

BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

I MUA I TE KOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA

IN THE MATTER of the Resource Management Act 1991

AND of appeals under cl 14 of Schedule 1 of the Act

BETWEEN RACING AT AWAPUNI AND TRENTHAM  
COMBINED ENTERPRISES INC (RACE)  
(ENV-2020-WLG-000011)  
PIONEER CITY WEST LTD and HERITAGE  
ESTATES (2000) LTD  
(ENV-2020-WLG-000013)

Appellants

AND PALMERSTON NORTH CITY COUNCIL  
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act  
In Chambers at Wellington

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CONSENT ORDER

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- [A] Under s 279(1 )(b) of the Act, the Environment Court orders, by consent, that the Palmerston North District Plan be amended in accordance with the changes shown in Schedule 1.
- [B] The appeals are otherwise dismissed.
- [C] Under s 285 of the Act, there is no order as to costs.

## REASONS

### Introduction

[1] The Court has read the notices of appeal and the memorandum of the parties dated 18 September 2020.

### Other relevant matters

[2] The following persons gave notice of an intention to become a party to these appeals under s 274 of the Act and have signed the memorandum setting out the relief sought:

- Milmac Homes Ltd;
- Waka Kotahi New Zealand Transport Agency;
- Dean Philpott;
- Residents Group West Te Wanaka Rd; and
- Neil Wright.

### Orders

[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Wellington this 1st day of October 2020

BP Dwyer

Environment Judge

## **SCHEDULE 1**

District Plan provisions as amended as a result of Environment Court Mediation

**Notified changes, and changes as a result of submissions are shown as follows:**

New text: underlined

Deleted text: ~~strikethrough~~

**Changes as a result of the Environment Court Mediation Agreement are shown as follows:**

New text: underlined

Deleted text: ~~strikethrough~~

*District Plan provisions as amended as a result of Environment Court Mediation*

**District Plan Amendments: Section 4 Definitions (Excerpts only)**

Greenfield Residential Area: means any area shown in the following structure plans:- Whakarongo Structure Plan (Map 7A.1)- Kikiwhenua Structure Plan (Map 7A.2)

Kikiwhenua Residential Area: means the Greenfield Residential Area shown in the Kikiwhenua Structure Plan (Map 7A.2)

Whakarongo Residential Area: means ~~that~~ the Greenfield Residential Area shown in the Whakarongo Structure Plan (Map 7A.1).

Average Lot Size: for the purposes of ~~the any Whakarongo Greenfield the Whakarongo Residential Area (Map 7A.1)~~, this shall be calculated by taking the total site area included in the application for subdivision minus all land identified for roads and public open space, and dividing the area by the number of residential lots to be created.

Commercial Activity: for the purposes of ~~the any Whakarongo Greenfield the Whakarongo Residential Area (Map 7A.1)~~, this means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or service including restaurants, and retail shops and outlets, but excludes service stations and supermarkets.

Pressure Sewer Areas: means the following areas where pressure sewer systems must be utilised:

- The Kikiwhenua Residential Area as shown in Map 7A.2

Pressure Sewer System: means a sewer system where sewage is conveyed under pressure generated by multiple pump units, each located on an identified private property, to a shared pressure main.

District Plan Amendments: Section 7A Whakarongo Residential Area (Full section)

# SECTION 7A:

# ~~WHAKARONGO GREENFIELD~~ RESIDENTIAL AREAS

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## 7A.

# ~~WHAKARONGO~~ GREENFIELD RESIDENTIAL AREAS

### 7A.1 Introduction

Subdivision is a process to enable the separate ownership of land and the registration of interests in land. Subdivision of land is defined by the Resource Management Act 1991.

This section enables greenfield development within:

- ~~The Whakarongo Residential Area (as shown on Map 7A.1)~~
- The Kikiwhenua Residential Area (Map 7A.2)

~~These areas were identified for residential growth in the Palmerston North City Residential Growth Strategy (2010)-Development Strategy 2017.~~

The provisions within this section require well designed, attractive and functional communities within ~~the Whakarongo Greenfield Residential Areas. The Whakarongo Structure Plans (Map 7A.1) for each Greenfield Residential Area will direct subdivision, and provides for a neighbourhood centres surrounded by residential development and including s and public open spaces. A mix of activities and densities are provided for which will assist with achieving a variety of living choices and a diverse communities.~~

### 7A.2 Resource Management Issues

The following resource management issues were identified with regard to subdivision within the Whakarongo Greenfield Residential Areas and apply in addition to the overarching issues identified in Section 7.2:

1. The need for subdivision to create a pleasant, attractive and safe residential neighbourhood.
2. The need to ensure that appropriate mitigation measures are put in place to support residential development in areas affected by natural hazards.
3. The risk of uncoordinated residential development.
4. The need for connectivity between staged development and adjacent urban neighbourhoods.
5. The need to cater for an aging population and changing housing demand through a variety of housing forms and densities.
6. The importance for well-located and accessible local services and community facilities within the neighbourhood centre.
7. The need for high-quality and coordinated streetscapes and public open space.
8. The effects of residential development on sites of significance to Rangitāne.
9. The effects of residential development on stormwater quantity and quality.

## 7A.3 Objectives and Policies

### Introduction

This section contains specific objectives and policies for the ~~the Whakarongo Greenfield~~ Residential Areas that apply, in addition to the overarching objectives and policies in Section 7.3. These provisions recognise the importance of well-planned and coordinated greenfield residential growth in the City.

### OBJECTIVE 1

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**Subdivision and development in the ~~the Whakarongo Greenfield~~ Residential Areas occurs in a coordinated and integrated manner.**

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### POLICIES

- 1.1 To ensure that subdivision and development proceeds in a manner that provides for a logical, planned and integrated extension of the urban boundary within the ~~the Whakarongo Greenfield~~ Residential Areas that ~~has~~ been specifically identified as suitable for that purpose and that achieves high quality urban design outcomes.
- 1.2 To ensure that subdivision and development is undertaken in general accordance with ~~the~~ the area's relevant ~~Whakarongo~~ Structure Plan (~~Map 7A.1~~) including setting aside at the earliest stage of subdivision those areas identified in the ~~Whakarongo~~ Structure Plan (~~Map 7A.1~~) as public open space.
- 1.3 To require a Comprehensive Development Plan at each stage of development to ensure that the subdivision design, layout and servicing is in general accordance with the ~~Whakarongo~~ Structure Plan (~~Map 7A.1~~) and does not restrict future development opportunities.
- 1.4 To ensure that all new lots have safe and adequate vehicle access from the roading network.
- 1.5 To require **an a safe** interconnected transport network that provides a variety of routes for walking, cycling, passenger transport and motor vehicles.
- 1.6 To control the use of cul-de-sacs within the local roading network.
- 1.7 To provide for the installation of pressure sewer systems in Pressure Sewer Areas.

#### **Explanation**

*Subdivision and development within ~~the each Whakarongo Greenfield~~ Residential Area is guided by ~~the~~ the ~~Whakarongo~~ Structure Plan, which identifies where infrastructure, services, public open space and neighbourhood facilities should be located.*

### OBJECTIVE 2

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**Subdivision and development in the ~~the Whakarongo Greenfield~~ Residential Areas creates a high-quality and diverse living environment.**

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### POLICIES

- 2.1 To ensure subdivision and development meets the reasonable needs of future users whilst achieving the following design principles:
  - Street design contributes to attractive and safe neighbourhoods.

