the latest design, and:
- iii) Access to a wider range of products, services, and technical support.

53. It is noted that increased competition ‘...is a cornerstone of economic efficiency, both in the retail sector and beyond. It creates incentives for competing stores to “lift their game”, to invest wisely, to innovate, and to refine their offerings. In doing so, the efficiency of the wider sector improves’.

Additional opportunity for social interaction

54. There is currently limited opportunity for casual social interaction where it usually occurs in smaller settlements like Te Kowhai, with only the small café at the southern end of the settlement providing some prospect. The consented café next door to the subject site will bolster provision and will be enhanced further through the retail offering proposed.

55. At paragraphs 62-65 the Colegrave evidence notes additional benefits in terms of reduced vehicle travel and emissions from improved accessibility by capturing more spending locally, and quantifies these benefits.

56. At paragraph 65 the following quantification is offered:

For example, if (say) 20 trips a week could be avoided between Te Kowhai and Ngāruawāhia or Te Rapa³, in the space of one year Te Kowhai residents would collectively:

- i. Reduce travel distances by over 20,000km;*
- ii. Burn more 2,000 fewer litres of fuel; and*
- iii. Save close to \$8,000 in travel time and fuel costs⁴.*

57. As the s.42A report notes the long term economic benefits of the proposal are reliant on demand for retail being satisfied. Mr. Colegrave demonstrates that

³ The estimates of weekly trips are purely indicative and used only for illustrative purposes.

⁴ Using estimated fuel efficiencies, fuel prices, and official rates for the value of travel time from the NZTA economic evaluation manual.

demand, and therefore it is my view both the immediate economic impacts of construction and the long term impacts combine to create a powerful positive economic impact, in both quantifiable and intangible terms.

Character effects

58. A large part of the consideration of this proposal turns on the articulation of the Te Kowhai character and the impact this proposal has on that character. Very different starting points result in different conclusions.
59. I do not agree that the predominant character is generated from the more traditional styles present in some buildings in Te Kowhai. The reporting officer determines the church, hall and to some extent the school as representative of the building style of Te Kowhai – but these are isolated examples, and contradict statements earlier in her report that the town is mostly made up of 70s style residential buildings mixed with newer country living residential. I think the statement in the s.42A report: ‘...and potentially that aspired to by submitters’ is revealing. There is a desire perhaps by the submitters for a certain built form standard in the settlement, which is simply not dominant there.
60. The predominant character cannot be cherrypicked and generalised from isolated examples, as much as we would like it to, but instead should be drawn from the reality on the ground. And the reality is in my view as I have described it above which is one of minimal predominant built character, but character derived mainly from the scattered low density nature of Te Kowhai. If the methodology used by the reporting planner for identifying character is used, for consistency other prominent elements such as the Te Kowhai Garage should be added to the mix.
61. As a result I do not accept the comments regarding the proposal’s inconsistency with character. As above, in my view character for Te Kowhai is primarily derived from its low density which allows for a high degree of vegetation and landscaping. Against that determination of character, it is my

view the proposal is consistent. The majority of the building is set back from the road, with the intervening area taken up in landscaped parking and manoeuvring, and is strongly similar to the positioning demonstrated by most other buildings in Te Kowhai. I consider my conclusions on this matter also find support from the Landscape evidence of Ms. Jo Soanes.

62. As addressed in the original planning application, the proposal exceeds the maximum 10% permitted building coverage, with 25.6% site coverage proposed. However, given the buildings orientation onsite, congregating against the north-eastern and easternmost boundaries, and the design of the building comprising a single level, the bulk appearance of the building is reduced; particularly with respect to the adjoining property to the north. Given how the building is sited, primary views are from the adjoining transport corridor, rather than the northern property which is limited to a side profile of the building and the carpark. The alignment of the adjoining road network, in addition to the existing level of dense landscaping within the adjacent sites, further reduces the visual bulk of the building. Landscaping will be undertaken within the subject site to provide visual screening and maintain privacy for adjoining sites, in addition to providing a cohesive, well thought-out design.
63. The s.42A report acknowledges that some built form on this site is appropriate, and that any structure fills a gap in the urban form, but that the subject form is not suitable. The proposed form *is* a departure for Te Kowhai, in that it is new purpose-built commercial building of contemporary design, with all existing commercial development considerably older. But because it is a form of development not yet encountered in the Village is not a ground for disqualification in itself. New development often departs from earlier development, and is a normal part of the cycle of growth, redevelopment and renewal of urban areas.
64. Criticism of design compatibility is particularly hard to justify here where there is no defined reference point to tie design back to. There is very little in the way of built benchmark in Te Kowhai and therefore I do not agree with the statement that the size, design and scale and associated curtilage are out of

character. I believe the scale and sympathetic positioning of buildings on the site and the comprehensive landscaping of the site in a coherent manner renders the proposal consistent with the subdued and low density character of Te Kowhai as I see it, and which is enhanced by the centre's contemporary new design.

65. The s.42A report notes that specialist input from an architect or urban designer does not accompany the application. That is purposeful. In the absence of a built form reference point, consideration can be adequately confined to planning and landscape assessment assessments.
66. The comments regarding signage are accepted. Although there is some comparable reference in the signage for the Fruit and Vege store in the south of Te Kowhai, the applicant accepts that this element may have a disproportionate impact on the character of the area, by virtue of its height and prominence at the entrance to the site, and is somewhat anomalous in the immediate vicinity. Instead signage is now proposed of a lower scale that adequately advertises the site, on the fascia of the building well away from the road boundary.
67. I would also like to invoke some of the reasons behind the granting of the consent to the commercial activity on the adjoining site as they hold also for this proposal. The Council acknowledged that the area was not solely Country Living, and is a mixed use environment. Again that modifies the starting point, from that of a rural area to that which is acknowledged as in transition, against which the proposal represents less of a departure than otherwise contended.
68. In the same Statement of reasons Council also accepts the ability of intervening landscaping and setbacks to mitigate the impact of that commercial activity.
69. I endorse the comments and conclusions of Ms Jo Soanes in her assessment of the landscape effects of the proposal and consider them supportive of my

comments regarding character impacts. The following salient conclusions are noted:

- 15.2 *The design of the proposal and planting is in keeping with the surrounding character and a variety of activities and the location of the site in context to changing land use. The development is set back from Horotiu Road and adjacent residential properties.*
- 15.4 *In summary the proposal has the potential to generate moderate - low landscape and visual effects when assessed against the ODP and low to very low effects when assessed against the PDP. Through the integration of quality landscape design to reflect the character of Te Kowhai and soften the building development, the effects will be acceptable.*

Social coherence

70. The reporting officer claims that the proposal will effectively establish a town centre on the periphery of the town and that it would dilute activity away from the contended natural centre of gravity around the town hall and school.
71. Firstly care has to be taken with using the terms 'village' and 'town' interchangeably. Te Kowhai is much closer to a village than a town, and even then struggles without a defined or developing centre and the existing scattered pattern of development.
72. The proposal is not seeking to create a town centre for Te Kowhai. The supremacy of various planning documents is fully acknowledged which seek that a 'town centre' may be established in a more central location at some future point. Instead the proposal fulfils a current demand for retail, as demonstrated in the Colegrave evidence, which precedes and supplements the establishment of a 'town centre' or focal point at some future point if the settlement grows to town scale. That is fully consistent with the planning

approach set out in the Proposed District Plan and for other settlements in the District such as Taupiri, to which I will return in more detail later in this report

73. I assert that this proposal will provide significant opportunities for social interaction and cohesion, without precluding a town centre in future if that becomes justified. There is no doubt that businesses will be located on this site given the Business zoning under the PDP is unopposed. In quality terms the site compares favourably with the existing commercial offering in Te Kowhai.

Summary of character effects

74. In my view the proposal is consistent with the character of Te Kowhai. The contemporary design of the proposal is a welcome departure, part of the cycle of renewal and change of urban areas, and also expresses confidence in the future of Te Kowhai. The proposal does not seek to gazump Te Kowhai's town centre, but prepares the ground for when it eventuates.

75. As such I do not agree with each of the reasons for the reporting officer's determination that the proposal is detrimental to the character of Te Kowhai:

- The built form does not respect and/or respond to the existing character of the immediate surrounding area of Village as a whole – there is little in the way of a built form reference point in Te Kowhai, which at this stage remains largely aspirational.
- Landscape effects - Ms. Jo Soanes in her evidence has comprehensively assessed this matter as noted above. At paragraph 9.5 she states:

9.5 Whilst a change in immediate land use, the proposed retail development will not significantly alter the broader landform patterns of the wider area. It will sit within the changing rural and country living

landscape signalled by the proposed rezoning by WDC of the area under the PDP from Country Living Zone to future Business Zone.

- Surrogate Town Centre – the proposal does not preclude the establishment of a later Town Centre if Te Kowhai becomes a town
- Change in dominant use from Rural Residential Living to Commercial Use. This is inconsistent with the reasoning applied to the Council's granting of consent for a commercial use on the adjoining site. In making that decision the Council accepted that the area is a mixed use environment, and not exclusively rural or rural lifestyle. It is also inconsistent with the uncontested proposed Business zoning. Ms. Jo Soanes comments on the interaction of the subject site with the adjoining site:

9.6 The recently developed Church Café is located directly to the south of the Site. The historic Church was relocated to the Site and provides a building of interest to Te Kowhai village. While the architecture of the Church does not directly relate to the proposed retail development, the building setbacks, carparking configuration, appropriate landscape planting and fencing treatment do complement both developments. The combination of those activities will provide a co-ordinated extension along Horotiu Road and will make a proportionally small change to the established landscape character of this section of Te Kowhai.

Economic Effects

76. As noted in the reporting officer's summary of submissions, many submissions focussed on the economic impacts of the proposal on the existing commercial offering in Te Kowhai, and the purported lack of demand for more shops. I agree with the reporting officer that the submission motivated by trade competition should be disregarded under the RMA Act, and that the similar submission (No. 15) should also be struck out on this basis.

77. Other submissions tread a fine line between trade competition and their translation into consequential impacts on the character of Te Kowhai. And trade competition has at time insinuated itself into the planning evidence. For example the s.42A report in the discussion on retail demand quotes the Council's Economist Assessment of effects:

“Prior to 2028 at the earliest, any additional retail and hospitality space would be likely to result in the closure or much reduced viability of Te Kowhai’s few retail/hospitality businesses” (p.41).

78. This is a comment on trade competition and cannot be taken into account.
79. The applicant has engaged an Economist, Fraser Colegrave, to report on the economic impacts of the proposal, including confirming the demand for the retail offering, and from which conclusions are drawn about impacts on other existing businesses in Te Kowhai and Te Kowhai's character. Mr Colegrave's full assessment can be found in his evidence.
80. Mr Colegrave draws the following conclusions.

40. *Table 6 shows that, under my assumptions, the proposed development can support about 610m² of core retail floorspace in 2018, increasing to 705m² by 2023. Specifically, by 2023, the proposal is estimated to support 455m² of food retailing floorspace, 125m² of food and beverage retailing, and 135m² of pharmaceutical and other store-based retailing.*

41. *These estimates reconcile well with the development's proposed tenancies. For example, as illustrated below, the latest plans indicate a superette of 450m² – just like my estimate. In addition, they include a pizzeria of 120m², which maps directly to my estimate of potential demand for food and beverage services retailers. Finally, my estimated demand of 125m² of pharmaceutical and other store-based retailing is*

a close match to the tenancy adjacent to the superette, which is notionally sized at 120m².

81. As noted in the evidence of Mr. J Barnes tenancies have been secured for six of the total 7 available. Mr Colegrave then makes an assessment as to the likelihood of this one remaining vacant tenancy being filled, which he concludes as follows:

46. In my view, given the lack of any other available commercial space in the study area, there would be more than enough demand from local commercial and professional services providers to fill the proposed tenancies. This is reinforced by the fact that the applicant has already secured commitments for all but one of the seven tenancies available.

82. With ample demand demonstrated an assessment is then made on the potential impact of the proposal on the role, function, health, and vitality of other commercial areas. His conclusions in this respect are:

49. A strong body of case law confirms that trade impacts must be very high to go beyond effects that are ordinarily associated with trade competition, and that impacts on individual stores are irrelevant because they amount to pure trade competition.

51. With that definition in mind, I reiterate there are no defined centres in Te Kowhai, and the only existing commercial offers are small and sporadic. Moreover, the closest commercial centres at Ngāruawāhia and Te Rapa are a considerable distance away and are not at practical risk of experiencing adverse effects beyond those associated with trade competition. Accordingly, I consider that the proposal will not give risk to significant – if any – retail distribution effects.

83. Finally Mr Colegrave takes issue with some aspects of the methodology behind the Council's Economics report from Market Economics. I endorse Mr Colegrave's comments at paragraphs 77-79 regarding the absence of a centre upon which there might be retail distribution effects, and then later contentions in the Market Economics Report that a more efficient site would be located further south proximate to the planned growth in the south of Te Kowhai. I don't think it is necessary to get into the relative locational benefits of either site because the subject proposal will not constitute a town centre. If Te Kowhai grows to town scale and there is eventually a need for a town centre, the location for such a town centre can be determined at that future time. I will return to this point later in my evidence under the discussion of the site's zoning under the Proposed District Plan.
84. I also concur with Mr Colegrave's greater reliance on passing trade as an important factor driving retail demand at paragraph 38. As noted in the reasons behind the granting of consent to the café next door to the subject site, Horotiu Road which is classified as an Arterial Road which is likely to result in a number of customer visits being incidental, with Mr Colegrave's evidence confirming at least 50% of business will be passing trade.
85. I concur with the overall conclusions of Mr Colegrave's report, and note that Mr. Barnes' evidence confirms tenants have been secured for all but one of the tenancies already. On that basis I challenge several statements made by the reporting planner drawn from the Market Economics report, as follows.
86. Mr Colegrave's evidence and Mr. Barnes' evidence demonstrate there is demand for additional retail supply based in part on projected population growth, and is backed-up by the tenancies secured for the development so far. The Reporting Planner questions the likelihood of the implementation of Waikato 2070 which would be one of the drivers of future population growth in Te Kowhai. Mr Colegrave has recognised that uncertainty in his adoption of Statistics New Zealand medium population projections and which are more conservative than Waikato 2070's. The reporting planner also questions the likelihood of commitment made in the Waikato District Long Term Plan for

funding for reticulated wastewater in Te Kowhai, and the potential handbrake to further growth this might present and concludes there is a strong chance that most of the shops will be left untenable for a number of years due to lack of demand.

87. Forecasting is a fraught and imprecise science (2020 is a case in point), but nevertheless is necessary to enable some proactive shaping of the future. Certainly all uncertainty could be avoided by adopting a careful approach, but shying away creates its own potential negative effects. In this instance it is considered more reasonable to assume that the tenancy achieved already is a strong indicator of the positive future for the development. Adopting the relatively conservative growth rates of Stats New Zealand and the possibility of reticulated wastewater in Te Kowhai I believe the demand that Mr Colegrave extrapolates is reasonable. Accordingly I think it is unreasonable to assume that most of the shops will be left untenanted for a number of years, further belied by the tenancies already secured.
88. Following that I do not believe the potential exists for future vacant shops in the proposed development to negatively impact on amenity. The evidence indicates there is strong demand for additional retail space in Te Kowhai, and once occupied in combination with the layout and landscaping proposed will positively contribute to the amenity of Te Kowhai.
89. The reporting planner bolsters this assertion through noting the adjoining café site has not secured a tenant since December 2019. As above I can confirm a tenant has been secured and is committed to opening soon (J Barnes evidence) though is in the process of securing an amended planning approval tailored to their particular operation and preferences (I prepared the application).
90. I agree in part with the reporting planner's comments on the effects of the proposal on the existing shops in Te Kowhai, except where town centre is again discussed. Again it is not the intention of this proposal to establish of

preclude a town centre, and therefore the exercise of determining acceptable accessibility from the subject site is moot.

91. Consequently I do not accept the reporting planner's findings on the economic impact of the proposal, and contend instead it will be a significant, positive enhancement to the amenity of Te Kowhai.

Acoustic Effects

92. The Acoustic Evidence from Mr. Alex Jacob that accompanies this report confirms the following:

- i) Monday-Saturday Daytime: Noise levels compliant at all receivers.
- ii) Monday-Sunday Night time: Noise levels compliant at all receivers.

93. The Acoustic Evidence does acknowledge the relevant noise limit will be exceeded on Sunday during the daytime. However in response the following is stated:

34. In context of the specific receivers for Sunday daytime:

a) For the receivers to the West across Horotiu Rd, the main noise emission from the site would be traffic, which would not be differentiable from traffic noise along Horotiu Rd.

b) At 557 Horotiu Rd to the North, the main source of noise from the site would be from mechanical plant and people noise. As these would be well below ambient traffic noise, they would be masked and would not alter the existing environment.

35. With regards to Sunday daytime noise level compliance:

a) I note that the exceedance (in strict terms of compliance in isolation from the existing noise environment) would neither be practicably measurable nor audibly discernible. The environment is already well

above the introduced noise and the character of current environmental noise would dominate and mask the introduced noises.

b) If, however, Sunday noise level compliance is strictly required from the facility independent of the existing environment, this can readily be achieved by establishment of an acoustic fence along the length of the Site boundary with 557 Horotiu Rd, and along the boundary of the proposed carpark with Horotiu Road. Fence would need to have a minimum surface density of 10kg/m², with no gaps, and with a minimum 1.8m in height.

94. The s.42A report identifies at page 22 under rule 27.18 of the ODP that the proposal triggers a non-compliance with the noise standard at the southern boundary with No. 571 Horotiu Road. However this must be disregarded as written approval of the proposal has been received from the owner of that site.

95. Mr. Jacob makes the following conclusion on noise effects from the proposal at paragraph 36:

In context of effects, the introduced noise levels from operation of the proposed facility would be below the existing noise levels in the surrounding environment, and as such, provided the mitigation measures are implemented including appropriate selection and shielding of mechanical plant, the proposed facility would not change the noise characteristics of the surrounding environment.

96. I am therefore satisfied that the noise effects of the proposal will be no more than minor.

Transportation Network and Parking Effects

97. Ms Judith Makinson has comprehensively assessed the traffic impacts of the proposal, both through her supervision of the Integrated Transport

Assessment that supported the application and in responding to the various transport-related concerns of the submitters.

98. She makes the following conclusions which I fully endorse:

53. *I have carefully considered the traffic and transportation matters raised by submitters and conclude the following:*

a) the volume of traffic likely to be generated by the proposed development is a robust assessment that takes no account of pass by or linked trips. The higher estimate of 186vph and 1,388vpd can readily be accommodated by the existing road network and is in keeping with its function as a Primary Collector road. The intersection analysis includes significant robustness in the assumptions I have used and demonstrates that a high level of service can be maintained for all users. I assess that delays and queues at the site accesses will be minimal and that the effect on the operation of private driveways opposite the site will be less than minor.

b) There is nothing in the existing road safety record to suggest a significant road safety issue. I also assess that there is suitable visibility available from both of the proposed vehicle crossings to meet the relevant standards.

c) The draft consent conditions requiring the widening of the flush median to 1.5m and the extension of the existing footpath are, in my opinion, suitable measures to promote a safe means of access to the development.

