

ATTACHMENTS

UNDER SEPARATE COVER 1

Ordinary Council Meeting

27 June 2023

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Amendments to Plan Change 37 Provisions –
Resolution of ENV-2022-AKL-000103 inclusive of First Schedule Clause
16(2) amendments.

TAUPŌ DISTRICT PLAN

PLAN CHANGE 37 – Nukuhau

Plan Change 37 amends provisions in the Operative Taupō District Plan to change the zoning of 77.78 hectares of Rural Environment zoned land to a mix of Nukuhau General Residential, Nukuhau Medium Density Residential, Neighbourhood Shopping Centre (Shops) zoning and areas of stormwater and recreation reserves.

Attachment 1 contains the Hearing Panel's Decision and final amendments to PC37 as notified, and as amended as a consequence of this Resolution of ENV-2022-AKL-000103.

Note:

- Changes introduced through PC37 as notified are in blue underlined font; the Hearing Panel's recommended further amendments are in **bold underlined font**.
- Text to be added to or deleted from the Decisions Version of PC37 arising from this resolution are shown as underlined and strikethrough text respectively, and highlighted in yellow with red text as issued to the Environment Court as dated 26 April 2023.
- Pursuant to the First Schedule Clause 16(2) of the Resource Management Act 1991, amendments are shown as underlined and strikethrough text respectively, and highlighted in grey with green text.

Attachment 1 – PC37 Provisions

3a RESIDENTIAL ENVIRONMENT

3a.1 Introduction

The District contains a variety of residential areas, referred to in the Plan as the Residential Environment. These include the major communities of Taupō, Turangi, and Mangakino, as well as smaller lakeshore and rural settlements. While each community has a distinct character, determined primarily by its size and setting, the basic elements of each are the same. The predominant activity within the Environment is residential, with the character of the existing activities established through conformity with past planning controls, resulting in the establishment of a shared and recognisable amenity. Maintenance of this established character and amenity is important to those who reside within the Residential Environment, with the expectation that these ‘residential’ levels will be retained.

Elements of the character of the Residential Environment which the majority of residents value include an attractive streetscape; a reasonable ratio of private to public open space; a degree of consistency in the size, scale, density, and style of buildings; a need for privacy; shared access to outlook, sunlight or views; low levels of environmental effects such as traffic movements to and from sites, noise, vibration, odour, and dust; and a safe and functionally effective environment for traffic and pedestrians.

However, the Residential Environment can accommodate a range of ‘non-residential’ activities without a loss of amenity, just as these areas can suffer from a ‘residential’ activity of an inappropriate scale or intensity. Therefore all activities are required to meet the identified minimum standards, protecting the amenity and character of the Residential Environment, while also allowing a wide range of appropriate activities to occur.

The Residential Environment has been identified in the Plan and on the Planning Maps in a number of different forms. To provide clarity the following mapped or planned areas are considered to be part of the Residential Environment and all appropriate rules and performance standards (note that those that relate specifically to that type of Residential Environment should be considered first):

- Residential
- High Density Residential
- Low Density Residential
- Kinloch Rural Residential Area
- Kinloch Low Density Residential Area
- Kinloch Residential Area
- New Residential Environment
- Unserved Residential Environment

- Mapara Residential Environment
- [Nukuhau Residential and Nukuhau Medium Density Areas](#)
- Development Area (as consented under Rules [4f.1.7](#) or [4f.1.8](#))

3a.2 Objectives and Policies

OBJECTIVE

3a.2.1 The maintenance and enhancement of the character and amenity of the Residential Environment.

POLICIES

- i. Maintain and enhance the character and amenity of the Residential Environment by controlling the bulk, location and nature of activities, to ensure activities are consistent with a residential scale of development, including an appropriate density and level of environmental effects.
- ii. To enable a range of small scale home based employment opportunities, and local community facilities and services to establish in Residential Environments, subject to:
 - a. compatibility with Residential Environment amenity and character;
 - b. avoidance of adverse effects on the function and amenity of the Taupō Town Centre, and the adjoining road network; and
 - c. a consistent scale of non residential buildings and activities that maintain residential coherence and amenity.
- iii. To provide for a number of small scale convenience based retail, commercial and community facilities as identified as a “Shop” on the Planning Maps where these:
 - a. provide a high standard of urban amenity; and
 - b. remain compatible with the scale of the surrounding residential environment.
- iv. To have regard to the physical resource and investment of existing business activities within the KTHD area when considering their on-site development
- v. Any relevant Structure Plans, strategies or guidelines should be taken into account in the design of any development within the residential environment.
- vi. Encourage a wide range of appropriate activities and development within the Residential Environment while ensuring any adverse effects are avoided, remedied or mitigated.
- vii. Maintain Specific Requirement Areas through protecting the established character of these areas in locations where the resulting amenity is valued.
- viii. Protect the character of the District’s lake and river margins from buildings which are visually obtrusive and/or result in the loss of amenity of the foreshore area, by controlling the scale and location of structures.

- ix. Avoid, remedy or mitigate adverse effects of subdivision, use and development in the residential areas on cultural, historic, landscape and natural values, as identified through the provision of this Plan.
- x. Recognise the important role of reserves and their existing infrastructure and services (including those provided by commercial operators) in providing recreational opportunities for the community.

EXPLANATION

A typical scale and character of development and level of environmental effects has been established over time, creating a valued level of amenity within the Residential Environment.

To ensure the amenity and character of the Residential Environment is maintained and enhanced, minimum performance standards have been identified. These standards reflect past practice and the normal range of activities which occur within the Residential Environment. The standards allow for an appropriate amount of change and development to occur within the Environment. Therefore any effect of an activity meeting these minimum standards is likely to be no more than minor.

Accordingly, any activity which does not meet one or more of the minimum standards can be expected to have a higher probability of generating an effect which may be more than minor, with the potential to detract from the amenity and character of the Residential Environment. As such, the activity will be subject to a full and comprehensive assessment of environmental effects through the resource consent process.

Threats to the character and amenity of the Residential Environment include structures and activities of an inappropriate or 'non-residential' scale, location or density. Provision for sufficient daylight and privacy, outlooks not dominated by bulky buildings, the maintenance of a residential streetscape and open space, as well as provisions addressing vehicle safety including access, movements and manoeuvrability, are required to maintain the character of the areas and ensure the amenity values of the Residential Environment are not adversely affected.

Other documents prepared under the Local Government Act 2002 and other relevant legislation can also be appropriate to be utilised in the assessment of resource consents as other relevant documents through section 104(1)(c) of the Resource Management Act 1991. Whilst these documents do not have any statutory weight they are prepared via a process of community consultation and contain information and guidance pertinent to development in the District.

Provision is made for small scale home based employment opportunities, and local community facilities and services which could appropriately be located in Residential Environments in terms of compatible effects. Such effects can relate to matters such as traffic generation, visual detracting, hours and scale of operation, noise and outdoor advertising. However, providing Residential amenity values are preserved, allowing small scale home-based employment opportunities to locate in living areas will contribute to the economic development of the District. The provision of local community facilities and services can also assist in providing for the social wellbeing, and health and safety needs of nearby residents, enriching such communities.

A limited number of identified local convenience centres, notated as 'Shops' on the Planning Maps, are also provided for within the Residential Environment in recognition of the important role such centres have in meeting local convenience needs for goods, services and community activities. These centres have been established for many years, and are conveniently located generally within walking distance of the areas they serve. Local shop areas will be required to operate in a manner compatible with the surrounding Residential Environment so as not to cause a nuisance or adversely affect amenity.

Limitations to the scale and extent of such non-residential activities are necessary to ensure that residential amenity, character and coherence can be maintained. It is also important that there is not a significant dispersal of such activities from those Environments which are better suited or more appropriate to accommodate such activities.

The location of retail and office activities in the Residential Environment has the potential to undermine the continued agglomeration of retail and office activities within the Taupō Town Centre Environment with a reduction in the associated economic and social benefits. Those benefits are supported through the objectives and policies of Section 3 *Buisness Distribution*. Small scale retail and office activities are provided for in the Residential Environment, however as these activities increase in scale their impacts on the function and viability of the Taupō Town Centre Environment and the character and amenity of the surrounding Residential Environment need to be assessed. Provision has been made for slightly larger office activities within the KTHD area to the east of the Taupō Town Centre Environment. This recognizes the close proximity of this area to the Taupō Town Centre Environment and its appropriateness for accommodating emerging office activities that are commonly larger than a home occupation.

Some Residential areas of the District have been established through special provisions or consent conditions. These areas have been designed to protect significant values or to maintain a preferred character or amenity. In the Plan, they have been recognised through the formation of specifically identified High Density, [Medium Density](#), Low Density and Specific Requirement Areas. Performance standards individual to the standard of development existing within the particular area will protect the area's valued character and amenity.

High Density Areas are predominately residential in character and amenity, but can contain a greater variety of activities. The resulting development is often undertaken at a higher scale and intensity than within other areas of the Residential Environment, and includes intensive residential units, and commercial accommodation activities. As such, the performance standards for these areas have been identified at a higher level of density to reflect the difference in the character of the areas.

[Medium Density Areas are residential in character and amenity but at a higher intensity than general residential development, while still being of a lesser scale and intensity than High Density Areas; such as semi-detached and terraced housing, low rise apartments, detached housing on smaller sites, and other compatible activities. Performance standards for these areas have been identified to reflect a higher level of development intensity that is still strongly residential in character.](#)

Low Density Areas of the Residential Environments have often been referred to as the "rural residential" areas of the District. These areas provide for a special form of residential lifestyle with a semi-rural outlook. The predominant activity is still 'residential' in nature, resulting in the residential amenity and

character of the area. As such, these areas have been identified within the Residential Environment, with performance standards which reflect the lower level of density than in the other parts of this Environment.

Specific Requirements Areas and lakeside settlements exist in various locations within the District and include such areas as Rangatira Point, Kinloch and Motuoapa Hill. These areas have been established to a particular character, often through conditions of resource consent, to establish a desired level of amenity, unique in comparison with the general amenity provisions of the District. This form of planning for communities will continue, with the Plan encouraging the retention of existing areas and the development of new areas with appropriate requirements recognising special features and amenity of a particular locality.

In some cases, such as Kinloch, ~~and Nukuhau~~, structure plans have been undertaken, and contain useful and relevant information in respect to what is an appropriate density, scale or form of development for that particular area.

Additionally, Height Restrictions and Foreshore Protection Areas have also been established through past planning provisions. These areas will be maintained, and other appropriate areas included, where there is the potential for structures to adversely affect valued foreshore areas. These areas will protect the views, both from and to the shore, from excessively bulky or visually obtrusive development and protecting the interface between land and water, to preserve the natural character of the District's lakes and rivers and their margins, and the maintenance and enhancement of public access, in accordance with Section 6 of the Act.

Nuisance factors can cause an adverse effect, changing the character and causing a loss of amenity within the Residential Environment. These nuisances can come in various forms including inappropriate levels of vehicle movements, car parking demand, noise and artificial light levels and signage.

Accordingly, activities will be managed to ensure the protection of the amenity values of the Residential Environment as well as the safe and efficient operation of the roading network. Excessive vehicle movements, including associated noise and vibration nuisances and insufficient onsite parking all have minimum standards which are required to be met. Noise and artificial light levels will also be managed, with their effects minimised to avoid adverse effects on the amenity of the Residential Environment. The provision of signage will be balanced between the public information role, traffic safety and the protection of the amenity values of an area.

Sediment and dust levels are included for control within the Plan but only at nuisance level. Although these effects are predominantly Regional Council concerns, they have been included due to their potential impact on the character and amenity of the Residential Environment. Compliance with the standards does not preclude activities from compliance with the relevant Regional Council provisions also covering these issues.

OBJECTIVE

3a.2.2 To ensure that development in the Residential Environment takes into account the capacity of the supporting infrastructure.

POLICIES

- i. Subdivision and development in the Unserved Residential Environment should be able to be effectively serviced without creating adverse effects on the supporting infrastructure.

EXPLANATION

Subdivision and development can result in increased pressure on the supporting infrastructure and services. For the purposes of Objective 3a.2.2 and associated policy, supporting infrastructure is considered to be for drinking water, wastewater, roading (including the local and state roading networks) and stormwater. For those areas of the Residential Environment which are identified on the District Planning Maps as unserved, development must ensure that the increased loading on services will be able to be effectively managed whilst avoiding remedying or mitigating any associated adverse effects.

OBJECTIVE

3a.2.2A A range of housing types and densities is available in the Nukuhau Structure Plan area to meet the needs of all communities and the growth of Taupō.

POLICIES

- i. Enable a variety of housing types in the Nukuhau General Residential and Nukuhau Medium Density Zones including integrated residential development such as low-rise apartments, semi-detached or terraced housing, and multi-unit development; and retirement villages.

EXPLANATION

There is a need to provide a range of housing typologies to accommodate the diverse needs that exist in the community, including families, single or two person households, options for extended families and housemate arrangements. In order to meet the needs of an ageing population there is also a need to provide a range of housing options with an appropriate range of facilities. The location of some housing typologies, in particular those at a higher intensity of development such as Medium Density should also consider convenient accessibility to open space.

OBJECTIVE

3a.2.3 To maintain and enhance the existing amenity and character of the Kinloch residential area and provide for appropriate residential development in the Kinloch Community Structure Plan Area.

POLICIES

KINLOCH COMMUNITY STRUCTURE PLAN AREA

- i. Encourage development within the Kinloch Residential Area to be carried out in a manner consistent with the amenity and character of the existing settlement and reflects the intent of the Kinloch Community Structure Plan.

- ii. Enable and Encourage development in the Kinloch Low Density Residential and Rural Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Structure Plan.
- iii. Subdivision, and resulting development, that creates lots which are smaller than the minimum lot size than specified in [Table 4.1](#) of this plan, should be designed so that the resulting development is clustered and is integrated into the landscape, coupled with a strong framework of tree and vegetation planting.
- iv. Subdivision in the Kinloch Community Structure Plan Area should only occur where the resulting lots will be connected to community wastewater network infrastructure.

KINLOCH LANDSCAPE POLICY AREA

- v. Subdivision design should make use of existing landform and landscape features to ensure that the built form complements the character of the area and does not detract from it.
- vi. Buildings should be located to minimise earthworks that may adversely affect the character of the area.
- vii. Buildings should be integrated into the site so that the built form is not dominant.

KINLOCH COMMUNITY STRUCTURE PLAN AREA

The Kinloch Community Structure Plan Area is identified on the Planning maps and in [Appendix 1](#) of this Plan. Through the structure planning exercise it has been identified that the Kinloch Residential Area has a character and amenity that is unique to this area and new subdivision and development should be consistent with this. The intent of the Kinloch Community Structure Plan is reflected in the Structure plan map contained in [Appendix 1](#) of this plan. [Appendix 1](#) provides guidance in to what density and form of subdivision and development is appropriate within parts of the structure plan area.

There will be situations where it may be appropriate for subdivision to occur to densities which are characterised by smaller lot sizes than those identified in [table 4.1](#) of the Plan. Such development need be designed in a way where any effects to the amenity or character of the area are suitably avoided remedied or mitigated. These more intensive areas for development should be offset by expansive areas of open space and/or planting to retain the lower density character of the Kinloch Community Structure Plan Area. A strong framework of tree and vegetation planting should also be carried so that the development is not out of character with the wider structure plan area.

As mentioned above nuisance factors can cause an adverse effect in the residential environment. On site waste water systems can potentially create such nuisance effects and are therefore inappropriate in the residential environment. Although parts of the Kinloch Community Structure Plan Area are characterised by larger lots, the risk is intensified by there being a high concentration of such lots. Like dust and sediment they have been included due to their potential impact on the character and amenity of the Residential Environment, but unlike dust and sediment they can potentially cause wider issues, such as in relation to health. Connection to the community waste water system will also improve the effective and efficient use of the infrastructure resources in the structure plan area.

Polices relating to the Kinloch Landscape Policy Area provide for the consideration of an appropriate style of development within this area. The ridgeline area has been identified as providing a green backdrop to the Kinloch residential area and development needs to consider this.

OBJECTIVE

3a.2.4 To enable the New Residential Environment to be developed in a manner which reflects the characteristics of the land and minimises offsite effects.

POLICIES

- i. Subdivision and development in the New Residential Environment should be in a form and layout that includes a range of built densities that are appropriately suited to the physical, landscape and amenity characteristics, natural values and constraints of the land.
- ii. Subdivision and development in the New Residential Environment should not adversely affect the amenity of the wider Residential Environment.

EXPLANATION

Whilst the New Residential Environment has been identified as suitable for residential development, the physical and landscape characteristics of the site require that the form and built densities of that development would have to be more sensitive to such factors. This is especially pertinent for the New Residential Environment in Kuratau with parts of that Environment affected by landscape values, natural values and flooding. Such matters would need to be considered and assessed as part of any consents lodged.

LAKE OHAKURI DEVELOPMENT ZONE

Lake Ohakuri Development Zone (LODZ) is a holiday destination based around the amenity of the lake and surrounding hill country. The Lake Ohakuri Site is a unique site within the Taupō District with a history of resort style holiday accommodation. It has been envisaged as a 'bach-like' low intensity zone controlled by open space, block pattern and building standards. There is great stock taken in creating and maintaining a forest environment with clear and accessible open space network, walkways and cycleways.

The waterfront is defined by an extensive public waterfront reserve interspersed with the development opening up with arms of parkland connecting the ridge to the lake – a large central domain at the promontory being the focal point. This is reinforced by pathways that follow the gully systems up at either end of the site and connect with the surrounding hill country and forest.

The centre is defined by grouping of buildings and houses that create a sense of centre. More intensive housing and commercial facilities create a vibrant and active heart focused on an enhanced lakefront wharf and square.

The remainder of the site is occupied by lower density residential housing arranged along a loop pattern made up of blocks with internal courts. This network of blocks is interlaced with both public and private open space. Cars are largely contained to the internal loop road and development block parking courts.

OBJECTIVE

3a.2.5 Enabling the Lake Ohakuri Development Zone as a holiday resort.

POLICIES

- i. Ensure a pattern of development in the Lake Ohakuri Development Zone that:
 - a. is in general accordance with the block pattern and structure in [Appendix 4](#) and on map D4, and
 - b. is consistent with the key principles of development as described in Section 1 of [Appendix 4](#), and
 - c. exhibits the Essential Qualities identified in Section 2 of [Appendix 4](#), and
 - d. is in general accordance with the Aims and Objectives of quality places in section 3 of [Appendix 4](#), and
 - e. is in general accordance with the indicative typology plan in Section 4 [Appendix 4](#).
 - ii. A variety of open spaces should be provided, passive and natural, private and public, suitably located and connected to enhance and mitigate the effects of built development in the zone.

EXPLANATION

The Lake Ohakuri Development Zone is a unique site with a history of resort style holiday accommodation, to be developed in a manner that results in a high quality resort environment characterised by well designed spaces and places. Map D4 and [Appendix 4](#) identify and describe the resulting use of the site. The guidance contained in the map and Appendix needs to be considered as the primary guide to achieving the anticipated development in the zone. Building typologies and mixes have been identified that best suit the zone; these are described in performance standards and in Section 4 of [Appendix 4](#).

[NUKUHAU STRUCTURE PLAN AREA](#)

[The Nukuhau Structure Plan Area is identified on the Planning maps and in Appendix 9. The intent of the Nukuhau Structure Plan is reflected in the Structure Plan map contained in Appendix 9 of this plan which provides guidance as to what density and form of subdivision and development is appropriate within parts of the structure plan area.](#)

[As at November 2020, the existing wastewater network does not have capacity to service the development of this land. Therefore development can only occur when the wastewater infrastructure has been upgraded to **has met with** the satisfaction of Council.](#)

Council investigations of options for a second Taupō bridge, possibly near the existing Taupō Control Gates Bridge, will determine the preferred location and alignment of a new bridge. A new bridge will be needed to cater for the development capacity that Council needs to ensure, in order to fulfil its

responsibilities under the National Policy Statement Urban Development 2020. Until Council has provided this infrastructure, development of areas to the north of the Control Gates bridge may result in traffic that causes delays and queuing at the Control Gates Bridge, and/or the intersections on either side of the bridge. This issue gives rise to the need for an assessment of the traffic effects of the subdivision of the Nukuhau Structure Plan area, before it can proceed. Resource consent applications for subdivision will need to provide an Integrated Transport Assessment so that the traffic effects at the Control Gates Bridge and the intersections on either side, can be assessed and the effectiveness of any proposed mitigation measures considered.

The Nukuhau Structure Plan area is characterised by gully systems and natural flow paths, as such development of the land should protect and enhance these features. The future development of the land should respect and take advantage of the amenity, legibility and identity opportunities offered by existing topography and long-view opportunities. Key amongst these opportunities are the relationships between residential properties and the gully-open space network, and the long views towards the Lake and volcanic cones, views of the Punatekahi hills and the gully network within the western area of the Structure Plan area. Through the structure planning exercise it has been identified that given the proximity of the land to the CBD and ability to provide convenient access to open space, this location is suitable for areas of general and medium density residential zoning to enable development of a variety of housing in Taupō.

An area of potential archaeological interest was identified during the preparation of the Nukuhau Structure Plan, and is illustrated on the Structure Plan (Appendix 9). This area consists of two visible depressions. Research to date has been inconclusive as to their origin and whether they are archaeological in nature. If archaeological in nature, they are likely to be storage pits and may also indicate near-by additional archaeological features such as occupation and/or gardening. It is a prosecutable offence under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand Pouhere Taonga to do so. For ground disturbance works in this area, an archaeological excavation, under an authority to do so, of the area of archaeological interest is required. In the first instance, contact Heritage New Zealand Pouhere Taonga in regard to this. Should the depressions be investigated and determined to be archaeological, preservation of the site may be considered and discussed between the relevant stakeholders.

OBJECTIVE

3a.2.3 To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan while maintaining and enhancing the local network of gullies and stormwater flow paths in a manner that contributes positively to residential amenity and character and minimises offsite effects.

To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:

- a. ensuring the risk of erosion of, and exacerbation of flood risk downstream from, the major gully systems within the Nukuhau Structure Plan are avoided, remedied or mitigated; and,**

- b. maintaining and enhancing the natural gully system identified in the Nukuhau Structure Plan as stormwater flow paths as far as practicable.**
- c. ensuring that the safe, efficient and effective operation of the existing roading network of the Control Gates Bridge and intersections either side of the bridge is maintained as the Nukuhau Structure Plan develops.**

POLICIES

- i. [Encourage development in the Nukuhau Structure Plan area to be carried out in a manner which reflects the intent of the Nukuhau Structure Plan.](#)
- ii. [Achieve an appropriate level of residential amenity and character.](#)
- iii. [Enable the development of a range of housing types, to provide a choice of living environments.](#)
- iv. [Achieve a connected open space and walking-cycling network centered on **the natural gully system identified in the Nukuhau Structure Plan**, stormwater reserves and street corridors with a high amenity interface with the residential uses .](#)
- i-v. [Subdivision in the Nukuhau Structure Plan Area should only occur where the resulting lots will be connected to Council's wastewater network infrastructure.](#)
- vi. Significant adverse traffic effects from subdivision and development within the Nukuhau Structure Plan on the safe, efficient and effective operation of existing roading infrastructure at the Control Gates Bridge, and/or the intersections on either side of the Bridge, are avoided, remedied or mitigated.**
- vii. The risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.**

3a.3 Methods

- i. **Performance standards** for permitted activities which protect the character, amenity and functioning of the Residential Environment [and take into account the density of development.](#)
- ii. **Environmental assessment** of activities which do not comply with performance standards through the resource consent process.
- iii. **Conditions** on resource consents such as consent notices and covenants on titles.
- iv. **Education** and information on the existing environmental levels, values, and amenity associated with the Residential Environment.
- v. Payment of **Financial Contributions** for reserves and roading. Refer to [Section 5](#) of the Plan.
- vi. **Council Policy** such as through Structure Plans to guide the growth of the District.
- vii. Compliance with Council's **Development Guidelines** to ensure a suitable standard of infrastructure.
- viii. Allocation of funds through the **Strategic and Annual Plan** processes.

- ix. Rules and policies within any relevant **Regional Plan or Policy Statement**.
- x. **Other legislation** and Council **Bylaws**.
- xi. The implementation of any Joint Management Agreement between Council and Iwi.
- ~~xi~~.xii. [Subdivision design guidance for the development of the Nukuhau Structure Plan area to enhance character and amenity and access to open space for a mixture of general and medium density residential development.](#)

3a.4 Principal Reasons for Adoption

A typical scale and character of development and level of environmental effects has been established over time within the Residential Environment. This has resulted in a particular character and amenity within the Residential Environment, which is valued by residents of the area.

Threats to the character and amenity of the Residential Environment have been identified in the District wide issues, policies, rules and performance standards and are further discussed within the explanation for this Environment.

This section of the Plan recognises the changes to the Residential Environment, which occur over time and the desire of the community for minimum controls over activities, while also retaining the valued amenity and character of the Environment.

Accordingly the approach within this section is to place emphasis on assessing the potential environmental impacts through a series of standards which must be met in order for any activity to be permitted. Failure to meet one or more of these standards requires that an activity obtain resource consent, at which time a full and comprehensive assessment of environmental effects would be undertaken.

This approach will protect the character and amenity of the Residential Environment while allowing for a range of activities to occur.

The Residential Environment has different types of character that have established over time. This has resulted in different levels of amenity, which are accordingly provided for through the recognition of the different character types. Specific policies are needed to recognise and protect these areas.

3a.5 Anticipated Environmental Outcomes

- i. Whilst predominantly consisting of Residential activities, a variety of activities and development compatible in scale, amenity and character with development within the Residential Environment.
- ii. New development does not create adverse impacts in terms of overshadowing, excessive building scale, vehicle movements or lack of privacy.
- iii. Protection of the wider environment and community from nuisances such as excessive dust, noise, glare, odour and stormwater.