## *District Plan provisions as amended as a result of Environment Court Mediation*

- Housing diversity and variety is achieved
- Visual dominance is avoided
- Allotments are shaped and designed to enable dwellings with good solar access and sufficient outdoor amenity and sunny private outdoor space
- Convenient and safe access for residents is provided to nearby public open spaces, neighbourhood centre and public transportation routes
- Intended building scale and form contributes to a distinctive sense of place that complements other subdivisions or developments
- Takes advantage of connections and significant views to the wider landscape
- The natural characteristics and contours of the site are worked with
- Safe walking and cycling is facilitated
- A high degree of connectivity within the local roading network is provided, and
- Crime Prevention Through Environmental Design (CPTED) ensures all streets and public spaces are overlooked or visible from adjacent activities

2.2 To enhance and restore the natural features of the site, through sensitive integration of stormwater design.

2.3 To enhance the amenities of the natural and built environment following earthworks by requiring that road berms, new allotments, and public open spaces are formed, landscaped and planted to a level commensurate with the intended use and consistent with delivering a coordinated and coherent streetscape.

2.4 To ensure public open spaces meet the needs of the community by ensuring that these areas:

- are of a high quality
- have sufficient road frontage so that users are visible to the general public for safety reasons
- are located so that they are easily accessible to the general public, and
- have a terrain and are of a type and size that is useable for a number of active and passive recreation activities.

2.5 To ensure the neighbourhood centres meets the needs of the community by ensuring it:

- has sufficient road frontage so that users are visible to the public
- is located to ensure ready access by all users, and
- is designed to create a high-quality environment and community focal point.

2.6 To control the development of land near roads and the railway line to ensure noise from transport infrastructure does not cause adverse effects on the amenity of noise sensitive activities, and that subdivision design prevents adverse impacts on the efficient use of roads and railway lines.

2.7 To ensure that subdivision in the Kikiwhenua Residential Area:

- Retains mature existing vegetation as practicably as possible
- Responds positively to and minimises adverse effects on identified waahi tapu sites

## *District Plan provisions as amended as a result of Environment Court Mediation*

- Facilitates pedestrian and cycle connections to the Longburn Shared Pathway and Manawatu Bridle Track
- Ensures any significant areas, such as Kikiwhenua, urupa, and current Rangitāne owned land are protected and safe public access to those areas are facilitated
- Creates a high-amenity interface between the Kikiwhenua Residential Area, Pioneer Highway, Mangaone Stream, and Te Wanaka Road
- Public open space design is site specific, responding to vegetation and cultural significance

2.8 (a) To ensure that the subdivision of the Kikiwhenua Residential Area does not occur until

- any land within the remainder of the Race Training Zone, which is not used for, or not required for, Race Training activities is subject to a variation to Plan Change C or to a plan change which, under either process, includes one or more proposals for the zoning of the land
- a full upgrade of the intersection between Pioneer Highway and Te Wanaka Road is committed to by the relevant roading agencies, and speed limits on both roads where they front the Kikiwhenua Residential Area are reduced to no more than 60kmph and 50kmph respectively, so that both of these must occur before any development of the Area is completed. 'Full upgrade' means either a roundabout intersection, or one controlled by traffic lights.

(b) this policy shall cease to have effect once both of the matters above are completed

Note: in paragraph (a), and in Rule 7A.5.2.4, 'variation' and 'change' have the respective meanings given in section 43AA Resource Management Act 1991.

### **OBJECTIVE 3**

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**Subdivision and development in the Whakarongo Greenfield Residential Areas occurs in a manner that recognizes the risk and effects of natural hazards.**

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### **POLICIES**

3.1 To control the subdivision of land that is affected by natural hazards and to ensure that any necessary mitigation measures are in place prior to development.

3.2 To improve land utilisation to safeguard people, property and the environment from the adverse effects of unstable land by ensuring that:

- Disturbance to the natural land form, existing vegetation and habitats, natural drainage and significant natural features is minimised.
- Each lot is designed in a manner that ensures:
  - (i) technically appropriate building platforms exist
  - (ii) foundations are designed and implemented to mitigate risk associated with subsurface conditions
  - (iii) sites are identified where roading and access is suitable for its intended use/activities.
- Earthworks are to be designed and constructed to:
  - (i) provide safe and adequate building platforms and foundations for roads and services

- (ii) provide for the adequate control of stormwater
  - (iii) prevent erosion and instability
  - (iv) remain safe and stable for the duration of the intended land use
  - (v) not necessarily rely on artificial or human-built structures for stability; and where such structures are employed these shall remain safe and stable for the duration of the intended land use
  - (vi) avoid contamination of groundwater and surface water, and
  - (vii) avoid or mitigate the diversion of ground water flows.
- Earthworks and the re-contouring of land are to be the subject of specific design by a chartered professional engineer experienced in soil mechanics or geotechnical matters and shall take into account the predicted improvements to soil slope and stability which will be achieved and the impact on existing vegetation and landscape values.

3.3 To restrict development or require additional geotechnical investigations prior to the future use of land where appropriate.

## **OBJECTIVE 4**

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**Stormwater management in the ~~Whakarongo~~ Greenfield Residential Areas is carried out in an integrated manner.**

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## **POLICIES**

4.1 To have stormwater management measures in place in advance of residential development.

4.2 To demonstrate an integrated approach to the provision of stormwater management that recognizes the capacity of existing systems and natural drainage patterns.

4.3 To encourage the use of ~~Sustainable Urban Drainage Systems and Low Impact Design Systems~~ Water Sensitive Design wherever appropriate.

4.4 To ensure stormwater management contributes to the recreational and visual amenity of the development.

4.5 To ensure the design of stormwater infrastructure and management of stormwater runoff from the Kikiwhenua Residential Area avoids or substantially mitigates adverse effects on people, property (including the development potential of surrounding land for future urban growth), infrastructure and the natural environment, and utilises where reasonable practicable the Mangaone Stream for discharge of runoff.

## **7A.4 Methods**

### **General**

The principle methods used to implement the policies are District Plan Rules and the following Greenfield Structure Plans:

- The Whakarongo Structure Plan (Map 7A.1)
- The Kikiwhenua Structure Plan (Map 7A.2)-

In some cases, reliance on the provisions of the statute itself will cause policies to be implemented. For instance, Section 106 of the RMA in respect of refusal of consent or the imposition of conditions in

respect of natural hazards, and Section 220 in respect of the imposition of certain subdivision conditions.

Council has prepared a document “Engineering Standards for Land Development” which illustrates good subdivision engineering practice and is useful in the control of subdivision. It provides sound technical standards which, where appropriate, can be incorporated by reference in conditions of consent.

## **7A.5 Residential Zone**

### **Introduction**

This section contains specific rules and assessment criteria for ~~the Whakarongo Greenfield Residential Areas~~ and governs subdivision in that area. ~~as a distinct suite of rules for that area.~~ These provisions recognize the importance of achieving a logical, planned and integrated urban form that achieves high quality urban design outcomes.

### **7A.5.1 RULES: CONTROLLED ACTIVITIES**

#### **R7A.5.1.1 Controlled Activities**

1. Any subdivision in ~~the~~ a Whakarongo Greenfield Residential Area for the purpose of accommodating any network utility is a Controlled Activity in respect of:
  - a. The size, shape and arrangement of the lot and access.
  - b. Those matters described in Sections 108 and 220 of the Resource Management Act 1991, provided the network utility concerned is a Permitted Activity or a resource consent has been granted.