Overall, it is my opinion that the traffic and transportation effects of the proposed development are less than minor.

Infrastructure

99. The evidence of Mr. Hayden Vink confirms the proposal can be adequately serviced in terms of three waters.

100. In respect of queries raised in the s.42A report regarding the potential for a conflict between the landscaping plan and the wastewater disposal field. At paragraph 19 of his evidence Mr. Vink states:

19. It is acknowledged that the site has limited area available for an EDA, however based on the proposed tenancies and anticipated wastewater loads, we believe there is sufficient space available on site for a complying EDA.

101. A query was also raised in the s.42A report regarding water supply for fire supply. At paragraph 25 Mr. Vink states:

Fire Supply - The proposed development will need to be assessed by a Fire Engineer and subsequent Fire Hazard Classification determined. There is opportunity to share the fire supply installed on the adjacent café site. Unimpeded access to the fire supply water tanks would need to be provided and legal mechanisms in place to ensure right of access.

102. Mr. Vink makes the following conclusion, which I endorse:

26. The proposed commercial development site/activities has been assessed to determine the ability provide appropriate 3 waters servicing in accordance with relevant WDC/NZ engineering standards and specifications. This assessment has determined that the proposed development is able to be accommodated within the site in accordance with the relevant standards and without contributing to adverse environmental effects.

Conclusion on Actual and Potential Effects

103. My assessment above and in juxtaposition with the similar assessment carried out by the reporting planner concludes the following:

- Te Kowhai is not a village in the traditional sense, and there are currently no sites and activities in Te Kowhai that legibly identify the centre of the settlement.
- The character of Te Kowhai is predominantly derived from its low density nature rather than any prevalent built form.
- The consented and developing receiving environment is of significant relevance to the proposal, given its adjacency and reasons for consent which are directly translatable to the subject site, particularly the conclusions around the 'mixed-use' character of this area.
- Commercial activities are a discretionary activity under the ODP and therefore contemplated.
- The proposal will result in significant quantifiable and intangible benefits for Te Kowhai
- The proposal is consistent with the character of Te Kowhai
- The new purpose-built commercial building of contemporary design, and is different to all existing commercial development in Te Kowhai. New development necessarily departs from that development which has occurred previously, and is a normal part of the cycle of redevelopment and renewal of urban areas, and there is little in the way of built reference point to fetter new development.
- The proposal does not want to be or pretend it is a town centre for Te Kowhai.
- There is ample demand for the retail space proposed, and the proposal will very likely make a positive contribution to the amenity of Te Kowhai.
- Acoustic effects, transportation-related effects, effects from infrastructure and construction and earthworks are all demonstrated to be no more than minor.

104. In consequence I conclude the overall effects of the proposal will be acceptable, with most effects being minor or less than minor.

Relevant Plan Provisions – s104(1)(b)

105. The following assessment is carried out in terms of the relevant provisions of the policy statements and plans and traces the same path set out in the Reporting Planner's report.

National Policy Statements

106. I concur with the Reporting Officer's comments on the relevance of National Policy Statements (NPS), and agree that under the NPS on Urban Development 2020 the settlement at Te Kowhai does not currently meet the NPS' definition of urban environment.

National Environmental Standards

107. I concur with the Reporting Officer's comments regarding the National Environmental Standards for Managing Contaminants in Soil to Protect Human Health, and on the relevance of other National Environmental Standards.

Waikato Regional Policy Statement

108. The Waikato Regional Policy Statement became operative on the 20th May 2016.
109. Below are relevant objectives and policies from the Waikato Regional Policy Statement (RPS) and subsequent assessments.

Objective 3.12 Built Environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

a) promoting positive indigenous biodiversity outcomes;

b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;

c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;

d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;

e) recognising and protecting the value and long-term benefits of regionally significant infrastructure; f) protecting access to identified significant mineral resources;

g) minimising land use conflicts, including minimising potential for reverse sensitivity;

h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;

i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;

j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and

k) providing for a range of commercial development to support the social and economic wellbeing of the region.

110. In my view the proposal is consistent with this objective as it is fully integrated with Te Kowhai, lying well within the developed part of the settlement, in a location previously accepted by the WDC as located within the 'township' of Te Kowhai and comprising a mixed use environment. Further as demonstrated in the above assessment of effects the proposal will enable significant positive social, cultural and economic outcomes. There is particular alignment between the proposal and k) in that the proposal will provide for a wider and improved retail offering in Te Kowhai that will better support its residents.

111. I do not agree with the contention of the Reporting Officer that the proposal undermines the planned development of the Town as anticipated under the

ODP. I think this reference is somewhat erroneous as the ODP does not contain any direction for the establishment of a town centre in Te Kowhai, with that left to subsequent non-statutory documents and future versions of the District Plan.

112. As above the Council has already accepted this area is a mixed use environment, from which a departure can comfortably be made from the Country Living zoning, as has been done on the adjoining site. Further the proposal does not pre-empt a town centre for Te Kowhai as previously discussed.
113. The other comments of the Reporting Officer for this objective have been adequately dealt with earlier in this report.

Chapter 6 – Built Environment – Policy 6.1

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- a) has regard to the principles in section 6A;*
- b) recognises and addresses potential cumulative effects of subdivision, use and development;*
- c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and d) has regard to the existing built environment*

114. The discussion above in relation to coordinated development is also relevant to this policy with no need to repeat.
115. I do not agree with the contention of the Reporting Officer that the proposal will catalyse an intensification of the surrounding area. Any such growth would be subject to assessment through the resource consent process or would be pursued through a plan change. In that context I think it is somewhat of a long bow to draw to contend that this proposal will undermine the spatial planning for Te Kowhai.

Policy 6.16 Commercial development in the Future Proof area

Management of the built environment in the Future Proof area shall provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such activities in existing commercial centres , and predominantly in those centres identified in Table 6-4 (section 6D). Commercial development is to be managed to:

a) support and sustain the vitality and viability of existing commercial centres identified in Table 6- 4 (section 6D);

b) support and sustain existing physical resources, and ensure the continuing ability to make efficient use of, and undertake long-term planning and management for the transport network, and other public and private infrastructure resources including community facilities;

c) recognise, maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre of the Future Proof area, by:

i) encouraging the greatest diversity, scale and intensity of activities in the Hamilton Central Business District;

ii) managing development within areas outside the Central Business District to avoid adverse effects on the function, vitality or amenity of the Central Business District beyond those effects ordinarily associated with trade competition on trade competitors; and

iii) encouraging and supporting the enhancement of amenity values, particularly in areas where pedestrian activity is concentrated.

d) recognise that in addition to retail activity, the Hamilton Central Business District and town centres outside Hamilton are also centres of administration, office and civic activity. These activities will not occur to any significant extent in Hamilton outside the Central Business District in order to maintain and enhance the Hamilton Central Business District as the primary commercial,

civic and social centre; e) recognise, maintain and enhance the function of sub-regional commercial centres by:

i) maintaining and enhancing their role as centres primarily for retail activity; and

ii) recognising that the sub-regional centres have limited non-retail economic and social activities;

f) maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land; and

g) ensure new commercial centres are only developed where they are consistent with a) to f) of this policy. New centres will avoid adverse effects, both individually and cumulatively on:

i) the distribution, function and infrastructure associated with those centres identified in Table 6-4 (section 6D);

ii) people and communities who rely on those centres identified in Table 6-4 (section 6D) for their social and economic wellbeing, and require ease of access to such centres by a variety of transport modes;

iii) the efficiency, safety and function of the transportation network; and

iv) the extent and character of industrial land and associated physical resources, including through the avoidance of reverse sensitivity effects.

116. I concur with the comments of the Reporting Officer in regards to this policy. The proposal will provide a level of commercial development finely tuned to the demonstrated level of demand present for Te Kowhai that will better meet the community's social and economic needs.

Conclusion on the RPS

117. Based on the above I am satisfied that the proposal is consistent with the relevant objectives and policies of the RPS.

Waikato Regional Plan

118. I concur with the comment so the Reporting Officer.

Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010

119. I concur with the comments of the Reporting Officer.

Operative Waikato District Plan (Waikato Section) 2013

120. The Waikato District Plan became Operative on the 5th April 2013.
121. Relevant outcomes, objectives and policies from the ODP are identified and discussed below.

1.6 Towns and Villages

The vision for the future of the towns and villages of the district is that:

- 1. the amenity, quality of life and wellbeing of the residents and their communities will be maintained and improved*
- 2. the environment will be safeguarded as development proceeds*
- 3. urban forms of growth will be focused into existing towns and villages which will be consolidated in preference to new towns being created.*
- 4. services will be provided for new residential development*
- 5. a sense of place will be fostered, with urban design that complements both human scale and physical setting*
- 6. business, industrial, and residential uses will be separated, except occupations that are carried out from home, which have acceptable effects on residential amenity*
- 7. town centres will retain their social and commercial focus*
- 8. historic heritage is protected from inappropriate subdivision, use and development*

122. Section 1.6.5 sets out the anticipated outcomes for 'rural villages'.

1.6.5 Rural Villages

The villages will be managed as part of the surrounding countryside. Limited provision is made for growth in business or industrial uses in most villages. An increase in residential use in key villages near Hamilton is promoted as a way of meeting some of the demand for larger residential allotments, while addressing the potential adverse effects of rural subdivision. Industry is expected to expand at Horotiu. Development of the Waikato Expressway will affect several towns and villages that are currently on State Highway 1. The diversion of traffic onto the expressway is expected to improve the residential amenity of some of these towns and villages and will contribute to the economic and social growth of the Waikato. It may mean some adverse economic effects on businesses within the district that cater to travellers.

The development of villages will be supported to enhance heritage and character

123. The proposal is consistent with the outcomes anticipated by the ODP for Te Kowhai Village. It will improve the amenity, quality and wellbeing of Te Kowhai residents, and focuses growth into the existing area of Te Kowhai rather than promoting expansion outside its boundaries. The purposeful and comprehensive design of the proposal will also create a quality sense of place, further enhanced by the likely projected full occupancy.
124. Some level of growth is anticipated within Te Kowhai, which this proposal is intended to serve. The proposal allows the continuation of Te Kowhai as part of the surrounding countryside. It is intended to serve existing and projected organic growth and will not in itself trigger a divorce from its hinterland.
125. In the relevant discussion the Reporting Officer acknowledges Te Kowhai is a village, however she also contends that the proposal comprises a potential town centre.

126. In my view it is premature to discuss the possibility of a town centre within the context of the ODP. The ODP does not contain any reference to a town centre for Te Kowhai nor is there any aspiration indicated for a town centre at Te Kowhai in the ODP. Three sites are zoned as Business only: the Te Kowhai Garage and the existing Food Mart and adjoining dwelling. The Town Centre overlay that is applied to parts of the centres of other settlements in the District such as at Ngaruawahia, is not applied at Te Kowhai.
127. It is only subsequent statutory and non-statutory planning documents created after the ODP that suggest some kind of centre be provided at Te Kowhai, particularly the 2017 Ngaruawahia, Hopuhopu Taupiri, Horotiu, Te Kowhai and Glen Massey Structure Plan. These do not inform planning decisions under the ODP so much as under the PDP, which will be discussed later in this evidence. Even then under the PDP the town centre concept mooted under the Structure Plan referred to above has not been brought into the proposed zoning.
128. Therefore I believe the consideration in the s.42A report given to the potential for the proposal to establish as a proxy town centre within assessment under the ODP is not appropriate. This reference point is perhaps better shifted to the discussion under the PDP, which has *followed* documents such as the Structure Plan referred to above, and can then at least be said to have been prepared in cognisance of documents that discuss a town centre for Te Kowhai.
129. Nevertheless to ensure such comments under the ODP are sufficiently cauterised I have responded to the town centre comments under the ODP as they occur. In addition removal of the town centre elements within the ODP assessment allows the focus to concentrate on the lack of existing commercial offering in the village and the enhancement the proposal therefore provides in response.

Managing Growth Pressures

Objective 1A.2.1

Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.

Policy 1A.2.2

Subdivision, use and development of an urban nature should occur within clearly defined boundaries of towns and villages rather than in rural areas.

Policy 1A.2.2A

Industrial and commercial activities that do not have a genuine functional connection with the rural land or soil resource and that do not require a rural setting should not locate in rural areas.

130. The proposal is urban in nature and located within the defined urban area of Te Kowhai, and is intended to service existing and projected growth of the Village. Any proposal for unplanned intensification to the north would have to submit to the same assessments this proposal is subjected to, or to a Plan Change process.

Sustainable settlements

Objective 1A.4.1

Residential and rural residential areas achieve and maintain high amenity values

Policy 1A.4.2

Subdivision, use and development in towns and villages should be sympathetic to their existing character.

131. It is my view the proposal will maintain a high level of amenity for the site based on the scale, setback and comprehensive design and landscaping. The development is of contemporary design and is not previously encountered in Te Kowhai, and has little in the way of existing quality built development to reference to. Consistency with existing commercial building design would not produce a high quality outcome.

132. The Reporting Officer considers the site coverage and vehicle generation non-compliances as contributing to a perceived detriment to amenity. The effects of these non-compliances are considered to be properly mitigated for the reasons set out in the AEE and in the Applicant's evidence. The additional traffic generated must be considered in the context of the existing traffic environment of Horotiu Road. At 7.3.1 of the Integrated Traffic Assessment that accompanied the original proposal the following is stated:

"It is estimated Horotiu Road in proximity to the subject site carries around 4,200vpd, with the proposal likely to increase traffic demands by some 984vpd to 1,388vpd. Whilst the estimated generation of vehicles from the proposal is proportionately high compared to the existing anticipated volumes, Horotiu Road was previously State Highway 39 and therefore designed to carry a larger capacity than the existing 4,200vpd. Typical traffic lane capacity is between 800vph and 1,200vph therefore assuming a worst case of 800vph capacity and assessing the likely future demand as being some 690vph (i.e. 504vph existing + 186vph development traffic) it is clear that the overall traffic demand is less than the capacity of a single traffic lane. As such, the effects of the proposed development are considered to be less than minor".

133. The Reporting Officer notes at page 51 of her evidence that following independent advice: *"I conclude that the actual and potential effects on efficiency and the road network will be no more than minor and are acceptable under section 104(1)a."* This conclusion contradicts the discussion under this policy that the traffic effects of the proposal will contribute to a reduction of amenity values currently enjoyed.
134. The Reporting Officer's comments regarding built form have been addressed earlier.
135. As such I consider the proposal is consistent with Objective 1A.4.1 and policy 1A.4.2.

Objective 1A.4.5 and associated Policies

Development patterns support the cost-effective maintenance, provision and efficient use of both existing and new infrastructure and services
I agree with the Reporting Officer's discussion under the objective.

Scattered Development

Objective 6.2.1

Development that is connected or grouped around infrastructure.

Policy 6.2.2

Subdivision or development should be located, and have a density, scale and intensity, to ensure efficient use of land, public facilities and utilities.

Policy 6.2.3

Residential and business development should occur in current towns and villages in preference to isolated rural locations

136. I believe the proposal is consistent with this objective and associated policies. The proposal is provided with its own infrastructure, and is located within the boundary of Te Kowhai, promoting consolidation and efficient accessibility, finding particular agreement with policy 6.2.3. For earlier reasons I do not agree with the Reporting Officer's contention the proposal is inconsistent with this objective and policies because it will promote growth on the northern edge of Te Kowhai.

Provision of Utilities Avoids Adverse Effects

Objective 6.6.1

Adverse effects of use and development are avoided by provision of wastewater and stormwater disposal, supply of water, energy and telecommunications.

Policy 6.6.4

The density and type of development should not exceed the capacity of the area to absorb the adverse effects of the development on amenity, water quality, stormwater runoff, ecological values, health or safety.

137. As noted by the Reporting Officer the proposal provides its own onsite services. Responses to the queries raised regarding infrastructure are discussed earlier in this report and in the attached Infrastructure report.

Land Transport Network

Objective 8.2.1 and associated relevant policies

An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.

138. I endorse the Reporting Officer's comments on the Land Transport Network-related objectives and policies.

Social, cultural and economic wellbeing

Objective 11.2.1

Towns, villages, neighbourhoods and localities have social coherence and a sense of place.

Policy 11.2.2

Town centres should have a primary role as shopping, service and social centres.

Policy 11.2.3

The boundary between towns, villages and rural areas should be defined by a clear difference in development density, by natural features and open space.

Policy 11.2.4

Focal points in towns and villages, including natural and built features, should be retained and enhanced.

Policy 11.2.5

Social infrastructure such as open space, halls, libraries, schools and shopping areas should be located so that a social focus, identity and identifiable gathering space is provided to the community.

Policy 11.2.6

Activities should avoid breaking up community and neighbourhood coherence, having particular regard to the cumulative effects of activities.

Objective 11.2.7

Valued social and cultural characteristics of communities are retained.

Policy 11.2.14

Activities in villages should enhance their social character and reflect their importance to the district.

139. As discussed, the proposal will enhance the amenity and sense of place at Te Kowhai through the provision of a quality well-designed development, and the enhanced opportunity for social interaction that brings.
140. Policy 11.2.3 seeks that towns, villages and rural areas should be clearly differentiated. I consider the proposal will not distort that differentiation. The proposal does not seek to create a town centre, and provides a level of retailing matched to a demonstrated level of demand and which will not alter the status of Te kowhai as a village.
141. As the Reporting Officer concedes, Te Kowhai does not currently have a legible focal point. Non-statutory documents have indicated a centre may be created at the main intersection in Te Kowhai, but that is as yet unwarranted and the proposal is not seeking to challenge that in the future. As above I question the validity of discussing any potential challenge to a future town centre at Te Kowhai within the context of the ODP.
142. Policy 11.2.5 is illuminating for subsequent discussion in this report regarding what constitutes a town centre.
143. The proposal is consistent with Policy 11.2.6. There is little in the way of established community and neighbourhood coherence in urban form terms as a result of the scattered pattern of development at Te Kowhai and absence of a legible centre. Instead the proposal will enhance coherence through the provision of a focus for current retail activity and the opportunities for improved social interaction that accompany that activity.

Amenity Values

Objective 13.2.1

Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised.

Policy 13.2.4

Adverse effects that cannot be contained on the site where they are generated must be remedied or mitigated.

Objective 13.2.6

Amenity values of localities are maintained and enhanced.

Policy 13.2.7

Scale, intensity, timing and duration of effects of activities should be managed to be compatible with the amenity and character of the locality.

Policy 13.2.9

Activities sensitive to noise, dust, smoke, odour, spray drift, lighting, litter, electromagnetic radiation, vermin or traffic should locate in areas where local amenity values are not already compromised by those effects.

Policy 13.2.10

Activities with dissimilar effects or a dissimilar expectation of amenity should be separated where possible.

144. I consider the proposal consistent with the above policies, for the reasons set out above and in the preceding assessment of effects. Further i do not think the area is dominated by rural residential and residential living, which has also been confirmed through the reasoning behind the approval for the adjoining café.