- iv. The recognition and protection of the different types of character and levels of development within the Residential Environment.
- ~~iv-v.~~ [A range of choice in housing types and densities in appropriate locations able to be adequately serviced by **roading infrastructure**, utilities and open space infrastructure.](#)
- [vi.](#) The development of the Lake Ohakuri Development Zone occurs in a manner consistent with [Appendix 4](#).
- [vii.](#) [The development of the Nukuhau Structure Plan area occurs in a manner consistent with ~~Appendix 9~~.](#)
- viii. Risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.**

4a RESIDENTIAL ENVIRONMENT

Section Index:

[4a.1 Performance Standards and Development Controls](#)

[4a.2 General Rules](#)

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[4a.5 Lake Ohakuri Development Zone Rules](#)

[4a.6 Pukawa C Development Zone](#)

[4a.7 Nukuhau Structure Plan Area Rules](#)

[4a.8 Assessment Criteria](#)

4a.1 Performance Standards and Development Controls

Please note: Where land has been identified as a Specific Requirement Area this means that there are additional Perfo

PERFORMANCE STANDARDS - DEVELOPMENT CONTROLS - For Each Residential Area

		i. Residential	ii. High Density Residential	iii. Low Density Residential (incl Kinloch Low Density)
4a.1.1	Maximum Building Coverage	30%	50%	5%
4a.1.2	Maximum Plot Ratio	40%	100%	7.5%
4a.1.3	Maximum Total Coverage	50%	a. 75% b. 3m landscape strip along front boundary	N/A
4a.1.4	Minimum Building Setback – Front Boundary	5m	a. 5m b. 10m if property fronts Lake Tce between Rifle Range and Taharepa Roads.	10m Unless otherwise provided for within an existing subdivision consent.

		i.	ii.	iii.	iv.	v.	vi.	Vii	Viii
		Residential	High Density Residential	Low Density Residential (incl Kinloch Low Density)	Kinloch Residential Area	Kinloch Rural Residential Area	Neighbour-hood Shops	Nukuhau General Residential	Nukuhau Medium Density Residential
						Lake Shore reserves.			
4a.1.5	Minimum Building Setback – all other boundaries	a. 1.5m b. 5m Fore-shore Protection Area boundary.	1.5m	10m Unless otherwise provided for within an existing subdivision consent.	a. 1.5m b. 7.5m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	a. 10m b. 20m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	1.5m	a. 1.5m	a. 1.5m
4a.1.6	Minimum Building Setback – common wall boundaries (for the physical extent of the common wall only)	0m						0m	0m
4a.1.7	Maximum Building Height	a. 8m 5m within Height Restricted Areas unless otherwise indicated on planning map D2.			a. 7.5m b. 4.5m within Kinloch Height Restricted Area and for Dwellings within 50m of the Whangamata, Okaia, Otaketake scenic reserves and Lake Shore reserves.		8m	8m	8m
4a.1.8	Maximum Height to Boundary	2.5m height at the boundary with a 45° recession plane except for common wall boundaries.						a. 2.5m height at the boundary with a 45° recession plane, except: b. 3.5m Height at the boundary with a 45° recession plane where a common wall boundaries in place as provided for by 4a.1.5	

PERFORMANCE STANDARDS – For Each Residential Area

		i.	ii.	iii.	iv.	v.	vi.	vi.	Viii	ix
		Residential	High Density Residential	Low Density Residential	Kinloch Residential	Kinloch Low Density	Kinloch Rural Residential	Neighbour-hood Shops	Nukuhau General Residential	Nukuhau Medium Density Residential
4a.1.9	Maximum Equivalent Vehicle Movements	24	100	24	24	24	24	100	24	100
4a.1.10	Maximum Signage	0.25m ²	4m ²	0.25m ²	0.25m ²	0.25m ²	0.25m ²	Multiple signs up to 4m ² total face area per site	0.25m²	0.25m²
	Total Face Area in one sign per allotment									
4a.1.11	Maximum Signage Style	a. Signage must relate to the activity undertaken on the allotment. b. No flashing, reflectorised or illuminated signs. One temporary sign per allotment, 1.08m ² total face area, 4m maximum height, for the sale of land or buildings.								
4a.1.12	Maximum Earthworks	50%	No Maximum	50%	50%	10%	5%	50%	50%	No Maximum
	Disturbance of the allotment at any one time while redeveloping^[1]									
4a.1.13	Maximum Earthworks	1.5m								
	Outside Building Setback^[1]	Vertical ground alteration outside the minimum building setback in a new face or cut and / or fill.								
4a.1.14	Maximum Earthworks	1.5m								
	Inside Building Setback^[1]	Vertical ground alteration within the minimum building setback requirement.								
4a.1.15	Maximum Earthworks	No dust or silt nuisance beyond the boundary of the allotment.								
	Dust or silt nuisance									

PERFORMANCE STANDARDS – General for All Residential Areas

4a.1.16	Parking, Loading and Access	In accordance with <u>Section 6</u> : Parking, Loading and Access.
4a.1.17	Maximum Artificial Light Levels	8 LUX (lumens per square meter) at the boundary.
4a.1.18	Maximum Noise Limits	The noise level arising from any activity measured within the boundary of any residential environment site or the notional boundary of any rural environment site, other than from the site where the noise is generated, shall not exceed the following limits: i. 7.00am – 7.00pm 50dBA Leq ii. 7.00pm – 10.00pm 45dBA Leq iii. 10.00pm – 7.00am 40dBA Leq and 70dBA Lmax
4a.1.19	Maximum Noise Measurement	The noise levels shall be measured in accordance with the requirements of NZS 6801:1999 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:1991 Assessment of Environmental Sound.
4a.1.20	Maximum Noise Construction Noise	All construction noise shall meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics Construction Noise.
4a.1.21	Maximum Noise Telecom-munication and electricity equipment	Noise from telecommunication equipment and electricity substations and transformers located in the road reserve permitted by the plan shall comply with the noise limits specified in 4a.1.18 above as measured at a point 1m from the closest façade of the nearest dwelling.
4a.1.22	Maximum Odour	There shall be no discharge of offensive or objectionable odour at or beyond the boundary of a site. Notes: i. In determining whether an odour is offensive or objectionable, the Council shall have regard to the assessment guide contained in <u>schedule 7.7</u> . ii. The Regional Council may also require that resource consent be obtained for discharges to air (including odour discharges).
4a.1.23	Stormwater	i. All stormwater from buildings and impermeable surfaces is to be disposed of on-site to meet a 10 year return period of 1 hour duration (45mm). ii. The function of existing secondary flow paths across the allotment shall be retained and the existing discharge point off the site shall remain unaltered as to position. iii. EXCEPTION: Stormwater from impermeable surfaces can be disposed of via a primary or secondary stormwater drainage system within an area identified on the Planning Maps as a Stormwater Disposal Area, provided Council authorisation has been given. iv. EXCEPTION: Omori, Kuratau, Pukawa and Whareroa Stormwater Disposal Systems (shown on Planning Maps) - Roof water may be disposed of to the street system.

Refer also to Subsection E – DISTRICT WIDE RULES

4a.2 General Rules

4a.2.1 Any activity that:

- i. complies with all of the performance standards for the Residential Environment; and
- ii. complies with all the District Wide Performance Standards; and

iii. is not identified as a controlled, restricted discretionary, discretionary or non complying activity within the Residential Environment;

and iv. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules, is a **permitted activity**.

4a.2.2 Any temporary activity, being an activity of up to a total of three operational days in any one calendar year, which exceeds any performance standard(s), is a **permitted activity**, provided that:

- i. There are no new permanent structures constructed; and
- ii. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to the activity commencing; and
- iii. An allowance of five non-operational days associated with the activity is not exceeded, during which time any breach of any performance standard(s) shall only be to the extent reasonably necessary to undertake any relevant aspect of the activity.

4a.2.3 Any education, spiritual or health facility is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle

movements.

- iv. The hours of operation are limited to between the following hours 0700 - 2200 Monday to Friday, and

0800 - 2200 Saturday, Sunday and public holidays

Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.

- v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.

- vi. The facility is located on a front site, and:

- a. any residential activity on an adjoining front site or front site separated by an access with frontage to the same road, is left with at least one residential neighbor; and
- b. the residential block is not left with more than two non-residential activities in that block.

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

4a.2.4 Any education, spiritual or health facility located within the **KTHD area**, is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle movements.
- iv. The hours of operation are limited to between the following hours
0700 - 2200 Monday to Friday, and
0800 - 2200 Saturday, Sunday and public holidays
Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.

- v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
- vi. The facility is located on a front site

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

4a.2.5 Any office activity located within the **KTHD** area is a **permitted activity** where:

- i. The office activity is located on a front site; and
- ii. Total on-site office space is less than 50m² gross floor area per site; Or
- iii. The office activity is on a property identified on Planning Maps C10 and C15 and Schedule 7.9, where the floor space does not exceed the gross floor area listed in Column 3 of the Schedule.

4a.2.6 Any office activity located within the KTHD area is a controlled activity where:

- i. The office activity is located on a front site;
- ii. Total on-site office space exceeds 50m² but does not exceed 100m² gross floor area per site;
- iii. Opening hours of the office are restricted to 8am to 6pm Monday to Friday;
- iv. Otherwise the performance standards and development controls contained in Rule 4a.1 shall apply as for residential high density.

The matters over which the council reserves control for the purposes of assessments are:

- a. The manner in which the activity meets the standards for controlled activities and in particular the gross floor area limit
- b. The extent to which the activity contributes to retaining a residential amenity and character consistent with the surrounding area
- c. The extent to which the design and location of car parking area minimises the commercial appearance of the office activity
- d. The extent to which landscape treatment minimises the commercial appearance of the office activity
- e. The extent to which the design and location of any signs minimises the commercial appearance of the office activity

4a.2.7 Any office activity which does not comply with 4a.2.5 or any one of the criteria in 4a.2.6 is a discretionary activity.

4a.2.8 Any activity which does not comply with any one part of performance standards 4a.1.12, 4a.1.13, 4a.1.14, and 4a.1.15 and/or one of the development control performance standards for permitted activities, including (where a standard contains more than one control) one part thereof, is a **restricted discretionary activity**, with Council's discretion being restricted to only the matters on non-compliance specified in that standard.

4a.2.9 Any activity which does not comply with two or three development control performance standards for permitted activities including (where a standard contains more than one control) two or three parts thereof, or is not a permitted, controlled activity or restricted discretionary activity is a **discretionary activity**.

4a.2.10 Any retail activity within the **KTHD** area that exceeds 50m² of gross floor area per site is a **discretionary activity**.

4a.2.11 Except where identified as a "Shop" on the Planning Maps [30 – 162;163;164;166;167;168], any retail or office activity within the Residential Areas that exceeds two full time equivalent persons who permanently reside elsewhere than on the site, or 50m² of gross floor area per site (whichever is the lesser), is a **discretionary activity**.

4a.2.12 Any activity within the **KTHD** area listed in Column 4 of Schedule 7.9 is a permitted activity on the property specified in Columns 1 and 2 of that Schedule, provided that the floor space for that activity does not exceed the gross floor area listed in Column 3 of Schedule 7.9.

4a.2.13 Any activity which does not comply with four or more development control performance standards for permitted activities including (where a standard contains more than one control) four or more parts thereof, is a **noncomplying activity**.

4a.3 Subdivision Rules

4a.3.1 Provided that the activity has not been identified as a Restricted Discretionary, Discretionary or Non Complying activity by another rule in the plan, any subdivision in the Residential Environment which demonstrates compliance with all of the performance standards for the proposed future land use, or for which a land use resource consent has already been granted, is a **controlled activity**.

4a.3.2 Any subdivision of land for the sole purpose of providing for infrastructure, access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity**.

NOTE: 4a.3.2 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting etc., that Area.

For the purposes of Rules 4a.3.1 and 4a.3.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.

4a.3.3 Any subdivision within unserviced areas of the Residential Environment or any activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

The matters over which the Council reserves discretion for the purposes of assessment are:

- a. Those matters of control identified in Section 4a.3 above;
- b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;
- c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;
- d. Whether or not the lots will be adequately serviced for drinking water;
- e. The effect that the development will have on the storm water catchment.

4a.3.4 Any subdivision in the New Residential Environment, and any other subdivision which is not identified as a controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.

4a.3.5 Any subdivision of land where more than nine (9) allotments share a single common access in the Residential Environment is a **discretionary activity**.

4a.4 Kinloch Structure Plan Area Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

Subdivision Rules for the Kinloch Structure Plan Area

4a.4.1 Minimum and average lot sizes for Density Areas in the Kinloch Structure Plan Area

	a. Kinloch Residential	b. Kinloch Low Density	c. Kinloch Rural Residential
i. Minimum Lot Size	800m ²	1 hectare	2 hectares
ii. Average Lot Size	1,000m ²	1.5 hectares	2.5 hectares

4a.4.2 Any subdivision within the Kinloch Structure Plan which creates allotments that meet the minimum and average lot sizes identified in 4a.4.1 is a **controlled activity**.

For the purposes of Rule 4a.4.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council’s Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District’s waterways and Lakes
- h. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- i. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- j. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

4a.4.3 Any subdivision within the Kinloch Structure Plan Area which creates allotments that are less than the minimum lot size, but not less than the average lot sizes identified in 4a.4.1 is a **discretionary activity**.

4a.4.4 The creation of more than one dwelling per allotment in the Kinloch Community Structure Plan Area is a **discretionary activity**.

4a.4.5 Any subdivision within the Kinloch Structure Plan Area, which is not identified as a controlled or discretionary activity is a **non complying activity**.

4a.4.6 Any subdivision within the Kinloch Structure Plan Area, where by the newly created lots are unable to be connected to community wastewater network infrastructure is a **non complying activity**.

The following matters will be considered in respect to rules 4a.4.3, 4a.4.5 and 4a.4.6:

- a. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- b. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- c. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the Regional Council. 4a.5

Lake Ohakuri Development Zone Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

4a.5.1 Subdivision in the Lake Ohakuri Development Zone that is consistent with 4a.5.2 will be a **controlled activity**.

For the purposes of rule 4a.5.3 the matters which the Council reserves control for the purposes of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads and adequate management of storm water.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms. e. The provision of maintenance of open space.
- f. Maintenance of forested areas, including long term revegetation.
- g. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.

Note: Each lot will identify on the title what typology from Table 4a.5.2 that lot is to be developed for.

4a.5.2 Distribution and lot sizes for typologies in the Lake Ohakuri Development Zone

		a.	b.	c.	d.	e.	f.	g.	h.
		Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster	Maximum zone yield
i.	Max. % of Total Village Yield	8%	11%	21%	48%	7%		8%	150-190 units
ii.	Average Lot Size (m²)	400	320	520	650	1000		2180	
iii.	Lot Range	350-500	250-400	400-600	600-800	800-1500	1000-2500	<4000	
iv.	Min. Lot Frontage to public realm (m)	10m	7m	10m	12m	14m	16m	20m	
v.	Max. % Coverage	40%	40%	35%	30%	30%	25%	20%	
vi.	Location (as shown on Map D4)	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Rush Resort	Bush Resort	Lake Forest Environment	

4a.5.3 Subdivision and development in the Lake Forest Environment that:

- i. minimum Site Size (including Balance Land) is 10ha, and
- ii. maximum intensity of development (ha of total area/dwelling) of 1 per 2ha, and
- iii. no less than 10% of public open space vested or covenanted
- iv. a balance allotment of 70% of the site to be held in common ownership

- v. have a balance lot which must be contiguous and provide connection to publicly accessible areas outside the Site,

and

- vi. revegetation and landscape in the balance land is subject to a management plan, and
- vii. individual lots have a defined area for the house site as well as defined yards for private regeneration areas, will be

considered a **controlled activity**

4a.5.4 Providing development can meet rule 4a.5.6, subdivision and development in the Lake Ohakuri Development Zone that does not meet rule 4a.5.3 or 4a.5.4 will be considered a **restricted discretionary activity** with discretion being restricted to the following:

- i. Those points of deviation from the rule in question
- ii. Policies 3a.2 i – iv

4a.5.5 Subdivision that results in the creation of more than 190 lots within the Ohakuri Development Zone will be considered as a **non-complying activity**.

The following rules apply to development within the Lake Ohakuri Development Zone.

4a.5.6 Any activity that:

- i. complies with all of the performance standards in 4a.5.8; and
- ii. complies with all performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; and
- iii. complies with all the District Wide Performance Standards; and
- iv. is not identified as a controlled, restricted discretionary or discretionary activity; and
- v. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules,
is a **permitted activity**.

4a.5.7 Any activity which does not comply with:

- i. any one of the standards for that typology in 4a.5.8
- ii. performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; is a **discretionary activity**, with Council’s discretion being restricted to only the matters on non-compliance specified in the table or standard, and policies 3a.2.5 i and ii.

4a.5.8 Building Typologies: Performance Standards

	a.	b.	c.	d.	e.	f.	g.
	Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster
i. Maximum Height (Storeys)	10–12m (2.5)	7-8m (2)	7-8m (1.5	3-4m (1.5)	6-7m (1)	3-4m (1)	3-4m (1)
ii. Street Set Back	0-2m	0-4m	0-4m	2-6m	2-8m	10m+	10m+
iii. Minimum Side Yard	0 or 1.5m [2]	0 or 1.5m [2]	1.5m [2]	2m [2]	4m [2]	6m [2]	10m [2]
iv. Maximum % Coverage	40%	40%	35%	30%	30%	25%	20%
v. Location	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Bush Resort	Bush Resort	Lake Forest Environment

4a.6 Pukawa C Development Zone

4a.6.1 Any activity in the Pukawa C Development Zone is subject to the rules contained in [Appendix 2](#).

4a.7 Nukuhau Structure Plan Area Rules

[Also refer to the General and Subdivision Rules for the Residential Environment.](#)

4a.7.1 The development of land within the Nukuhau Structure Plan area shall not be complete* until either:

- i. [the existing Council wastewater network has been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan, or](#)
- ii. [Council is satisfied that there is a solution to suitably dispose of the anticipated wastewater flows.](#)

**Advisory note: 'Complete' in this instance refers to the signing of the Council Completion section 224(c) Certificate.*

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a **controlled restricted discretionary activity**.

4a.7.2.1 For the purposes of Rule 4a.7.2 the matters over which the Council reserves ~~control~~ **discretion** for the purpose of assessment are:

- a. [The design and layout of the subdivision to ensure:](#)
 - i. [safe and efficient access onto existing and/or proposed roads,](#)
 - ii. **efficient routes for public transport,**
 - iii. [suitable building platforms to accommodate future complying buildings,](#)
 - iv. **application of Crime Prevention Through Environmental Design (CPTED) principles specifically in terms of open space provision.**
- b. [The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application. **The Waikato Regional Council Erosion and Sediment Control Guidelines for Soil Disturbing Activities \(TR2009/02\) should be followed.**](#)
- c. [Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.](#)
- d. [Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value **including:**](#)
 - i. **comprehensive surveys for bats, lizards and pipits (including for pipits during the breeding season, August to February), and management plans for how any identified adverse effects on these species will be avoided, remedied or mitigated; and**
 - ii. **specific provision for large framework tree planting and retention.**
 - iii. **effects of the proposed subdivision on areas or features of cultural value will be considered in relation to a cultural impact assessment provided by the applicant and prepared by or on behalf of the appropriate iwi authority representatives and mana whenua representatives, or written confirmation from the appropriate iwi authority that no cultural impact assessment is required. Note: it is envisaged that a cultural impact assessment will be prepared for the entire Nukuhau Structure Plan area and that will provide an assessment of cultural effects for all subsequent applications for subdivision consent**
- e. [The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.](#)
- f. [A Landscape Planting Plan for the ~~stormwater gully reserve network~~ **the natural gully system identified in the Nukuhau Structure Plan and areas of open space including that along Wairakei Drive and Poihipi Road**](#)
- g. [The creation of a safe network of walking and cycle pathways that provide or improve linkages to and through reserves and the roading network.](#)
- h. **Stormwater management that is:**
 - i. **in accordance with a Catchment Management Plan that has been approved by Council;**
 - ii. **in accordance with the Waikato Regional Council Stormwater Guideline (2020.07);**
 - iii. **integrated with the management of risks of significant erosion and flooding within the gullies throughout the Nukuhau Structure Plan; and**
 - iv. **predominately onsite treatment to limit the use of the natural gully system as stormwater reserves.**
- h. i. [Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them, their character and value for amenity, and of the effects of any changes in the catchment flow or water quality characteristics on the downstream catchment and landowners.](#)
- i. i. [Any requirements of Rule 4a.7.4, Rule 4a.7.5 and 4a.7.6 and/or the ability for such requirements to be achieved by subsequent development.](#)
- k. **Traffic effects identified within an Integrated Transport Assessment and the means to avoid, remedy or mitigate significant adverse traffic effects on the roading network.**

4a.7.2.2 **For the purpose of rule 4a.7.9 (b) for subdivision that does not meet the maximum lot size the matters for discretion apply in addition to the matters for discretion in 4a.7.2.1(a)-(k):**

- a. **Efficient use of the residential zoned land for multi-unit development, low-rise apartment building(s), terrace housing or a comprehensive housing development where the intended land use is identified in the application for subdivision.**

4a.7.3 Any application for subdivision within the Nukuhau Structure Plan area must provide the following information (additional to general information requirements):

a. An Integrated Transport Management Plan which addresses:

- (i) **the potential effects of the development that the subdivision will enable on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge; and**
- (ii) **the measures to avoid, remedy or mitigate significant effects on the safe, efficient and effective operation of the existing roading network of the Control Gates Bridge and intersections either side of the bridge.**

b. A report that demonstrates that the application for subdivision is in accordance with a Catchment Management Plan that has been approved by Council.

4a.7.3.4 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is not in accordance with the Structure Plan in Appendix 9 is a discretionary activity.

4a.7.4.5 Any subdivision within the Nukuhau Structure Plan Area, where by the newly created lots are unable to be connected to Council wastewater network is a non-complying activity.

The following rules apply to development within the Nukuhau Structure Plan Area.

4a.7.5.6 Landscaping and Stormwater Management

- (i) Any subdivision lot boundary fronting or including either: a Stormwater Reserve with Pedestrian Access, Cycleway and Planting; or a Natural Gully System, shall have a 10m wide Stormwater Reserve and a 10 m wide Landscape Strip with a shared path as illustrated on Figures 9-A and 9-B and in accordance with Standards 9.1a to 9.1c in Appendix 9.
- (ii) Any subdivision lot boundary fronting or including a 10m wide Landscape Strip as shown on the Structure Plan map, shall provide a Landscape Strip as illustrated on Figures 9-C and 9-D and in accordance with Standard 9.1d in Appendix 9.

Except for:

- (iii) Any subdivision within the 'Rangatira 8A17A5 and 8A1T2 Blocks – Stormwater Management' overlay adjoining a Natural Gully System as shown on Appendix 9.7 Nukuhau Structure Plan. Subdivision within the 'Rangatira 8A17A5 and 8A1T2 Blocks – Stormwater Management' overlay is subject to Rule 4a.7.10.

4a.7.6.7 Fencing, Walls and Hedges

Front boundary fences, walls and/or hedge plantings between buildings on the site and any Stormwater or Recreation Reserve shall be no higher than 1.2m in height. Fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the public walkway or reserve. To be deemed transparent any fence must meet the following requirements:

- i. Uses materials with continuous vertical gaps of at least 50mm width to create 50% or more see through visibility; or
- ii. Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 75% or more see through visibility on the upper half.

In addition all fences on boundaries between residential zoned sites and any Stormwater or Recreation Reserve, or any road, cycleway or pathway must contain a gate of not less than 1m in width, not less than 50% visual permeability and not greater than 1.5m in height.

4a.7.7.8 Streetscape, Walking and Cycling Access

- (i) The design and layout of the subdivision shall provide a connected network of roads, streets and walking and cycling pathways in accordance with the Nukuhau Structure Plan in Appendix 9 and Crime Prevention through Environmental Design.
- (ii) The design and layout of the subdivision shall provide a shared walkway and cycleway along at least 75% of the full length and on at least one side the length of the stormwater gully network Natural Gully System and Stormwater Reserve with Pedestrian Access, Cycleway and Planting as shown in Appendix 9.

4a.7.9 Lot sizes for Subdivision and Density in the Nukuhau Structure Plan Area

a. Subdivision that complies with 4a.7.9 (a) (i) and (ii) below is a restricted discretionary activity:

	Nukuhau General Residential	Nukuhau Medium Density Residential
(i) Maximum Lot Size	750m²	500m²
(ii) Maximum density	15 household units per net hectare (net of public open space/ stormwater reserves and all roads)	30 household units per net hectare (net of public open space / stormwater reserves and all roads)

b. Subdivision that does not comply with 4a.7.9 (a) (i) Maximum Lot Size is a restricted discretionary activity that is subject to the additional matters for discretion in rule 4a.7.2.2 (a).

c. Subdivision and/or residential development that does not comply with 4a.7.9 (a) (ii) Maximum density is a discretionary activity.

4a.7.10 Subdivision within the Rangatira 8A17A5 & 8A1T2, 8A1T2Y and 8A1T2X Blocks – Stormwater Management

- a. In addition to those matters specified 4a.7.2.1, any subdivision within the 'Rangatira 8A17A5 and 8A1T2 Blocks – Stormwater Management' overlay as shown on Appendix 9.7 Nukuhau Structure Plan, is a restricted discretionary activity. Discretion to grant or decline consent, and impose conditions is restricted to the following matters of discretion:
- those matters of control identified in Rule 4a.8.15;
 - whether the subdivision includes measures that will reduce susceptibility to flooding;
 - whether appropriate provision has been made for stormwater treatment and disposal, or connection to a catchment-based treatment network;
 - the extent to which subdivision design and the provision of physical works, areas to vest for stormwater management, or alternative stormwater management mechanisms would have an impact on adjoining land in terms of flooding, and mitigate that impact; and
 - registered consent notices pursuant to Section 221 of the Resource Management Act for the provision of a no-build area, set back 5m from the edge of the embankment side slopes associated with the Natural Gully System as shown on Appendix 9.7 Nukuhau Structure Plan, for the purposes of geotechnical hazard and stormwater conveyance maintenance purposes only.

4a.7.8-119 Any activity that does not comply with Rules 4a.7.56, 4a.7.67 and or 4a.7.78 or 4a.7.9 is a non-complying activity.

4a.-78 Assessment Criteria

Please note: The assessment criteria used when assessing Restricted Discretionary Activities will be those criteria pertaining to the failed performance standard(s), except in the case of the specific criteria relating to the matters for discretion for subdivision within the Nukuhau Structure Plan. When assessing Discretionary Activities the list of assessment criteria is not exclusive as other effects can be considered during assessment.

4a.-78.1 GENERAL CRITERIA

- Impact of the activity on the amenity and character of the Residential Environment, surrounding allotments and other Environments.
Potential for conflict between the activity and other existing activities within the Residential Environment.
- Consideration of any relevant Structure Plan, Growth Management Strategy, Management Plan, Design Guidelines or Strategy as guidance during the resource consent process.

4a.-78.2 DEVELOPMENT

- Whether the desired environmental outcome, with a consistent and appropriate standard of infrastructure, is achieved such as through compliance with the Council's Development Guidelines, Growth Management Strategy and relevant Structure Plans.

4a.-78.3 NON RESIDENTIAL ACTIVITIES

- The extent to which the form and scale of commercial activity (including office and retail activity) may disperse commercial activity to the detriment of the efficient operation, function, viability and sustainability of the Taupō Town Centre and in such a way that any office gives clear effect to the Taupō Town Centre and Business Distribution objectives and policies.
- The extent to which the activity is likely to be incompatible with existing and permitted future residential activities, and the potential for reverse sensitivity effects.
- The extent to which the activity, either alone or in association with other nearby activities, is likely to have an adverse effect upon the safety and efficiency of the road network.
- The extent to which the activity (having regard to its proposed size, composition and characteristics) is likely to have an adverse effect upon the amenity values and vitality of the Taupō Town Centre Environment and its ongoing ability to provide for the future needs of their communities.
- The extent to which the convenient access of communities to community facilities may be positively or adversely affected by the proposed activities.
- The extent to which the site is self-contained in respect of appropriate off-street parking for customers and employees and as to goods delivery service arrangements.
- Any cumulative effect of the loss of residential activity in conjunction with other non-residential activities in the vicinity
- The extent to which the surrounding area retains a residential amenity and character, rather than being dominated by non-residential activity.

4a.-78.4 BUILDING HEIGHT

- The extent to which the extra height will:
 - adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
 - reduce the privacy of adjacent allotments by comparison with the effects of a complying activity
 - result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effects of a complying activity
 - have an overbearing effect on sites within the Residential Environment.
- Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - the extent to which topography, alternative design, planting, or setbacks can mitigate the adverse effects of the extra height.

4a.-78.5 HEIGHT TO BOUNDARY

- a. The extent of additional shading from the projection, including the amount of shadow cast and the period of time the adjacent allotments are affected.
- b. The nature of the activities undertaken on any affected portion of adjoining allotments, noting in particular any adverse effect on outdoor living areas.
- c. The extent to which the projection is necessary due to the shape or nature and physical features of the allotment.
- d. The extent to which the projection leads to a loss of privacy and/or outlook for nearby allotments, by comparison with the effects of a complying activity.
- e. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the ability to mitigate the adverse effects through the use of screening, planting or alternative design.

4a.-78.6 COVERAGE, TOTAL COVERAGE AND PLOT RATIO

- a. The extent to which the increased coverage, total coverage, and/or plot ratio will:
 - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
 - ii. reduce the privacy and outlook of adjoining allotments by comparison with the effects of a complying activity
 - iii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effect of a complying activity
 - iv. result in a building or building(s) that is inconsistent with the character of the area due to long unbroken building facades along one or more boundaries
 - v. significantly shade useable outdoor living space on an adjacent allotment.
- b. Proposed methods for avoiding, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
 - i. The design and location of the building(s) to avoid long unbroken building facades along one or more boundaries
 - ii. Design of buildings or groups of buildings which reflect the scale of the surrounding environment
 - iii. The ability to mitigate adverse effects through the imposition of conditions such as landscaping.

4a.-78.7 BUILDING SETBACK

- a. The extent to which the reduced setback will:
 - i. adversely affect the amenity of the area including the effect on reserves and foreshore Protection Area, including the ability to maintain and enhance the openness and existing character and avoid the visual dominance of buildings in relation to those areas
 - ii. significantly reduce the privacy of adjacent allotments by comparison to the effect of a complying activity
 - iii. limit the safe and visible access of vehicles using the allotments.
- b. The extent to which the reduction in the setback is necessary due to the shape or nature and physical feature of the allotment.
- c. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the ability of existing topography or vegetation to mitigate any adverse visual effects on the streetscape
 - ii. the ability to mitigate adverse effects of the reduced setback through screening, landscaping, planting and alternative design.

4a.-78.8 NOISE

- a. Ambient sound levels and the impact of any cumulative increase.
- b. The degree to which the sound is intrusive and contrasts with the level, character, duration and timing of the existing sound environment.
- c. The length of time and the level by which the noise limits will be exceeded, particularly at night.
- d. The nature and location of nearby activities and the effects they may experience resulting from the increase in sound levels.
- e. Whether the noise levels are likely to detract from the amenity or general environmental quality of the immediate area.
- f. The topography of the allotment and any influence this may have on sound propagation.

- g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
- h. Insulation, barriers and isolation of the source of the noise.