#### **R7A.5.1.2 Performance Standards for Controlled Activities**

##### **(a) Lot Size**

The maximum area of an allotment for a network utility shall not exceed 200m<sup>2</sup>.

##### **(b) Balance lot size**

The balance lot(s) must not result in any increase in non-conformity with any permitted activity standard for the Residential Zone.

##### **(c) Access**

Provision is made for the safe, efficient and convenient access for vehicles to access the roading network.

##### **(d) Servicing**

New essential services are located in public service corridors that are vested with Council.

### **7A.5.2 RULES: RESTRICTED DISCRETIONARY ACTIVITIES**

#### **R7A.5.2.1 Restricted Discretionary Activities**

1. Any subdivision in ~~the~~ a Whakarongo Greenfield Residential Area which is not a Controlled Activity, and any cross lease, company lease or unit title subdivision creating allotments requiring vehicular or foot access to a road listed in Appendix 20A of the Transportation Section as a State Highway or a Limited Access Road is a Restricted Discretionary Activity with regard to:

## *District Plan provisions as amended as a result of Environment Court Mediation*

- a. The size, shape and arrangement of roads, public open spaces, lots, cross lease and company lease areas, units and access
- b. Those matters described in Sections 108 and 220 of the Resource Management Act 1991
- c. Subdivision design and layout, provision for local services and public open space in general accordance with the relevant Whakarongo Structure Plan for the area (Map 7A.1)
- d. Urban design
- e. Landscaping
- f. Noise attenuation and management
- g. Enhancement and management of surface water flows and overland flow paths
- h. Integration of essential services
- i. Natural hazards
- j. Future development opportunities
- k. Visual amenity
- l. Effects on the capacity of Council infrastructure
- m. Safe and efficient operation of the roading network
- n. Connectivity
- o. Outdoor/on-site amenity
- p. Infrastructure and physical resources of regional or national importance
- q. Hydraulic Neutrality with regards to stormwater runoff.

### **NOTE TO PLAN USERS R7A.5.2.1.1(q)**

For the purposes of the Kikiwhenua Residential Area, hydraulic neutrality means limiting peak stormwater runoff rates to no greater than pre-development levels for a site.

## **R7A.5.2.2 Performance Conditions for Restricted Discretionary Activity**

### **(a) Comprehensive Development Plan**

All activities under R7A.5.2.1 must provide (as part of the resource consent application) a Comprehensive Development Plan that details how the design, layout and servicing of the Residential Area is in general accordance with the area's relevant Whakarongo Greenfield Structure Plan (Map 7A.1). The Comprehensive Development Plan must consider and address the following:

- (i) total area of the development
- (ii) total number of allotments to be developed
- (iii) programme and time frame from development, including the staging of development in the Residential Area
- (iv) the proposed mix of residential, commercial and recreational activities
- (v) primary and secondary road layouts and pavement widths, including details of how these are in general accordance with the relevant Whakarongo Greenfield Structure

## *District Plan provisions as amended as a result of Environment Court Mediation*

Plan (~~Map 7A.1~~).

- (vi) streetscape including the location and type of street trees and other proposed planting
- (vii) design, shape and location of public open space within the development, including how these are to be managed in the future, including any landscaping or planting corridors
- (viii) location of natural watercourses, how these will be incorporated into the subdivision design and managed in the future, and their potential to be integrated into an innovative and/or low-impact stormwater design
- (ix) proposed walkways and cycleways
- (x) facilities for people with disabilities or special needs, such as shared walkways and disabled parking
- (xi) infrastructural network servicing requirements, including how the proposed infrastructure will provide for future staged development of the Residential Area
- (xii) a report from one or more chartered professional engineers, or other suitably qualified persons, experienced in soil mechanics, geotechnical engineering or land contamination, as determined relevant by Council, identifying geo-physical features and characteristics of the land, including potential erosion, falling debris, subsidence, slippage, alluvium or likely presence of hazardous contaminants, and the likely risks that those features or characteristics present for the land, adjoining land, or any structure likely to be constructed on the land. This report must also contain or be accompanied by:
  - any recommendations as to the design and construction of foundations that are appropriate to mitigate any characteristic or feature identified;
  - an assessment on how fill should be placed onto the land based on sub-surface conditions;
  - recommendations of the setback for buildings from ~~the top or bottom of the existing escarpment;~~areas of high natural hazard risk;
  - any recommendations as to the necessary remediation of contaminated land;
  - a copy of any site investigations including bore logs; and
  - a certificate from the engineer or other qualified person confirming that the analysis undertaken is in accordance with professional standards, appropriate to the risks identified and of sufficient quality in order to be relied upon as a comprehensive hazard assessment.
- (xiii) a report from a hydraulic engineer identifying the characteristics of the land including potential avulsion or inundation and the likely risks that those features or characteristics present for the land and its future use. This report must also contain any recommendation as to the location, design and construction of foundations that are appropriate to mitigate any characteristic or feature identified. A copy of any site investigations including bore logs must accompany the report. The report must also demonstrate how the proposed ~~stormwater detention~~Water Sensitive Design measures will ensure hydraulic neutrality is achieved and ensure that there is no increase in stormwater effects on surrounding areas.

## District Plan provisions as amended as a result of Environment Court Mediation

- (xiv) an urban design statement from a registered architect, landscape architect, or qualified urban designer to explain how the proposed subdivision design relates to the site, its surroundings, and how it creates a high amenity living environment, ~~and~~ sense of place, and contributes positively to the local neighbourhood. The urban design statement shall include:
- a context analysis describing how the planning anticipates staged development and/or future growth, including how the development relates to neighbouring sites and areas;
  - the rationale for site planning and design decisions; and
  - how the planning and design of the proposed subdivision relates to the relevant objectives and policies of the District Plan.
- (xv) how the proposed road layout and design ensures connectivity to property and roads that have been developed or have the potential to be developed in the future. Design matters must explain how the proposal provides for ~~the~~ network connectivity to achieve:
- increased number and choice of travel routes for all types of users; and
  - improved access to public transport, cycling and walking networks and access to existing roading networks.
- (xvi) Whether approval is required from external agencies, including Waka Kotahi New Zealand Transport Agency, Horizons Regional Council, and the Department of Conservation, and what progress has been made in securing the approvals, where relevant.

### **Explanation**

*The above is not a prescriptive list of requirements, but an indication of the range of matters that may be relevant. Relevance will depend on site characteristics including the context of streets, connections and adjoining activity, and the scale and type of development to be covered by the Comprehensive Development Plan.*

*These issues will be considered to the extent that they are relevant in each situation. The degree of emphasis given to each will depend on specific context, with the intention of achieving a well-planning, coordinated outcome that satisfies the ~~Wakarongo~~ Greenfield Residential Area Objectives.*

*The extent of documentation required will be that necessary to describe the planning and design intention and demonstrate that the relevant issues are addressed by the Comprehensive Development Plan. That will vary from subdivision to subdivision depending on the type of development, prominence of the site and the size of the area covered. It might include, but will not necessarily be limited to:*

- 1. Context plan, describing the development in the context of neighbouring sites and the residential area as a whole, showing the arrangement of lots, activities, public open spaces, and landscape planting*
- 2. Site and context analysis which identifies important existing conditions*
- 3. Indication of the intended activities and their location, and the location and type of visual and physical connections between residential lots and public open spaces including streets.*
- 4. Design rationale, which provides the reasoning the intended approach and describes how the relevant issues identified have been responded to.*

*There is no one optimal way of scoping or presenting the information for a Comprehensive Development Plan. The amount of information and type of approach will relate to the size and complexity of the project. Confirmation of relevant issues and precise information requirements should be discussed with the PNCC consents team early in the Comprehensive Development Plan formulation process.*

**(b) Essential services**

- (i) All essential services must be available for connection within 30 metres of the nearest point of the land being subdivided.
- (ii) All new lots must have sewer, stormwater and water supply services that are connected to essential services, including innovative/low impact stormwater designs as provided under the requirements for a Comprehensive Development Plan in R7A.5.2.2 and subject to the assessment criteria in R7A.5.2.3 (a) (xii).
- (iii) All new essential services proposed in a subdivision must be located in public service corridors and vested in Council where practical.
- (iv) Wastewater in Pressure Sewer Areas shall be reticulated with a Pressure Sewer System.
  - For the purposes of R7A.5.2.2(b)(iii), the boundary kit and the pressure sewer pipe network located in public service corridors must be installed at the time of subdivision and vested to Council.