Conclusion on Objectives and Policies of the Waikato Section of the Operative District Plan

145. I believe the proposal is consistent with the relevant objectives and policies of the ODP:

- It will improve the amenity, quality and wellbeing of Te Kowhai residents, and focuses growth into the existing area of Te Kowhai rather than promoting expansion outside its boundaries.

The proposal:

- Will service demonstrated existing and projected growth of the Village.
- Is provided with its own infrastructure, is located within the boundary of Te Kowhai promoting consolidation and efficient accessibility, finding particular agreement with policy 6.2.3.
- Will enhance the amenity and sense of place at Te Kowhai through the provision of a quality well-designed development, and the enhanced opportunity for social interaction that brings.
- Will enhance coherence through the provision of a focus for retail activity and the opportunities for improved social interaction that accompany that activity.

146. The points of difference between my assessment and that of the Reporting Officer can be summarised as (where not addressed above):

- It is premature and inappropriate to discuss the possibility of a town centre within the context of the ODP. The ODP does not contain any reference to a town centre for Te Kowhai nor is there any aspiration indicated for a town centre at Te Kowhai in the ODP.
- It should be added that a town centre likely has a different makeup than the proposal. As indicated Policy 11.2.5 provides a helpful steer highlighting that elements such as open space, halls, libraries and schools in addition to shopping areas “...*should be located so that a social focus, identity and identifiable gathering space is provided to the community*”. Many of those components exist further south at the intersection of Horotiu and Te Kowhai Roads providing the obvious home for a town centre if Te Kowhai gains town status.

- The proposal will not trigger unplanned pressure to the north, which would have to submit to the same assessments this proposal is subjected to, and like this proposal would be assessed on its individual merits.
- Potential effects resulting from site coverage and traffic non compliances are mitigated for the reasons set out in the assessment of effects and therefore present no threat to amenity.
- The area is not dominated by rural residential and residential living, from which the proposal could be seen as an abrupt departure. Instead the receiving environment is considered of mixed use, confirmed through the reasoning behind the approval for the adjoining café.

Proposed District Plan – Objectives and Policies

147. I repeat the following extract from page 75 of the s.42A report because it has bearing on subsequent discussion:

The Proposed District Plan (Notified Version 2018) was publicly notified in July 2018. In accordance with s86A(2) the Objectives and Policies, methods, reasons and issues set out in this plan have legal effect from that date. The Proposed District Plan rezones the site to Business Zone. The Business Zone rules of a plan have no legal effect under s86B of the RMA.

148. Before I begin the assessment against the PDP objectives and policies, I must first examine in more detail the issue of the town centre at Te Kowhai. I believe here is the more appropriate home for that assessment since, as stated above the ODP preceded the formulation and publication of non-statutory documents advocating a town centre in Te Kowhai at some time. It follows that the PDP would be prepared in some recognition of that guidance and also perhaps reflecting it in the zoning strategy of the PDP.

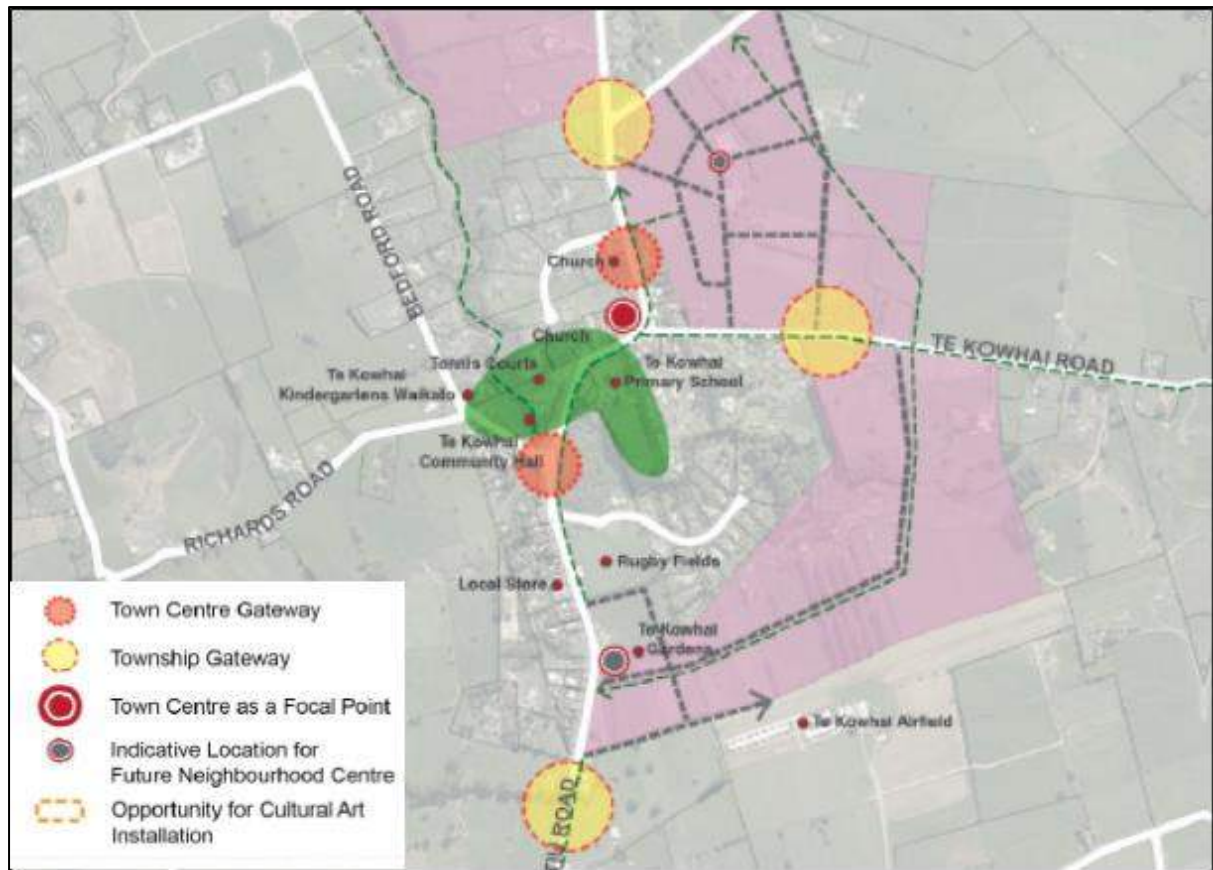


Figure 2: Ngaruawahia et al Structure Plan 2017

149. As can be seen in Figure 2 above no town centre is indicated at the subject site. The closest elements are a Township Gateway but I could not find further clarification of what this means and a neighbourhood centre to the immediate east. A Town Centre is clearly demarcated at the intersection of Te Kowhai and Horotiu Roads, adjacent the cluster of existing community elements such as the school and hall.

150. At section 1.1 the purpose of the structure plan is described as:

“The Structure Plan provides a strategic and spatial framework for future land uses, open space, transport and utility networks in the six settlements [including Te Kowhai] over the next 30 years. The plan is a guide to the staging of development and the integrated provision of transport networks, water supply, wastewater and stormwater disposal, open space, other utility networks, community facilities and the funding of development.”

155. No section 32 justification could be found for the change in zoning of the sites (confirmed by the Reporting Officer in her evidence). In its absence we are left to infer why this site was rezoned.
156. It is my belief that the land was rezoned as an echo of the Structure Plan to provide a gateway development and a neighbourhood centre at the northern entrance to Te Kowhai. Moreover I believe there was a desire to establish at Te Kowhai an area for better and slightly wider offering of retail to service the residential growth enabled through the rezoning of surrounding areas from the Operative Plan's Rural and Countryside Living to Village. That retail offering was not located at the junction indicated in the Structure Plan for what I suspect are two reasons:
- The constraint imposed on the formation of a 'town centre' by existing uses such as the garage and residential dwellings
 - The subject site is an unencumbered flat piece of vacant ground, primed for immediate development
157. In my view the subject site was rezoned as an interim step which will provide good short term service for the village but not preclude a town centre in the future. The formation of the town centre would occur only once Te Kowhai has achieved a certain mass. The proposed Business zoning provides an expanded retail offering now, consistent with the use of the Business zoning at other small urban centres.
158. The zoning of the subject site also implies that a possible future town centre should not be the sole location for retail in Te Kowhai. I believe the PDP zoning anticipates that concentration of all required retail into a town centre would be significantly disruptive to the existing elements that are located there such as the school, existing housing and community hall, and perhaps ultimately not feasible. There is no definition of town centre in the PDP but I recycle that used in the ODP in Policy 11.2.5 which as above includes elements such as open space, halls, libraries and schools in addition to shopping areas.

Shoehorning all of these components along with the projected demand for retail into the area identified for town centre will result in the town centre not being realised for a long time while the turnover of existing activities is waited out, and in the meantime required retail is potentially dispersed around the Village.

159. The extent of the proposed zoning, its echoing of the 2017 Structure Plan and its location indicates to me that it is intended to function more like a neighbourhood centre. Such centres occupy a specific place in the urban centres hierarchy, subordinate to higher order town centres and catering to the commercial needs of the immediate neighbourhood. This would seem to be borne out by the definition of neighbourhood centre in the PDP:

Neighbourhood centre

Means a single or small grouping of commercial activities that service the day-to-day needs of the local community. Neighbourhood centres are identified in structure plans or on the planning maps.

160. The proposal is consistent with this definition. It will comprise several smaller activities for the day to day needs of nearby residents including the superette, hairdressers and takeaways.
161. This approach has been replicated by the PDP across several settlements in the Waikato District. Attached at Appendix 4 is a selection of settlements that contain either Residential or Village zoning and are serviced through a Business zone, either consolidated such as at Matangi or Whatawhata, or dispersed in a pattern best suited to serve separate neighbourhoods, such as at Port Waikato.
162. Not taking through the 'town centre' from the 2017 Structure Plan into the proposed zoning for Te Kowhai reflects that such a provision is inappropriate for a village the size of Te Kowhai. This is underscored by the application of a Town Centre Zone under the PDP to various larger urban areas in Waikato District such as at Raglan, Ngaruawahia and Pokeno, and further reinforced

by the references at Appendix 10, Town Centre Character Statements, to the same identified centres.

163. Hence the use of the term 'town centre' in the Structure Plan has built up an unwarranted expectation that at some point such a centre will be established in the near future, but which the PDP has wisely refused to endorse, restricting commercial zoning to that appropriate for a village.
164. The proposed zoning of the subject site has not been challenged. There was one submission in support which did not attract any further submissions. The unchallenged status of the zoning is a powerful portent of the final outcome and it is my view that full weight can be applied to the proposed rezoning. It is accepted that the rules attached to the zoning are subject to challenge and may be modified.
165. It would appear also that the general PDP approach to the pattern of Business zoning in Te Kowhai is endorsed as evidenced by the absence of submissions challenging any of the Business zonings in the settlement. A submission was made by the Hamilton City Council challenging the extent of growth proposed in Te Kowhai (Submission point no: 535.19) but this is restricted to residential development.
166. Various submissions have been made on Business Zone rules. In terms of the bulk and location rules that directly affect the form of development at the subject site, the following submissions are noted:

17.3.1.1 Height – Building General

Three submissions received requesting an increase in height from 10 – 12 15m (Submission Points 746.56; 749.129; 871.9)

17.3.2 Daylight admission

Five submissions received requesting a relaxation of the rule (Submission points 633.22; 695.188; 746.57; 749.130; 871.11) and one submission seeking clarification of the rule (Submission point 697.202)

17.3.4 Building setbacks

Two submissions that have no bearing on the setbacks at the subject site (submission points 742.141; 986.57)

17.3.4.1 Building setbacks – Zone boundaries

Three submissions seeking a relaxation of the proposed setbacks (submission points 588.17; 633.30; 965.6), and one submission seeking a clarification (697.203).

17.4.1 General Subdivision

Submission in support of the minimum lot size of 225m² (submission point 633.50) or reduction in or elimination of density to 200m² (submission points 749.131; 780.27; 825.27; 831.28)

167. In summary no restriction but a loosening in the form of development within the Business zones is sought through submissions.
168. The following assessment of the PDP's Objectives and Policies is carried out against the Business zoning of the site, which as above is reasonably assumed will emerge unscathed from the PDP preparation process and is a legitimate and key matter to take into account.

4.1.1 Objective – Strategic

(a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.

(b) National Policy Statement on Urban Development Capacity Minimum Targets

The minimum targets for sufficient, feasible development capacity for housing in the Waikato District area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.

4.1.2 Objective Urban Growth and Development

Future settlement pattern is consolidated in and around existing towns and villages in the district

4.1.3 Policy - Location of development

(a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.

(b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.

4.1.6 Policy – Commercial and industrial activities

(a) Provide for commercial and industrial development in the following zones:

(i) Business Town Centre;

(ii) Business;

(iii) Industrial; and

(iv) Heavy Industrial.

169. In my view the proposal is consistent with these objectives and policies. The location of the proposal is within the existing boundaries of Te Kowhai, an identified growth centre, promoting a consolidated form of development contributing to the sustainability of Te Kowhai, and which can be efficiently and economically serviced.
170. The proposal comprises commercial development in a Business zone, is adjacent to a consented hospitality activity and the most intensive part of the Country Living zone.
171. As stated above the contention that the proposal will become the de facto town centre for Te Kowhai, and will intensify pressure for development around it's periphery is unfounded. The fact that the urban edge is 150m north of the site which is not changing under the PDP is in itself a strong deterrent to the granting of consent to further subdivision or commercial development in this direction. Further, the town centre identified in the 2017 Structure Plan has not been brought forward into the PDP.

4.1.7 Objective – Character of towns

(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.

172. The proposal is attractive and its position on Te Kowhai's main thoroughfare will ensure it is well connected.

4.2.26 Policy – Neighbourhood centres in structure plan areas

(a) Provide for new neighbourhood centres within structure plan areas or master plan areas, that :

- (i) Are for the daily retail and service needs of the community; and*
- (ii) Are located within a walkable catchment*

173. The proposal provides for a neighbourhood centre in a similar location to that indicated in the 2017 Structure Plan. The proposal will cater to the daily retail and service needs of the Te Kowhai community and is walkable from most parts of Te Kowhai.

4.1.17 Policy - Te Kowhai

(a) The scale and density of residential development in the Te Kowhai Village Zone achieves:

...

(b) Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas...

174. Although this policy refers to residential development, it is of some relevance as it articulates the character desired for the Village which is primarily driven by the existing and predominant character. This is of relevance to the previous discussion which posits the proposal as consistent with the existing low density and open space character of the Village.

4.5.1 Objective – Commercial function and purpose

(a) Commercial activity is focused within a differentiation of commercial zones and development (comprising the Business Town Centre Zone, the Business Zone, the Business Zone Tamahere and neighbourhood centres)

4.5.4 Policy – Commercial purpose: Business Zone

(a) The role of the Business Zone is to support the local economy and the needs of businesses by:

(i) Providing for a wide range of commercial activities; and

(ii) Providing for commercial activities at a scale that supports the commercial viability of towns and villages; and

(iii) Ensuring that commercial activities complement and support the role of business town centres

4.5.6 Policy – Commercial purpose: Neighbourhood Centres

(a) Ensure that within neighbourhood centres convenience retail and commercial activities are carried out in a way that meets the needs of the local communities they are intended to serve

4.5.8 Policy – Role and function of the Business Zone

(a) Ensure the role of the Business zone is complementary to the Business Town Centre Zone by:

(i) Enabling a wide range of commercial activities including large format retail activities within the Business Zone; and

(ii) Discouraging small scale retail activities, administration and commercial services within the Business Zone.

4.5.9 Policy – Employment opportunities: Business Town Centre Zone and Business Zone

(a) Commercial development within the Business Town Centre Zone and Business Zone increases employment opportunities within the district.

4.5.10 Policy – Retail: Business Town Centre Zone and Business Zone

(a) Locate small scale retail activities within the Business Town Centre Zone and discourage large scale activities from establishing within the Business Town Centre Zone.

(b) Locate large scale retail and commercial activities to within the Business Zone.

175. The proposal is consistent with this set of objectives and policies. The proposal will support the local economy of Te Kowhai, of a scale commensurate with

the demand demonstrated by the Economics report. At first blush the proposal appears inconsistent with Policies 4.5.8 and 4.5.10, however they apply only where a Business zone *accompanies* a town centre zone. In this case there is no such partnering, with the PDP intending that the Business zones be the only locations for commercial development.

176. In the vacuum of missing section 32 justification for the proposed zoning, I believe substantive evidence can be found in this set of objectives and policies for the approach taken by the PDP for Te Kowhai. The PDP sets out a differentiated approach tailored to the size of the settlement. Where the settlement is of a scale that warrants a town centre this will be supported and differentiated from the Business zones also present in that urban area. Where settlements do not warrant a town centre, the sole or main focus for commercial activity will be the business zones which will be of a scale that supports the viability of Te Kowhai Village, pursuant to policy 4.5.4(a)(ii), and these Business zones will function as a neighbourhood centre. If the site's zoning (and zoning of the adjoining site) is treated as a neighbourhood centre, the proposal through its provision of services catering to local needs is strongly consistent with Policy 4.5.6.

4.5.25 Objective – Business Zone - Character

(a) The commercial scale, form of buildings and character of the Business Zone is maintained.

4.5.26 Policy – Landscaping of onsite parking areas – Business Zone

(a) Provide a degree of amenity for onsite parking areas within the Business Zone by ensuring a planting strip is established and maintained.

4.5.27 Policy – Front setback – Business Zone

(a) Ensure buildings within the Business Zone are designed and setback from roads by:

- (i) Retaining the predominant building setback within the street; and*
- (ii) Allowing sufficient space for the establishment of landscaping on the site.*

4.5.28 Policy – Height: Business Zone

(a) Ensure the height of new buildings is complementary to, and promotes, the existing character of the Business Zone and adjoining residential and village zones

177. I concur with the Reporting Officer's comments on the above objectives and policies.

4.5.29 Policy – New buildings: Business Zone

(a) New buildings within the Business Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular:

- (i) Responds to the specific site characteristics and wider street;*
- (ii) Promotes architectural form, building features and placement;*
- (iii) Provides landscape and open space design that responds to the characteristics and qualities of the area;*
- (iv) Minimises visual and amenity impacts of accessways and parking facilities; and*
- (v) Accommodates pedestrian access and safety.*

178. As noted earlier an urban design assessment has not been provided because there is little in the way of existing built form to tie it to, and most of the character of Te Kowhai is derived from its low density, open character.

179. The Reporting Officer notes that an assessment has not been undertaken against the Urban Design Guidelines Town Centres. These Guidelines only apply to town centres as identified through the Business Town Centre zone, and the particular recognition at Appendix 4 and Appendix 10 of the PDP.

4.5.30 Objective – Business Zone and Business Town Centre Zones – Amenity and associated policies

(a) The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the Business and Business Town Centres Zones.