4a.-78.9 PARKING, LOADING AND ACCESS

- a. Extent to which the safety and efficiency of the roading network, road hierarchy or users of the road would be adversely affected.
- b. Whether there will be any adverse effects on the safety of pedestrians using the allotment, road, footpath or vehicle crossing.
- c. The type of vehicles using the site, their intensity, the time of day the allotment is frequented and the likely anticipated vehicle generation.
- d. Any adverse visual or nuisance effects on the amenity and character of the surrounding area and the Residential Environment.
- e. Effect of factors in the surrounding roading network including the position and function of the road within the road hierarchy, the actual speed environment of the road, volume of traffic using the road and any other factors that will prevent congestion and confusion between vehicles.
- f. Adequacy of parking to be supplied on site for the needs of the activity and whether it can be demonstrated that a less than normal demand is anticipated.
- g. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. measures to improve visibility to and from the vehicle crossing point and alternative construction, location or design
 - ii. alternative options for the supply of the required parks.

4a.-78.10 VEHICLE MOVEMENTS

- a. Effect on the safe and efficient operation of the roading network within the area, including any cumulative effect and the degree to which the existing flow and type of traffic will be affected by the potential traffic generated.
- b. Detraction from the amenity of adjoining allotments and the Residential Environment, in terms of such matters as frequency and timing of vehicle movements, headlight wash, noise, odour, dust and glare, occurring as a result of the increase in vehicle movements.
- c. Necessity to upgrade road to accommodate the increased traffic.
- d. Factors in the surrounding area, including the location of the unformed part of the legal road and the position of the formed carriage way.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4a.-78.11 ARTIFICIAL LIGHT

- a. Extent to which the light source will adversely impact on the amenity of the Residential Environment, including adverse effects on adjoining allotments.
- b. Impact of light direction on the safe and efficient operation of the roading network within the area.
- c. Necessity for the light for reasons of safety or security, enhanced amenity or public enjoyment.
- d. Duration and operating hours of activity and associated lighting.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
- f. height, direction, angle and shielding of the light source.

4a.-78.12 SIGNAGE

- a. Location (off or on the allotment), design and appearance of the sign.
- b. Compatibility with the scale and character of the allotment and of the surrounding Residential Environment, including the nature and proximity of other signage within the area.
- c. Any adverse effects on the visual amenity of the locality and whether the proposed sign would be visibly obtrusive, particularly from roads or public open spaces in the vicinity.
- d. Effect on the openness and attractiveness of the streetscape.
- e. Effect on the amenity of adjoining allotment in terms of such matters as noise, artificial light and glare occurring as a result of the sign.
- f. Necessity of the sign to direct people to the activity.
- g. Effect on the safe and efficient operation of the roading network within the area including the possible distraction or confusion of motorists.

4a.-78.13 EARTHWORKS

- a. The extent to which the earthworks will change the ground level of the site, including the relationship of the site to adjacent reserves, and foreshore protection areas, and adjacent sites.
- b. The degree to which the finished ground levels reflect the contour of adjoining the sites, and any potential impacts on stability of neighbouring properties and existing stormwater flow patterns.
- c. The degree to which the earthworks will enable building facades to be extended below natural ground level and result in buildings that are more visually dominant off-site and inconsistent with the character of the Environment.
- d. Detraction from the amenity of adjoining allotments in terms of such matters as noise and dust occurring as a result of the earthworks, and the resulting impact on the use of these allotments.
- e. Potential for the creation of a nuisance effect for residents within the area, including vehicle movements, hours of operation, dust and vibration.
- f. The degree to which an Earthworks Management Plan prevents adverse effects arising, in particular sediment discharges and dust nuisance.
- g. The extent of any vegetation removal and the time period for which soil will be exposed.
- h. Proposed methods and timing for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
 - i. planned rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation
 - j. Whether there are any Archaeological sites, and the potential effect of the earthworks on these sites.
 - k. The location and scope of earthworks, including its movement to, from and on the site.

4a.-78.14 ODOUR

- a. Detraction from the amenity of other allotments, including the potential for the creation of nuisance effects for residents within the area, and the resulting impact on the use of these allotments.
- b. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4a.-78.15 STORMWATER

- a. Whether there will be any actual, potential or cumulative adverse effects of additional private connections on the stormwater reticulation system.
- b. Whether there will be a requirement to upgrade the stormwater reticulation system if additional private connections are made.
- c. Whether there will be any adverse effects on the environment of not providing for the onsite disposal of stormwater and/or adequate secondary flowpaths.
- d. Proposed methods for the avoidance, remedying or mitigating of the adverse effects, of climatic conditions on stormwater management during development, construction and rehabilitation phases.
- e. The assessment of any existing or potential adverse effects if the unauthorized disposal of waste and pollutants to the stormwater system, and the methods for monitoring, and methods used to reduce adverse effects.

4a.-78.16 TWO OR MORE DWELLINGS PER ALLOTMENT (KINLOCH COMMUNITY STRUCTURE PLAN AREA)

- a. Whether infrastructure can sustainably service the actual or potential cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- b. The extent to which the additional dwellings will, singularly or cumulatively, have an adverse effect on the amenity and character of the existing or proposed built environment, as identified in the District Plan and any relevant structure plans.

4a.-78.17 SUBDIVISION

- a. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.
- b. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. The clearance or planting of vegetation, including its location, species and maintenance.
- d. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- e. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- f. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.
- g. In respect to the New Residential Environment the appropriateness of the design, layout and density of the subdivision, having particular regard to any:
 - i. flood risk (Kuratau New Residential Environment only),
 - ii. setback from any water body or river appropriate to mitigate any risk from erosion (Kuratau New Residential Environment only).
 - iii. relevant stormwater catchment management plan,

- iv. geotechnical and topographical considerations, (including potential liquefaction effects for subdivision within the Kuratau New Residential Environment),
- v. landscape issues (particularly as they relate to any Amenity Landscape Area),
- vi. natural values and any infrastructural servicing issues.
- h. The densities and proposed landuses shown in the Kinloch Community Structure Plan (refer [appendix 1](#))
- i. Whether infrastructure can sustainably service the actual or cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- j. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal Systems.
- k. Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.
- l. **Whether landscape planting, stormwater infrastructure open space, and the walking and cycling pathways network are provided in general accordance with, including (but not restricted to) the integrated use and provision of the stormwater gully network to address all three matters as indicated in the Nukuhau Structure Plan (Appendix 9).**
- m. **Whether Provision for a new urban gateway at Wairakei Drive (Nukuhau Structure Plan only) is provided for.**
- n. **Whether the proposed roading layout for subdivision within the Nukuhau Structure Plan will enable efficient routes for public transport.**
- o. **The extent to which subdivision within Nukuhau Structure Plan:**
 - (i) **recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and**
 - (ii) **ensures that historic heritage is protected from inappropriate subdivision, use and development; and**
 - (iii) **ensures adverse effects on historic and cultural heritage are avoided, remedied or mitigated; and**
 - (iv) **responds to and incorporates the outcomes of engagement with relevant iwi authorities and hapū or with pūkenga, in the design, layout and other measures; and**
 - (v) **incorporates into the subdivision design, cultural and historic heritage landscapes, sites and features.**

Advice Note: the provision of a cultural impact assessment with the application for subdivision consent may assist in addressing this assessment criterion (o). The WRPS defines cultural impact assessments as:

Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.
- p. **The extent to which the Integrated Transport Assessment for subdivision within the Nukuhau Structure Plan identifies measures to ensure significant adverse effects on the safe, efficient and effective operation of the Control Gates Bridge and intersections either side of the bridge can be avoided, remedied or mitigated.**
- q. **Whether subdivision is in accordance with a Catchment Management Plan that has been approved by Council.**

*Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the relevant Regional Council. Refer also to **Subsection E – DISTRICT WIDE RULES***

APPENDIX 9 OUTLINE DEVELOPMENT PLAN

9.1 Any lot boundary fronting a **Natural Gully System** or Stormwater Reserve with Pedestrian Access, Cycleway and Planting - refer Rule 4a.7.56(i)

Requires a 10m wide Stormwater Reserve and a 10 m wide Landscape Strip with a shared path as shown in Figures 9-A (for Wairakei Drive frontage) and 9-B below and in accordance with the requirements of standards 9.1a to 9.1c

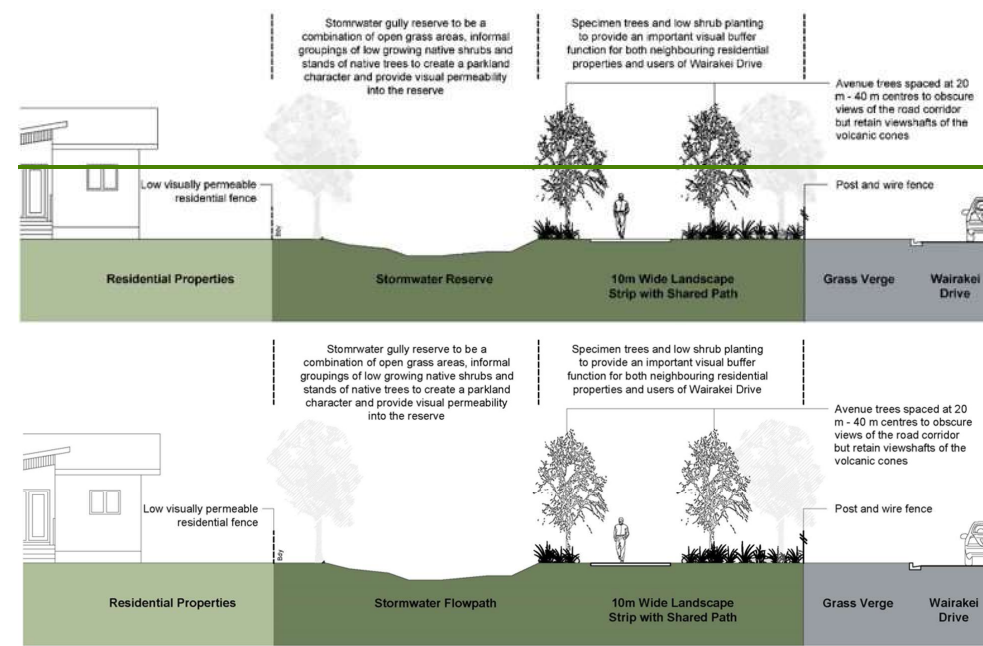
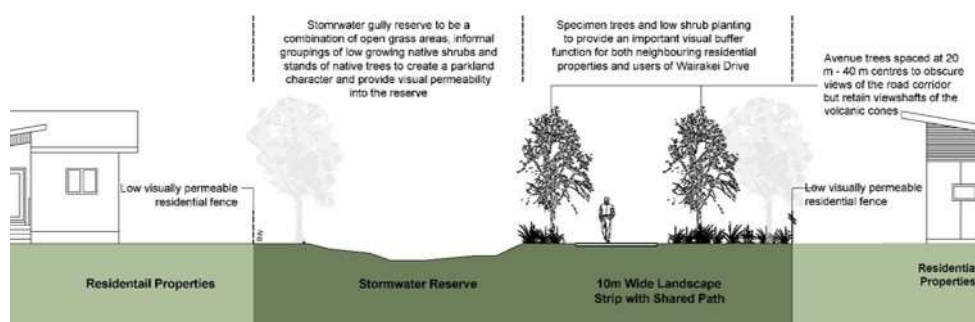


Figure 9-A: Cross section illustrating the Wairakei Drive road frontage design



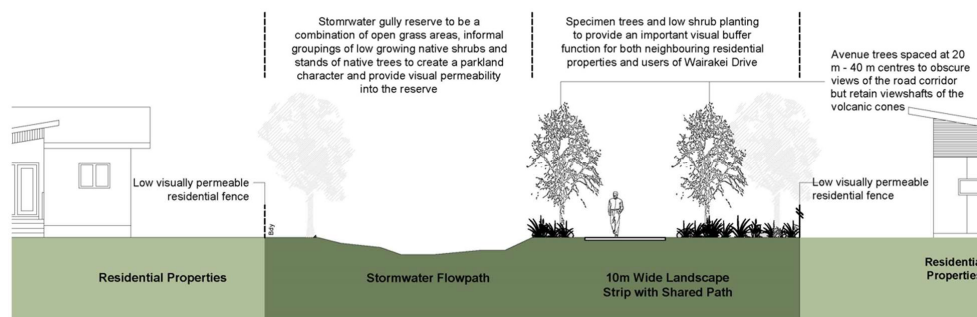


Figure 9-B: Cross section illustrating the Stormwater Reserve frontage

Standard 9.1a Planting Requirements 10 m wide Landscape Strip

The 10m wide Landscape Strip illustrated in Figure 9-A is proposed to protect viewshafts from dwellings towards the volcanic cones. In terms of tree planting, an avenue of specimen trees is suggested, with a height requirement of 10 – 20 metres at maturity. Trees should be spaced at 20 metre intervals and lower native shrubs with a maximum height of 1 metre. This softens the interface between proposed residential development and the Wairakei Drive corridor and retains the existing sense of openness, avoiding the ‘wall’ effect that would occur from more dense planting.

Standard 9.1b Planting requirements for the Shared Path within the 10 m wide Landscape Strip

A pedestrian and cycle path will extend down the centre of the 10 m wide Landscape Strip illustrated in Figures 9-A and 9-B, with a clear planting envelope around the path for safety. Either grass or low planting to 400 mm is acceptable within this envelope. Plant selection is important as it will create a sense of arrival, provides the first impressions and create a positive visual environment for the community, travelling public and tourists.

Standard 9.1c Planting Requirements for the 10m wide Stormwater Reserve

Within the 10m wide Stormwater Reserve grass areas are combined with informal groups of clear stem specimen trees (native and exotic) to provide a parkland-aesthetic for residential properties backing onto this Stormwater Reserve. This will encourage dwellings to have internal or external living spaces that overlook the Stormwater Reserve.

9.2 Any lot boundary fronting a 10m wide Landscape Strip - refer Rule 4a.7.56(ii)

Requires a 10m Landscape Buffer Strip with a Shared Path as shown in Figures 9-C (for Wairakei Drive frontage) and 9-D below and in accordance with the requirements of standard 9.1d.

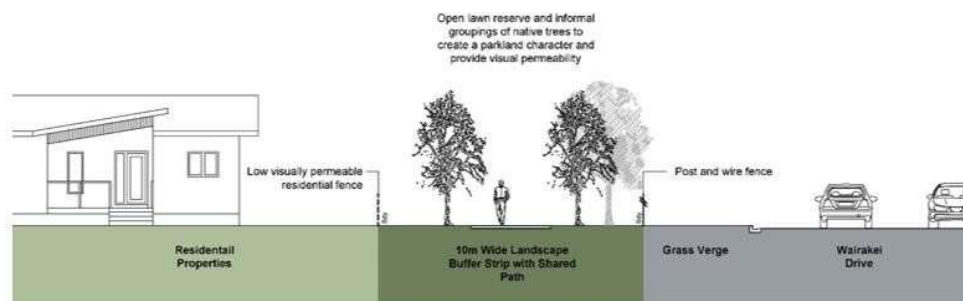


Figure 9-C: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path to the Wairakei Drive road frontage design

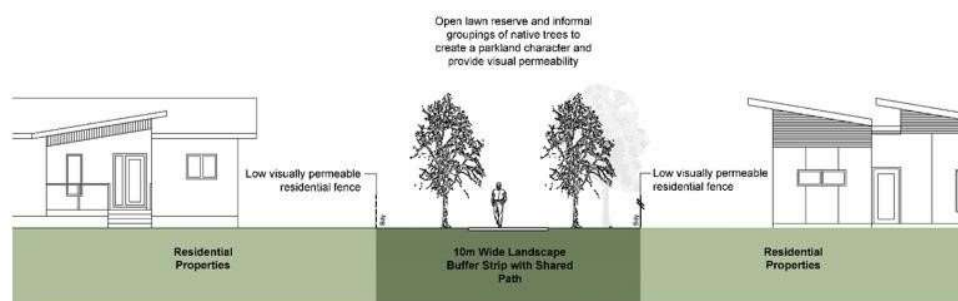


Figure 9-D: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path

Standard 9.1d Planting Requirements for the 10m wide Landscape Strip

A 10-metre-wide native and exotic Landscape Strip is to screen and buffer views from the road corridor towards the Structure Plan area. A mixture of native shrubs and trees are recommended, with a height requirement of 10 – 20 metres at maturity. Where a shared path is used, a clear planting envelope should be achieved. Either grass or low planting to 400 mm is acceptable within this envelope.

9.3 Arterial Roads

Arterial Roads as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9E below with a road reserve width of 22m are generally fixed in their location. These corridors are to comprise grass berms, pedestrian footpaths and shrub planting on both sides of the corridor. It is intended that a 2.5 metre shared path be set between two rows of trees on one side of the road and a standard footpath on the other side of the road. A 2-metre-wide planting strip will extend along the length of the corridor on both sides of the road to give character and definition to the arterial. Shrub planting should be a combination of low growing (400 mm), low maintenance native shrubs. An avenue of clear stem native specimen trees has been included within the planting strip to provide visual continuity with surrounding residential developments and to provide safety benefits through increased passive surveillance.

Ultimately, tree selection for Arterial Roads should ensure the Structure Plan Area is well connected physically and visually to the open space framework and streetscape network and surrounding residential developments.

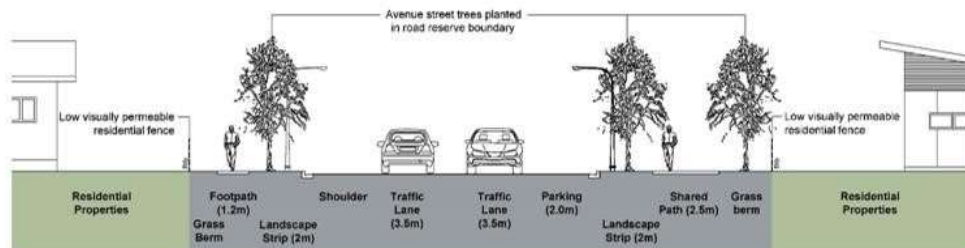


Figure 9-E: Cross section of an Arterial Road

9.4 Collector and Secondary Collector Roads- General Residential Zone

Collector and Secondary Collector Roads in the General Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-F below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.

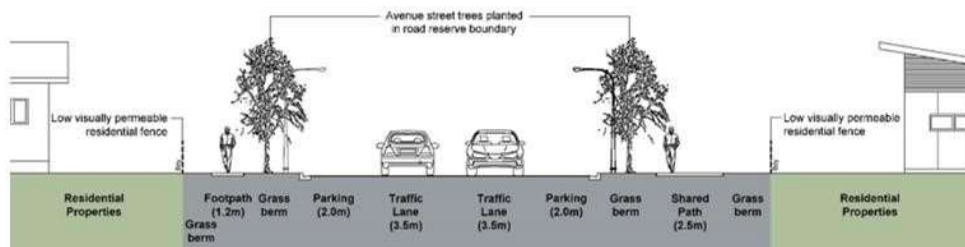


Figure 9-F: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.5 Collector and Secondary Collector Roads- Medium Density Residential Zone

Collector and Secondary Collector Roads in the Medium Density Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-G below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.

The harder edge of medium density development and likelihood of greater use given its location is softened by repeating the twin rows of trees used on the Arterial Roads. This also recognises that great development density and proximity to gully reserves areas and the commercial node is likely to result in this corridor having the potential to be more significant for cyclists and pedestrians than other Collector or Secondary Collector Roads.

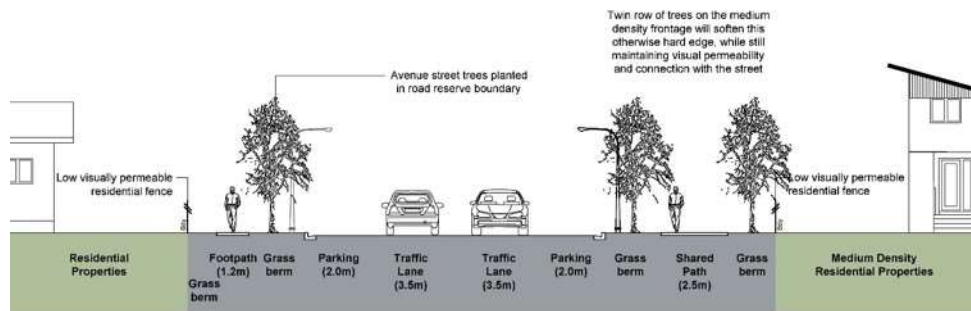
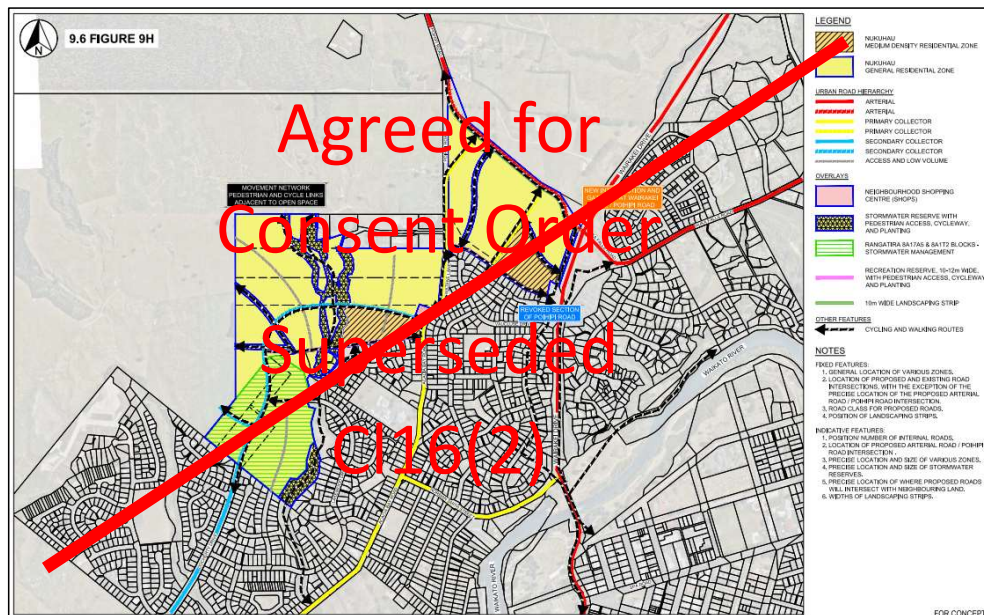
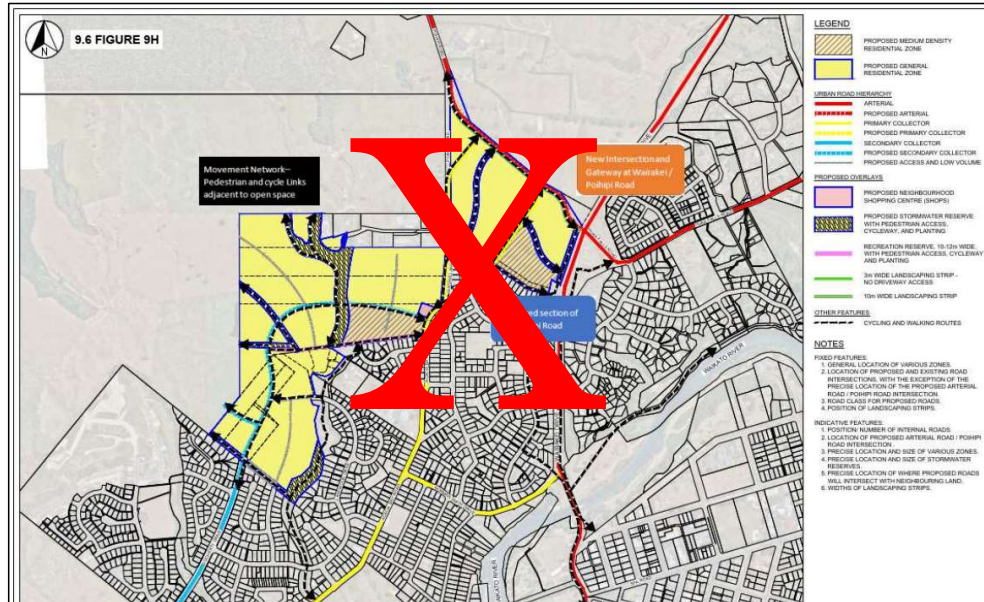


Figure 9-G: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.6 Principal Walkway and Cycleway Pathway Connections



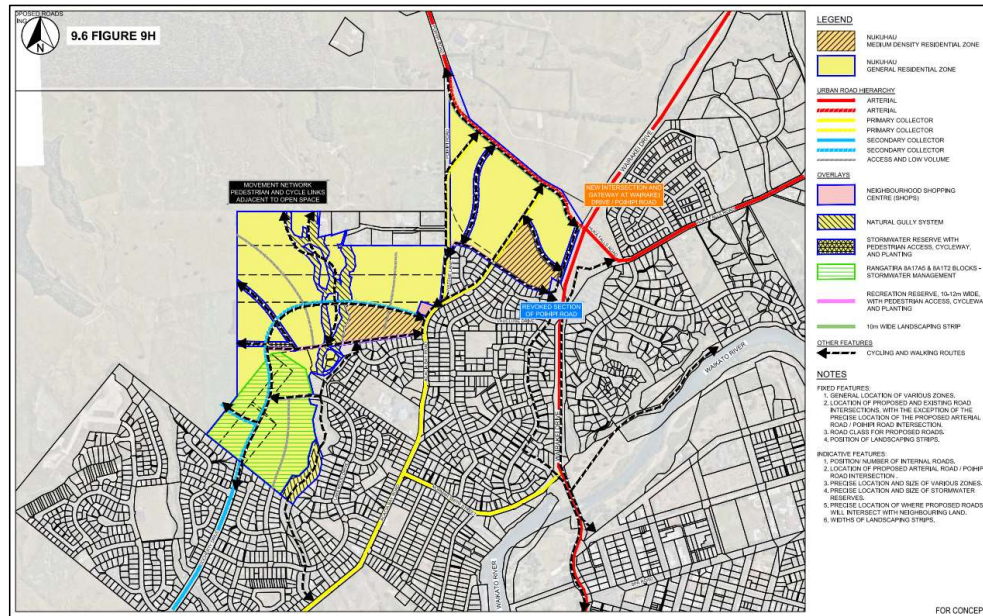
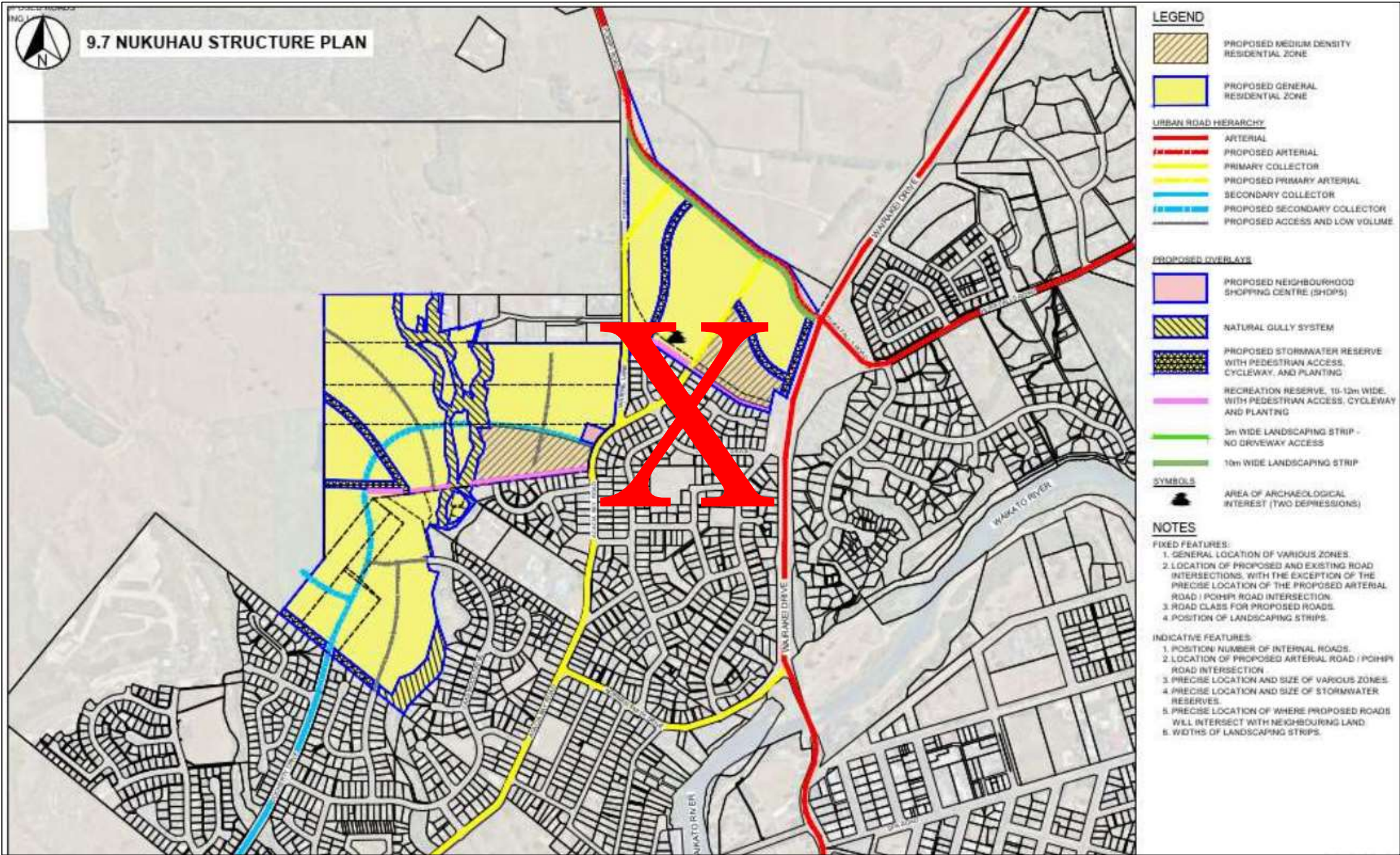
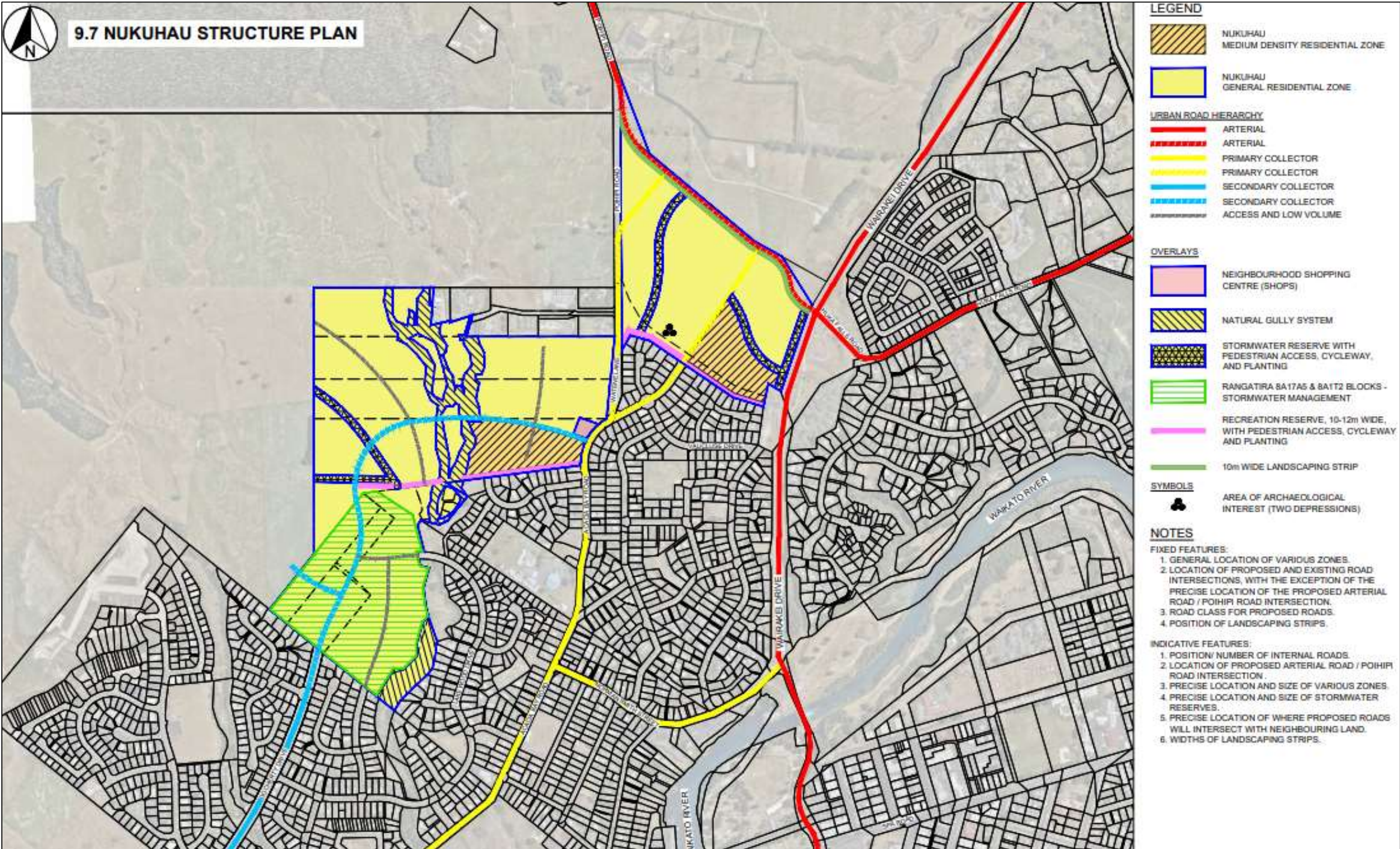