**Explanation**

The Kikiwhenua Residential Area has been defined as a Pressure Sewer Area under the Palmerston North City Council Pressure Sewer Systems Policy. Pressure Sewer Systems are required in certain areas where there are geotechnical and technical constraints to wastewater servicing. The design, supply, and installation of the Pressure Sewer System must meet Council's Engineering Standards for Land Development.

**(c) Existing Buildings**

Where any land proposed to be subdivided contains existing buildings there must be no increase in the degree of non-conformity with any Permitted Activity standard for the Residential Zone (or relevant underlying zone at the time of subdivision).

**(d) Lot Size**

- (i) Any subdivision within ~~the a Whakarongo~~ Greenfield Residential Area must have an average lot size of 500m<sup>2</sup> - 550m<sup>2</sup>.
- (ii) No single lot shall be less than 350m<sup>2</sup>.
- (iii) No single lot shall exceed 1000m<sup>2</sup> (excluding balance lots).
- (iv) In calculating the lot sizes in (i) to (iii) above, no balance lot, public open space lot, or road parcel shall be included; and the lot sizes shall be exclusive of the acoustic setbacks required by the provisions of R10.7.1.5 (e) (i) and (ii).

**Explanation**

Council is seeking a variety of lot sizes in any subdivision. This will provide future residents with a greater choice to cater for their specific housing needs, rather than a uniform provision of lots in greenfield locations.

**(e) Cul-de-sacs**

- (i) Cul-de-sacs shall be a maximum of 100m in length unless otherwise shown on the ~~Whakarongo~~ area's relevant Structure Plan (Map 7A.1).
- (ii) Cul-de-sacs in the Kikiwhenua Residential Area shall include a minimum of a 10m wide straight public open space walking link connecting the cul-de-sac bulb with an adjacent road or reserve.

**Explanation**

Council is seeking control over the length and use of cul-de-sacs in an endeavor to ensure street connectivity is achieved and disjointed communities are avoided with a range of transport modes available to residents.

**(f) Water Sensitive Design in the Kikiwhenua Residential Area**

(i) A Stormwater Management Plan must be prepared by a suitably qualified stormwater design consultant with experience in Water Sensitive Design concepts and elements. The Stormwater Management Plan must address the following:

- a site specific assessment of the likely changes in stormwater quantities created by the development for the 2 year, 5 year, 10 year, 20 year, and 50 year and 100 year ARI events with storm durations appropriate for the relevant receiving system using the HIRDS database, taking into account climate change effects;
- assessment of all internal stormwater infrastructure and how it will interact with the existing drainage system;
- how the development will hydraulically relate to its surrounding environs, including assessment of overland flow paths and potential flood impacts;
- how the stormwater management system will ensure that any changes in runoff from the site will be addressed;
- Reduction in peak flow discharges by flow attenuation
- Reduction in discharge volumes by infiltration, soakage or other means appropriate for the site (i.e., the first 5 or 10mm of daily rainfall runoff from impervious areas may need to be retained on site in certain circumstances)
- The ability to use Water Sensitive Design to address stormwater runoff quality aspects
- assessment on the impact of development (including new infrastructure) on the existing stopbanks and what mitigation may be required so as to not exacerbate the risk of piping failure

**NOTE TO PLAN USERS: R5A.5.2.2 AND R7A.5.2.3**

Plan users are advised to check the Engineering Standards for Land Development to ensure the current model for taking into account climate change effects is used when preparing a Stormwater Management Plan.

In determining whether to grant consent and what conditions to impose, if any, the Council will, in addition to the City View Objectives in Section 2, and the objectives and policies of Sections 7 and 7A, assess any application in terms of the following:

**R7A.5.2.3 Assessment Criteria for Restricted Discretionary Activity:**

**(a) Subdivision design and layout within the Greenfield Residential Area**

- (i) The extent to which the design and layout of the subdivision is in general accordance with the area's relevant Whakarongo Greenfield Structure Plan, (Map 7A.1), including how the proposal contributes to the overall design principles for the area.
- (ii) The extent to which a range of lot sizes has been provided that enable the provision of a diverse range (or variety) of housing development options.

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- (iii) How the proposed subdivision relates to adjoining sites and areas and whether it enables future subdivision of adjoining lots by providing for the necessary street connections.
- ~~(iv) The extent to which the subdivision and proposed street layout integrates with Whakarongo School.~~
- (iv) The extent to which houses front toward ~~s Napier Road along the setback area adjacent to Napier Road,~~ major roads and entrances to the city
- (v) The extent to which the proposed subdivision ensures that sufficient connection and connectivity is achieved that provides for a range of transport means and minimises the need for cul-de-sacs and rights of way.
- (vi) The extent to which the orientation of lots in the subdivision ensures sufficient solar access is available to the outdoor living area of future dwellings.
- (vii) How integrated public open space has been provided in the design of the subdivision.
- (viii) The continuity and coherence of street trees, public open space landscaping, and the extent to which they have been integrated into the design and layout of the subdivision and the wider neighbourhood environment.
- (ix) The extent to which street trees have been provided at an appropriate scale in relation to the size and significance of the related street and contributes to a distinctive sense of place within the streetscape.
- (x) The extent to which ~~Water Sensitive Design~~ low impact urban design is integrated where appropriate and geo-technically possible, and is designed in a way that contributes to the recreational and visual amenity of the development.
- (xi) The extent to which proposed stormwater detention measures ensure hydraulic neutrality is achieved and that there is no increase in stormwater effects on surrounding areas.

### **~~(b) Integration of essential services~~**

- (xii) The degree to which the subdivision provides for the integration of essential services into the existing cCity network in a manner which is orderly and efficient and that facilitates future development and capacity requirements.
- (xiii) The extent to which Council has the ability to maintain and access infrastructure and services in the future.

~~The extent to which innovative and/or low impact stormwater design is integrated where appropriate and geo-technically feasible, and is designed in a way that contributes to the recreational and visual amenity of the future development.~~

### **~~(c) Natural hazards~~**

- (xiv) The extent to which natural hazard risks are identified and the effects are avoided or mitigated.
- (xv) The extent to which subdivision considers and implements the findings of the geotechnical reports to address land stability issues and recommended mitigation measures.

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(xvi) The effect any earthworks will have on natural hazard risk and/or land stability, including effects on overland flow paths, and sedimentation.