180. I generally concur with the Reporting Officer's comments on the above objectives and policies but depart as below.
181. As above the signage for the proposal has been amended with the removal of the freestanding sign and replacement with signage attached to the building fascia, rendering the proposal more strongly consistent with the signage-related policies.
182. The Reporting Officer's queries on Sunday noise limits have been addressed within the attached Acoustic Report and earlier in this report.

6.1.8 Objective – Infrastructure in the community and identified areas and associated policies

(a) Infrastructure takes into account the qualities and characteristics of surrounding environments and community wellbeing

183. The query by the Reporting Officer is addressed within the Infrastructure report and earlier in this report, and as a consequence the above objective and associated policies are considered satisfied.

Conclusions on Proposed District Plan

184. The preceding discussion makes the following key points:
- The more natural place for a discussion of a town centre at Te Kowhai is under the PDP if one is intended to emerge in the foreseeable future.
 - Reference to a Town Centre at Te Kowhai is erroneous under the PDP. The reference made in the 2017 Structure Plan has not been carried through into the zoning proposed.
 - The Business zoning of the subject site and adjoining site resemble more closely a 'neighbourhood centre', which aligns better with the existing development and growth anticipated for Te Kowhai.

- We are left to box at shadows in the vacuum created by the absent s.32 justification for the zoning of the subject land as Business. However taking a holistic overview of the relevant objectives and policies it appears that the intention was purposeful to not place a town centre at Te Kowhai, and instead introducing a Business zoning that will be sufficient for the demand demonstrated by the Village. This approach has been replicated by the PDP across several other similar settlements in the Waikato District.
- The zoning of the subject site is unchallenged, and is a powerful portent of the final outcome.
- Differentiation between uses in Business Town Centre zones and Business Zones is only appropriate where the two are partnered in a settlement. Where Business zones exist on their own, pursuant to various policies they should have a function and scale tailored to the demand of the settlement.
- Within that context, the proposal is consistent with the relevant objectives and policies of the PDP.

Conclusions on Relevant Plan Provisions under Section 104(1)(b)

185. The proposal is consistent with the relevant provisions of the Regional Policy Statement, the Operative Waikato District Plan and the Proposed Waikato District Plan.

Weighting

186. I do not agree with the Reporting Officer that no weighting should be applied to the PDP. The proposed Business zoning is wholly unchallenged, so that rule can be accorded 100% weight, and it is certain that some form of business activity will be carried out on the site. Following, the objectives and policies attached to the Business zoning can also be accorded significant weight when it is known that Business-related activities will be undertaken on the site.

187. It is acknowledged that the rules attached to the zoning have been challenged, and the final form of those rules will be worked through in the plan development process and will not emerge for some time.
188. I believe the contention of the Reporting Office that the PDP has changed the scale for business activities in the Business Zone from small scale to larger format to be incorrect in the context of my preceding discussion. Where there is a town centre and zoning which the PDP directs be supported, smaller scale retail would be encouraged into the town centre, and larger format retail into the deferential and lower tier Business zones. Smaller settlements like Te Kowhai are just not big enough to support that hierarchy, with Business zones functioning as the primary recipient for all retail activities, which generally will be smaller tailored to local demand.
189. If the PDP is amended to the effect that the Reporting Officer claims, and the Business zone in smaller settlements is reserved for larger format retail only it is likely that planning outcomes will be aberrant.
190. To repeat since this is important to the overall consideration of this application, the Business zoning of this site under the PDP is beyond challenge and should be accorded 100% weight.

Section 104(1)(c) – Other matters

Future Proof Strategy Nov 2017

191. I agree with the comments of the Reporting Officer that the proposal is consistent with this document - except that the proposal does not seek to establish a town centre, but will result in something akin to a neighbourhood centre which is provided for through the proposed zoning and supporting objectives and policies.

Waikato Tainui Environment Plan

192. I concur with the comments of the Reporting Officer for this document.

Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan - March 2017

193. In my view the proposal is consistent with the Structure Plan, in that it establishes what will function as a neighbourhood centre, roughly in the location recommended by the Structure Plan. It will not challenge the primacy of any eventual town centre partly because this has additional functions including providing a cohesive and legible home to other town centre functions such as community and government services, and its location is considered at the time when such a centre is becoming appropriate.

Waikato 2070 Te Kowhai Plan

194. It is acknowledged no commercial areas are identified within Te Kowhai with the Plan. However that could be just the result of lack of scale at Te Kowhai where only major elements are shown such as the residential development identified by the Reporting Planner. It is also noted at 1.2 of the Plan that it is intended as a broader longer term view of growth for future planning and investment, within which only major moves are highlighted.

Hamilton Metropolitan Spatial Plan – 2020

195. The comments of the Reporting Officer are acknowledged, but it is noted that the absence of provision for growth at Te Kowhai within this document differs from other planning documents, including the Waikato 2070 Te Kowhai Plan discussed above.

District Plan Integrity and Precedent Effect

196. Given that the evidence establishes that the proposal will not generate significant adverse effects and is consistent with the objectives and policies of relevant plans, I do not consider it will harm the integrity of the District Plan

nor trigger a precedent effect. The circumstances of the site are sufficiently unique to comfortably distinguish it from any subsequent imitators. Council have acknowledged in the reasoning for the approval to the adjoining café that the establishment of a commercial operation would not be out of place in this particular mixed use environment.

197. Furthermore, as a Discretionary activity under the ODP, the proposal is contemplated. Following, approval to a discretionary commercial activity in the Country Living zone cannot threaten the integrity of the Plan, since the Plan especially makes allowance for such activities in the Zone. If the effects of commercial activities in the Country Living Zone were of a significance warranting consideration of precedent and Plan integrity, the more appropriate status would have been non-complying.

Conclusion on section 104(1)(c) Other Matters

198. The proposal is consistent with the various non-statutory documents such as Future Proof and the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan - March 2017. It is noted also that there is some confusing overlap and conflict between the various non-statutory documents, including between the Waikato 2070 Te Kowhai Plan and the Hamilton Metropolitan Spatial Plan – 2020, both released this year. The proposal will also not harm the integrity of the District Plan nor will it trigger a precedent effect.

Assessment of Part 2 Matters

199. I accept the requirement couched in caselaw that the proposal be subjected to an assessment under Part of the RMA Act.

Section 8

200. I concur with the assessment made by the Reporting Officer that the proposal will not offend the provisions of section 8.

Section 7

201. Following earlier conclusions, I believe the proposal will result in efficient use and development of natural and physical resources and will maintain and enhance the amenity values of Te Kowhai and therefore is consistent with section 7 of the RMAct.

Section 6

202. There are no matters of national importance to be recognised and provided for in relation to this application.

203. Section 5 sets out the purpose of the RMAct which is:

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

204. The proposal will better enable the Te Kowhai community to provide for their social and economic well-being.

205. In terms of the effects of the proposal:

- The proposal will result in significant quantifiable and intangible benefits for Te Kowhai
- The proposal is consistent with the character of Te Kowhai
- There is ample demand for the retail space proposed, and the proposal will very likely make a positive contribution to the amenity of Te Kowhai.
- Acoustic effects, transportation-related effects, effects from infrastructure and construction and earthworks are all demonstrated to be no more than minor.

206. In response to the Reporting Officer's conclusions on Effects at this point in her report:

- Any effects on Character and amenity are considered mitigated, and offset by the positive contribute the proposal will make in this regard
- The Economic Assessment by Mr Colegrave demonstrates demand for the proposal, and confirmed by the tenancies already secured.
- The detail requested accompanies this report.

207. In respect of the relevant plan provisions under section 104(1)(b), the proposal is consistent with the relevant provisions of the Regional Policy Statement, the Operative Waikato District Plan and the Proposed Waikato District Plan.

208. Assessment should generally be weighted in favour of the ODP given the stage which the PDP is at in its development process. However the unchallenged zoning of the subject site is a clear potent as to the final outcome for this site. The proposal emerges favourably from a full assessment under the ODP, and assessment limited objectives and policies under the PDP.

209. In respect of section 104(c) Other matters, the proposal is consistent with some relevant non-statutory documents such as Future Proof and the 2017

Ngaruawahia et al Structure Plan. Inconsistencies identified by the Reporting Planner with other documents could stem more from the broader view of those documents within which detailed delineation of lesser elements such as commercial areas is not considered appropriate. The proposal will not harm the integrity of the District Plan.

Submissions

210. As noted above I concur with the summary of submissions the Reporting Officer has made. The issues raised in the submissions have all been dealt with through the Applicant's expert reports and the evidence. For completeness and ease of comparison I respond following the itemisation in the Reporting Officer's summary.
211. It is salient to note that submissions were not received from any directly adjoining landowners. The closest landowners from which submissions were received were from 8 Westvale Lane, diagonally opposite the site, and from 575 Horotiu Road, which is separated from the subject site by the property at No. 571 Horotiu Road. Overall submissions were fairly widely distributed across the Village and beyond, suggesting perhaps that any direct effects of the retail centre are less important than perceived wider strategic and trade impacts.

Economic

212. The concern about the impact on the existing shops must be disregarded pursuant to the RMAct. As Mr Colegrave has noted at paragraph 48 of his evidence a strong body of case law confirms that trade impacts must be very high to go beyond effects that are ordinarily associated with trade competition, and that impacts on individual stores are irrelevant because they amount to pure trade competition. He concludes that the proposal will not give rise to significant, if any retail distribution impacts.

213. Mr Colegrave also amply resolves the contention regarding lack of demand, at paragraph 45 of his evidence:

In my view, given the lack of any other available commercial space in the study area, there would be more than enough demand from local commercial and professional services providers to fill the proposed tenancies. This is reinforced by the fact that the applicant has already secured commitments for all but one of the seven tenancies available.

Character, amenity and built form

214. This report and the accompanying landscape evidence finds that the proposal will fit with the character of Te Kowhai, which is primarily derived from its low density, spread out form as opposed to any predominant built form. In providing a purpose built, comprehensively designed centre the proposal will enhance the character of Te Kowhai, and will provide significant enhanced opportunities for social cohesion, especially compared to the existing offering.

Noise

215. This is addressed within this report and the accompanying Acoustic Evidence.

Traffic Safety and Numbers

216. This is addressed within this report and the accompanying Acoustic Evidence.

Infrastructure and flooding

217. This is addressed within this report and the accompanying Infrastructure Evidence.

Archaeology – accidental discovery protocol condition

218. Agree with the Reporting Officer that a condition can be attached to any consent granted to this effect.

Location – shops in the wrong place

219. Addressed throughout this report. Mr Colegrave in his evidence has confirmed there is adequate demand for the proposal in Te Kowhai. The location is in an area that the Council has already conceded is one of 'mixed use', and is placed next to a main thoroughfare, from which a significant degree of passing trade can be drawn and which confers excellent accessibility. The location has been further confirmed through the PDP's zoning of the site for the proposal, which is unchallenged, and resonates the 2017 Structure Plan direction that a neighbourhood centre be established in the vicinity.

Social Impacts

220. The proposal will have a significant positive social impact for the Te Kowhai community. It provides a purpose built retail centre comprehensively designed and landscaped generating enhanced opportunities for social interaction, and compares well with the existing retail offering in the Village. The trade competition impacts of existing businesses in Te Kowhai being detrimentally affected must be set aside under the Act, but even there were to be any negative social impacts stemming from that detriment, they are more than offset by the uplift and positive impacts of the proposal. Mr Colegrave has also quantified some of these impacts, which are considered significant.

Overall Conclusion

221. The proposal is consistent with the relevant Plans, will not generate effects that are more than minor, and in contrast will result in significant positive benefits. There is demand for the retail offering proposed as demonstrated by the Economics Report. The proposal is consistent with relevant objectives and policies for the Operative and Proposed District Plans, and other relevant

statutory and non-statutory documents. It is therefore my view that consent should be granted to this proposal.

222. In the event that the Commissioner is of a mind to grant approval, a draft set of conditions have been agreed with the Reporting Officer, but it is the intention that I will work together with the Reporting officer in the lead up to the hearing to have a finalised set of conditions ready for presentation at the hearing.

Dated: 6 November 2020



.....
Christopher Mark Francis Dillon

APPENDIX 1

**CONSENT FOR THE OPERATION OF A CAFÉ AND GIFT SHOP AT 714 TE
KOWHAI ROAD, TE KOWHAI**

Your Ref

In reply please quote
LUC0414/17

If calling, please ask for
Cameron Aplin



14 July 2017

Postal Address
Private Bag 544, Ngaruawahia 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Terra Consulting
PO Box 5028
Frankton
Hamilton 3242

Dear Sir/Madam

**APPLICATION BY TE KOWHAI ESTATE LIMITED FOR LAND USE CONSENT AT 714
TE KOWHAI ROAD TE KOWHAI**

The resource consent application that you made under the Resource Management Act 1991 (RMA) has been determined and has been granted. Please find enclosed a copy of the Decision and the Consent.

A Compliance with Conditions

Unless a specific time limit is stated in the conditions, all conditions must be complied with before the consent is exercised.

As per the conditions of consent, please notify Council's monitoring department prior to the commencement of activities associated with this consent. The role of Council's monitoring department is to monitor conditions of consent to ensure they are complied with.

Council's monitoring department can be contacted on monitoring@waidec.govt.nz or 07 824 8633. Please reference the consent number and address of the property when emailing or calling.

B Lapsing of Consents

RMA s125 relates to the lapsing of consents. A resource consent lapses five years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent, unless

- (a) The consent is given effect to, before the end of that period; or
- (b) An application which meets the criteria specified in s125 is made to Council and Council decides to grant an extension after taking into account:
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

Any such application should be accompanied by a deposit for a section 125 application. Any such application should be accompanied by a lodgement fee as per Council's [Fees and Charges Schedule](#).

C Changes to Conditions

RMA s127 enables an application to be made to Council to change or cancel any condition of this consent. Any such application should be accompanied by a lodgement fee as per Council's [Fees and Charges Schedule](#).

D Review of Decision on non-notified application

RMA s357 provides a right of objection in respect of this decision. Any such objection shall be made by notice in writing to the Council, set out the reasons for the objection, and be accompanied by a lodgement fee as per Council's [Fees and Charges Schedule](#). An objection shall be made within 15 working days of the decision being notified, or within any longer time allowed by of the Council.

E Right of Appeal

RMA s120 and 121 and Regulations 16 – 19 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153 relate to appeals. Please note:

- (i) You may appeal against this decision by lodging a Notice of Appeal, in the prescribed form, with the Registrar of the Environment Court and with the Council within 15 working days of the receipt this decision by you or the person who filed the application on your behalf. The Environment Court address is:

The Registrar Environment Court P O Box 7147 Wellesley Street AUCKLAND	Specialist Court and Tribunal Centre Level 2 41 Federal Street (Cnr Wyndham and Federal Streets AUCKLAND CITY Telephone: 09 916 9091 Fax: 09 916 9090
--	---
- (ii) A filing fee of \$511.11 GST inclusive must accompany every document by which appeal proceedings are commenced.
- (iii) RMA s121 includes important information about other persons the appeal must be served on and the time when service must take place.

It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed.

Yours faithfully



Cameron Aplin
PLANNER

Cc: Te Kowhai Estate Limited
PO Box 5281
Frankton
Hamilton 3242

Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

DECISION ON APPLICATION: LUC0414/17

Pursuant to Sections 34A(1), Section 104, 104B and 108 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants Land Use Consent for a Discretionary Activity to:

Activity: To undertake earthworks to create a level building platform for a relocated building to be placed on site to be used for the operation of a café and gift shop (commercial activities) the Country Living Zone.

Applicant: Te Kowhai Estate Ltd

Location Address: 714 Te Kowhai Road TE KOWHAI

Legal Description: LOT 1 DPS 76520 comprised in Computer Freehold Register SA59A/651

This consent is subject to the conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

A handwritten signature in black ink, appearing to read "L. Jones", written over a horizontal line.

CONSENTS TEAM LEADER

Dated: 14/07/17

Schedule 1

Conditions of Consent

Resource Consent No: LUC0414/17

General Conditions

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the consent holder in support of application number LUC0414/17 and officially received by Council on 03 March 2017 and further information received 26 April 2017, 24 May 2017 and 21 June 2017 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.
- 2 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 3 The maximum height of the building is 8.8m as measured above natural ground level of the site.
- 4 A maximum volume of 1000m³ of earthworks is carried out over an area of 3,700m².
- 5 The consent holder shall undertake construction in generally accordance with the drawings and calculations submitted with the application LUC0414/17, and subsequent amendments. All engineering works forming part of this consent will be assessed under and are to comply with the Waikato District Plan, Hamilton City Council Infrastructure Technical Specifications and the Waikato Regional Plan, unless conditions specify otherwise.

Prior to Earthworks

Monitoring Team Notification

- 6 The Consent Holder shall notify the Waikato District Council Monitoring Department at least 10 working days prior to the commencement of activities associated with this consent.

Advice note

To notify Waikato District Council Monitoring Department, email monitoring@waidc.govt.nz with the consent number, address of property and date for when the works will commence.

Developer's Representative

- 7 Prior to commencement of engineering designs or construction works the Consent Holder shall appoint a Developer's Representative in accordance with the Hamilton City Council Infrastructure Technical Specifications in order to supervise and provide certification of the consented engineering works.

Prior to and during Earthworks

Erosion and Sediment Controls

- 8 Prior to and during undertaking of any earthworks activities on the site; erosion and sediment control measures shall be installed in accordance with the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009 and maintained in accordance with these guidelines.

During Earthworks

Hours of Operation

- 9 During earthworks, earthworks shall be limited to the days of Monday – Friday between the hours of 7.30am – 5.30pm and Saturday 8.00am – 5.00pm except for Public Holidays where no earthworks shall be undertaken.

Dust

- 10 During earthworks, the site shall be managed in such a way that dust emissions do not cause an objectionable effect beyond the boundaries of the site to the satisfaction of Waikato District Council's Team Leader Monitoring.

Advice Note:

For the purposes of this condition, the Waikato District Council Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council determines so after having regard to:

- *The frequency, intensity, duration, location and effect of dust emission(s); and/or,*
- *Receipt of complaints from neighbours or the public; and/or,*
- *Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.*

At completion of Earthworks

Erosion and Sediment Controls

- 11 At completion of earthworks, installed erosion and sediment control measures shall not be removed until approval is obtained from a Monitoring Officer of the Waikato District Council.

Revegetation

- 12 All areas of earthworks (excluding any area covered by buildings, car parking areas) shall be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced to the satisfaction of a Monitoring Officer of the Waikato District Council.

Prior to relocation of the building

Monitoring Team Notification

- 13 The Consent Holder shall notify the Waikato District Council Monitoring Department at least 2 working days prior to the relocation of the building to be used as a café.

Advice note

To notify Waikato District Council Monitoring Department, email monitoring@waidc.govt.nz with the consent number, address of property and date for when the works will commence.

Prior to the building being relocated, a cash bond of **\$20,000.00 (TWENTY THOUSAND DOLLARS)** shall be lodged with the Council. The cash bond shall be held by the Council and refunded when the works listed in the conditions of consent have been completed to the satisfaction of the Council. The works covered by the bond shall be carried out within a period of twelve months from the date of issue of the resource consent. The preparation of the cash bond has been undertaken by Council Solicitors at the applicant's expense.