Figure 9-H: Proposed Walk-Cycle Links adjacent to or crossing open space as part of the Movement Network (all modes)





**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2023] NZEnvC 112

IN THE MATTER OF an appeal under clause 14 of the First
Schedule the Resource Management Act
1991

BETWEEN THE OWNERS OF RANGATIRA
BLOCKS 8A17A5 & 8A17A6 &
RANGATIRA 8A1T2X & 8A1T2Y
AND PT RANGATIRA A1T2

(ENV-2022-AKL-000103)

Appellant

AND TAUPŌ DISTRICT COUNCIL

Respondent

AND CN TOP INVESTMENT LIMITED

LEXUS TRUSTEES 11 LIMITED

LPT TRUSTEES NO 124 LIMITED

A N RAJASINGHAM

THIRU TRUSTEE COMPANY
LIMITED

Applicants

Court: Chief Environment Judge D A Kirkpatrick sitting alone under
s 279 of the Act

Last case event: 21 April 2023

Date of Order: 30 May 2023



The owners of Rangatira Blocks 8A17A5 & 8A17A6 & Rangatira 8A1T2X & 8A1T2Y & PT
Rangatira A1T2 v Taupo District Council

Date of Issue: 30 May 2023

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed, and Taupō District Council is directed to:
 - (a) amend the provisions of Proposed Plan Change 37 as set out in Appendix 1, attached to and forming part of this consent order; and
 - (b) make any consequential changes to the numbering of plan provisions or to the relevant planning maps resulting from the above amendments.
- (2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This appeal concerns parts of the Taupō District Council's decision to approve Plan Change 37 to the Taupō District Plan (**PC37**), which was a plan change commenced by a private plan change request seeking the residential rezoning of rural land in Nukuhau, Taupō. The plan change proponents are AN Rajasingham, LPT Trustees No 124 Limited, Thiru Trustee Company Limited, Lexus Trustees 11 Limited, and CN Top Investment Limited.

[2] Waikato Regional Council and Rangatira E Trust have given notice of an intention to become parties under section 274 of the Resource Management Act 1991.

Agreement reached

[3] Following direct discussions, the parties have reached agreement on amendments to PC37 that will achieve the settlement of this appeal.

[4] The relief agreed by the parties involves amendments to provisions of PC37 to address stormwater management issues on what is known as the A5 Block. It also clarifies building setbacks on the A5 block from the edge of the natural gully system and removes requirements for vesting of 10m wide strips within the A5 block for stormwater management and landscaping/recreation purposes.

[5] Consequential amendments to relevant plans in the structure plans accompanying and forming part of PC37 are also required, to remove notations showing the 10m wide strips referred to above, and to replace these with a stormwater management overlay over the entire A5 block to enable an integrated stormwater management approach to be adopted in any development of that land.

[6] The changes to the relevant plans are shown at the end of Appendix 1 to the draft consent order, being a change to 9.6 Figure 9H (Principal Walkway and Cycleway Pathway Connections) and 9.7 Nukuhau Structure Plan.

Consideration

[7] The Court has read and considered the joint memorandum of the parties dated 21 April 2023 and the accompanying version of PC37 in which the relevant changes to the text are shown in red text with yellow shading.

[8] The parties are satisfied that the amendments proposed in the draft consent order are within the scope of the appeal and appropriately meet the purpose of the RMA, give effect to higher order planning documents, and achieve any relevant higher order objectives of the Taupō District Plan.

[9] For the avoidance of doubt, the Court has not been asked to consider or approve any amendments to PC37 that would be more appropriately advanced under clause 16(2) of Schedule 1 to the RMA.

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

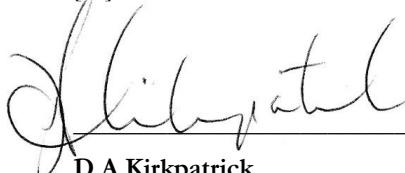
- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular,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

Order

[11] Therefore, the Court orders, by consent, that the appeal is allowed, and Taupō District Council is directed to:

- (a) amend the provisions of Proposed Plan Change 37 as set out in Appendix 1, attached to and forming part of this consent order; and
- (b) make any consequential changes to the numbering of plan provisions or to the relevant planning maps resulting from the above amendments.

[12] Under s 285 RMA, there is no order as to costs.


D A Kirkpatrick
Chief Environment Judge



Appendix 1

Amendments to Plan Change 37 Provisions – Resolution of ENV-2022-AKL-000103.

TAUPŌ DISTRICT PLAN

PLAN CHANGE 37 – Nukuhau

Plan Change 37 amends provisions in the Operative Taupō District Plan to change the zoning of 77.78 hectares of Rural Environment zoned land to a mix of Nukuhau General Residential, Nukuhau Medium Density Residential, Neighbourhood Shopping Centre (Shops) zoning and areas of stormwater and recreation reserves.

Attachment 1 contains the Hearing Panel's Decision and final amendments to PC37 as notified, and as amended as a consequence of this Resolution of ENV-2022-AKL-000103.

Note:

- Changes introduced through PC37 as notified are in blue underlined font; the Hearing Panel's recommended further amendments are in **bold underlined font**.
- Text to be added to or deleted from the Decisions Version of PC37 arising from this resolution are shown as underlined and strikethrough text respectively, and highlighted in **yellow with red text**.

Attachment 1 – PC37 Provisions

3a RESIDENTIAL ENVIRONMENT

3a.1 Introduction

The District contains a variety of residential areas, referred to in the Plan as the Residential Environment. These include the major communities of Taupō, Turangi, and Mangakino, as well as smaller lakeshore and rural settlements. While each community has a distinct character, determined primarily by its size and setting, the basic elements of each are the same. The predominant activity within the Environment is residential, with the character of the existing activities established through conformity with past planning controls, resulting in the establishment of a shared and recognisable amenity. Maintenance of this established character and amenity is important to those who reside within the Residential Environment, with the expectation that these 'residential' levels will be retained.

Elements of the character of the Residential Environment which the majority of residents value include an attractive streetscape; a reasonable ratio of private to public open space; a degree of consistency in the size, scale, density, and style of buildings; a need for privacy; shared access to outlook, sunlight or views; low levels of environmental effects such as traffic movements to and from sites, noise, vibration, odour, and dust; and a safe and functionally effective environment for traffic and pedestrians.

However, the Residential Environment can accommodate a range of 'non-residential' activities without a loss of amenity, just as these areas can suffer from a 'residential' activity of an inappropriate scale or intensity. Therefore all activities are required to meet the identified minimum standards, protecting the amenity and character of the Residential Environment, while also allowing a wide range of appropriate activities to occur.

The Residential Environment has been identified in the Plan and on the Planning Maps in a number of different forms. To provide clarity the following mapped or planned areas are considered to be part of the Residential Environment and all appropriate rules and performance standards (note that those that relate specifically to that type of Residential Environment should be considered first):

- Residential
- High Density Residential
- Low Density Residential
- Kinloch Rural Residential Area
- Kinloch Low Density Residential Area
- Kinloch Residential Area
- New Residential Environment
- Unserved Residential Environment

- Mapara Residential Environment
- [Nukuhau Residential and Nukuhau Medium Density Areas](#)
- Development Area (as consented under Rules [4f.1.7](#) or [4f.1.8](#))

3a.2 Objectives and Policies

OBJECTIVE

3a.2.1 The maintenance and enhancement of the character and amenity of the Residential Environment.

POLICIES

- i. Maintain and enhance the character and amenity of the Residential Environment by controlling the bulk, location and nature of activities, to ensure activities are consistent with a residential scale of development, including an appropriate density and level of environmental effects.
- ii. To enable a range of small scale home based employment opportunities, and local community facilities and services to establish in Residential Environments, subject to:
 - a. compatibility with Residential Environment amenity and character;
 - b. avoidance of adverse effects on the function and amenity of the Taupō Town Centre, and the adjoining road network; and
 - c. a consistent scale of non residential buildings and activities that maintain residential coherence and amenity.
- iii. To provide for a number of small scale convenience based retail, commercial and community facilities as identified as a “Shop” on the Planning Maps where these:
 - a. provide a high standard of urban amenity; and
 - b. remain compatible with the scale of the surrounding residential environment.
- iv. To have regard to the physical resource and investment of existing business activities within the KTHD area when considering their on-site development
- v. Any relevant Structure Plans, strategies or guidelines should be taken into account in the design of any development within the residential environment.
- vi. Encourage a wide range of appropriate activities and development within the Residential Environment while ensuring any adverse effects are avoided, remedied or mitigated.
- vii. Maintain Specific Requirement Areas through protecting the established character of these areas in locations where the resulting amenity is valued.
- viii. Protect the character of the District’s lake and river margins from buildings which are visually obtrusive and/or result in the loss of amenity of the foreshore area, by controlling the scale and location of structures.

- ix. Avoid, remedy or mitigate adverse effects of subdivision, use and development in the residential areas on cultural, historic, landscape and natural values, as identified through the provision of this Plan.
- x. Recognise the important role of reserves and their existing infrastructure and services (including those provided by commercial operators) in providing recreational opportunities for the community.

EXPLANATION

A typical scale and character of development and level of environmental effects has been established over time, creating a valued level of amenity within the Residential Environment.

To ensure the amenity and character of the Residential Environment is maintained and enhanced, minimum performance standards have been identified. These standards reflect past practice and the normal range of activities which occur within the Residential Environment. The standards allow for an appropriate amount of change and development to occur within the Environment. Therefore any effect of an activity meeting these minimum standards is likely to be no more than minor.

Accordingly, any activity which does not meet one or more of the minimum standards can be expected to have a higher probability of generating an effect which may be more than minor, with the potential to detract from the amenity and character of the Residential Environment. As such, the activity will be subject to a full and comprehensive assessment of environmental effects through the resource consent process.

Threats to the character and amenity of the Residential Environment include structures and activities of an inappropriate or 'non-residential' scale, location or density. Provision for sufficient daylight and privacy, outlooks not dominated by bulky buildings, the maintenance of a residential streetscape and open space, as well as provisions addressing vehicle safety including access, movements and manoeuvrability, are required to maintain the character of the areas and ensure the amenity values of the Residential Environment are not adversely affected.

Other documents prepared under the Local Government Act 2002 and other relevant legislation can also be appropriate to be utilised in the assessment of resource consents as other relevant documents through section 104(1)(c) of the Resource Management Act 1991. Whilst these documents do not have any statutory weight they are prepared via a process of community consultation and contain information and guidance pertinent to development in the District.

Provision is made for small scale home based employment opportunities, and local community facilities and services which could appropriately be located in Residential Environments in terms of compatible effects. Such effects can relate to matters such as traffic generation, visual detracting, hours and scale of operation, noise and outdoor advertising. However, providing Residential amenity values are preserved, allowing small scale home-based employment opportunities to locate in living areas will contribute to the economic development of the District. The provision of local community facilities and services can also assist in providing for the social wellbeing, and health and safety needs of nearby residents, enriching such communities.

A limited number of identified local convenience centres, notated as 'Shops' on the Planning Maps, are also provided for within the Residential Environment in recognition of the important role such centres have in meeting local convenience needs for goods, services and community activities. These centres have been established for many years, and are conveniently located generally within walking distance of the areas they serve. Local shop areas will be required to operate in a manner compatible with the surrounding Residential Environment so as not to cause a nuisance or adversely affect amenity.

Limitations to the scale and extent of such non-residential activities are necessary to ensure that residential amenity, character and coherence can be maintained. It is also important that there is not a significant dispersal of such activities from those Environments which are better suited or more appropriate to accommodate such activities.

The location of retail and office activities in the Residential Environment has the potential to undermine the continued agglomeration of retail and office activities within the Taupō Town Centre Environment with a reduction in the associated economic and social benefits. Those benefits are supported through the objectives and policies of Section 3 *Business Distribution*. Small scale retail and office activities are provided for in the Residential Environment, however as these activities increase in scale their impacts on the function and viability of the Taupō Town Centre Environment and the character and amenity of the surrounding Residential Environment need to be assessed. Provision has been made for slightly larger office activities within the KTHD area to the east of the Taupō Town Centre Environment. This recognizes the close proximity of this area to the Taupō Town Centre Environment and its appropriateness for accommodating emerging office activities that are commonly larger than a home occupation.

Some Residential areas of the District have been established through special provisions or consent conditions. These areas have been designed to protect significant values or to maintain a preferred character or amenity. In the Plan, they have been recognised through the formation of specifically identified High Density, [Medium Density](#), Low Density and Specific Requirement Areas. Performance standards individual to the standard of development existing within the particular area will protect the area's valued character and amenity.

High Density Areas are predominately residential in character and amenity, but can contain a greater variety of activities. The resulting development is often undertaken at a higher scale and intensity than within other areas of the Residential Environment, and includes intensive residential units, and commercial accommodation activities. As such, the performance standards for these areas have been identified at a higher level of density to reflect the difference in the character of the areas.

[Medium Density Areas are residential in character and amenity but at a higher intensity than general residential development, while still being of a lesser scale and intensity than High Density Areas; such as semi-detached and terraced housing, low rise apartments, detached housing on smaller sites, and other compatible activities. Performance standards for these areas have been identified to reflect a higher level of development intensity that is still strongly residential in character.](#)

Low Density Areas of the Residential Environments have often been referred to as the "rural residential" areas of the District. These areas provide for a special form of residential lifestyle with a semi-rural outlook. The predominant activity is still 'residential' in nature, resulting in the residential amenity and

character of the area. As such, these areas have been identified within the Residential Environment, with performance standards which reflect the lower level of density than in the other parts of this Environment.

Specific Requirements Areas and lakeside settlements exist in various locations within the District and include such areas as Rangatira Point, Kinloch and Motuoapa Hill. These areas have been established to a particular character, often through conditions of resource consent, to establish a desired level of amenity, unique in comparison with the general amenity provisions of the District. This form of planning for communities will continue, with the Plan encouraging the retention of existing areas and the development of new areas with appropriate requirements recognising special features and amenity of a particular locality.

In some cases, such as Kinloch, ~~and Nukuhau~~, structure plans have been undertaken, and contain useful and relevant information in respect to what is an appropriate density, scale or form of development for that particular area.

Additionally, Height Restrictions and Foreshore Protection Areas have also been established through past planning provisions. These areas will be maintained, and other appropriate areas included, where there is the potential for structures to adversely affect valued foreshore areas. These areas will protect the views, both from and to the shore, from excessively bulky or visually obtrusive development and protecting the interface between land and water, to preserve the natural character of the District's lakes and rivers and their margins, and the maintenance and enhancement of public access, in accordance with Section 6 of the Act.

Nuisance factors can cause an adverse effect, changing the character and causing a loss of amenity within the Residential Environment. These nuisances can come in various forms including inappropriate levels of vehicle movements, car parking demand, noise and artificial light levels and signage.

Accordingly, activities will be managed to ensure the protection of the amenity values of the Residential Environment as well as the safe and efficient operation of the roading network. Excessive vehicle movements, including associated noise and vibration nuisances and insufficient onsite parking all have minimum standards which are required to be met. Noise and artificial light levels will also be managed, with their effects minimised to avoid adverse effects on the amenity of the Residential Environment. The provision of signage will be balanced between the public information role, traffic safety and the protection of the amenity values of an area.

Sediment and dust levels are included for control within the Plan but only at nuisance level. Although these effects are predominantly Regional Council concerns, they have been included due to their potential impact on the character and amenity of the Residential Environment. Compliance with the standards does not preclude activities from compliance with the relevant Regional Council provisions also covering these issues.

OBJECTIVE

3a.2.2 To ensure that development in the Residential Environment takes into account the capacity of the supporting infrastructure.

POLICIES

- i. Subdivision and development in the Unserviced Residential Environment should be able to be effectively serviced without creating adverse effects on the supporting infrastructure.

EXPLANATION

Subdivision and development can result in increased pressure on the supporting infrastructure and services. For the purposes of Objective 3a.2.2 and associated policy, supporting infrastructure is considered to be for drinking water, wastewater, roading (including the local and state roading networks) and stormwater. For those areas of the Residential Environment which are identified on the District Planning Maps as unserviced, development must ensure that the increased loading on services will be able to be effectively managed whilst avoiding remedying or mitigating any associated adverse effects.

OBJECTIVE

3a.2.2A A range of housing types and densities is available in the Nukuhau Structure Plan area to meet the needs of all communities and the growth of Taupō.

POLICIES

- i. Enable a variety of housing types in the Nukuhau General Residential and Nukuhau Medium Density Zones including integrated residential development such as low-rise apartments, semi-detached or terraced housing, and multi-unit development; and retirement villages.

EXPLANATION

There is a need to provide a range of housing typologies to accommodate the diverse needs that exist in the community, including families, single or two person households, options for extended families and housemate arrangements. In order to meet the needs of an ageing population there is also a need to provide a range of housing options with an appropriate range of facilities. The location of some housing typologies, in particular those at a higher intensity of development such as Medium Density should also consider convenient accessibility to open space.

OBJECTIVE

3a.2.3 To maintain and enhance the existing amenity and character of the Kinloch residential area and provide for appropriate residential development in the Kinloch Community Structure Plan Area.

POLICIES

KINLOCH COMMUNITY STRUCTURE PLAN AREA

- i. Encourage development within the Kinloch Residential Area to be carried out in a manner consistent with the amenity and character of the existing settlement and reflects the intent of the Kinloch Community Structure Plan.

- ii. Enable and Encourage development in the Kinloch Low Density Residential and Rural Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Structure Plan.
- iii. Subdivision, and resulting development, that creates lots which are smaller than the minimum lot size than specified in [Table 4.1](#) of this plan, should be designed so that the resulting development is clustered and is integrated into the landscape, coupled with a strong framework of tree and vegetation planting.
- iv. Subdivision in the Kinloch Community Structure Plan Area should only occur where the resulting lots will be connected to community wastewater network infrastructure.

KINLOCH LANDSCAPE POLICY AREA

- v. Subdivision design should make use of existing landform and landscape features to ensure that the built form complements the character of the area and does not detract from it.
- vi. Buildings should be located to minimise earthworks that may adversely affect the character of the area.
- vii. Buildings should be integrated into the site so that the built form is not dominant.

KINLOCH COMMUNITY STRUCTURE PLAN AREA

The Kinloch Community Structure Plan Area is identified on the Planning maps and in [Appendix 1](#) of this Plan. Through the structure planning exercise it has been identified that the Kinloch Residential Area has a character and amenity that is unique to this area and new subdivision and development should be consistent with this. The intent of the Kinloch Community Structure Plan is reflected in the Structure plan map contained in [Appendix 1](#) of this plan. [Appendix 1](#) provides guidance in to what density and form of subdivision and development is appropriate within parts of the structure plan area.

There will be situations where it may be appropriate for subdivision to occur to densities which are characterised by smaller lot sizes than those identified in [table 4.1](#) of the Plan. Such development need be designed in a way where any effects to the amenity or character of the area are suitably avoided remedied or mitigated. These more intensive areas for development should be offset by expansive areas of open space and/or planting to retain the lower density character of the Kinloch Community Structure Plan Area. A strong framework of tree and vegetation planting should also be carried so that the development is not out of character with the wider structure plan area.

As mentioned above nuisance factors can cause an adverse effect in the residential environment. On site waste water systems can potentially create such nuisance effects and are therefore inappropriate in the residential environment. Although parts of the Kinloch Community Structure Plan Area are characterised by larger lots, the risk is intensified by there being a high concentration of such lots. Like dust and sediment they have been included due to their potential impact on the character and amenity of the Residential Environment, but unlike dust and sediment they can potentially cause wider issues, such as in relation to health. Connection to the community waste water system will also improve the effective and efficient use of the infrastructure resources in the structure plan area.

Polices relating to the Kinloch Landscape Policy Area provide for the consideration of an appropriate style of development within this area. The ridgeline area has been identified as providing a green backdrop to the Kinloch residential area and development needs to consider this.

OBJECTIVE

3a.2.4 To enable the New Residential Environment to be developed in a manner which reflects the characteristics of the land and minimises offsite effects.

POLICIES

- i. Subdivision and development in the New Residential Environment should be in a form and layout that includes a range of built densities that are appropriately suited to the physical, landscape and amenity characteristics, natural values and constraints of the land.
- ii. Subdivision and development in the New Residential Environment should not adversely affect the amenity of the wider Residential Environment.

EXPLANATION

Whilst the New Residential Environment has been identified as suitable for residential development, the physical and landscape characteristics of the site require that the form and built densities of that development would have to be more sensitive to such factors. This is especially pertinent for the New Residential Environment in Kuratau with parts of that Environment affected by landscape values, natural values and flooding. Such matters would need to be considered and assessed as part of any consents lodged.

LAKE OHAKURI DEVELOPMENT ZONE

Lake Ohakuri Development Zone (LODZ) is a holiday destination based around the amenity of the lake and surrounding hill country. The Lake Ohakuri Site is a unique site within the Taupō District with a history of resort style holiday accommodation. It has been envisaged as a 'bach-like' low intensity zone controlled by open space, block pattern and building standards. There is great stock taken in creating and maintaining a forest environment with clear and accessible open space network, walkways and cycleways.

The waterfront is defined by an extensive public waterfront reserve interspersed with the development opening up with arms of parkland connecting the ridge to the lake – a large central domain at the promontory being the focal point. This is reinforced by pathways that follow the gully systems up at either end of the site and connect with the surrounding hill country and forest.

The centre is defined by grouping of buildings and houses that create a sense of centre. More intensive housing and commercial facilities create a vibrant and active heart focused on an enhanced lakefront wharf and square.

The remainder of the site is occupied by lower density residential housing arranged along a loop pattern made up of blocks with internal courts. This network of blocks is interlaced with both public and private open space. Cars are largely contained to the internal loop road and development block parking courts.

OBJECTIVE

3a.2.5 Enabling the Lake Ohakuri Development Zone as a holiday resort.

POLICIES

- i. Ensure a pattern of development in the Lake Ohakuri Development Zone that:
 - a. is in general accordance with the block pattern and structure in [Appendix 4](#) and on map D4, and
 - b. is consistent with the key principles of development as described in Section 1 of [Appendix 4](#), and
 - c. exhibits the Essential Qualities identified in Section 2 of [Appendix 4](#), and
 - d. is in general accordance with the Aims and Objectives of quality places in section 3 of [Appendix 4](#), and
 - e. is in general accordance with the indicative typology plan in Section 4 [Appendix 4](#). ii.
A variety of open spaces should be provided, passive and natural, private and public, suitably located and connected to enhance and mitigate the effects of built development in the zone.

EXPLANATION

The Lake Ohakuri Development Zone is a unique site with a history of resort style holiday accommodation, to be developed in a manner that results in a high quality resort environment characterised by well designed spaces and places. Map D4 and [Appendix 4](#) identify and describe the resulting use of the site. The guidance contained in the map and Appendix needs to be considered as the primary guide to achieving the anticipated development in the zone. Building typologies and mixes have been identified that best suit the zone; these are described in performance standards and in Section 4 of [Appendix 4](#).

[NUKUHAU STRUCTURE PLAN AREA](#)

[The Nukuhau Structure Plan Area is identified on the Planning maps and in Appendix 9. The intent of the Nukuhau Structure Plan is reflected in the Structure Plan map contained in Appendix 9 of this plan which provides guidance as to what density and form of subdivision and development is appropriate within parts of the structure plan area.](#)

[As at November 2020, the existing wastewater network does not have capacity to service the development of this land. Therefore development can only occur when the wastewater infrastructure has been upgraded to ~~has met with~~ the satisfaction of Council.](#)

Council investigations of options for a second Taupō bridge, possibly near the existing Taupō Control Gates Bridge, will determine the preferred location and alignment of a new bridge. A new bridge will be needed to cater for the development capacity that Council needs to ensure, in order to fulfil its

responsibilities under the National Policy Statement Urban Development 2020. Until Council has provided this infrastructure, development of areas to the north of the Control Gates bridge may result in traffic that causes delays and queuing at the Control Gates Bridge, and/or the intersections on either side of the bridge. This issue gives rise to the need for an assessment of the traffic effects of the subdivision of the Nukuhau Structure Plan area, before it can proceed. Resource consent applications for subdivision will need to provide an Integrated Transport Assessment so that the traffic effects at the Control Gates Bridge and the intersections on either side, can be assessed and the effectiveness of any proposed mitigation measures considered.