~~(xvii) The extent to which flood hazard avoidance or mitigation is provided to ensure the protection of residential development in a 0.2% Annual Exceedance Probability stormwater event and to ensure the hydraulic neutrality of the residential area.~~

(xvii) The extent to which landscape planting along road corridors shown on the area's relevant Whakarongo Greenfield Structure Plan (Map 7A.1) is provided for in a way that delivers a coordinated and coherent streetscape.

### ~~(d) Visual Amenity~~

~~(i) The extent to which the proposal provides for the establishment and maintenance of landscape setbacks adjacent to Napier Road and Stoney Creek Road, as outlined on the Whakarongo Structure Plan (Map 7A.1).~~

(xviii) The extent to which the design of the proposed subdivision facilitates the creation of high quality attractive public open spaces, including streetscapes.

(xix) The extent to which earthworks will affect adjoining properties and result in adverse visual amenity and how these effects are managed.

~~(ii) The degree to which landscape planting along road corridors shown on the Whakarongo Structure Plan (Map 7A.1) is provided for in a way that delivers a coordinated and coherent streetscape.~~

### ~~(e) Safe and efficient operation of the roading network~~

(xx) Whether any adverse effects of the subdivision on the safe and efficient operation of the roading network can be effectively managed.

(xxi) The degree to which the location and design of access onto the State Highway network, Limited Access Road or Restricted Access Road adversely affects the safe and efficient operation of the roading network, taking into account the long-term operation of the adjacent road.

(xxii) To have particular regard to the safety of cyclists and pedestrians.

### **(b) Subdivision design and layout within the Whakarongo Residential Area**

(i) The extent to which the subdivision and proposed street layout integrates with Whakarongo School.

(ii) The extent to which the proposal provides for the establishment and maintenance of landscape setbacks adjacent to Napier Road and Stoney Creek Road, as outlined on the Whakarongo Structure Plan (Map 7A.1).

(iii) The degree to which landscape planting along road corridors shown on the Whakarongo Structure Plan (Map 7A.1) is provided for in a way that delivers a coordinated and coherent streetscape.

~~(iv) The extent to which flood hazard avoidance or mitigation is provided to ensure the protection of residential development in a 0.2% Annual Exceedance Probability stormwater event and to ensure the hydraulic neutrality of the residential area.~~

### **(c) Subdivision design and layout within the Kikiwhenua Residential Area**

(i) Whether an archaeological assessment of the site has been undertaken by a suitably

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- qualified archaeologist.
- (ii) Whether archaeological discovery protocol have been prepared and approved by a suitable authority representing Rangitāne o Manawatu.
- (iii) Whether a cultural monitoring plan has been prepared and approved by a suitable authority representing Rangitāne o Manawatu.
- (iv) The extent to which subdivision layout and design recognises and represents the connection that Rangitāne o Manawatu have with their rohe.
- (v) The extent to which physical and visual connections are created between the following sites:
- The subdivision
  - Kikiwhenua
  - Urupa
  - Awapuni Lagoon
  - Mangaone Stream
  - Rangitāne-owned land in the area
- (vi) The extent to which Kikiwhenua, Awapuni Pa, and associated urupa are retained and recognised within the subdivision.
- (vii) The extent to which subdivision layout enables the retention of mature tree stock and shelterbelts as established street trees.
- (viii) The extent to which a clear hierarchy of primary, secondary, and tertiary roads provides legible way-finding throughout the site and encourages walking and cycling along key cultural connections.
- (ix) The extent to which the subdivision positively fronts onto Pioneer Highway, Te Wanaka Road and the Awapuni Lagoon area.
- (x) The extent to which the site connects to the Longburn Shared Pathway, Mangaone Stream Shared Pathway, and the Manawatu River Bridle Track.
- (xi) The extent to which road corridors are designed to provide areas for pervious pavements and swales to reduce total runoff and peak flows.
- (xii) Whether on site detention ponds are designed such that the outlet reduces the peak flow to pre-development flow rates for **return events up to the 50-year the 10-year** ARI rainfall event, and the spillway passes the 100 year ARI rainfall event at pre-development flow rates.
- (xiii) Whether stormwater detention areas utilise gravity flow paths and avoid the need for pumping stations.
- (xiv) The extent to which individual vehicle accesses are limited ~~Whether properties fronting onto Pioneer Highway in favour of slip lane or~~ are serviced by a laneway alternatives.
- (xv) The extent to which noise setback areas identified in the Kikiwhenua Structure Plan (Map 7A.2) incorporate high quality landscaping and Water Sensitive Design.
- (xvi) The availability of a suitable consent notice for allotments within the Kikiwhenua Residential Area to identify the requirement and management of on-property equipment for the area's Pressure Sewer System.
- (xvii) The extent to which the development of a community facility and small park, and a play area for young children are provided for.
- (xviii) Whether safe and appropriate treatments are in place that have been certified by the relevant road controlling authorities at the intersection of Te Wanak Rpad and State Highway 56 prior to any subdivision within the Kikiwhenua Residential Area.**
- (xix) The extent to which a traffic impact assessment for the Kikiwhenua Residential Area has**

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been undertaken by a suitably qualified traffic engineer as determined by the relevant road controlling authorities. Without limiting other matters, the traffic impact assessment shall include:

- An assessment of whether and when a full upgrade of the intersection of Te Wanaka Road and State Highway 56 should be provided to meet the needs of current and future land use; and
  - An assessment of what construction traffic mitigations are required.
- (xx) Whether the proposed stormwater approach will achieve the hydraulic neutrality up to the 1% Annual Exceedance Probability (AEP) rainfall event, in comparison to the pre-development land use, in accordance with the methods and requirements of the Engineering Standards for Land Development.

### Explanation

Subdivision within the ~~Whakarongo~~ Greenfield Residential Areas is a Restricted Discretionary Activity to ensure that development achieves high environmental outcomes. When rezoning large areas of land for future residential use, it is important that the staged development over time contributes to a well thought out layout and interconnected suburb. The provisions of this rule will ensure that development is integrated with the wider residential area, that connection between stages is maintained and provided for, and the development is consistent with the provisions of the area's relevant Whakarongo Structure Plan.

### NOTE TO PLAN USERS: R7A.5.2.2 and R7A.5.2.3

1. All subdivisions must supply a Comprehensive Development Plan as required by R7A.5.2.2 of the District Plan.
2. Any subdivision and development that is located on any object or site of Cultural Heritage Value, as listed in Section 17 of the District Plan, must also comply with R17.8.1.
3. Additional consents may be required from Horizons Regional Council for activities including land disturbance and vegetation clearance. Plan users are encouraged to contact Horizons directly for information about the Horizons One Plan requirements.
4. All subdivisions must comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil.
5. Council requires, where appropriate, the approval of the relevant road controlling authority (Waka Kotahi New Zealand Transport Agency or Palmerston North City Council) before approving a subdivision consent application.
6. It is advised that the applicant contact the appropriate power, telecommunications and gas companies to determine the feasibility of connecting to their services.
7. Plan users are advised to check the Engineering Standards for Land Development to ensure the current model for taking into account climate change effects is used when preparing a Stormwater Management Plan.