Stormwater & Wastewater

- 14 Prior to the relocation of the building to the site; the consent holder shall ensure that the stormwater and wastewater management systems are provided, generally in accordance with the specifications and recommendations in the "Proposed Cafe Building, 714 Te Kowhai Road, Te Kowhai - Three Waters Management Plan" from Wainui Environmental Ltd - Ref WE1650.02 - Dated 19th April 2017.

Once building has been relocated onto the site and prior to the opening of the Café & Gift Shop

Relocated Building Improvements

- 15 The building shall be delivered to its final position on the site, and connected to its new foundations with 7 days of arrival at the site.

Within 12 months from the date of the building being relocated to site, the consent holder shall ensure that the external appearance of the relocated building is restored as follows:

External Walls:

- (a) The complete exterior of the building shall be cleaned, sanded and repainted. The minimum painting standard shall be an undercoat and one top coat.
- (b) Any decayed, cracked or damaged exterior cladding shall be replaced or repaired.
- (c) Any damage to the building during the re-siting process is to be repaired in accordance with the New Zealand Building Code.
- (d) The steps, decks, deck roofs and baseboards shall be reinstated.
- (e) Any damaged windows or external doors shall be replaced or repaired.

Roof:

- (f) All spouting and downpipes shall be reinstated and connected to the approved storm water system.
- (g) The roof shall be repainted.
- (h) Any decayed fascia boards shall be replaced.

Stormwater

- 16 Upon moving the relocated building to site, and/or completion of each impervious surface, the Consent Holder shall ensure all stormwater downpipes and discharge pipes are connected, as soon as practicable, to the stormwater management systems required by this consent, to the satisfaction of the Waikato District Council's Team Leader Monitoring.

Prior to opening of the Café & Gift Shop

Engineering Design & Plans

- 17 Prior to the opening of the Café and Gift Shop & prior to undertaking any activities within the public road corridor, engineering designs and plans of the Horotiu Road entrance to the site shall be provided to Council for approval. The designs and plans shall include, but not be limited to:
- Road widening to provide a 75 metre (including taper) deceleration lane to the north of the entrance.
 - Pavement design and cross sections of widening associated with the deceleration lane and entrance.
 - Entrance curvatures.
 - Extension of the existing footpath to the proposed pedestrian access to the site.

Car parking and associated drainage

- 18 Prior to the opening of the Café and Gift Shop; the consent holder shall provide car parking and associated drainage generally in accordance with the Concept plans from DDL Architecture, Job No. 16.072 Dated 28-02-2017.

Access

- 19 Prior to the opening of the Café and Gift Shop, the consent holder shall construct a deceleration lane and entrance to the site in accordance with the approved engineering design details and plans required by this consent, to the satisfaction of Council.

Certification

- 20 Prior to the opening of the Café and Gift Shop; the Consent Holder shall provide a 'Producer Statement – construction' for each separate work undertaken by each individual contractor for the earthworks, waste and stormwater systems, to the satisfaction of Waikato District Council.

An acceptable format for certification upon completion of works can be found in the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(ii).

- 21 Prior to the opening of the Café and Gift Shop; the Consent Holder shall provide a 'Certificate of Completion of Development Works' prepared and signed by the Developers Representative to confirm that all works have been carried out in accordance with the appropriate standards, and the plans and reports submitted with the application and subsequent information provided.

An acceptable format for a 'Certificate of Completion of Development Works' can be found from the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(i).

Implementation of Fencing

- 22 Prior to the opening of the Café and the Gift Shop, the consent holder shall construct an acoustic fence in the location identified on the approved site plan. The acoustic fence shall be constructed in accordance with the noise assessment report prepared by Design Acoustics dated 24 February 2017.

Duration the operation of the Café and Gift Shop

Hours of Operation

- 23 The hours of operation for the Café and Gift Shop shall be limited to the days of Monday – Sunday between the hours of 7.30am -5.30pm

Noise

- 24 Noise associated with the Café and Gift Shop measured at any other site does not exceed:

- (a) 50dBA (L_{10}), 7am to 7 pm any day;
- (b) 45dBA (L_{10}), 7pm to 10pm any day; and,
- (c) 40dBA (L_{10}), and 65dBA (L_{max}) at all other times.

Noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with NZS 6802:1991 – Assessment of Environmental Sound.

Noise Monitoring

- 25 Within 3 months of the Café and/or Gift Shop operating on the site the consent holder shall arrange for noise monitoring to be undertaken by a suitably qualified person to assess whether compliance is being achieved with the noise condition imposed by this consent. The results of the noise monitoring shall be submitted in writing to the Waikato District Council Monitoring Department. In the event that compliance is not being achieved, the consent holder shall take all necessary steps to achieve compliance with the noise condition imposed by this consent.

Landscaping

- 26 All landscaping shown on the approved site plan are planted and maintained in accordance with this site plan. If any of the landscaping becomes dead or diseased, the dead or diseased landscaping shall be replaced in the same or similar location within 12 months by a same or similar species.

Maintenance of Fencing

- 27 The acoustic fence shall be maintained in accordance with the noise assessment report prepared by Design Acoustics dated 24 February 2017.

Service Delivery & Waste Collection Vehicles

- 28 All service delivery and waste collection vehicles shall only occur on Monday – Saturday between the hours of 7.30am -5.30pm

Parking

- 29 All vehicles associated with the café and gift centre shall be parked within the boundaries of the property within the car parking area as depicted on the approved site plan.

Stormwater and Wastewater

- 30 Stormwater and wastewater shall be managed generally in accordance with the specifications and recommendations in the "Proposed Cafe Building, 714 Te Kowhai Road, Te Kowhai - Three Waters Management Plan" from Wainui Environmental Ltd - Ref WEI650.02 - Dated 19th April 2017.

Review Condition

- 31 Pursuant to section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may review any or all of the conditions of this consent at any time from the commencement of this consent.

The Council shall serve notice on the consent holder of its intention to review any or all of the conditions of this consent for any of the following purposes:

- (a) To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating any adverse effect on the environment that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to noise, access & traffic, parking, visual, hours of operation, and amenity effects), and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions to reduce the number of events, hours of operation and/or numbers of people;
- (b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
- (c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent;

The Council will undertake the review in consultation with the consent holder and the consent holder shall implement any changes/measures required. The consent holder shall pay the actual and reasonable costs of the review.

Advisory Notes

1 Lapse Date

This Resource Consent for land use lapses five years after the commencement of the consent, unless:

- (a) the Consent is given effect to prior to that date.
- (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

2 Other consents/permits may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Hamilton City Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

3 Archaeological sites may be **affected** by the proposal

It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

The applicant is advised to immediately stop work and contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

In addition to contacting Heritage New Zealand Pouhere Taonga, it is requested that you also contact Council's Monitoring Department at monitoring@waidc.govt.nz with the consent number, address of property and date of when works ceased.

4 Enforcement Action

Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part XII of the Resource Management Act (1991).

Schedule 2

Reasons for Decision

Resource Consent No: LUC0414/17

- I The actual and potential effects created by the proposal are acceptable for the following reasons:
- Country Living Zone Character and Amenity is maintained for the following reasons:
 - The location of the proposal is on the edge of a township and is not located within the middle of a rural area which is dominated by predominately rural productive activities. The area is made up of a mixture of zoning within the localised environment which include Living Zone (To the South and includes adjacent sites), Business Zone (also to the South) and Rural Zone (also to the south and the north) in addition to Country Living Zone (to the West, East and the immediate North). I therefore do not consider the wider area to be solely country living in character (e.g. featuring large rural residential lots open spaces) and establishing the proposed activity in such a location would not necessarily be out of place in this mixed use environment.
 - The proposal will increase the number of vehicle movements to and from the site. Vehicles arriving and leaving the site are likely to occur in a spread out manner during hours of operation.
 - Vehicle access for the proposal is along Horotiu Road which is classified as an Arterial Road which is likely to result in a number of customer visits being incidental (i.e. passing along) within the area which in turn reduces additional vehicle movements on Horotiu Road.
 - An acoustic report has been provided with the application which has confirmed noise from the proposal “will be in the order of 25 dBA lower than the ambient noise environment from road traffic” (Source: Section 2.0 of the Acoustic Report provided with the application).
 - An acoustic report has been provided with the application which has confirmed noise from the proposal will comply with District Plan permitted activity noise limits subject to the proposed noise mitigation and management measures identified within this acoustic report.
 - In regards to pedestrian access to the site, a footpath as seen in Figure 1 is proposed to provide connectivity for pedestrians to the existing footpath which provides pedestrian route to the houses to the south located within the Living Zone.

- In terms of visual effects on the wider environment, the impact of the bulk of the proposed café and gift shop building, outdoor dining areas, decks, water tanks and parking area will be reduced and softened by the proposed fencing and landscaping as seen in Figure 1 from those in the surrounding environment including those travelling along Horotiu Road. It is noted the proposed café and gift shop building is setback 30 metres from all Living Zone boundaries and setback more than 13 metres from the legal boundary of Horotiu Road and all other boundaries.
 - Light spill from vehicle headlights leaving the site will be fleeting and likely to be indiscernible from vehicle headlights of road users in the area and not likely to be an issue based on the proposed hours of operation.
 - The proposed service area for the proposal will be located at the rear of the building and enclosed by a timber fence and planting. The fence will ensure that the outdoor servicing area, which include refuse storage bins and water tanks will be screened therefore there will be no adverse visual effects on the wider environment.
 - An acoustic report has been provided with the application which has confirmed noise from the proposal will comply with District Plan permitted activity noise limits subject to the proposed noise mitigation and management measures identified within this acoustic report. These measures have been outlined in section 1.1 of this report. The applicant has agreed to implement these measures and as such, the recommendations have been imposed as conditions of consent.
 - An entrance from Horotiu Road will be constructed to provide access to the café. This entrance is required to be constructed to the required standard under the Hamilton City Council Infrastructure Technical Specifications. The entrance is also required to include a slip lane of 50m in length and a taper of 25m in length to mitigate effects of the location of the proposed vehicle entrance.
 - Stormwater & wastewater can be adequately managed on the subject site as demonstrated by the stormwater and wastewater management plan submitted with the application.
 - Adequate water supply for the proposal will be provided onsite.
- 2 The proposal is consistent with the objectives and policies of the operative District Plan.
 - 3 The proposal is consistent with the operative Waikato Regional Policy Statement and all other relevant matters.
 - 4 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991

RESOURCE CONSENT

NO: LUC0414/17

Approved by: Cameron Aplin

Date: 14/07/2017

NOT FOR CONSTRUCTION

taper for 25m @ 1:1.0

NOTIONAL BOUNDARY - NEW POST AND RAIL FENCING APPROX 1.3m HIGH

120M2 RESERVE FIELD

120M2 EFFLUENT FIELD

7500
ROAD YARD

Glass Screens to form Labyrinth
arrangement for sound protection to be a
min 1.5m high

EXTENT OF
OUTDOOR DINING AREA

PROPOSED CAFE BUILDING

TEST LOCATION 8 FROM PHEONIX
CONSULTING
SITE INVESTIGATION

6X BIKE RACKS

accessible ramp

timber screen fence

water tank water tank water tank water tank

90%tile
2 axle truck
tracking

loading zone
TURNING AREA

loading zone

service area

water tank water tank water tank
water tank water tank water tank

timber screen fence

Shrubs and low level planting

access foot path

FOOT PATH EXTENDED

chain link or
similar gate
across access
for after hours
security

12000
SIDE YARD

Concrete

Pavers

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BOUNDARY - NEW POST AND RAIL FENCING APPROX 1.3m HIGH

Last 5m of fence pitched down to 1m at road boundary

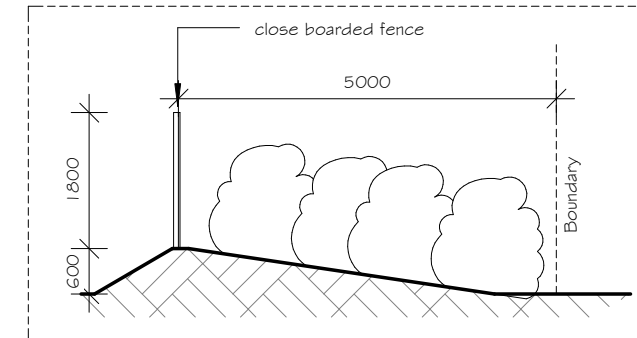
600mm high planted earth bund with 1.8m close boarded timber fence to top

5000
to fence centreline

NOTIONAL BOUNDARY - NEW POST AND RAIL FENCING APPROX 1.3m HIGH

Shrubs and low level planting

DENSE PLANTING BETWEEN BOUNDARY
AND ACCUSTIC FENCING



CROSS SECTION OF ACOUSTIC FENCE

HOROTIU ROAD

DENSE PLANTING TO
1.8m HEIGHT TO
CARPARK
SCREENING

DENSE
PLANTING TO
1.8m HEIGHT TO
CARPARK
SCREENING

DENSE
PLANTING TO
1.8m HEIGHT
TO CARPARK
SCREENING

CULVERT
UNDER
CROSSING

existing
footpath
to be
extended

PROPOSED SAINTS CAFE DEVELOPMENT

SKO | SITE LAYOUT

DATE 28-2-17

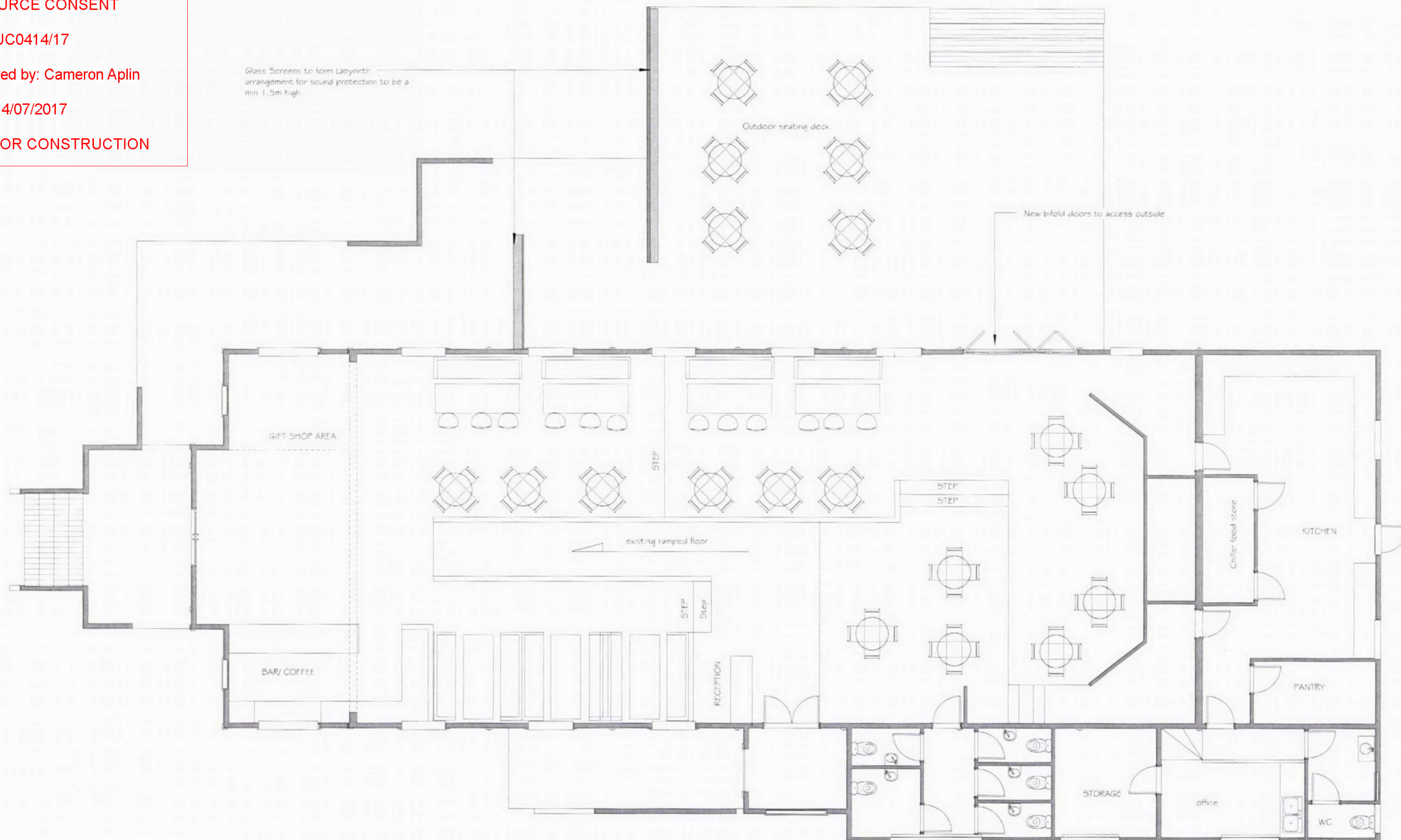
SCALE As indicated

ISSUE TYPE CONCEPT

JOB # 16-072



RESOURCE CONSENT
NO: LUC0414/17
Approved by: Cameron Aplin
Date: 14/07/2017
NOT FOR CONSTRUCTION