The Nukuhau Structure Plan area is characterised by gully systems and natural flow paths, as such development of the land should protect and enhance these features. The future development of the land should respect and take advantage of the amenity, legibility and identity opportunities offered by existing topography and long-view opportunities. Key amongst these opportunities are the relationships between residential properties and the gully-open space network, and the long views towards the Lake and volcanic cones, views of the Punatekahi hills and the gully network within the western area of the Structure Plan area. Through the structure planning exercise it has been identified that given the proximity of the land to the CBD and ability to provide convenient access to open space, this location is suitable for areas of general and medium density residential zoning to enable development of a variety of housing in Taupō.

An area of potential archaeological interest was identified during the preparation of the Nukuhau Structure Plan, and is illustrated on the Structure Plan (Appendix 9). This area consists of two visible depressions. Research to date has been inconclusive as to their origin and whether they are archaeological in nature. If archaeological in nature, they are likely to be storage pits and may also indicate near-by additional archaeological features such as occupation and/or gardening. It is a prosecutable offence under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand Pouhere Taonga to do so. For ground disturbance works in this area, an archaeological excavation, under an authority to do so, of the area of archaeological interest is required. In the first instance, contact Heritage New Zealand Pouhere Taonga in regard to this. Should the depressions be investigated and determined to be archaeological, preservation of the site may be considered and discussed between the relevant stakeholders.

OBJECTIVE

3a.2.3 To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan while maintaining and enhancing the local network of gullies and stormwater flow paths in a manner that contributes positively to residential amenity and character and minimises offsite effects.

To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:

- a. ensuring the risk of erosion of, and exacerbation of flood risk downstream from, the major gully systems within the Nukuhau Structure Plan area are avoided, remedied or mitigated; and,**

- b. maintaining and enhancing the natural gully system identified in the Nukuhau Structure Plan as stormwater flow paths as far as practicable.**
- c. ensuring that the safe, efficient and effective operation of the existing roading network of the Control Gates Bridge and intersections either side of the bridge is maintained as the Nukuhau Structure Plan develops.**

POLICIES

- i. Encourage development in the Nukuhau Structure Plan area to be carried out in a manner which reflects the intent of the Nukuhau Structure Plan.
- ii. Achieve an appropriate level of residential amenity and character.
- iii. Enable the development of a range of housing types, to provide a choice of living environments.
- iv. Achieve a connected open space and walking-cycling network centered on **the natural gully system identified in the Nukuhau Structure Plan**, stormwater reserves and street corridors with a high amenity interface with the residential uses.
- i-v. Subdivision in the Nukuhau Structure Plan Area should only occur where the resulting lots will be connected to Council's wastewater network infrastructure.
- vi. Significant adverse traffic effects from subdivision and development within the Nukuhau Structure Plan on the safe, efficient and effective operation of existing roading infrastructure at the Control Gates Bridge, and/or the intersections on either side of the Bridge, are avoided, remedied or mitigated.**
- vii. The risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.**

3a.3 Methods

- i. **Performance standards** for permitted activities which protect the character, amenity and functioning of the Residential Environment and take into account the density of development.
- ii. **Environmental assessment** of activities which do not comply with performance standards through the resource consent process.
- iii. **Conditions** on resource consents such as consent notices and covenants on titles.
- iv. **Education** and information on the existing environmental levels, values, and amenity associated with the Residential Environment.
- v. Payment of **Financial Contributions** for reserves and roading. Refer to Section 5 of the Plan.
- vi. **Council Policy** such as through Structure Plans to guide the growth of the District.
- vii. Compliance with Council's **Development Guidelines** to ensure a suitable standard of infrastructure.
- viii. Allocation of funds through the **Strategic and Annual Plan** processes.

- ix. Rules and policies within any relevant **Regional Plan or Policy Statement**.
- x. **Other legislation** and Council **Bylaws**.
- xi. The implementation of any Joint Management Agreement between Council and Iwi.
- ~~xi~~-xii. [Subdivision design guidance for the development of the Nukuhau Structure Plan area to enhance character and amenity and access to open space for a mixture of general and medium density residential development.](#)

3a.4 Principal Reasons for Adoption

A typical scale and character of development and level of environmental effects has been established over time within the Residential Environment. This has resulted in a particular character and amenity within the Residential Environment, which is valued by residents of the area.

Threats to the character and amenity of the Residential Environment have been identified in the District wide issues, policies, rules and performance standards and are further discussed within the explanation for this Environment.

This section of the Plan recognises the changes to the Residential Environment, which occur over time and the desire of the community for minimum controls over activities, while also retaining the valued amenity and character of the Environment.

Accordingly the approach within this section is to place emphasis on assessing the potential environmental impacts through a series of standards which must be met in order for any activity to be permitted. Failure to meet one or more of these standards requires that an activity obtain resource consent, at which time a full and comprehensive assessment of environmental effects would be undertaken.

This approach will protect the character and amenity of the Residential Environment while allowing for a range of activities to occur.

The Residential Environment has different types of character that have established over time. This has resulted in different levels of amenity, which are accordingly provided for through the recognition of the different character types. Specific policies are needed to recognise and protect these areas.

3a.5 Anticipated Environmental Outcomes

- i. Whilst predominantly consisting of Residential activities, a variety of activities and development compatible in scale, amenity and character with development within the Residential Environment.
- ii. New development does not create adverse impacts in terms of overshadowing, excessive building scale, vehicle movements or lack of privacy.
- iii. Protection of the wider environment and community from nuisances such as excessive dust, noise, glare, odour and stormwater.

- iv. The recognition and protection of the different types of character and levels of development within the Residential Environment.
- ~~iv-v.~~ [A range of choice in housing types and densities in appropriate locations able to be adequately serviced by **roading infrastructure**, utilities and open space infrastructure.](#)
- [vi.](#) The development of the Lake Ohakuri Development Zone occurs in a manner consistent with [Appendix 4](#).
- [vii.](#) The development of the Nukuhau Structure Plan area occurs in a manner consistent with [Appendix 9](#).
- viii. Risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.**

4a RESIDENTIAL ENVIRONMENT

Section Index:

[4a.1](#) Performance Standards and Development Controls

[4a.2](#) General Rules

[4a.3](#) Subdivision Rules

[4a.4](#) Kinloch Structure Plan Area Rules

[4a.5](#) Lake Ohakuri Development Zone Rules

[4a.6](#) Pukawa C Development Zone

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[4a-74a.8](#) Assessment Criteria

4a.1 Performance Standards and Development Controls

Please note: Where land has been identified as a Specific Requirement Area this means that there are additional Performance S

PERFORMANCE STANDARDS - DEVELOPMENT CONTROLS - For Each Residential Area

		i. Residential	ii. High Density Residential	iii. Low Density Residential (incl Kinloch Low Density)	iv. Kinloch Residential Area	v. Kinloch Rural Residential Area	vi. Neighbour-hood Shops	Vii Nukuhau General Residential	Viii Nukuhau Medium Density Residential
4a.1.1	Maximum Building Coverage	30%	50%	5%	a. 25% b. 30% within a Height Restricted Area	2.5%	50%	30%	55%
4a.1.2	Maximum Plot Ratio	40%	100%	7.5%	a. 30% b. 40% within a Height Restricted Area	N/A	N/A	40%	100%
4a.1.3	Maximum Total Coverage	50%	a. 75% b. 3m landscape strip along front boundary	N/A	50%	N/A	100%	50%	80%
4a.1.4	Minimum Building Setback – Front Boundary	5m	a. 5m b. 10m if property fronts Lake Tce between Rifle Range and Taharepa Roads.	10m Unless otherwise provided for within an existing subdivision consent.	a. 5m b. 7.5m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	a. 10m b. 20m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and	Nil setback	5m	5m

		i. Residential	ii. High Density Residential	iii. Low Density Residential (incl Kinloch Low Density)	iv. Kinloch Residential Area	v. Kinloch Rural Residential Area	vi. Neighbour-hood Shops	Vii Nukuhau General Residential	Viii Nukuhau Medium Density Residential
						Lake Shore reserves.			
4a.1.5	Minimum Building Setback – all other boundaries	a. 1.5m b. 5m Fore-shore Protection Area boundary.	1.5m	10m Unless otherwise provided for within an existing subdivision consent.	a. 1.5m b. 7.5m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	a. 10m b. 20m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	1.5m	a. 1.5m	a. 1.5m
4a.1.6	Minimum Building Setback – common wall boundaries (for the physical extent of the common wall only)	0m						0m	0m
4a.1.7	Maximum Building Height	a. 8m 5m within Height Restricted Areas unless otherwise indicated on planning map D2.			a. 7.5m b. 4.5m within Kinloch Height Restricted Area and for Dwellings within 50m of the Whangamata, Okaia, Otaketake scenic reserves and Lake Shore reserves.		8m	8m	8m
4a.1.8	Maximum Height to Boundary	2.5m height at the boundary with a 45° recession plane except for common wall boundaries.						a. 2.5m height at the boundary with a 45° recession plane, except: b. 3.5m Height at the boundary with a 45° recession plane where a common wall boundaries in place as provided for by 4a.1.5	

PERFORMANCE STANDARDS – For Each Residential Area

		i.	ii.	iii.	iv.	v.	vi.	vi.	Viii	ix
		Residential	High Density Residential	Low Density Residential	Kinloch Residential	Kinloch Low Density	Kinloch Rural Residential	Neighbour-hood Shops	Nukuhau General Residential	Nukuhau Medium Density Residential
4a.1.9	Maximum Equivalent Vehicle Movements	24	100	24	24	24	24	100	24	100
4a.1.10	Maximum Signage	0.25m ²	4m ²	0.25m ²	0.25m ²	0.25m ²	0.25m ²	Multiple signs up to 4m ² total face area per site	0.25m²	0.25m²
	Total Face Area in one sign per allotment									
4a.1.11	Maximum Signage Style	a. Signage must relate to the activity undertaken on the allotment. b. No flashing, reflectorised or illuminated signs. One temporary sign per allotment, 1.08m ² total face area, 4m maximum height, for the sale of land or buildings.								
4a.1.12	Maximum Earthworks	50%	No Maximum	50%	50%	10%	5%	50%	50%	No Maximum
	Disturbance of the allotment at any one time while redeveloping^[1]									
4a.1.13	Maximum Earthworks	1.5m								
	Outside Building Setback^[1]	Vertical ground alteration outside the minimum building setback in a new face or cut and / or fill.								
4a.1.14	Maximum Earthworks	1.5m								
	Inside Building Setback^[1]	Vertical ground alteration within the minimum building setback requirement.								
4a.1.15	Maximum Earthworks	No dust or silt nuisance beyond the boundary of the allotment.								
	Dust or silt nuisance									

PERFORMANCE STANDARDS – General for All Residential Areas

4a.1.16	Parking, Loading and Access	In accordance with Section 6 : Parking, Loading and Access.
4a.1.17	Maximum Artificial Light Levels	8 LUX (lumens per square meter) at the boundary.
4a.1.18	Maximum Noise Limits	The noise level arising from any activity measured within the boundary of any residential environment site or the notional boundary of any rural environment site, other than from the site where the noise is generated, shall not exceed the following limits: i. 7.00am – 7.00pm 50dBA Leq ii. 7.00pm – 10.00pm 45dBA Leq iii. 10.00pm – 7.00am 40dBA Leq and 70dBA Lmax
4a.1.19	Maximum Noise Measurement	The noise levels shall be measured in accordance with the requirements of NZS 6801:1999 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:1991 Assessment of Environmental Sound.
4a.1.20	Maximum Noise Construction Noise	All construction noise shall meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics Construction Noise.
4a.1.21	Maximum Noise Telecom-munication and electricity equipment	Noise from telecommunication equipment and electricity substations and transformers located in the road reserve permitted by the plan shall comply with the noise limits specified in 4a.1.18 above as measured at a point 1m from the closest façade of the nearest dwelling.
4a.1.22	Maximum Odour	There shall be no discharge of offensive or objectionable odour at or beyond the boundary of a site. Notes: i. In determining whether an odour is offensive or objectionable, the Council shall have regard to the assessment guide contained in schedule 7.7 . ii. The Regional Council may also require that resource consent be obtained for discharges to air (including odour discharges).
4a.1.23	Stormwater	i. All stormwater from buildings and impermeable surfaces is to be disposed of on-site to meet a 10 year return period of 1 hour duration (45mm). ii. The function of existing secondary flow paths across the allotment shall be retained and the existing discharge point off the site shall remain unaltered as to position. iii. EXCEPTION: Stormwater from impermeable surfaces can be disposed of via a primary or secondary stormwater drainage system within an area identified on the Planning Maps as a Stormwater Disposal Area, provided Council authorisation has been given. iv. EXCEPTION: Omori, Kuratau, Pukawa and Whareroa Stormwater Disposal Systems (shown on Planning Maps) - Roof water may be disposed of to the street system.

Refer also to [Subsection E](#) – DISTRICT WIDE RULES

4a.2 General Rules

4a.2.1 Any activity that:

- i. complies with all of the performance standards for the Residential Environment; and
- ii. complies with all the District Wide Performance Standards; and

iii. is not identified as a controlled, restricted discretionary, discretionary or non complying activity within the Residential Environment;

and iv. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules, is a **permitted activity**.

4a.2.2 Any temporary activity, being an activity of up to a total of three operational days in any one calendar year, which exceeds any performance standard(s), is a **permitted activity**, provided that:

- i. There are no new permanent structures constructed; and
- ii. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to the activity commencing; and
- iii. An allowance of five non-operational days associated with the activity is not exceeded, during which time any breach of any performance standard(s) shall only be to the extent reasonably necessary to undertake any relevant aspect of the activity.

4a.2.3 Any education, spiritual or health facility is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle

movements.

- iv. The hours of operation are limited to between the following hours 0700 - 2200 Monday to Friday, and

0800 - 2200 Saturday, Sunday and public holidays

Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.

- v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.

- vi. The facility is located on a front site, and:

- a. any residential activity on an adjoining front site or front site separated by an access with frontage to the same road, is left with at least one residential neighbor; and
- b. the residential block is not left with more than two non-residential activities in that block.

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

4a.2.4 Any education, spiritual or health facility located within the **KTHD area**, is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle movements.
- iv. The hours of operation are limited to between the following hours
0700 - 2200 Monday to Friday, and
0800 - 2200 Saturday, Sunday and public holidays
Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.

- v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
- vi. The facility is located on a front site

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

4a.2.5 Any office activity located within the **KTHD** area is a **permitted activity** where:

- i. The office activity is located on a front site; and
- ii. Total on-site office space is less than 50m² gross floor area per site; Or
- iii. The office activity is on a property identified on Planning Maps C10 and C15 and Schedule 7.9, where the floor space does not exceed the gross floor area listed in Column 3 of the Schedule.

4a.2.6 Any office activity located within the KTHD area is a controlled activity where:

- i. The office activity is located on a front site;
- ii. Total on-site office space exceeds 50m² but does not exceed 100m² gross floor area per site;
- iii. Opening hours of the office are restricted to 8am to 6pm Monday to Friday;
- iv. Otherwise the performance standards and development controls contained in Rule 4a.1 shall apply as for residential high density.

The matters over which the council reserves control for the purposes of assessments are:

- a. The manner in which the activity meets the standards for controlled activities and in particular the gross floor area limit
- b. The extent to which the activity contributes to retaining a residential amenity and character consistent with the surrounding area
- c. The extent to which the design and location of car parking area minimises the commercial appearance of the office activity
- d. The extent to which landscape treatment minimises the commercial appearance of the office activity
- e. The extent to which the design and location of any signs minimises the commercial appearance of the office activity

4a.2.7 Any office activity which does not comply with 4a.2.5 or any one of the criteria in 4a.2.6 is a discretionary activity.

4a.2.8 Any activity which does not comply with any one part of performance standards 4a.1.12, 4a.1.13, 4a.1.14, and 4a.1.15 and/or one of the development control performance standards for permitted activities, including (where a standard contains more than one control) one part thereof, is a **restricted discretionary activity**, with Council's discretion being restricted to only the matters on non-compliance specified in that standard.

4a.2.9 Any activity which does not comply with two or three development control performance standards for permitted activities including (where a standard contains more than one control) two or three parts thereof, or is not a permitted, controlled activity or restricted discretionary activity is a **discretionary activity**.

4a.2.10 Any retail activity within the **KTHD** area that exceeds 50m² of gross floor area per site is a **discretionary activity**.

4a.2.11 Except where identified as a "Shop" on the Planning Maps [30 – 162;163;164;166;167;168], any retail or office activity within the Residential Areas that exceeds two full time equivalent persons who permanently reside elsewhere than on the site, or 50m² of gross floor area per site (whichever is the lesser), is a **discretionary activity**.

4a.2.12 Any activity within the **KTHD** area listed in Column 4 of Schedule 7.9 is a permitted activity on the property specified in Columns 1 and 2 of that Schedule, provided that the floor space for that activity does not exceed the gross floor area listed in Column 3 of Schedule 7.9.

4a.2.13 Any activity which does not comply with four or more development control performance standards for permitted activities including (where a standard contains more than one control) four or more parts thereof, is a **noncomplying activity**.

4a.3 Subdivision Rules

4a.3.1 Provided that the activity has not been identified as a Restricted Discretionary, Discretionary or Non Complying activity by another rule in the plan, any subdivision in the Residential Environment which demonstrates compliance with all of the performance standards for the proposed future land use, or for which a land use resource consent has already been granted, is a **controlled activity**.

4a.3.2 Any subdivision of land for the sole purpose of providing for infrastructure, access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity**.

NOTE: 4a.3.2 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting etc., that Area.

For the purposes of Rules 4a.3.1 and 4a.3.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.

4a.3.3 Any subdivision within unserviced areas of the Residential Environment or any activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

The matters over which the Council reserves discretion for the purposes of assessment are:

- a. Those matters of control identified in Section 4a.3 above;
- b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;
- c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;
- d. Whether or not the lots will be adequately serviced for drinking water;
- e. The effect that the development will have on the storm water catchment.

4a.3.4 Any subdivision in the New Residential Environment, and any other subdivision which is not identified as a controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.

4a.3.5 Any subdivision of land where more than nine (9) allotments share a single common access in the Residential Environment is a **discretionary activity**.

4a.4 Kinloch Structure Plan Area Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

Subdivision Rules for the Kinloch Structure Plan Area

4a.4.1 Minimum and average lot sizes for Density Areas in the Kinloch Structure Plan Area

	a. Kinloch Residential	b. Kinloch Low Density	c. Kinloch Rural Residential
i. Minimum Lot Size	800m ²	1 hectare	2 hectares
ii. Average Lot Size	1,000m ²	1.5 hectares	2.5 hectares

4a.4.2 Any subdivision within the Kinloch Structure Plan which creates allotments that meet the minimum and average lot sizes identified in 4a.4.1 is a **controlled activity**.

For the purposes of Rule 4a.4.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council’s Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District’s waterways and Lakes
- h. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- i. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- j. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

4a.4.3 Any subdivision within the Kinloch Structure Plan Area which creates allotments that are less than the minimum lot size, but not less than the average lot sizes identified in 4a.4.1 is a **discretionary activity**.

4a.4.4 The creation of more than one dwelling per allotment in the Kinloch Community Structure Plan Area is a **discretionary activity**.

4a.4.5 Any subdivision within the Kinloch Structure Plan Area, which is not identified as a controlled or discretionary activity is a **non complying activity**.

4a.4.6 Any subdivision within the Kinloch Structure Plan Area, where by the newly created lots are unable to be connected to community wastewater network infrastructure is a **non complying activity**.

The following matters will be considered in respect to rules 4a.4.3, 4a.4.5 and 4a.4.6:

- a. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- b. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- c. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the Regional Council. 4a.5

Lake Ohakuri Development Zone Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

4a.5.1 Subdivision in the Lake Ohakuri Development Zone that is consistent with 4a.5.2 will be a **controlled activity**.

For the purposes of rule 4a.5.3 the matters which the Council reserves control for the purposes of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads and adequate management of storm water.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms. e. The provision of maintenance of open space.
- f. Maintenance of forested areas, including long term revegetation.
- g. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.

Note: Each lot will identify on the title what typology from Table 4a.5.2 that lot is to be developed for.

4a.5.2 Distribution and lot sizes for typologies in the Lake Ohakuri Development Zone

		a.	b.	c.	d.	e.	f.	g.	h.
		Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster	Maximum zone yield
i.	Max. % of Total Village Yield	8%	11%	21%	48%	7%		8%	150-190 units
ii.	Average Lot Size (m²)	400	320	520	650	1000		2180	
iii.	Lot Range	350-500	250-400	400-600	600-800	800-1500	1000-2500	<4000	
iv.	Min. Lot Frontage to public realm (m)	10m	7m	10m	12m	14m	16m	20m	
v.	Max. % Coverage	40%	40%	35%	30%	30%	25%	20%	
vi.	Location (as shown on Map D4)	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Rush Resort	Bush Resort	Lake Forest Environment	

4a.5.3 Subdivision and development in the Lake Forest Environment that:

- i. minimum Site Size (including Balance Land) is 10ha, and
- ii. maximum intensity of development (ha of total area/dwelling) of 1 per 2ha, and
- iii. no less than 10% of public open space vested or covenanted
- iv. a balance allotment of 70% of the site to be held in common ownership

- v. have a balance lot which must be contiguous and provide connection to publicly accessible areas outside the Site,

and

- vi. revegetation and landscape in the balance land is subject to a management plan, and
- vii. individual lots have a defined area for the house site as well as defined yards for private regeneration areas, will be

considered a **controlled activity**

4a.5.4 Providing development can meet rule 4a.5.6, subdivision and development in the Lake Ohakuri Development Zone that does not meet rule 4a.5.3 or 4a.5.4 will be considered a **restricted discretionary activity** with discretion being restricted to the following:

- i. Those points of deviation from the rule in question
- ii. Policies 3a.2 i – iv

4a.5.5 Subdivision that results in the creation of more than 190 lots within the Ohakuri Development Zone will be considered as a **non-complying activity**.

The following rules apply to development within the Lake Ohakuri Development Zone.

4a.5.6 Any activity that:

- i. complies with all of the performance standards in 4a.5.8; and
- ii. complies with all performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; and
- iii. complies with all the District Wide Performance Standards; and
- iv. is not identified as a controlled, restricted discretionary or discretionary activity; and
- v. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules,
is a **permitted activity**.

4a.5.7 Any activity which does not comply with:

- i. any one of the standards for that typology in 4a.5.8
- ii. performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; is a **discretionary activity**, with Council’s discretion being restricted to only the matters on non-compliance specified in the table or standard, and policies 3a.2.5 i and ii.

4a.5.8 Building Typologies: Performance Standards

	a.	b.	c.	d.	e.	f.	g.
	Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster
i. Maximum Height (Storeys)	10–12m (2.5)	7-8m (2)	7-8m (1.5	3-4m (1.5)	6-7m (1)	3-4m (1)	3-4m (1)
ii. Street Set Back	0-2m	0-4m	0-4m	2-6m	2-8m	10m+	10m+
iii. Minimum Side Yard	0 or 1.5m [2]	0 or 1.5m [2]	1.5m [2]	2m [2]	4m [2]	6m [2]	10m [2]
iv. Maximum % Coverage	40%	40%	35%	30%	30%	25%	20%
v. Location	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Bush Resort	Bush Resort	Lake Forest Environment

4a.6 Pukawa C Development Zone

4a.6.1 Any activity in the Pukawa C Development Zone is subject to the rules contained in [Appendix 2](#).

4a.7 Nukuhau Structure Plan Area Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

4a.7.1 The development of land within the Nukuhau Structure Plan area shall not be complete* until either:

- i. [the existing Council wastewater network has been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan, or](#)
- ii. [Council is satisfied that there is a solution to suitably dispose of the anticipated wastewater flows.](#)

**Advisory note: 'Complete' in this instance refers to the signing of the Council Completion section 224(c) Certificate.*

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a ~~controlled~~ **restricted discretionary activity**.

4a.7.2.1 For the purposes of Rule 4a.7.2 the matters over which the Council reserves ~~control~~ **discretion** for the purpose of assessment are:

- a. [The design and layout of the subdivision to ensure:](#)
 - i. [safe and efficient access onto existing and/or proposed roads,](#)
 - ii. **[efficient routes for public transport,](#)**
 - iii. [suitable building platforms to accommodate future complying buildings,](#)
 - iv. **[application of Crime Prevention Through Environmental Design \(CPTED\) principles specifically in terms of open space provision.](#)**
- b. [The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application. **The Waikato Regional Council Erosion and Sediment Control Guidelines for Soil Disturbing Activities \(TR2009/02\) should be followed.**](#)
- c. [Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.](#)
- d. [Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value including:](#)
 - i. **[comprehensive surveys for bats, lizards and pipits \(including for pipits during the breeding season, August to February\), and management plans for how any identified adverse effects on these species will be avoided, remedied or mitigated; and](#)**
 - ii. **[specific provision for large framework tree planting and retention.](#)**
 - iii. **[effects of the proposed subdivision on areas or features of cultural value will be considered in relation to a cultural impact assessment provided by the applicant and prepared by or on behalf of the appropriate iwi authority representatives and mana whenua representatives, or written confirmation from the appropriate iwi authority that no cultural impact assessment is required. Note: it is envisaged that a cultural impact assessment will be prepared for the entire Nukuhau Structure Plan area and that will provide an assessment of cultural effects for all subsequent applications for subdivision consent](#)**
- e. [The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.](#)
- f. [A Landscape Planting Plan for the ~~stormwater gully reserve network~~ **the natural gully system identified in the Nukuhau Structure Plan and areas of open space including that** along Wairakei Drive and Poihipi Road](#)
- g. [The creation of a safe network of walking and cycle pathways that provide or improve linkages to and through reserves and the roading network.](#)
- h. **[Stormwater management that is:](#)**
 - i. **[in accordance with a Catchment Management Plan that has been approved by Council;](#)**
 - ii. **[in accordance with the Waikato Regional Council Stormwater Guideline \(2020.07\);](#)**
 - iii. **[integrated with the management of risks of significant erosion and flooding within the gullies throughout the Nukuhau Structure Plan; and](#)**
 - iv. **[predominately onsite treatment to limit the use of the natural gully system as stormwater reserves.](#)**
- ~~h. i.~~ [Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them, their character and value for amenity, and of the effects of any changes in the catchment flow or water quality characteristics on the downstream catchment and landowners.](#)
- ~~i. i.~~ [Any requirements of Rule 4a.7.4, Rule 4a.7.5 and 4a.7.6 and/or the ability for such requirements to be achieved by subsequent development.](#)
- k. **[Traffic effects identified within an Integrated Transport Assessment and the means to avoid, remedy or mitigate significant adverse traffic effects on the roading network.](#)**

4a.7.2.2 **[For the purpose of rule 4a.7.9 \(b\) for subdivision that does not meet the maximum lot size the matters for discretion apply in addition to the matters for discretion in 4a.7.2.1\(a\)-\(k\):](#)**

- a. **[Efficient use of the residential zoned land for multi-unit development, low-rise apartment building\(s\), terrace housing or a comprehensive housing development where the intended land use is identified in the application for subdivision.](#)**

4a.7.3 Any application for subdivision within the Nukuhau Structure Plan area must provide the following information (additional to general information requirements):

a. An Integrated Transport Management Plan which addresses:

- (i) **the potential effects of the development that the subdivision will enable on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge; and**
- (ii) **the measures to avoid, remedy or mitigate significant effects on the safe, efficient and effective operation of the existing roading network of the Control Gates Bridge and intersections either side of the bridge.**

b. A report that demonstrates that the application for subdivision is in accordance with a Catchment Management Plan that has been approved by Council.

4a.7.3.4 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is not in accordance with the Structure Plan in Appendix 9 is a discretionary activity.

4a.7.4.5 Any subdivision within the Nukuhau Structure Plan Area, where by the newly created lots are unable to be connected to Council wastewater network is a non-complying activity.

The following rules apply to development within the Nukuhau Structure Plan Area.

4a.7.5.6 Landscaping and Stormwater Management

- (i) Any lot boundary fronting a Stormwater Reserve with Pedestrian Access, Cycleway and Planting, shall have a 10m wide Stormwater Reserve and a 10 m wide Landscape Strip with a shared path as illustrated on Figures 9-A and 9-B and in accordance with Standards 9.1a to 9.1c in Appendix 9.
- (ii) Any lot boundary fronting a 10m wide Landscape Strip as shown on the Structure Plan map, shall provide a Landscape Strip as illustrated on Figures 9-C and 9-D and in accordance with Standard 9.1d in Appendix 9.

Except for:

- (iii) Any subdivision within the 'Rangatira 8A17A5 and 8A1T2 Blocks – Stormwater Management' overlay adjoining a Natural Gully System as shown on Appendix 9.7 Nukuhau Structure Plan. Subdivision within the 'Rangatira 8A17A5 and 8A1T2 Blocks – Stormwater Management' overlay is subject to Rule 4a.7.10.