### ~~R7A.5.2.4~~ — ~~Kikiwhenua Residential Area~~

- (a) ~~No subdivision of the Kikiwhenua Residential Area shall be classified as a restricted discretionary activity until and unless:~~
- ~~the land within the Race Training Zone to the west of the Kikiwhenua Residential area is subject to a variation to Plan Change C or to a plan change which, under either process, includes one or more proposals for the zoning of the land~~
  - ~~a full upgrade of the intersection between Pioneer Highway and Te Wanaka Road is committed to by the relevant roading agencies, and speed limits on both roads where they front the Kikiwhenua Residential Area are reduced to no more than 60kmph and 50kmph respectively, so that both of these must occur before any development of the Area is completed. 'Full upgrade' means either a roundabout intersection, or one controlled by traffic lights.~~

~~(b) — this rule shall cease to have effect once both of the matters above are completed.~~

### **7A.5.3 RULES: DISCRETIONARY ACTIVITIES**

#### **R7A.5.3.1 Restricted Discretionary Activities**

Any activity which does not comply with the Performance Conditions for Controlled Activities and is not otherwise specified as a Restricted Discretionary Activity is a Discretionary Activity.

### **7A.5.4 RULES: NOTIFICATION**

#### **R7A.5.4.1 Notification**

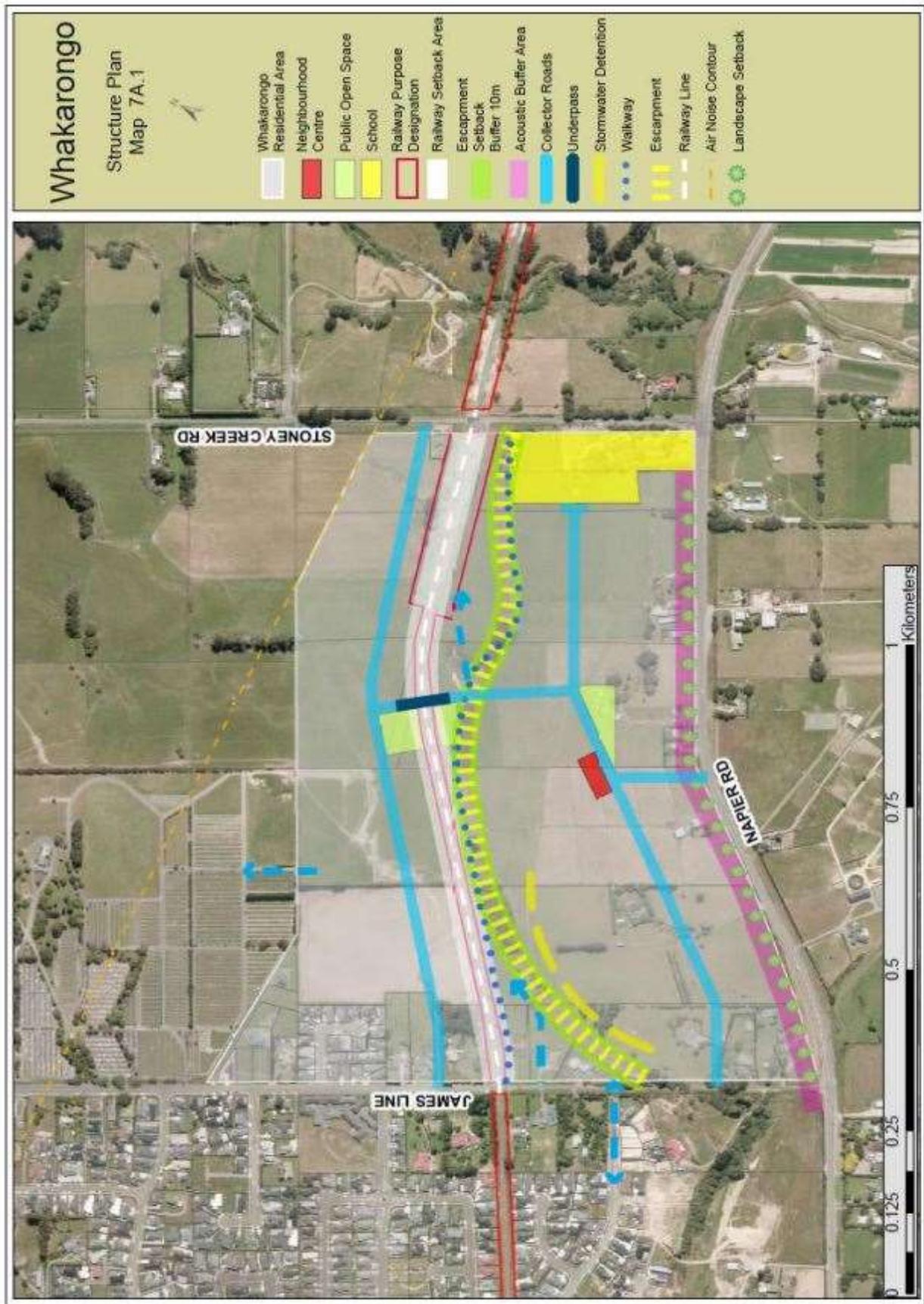
- (i) ~~The following activity addressed in this section must not be publicly notified: R7A.5.2.1. Public notification is precluded for applications under R7A.5.2.1.~~
- (ii) ~~Subject to the exception in (iii), limited notification is precluded for applications under R7A.5.2.1.~~
- (iii) ~~Waka Kotahi New Zealand Transport Agency must be given limited notification of an application under R7A.5.2.1~~

### ~~**7A.5.5 RULES: NON-COMPLYING ACTIVITY**~~

#### ~~**R7A.5.5.1 Non-complying activities**~~

- ~~a) — Any subdivision within the Kikiwhenua Residential Area to which Rule 7A.5.2.4 applies is a non-complying activity.~~
- ~~b) — Any application for consent to such a subdivision shall be public notified.~~
- ~~c) — This rule ceases to have effect when Rule 7A.5.2.4 ceases to have effect.~~

