

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28B: Zoning - Hopuhopu Special Development

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Mr Dynes Fulton

Ms Linda Te Aho

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1 Introduction

1.1 This Decision report addresses the request received by Waikato District Council (Council) to change the zoning at Hopuhopu to special purpose zone and to insert new plan provisions in relation to the zone within the Proposed Waikato District Plan (PDP). This report should be read along with the overarching Hearing 25 Rezoning Extents report, which sets out the statutory matters and key principles relating to all rezoning submission requests.

2 Hearing

2.1 The hearing was held on 23 June 2021 by Zoom. All of the relevant information pertaining to this hearing (i.e., Section 42A report, legal submissions and evidence) is contained on Council’s website.

2.2 The Panel heard from the following parties on the Hopuhopu proposal:

Council	Betty Connolly, author of Section 42A Report on Zone Extents Special Purpose Zone - Hopuhopu.
Waikato-Tainui	<ul style="list-style-type: none">• Susan Henderson – planning evidence• Gavin Donald – overview evidence• Shane Solomon - oral evidence• Chris Dawson - oral evidence
Waikato Regional Council	<ul style="list-style-type: none">• Miffy Foley – Planning evidence

3 Overview of issues raised in Submissions

3.1 The key issue addressed in this decision is whether the 138ha Hopuhopu site should be rezoned from the rural, business and residential zones in the PDP as notified, to a special purpose zone divided into precincts, with new plan provisions for land use activities, buildings, amenity effects and subdivision.

3.2 A brief history of the site is that it was gifted to by hapuu to the Anglican Church in the nineteenth century for the establishment of a Native School. The land was taken by the Crown under the Public Works Act in 1920 for the establishment of a military base and used by the army until 1989. In 1993 the land and improvements were returned to Waikato-Tainui by the Crown. Waikato-Tainui established a complex including the Waikato-Tainui College for Research and Development (also known as the Endowed College) along with residential, administrative, business, sports and other activities.

3.3 The land is held in Te Wherowhero title, created as part of the Waikato Raupatu Claims Settlement Act 1995. Mr Donald said that Te Wherowhero titled whenua constitutes the tribal estate of Waikato as whenua papatupu, for the benefit of all Waikato. This land is unable to be sold or leased without the approval of Kiingi Tuheitia and two other custodial trustees. Te Wherowhero title was created to activate the tribal catch-cry – “I riro whenua atu me hoki whenua mai - As land was taken so land should be returned.”

- 3.4 The PDP as notified placed the Hopuhopu land into three standard zones: rural, business and residential. Submissions from Waikato-Tainui request special zoning to better enable their aspirations for the future use and development of the land.
- 3.5 Four submissions from Waikato-Tainui relating to Hopuhopu and seven further submissions are addressed in this decision.¹ The submissions contend that new provisions are necessary as the PDP rules for development on Maaori land in Maaori Freehold Title do not apply to Hopuhopu, which is in Te Wherowhero title. The submissions request:
- a) Enable the land at Hopuhopu to be planned for, developed and used in accordance with the mandate of the Te Wherowhero title;
 - b) Rezone the site to a special purpose Hopuhopu Zone, with plan provisions to be developed; and
 - c) Retain areas of Hopuhopu in the Residential and Business zones being managed under the ordinary rules of those zones.
- 3.6 Further submissions in support were received from Pareoranga Te Kata and Perry International Trading Group Limited. Waikato Regional Council lodged a further submission opposing the submission relating to the proposed development within the mandate of Te Wherowhero title.

4 Overview of evidence Presented at the Hearing

- 4.1 Gavin Donald for Waikato-Tainui gave overview evidence of Waikato-Tainui's aspirations for Hopuhopu, including its recent history as a former army base and subsequent transfer to Waikato-Tainui as part of its Treaty settlement. Mr Donald described the context of Hopuhopu and the basis for the specific Hopuhopu Special Purpose Zone request. Mr Donald supported the proposals, which he said would restore what was previously available for the site under the Operative Waikato District Plan, with updates to better align with the planned and intended use of the site.
- 4.2 Susan Henderson for Waikato-Tainui provided planning evidence supporting a special zone for the whole site, divided into five precincts, with draft plan provisions developed jointly with Council staff. Ms Henderson said that Hopuhopu is a brownfield site with existing urban zoning. The PWDP zones as notified (mainly Rural, with smaller Business and Residential zones) gave Hopuhopu less ability to undertake future activities (including cultural activities) on the site as a permitted activity. There was limited certainty as to the resource consent process given that the Rural Zone does not specifically provide for a site such as Hopuhopu. She said Hopuhopu is not Maaori freehold land or Maaori customary land and therefore is not covered by district-wide rules enabling development of land that is held in those titles.