4a.7.6.7 Fencing, Walls and Hedges

Front boundary fences, walls and/or hedge plantings between buildings on the site and any Stormwater or Recreation Reserve shall be no higher than 1.2m in height. Fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the public walkway or reserve. To be deemed transparent any fence must meet the following requirements:

- i. Uses materials with continuous vertical gaps of at least 50mm width to create 50% or more see through visibility; or
- ii. Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 75% or more see through visibility on the upper half.

In addition all fences on boundaries between residential zoned sites and any Stormwater or Recreation Reserve, or any road, cycleway or pathway must contain a gate of not less than 1m in width, not less than 50% visual permeability and not greater than 1.5m in height.

4a.7.7.8 Streetscape, Walking and Cycling Access

- (i) The design and layout of the subdivision shall provide a connected network of roads, streets and walking and cycling pathways in accordance with the Nukuhau Structure Plan in Appendix 9 and Crime Prevention through Environmental Design.
- (ii) The design and layout of the subdivision shall provide a shared walkway and cycleway along at least 75% of the full length and on at least one side the length of the stormwater gully network as shown in Appendix 9.

4a.7.9 Lot sizes for Subdivision and Density in the Nukuhau Structure Plan Area

a. Subdivision that complies with 4a.7.9 (a) (i) and (ii) below is a restricted discretionary activity:

	Nukuhau General Residential	Nukuhau Medium Density Residential
(i) Maximum Lot Size	750m²	500m²
(ii) Maximum density	15 household units per net hectare (net of public open space/ stormwater reserves and all roads)	30 household units per net hectare (net of public open space / stormwater reserves and all roads)

b. Subdivision that does not comply with 4a.7.9 (a) (i) Maximum Lot Size is a restricted discretionary activity that is subject to the additional matters for discretion in rule 4a.7.2.2 (a).

c. Subdivision and/or residential development that does not comply with 4a.7.9 (a) (ii) Maximum density is a discretionary activity.

4a.7.10 Subdivision within the Rangatira 8A17A5 & 8A1T2, 8A1T2Y and 8A1T2X Blocks – Stormwater Management

- a. In addition to those matters specified 4a.7.2.1, any subdivision within the 'Rangatira 8A17A5 and 8A1T2 Blocks – Stormwater Management' overlay as shown on Appendix 9.7 Nukuhau Structure Plan, is a restricted discretionary activity. Discretion to grant or decline consent, and impose conditions is restricted to the following matters of discretion:
 - i. those matters of control identified in Rule 4a.8.15;

- ii. whether the subdivision includes measures that will reduce susceptibility to flooding;
- iii. whether appropriate provision has been made for stormwater treatment and disposal, or connection to a catchment-based treatment network;
- iv. the extent to which subdivision design and the provision of physical works, areas to vest for stormwater management, or alternative stormwater management mechanisms would have an impact on adjoining land in terms of flooding, and mitigate that impact; and
- v. registered consent notices pursuant to Section 221 of the Resource Management Act for the provision of a no-build area, set back 5m from the edge of the embankment side slopes associated with the Natural Gully System as shown on Appendix 9.7 Nukuhau Structure Plan, for the purposes of geotechnical hazard and stormwater conveyance maintenance purposes only.

4a.7.8-110 Any activity that does not comply with Rules 4a.7.56, 4a.7.67 and or 4a.7.78 or 4a.7.9 is a non-complying activity.

4a.78 Assessment Criteria

Please note: The assessment criteria used when assessing Restricted Discretionary Activities will be those criteria pertaining to the failed performance standard(s), except in the case of the specific criteria relating to the matters for discretion for subdivision within the Nukuhau Structure Plan. When assessing Discretionary Activities the list of assessment criteria is not exclusive as other effects can be considered during assessment.

4a.78.1 GENERAL CRITERIA

- a. Impact of the activity on the amenity and character of the Residential Environment, surrounding allotments and other Environments.
Potential for conflict between the activity and other existing activities within the Residential Environment.
- b. Consideration of any relevant Structure Plan, Growth Management Strategy, Management Plan, Design Guidelines or Strategy as guidance during the resource consent process.

4a.78.2 DEVELOPMENT

- a. Whether the desired environmental outcome, with a consistent and appropriate standard of infrastructure, is achieved such as through compliance with the Council's Development Guidelines, Growth Management Strategy and relevant Structure Plans.

4a.78.3 NON RESIDENTIAL ACTIVITIES

- a. The extent to which the form and scale of commercial activity (including office and retail activity) may disperse commercial activity to the detriment of the efficient operation, function, viability and sustainability of the Taupō Town Centre and in such a way that any office gives clear effect to the Taupō Town Centre and Business Distribution objectives and policies.
- b. The extent to which the activity is likely to be incompatible with existing and permitted future residential activities, and the potential for reverse sensitivity effects.
- c. The extent to which the activity, either alone or in association with other nearby activities, is likely to have an adverse effect upon the safety and efficiency of the road network.
- d. The extent to which the activity (having regard to its proposed size, composition and characteristics) is likely to have an adverse effect upon the amenity values and vitality of the Taupō Town Centre Environment and its ongoing ability to provide for the future needs of their communities.
- e. The extent to which the convenient access of communities to community facilities may be positively or adversely affected by the proposed activities.
- f. The extent to which the site is self-contained in respect of appropriate off-street parking for customers and employees and as to goods delivery service arrangements.
- g. Any cumulative effect of the loss of residential activity in conjunction with other non-residential activities in the vicinity
- h. The extent to which the surrounding area retains a residential amenity and character, rather than being dominated by non-residential activity.

4a.78.4 BUILDING HEIGHT

- a. The extent to which the extra height will:
 - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
 - ii. reduce the privacy of adjacent allotments by comparison with the effects of a complying activity
 - iii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effects of a complying activity
 - iii. have an overbearing effect on sites within the Residential Environment.
- b. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the extent to which topography, alternative design, planting, or setbacks can mitigate the adverse effects of the extra height.

4a.78.5 HEIGHT TO BOUNDARY

- a. The extent of additional shading from the projection, including the amount of shadow cast and the period of time the adjacent allotments are affected.
- b. The nature of the activities undertaken on any affected portion of adjoining allotments, noting in particular any adverse effect on outdoor living areas.

- c. The extent to which the projection is necessary due to the shape or nature and physical features of the allotment.
- d. The extent to which the projection leads to a loss of privacy and/or outlook for nearby allotments, by comparison with the effects of a complying activity.
- e. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the ability to mitigate the adverse effects through the use of screening, planting or alternative design.

4a.-78.6 COVERAGE, TOTAL COVERAGE AND PLOT RATIO

- a. The extent to which the increased coverage, total coverage, and/or plot ratio will:
 - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
 - ii. reduce the privacy and outlook of adjoining allotments by comparison with the effects of a complying activity
 - iii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effect of a complying activity
 - iv. result in a building or building(s) that is inconsistent with the character of the area due to long unbroken building facades along one or more boundaries
 - v. significantly shade useable outdoor living space on an adjacent allotment.
- b. Proposed methods for avoiding, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
 - i. The design and location of the building(s) to avoid long unbroken building facades along one or more boundaries
 - ii. Design of buildings or groups of buildings which reflect the scale of the surrounding environment
 - iii. The ability to mitigate adverse effects through the imposition of conditions such as landscaping.

4a.-78.7 BUILDING SETBACK

- a. The extent to which the reduced setback will:
 - i. adversely affect the amenity of the area including the effect on reserves and foreshore Protection Area, including the ability to maintain and enhance the openness and existing character and avoid the visual dominance of buildings in relation to those areas
 - ii. significantly reduce the privacy of adjacent allotments by comparison to the effect of a complying activity
 - iii. limit the safe and visible access of vehicles using the allotments.
- b. The extent to which the reduction in the setback is necessary due to the shape or nature and physical feature of the allotment.
- c. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the ability of existing topography or vegetation to mitigate any adverse visual effects on the streetscape
 - ii. the ability to mitigate adverse effects of the reduced setback through screening, landscaping, planting and alternative design.

4a.-78.8 NOISE

- a. Ambient sound levels and the impact of any cumulative increase.
- b. The degree to which the sound is intrusive and contrasts with the level, character, duration and timing of the existing sound environment.
- c. The length of time and the level by which the noise limits will be exceeded, particularly at night.
- d. The nature and location of nearby activities and the effects they may experience resulting from the increase in sound levels.
- e. Whether the noise levels are likely to detract from the amenity or general environmental quality of the immediate area.
- f. The topography of the allotment and any influence this may have on sound propagation.
- g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
- h. Insulation, barriers and isolation of the source of the noise.

4a.-78.9 PARKING, LOADING AND ACCESS

- a. Extent to which the safety and efficiency of the roading network, road hierarchy or users of the road would be adversely affected.

- b. Whether there will be any adverse effects on the safety of pedestrians using the allotment, road, footpath or vehicle crossing.
- c. The type of vehicles using the site, their intensity, the time of day the allotment is frequented and the likely anticipated vehicle generation.
- d. Any adverse visual or nuisance effects on the amenity and character of the surrounding area and the Residential Environment.
- e. Effect of factors in the surrounding roading network including the position and function of the road within the road hierarchy, the actual speed environment of the road, volume of traffic using the road and any other factors that will prevent congestion and confusion between vehicles.
- f. Adequacy of parking to be supplied on site for the needs of the activity and whether it can be demonstrated that a less than normal demand is anticipated.
- g. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. measures to improve visibility to and from the vehicle crossing point and alternative construction, location or design
 - ii. alternative options for the supply of the required parks.

4a.-78.10 VEHICLE MOVEMENTS

- a. Effect on the safe and efficient operation of the roading network within the area, including any cumulative effect and the degree to which the existing flow and type of traffic will be affected by the potential traffic generated.
- b. Detraction from the amenity of adjoining allotments and the Residential Environment, in terms of such matters as frequency and timing of vehicle movements, headlight wash, noise, odour, dust and glare, occurring as a result of the increase in vehicle movements.
- c. Necessity to upgrade road to accommodate the increased traffic.
- d. Factors in the surrounding area, including the location of the unformed part of the legal road and the position of the formed carriage way.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4a.-78.11 ARTIFICIAL LIGHT

- a. Extent to which the light source will adversely impact on the amenity of the Residential Environment, including adverse effects on adjoining allotments.
- b. Impact of light direction on the safe and efficient operation of the roading network within the area.
- c. Necessity for the light for reasons of safety or security, enhanced amenity or public enjoyment.
- d. Duration and operating hours of activity and associated lighting.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
- f. height, direction, angle and shielding of the light source.

4a.-78.12 SIGNAGE

- a. Location (off or on the allotment), design and appearance of the sign.
- b. Compatibility with the scale and character of the allotment and of the surrounding Residential Environment, including the nature and proximity of other signage within the area.
- c. Any adverse effects on the visual amenity of the locality and whether the proposed sign would be visibly obtrusive, particularly from roads or public open spaces in the vicinity.
- d. Effect on the openness and attractiveness of the streetscape.
- e. Effect on the amenity of adjoining allotment in terms of such matters as noise, artificial light and glare occurring as a result of the sign.
- f. Necessity of the sign to direct people to the activity.
- g. Effect on the safe and efficient operation of the roading network within the area including the possible distraction or confusion of motorists.

4a.-78.13 EARTHWORKS

- a. The extent to which the earthworks will change the ground level of the site, including the relationship of the site to adjacent reserves, and foreshore protection areas, and adjacent sites.
- b. The degree to which the finished ground levels reflect the contour of adjoining the sites, and any potential impacts on stability of neighbouring properties and existing stormwater flow patterns.
- c. The degree to which the earthworks will enable building facades to be extended below natural ground level and result in buildings that are more visually dominant off-site and inconsistent with the character of the Environment.

- d. Detraction from the amenity of adjoining allotments in terms of such matters as noise and dust occurring as a result of the earthworks, and the resulting impact on the use of these allotments.
- e. Potential for the creation of a nuisance effect for residents within the area, including vehicle movements, hours of operation, dust and vibration.
- f. The degree to which an Earthworks Management Plan prevents adverse effects arising, in particular sediment discharges and dust nuisance.
- g. The extent of any vegetation removal and the time period for which soil will be exposed.
- h. Proposed methods and timing for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
 - i. planned rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation
 - j. Whether there are any Archaeological sites, and the potential effect of the earthworks on these sites.
 - k. The location and scope of earthworks, including its movement to, from and on the site.

4a.-78.14 ODOUR

- a. Detraction from the amenity of other allotments, including the potential for the creation of nuisance effects for residents within the area, and the resulting impact on the use of these allotments.
- b. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4a.-78.15 STORMWATER

- a. Whether there will be any actual, potential or cumulative adverse effects of additional private connections on the stormwater reticulation system.
- b. Whether there will be a requirement to upgrade the stormwater reticulation system if additional private connections are made.
- c. Whether there will be any adverse effects on the environment of not providing for the onsite disposal of stormwater and/or adequate secondary flowpaths.
- d. Proposed methods for the avoidance, remedying or mitigating of the adverse effects, of climatic conditions on stormwater management during development, construction and rehabilitation phases.
- e. The assessment of any existing or potential adverse effects if the unauthorized disposal of waste and pollutants to the stormwater system, and the methods for monitoring, and methods used to reduce adverse effects.

4a.-78.16 TWO OR MORE DWELLINGS PER ALLOTMENT (KINLOCH COMMUNITY STRUCTURE PLAN AREA)

- a. Whether infrastructure can sustainably service the actual or potential cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- b. The extent to which the additional dwellings will, singularly or cumulatively, have an adverse effect on the amenity and character of the existing or proposed built environment, as identified in the District Plan and any relevant structure plans.

4a.-78.17 SUBDIVISION

- a. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.
- b. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. The clearance or planting of vegetation, including its location, species and maintenance.
- d. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- e. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- f. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.
- g. In respect to the New Residential Environment the appropriateness of the design, layout and density of the subdivision, having particular regard to any:
 - i. flood risk (Kuratau New Residential Environment only),
 - ii. setback from any water body or river appropriate to mitigate any risk from erosion (Kuratau New Residential Environment only).
 - iii. relevant stormwater catchment management plan,
 - iv. geotechnical and topographical considerations, (including potential liquefaction effects for subdivision within the Kuratau New Residential Environment),
 - v. landscape issues (particularly as they relate to any Amenity Landscape Area),
 - vi. natural values and any infrastructural servicing issues.

- h. The densities and proposed landuses shown in the Kinloch Community Structure Plan (refer [appendix 1](#))
- i. Whether infrastructure can sustainably service the actual or cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- j. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal Systems.
- k. Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.
- l. **Whether ~~Landscape planting, stormwater infrastructure~~ open space, and ~~the walking and cycling pathways network~~ are provided in general accordance with, including (but not restricted to) the integrated use and provision of the stormwater / gully network to address all three matters as indicated in the Nukuhau Structure Plan (Appendix 9).**
- m. **Whether ~~Provision for a new urban gateway at Wairakei Drive (Nukuhau Structure Plan only)~~ is provided for.**
- n. **Whether the proposed roading layout for subdivision within the Nukuhau Structure Plan will enable efficient routes for public transport.**
- o. **The extent to which subdivision within Nukuhau Structure Plan:**
 - (i) **recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and**
 - (ii) **ensures that historic heritage is protected from inappropriate subdivision, use and development; and**
 - (iii) **ensures adverse effects on historic and cultural heritage are avoided, remedied or mitigated; and**
 - (iv) **responds to and incorporates the outcomes of engagement with relevant iwi authorities and hapū or with pūkenga, in the design, layout and other measures; and**
 - (v) **incorporates into the subdivision design, cultural and historic heritage landscapes, sites and features.**

Advice Note: the provision of a cultural impact assessment with the application for subdivision consent may assist in addressing this assessment criterion (o). The WRPS defines cultural impact assessments as:

Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.
- p. **The extent to which the Integrated Transport Assessment for subdivision within the Nukuhau Structure Plan identifies measures to ensure significant adverse effects on the safe, efficient and effective operation of the Control Gates Bridge and intersections either side of the bridge can be avoided, remedied or mitigated.**
- q. **Whether subdivision is in accordance with a Catchment Management Plan that has been approved by Council.**

Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the relevant Regional Council. Refer also to [Subsection E – DISTRICT WIDE RULES](#)

APPENDIX 9 OUTLINE DEVELOPMENT PLAN

9.1 Any lot boundary fronting a Stormwater Reserve with Pedestrian Access, Cycleway and Planting - refer Rule 4a.7.56(i)

Requires a 10m wide Stormwater Reserve and a 10 m wide Landscape Strip with a shared path as shown in Figures 9-A (for Wairakei Drive frontage) and 9-B below and in accordance with the requirements of standards 9.1a to 9.1c



Figure 9-A: Cross section illustrating the Wairakei Drive road frontage design

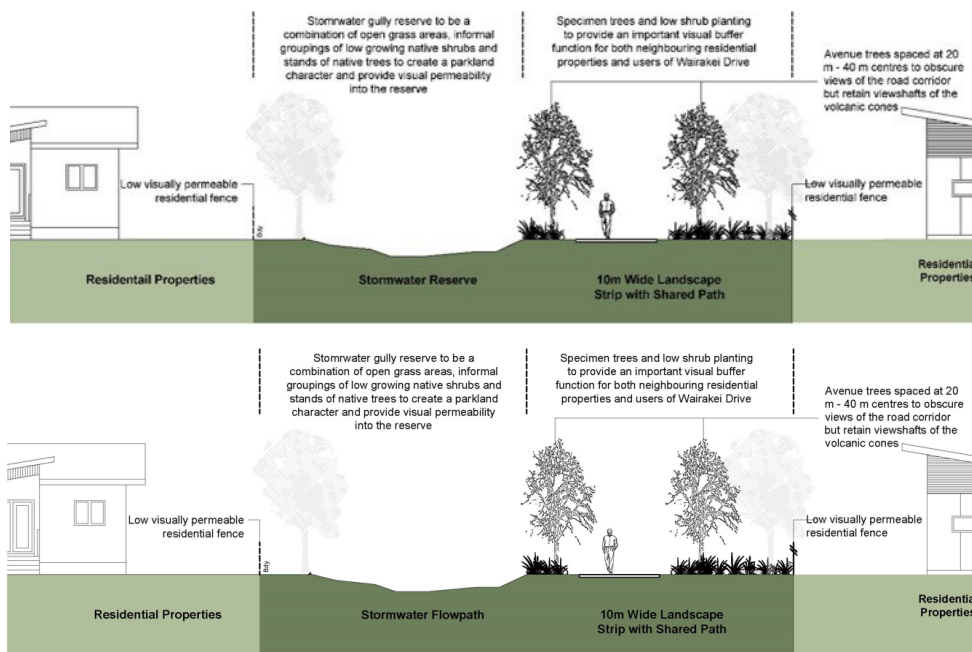


Figure 9-B: Cross section illustrating the Stormwater Reserve frontage

Standard 9.1a Planting Requirements 10 m wide Landscape Strip

The 10m wide Landscape Strip illustrated in Figure 9-A is proposed to protect viewshafts from dwellings towards the volcanic cones. In terms of tree planting, an avenue of specimen trees is suggested, with a height requirement of 10 – 20 metres at maturity. Trees should be spaced at 20 metre intervals and lower native shrubs with a maximum height of 1 metre. This softens the interface between proposed residential development and the Wairakei Drive corridor and retains the existing sense of openness, avoiding the ‘wall’ effect that would occur from more dense planting.

Standard 9.1b Planting requirements for the Shared Path within the 10 m wide Landscape Strip

A pedestrian and cycle path will extend down the centre of the 10 m wide Landscape Strip illustrated in Figures 9-A and 9-B, with a clear planting envelope around the path for safety. Either grass or low planting to 400 mm is acceptable within this envelope. Plant selection is important as it will create a sense of arrival, provides the first impressions and create a positive visual environment for the community, travelling public and tourists.

Standard 9.1c Planting Requirements for the 10m wide Stormwater Reserve

Within the 10m wide Stormwater Reserve grass areas are combined with informal groups of clear stem specimen trees (native and exotic) to provide a parkland-aesthetic for residential properties backing onto this Stormwater Reserve. This will encourage dwellings to have internal or external living spaces that overlook the Stormwater Reserve.

9.2 Any lot boundary fronting a 10m wide Landscape Strip - refer Rule 4a.7.56(ii)

Requires a 10m Landscape Buffer Strip with a Shared Path as shown in Figures 9-C (for Wairakei Drive frontage) and 9-D below and in accordance with the requirements of standard 9.1d.

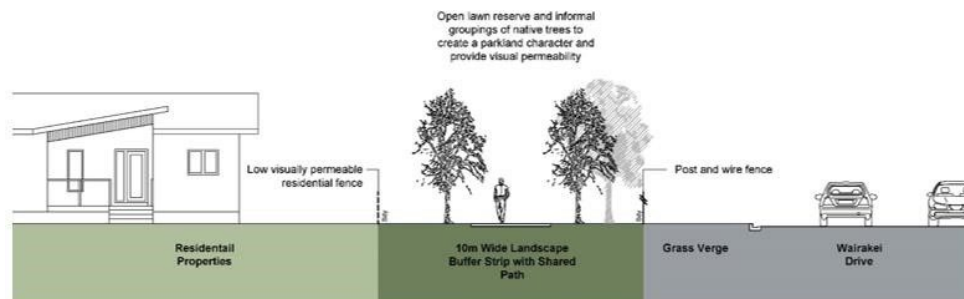


Figure 9-C: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path to the Wairakei Drive road frontage design

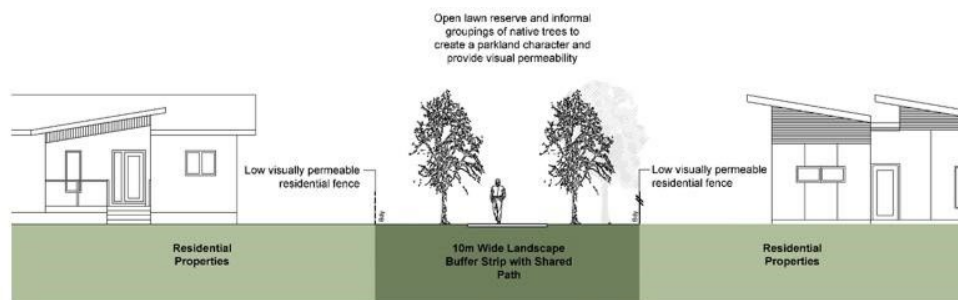


Figure 9-D: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path

Standard 9.1d Planting Requirements for the 10m wide Landscape Strip

A 10-metre-wide native and exotic Landscape Strip is to screen and buffer views from the road corridor towards the Structure Plan area. A mixture of native shrubs and trees are recommended, with a height requirement of 10 – 20 metres at maturity. Where a shared path is used, a clear planting envelope should be achieved. Either grass or low planting to 400 mm is acceptable within this envelope.

9.3 Arterial Roads

Arterial Roads as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9E below with a road reserve width of 22m are generally fixed in their location. These corridors are to comprise grass berms, pedestrian footpaths and shrub planting on both sides of the corridor. It is intended that a 2.5 metre shared path be set between two rows of trees on one side of the road and a standard footpath on the other side of the road. A 2-metre-wide planting strip will extend along the length of the corridor on both sides of the road to give character and definition to the arterial. Shrub planting should be a combination of low growing (400 mm), low maintenance native shrubs. An avenue of clear stem native specimen trees has been included within the planting strip to provide visual continuity with surrounding residential developments and to provide safety benefits through increased passive surveillance.

Ultimately, tree selection for Arterial Roads should ensure the Structure Plan Area is well connected physically and visually to the open space framework and streetscape network and surrounding residential developments.

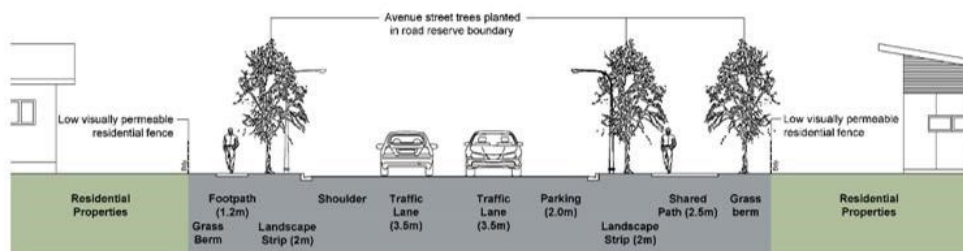


Figure 9-E: Cross section of an Arterial Road

9.4 Collector and Secondary Collector Roads- General Residential Zone

Collector and Secondary Collector Roads in the General Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-F below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.

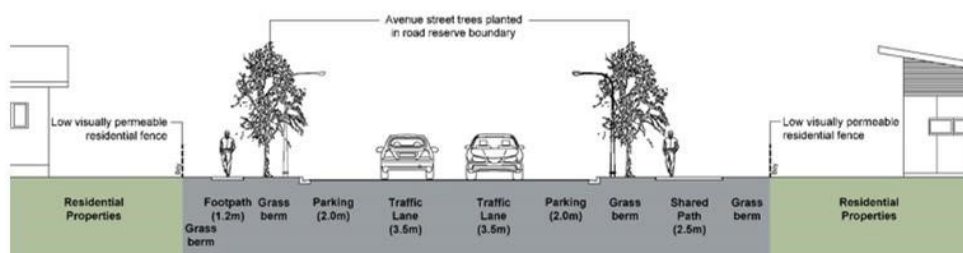


Figure 9-F: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.5 Collector and Secondary Collector Roads- Medium Density Residential Zone

Collector and Secondary Collector Roads in the Medium Density Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-G below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.

The harder edge of medium density development and likelihood of greater use given its location is softened by repeating the twin rows of trees used on the Arterial Roads. This also recognises that great development density and proximity to gully reserves areas and the commercial node is likely to result in this corridor having the potential to be more significant for cyclists and pedestrians than other Collector or Secondary Collector Roads.