PROPOSED SAINTS CAFE DEVELOPMENT

SKO2 BUILDING LAYOUT

DATE 28-2-17
SCALE 1 : 100
ISSUE TYPE CONCEPT
JOB # 16-072



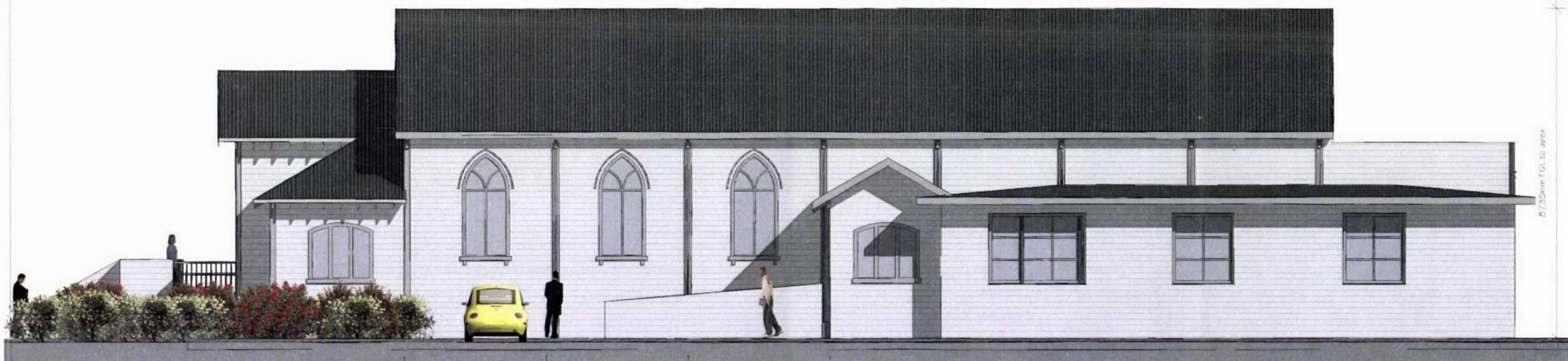
RESOURCE CONSENT

NO: LUC0414/17

Approved by: Cameron Aplin

Date: 14/07/2017

NOT FOR CONSTRUCTION



PROPOSED SAINTS CAFE DEVELOPMENT

SK03 BUILDING ELEVATIONS

DATE 28-2-17

SCALE 1 : 100

ISSUE TYPE CONCEPT

JOB # 16-072



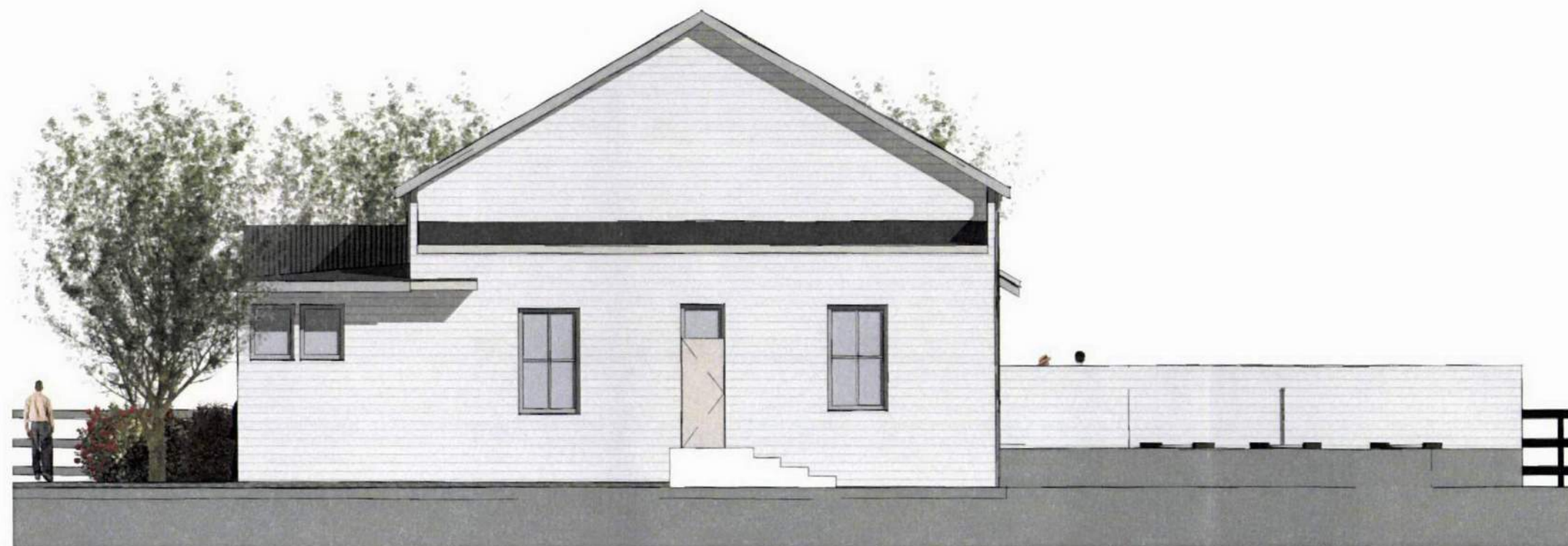
RESOURCE CONSENT

NO: LUC0414/17

Approved by: Cameron Aplin

Date: 14/07/2017

NOT FOR CONSTRUCTION



PROPOSED SAINTS CAFE DEVELOPMENT

SK04 BUILDING ELEVATIONS

DATE 28-2-17

SCALE 1 : 100

ISSUE TYPE CONCEPT

JOB # 16-072



APPENDIX 2

**CONSENT FOR A NINETEEN LOT SUBDIVISION AT TE KOWHAI ROAD, TE
KOWHAI**

13 October 2020

Postal Address
Private Bag 544, Ngaruawahia 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Terra Consultants (CNI) Ltd
PO Box 5028
Frankton
Hamilton 3242

Email: chris.dillon@terrargroup.co.nz

Digitally Delivered

Dear Sir/Madam

DECISION ON AN APPLICATION FOR SUBDIVISION CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991

Application number(s):	SUB0007/20
Applicant	Te Kowhai Estate Limited
Address:	Te Kowhai Road TE KOWHAI
Legal Description	LOT 3000 DP 527122
Proposed activity(s):	Undertake a nineteen lot subdivision and a road to vest in the Country Living Zone, where consent is also required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as a Restricted Discretionary Activity as soil contamination exceeds the applicable standard in Regulation 7.

I wish to advise you of Council's decision to **grant** your application for subdivision consent under the Resource Management Act 1991 (RMA). Please see below for the details of the decision and conditions of consent.

The following information provides you with some guidance on your rights and what to do next. It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed:

Objection

If you disagree with any part of this decision or any conditions of this consent, you may lodge an objection in writing to Council within **15 working days** of the receipt of this letter. Your objection must be in accordance with section 357 of the RMA and must include the reasons for your objection.

If you decide to lodge an objection to this consent, please note that you cannot lodge a section 223/224 application for subdivision.

Next Steps

When you're ready to start your subdivision talk to your surveyor/consultant about compliance with conditions of subdivision consent and the next steps in the process.

Lapsing of Consent

This subdivision consent lapses 5 years after the commencement of the consent, unless the consent is given effect to by the end of that period.

A subdivision consent is given effect to when a certificate under section 223 of the RMA has been applied for.

Following this, section 224 states that the final completion certificate must be signed and deposited within 3 years of the section 223 certificate being obtained.

Yours faithfully

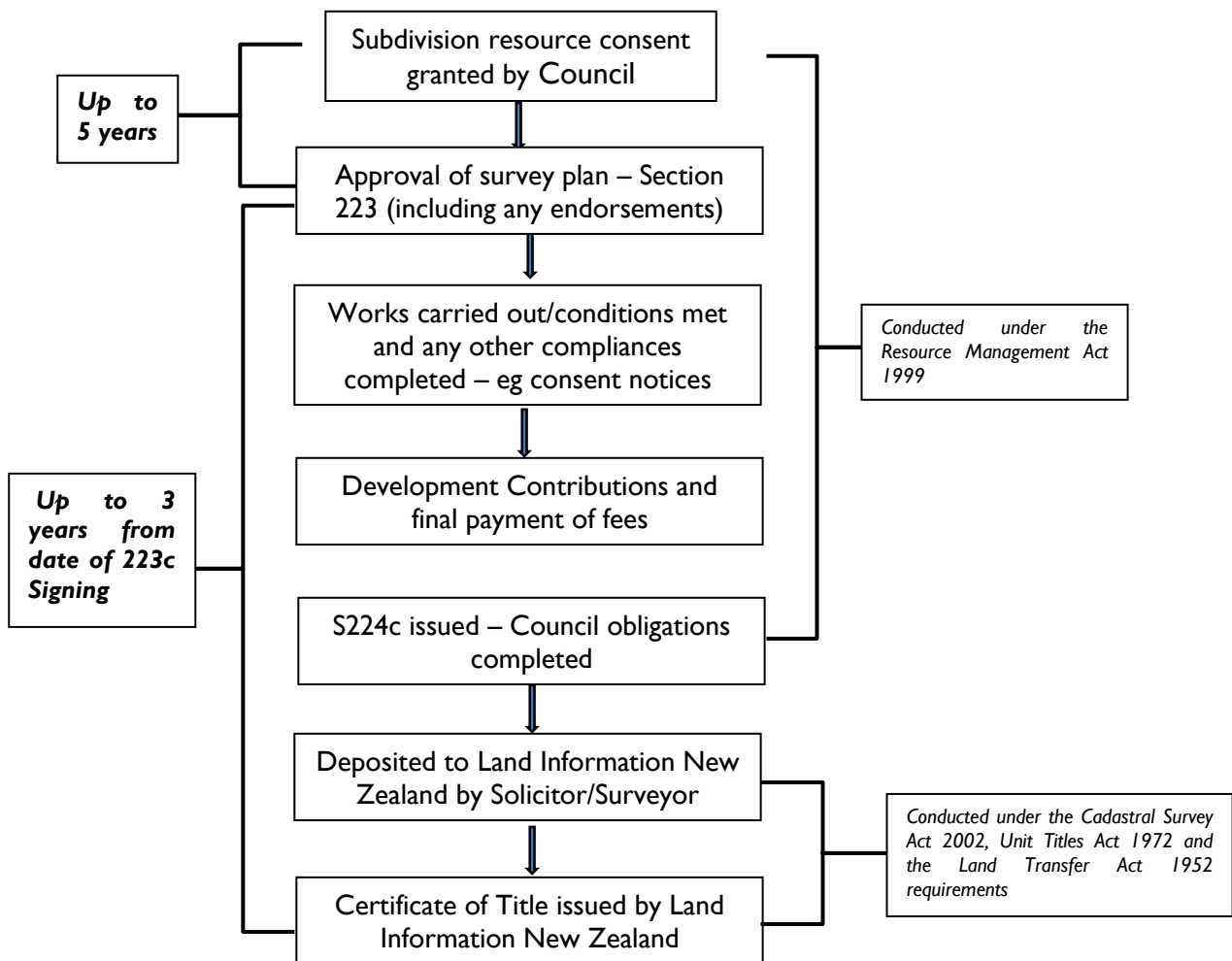
A handwritten signature in blue ink, appearing to read 'J Thomas'.

Jessica Thomas

CONSENTS ADMINISTRATION

Cc: Te Kowhai Estate Limited

Email: jason@saintproperties.nz



Adapted from: <http://www.qualityplanning.org.nz/index.php/planning-tools/land/subdivision>

Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

DECISION ON APPLICATION: SUB0007/20

Pursuant to Sections 34A(1), Section 104, 104B, 104C, 106, 220, 108 and 108AA of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants subdivision consent for a Discretionary activity under the Operative District Plan and for a Restricted Discretionary Activity under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Activity: To undertake a nineteen lot subdivision and a road to vest in the Country Living Zone with non-compliances in regards to allotment size, frontage and shape factor, where consent is also required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as a Restricted Discretionary Activity as soil contamination exceeds the applicable standard in Regulation 7.

Applicant: Te Kowhai Estate Limited

Location Address: 714 Te Kowhai Rd, Te Kowhai

Legal Description: Lot 3000 DP 527122 comprised in Record of Title 848360 & 4000 DP 527122 comprised in Record of Title 848361

This consent is subject to the conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

A handwritten signature in black ink, appearing to read 'Mike Hill'.

CONSENTS TEAM LEADER

Dated: 13 October 2020

Schedule I

Conditions of Consent

Resource Consent No: SUB0007/20

General Conditions

- 1 The Land Transfer Plan to give effect to this resource consent shall be generally consistent with the approved plans prepared by NICKLIN CE as follows:

Lot 40 – 58 & 100 Being a Subdivision of Lot 3000 & 4000 DP 527122 at 714 Te Kowhai Road, Te Kowhai dated 12 October 2018, amended 18 October 2019, reference: 4058 – 01 – 05.

Except as amended by the conditions below

Copies of the approved plans are attached.
- 2 The minimum lot size of all Lots shall be 3000m² in general accordance with the approved plan dated 12 October 2018, amended 18 October 2019, reference: 4058 – 01 – 05.
- 3 The minimum width of road frontage for all Lots shall be 34.5m except for Lot 47 which shall have a minimum width of road frontage of 33.3m in general accordance with the approved plan dated 12 October 2018, amended 18 October 2019, reference: 4058 – 01 – 05.
- 4 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 5 Council's processing fees are to be paid in accordance with the Council's schedule of fees and charges prior to the signing of the s224 certificate.
- 6 Prior to s223 and s224 approval all buildings shall comply with the permitted activity rules relating to building coverage, setbacks, daylight angles relative to the new boundaries and number of dwellings.

Prior to the application for s223 approval the Consent Holder shall comply with the following Conditions:

- 7 All public stormwater and roading infrastructure (including access allotments, footpaths, signage and planting) shall be in general accordance with the approved engineering plans prepared by Nicklin CE referenced Version 4, date stamped by Council 7 February 2018.
- 8 The intersection to Horotiu Road shall be in general accordance with the approved engineering plans prepared by Nicklin CE referenced Version 4, date stamped by Council 7 February 2018.

Prior to the application for s224 approval the Consent Holder shall comply with the following Conditions:

- Revocation of Easement
- 9 Pursuant to section 243(e) of the Resource Management Act 1991, I hereby certify that the Waikato District Council has revoked the easement for the right to drain water marked CC on DP527122 created by Easement Instrument 11294173.5 over Lot 4000 DP 527122 in so far it relates to Lots 40 – 44 and 48 – 58.
- Soil Remediation
- 10 Prior to undertaking any development earthworks in the area of identified contamination in the report “Soil Contamination Investigation & Assessment – Combined Preliminary Site Inspection (PSI) & Detailed Site Investigation (DSI) & Remediation Action Plan Reports for proposed subdivision located at 714 Te Kowhai Road, Te Kowhai” (DSI), prepared by Soil and Land Evaluation Ltd, dated December 2016 and submitted with application SUB0007/20, the consent holder shall undertake remediation of the identified contamination. The remediation shall be carried out in accordance with the remediation action plan submitted or such other remediation action plan submitted to, and approved by, Waikato District Council’s Contaminated Land Specialist.
- Advice Note
- The DSI was originally submitted for application SUB0021/18 and identifies the area of contamination as being on Lot 11 which was subsequently changed in that application to Lot 3. The area of contamination in the current application is around the border of proposed Lots 43 and 44.
- 11 After remediation has been undertaken, the consent holder shall provide a site validation report showing that the identified contamination has been successfully remediated in accordance with the remediation action plan. The site validation report shall be prepared by a suitably qualified and experienced person in accordance with the Ministry for Environment Contaminated Land Management Guidelines No.1 – *Reporting on Contaminated Sites in New Zealand*.
- 12 All material removed from the site in the course of the remedial works shall be disposed of at a suitably licensed landfill facility. Receipts for disposal shall be included in the site validation report.
- Telecommunications
- 13 Written Confirmation shall be provided from a network utility operator for telecommunications confirming that connections and reticulations have been placed to the boundaries of Lots 40 – 58.
- Power Supply
- 14 Written Confirmation shall be provided from a network utility operator for power supply confirming that connections and reticulations have been placed to the boundaries of Lots 40 – 58.

Road

- 15 Lot 100 shall be vested to Council as Road.
- 16 Lot 100 shall be constructed in general accordance with the Engineering Plans Approved under Subdivision Consent SUB0021/18.
- 17 As-built drawings and RAMM information, including a schedule of assets to vest, for the Road to be vested to Council shall be provided. As-built drawings and RAMM information shall be in general accordance with the requirements of the Regional Infrastructure Technical Specifications to the satisfaction of the Land Development Engineer, Waikato District Council.
- 18 The Consent Holder shall provide a 'Producer Statement – Construction', for each separate work undertaken at completion of each stage by each individual contractor as part of the consented subdivision, (i.e., roading construction, entrance construction, footpath construction, stormwater management systems) to the satisfaction of Waikato District Council.

Note: An acceptable format for a 'Certificate of Completion of Development Works' can be found from the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(i).

- 19 A 'Certificate of Completion of Development Works' prepared and signed by the Developer's Representative/ a suitably qualified professional, shall be provided to confirm that all works have been carried out in accordance with the approved plans and appropriate standards.

Note: An acceptable format for certification upon completion of works can be found in the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(ii).

Consent Notice

- 20 The following conditions shall be complied with on an ongoing basis and shall therefore be the subject of a consent notice registered against the relevant title(s) in accordance with Section 221 of the Resource Management Act 1991:
- (a) No vehicle entrance shall be formed to access Lot 40 directly from Horotiu Road.
 - (b) No vehicle entrance shall be formed to access Lot 58 directly from Te Kowhai Road.
 - (c) Any earthworks, foundation design, wastewater and stormwater management for a building consent application on Lot 40 - 58 shall be undertaken either in accordance with the restrictions and recommendations of the Site Suitability Report by Phoenix Consulting Engineers, reference 160507 dated 2 October 2019; Stormwater Management Plan prepared by Wainui Environmental dated 27th May 20219 read in conjunction with the Revision 2 of the Stormwater Management Plan prepared by Wainui Environmental dated 23 August 2017; or in accordance with an alternative report, undertaken by a suitably qualified and experienced Engineer (Geo Professional), approved in writing by Waikato District Council; and in either case, all works are undertaken to the entire satisfaction of the Waikato District Council.

Consent notices shall be prepared by Waikato District Council's Solicitor. Please request your consent notice be prepared prior to requesting 224 approval.

Advisory Notes:

Lapse Date

- I This Resource Consent for land use lapses five years after the commencement of the consent, unless:
 - (a) the Consent is given effect to prior to that date.
or
 - (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

Private Covenants

- 2 Please be aware if a private covenant is registered on the Record of Title, it is the responsibility of the consent holder to investigate the relevance of that covenant, as some covenants may restrict certain activities occurring on the site.

Corridor Access Request

- 3 Prior to undertaking any works within the Council road reserve, a Corridor Access Request (CAR), including traffic management plan, for the works to be carried out in the road reserve, and submitted to the Waikato District Council for approval not less than fifteen (15) working days before starting these works.
- 4 Please note that the road naming policy may apply to this proposal.

Schedule 2

Reasons for Decision

Resource Consent No: SUB0007/20

- I The actual and potential effects created by the proposal are acceptable for the following reasons.
- The proposed lots located between smaller Living zoned lots and larger Country Living Zone lots provide a transition between the larger and smaller lots that exist in Te Kowhai Village with the smaller lots abutting to the west/south west and the larger lots to the east/south. This is considered a unique factor of the site which contributes to ensuring amenity values of the sites and localities are maintained and enhanced. In addition, another unique factor is that the two titles subject to the proposal are significantly larger than any other existing titles in Te Kowhai zoned County Living Zone, thus providing for a more planned approach to the lot arrangement.
 - The proposed lots at 3000m² – 3450m² are significantly larger than the size (ranging between 966m² and 2,023m²) of the Living zoned lots therefore providing the contrast of residential vs rural residential development. In addition, the layout of the lots is uniform and is unlikely to look out of place in this location.
 - As result of the proposal, the volume of additional vehicle movements expected (70 vehicles per day) is not considered to be significant and therefore is not expected to result in any discernible impact upon the safety, capacity or function of the surrounding roading network.
 - Consent Notices have been imposed in relation to Lot 40 and 58 prohibiting vehicle access from Horotiu Road and Te Kowhai Road for Lot 40 and 58 respectively.
 - The Site Suitability Report provided with the application confirms the proposed Lots are capable of containing a suitable building platform.
 - Stormwater & Wastewater can be adequately managed on the subject site as demonstrated by the Site Suitability Report and Stormwater Management Plan submitted with the application which is required to be read in conjunction with the approved Stormwater Management Plan for the original subdivision consent (SUB0021/18).
 - On-site Water Supply will be provided for all Lots.