MAP 7A.1

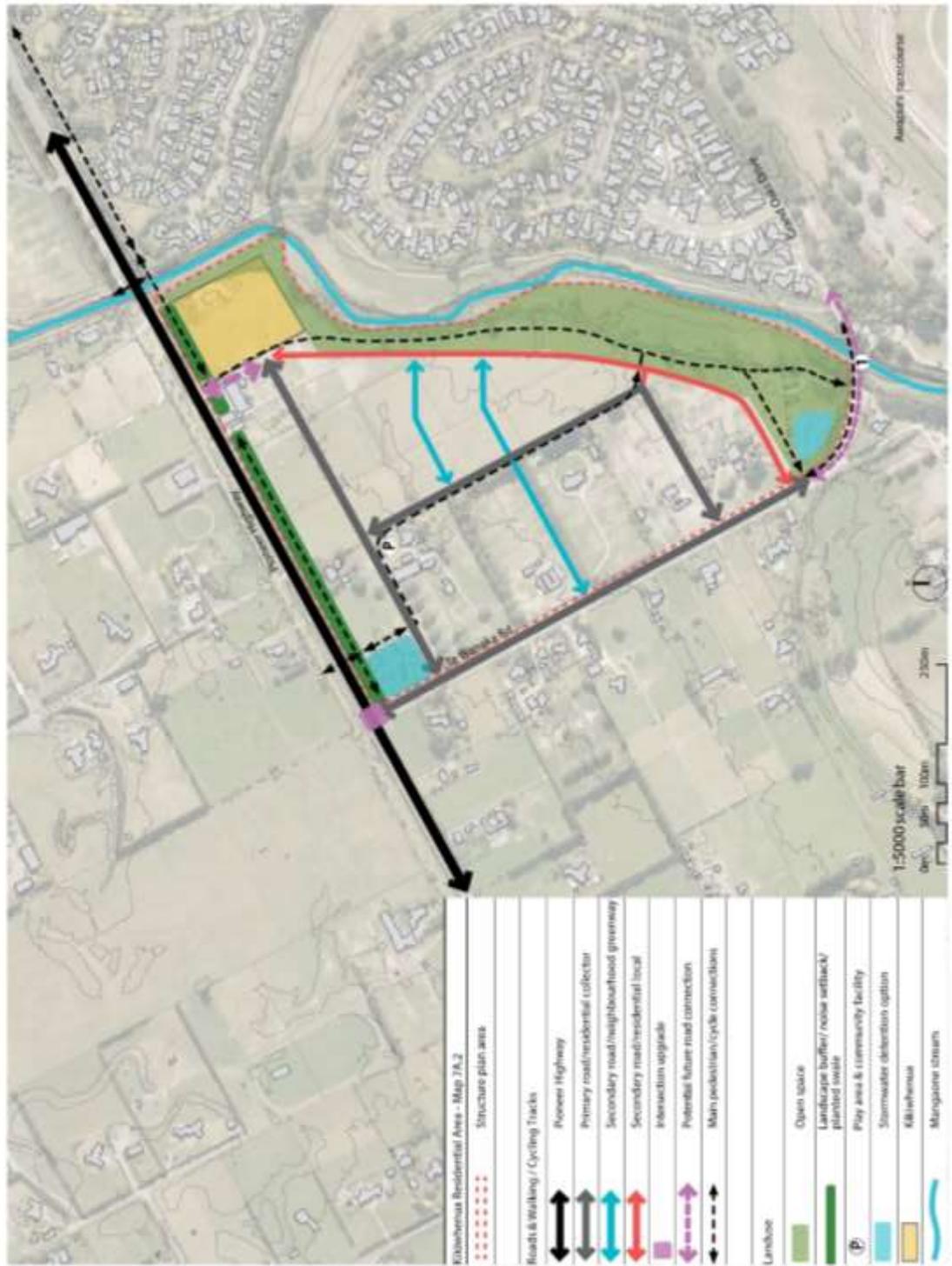


**MAP 7A.2**

**Kikiwhenua Residential Area**

**Structure Plan**

**Map 7A.2**



## District Plan Amendments: Section 10 Residential Zone (Excerpts only)

### OBJECTIVE 9

To encourage an environment within any Greenfield the Whakarongo Residential Area that is an attractive, healthy and safe place in which to live with a diverse range of residential housing types and densities.

#### POLICIES

- 9.1 To control the height and scale of buildings to minimize adverse visual effects on adjoining residential properties and the scale and intensity of the surrounding residential environment.
- 9.2 To control the height and visual permeability of fencing on properties, particularly those directly adjoining streets and public open space, to ensure visual connectivity and social surveillance of the area.
- 9.3 To avoid garages that dominate the streetscape.
- 9.4 To encourage the design of building frontages that relate to the street and enhance perceptions of safety.
- 9.5 To encourage development that results in a distinctive, memorable and valued sense of place.
- 9.6 To encourage a mix of lot sizes, dwelling sizes, heights and types.

#### *Explanation*

*Council is seeking to place a stronger emphasis on achieving good urban design outcomes within new residential areas in the City. Greater control is being introduced into the District Plan to guide development to ensure that these outcomes are achieved. The major intention is to create a high quality living environment that has positive effects on residential amenity and enhances the safety and quality of the streetscape environment.*

### OBJECTIVE 10

To ensure non-residential development within any Greenfield the Whakarongo Residential Area neighbourhood centre provides for the day-to-day shopping and service needs of the surrounding community and contributes to a high quality living environment.

#### POLICIES

- 10.1 To encourage the development of commercial activities within the neighbourhood centre identified on any Greenfield Residential Area Structure Plan within Section 7A, the Whakarongo Structure Plan (Map 7A.1).
- 10.2 To ensure commercial activities within any Greenfield the Whakarongo Residential Area are consistent with the policy framework of the Local Business Zone.

### OBJECTIVE 11

To ensure potential natural hazards within any Greenfield the Whakarongo Residential Area are appropriately investigated and residential development is confined to areas with no known natural hazards or where known natural hazards can be appropriately mitigated.

#### POLICIES

- 11.1 To control the location of buildings in relation to the escarpment and oxbow in the Whakarongo Residential Area to protect against the risk of natural hazard.

## *District Plan provisions as amended as a result of Environment Court Mediation*

11.2 To ensure buildings and structures in any Greenfield the Whakarongo Residential Area are located and designed to protect against the risk of natural hazards.

### **R10.6.1.5 Dwellings & Accessory Buildings in the Whakarongo Greenfield Residential Areas**

Any dwelling and/or Accessory Building in the any Whakarongo Greenfield Residential Area is a Permitted Activity provided it complies with the Performance Standards detailed in Clauses(a) – (h).

#### **Performance Standards**

##### **(a) Access and Parking**

Compliance with R10.6.1.1(g) (Access and Parking).

##### **(b) Maximum Building Height, Height Recession Planes and Overlooking**

- i. Compliance with R10.6.1.1(a) and (b).
- ii. No building within the Kikiwhenua Residential Area with direct frontage to fronting Te Wanaka Road opposite the following lots may exceed a maximum height of 4m:
  - LOT 1 DP 477332
  - LOT 2 DP 477332
  - LOT 1 DP 27043 BLK XIV KAIRANGA SD
  - PT LOT 12 DP 8486 BLK XIV KAIRANGA SD
  - LOT 1 DP 90735.

##### **(c) Separation Distances**

- i. Compliance with R10.6.1.1(c).
- ii. Any accessory buildings in a Greenfield ~~the Whakarongo~~ Residential Area shall be located a minimum of:
  - 4m from the road boundary;
  - 1m from all other boundaries.

##### **(d) Site Area and Coverage**

- i. Site Area
  - a) A maximum net site area of 1000m<sup>2</sup> for each dwelling unit, provided that the areas shall be exclusive of the acoustic setbacks required by the provisions of R10.6.1.5(e), (i) and (ii).
  - b) Compliance with R10.6.1.1(d)(i) in the Kikiwhenua Residential Area.
- ii. Site Coverage
  - a) Compliance with R10.6.1.1(d)(ii).
  - b) At least 30% of the net site area for each dwelling unit in the Kikiwhenua Residential Area shall be permeable.

##### **(e) Acoustic Insulation and Setbacks for the Whakarongo Residential Area**

- i. Any building (other than accessory buildings) containing a noise sensitive activity constructed within 80 metres of the nearest carriageway edge of State Highway 3 shall be designed, constructed and maintained in accordance with a design report prepared by a suitably qualified and experienced acoustical engineer stating that the design as proposed will achieve compliance with an internal noise level of 40dB  $L_{Aeq(24hr)}$  in

## *District Plan provisions as amended as a result of Environment Court Mediation*

habitable rooms.

Provided that no such building is to be located within 40 metres of the nearest carriageway edge of State Highway 3.

- ii. Any building (other than an accessory building) containing a noise sensitive activity constructed within 70 metres of the nearest edge of the railway track shall be designed, constructed and maintained in accordance with a design report prepared by a suitably qualified and experienced acoustical engineer stating that the design as proposed will achieve compliance with an internal noise level of 40dB  $L_{Aeq(1hr)}$  in living rooms and 35dB  $L_{Aeq(1hr)}$  in bedrooms.