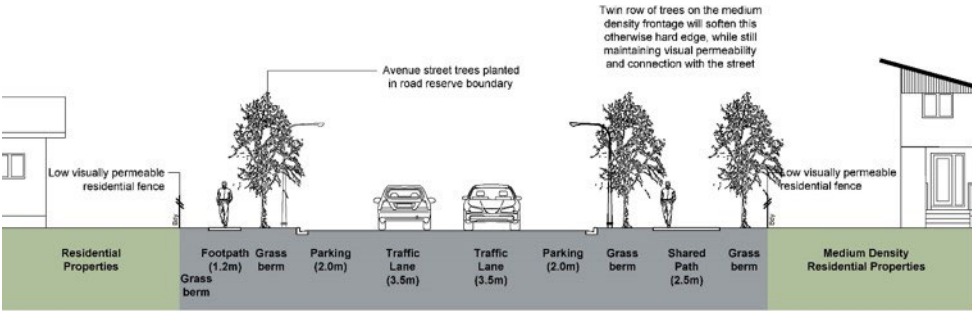


Figure 9-G: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.6 Principal Walkway and Cycleway Pathway Connections

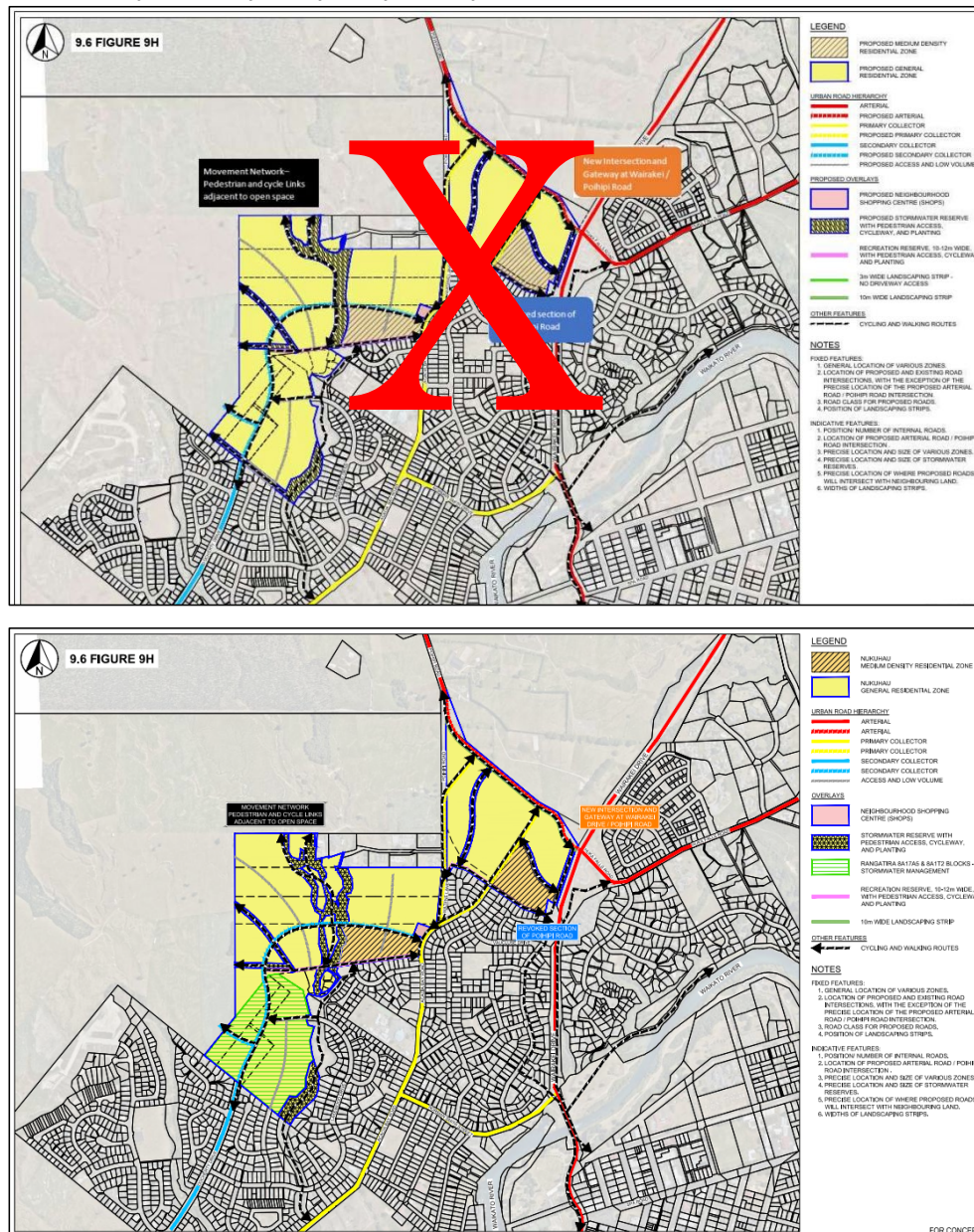
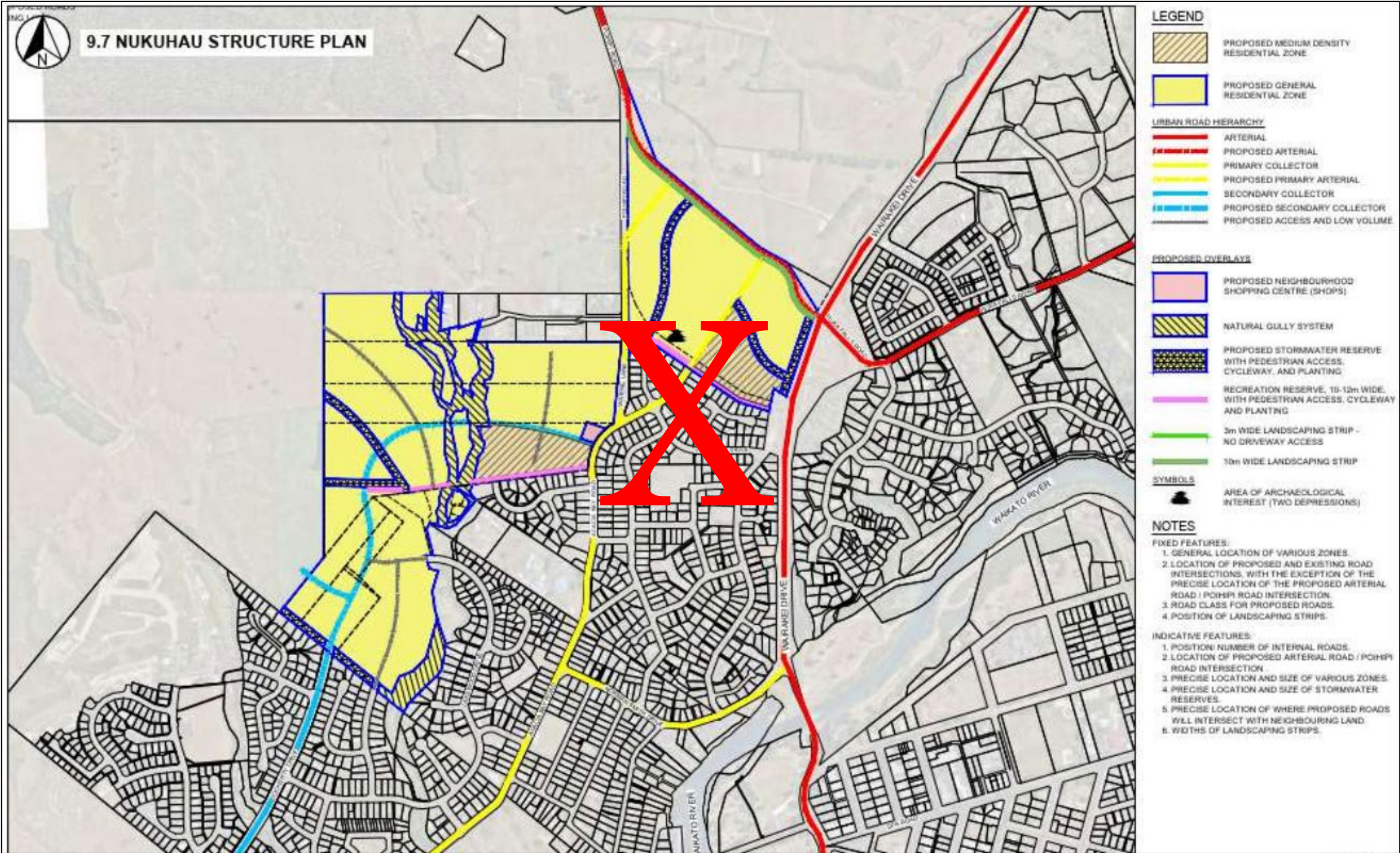
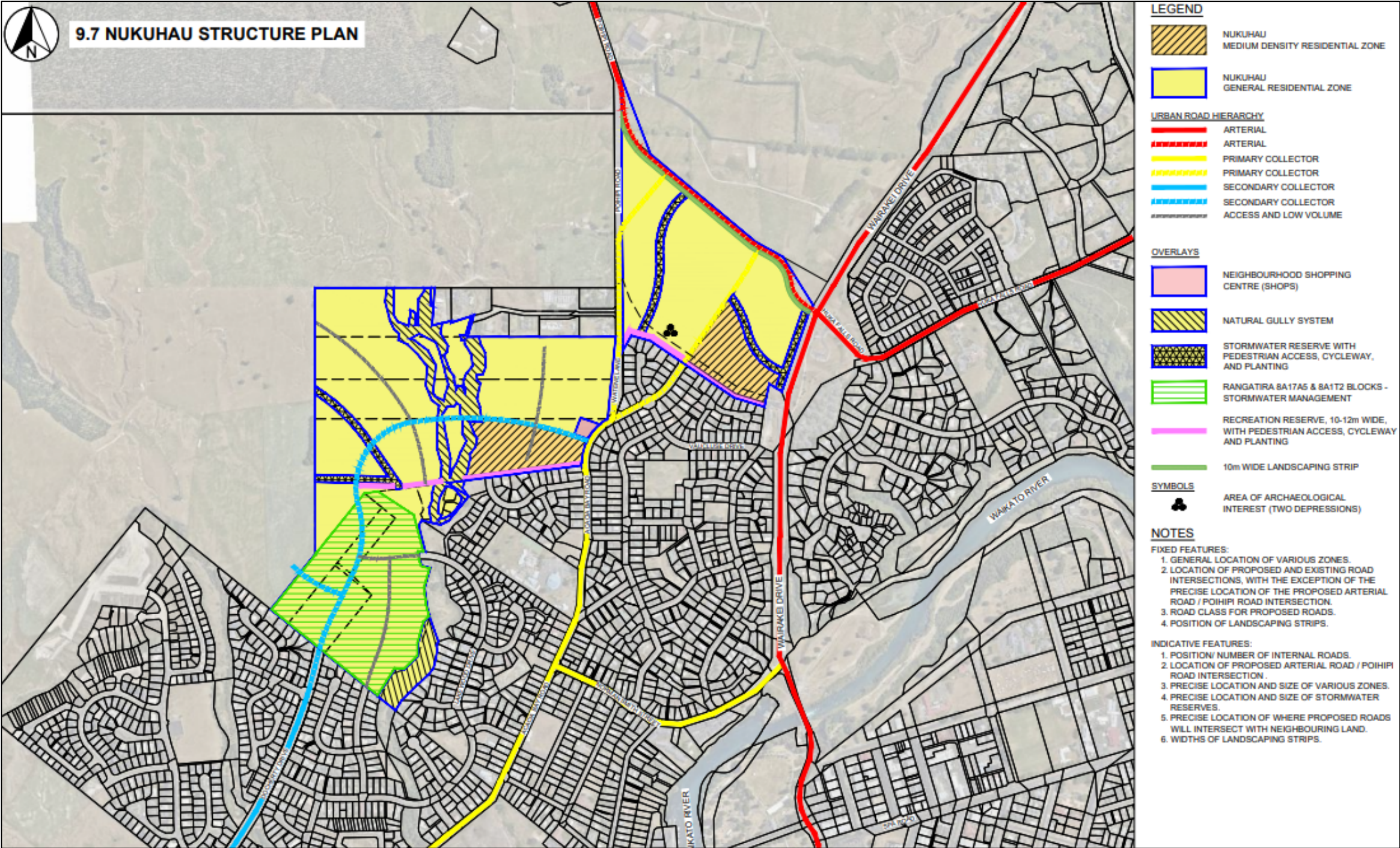


Figure 9-H: Proposed Walk-Cycle Links adjacent to or crossing open space as part of the Movement Network (all modes)





TAUPŌ DISTRICT COUNCIL

DRAFT CEMETERIES HANDBOOK 2023





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Sources: Queenstown Lakes District Council Cemeteries Handbook 2019, Central Otago District Council Cemeteries Handbook 2020, Taupō District Council Cemetery Bylaw 2012, and Taupō District Council Cemetery Management Policy 2006.



Introduction

The Taupō District Council Handbook (**Handbook**) contains rules and conditions that apply to provision of services, operational requirements, and acceptable conduct in cemeteries owned by, or operated by the Taupō District Council (**Council**). The Handbook also provides information to assist the smooth running, operation, and provision of information to the public about Council cemeteries.

The rules and conditions applicable to Council cemeteries contained in this Handbook have been made in accordance with the Taupō District Council Cemeteries Bylaw 2023 (**Bylaw**).

Operational Cemeteries

The operational cemeteries within the Taupō District include:

- Taupō Lawn Cemetery
- Tūrangi Lawn Cemetery
- Magakino Lawn Cemetery

For interments in these cemeteries please contact Taupō District Council Customer Services, phone 07 376 0899 or 0800 ASK TDC

Other Cemeteries

Taupō Settlers Cemetery, located on Gascoigne Reserve off Spa Road, is closed. All maintenance is still the responsibility of Council.

Within the Taupō Lawn Cemetery is a large undeveloped piece of land, this area sits adjacent to the Western Block and holds a large number of unmarked settler graves and will not be developed.

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Definitions

Act means the Burial and Cremation Act 1964 or any superseding legislation.

Burial Right means the exclusive right to a burial in a particular plot.

Bylaw means the Taupō District Council Cemeteries Bylaw 2023.

Cemetery or **cemeteries** means any land owned or operated by the Council as a cemetery but excludes any closed cemetery or Urupā.

Closed Cemetery means a cemetery that has been closed in accordance with the Act.

Council means the Taupō District Council.

Disinter or **disinterment** means the removal of a human body or ash remains from the earth or any vault.

Hanbook means this document, which contains the rules and conditions that apply to provision of services, operational requirements and acceptable conduct.

Inter or **interment** means the placement of a human body or ash remains in a grave or any vault.

Monument includes a headstone, plaque, panel or other memorial to a deceased person.

Monumental Masonry Work includes the establishment, repair or modification of a monument.

Natural Burial means a burial that has a low environmental impact, including the body not being treated with chemicals or oils that prevent or slow down the decay of the body by bacteria. Natural burial areas are planted to encourage ecological restoration, and in the long term, individual plots may not be identifiable.

Policy means the Taupō District Public Cemetery Management Policy 2006.

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General Information**Opening Hours**

Cemeteries operated by the Council are open for public visiting seven days a week.

Cemeteries are open for interments Monday to Sunday & Public Holidays (excluding Christmas Day, Good Friday and ANZAC Day).

- Monday to Friday 8.00am – 4pm.
- Saturday, Sunday & Public Holidays 8.00am – 11am.

Cemetery Fees and Forms

A table showing the applicable fees and charges can be found on the Council website along with application forms regarding cemetery services.

The applicable fees must be paid in full within one month after burial (e.g. burial right, interment, disinterment, maintenance) taking place.

The person requesting the interment or disinterment will need to submit the appropriate forms through the Council website, where the fee will be confirmed by Council, prior to the interment taking place. Further detail and arrangement regarding prior payment will be communicated to the applicant by Council.

The forms referred to in this Handbook and which are available on Council's website are:

- [Application for Burial or Ash Interment](#)
- [Application to Reserve and Purchase a Plot](#)
- [Application to Erect a Headstone or Plaque](#)

Booking procedure

The Council is to be notified by telephone or email of an intended burial. There is no minimum notice period for burials in our Cemeteries.

The Funeral Director, or person requesting the interment, must submit applicable forms. These can be found on the Council website, or at any of our Customer Service Centres.

Pet Burials

No animal(s), including cats, dogs, birds or fish, either as ashes or body, may be interred in a Council cemetery unless placed in a sealed casket with the deceased.

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Interments**Application for Interment**

The person arranging the interment must lodge the following relevant applications with the Council:

- [Application for Burial or Ash Interment](#) (for each and every interment)

No interments (of deceased person or other human remains) can take place in a Council cemetery until the Council has approved the application referred above.

Allocation of Plots

The Council has responsibility for allocating plots for burials. If an applicant requests that an interment occur in a particular area of a Council cemetery, the request will be considered provided there are vacant, unsold plots available in that area.

No burial or ash interment may take place without the approval of the person holding burial rights to that plot. If that person is deceased or debilitated, the immediate next of kin or the person acting on behalf of the deceased or the deceased's estate may give approval for a burial in the plot or placement of a monument.

Hours of Interments

The expected time of arrival in the cemetery must be specified on the 'Application for Interment' form. If the expected arrival time is going to change by more than 15 minutes of the original notified time, the Council or Sexton must be notified of the new time.

A Saturday, Sunday & Public Holidays fee will be charged for all interments, including ash interments, taking place on a Saturday, Sunday & Public Holidays.

Notification of Interment

There is no minimum notice period for burials in our Cemeteries.

Ash Interments

The bookings and forms required for ash interments are managed in the same way as a casket interment. The Sexton will not be on site for the interment, but returns to the site following the ash interment to ensure the area is tidy and secure.

Grave preparation

Only a Sexton appointed by Council in accordance with the Bylaw may dig and prepare the grave (for ashes or a casket) in a Council cemetery.

For burials and graves covered by a concrete cap or surrounds, only an approved Monumental Mason can break the concrete. The Monumental Mason will likely charge a fee for this work.

Responsibility sits with the owner of burial rights to that plot to reinstate the concrete cover after burial, provided an approved monument permit is obtained.

If that person is deceased or debilitated, that person's estate or the person who gave approval on their behalf is responsible for reinstating the cover after burial.

If the concrete is not reinstated within a reasonable time, the Council may remove the concrete completely, and replace with lawn, or cover with stones.

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A request may be made to Council for friends and family of the deceased to fill in the grave, subject to the conditions set out in this Handbook.

Interment Equipment

Equipment for carrying out interments is supplied and removed by the Sexton, who is responsible for ensuring all health and safety procedures are complied with while on site.

Dis-interment / Re-interment

Any application received by Taupō District Council shall be processed pursuant to sections 51 and 55 of the Act (or superseding legislation), and subject to the payment of fees referred to at the end of this Handbook. This application relates to disinterment/re-interment of the deceased or ashes of the deceased.

DIY Caskets

Council allow for DIY caskets in the cemetery, however if using a Funeral Director prior approval may be required.

Poor Persons Burial

The Act requires Council to bury the body of poor persons, and persons from any hospital, penal institution, or other public institution free of charge upon an order from a Justice of the Peace. An application for interment form must still be completed before the burial takes place.

Returned Servicemen Areas

Ex-Service personnel who have had war service or service that is defined equivalent to war service, and their spouses or partners, may be buried in the servicemen area.

If the interment of a deceased Veteran is to be in the servicemen area, a standard ex-service plaque is available at a subsidised rate through Veterans' Affairs New Zealand. In the servicemen area, only the standard ex-service memorial plaque is permitted. The plaques are of uniform style and there is no provision for personal messages or photographs.

If the interment is to be outside the servicemen area of the Council cemetery, the next of kin can order a standard ex-service memorial at a subsidised rate. Details of war service need to be supplied on the 'Application for Interment' form. Failure to provide this information may result in the application being declined.

Only Service Personnel and their spouse or partner may be interred in the servicemen area.

Double depth interments are permitted in the servicemen area to allow for the spouse or partner of the deceased Veteran to be interred in the same plot. A double plaque commemorating both deceased persons is provided at a subsidised rate.

If the spouse or partner wishes to be interred to the side of the Service Person, they can purchase the burial right for the adjoining plot subject at the standard fee.

Children cannot be interred in a Service Person's plot unless they are eligible for interment in the Servicemen Area in their own right.

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War Service Eligibility & Contacts

Please refer to Veterans' Affairs New Zealand website for information regarding eligibility

www.veteransaffairs.mil.nz

Free phone (NZ): 0800 483 8372 (08800 4 VETERAN)

Locating Graves

Please contact Council or alternatively visit the Council website for more information.

Grave Testing

A testing service is available at no cost to the applicant to obtain the availability of sufficient space for a second interment in an existing grave.

Natural Burials

Natural Burials are available in the Taupō Lawn Cemetery only. This is due to our relatively small population and development of other sites could see them lay vacant for some years.

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Pre-purchase of Burial Rights**Pre-purchase of Burial Rights**

Council allows the pre-purchasing of interment plots, except Natural Burials. Up to four burial plots or two cremation plots may be pre-purchased. For purchase of more than the number stated, prior consent must be obtained from Taupo District Council.

To apply to reserve and purchase a plot, complete our application form on our website.

Duration of Burial Plots

Sometimes burial rights are never used, and thus take up valuable space in cemeteries. If no interment occurs within 60 years of the burial rights being purchased, Council will attempt to locate the purchaser or next of kin to confirm the plot is still required. If the purchaser and next of kin are unable to be located, then the plot ownership will revert back to Council in accordance with section 10 of the Act.

Transferring Burial Rights

Should a plot no longer be required, the holder of the burial rights may transfer their interest in the plot to another party. The current burial right holder and purchaser must notify the Council with the change of ownership details.

The Council will not re-purchase burial rights after they have been sold.



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Burial Interments

Size of Burial Plots

The standard size for all new casket burials are as follows:

- Burial plot: 800mm x 2400mm

If a larger plot is required, arrangements must be made at the time of booking and confirmed with the Council. If we do receive a request for a wider plot, we would book a plot at the end of a berm so as to not impact on the adjoining plot.

Depths of Interments

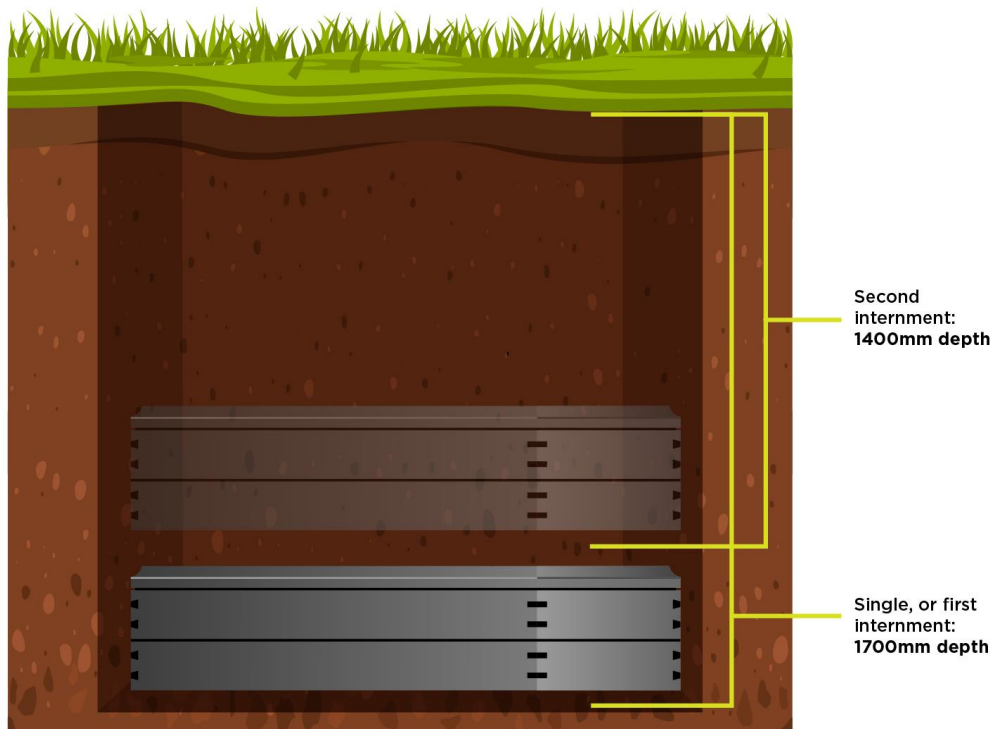
The standard depth of interments shall be sufficient to enable ground cover, to the existing ground level, of at least a minimum of:

- Single or first interment: 1700mm
- Second interment: 1400mm

Burial Plots

No more than two deceased persons can be interred in each burial plot.

[Please refer to below diagram]





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Ash Interments

Size of Plots for Interments

Unless otherwise specified by the standard size for all new ash plots is as follows:

- Ash Plot: 400mm x 400mm

Depths of Interments

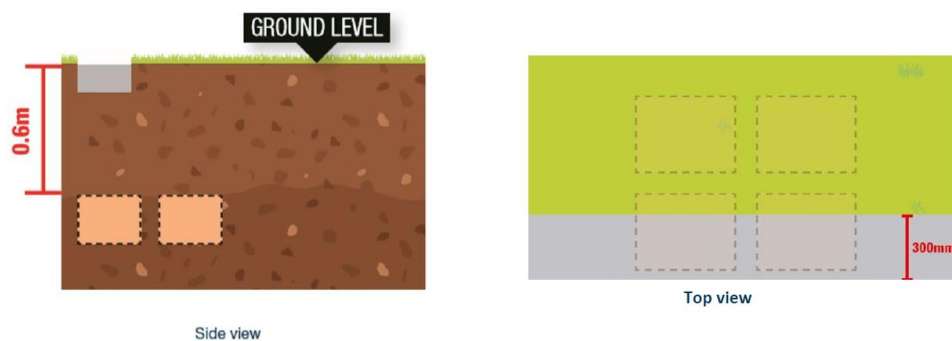
The standard depth of interments shall be sufficient to enable ground cover, to the existing ground of at least a minimum of:

- Ash Interment: 600mm

All new ash plots can hold up to a maximum of six ash interments depending on urn size:

- Four in front of the headstone
- Two under the headstone

[Please refer to diagram below]



Ash Interments into Burial Plots

The above information remains the same, a maximum of four ash interments is designated per burial plot. This aids the Sexton in preparation of the plot should a burial take place after an ash interment.

Ash Interments at Locations other than Burial Site

The dispersal of human ashes at locations such as waterways, mountains, or other non-cemetery sites is culturally inappropriate to local Iwi and Hapu. Human ashes are not to be interred or scattered at any place other than an ash plot or cemetery.

Ashes can be scattered on private property if the property owner gives their permission first.

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Taupō District Council

Monumental Work and Monuments**Installation of Monuments and Plaques**

Where appropriate, Council will provide a concrete beam for headstones to be installed on. Cemetery beams can differ in size and it is up to the Monumental Mason to ensure the headstone meets the specifications outlined on the next page.

Only Monumental Masons, approved by the New Zealand Master Monumental Masons Association, will be permitted to erect monuments within a Council cemetery. Council endorses and recognizes the importance of New Zealand Master Monumental Masons Association.

No monumnetal masonry work may commence until the Council has granted permission for the work under the Bylaw. A monument permit is required for any monumental work including alterations or modifications being undertaken in a Council cemetery, to ensure the headstone is placed on the correct plot and also to ensure they adhere to specifications in this Handbook.

Owners of burial rights, or if deceased, the immediate next of kin, may give permissin for a monument to be erected, or an additional inscription to be added to an existing monument. Typically, a monumental mason applies for the permit on behalf of the burial rights owner/next of kin.

The Council can provide information regarding local Monumental Masons.

General Specifications for Monuments and Plaques

As per NZS 4242:2018 a monument must not be made out of sandstone, limestone, wood, fiberglass, ceramic, plastic, glass or any other unsuitable material specified by Council.

Concrete base work for all monuments shall:

- Not stand higher than 150mm above the highest point of concrete beam or ground level, whichever is the higher;
- Be laid to the satisfaction of Council and in accordance with sound engineering principles as set out in NZS 4242:2018 Headstones and Cemetery Monuments;
- Not be wider than 1000mm and stand no higher than 150mm.

Plaques must have a minimum clearance of 10mm from the edge of the plaque to the edge of the plot on any ashes beam and be no more than 10mm thick. It is the responsibility of the plot owner to ensure that the plaque is of the correct dimensions for the particular plot concerned.

No monumental masons may mix cement or mortar anywhere in the cemetery otherwise than on a watertight platform.

All necessary precautions shall be taken to ensure that no damage is done to footpaths, roads, plots or grass.



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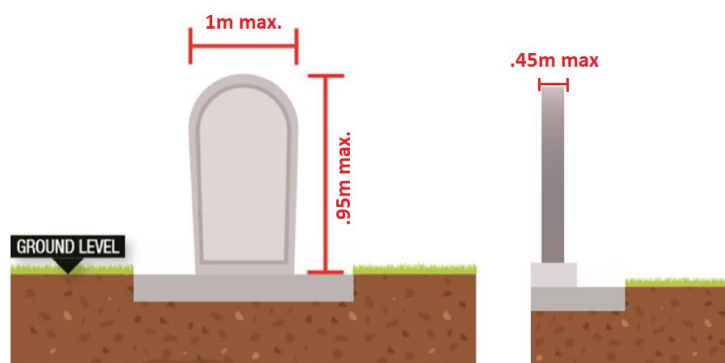
Specifications for Monuments and Plaques for Individual Cemeteries

There are different requirements for monuments in different cemeteries and areas within cemeteries. All monuments including headstones and plaques are to be constructed in accordance with NZS 4242:2018 Headstones & Cemetery Monuments, sound engineering principles, and to the satisfaction of the Council.

Lawn Cemetery Monument Size

In respect of Taupō, Tūrangi and Mangakino Lawn beams, the maximum dimensions are:

- 950mm(h) x 450mm (d) x 1065mm(w)



In Taupō, the Opepe Cremation Berm has provision for a standing monument to these specifications:

- 600mm(h) x 350mm(d) x 560mm(w)

All other cremation berms or memorial areas, District wide, are to have plaques to the maximum dimensions of:

- 230mm(l) x 150mm(h) x 16mm(d)

Monument Maintenance

Maintenance of monuments are the responsibility of the burial rights owner or their representative. Monuments must be kept in good repair. The Council does not take any responsibility for damage or vandalism to any monument.

The Council may remove from the cemetery, any monuments that have fallen into a state of disrepair, or if the Sexton or Council determines that a monument is a health and safety risk. If the risk is not significant, Council may give the person responsible (the owner or next of kin) written notice to repair or remove the item that is in disrepair. Failure to comply with the notice will result in the monument being removed at the cost to the person who owns the burial rights to that plot.

If a monument poses a significant health and safety risk or there is no owner or representative available to effect repairs or permit removal, an approved Monumental Mason, at the request of Council, may lay the monument flat within the grave surrounds or remove it from the cemetery if there is no grave surround. A photographic record of the monument will be taken and filed with the cemetery records if the monument is removed.



Removal

No person shall remove from any cemetery or grave, any headstone, monument or plaque, without notification to Council.



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Health and Safety

Caskets

The casket size, shape, including the type and size of the handles are to be recorded on the application for interment. Caskets must fit within the dimensions of the chosen gravesite

DIY Caskets

Council allows for DIY caskets in the cemetery, however if using a Funeral Director prior approval may be required.