- Any contamination above the stipulated soil contaminant standards and / or site specific soil guideline value under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health has been appropriately investigated and will be successfully remediated and / or managed through conditions of consent.
- 2 The proposal is consistent with the objectives and policies of the Operative District Plan and Proposed District Plan. In particular, the proposal is consistent with the objectives and policies in Chapter 1A of the ODP which provide strong direction that subdivision of a rural-residential nature should occur within towns, villages and defined growth areas; and that residential and rural residential areas achieve and maintain high amenity values.
 - 3 The subdivision meets the provisions of section 106 of the RMA because legal and physical access is provided for and the applicant has addressed the risks of natural hazards through design and mitigation measures proposed.
 - 4 The proposal is consistent with the National Policy Statement for Urban Development, Waikato Regional Policy Statement and the Waikato Regional Plan and all other relevant matters including the proposed rezoning of the site to Village Zone under the Proposed District Plan which is characterised by lots that are smaller than those anticipated in the Country Living Zone and therefore consistent with the proposed lot sizes.
 - 5 Precedent has been assessed as not a relevant consideration for this application and it is considered that it not likely that further applications will follow for creating lots under 5000m² in the Country Living Zone that are materially indistinguishable from this application.
 - 6 Overall, the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.

RESOURCE CONSENT
SUB0007/20

Approved by: Cameron Aplin (Consultant Planner)

13 October 2020

- KEY: 3000m² LOT
- Building Setback 7.5m
 - Road Frontage 12.0m
 - Internal (Side) – 12.0m
 - Building Platform 30ø CIRCLE
 - Building Platform 1000 m² Rectangle 25.0m x 40.0m
 - Boundary

SCHEDULE OF EXISTING EASEMENTS		
PURPOSE	SHOWN	DOCUMENT
DRAINAGE EASEMENT	CCA	LOT 45 HEREON
	CCB	LOT 46 HEREON
	CCC	LOT 47 HEREON
DRAINAGE EASEMENT	LOTS 40 – 58 HEREON	CONV.208985 (R183/557)

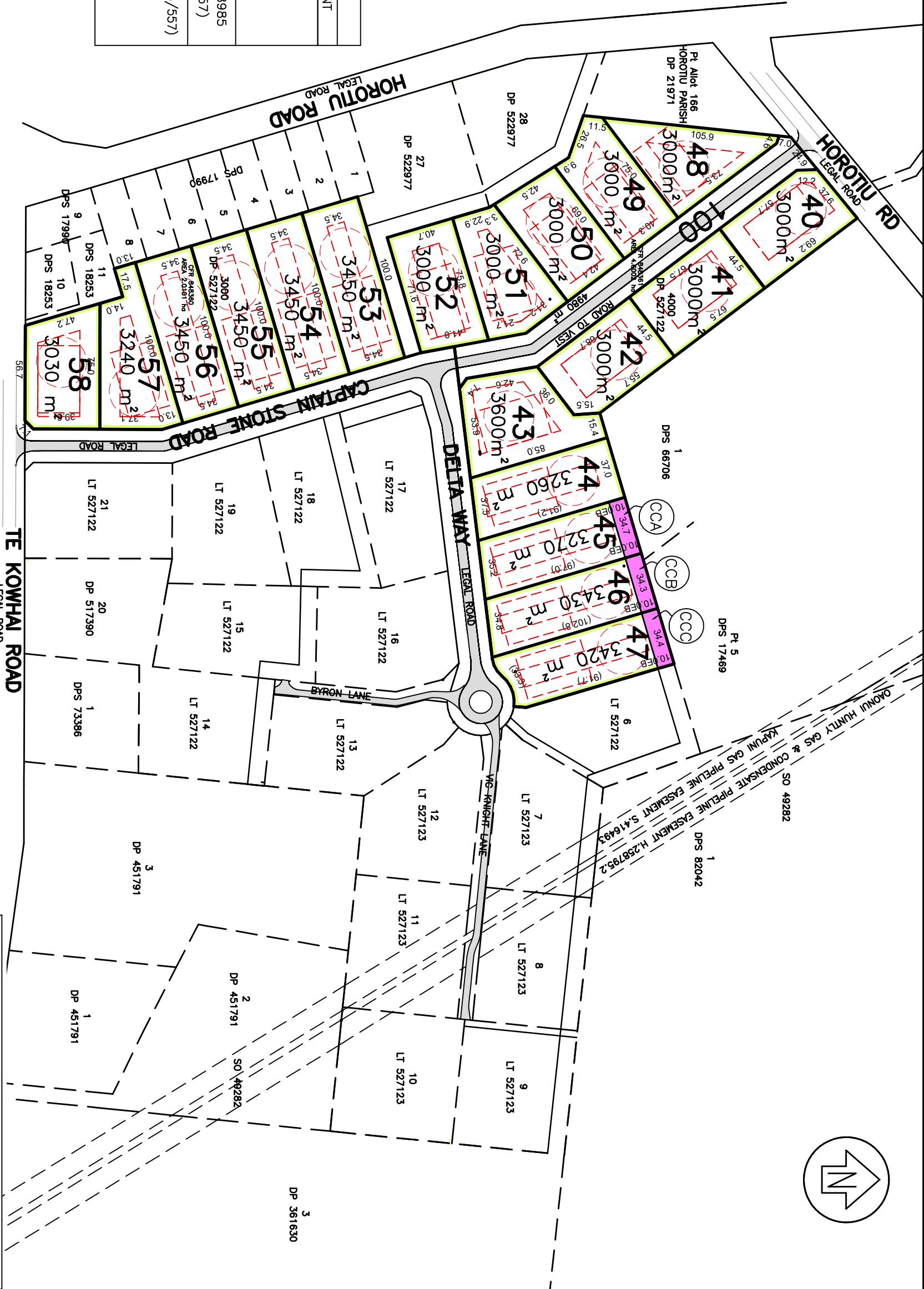
The Drainage Easement created by Conveyance 208985 (R183/557) has not been previously shown on any document or plan.

NOTE: THIS EASEMENT IS SHOWN AT THIS TIME HOWEVER IS LIKELY TO BE REMOVED FROM THE UNDERLYING CFR's

PROPERTY DETAILS:

LEGAL DESCRIPTION:

- LOT 3000 & LOT 4000 DP 527122
- AREA: 6.7103 ha
- COMPRISED IN CFR 848360, 848361
- WAIKATO DISTRICT COUNCIL
- ZONING: COUNTRY LIVING



LOTS 40–58 & 100 BEING A SUBDIVISION OF
LOT 3000 & 4000 DP 527122
AT 714 TE KOWHAI ROAD, TE KOWHAI

AMENDMENT SCHEDULE		CLIENT: TE KOWHAI ESTATE LTD	
A	YARD, SHAPE FACTOR	18/10/19	
	AUTOCAD: Z:\4058\CAD\CONSENTS		
	CIVILCAD:		
	SURVEYOR: CM	DRAWN: RNW	
	DESIGNED: DT	4058-01-05	
	DATE DRAWN: 12 OCT 2018		
	SCALE: 1:2500 (A3)		

NOTES:
1. AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO
FINAL SURVEY.

APPENDIX 3

RELEVANT SUBMISSIONS RELATING TO THE PROPOSED BULK & LOCATION STANDARDS FOR DEVELOPMENT IN THE PDP BUSINESS ZONE

Plan chapter: Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.1 Height > 17.3.1.1 Height – Building General

Submitter Number:	746	Submitter:	The Surveying Company
Point Number	746.56		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.1 Height > 17.3.1.1 Height – Building General		
Summary of Decision Requested	Amend Rule 17.3.1.1 Pl - Height- Building General as follows: <i>The maximum height of any building must not exceed 40m <u>15m</u>.</i>		
Decision Reasons:	<ul style="list-style-type: none">• The building height should be increased to allow for 4 storeys.		

Proposed Waikato District Plan (Stage 1)

Summary of Submissions by Category

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- This will ensure development and re-development (especially of smaller sites) is economically viable for developers and allow for a range of uses making residential development viable on upper floors.

Submitter Number:	749	Submitter:	Housing New Zealand Corporation
Point Number	749.129		

Submitter Number:	749	Submitter:	Housing New Zealand Corporation
Point Number	749.129		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.1 Height > 17.3.1.1 Height – Building General		
Summary of Decision Requested	Amend Rule 17.3.1.1 Height - Building General as follows: <i>Pl</i> <i>The maximum height of any building must not exceed 12m <u>4m</u>.</i> <u>RD P+</u> <i>(a) Any building that does not comply with Rule 17.3.1.1 Pl.</i> <i>(b) Council's discretion shall be restricted to any of the following matters:</i> <i>(i) Height of the building;</i> <i>(ii) Design and location of the building;</i> <i>(iii) Extent of shading on adjacent sites; and</i> <i>(iv) Privacy on adjoining sites.</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.		
Decision Reasons:	<ul style="list-style-type: none">• The submitter generally opposes the proposed permitted height and activity status.• Amendments are required to the provision to provide for design flexibility as well as to better enable the delivery of centre intensification at a variety of different scales and typologies.• The submitter proposes changes are necessary to establish triggers for consent and matters of discretion.		

Submitter Number:	871	Submitter:	Brendon John & Denise Louise Strong
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AND

Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.

Decision Reasons:

- The submitter generally opposes the proposed permitted height and activity status.
- Amendments are required to the provision to provide for design flexibility as well as to better enable the delivery of centre intensification at a variety of different scales and typologies.
- The submitter proposes changes are necessary to establish triggers for consent and matters of discretion.

Submitter Number: 871 **Submitter:** Brendon John & Denise Louise Strong

Point Number 871.9

Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.1 Height > 17.3.1.1 Height – Building General

Summary of Decision Requested **Amend** Rule 17.3.1.1 PI height - Building General, as follows:

The maximum height of any building must not exceed ~~40~~15m.

Decision Reasons:

- The building height should be increased from 10m to 15m to allow for 4 storeys.
- This will ensure development and re-development (especially for smaller sites) is economically viable for developers and allow for a range of uses making residential development viable on upper floors.

Plan chapter: Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.1 Height > 17.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

Submitter Number: 697 **Submitter:** Waikato District Council

Point Number 697.201

Plan chapter: Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission

Submitter Number: 633 **Submitter:** Alan Henderson
Organisation: Van Den Brink Group

Point Number 633.22

Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission

Summary of Decision Requested **Delete** Rule 17.3.2 Daylight Admission in its entirety.

AND

Any consequential amendments and/or additional relief required to address the matters raised in the submission.

Decision Reasons:

- This control is without precedent and represents a restrictive and inappropriate regime.

Point Number 633.29

Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission

Summary of Decision Requested **Amend** Rule 17.3.2 PI(a) (Daylight Admission) to increase height from 2.5m to 3m.

AND

Any consequential amendments and/or additional relief required to address the matters raised in the submission.

Decision Reasons:

- There is no justification to reduce the height to boundary recession plane to a height which is lower than the previous Franklin provisions.

Submitter Number: 695 **Submitter:** Sharp Planning Solutions Ltd

Point Number 695.188

Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission

Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission
Summary of Decision Requested	Amend Rule 17.3.2 P1(a) (Daylight Admission) to increase height from 2.5m to 3m. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
Decision Reasons:	<ul style="list-style-type: none"> There is no justification to reduce the height to boundary recession plane to a height which is lower than the previous Franklin provisions.

Submitter Number:	695	Submitter:	Sharp Planning Solutions Ltd
Point Number	695.188		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission		
Summary of Decision Requested	Amend Rule 17.3.2 P1(a) Daylight admission as follows: <i>P1(a) Any building must not protrude through a height control plane rising at angle of 27.4 degrees commencing at an elevation of 2.5m above ground level at the site boundary.</i>		
Decision Reasons:	<ul style="list-style-type: none"> There is no logical planning reasons for this differentiation. All daylight control planes should be made to be consistent with each other and that used by adjoining Councils. 		

Submitter Number:	697	Submitter:	Waikato District Council
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Submitter Number:	697	Submitter:	Waikato District Council
Point Number	697.202		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission		
Summary of Decision Requested	Amend Rule 17.3.2 RD1 Daylight admission, as follows: <i>(b) Council's discretion is limited-restricted to the following matters:</i> <i>(i) Height of the building;</i> <i>(ii) Design and location of the building;</i> <i>(iii) Level of shading on an adjoining any other sites;</i> <i>(iv) Privacy on other sites;</i> <i>(v) Amenity values of the locality.</i>		
Decision Reasons:	<ul style="list-style-type: none"> Consistency with the equivalent rule in other chapters. 		

Submitter Number:	746	Submitter:	The Surveying Company
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Submitter Number:	746	Submitter:	The Surveying Company
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Proposed Waikato District Plan (Stage 1)

Summary of Submissions by Category

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Point Number	746.57
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission
Summary of Decision Requested	<p>Amend Rule 17.3.2 P2 Daylight admission as follows:</p> <p><i>Buildings must not protrude through a height control plane rising at an angle of 37⁴⁵ degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i></p>
Decision Reasons:	<ul style="list-style-type: none"> It is inconsistent with previous planning documents which are less restrictive. It is too restrictive for urban areas. Adequate amenity and daylight for adjoining sites can be achieved with a less restrictive control plane. The 37 degree angle is difficult to calculate.

Submitter Number:	749	Submitter:	Housing New Zealand Corporation
Point Number	749.130		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission		
Summary of Decision Requested	<p>Amend Rule 17.3.2 P1 Daylight admission as follows:</p> <p><i>(a) Any building must not protrude through a height control plane rising at an angle of 37⁴⁵ degrees commencing at an elevation of 2.5m^{2m} above ground level at the site...</i></p>		
Decision Reasons:	<ul style="list-style-type: none">• The submitter generally opposes the daylight admission and seeks a change to the height control plane.• Amendments are sought to the provision to provide for design flexibility as well as to enable the delivery of centre intensification at a variety of different scales and typologies.		

Submitter Number:	749	Submitter:	Housing New Zealand Corporation
Point Number	749.130		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission		
Summary of Decision Requested	<p>Amend Rule 17.3.2 P1 Daylight admission as follows:</p> <p><i>(a) Any building must not protrude through a height control plane rising at an angle of 37⁴⁵ degrees commencing at an elevation of 2.5m^{2m} above ground level at the site...</i></p>		
Decision Reasons:	<ul style="list-style-type: none">• The submitter generally opposes the daylight admission and seeks a change to the height control plane.• Amendments are sought to the provision to provide for design flexibility as well as to enable the delivery of centre intensification at a variety of different scales and typologies.		

Submitter Number:	871	Submitter:	Brendon John & Denise Louise Strong
Point Number	871.11		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission		
Summary of Decision Requested	<p>Amend Rule 17.3.2 P1 (a) Daylight admission, as follows:</p> <p><i>Buildings must not protrude through a height control plane rising at an angle of 37⁴⁵ degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i></p>		
Decision Reasons:	<ul style="list-style-type: none">• The submitter opposes the height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary for the following reasons:• Inconsistency with previous planning documents which are less restrictive.• Too restrictive for urban areas.• Adequate amenity and daylight for adjoining sites can be achieved with a less restrictive control plane.• The 37 degrees angle is difficult to calculate.		

Submitter Number:	871	Submitter:	Brendon John & Denise Louise Strong
Point Number	871.1.1		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.2 Daylight admission		
Summary of Decision Requested	Amend Rule 17.3.2 P1 (a) Daylight admission, as follows: <i>Buildings must not protrude through a height control plane rising at an angle of 37.15 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i>		
Decision Reasons:	<ul style="list-style-type: none"> • The submitter opposes the height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary for the following reasons: • Inconsistency with previous planning documents which are less restrictive. • Too restrictive for urban areas. • Adequate amenity and daylight for adjoining sites can be achieved with a less restrictive control plane. • The 37 degrees angle is difficult to calculate. 		

Plan chapter: Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks

Submitter Number:	742	Submitter:	Kim Harris-Cottle
Organisation:	New Zealand Transport Agency		

Plan chapter: Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.1 Building setbacks - Zone boundaries

Submitter Number:	588	Submitter:	Peter Buchan
Organisation:	Woolworths NZ Ltd		
Point Number	588.17		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.1 Building setbacks - Zone boundaries		
Summary of Decision Requested	Amend Rule 17.3.4.1 Building setbacks - Zone boundaries as follows: <i>P1</i> <i>(a) A building must be set back at least:</i> <i>i. 7.53m from rear and side boundaries adjoining any:</i> <i>A. Residential Zone</i> <i>B...</i> <i>BD1</i> <i>(g) Any building that does not comply with Rule 17.3.4.1 P1.</i> <i>(b) The Council's discretion shall be limited to the following matters:</i> <i>i. Height, design and location of the building relative to the boundary</i> <i>ii. Privacy on other site</i> <i>iii. Effects on amenity values of adjacent property.</i> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.		
Decision Reasons:	<ul style="list-style-type: none"> • A 3m side and rear yard is a more appropriate separation distance than the 7.5m as notified, when considering how best to manage the interface with sensitive activities yet retain an efficient use of a business zoned site. • 7.5m yard setback from residential zones is excessive. • The Auckland Unitary Plan suggests a side and rear yard to residential zones of 3m. • Considering a height to boundary control also applies a 3m setback is considered suitable and allows for the efficient use of the commercial sites. 		