¹ Waikato-Tainui [286.1, 286.2, 286.3, 286.17]. Five further submissions were noted in the section 42A report para 52, and two more in Betty Connolly's rebuttal para 8. Submission [286.1] was also discussed in hearing H4 Tangata Whenua.

- 4.3 Shane Solomon spoke about the history and current use of the site including the Endowed College. His evidence included a video about development proposals for Hopuhopu.
- 4.4 Chris Dawson of Bloxham, Burnett and Olliver consultants gave oral answers to questions about infrastructure.
- 4.5 Miffy Foley for Waikato Regional Council gave evidence as part of its general evidence on rezoning matters. Ms Foley said Waikato Regional Council supports Waikato-Tainui's aspirations on the Hopuhopu site.² She also stated that Waikato Regional Council's further submission opposed the rezoning only to the extent that the risks of alligator weed and flood hazards on the site would be managed appropriately.

5 The Rezoning Proposal

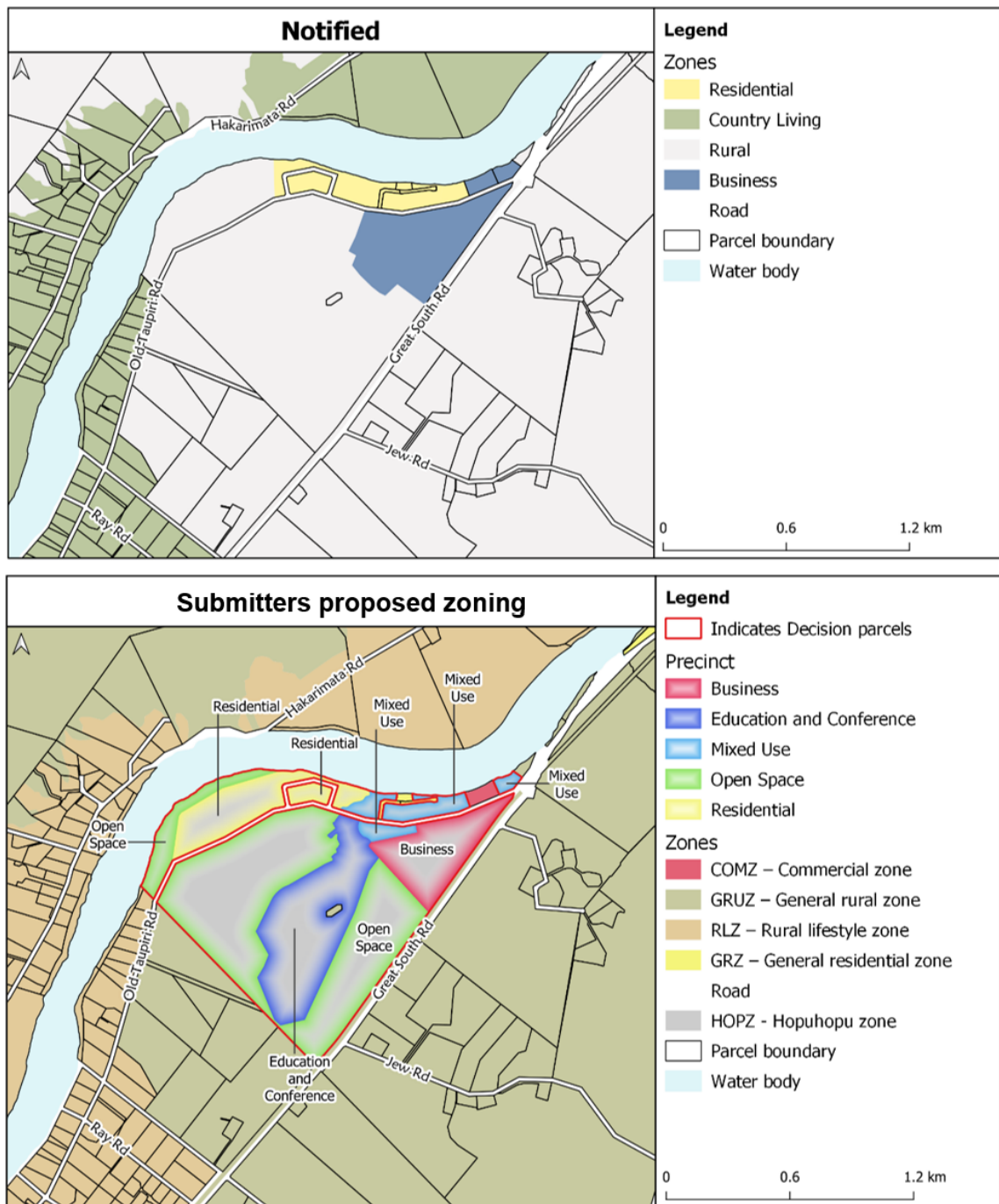
- 5.1 At the hearing, Waikato-Tainui did not pursue its submissions seeking retention of the notified Residential Zone and Business Zone at Hopuhopu. The proposal as put forward in evidence is to rezone the Hopuhopu site (138 hectares) as a special purpose zone to be called Hopuhopu Special Purpose Zone. Map 1 (next page) compares the land with the zoning notified in the PDP with the proposed new zone divided into five precincts.
- 5.2 The activities intended for the five precincts are summarised from the evidence as follows:³
- a) Precinct 1 – Residential (16ha) provides for residential uses at an average density up to one residential unit per 450m², and includes papakainga and kaumaatua housing, rest home and hospital facilities.
 - b) Precinct 2 - Education and Conference (29ha) covers the Endowed College site and is focussed on activities related to the college. This area is in the Operative Pa Zone, which allows commercial, business and light industry uses. These uses are now directed towards the Business and Mixed Use precincts.
 - c) Precinct 3 – Business (15ha) allows for office and commercial activities as well as trade and industry training activities and light industry. A new definition of 'light industrial' activities for the Hopuhopu site would mean that such activities would be generally of a small scale and would need to be located predominantly indoors so as to ensure they are unlikely to give rise to adverse effects beyond the site.
 - d) Precinct 4 - Open Space (70ha) provides for rural activities, sports fields, events, plant nursery, carvers' workshop, and environmental education facility.
 - e) Precinct 5 - Mixed Use (9ha) provides for a mix of residential (primarily kaumaatua housing), cultural (Whare Taonga/museum), educational, and administrative uses