Request to Fill Grave

Friends and family of the deceased can request that the Sexton allow them to fill in the grave. There are two options available:

- Only fill the grave to cover the casket.
- Fill the complete grave by hand only. The Council must be advised of this request before the interment takes place. Families will need to follow the directions of the Sexton during this process.

Site Safety at Gravesite

The Funeral Director or Family representative will advise the Sexton upon arrival of the deceased person or other human remains to the gravesite, and at that time the site will be handed over to the Funeral Director. The Funeral Director is then responsible for the safety of the members of the public at the gravesite until the Funeral Director formally hands the site back to the Sexton and members of the public must follow the direction of the Sexton.

Any persons in attendance and/or involved in a burial or interment procedure in a Council cemetery, must adhere to all directions given by the Sexton at all times.

Items Prohibited for Burial

To ensure the safe operation of Council cemeteries, there are several items which are prohibited from being placed into plots outside of caskets.

There are several reasons for this, from preventing breakdowns of digging machinery, ensuring we can retrieve your loved one's ashes or body during disinterment, and minimising our impact on the environment.

The non-exhaustive list below covers the types items that cannot be placed in the Council Cemetery plots outside of caskets.

- Alcohol
- Ammunition or explosive material
- Batteries
- Crash helmets and hardhats
- Crockery
- Die cast metals, aluminium, and copper (large items only)
- Garden spades, forks etc.
- Glass, such as bottles, vases, and picture frames
- Lighters
- Laptop computers



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- Mattresses
- Mobile phones
- Motorcycle leathers
- Any pressurised containers
- Prosthetic limbs
- PVC (in all forms)
- Wet suits and surfboards
- Products containing polystyrene foams
- Products that are volatile
- Wire

When you are preparing a loved one burial, please make sure none of the above items are placed into the plot or inform your Funeral Director so that they can be easily removed by them or the family before burial.

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Behaviour in Cemeteries**Appropriate behaviour**

Our community comes together within our cemeteries for contemplation and reflection, and to memorialise their loved ones. Everyone visiting our cemeteries must maintain appropriate and respectful behaviour.

No person may behave in a manner, or bring an item into a cemetery or crematorium, that does any of the following:

- Is a nuisance or is offensive to another person;
- Damages or interferes with any property, memorial or decoration owned by the Council; or
- Damages the property of another person.

No one may disturb or interrupt a funeral, burial or cremation.

Vehicles in Cemeteries

Vehicles are only permitted to use designated roadways and car parks whilst in the cemetery. The use of vehicles must adhere to the Reserves Bylaw 2021 and Traffic Bylaw 2014 and all relevant Council Bylaws.

Vehicles may only access cemeteries from:

- 7.30am to 5.00pm

The speed limit in all Council cemeteries shall not exceed 20km/hr unless a different speed limit is specified, and ordinary traffic rules are to be observed at all times.

The drivers of all vehicles must yield right of way to any funeral procession (cortege) in any cemetery. If the Sexton indicates that a vehicle should stop or move, the driver must respond as directed.

The Sexton or Council may temporarily close the cemetery to vehicles, provided the closure is clearly displayed using the appropriate signage. No private vehicle is to be left or driven into any cemetery when the cemetery is closed.

Control of Dogs within Cemeteries

Dogs are permitted in cemeteries subject to the Control of Dogs Bylaw 2021

Horses and other animals

No horse or other animals are permitted in any Council cemeteries.

Promotional Activities

The promotion or advertising of goods or services within a Council cemetery is not permitted unless in accordance with permission granted by the Council under the Bylaw.

Commercial photography and filming

Any person using a Council-controlled cemetery for the purpose of commercial photography and filming, or photography or filming for a media purpose, must first obtain written approval from the Council and the consent of the family or Funeral Director. Funeral Directors may only authorise the taking of photographs or film after they have consent from all affected persons.

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Misconduct

No one may disturb or interrupt a funeral, or cause an annoyance or nuisance within a Council cemetery, or cause damage to land, buildings or chattels in a cemetery.

Authorisation to Conduct Certain Activities

No one other than the Sexton or person authorised by a Sexton may engage in interment or disinterment or operate any burial machinery or equipment in a Council cemetery.

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Tributes

Wreaths and Other Tributes

Wreaths, food items, and other floral tributes or ornaments not properly fixed to a monument may be placed on the plot for a period of ten days following an interment. After ten days items must be removed or relocated to the concrete beam.

If items are not claimed after ten days, the Council may remove and dispose of the items. The Council may also remove any neglected or broken items.

No ceremonial fires are permitted.

Temporary Markers

A temporary marker must be removed once a permanent monument is erected.

If the Sexton, or other person authorised by the Sexton, considers that a temporary marker has fallen into a state of disrepair, they may remove it.

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Maintenance of Plots and Graves

Lawn Areas

The Council maintains plots and graves in lawn areas including mowing.

Any plants (including trees and shrubs) planted on a grave following an interment will be removed after ten days and the area sown with grass seed. The grave will be maintained as lawn.

Areas with Planting

No new plants or shrubs are to be planted on graves without Council permission.

Existing plants may remain providing family or friends maintain them. If any plants are not being maintained, are encroaching outside the plot area, or inhibiting cemetery maintenance, the Council may remove them. Any plant identified in the Management of Plant Pests, Unwanted Fungi, and Unwanted Insects as they Pertain to Vegetation on Council-Owned Property 2009, and found growing on a plot or grave, will be removed.



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Disinterment

Disinterment

Any requests to disinter a body must be made in the first instance to the District Health Board.

For Ashes disinterment requests, Council shall need written approval from the applicant and the extended family.

Any request received by the Council shall be conducted pursuant to section 51 and 55 of the Act (or superseding legislation), and subject to the payment of fees as the Council may determine from time to time. This application relates to disinterment / re-interment of the deceased or ashes of the deceased.



Genealogical Information

The Council is currently developing a database which in future may provide public access to cemetery records on the Council website.



Council Relationships

All Council cemeteries reside on gifted land and with this gift comes some relationships we must honour.

Taupō Cemetery

The Taupō Cemetery was gifted to the people of Taupō by the Rickit Whanau, their Urupā lies within the lawn cemetery. All enquiries must be vetted by Aroha Murray as the executor of the Urupā. Whanau who confirm their whakapapa do not pay for their plot but do pay for the interment fee.

Mangakino Cemetery

The Mangakino Cemetery was gifted to the people of Mangakino by the Wairarapa Moana Iwi. The current system relies on the honesty of applicants to their whakapapa back to Wairarapa Moana. Whanau who confirm their whakapapa do not pay for their plot but do pay for the interment fee. Council also undertakes maintenance of their Urupā which is separate from the public cemetery.

Tūrangi Cemetery

The Tūrangi Cemetery was gifted to the people of Tūrangi by the Ngāti Tūrangitukua Iwi. Council undertakes maintenance of their Urupā which is separate from the public cemetery.



Cemetery Fees

Purchase of Plot – Burial	Fee
0-5 years	Free
6-12 years	\$610.00
12+ years	\$820.00
Interment – Burial – Double Depth >2m	
0-5 years	\$150.00
6-12 years	\$225.00
12+ years	\$330.00
Interment – Burial – on a Saturday, Sunday or Statutory Holiday	
Additional	\$145.00
Purchase of Plot – Ashes	
All ages	\$140.00
Internment – Ashes	
All ages	\$56.00
Interment- Ashes – on a Saturday, Sunday or Statutory Holiday	
Additional	\$145.00
Interment – Ashes into an existing grave	
All ages	\$57.00
Opepe Cremation Berm Plots	
All	\$470.00
Natural Burial - Plot Purchase	
All ages	\$800.00
Natural Burial – Interment – Single Depth 0.8m	
All ages	\$335.00
Other	
Purchase of Family plots – burials & ashes	POA
Disinterment	POA
Reinterment	POA
Special cultural needs	POA
Wairarapa Māori – Mangakino Cemetery	\$295.00

First adopted:	Date to be inserted
Next review date:	Date to be inserted
Document number:	A1726302?
Sponsor/Group:	



Draft Freedom Camping Bylaw (date to be inserted)

Purpose and Scope

- The purpose of this Bylaw is to manage **freedom camping** in parts of Taupō district to ensure that, where necessary:
 - the local authority areas are protected
 - the health and safety of people visiting the local authority areas are protected, and
 - access to the local authority areas is protected.
- The Bylaw is made under the authority of section 11 of the Freedom Camping Act 2011. In addition freedom camping is also regulated and controlled by other Acts, regulations, standards, rules, bylaws, Taupō District Plan, policies, and reserve management plans, which should be referred to in conjunction with this Bylaw (refer to www.taupo.govt.nz for information).

Commencement

- The Bylaw will come into force throughout the district on (date to be inserted)

Definitions

- Any words, phrases or expressions used in this Bylaw have meanings assigned to them by the Freedom Camping Act 2011, unless inconsistent with the context in which such words occur.
- In this Bylaw, if not inconsistent with the context:

Act	The Freedom Camping Act 2011
Chief Executive	The chief executive of the Council and any person delegated to perform any duties of the chief executive
Council	Taupō District Council
Enforcement officer	A person appointed under section 32 of the Act for the purposes of the Act
Freedom camp	The same meaning as the Act
Local authority area	The same meaning as the Act
Self-contained vehicle	In relation to a motor vehicle has the same meaning as "self-contained" in section 4 of the Freedom Camping Act 2011.

Permitted Freedom Camping Areas

- Freedom camping** is permitted within the **local authority area** unless it is restricted or prohibited in an area in accordance with:
 - this Bylaw; or
 - any other act.

The following note is explanatory and is not enforceable: The Reserves Act 1977 restricts camping on reserves that includes additional prohibited areas under that Act that are not restricted under this Bylaw. A full map of areas where camping is prohibited in the district can be found here [Freedom camping - Taupō District Council \(taupodc.govt.nz\)](http://Freedom camping - Taupō District Council (taupodc.govt.nz)).

Prohibited Freedom Camping Areas

7. A person may not freedom camp in any local authority area outlined in Schedule 1: Prohibited Freedom Camping Areas.

Restricted Freedom Camping Areas

8. Subject to clause 7, a person may freedom camp in any local authority area in a self-contained vehicle. All other freedom camping is restricted to the areas outlined in Schedule 2: Open Freedom Camping Areas
9. A person may freedom camp for a maximum of three nights/four days, unless different restrictions are outlined in the relevant reserve management plan. If asked by an enforcement to move on from a site a person must move at least 500m from the original site.

Exemptions/Defences

10. The Bylaw does not include the following activities:
 - a. temporary and short-term parking of motor vehicles;
 - b. day trip recreational activities; and
 - c. parking on the roadside to avoid driver fatigue.
11. A person is not in breach of this Bylaw if that person proves the act was conducted reasonably to:
 - a. save or protect life and health;
 - b. prevent injury;
 - c. prevent serious damage to property; or
 - d. avoid actual or likely damage to the environment.
12. Any person may apply in writing to the **Chief Executive** for permission for any freedom camping that would be in breach of any prohibition or restriction under this Bylaw.
13. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.

Offences/Penalties/Powers

14. A person commits an offence under this Bylaw, or section 20(1) of the **Act**, if that person **freedom camps**, or makes preparations to **freedom camp**, contrary to the prohibitions and restrictions of this Bylaw.

Penalties

15. A person who commits an infringement offence is liable to the following fee:
 - a. the amount prescribed by regulations made under section 43 of the **Act** as the infringement fee for the offence; or
 - b. \$200, if no fee is prescribed.

Powers

16. Any person in breach of this Bylaw may be asked to leave the **local authority area** or conservation land where an **enforcement officer** believes on reasonable grounds that the person has:
 - a. acted in a manner likely to endanger the health and safety of other people;
 - b. damaged or likely to cause damage to the site; or
 - c. breached any of the conditions outlined for **freedom camping**.Any person given direction to leave the site may have their right to **freedom camp** revoked.
17. **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.

18. **Council** may seize or impound, or cause to seize or impound, any **vehicle**, boat, or any other property, in accordance with sections 37 and 38 of the **Act**, on any **local authority area** or conservation land, in breach of this Bylaw, and/or recover all charges in connection with the seizure or impoundment, of any **vehicle**, boat, or any other property.
19. Any person whose **vehicle**, boat, or other property, is seized or impounded may request their return in accordance with section 39 of the **Act**.
20. **Council** may dispose of any **vehicle**, boat or other property, not returned 6 months after being seized, if reasonable efforts have been made to identify the owner, not less than 14 days after public notice of **Council's** intention to do so.
21. **Council** may require any permitted or restricted areas for **freedom camping** to be closed because of events occurring in an area. Notice of **Council's** intention to close an area will be made publically.

Public Availability

22. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION (date to be inserted) OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON (date to be inserted).

The Common Seal of Taupo District Council
was hereto affixed in the presence of:

Mayor

Chief Executive

Schedule 1: Prohibited Freedom Camping Areas

- Ferry Road, Taupō, Road Reserve.

Schedule 2: Open Freedom Camping Areas

- Hipapatua/Reid's Farm Recreation Reserve
- Mangakino Recreation Reserve
- Whakamaru Recreation Reserve
-

<i>First adopted:</i>	
<i>Next review date:</i>	
<i>Document number:</i>	
<i>Sponsor/Group:</i>	



ALCOHOL CONTROL BYLAW 2023

Purpose

1. The Bylaw is made under the authority of s147 of the Local Government Act 2002. Under sections 169 and 170 of the Local Government Act 2002, Police can enforce this Bylaw.
2. The purpose of this Bylaw is to reduce crime and disorder within Taupō District by providing alcohol controls in public places. The Bylaw prohibits the consumption and possession of alcohol in specified restricted public places.

Commencement

3. The Bylaw shall come into force throughout the district on 29 August 2023.

Bylaws revoked

4. The Taupō District Council Alcohol Control Bylaw 2018 is revoked at the time of the Alcohol Control Bylaw 2023 coming into force.

Definitions

5. Any words, phrases or expressions in this Bylaw which have meanings assigned to them by the Local Government Act 2002, Sale and Supply of Alcohol Act 2012 and the Land Transport Act 1998 shall have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context that such words occur.
6. In this Bylaw, if not inconsistent with the context:

Alcohol has the same meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Council means Taupō District Council.

Event means an organised activity involving a large group of people.

Licensed premises has the same meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Public place has the same meaning given by section 147(1) of the Local Government Act 2002.

Restricted place has the same meaning as section 169(1) of the Local Government Act 2002.

Self-contained vehicles means vehicles that are certified as self-contained under NZS Vehicle 5465:2001

Special Licences has the same meaning as section 22 of the Sale and Supply of Alcohol Act 2012.

Motor vehicle has the same meaning given by section 2 of the Land Transport Act 1998 (not including self-contained vehicles).

Alcohol prohibition

7. The consumption or possession of alcohol (including while in a vehicle), is prohibited within the public places and times set out below:

Alcohol prohibition period	Restricted place	Map
Taupō town centre weekend prohibition Commences 4pm Thursday and expires 7am Monday, and includes all Public Holidays as defined in the Holidays Act 2003.	Taupō town centre	1
New Year alcohol prohibition Commences 12 noon December 27 and ends 7am January 4 every year.	Taupō town centre and lakefront Hipapatua Reserve (Reid's Farm) Acacia Bay Two Mile Bay, Three Mile Bay, Four Mile Bay Five Mile Bay Stump Bay Hatepe Motutere and Waitetoko Motuoapa Te Rangiita and Tauranga Taupō Whareroa Turangi town centre Kuratau Pūkawa Kinloch	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Mangakino town centre weekend prohibition Commences 7pm Friday and ends 7am Sunday, and includes all Public Holidays as defined in the Holidays Act 2003.	Mangakino Town Centre	17
Otumuheke bathing area permanent prohibition This prohibition is in place permanently.	Otumuheke Stream bathing area	18

Exclusions

8. The prohibition on the consumption or possession of alcohol in a public place in Taupō District does not apply to:
- Any unopened bottle and/or container of alcohol for the transport from a licenced premises within and/or outside the specified public place;

- Lawfully parked certified self-contained vehicles (as defined by NZS 5465:2001). This exclusion applies to all areas with the exception of Hipapatua Reserve (Reid's Farm);
- Where a special licence for an event to be held in an alcohol prohibition area has been issued.

Exemptions

9. Any person may apply to the Chief Executive (or their nominated representative) for an exemption by prior written permission for any activity that would be in breach of any prohibition under this Bylaw.
10. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the Chief Executive's (or their nominated representative) discretion.

Temporary Alcohol Prohibitions

11. The Council may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as an alcohol prohibition area for a particular time period relating to a specified event or a particular time of the year.
12. The Council will give the public at least 7 days notice of the temporary prohibition. The details of the alcohol prohibition area and when it will apply will also be made publically available.

Offences

13. Any person who breaches this Bylaw commits an offence under this Bylaw and is liable to the penalties as set out under the Local Government Act 2002.
14. Any person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence as set out under the Local Government Act 2002.

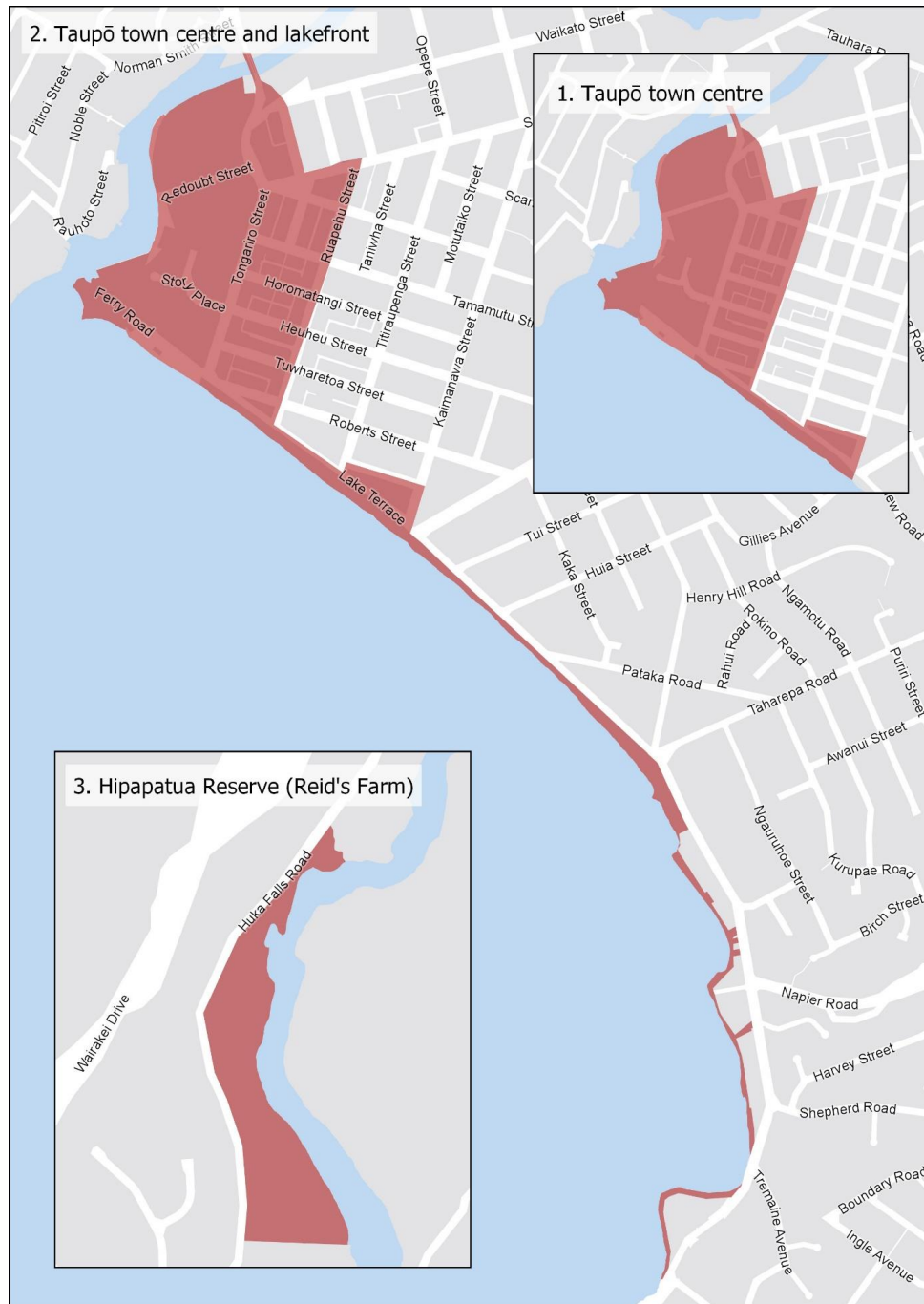
THIS BYLAW WAS MADE BY RESOLUTION TDC201811/10 OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON 27 NOVEMBER 2018.

IN WITNESS thereof the Common Seal
of the Taupō District Council has hereby
order in Council hereunto been affixed in
the presence of:

David Trewavas
MAYOR

Gareth Green
CHIEF EXECUTIVE

Schedule One – Restricted Places (Alcohol Prohibition Areas)(New Maps to be inserted from statement of proposal)











First adopted:	13 December 2011, effective from 1 March 2012
Next review date:	March 2022
Document number:	A1820819
Sponsor/Group:	Group Manager:



Cemetery Bylaw 2023

The purpose of this bylaw is to facilitate the orderly, safe, and efficient management of cemeteries under the control of the Council; and minimise the potential for offensive behaviour in cemeteries under the control of the Council.

1. Title and commencement

- 1.1. This bylaw shall be known as the Taupo District Council Cemetery Bylaw 2023
- 1.2. This bylaw comes into force on [to be determined]

2. Authority

- 2.1. This bylaw is made under:
 - a) Sections 145 and 146(b)(v) of the Local Government Act 2002; and
 - b) Sections 16 and 40 of the Burial and Cremation Act 1964

3. Purpose

- 3.1. The purpose of this bylaw is to:
 - a) Facilitate the orderly, safe, and efficient management of cemeteries controlled by the Council; and
 - b) Minimise the potential for offensive behaviour in cemeteries controlled by the Council.

Note: Please refer to the Burial and Cremation Act 1964 and Cremation Regulations 1973 for general rules and procedures relating to burial and cremation.

4. Application of this bylaw

- 4.1. This bylaw applies to all cemeteries within Taupo District Council's control.
- 4.2. This bylaw does not apply to urupā (in line with the Burial and Cremation Act 1964) or any other cemetery, crematorium or burial ground that is not controlled by the Council
- 4.3. Nothing in this bylaw shall derogate from any provision of or compliance with the:
 - a) Burial and Cremation Act 1964;
 - b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - c) Cremation Regulations 1973; or
 - d) Health (Burial) Regulations 1946.

- 4.4. A reference to a repealed enactment, standard or document is a reference to an enactment, standard or document that, with or without modification, replaces, or that corresponds to, the enactment, standard or document repealed.

5. Interpretation

Definitions

- 5.1. In this bylaw, unless the context otherwise requires:

Act	Means the Burial and Cremation Act 1964.
Approved person	Means a person who is approved by the Council to carry out works or undertake activities in any cemetery and shall include any funeral director.
Assignee	Means the person or persons to whom an exclusive right of burial is transferred to on the death of the holder of the exclusive right of burial.
Body	Has the same meaning as defined in the Act.
Burial warrant	A warrant to allow burial, received from Taupo District Council, following application on prescribed form and receipt of the correct fees and charges.
Bylaw	Means the Taupo District Council Cemetery Bylaw 2023.
Cemetery	Any land that is purchased or vested in Council, or under control of the Council and held, taken, acquired, set apart, dedicated, or reserved, under the provisions of any Act or before the commencement of the Burial and Cremation Act 1964, exclusively for the burial of the dead generally, and where the context so permits, includes a closed cemetery within the meaning of the Burial and Cremation Act 1964 or any other act. This excludes identified Urupā.
Council	Means the Taupo District Council.
Designated natural burial area	Means an area in a cemetery designated by the Council to be a natural burial area.
Exclusive right of burial	A purchase burial plot for the exclusive right to the owner to inter human remains in a burial space, but this does not constitute ownership of the land.
Headstone permit	A permit to allow the erection of a headstone from Taupo District Council,

	following application on prescribed form and receipt of the correct fees and charges.
<i>lawn cemetery</i>	A cemetery which presents a park like appearance and is laid out in grass with concrete headstone berms.
<i>Memorial</i>	Means any tombstone, headstone, memorial, monument, tablet, plaque, kerbing or other memorial or erection.
<i>monument</i>	Any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.
<i>Out of District</i>	A person who has resided outside Taupo District for more than five years.
<i>Physical works</i>	Means the installation, modification, maintenance, repair, or removal of any plot or memorial.
<i>Plot</i>	Means a lot in a cemetery that is surveyed for the purposes of interment and shown on the official cemetery plan deposited in the cemetery office.
<i>Purchaser</i>	Means a purchaser of the Exclusive Right of Burial in a plot, and owner of such exclusive right, and may include their executors, administrators, and assignees.
<i>service cemetery</i>	Any cemetery or part of a cemetery that has been set aside permanently by a local authority for the burial of bodies of persons who have been on operational service in His Majesty's Forces and the wives or husbands of, or persons who have lived in a relationship in the nature of marriage with, a person who has been on operational service in His Majesty's Forces pursuant to Section 15 (a) of the Burial and Cremation Act 1964.
<i>service person</i>	A person who has been on operational service in His Majesty's Forces pursuant to Section 15 (a)(i) of the Burial and Cremation Act 1964.
<i>Unveiling ceremony</i>	A ceremony to celebrate a memorial to a person
<i>Urupā</i>	Māori burial ground or cemetery

6. The Council may make rules relating to cemeteries

6.1. The Council may make, amend, or revoke a cemetery handbook that provides rules for the use of cemeteries controlled by the Council. The handbook may include rules relating to the following non-exhaustive list of matters:

- a) Days and hours of operation for cemeteries;

- b) The process for purchasing a plot, including the notification period required before a burial may be made at a cemetery
 - c) Burial warrants;
 - d) Behaviour in cemeteries, including rules relating to appropriate behaviour, trade, vehicles, animals, and photography or filming;
 - e) Interment and disinterment;
 - f) Undertaking physical works in a cemetery;
 - g) The placement, maintenance and removal of tributes, decorations, trees and shrubs, including donated plants;
 - h) Cremation; and
 - i) Natural burial.
- 6.2. The council must, before making, amending, or revoking a handbook in clause 6.1:
- a) comply with the relevant requirements under Subpart 1 of Part 6 of the Local Government Act 2002;
 - b) comply with the relevant requirements of Subpart 1 of Part 8 of the Local Government Act;
 - c) be satisfied that the rules ensure that the purpose of the bylaw will be met;
 - d) have regard to:
 - i. the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition; and
 - ii. any other matters considered relevant by the council.
- .3. A cemeteries handbook made, amended, or revoked under clause 6.1 must be made publicly available.

7. Conditions of burial Exclusive Rights of Burial and burial warrants

- 7.1. Any body may be buried in a plot provided that:
- a) Either:
 - i. The Exclusive Right of Burial has been purchased for that plot; or
 - ii. The consent of the purchaser of that Exclusive Right of Burial or their assignee for that plot has been obtained; and
 - b) A burial application has been received by the Council, in addition to any other notification required under rules made by the Council under this bylaw; and
 - c) The burial complies with any rules made by the Council under this bylaw; and
 - d) All applicable fees have been paid or arrangements for the fees to be paid have been made with the Council.

Note: Section 10 of the Act applies to the sale of the exclusive right of burial in any part of a cemetery.

8. Disinterment of bodies or remains Licence required

- 8.1 Before a body or the remains of a body may be removed from its burial place in a cemetery a licence must be obtained from the Minister of Health under section 51 of the Act. A copy of that licence shall be provided to the Council.
- 8.2 Prior written approval of the Council must be obtained before the disinterment.
Disinterment procedure
- 8.3 Council may specify a disinterment procedure in the cemeteries handbook as per clause 6.1 of this bylaw. Any disinterment must follow this procedure.

9. Physical works associated with plots

- 9.1 Physical works may only be undertaken in a cemetery by an approved person, who has obtained written approval from the Council for the physical works and must be undertaken in accordance with the requirements of this bylaw or the handbook made by Council under clause 6.1 of this bylaw.
- 9.2 If an approved person undertaking physical works fails to comply with any conditions of the approval given under clause 9.1, the Council may revoke that approval and remove any physical works or any part of them that fails to meet any conditions. Council may remove unauthorised works
- 9.3 The Council may remove any unauthorised physical works, or any other physical works which, in the opinion of the Council, may cause offence or be a safety hazard to visitors to the cemetery.

10. Fees

- 10.1 The Council may, in accordance with the provisions of section 150 of the Local Government Act 2002, set prescribed fees for all services provided for the operation and maintenance of cemeteries controlled by the Council.

11. Offences and penalties

- 11.1 Any person who fails to comply with the requirements of this bylaw or the handbook made by Council under clause 6.1 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002.