Provided that no such building is to be located within 25m of the nearest edge of the Palmerston North – Gisborne railway track.

- iii. Where bedrooms with openable windows are proposed in buildings requiring acoustic insulation, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.
- iv. For all other developments, compliance shall be achieved with the satisfactory design guidelines given in AS/NZS 2107:2000: *Acoustics – recommended design sound level and reverberation times for building interiors*.

### **(f) Acoustic Setbacks for the Kikiwhenua Residential Area**

- i. Buildings (other than accessory buildings) containing a noise sensitive activity shall not be constructed closer than 20 metres from the nearest carriageway edge of Pioneer Highway.

### **(gf) On-site Amenity**

- i. Every dwelling shall be provided with an outdoor amenity area which can meet the following requirements:
  - A minimum open area of 36m<sup>2</sup> free of driveways, parking spaces, buildings (other than decks, verandahs and shade sails) and manoeuvring area.
  - Is able to accommodate a circle of 4.5 metres in diameter.
  - Has direct contact with the main living area for a length of not less than 2 metres.
  - Is orientated to the west, north or east of the dwelling.
- ii. Any accessory building or garage, whether freestanding or adjoining a dwelling, shall be recessed by a minimum of 1m behind the front façade of a dwelling.

### **(hg) Fencing**

- i. Where a fence is erected along a property boundary directly adjoining public open space it shall not exceed a maximum height of 1.8 metres for half of the property boundary; any remainder is permitted to a maximum height of 0.9m.
  10. This standard does not apply to any fence within any setback area required under performance standard (e) above.
- ii. Where a fence is erected on the road frontage, a maximum height of 0.9m applies.

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### **(ih) Flood hazards**

Any new occupied structure or activity, or an increase in the scale of any existing occupied structure or activity, must comply with the following Performance Standards:

- i. Occupied structures are to have a finished floor or ground level, which includes reasonable freeboard, above the 0.5% AEP (1 in 200 years) flood level **for the Whakarongo Residential Area.**
- ii. The access between occupied structures and an identified safe area, where safe evacuation may be carried out must not be inundated greater than 0.5m above finished ground level with a maximum velocity of 1.0 m/s, in **the following:**
  - **A 0.5% AEP (1 in 200 years) flood for the Whakarongo Residential Area.**
  - **A 1% AEP (1 in 100 years) for all the Greenfield Residential Areas.**

#### **NOTES TO PLAN USERS**

1. Any subdivision and development that is located on any object or site of Cultural Heritage Value, as listed in Chapter 17 of the District Plan, must also comply with R17.9.1.
2. Any development within a Greenfield ~~the Whakarongo~~ Residential Area must supply a geotechnical report as part of the subdivision process. This report should be checked to confirm any mitigation measures required to be carried out on site prior to building a dwelling.
3. Any development must comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil.
4. Any new occupied structure under performance standard (h) above will be referred to Horizons Regional Council for further clarification on 'reasonable freeboard' and safe areas for 'safe evacuation'

### **R10.6.3.2 Buildings or Structures within a Greenfield ~~the Whakarongo~~ Residential Area that do not comply with Performance Standards for Permitted or Controlled Activities.**

**Any building or structure which does not comply with the Performance Standards for Permitted or Controlled Activities in relation to:**

- i. **Height**
- ii. **Separation Distances**
- iii. **Site Area and Coverage**
- iv. **Overlooking**
- v. **On-site Amenity**
- vi. **Fencing**
- vii. **Parking**
- viii. **Acoustic Insulation and Setbacks**
- ix. **Flood Hazards**

Are Restricted Discretionary Activities with regard to:

- Effects on adjoining residential neighbours
- Site layout
- Effects on the surrounding residential environment and streetscape
- Visual dominance

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- Design, scale and appearance
- The impact on achieving the design elements and outcomes of the ~~Whakarongo~~ Greenfield Residential Area's relevant Structure Plan (Map 7A.1)
- The safe and efficient operation of the roading network
- Effects on acoustic amenity and health
- Natural hazards
- Flood Hazards

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in Section 2 and the Residential Zone objectives and policies and the policies contained in R10.6.1.1, assess any application in terms of the following:

### **Assessment Criteria**

- a) The extent to which the design, scale and appearance of any building or structure compliments the ambience and amenity values of the surrounding residential area as a whole.
- b) The extent to which the building relates to the character of its setting, contributes to the quality of adjoining public open space, streetscapes and residential properties, and avoids visual dominance.
- c) The extent to which new buildings retain reasonable visual privacy and daylighting for adjacent residential properties.
- d) The extent to which outdoor space is accessible and of a useable size with access to daylight and sunlight.
- e) The extent to which the non-compliance leads to a better or more efficient use of the site and/or creates a higher level of on-site amenity.
- f) The degree to which non-compliance results in a development density that, if not consistent with the surrounding residential environment, does not lead to a perception of excessive density.
- g) The extent to which the impact of a building that results in a non-compliance with the permitted activity standard(s) may be mitigated by screening, landscaping or other treatment.
- h) To avoid, remedy or mitigate the effects of parking not accommodated on the site on the safe and efficient operation of the roading network and the amenities of the surrounding neighbourhood.
- i) The degree to which the proposal is consistent with the ~~Whakarongo~~ area's relevant Structure Plan and will result in a high quality amenity environment.
- j) The extent to which internal noise levels and amenity will be protected.
- k) The extent to which the effects of flooding on any new occupied structure or activity, or an increase in the scale of any existing occupied structure or activity, are avoided, remedied or mitigated.

### **R10.7.3.5 Commercial activity**

Any commercial activity, including the construction, alteration or addition to a building or structure within an allotment shown in a Comprehensive Development Plan in accordance with R7A.5.2.2 for

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use for commercial activity where an application for resource consent is made for the particular commercial activity and the application is included as part of the application for subdivision consent to give effect to the Comprehensive Development Plan is a Restricted Discretionary Activity in respect of:

- Effects on nearby residential activities and residential amenity
- Effects on viability and choice of local business activities
- Public safety
- Visual amenity
- External design and appearance
- Building mass and height
- Relation to streets and other public spaces
- Site Layout
- Parking
- Landscape amenity
- The provision of car parking
- The safe and efficient operation of the roading network
- Efficient, convenient and safe access

### **Performance Standards**

- a) Compliance with R11.9.1.1(g)
- b) Compliance with R11.10.2.1(g)
- c) Compliance with R11.10.7.1(a) and (b)

In determining whether to grant consent and what conditions to impose, if any, the Council will, in addition to the City View objectives in Section 2, the objectives and policies of the Local Business Zone, and the Overarching Residential Zone objectives and policies, assess any application in terms of the following assessment criteria:

### **Assessment Criteria**

The Objectives and Policies of the Local Business Zone and the assessment criteria identified in R11.10.3.1 and R11.10.3.2.

#### ***Explanation***

*This rule allows development within ~~the~~ an area identified on ~~the~~ a ~~Whakarongo~~ Greenfield Residential Area ~~s~~Structure ~~p~~Plan as a neighbourhood centre. At some point in the future ~~these~~ these areas will be rezoned to Local Business Zone. In the short term Council wishes to encourage development of local community facilities and services in key locations in a way that is consistent with the Local Business Zone provisions. R10.7.3.5 is a transitional rule until ~~the~~ neighbourhood centres in Greenfield Residential Areas ~~identified on the Whakarongo Structure Plan~~ is ~~are~~ rezoned at ~~some~~ an appropriate time in the future.*