<p> Submitter Number: 633 </p>		<p> Submitter: Alan Henderson </p>	
<p> Organisation: Van Den Brink Group </p>			
<p> Point Number 633.30 </p>			
<p> Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.1 Building setbacks - Zone boundaries </p>			
<p> Summary of Decision Requested Amend Rule 17.3.4.1 P1 (a)(i) Building setback – Zone boundaries to reduce the setback between sites with other zones to 3m. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission. </p>			
<p> Decision Reasons: <ul style="list-style-type: none"> There is no justification to increase the yard setbacks to 7.5m when the previous Franklin provisions were more permissive. </p>			

<p> Submitter Number: 697 </p>		<p> Submitter: Waikato District Council </p>	
<p> Point Number 697.203 </p>			
<p> Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.1 Building setbacks - Zone boundaries </p>			
<p> Summary of Decision Requested Amend Rule 17.3.4.1 P1 Building setbacks - Zone boundaries, as follows: (a) Any building must be set back <u>a minimum of at least</u>... </p>			
<p> Decision Reasons: <ul style="list-style-type: none"> Consistency with the equivalent rule in other chapters. </p>			

<p> Summary of Decision Requested Amend Rule 17.3.4.1 P1 (a)(i) Building setback – Zone boundaries to reduce the setback between sites with other zones to 3m. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission. </p>			
<p> Decision Reasons: <ul style="list-style-type: none"> There is no justification to increase the yard setbacks to 7.5m when the previous Franklin provisions were more permissive. </p>			

<p> Submitter Number: 697 </p>		<p> Submitter: Waikato District Council </p>	
<p> Point Number 697.203 </p>			
<p> Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.1 Building setbacks - Zone boundaries </p>			
<p> Summary of Decision Requested Amend Rule 17.3.4.1 P1 Building setbacks - Zone boundaries, as follows: (a) Any building must be set back <u>a minimum of at least</u>... </p>			
<p> Decision Reasons: <ul style="list-style-type: none"> Consistency with the equivalent rule in other chapters. </p>			

<p> Proposed Waikato District Plan (Stage 1) </p>		<p> Summary of Submissions by Category </p>	
		<p> Page 990 </p>	

<p> Submitter Number: 965 </p>		<p> Submitter: Sandra Ellmers </p>	
<p> Organisation: Sandra EllmersFamily Trust </p>			
<p> Point Number 965.6 </p>			
<p> Plan chapter Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.1 Building setbacks - Zone boundaries </p>			

Submitter Number:	965	Submitter:	Sandra Ellmers
Organisation:	Sandra Ellmers Family Trust		
Point Number	965.6		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.1 Building setbacks - Zone boundaries		
Summary of Decision Requested	<p>Amend Rule 17.3.4.1 (a) (i) Building setbacks - Zone boundaries, as follows:</p> <p>(a) (i) 7.5m from rear and side boundaries adjoining the:</p> <p>A. Residential Zone;</p> <p>B. Village Zone;</p> <p>C. Country Living Zone; or</p> <p>D. Reserve Zone; and...</p>		
Decision Reasons:	<ul style="list-style-type: none">• There are adequate rules in place within the current Building Code and District Plan to protect adjacent residential properties from excessive noise levels and disturbance from Business areas.• Many Business zoned lots are small and if located adjacent to a Residential Zone the 7.5m setback requirement for side and rear boundaries would render much of the site unusable.• A 4m separation would allow a wide driveway or storage area between the Business and Residential zones and still enable compliance.• When purchasing a residential dwelling, the potential buyer has an option of not purchasing a dwelling adjacent to a business area if they are genuinely concerned about any possible impact.		
Plan chapter: Section C Rules > Chapter 17: Business Zone > 17.3 Land Use – Building > 17.3.4 Building setbacks > 17.3.4.2 Building setbacks - Water bodies			

Submitter Number:	378	Submitter:	Fire and Emergency New Zealand
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Submitter Number:	633	Submitter:	Alan Henderson
Organisation:	Van Den Brink Group		
Point Number	633.50		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		
Summary of Decision Requested	<p>Retain Rule 17.4.1(a) General Subdivision in relation to the minimum lot size of 225m².</p> <p>OR</p> <p>Amend Rule 17.4.1(a) General Subdivision to reduce the minimum lot size.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>		
Decision Reasons:	<ul style="list-style-type: none"> The proposed lot sizes are considered an efficient use of land for business activities. Would also support a decrease in minimum area. 		
Submitter Number:	697	Submitter:	Waikato District Council
Point Number	697.221		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		
Summary of Decision Requested	<p>Amend 17.4.1 General subdivision heading, to read as follows:</p> <p>General Subdivision – General</p>		
Decision Reasons:	<ul style="list-style-type: none"> Consistency across zone chapters. 		
Point Number	697.222		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		

Submitter Number:	697	Submitter:	Waikato District Council
Point Number	697.221		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		
Summary of Decision Requested	Amend 17.4.1 General subdivision heading, to read as follows: General Subdivision – General		
Decision Reasons:	<ul style="list-style-type: none"> Consistency across zone chapters. 		
Point Number	697.222		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		
Summary of Decision Requested	Amend Rule 17.4.1 General subdivision, as follows: <i>(1) Rule 17.4.1 provides for subdivision density <u>within the Business Zone</u>.</i>		
Decision Reasons:	<ul style="list-style-type: none"> Additional clarity on the relationship between rules. 		
Point Number	697.224		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		
Summary of Decision Requested	Amend Rule 17.4.1 RD1 (a) General subdivision as follows: <i>(a) Subdivision of land must comply with all of the following conditions:</i> <i>(i) Proposed lots The record of title to be subdivided must have a minimum size of 225m² net site area with the exception of access or utility allotments or reserves to vest;</i> <i>(ii) All Proposed lots must be connected to public-reticulated water supply and wastewater.</i>		
Decision Reasons:	<ul style="list-style-type: none"> Increased clarity and consistent use of terms. 		

Submitter Number:	749	Submitter:	Housing New Zealand Corporation
Point Number	749.131		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		
Summary of Decision Requested	Amend Rule 17.4.1 General subdivision as follows: <i>(a) Subdivision of land must comply with all of the following conditions:</i> <i>(i) Proposed <u>vacant</u> lots must have a minimum size of <u>200m² 225m²</u> net site area with the exception of access or utility allotments or reserves to vest.</i> <i>(ii) Proposed <u>vacant</u> lots must be connected to public-reticulated water supply and wastewater.</i> <i>(b) The Council's discretion shall be...</i> <u>CL</u> <i>(g) <u>Any</u> subdivision in accordance with an approved land use resource consent must comply with that resource consent.</i>		

	<p><i>(b) Council's control shall be reserved to any of the following matters:</i></p> <p><i>(i) The effect of the design and layout of the proposed sites created;</i></p> <p><i>(ii) Provision of infrastructure.</i></p> <p>D1</p> <p>Subdivision that does not comply with Rule 17.4.1 RD1 <u>or CL</u></p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
Decision Reasons:	<ul style="list-style-type: none"> The submitter generally opposes the subdivision provisions. These provisions are restrictive and discourage the desired urban uplift sought in the district. Amendments are required to the subdivision provisions as a means of better enabling and incentivising development in the district.

DI

Subdivision that does not comply with Rule 17.4.1 RD1 or CL

AND

Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.

Decision Reasons:

- The submitter generally opposes the subdivision provisions. These provisions are restrictive and discourage the desired urban uplift sought in the district.
- Amendments are required to the subdivision provisions as a means of better enabling and incentivising development in the district.

Submitter Number:

780

Submitter:

John Lawson (Whaingaroa Environmental Defence Incorporated)

On behalf of:

Whaingaroa Environmental Defence Incorporated Society

Point Number

780.27

Plan chapter

Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision

Summary of Decision Requested

Amend Rule 17.4.1 RD1 (a)(i) General subdivision as follows:

(a) Subdivision of land must comply with all of the following conditions:

- (i) ~~Proposed lots must have a minimum size of 225m² net site area~~ with the exception of access or utility allotments or reserves to vest;
- (ii) Proposed lots must be connected to public-reticulated water supply and wastewater.

Decision Reasons:

- It is inconsistent with Policy 4.5.3 - Commercial purpose: Business Town Centre Zone, which aims to strengthen town centres as the primary retail, administration, commercial service and civic centre for each town.

Submitter Number:

825

Submitter:

John Lawson

Point Number

825.27

Plan chapter

Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision

(ii) Proposed lots must be connected to public-reticulated water supply and wastewater.

Decision Reasons:

- It is inconsistent with Policy 4.5.3 - Commercial purpose: Business Town Centre Zone, which aims to strengthen town centres as the primary retail, administration, commercial service and civic centre for each town.

Submitter Number:

825

Submitter:

John Lawson

Point Number

825.27

Plan chapter

Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision

Summary of Decision Requested

Amend Rule 17.4.1 - RD1 (a)(i) General subdivision as follows:

(a) Subdivision of land must comply with all of the following conditions:

- (i) ~~Proposed lots must have a minimum size of 225m² net site area~~ with the exception of access or utility allotments or reserves to vest;
- (ii) Proposed lots must be connected to public-reticulated water supply and wastewater.

Decision Reasons:

- It is inconsistent with Policy 4.5.3- Commercial purpose: Business Town Centre Zone, which aims to strengthen town centres as the primary retail, administration, commercial service and civic centre for each town.

Submitter Number:

831

Submitter:

Gabrielle Parson

On behalf of:

Raglan Naturally

Point Number

831.28

Plan chapter

Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision

Summary of Decision Requested

Delete Rule 17.4.1 RD1 (a)(i) General subdivision.

Decision Reasons:

- This rule is inconsistent with Policy 4.5.3 which aims to strengthen town centres as the primary retail, administration, commercial service and civic centre for each town.

Submitter Number:	831	Submitter:	Gabrielle Parson
On behalf of:	Raglan Naturally		
Point Number	831.28		
Plan chapter	Section C Rules > Chapter 17: Business Zone > 17.4 Subdivision > 17.4.1 General subdivision		
Summary of Decision Requested	Delete Rule 17.4.1 RD1 (a)(i) General subdivision.		
Decision Reasons:	<ul style="list-style-type: none">• This rule is inconsistent with Policy 4.5.3 which aims to strengthen town centres as the primary retail, administration, commercial service and civic centre for each town.		
Submitter Number:	986	Submitter:	Pam Butler
On behalf of:	KiwiRail Holdings Limited (KiwiRail)		

APPENDIX 4

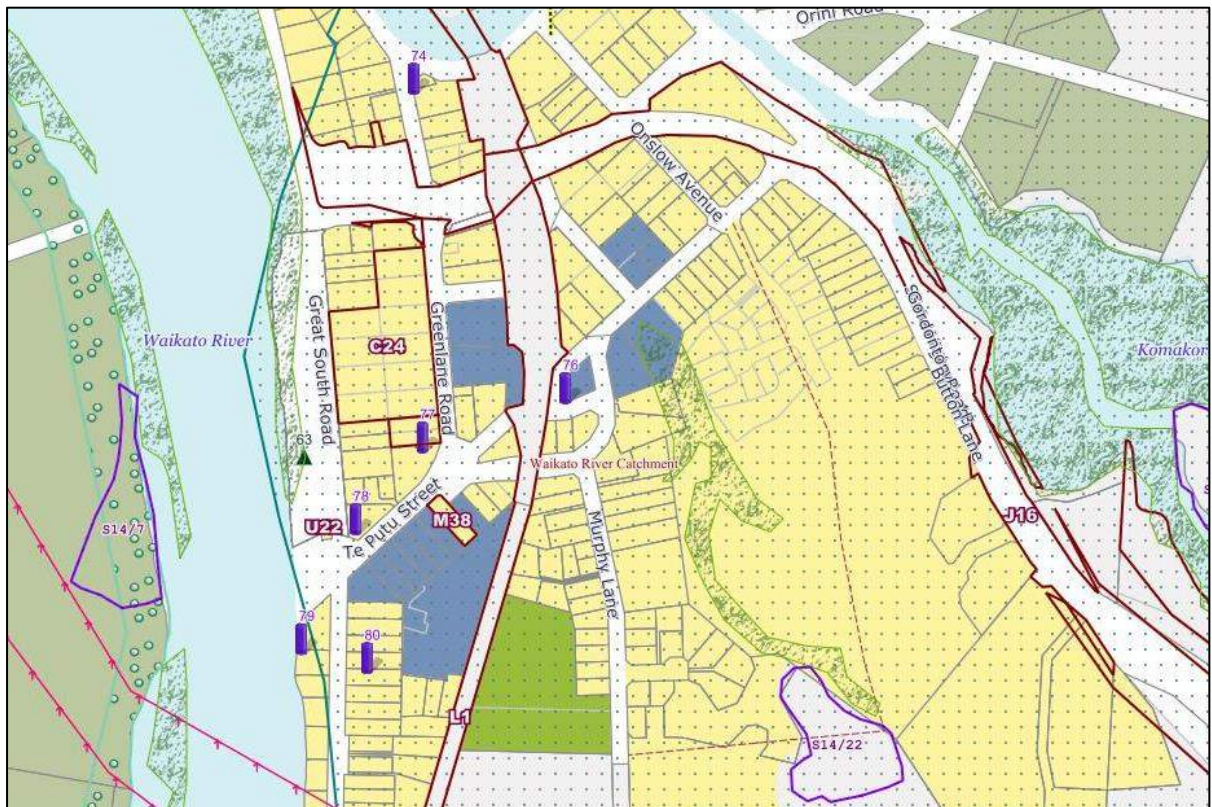
SELECTION OF SETTLEMENTS AND PDP ZONING IN THE WAIKATO DISTRICT

APPENDIX 1 – SELECTION OF SETTLEMENTS AND PDP ZONING IN THE WAIKATO DISTRICT

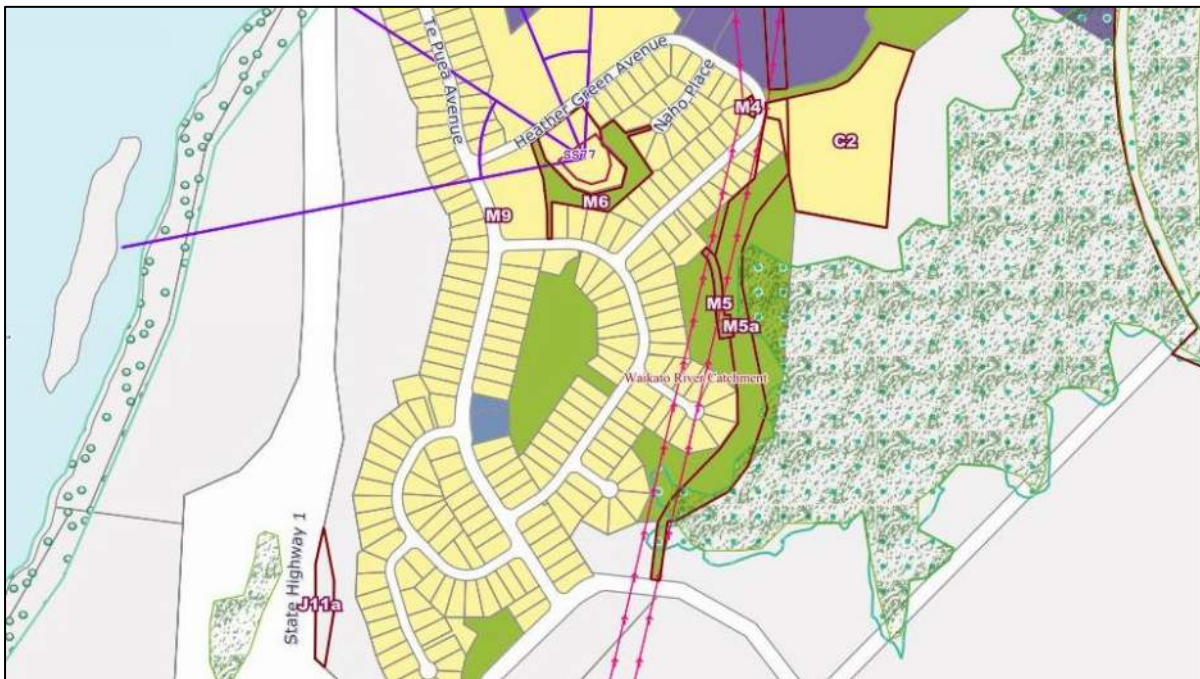
1. Whatawhata – Residential & Business Zoning



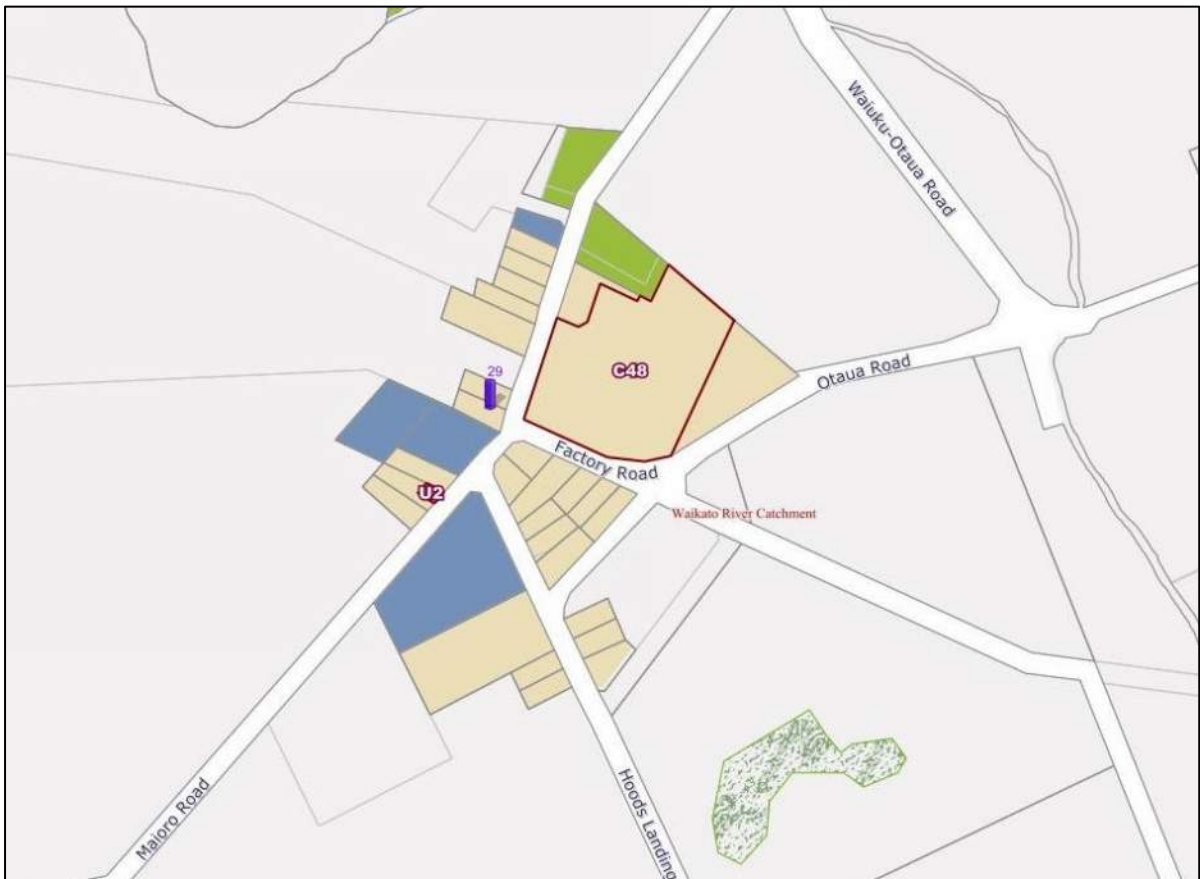
2. Taupiri – Residential & Business Zoning. No Town Centre zoning



3. Meremere – Residential & Business Zoning. No Town Centre zoning



4. Otaua - Village zoning, Business zoning, No Town centre zoning



5. Port Waikato - Village zoning and Business zones, No Town Centre zone



6. Naikie – Village zoning & Business Zone



APPENDIX 5

PLAN OF PROPOSED TENANCIES

Appendix A

- Key
- Site Boundary
- Kowhai Trees
- Titoki Trees
- Nikau Trees
- Amenity Planting
- Corokia Hedge -
clipped to 800mm high.
- Grassed Swale
- Concrete Paving
- Walkway Threshold Paving
- Native Hedge Planting (3m min)



APPENDIX 6

RULE 17.2.3 ONSITE PARKING AREAS

PDP RULE 17.2.3: ONSITE PARKING AREAS

17.2.3 Onsite parking areas - Landscaping -

PI	(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following conditions: (i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points; (ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1 metre.
DI	Onsite parking areas that do not comply with Rule 17.2.3 PI .