² Evidence of Miffy Foley, para 25.1

³ Evidence of Susan Henderson section 11.

(Waikato Tainui headquarters and offices), along with potential for a small convenience retail and café.

Map I

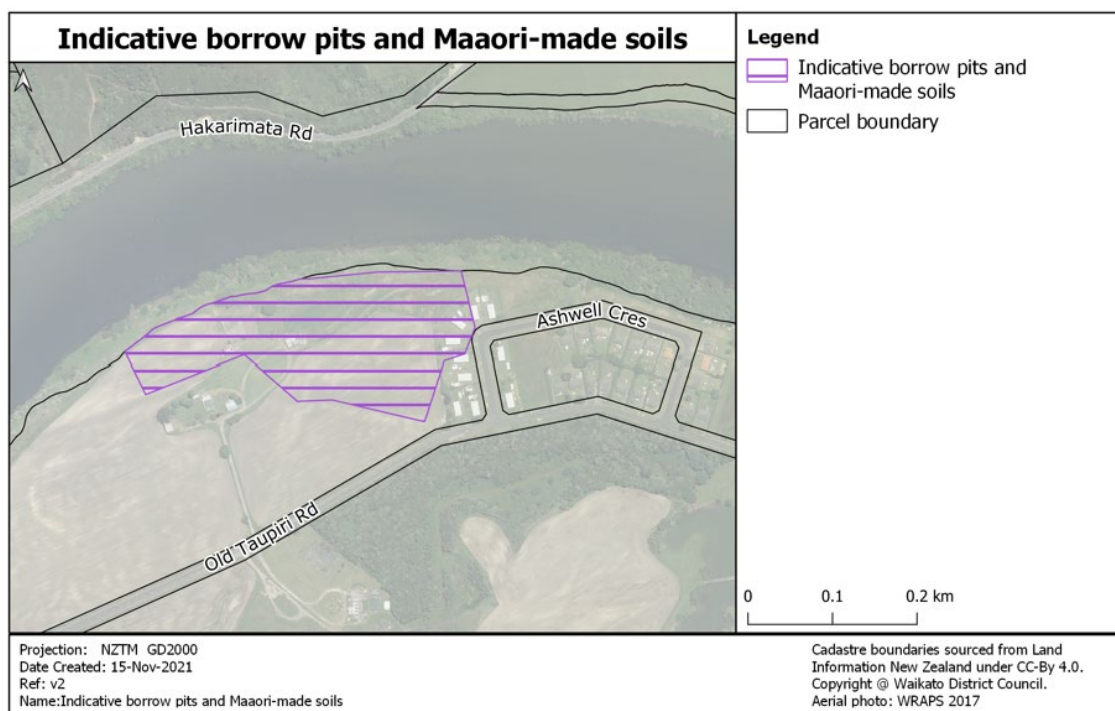


5.3 In summary, it is noteworthy that some 100ha is allocated to open space and the existing Endowed College, out of the total site area of 138ha. The balance of the site is proposed

for urban uses, most of which is already zoned for such uses. The limited scale of the proposed urban zoning is a consideration that we will return to later in this decision.

- 5.4 Draft objectives, policies and rules for the zone and precincts were presented in evidence. These were developed collaboratively between the submitter’s consultant and Council staff. We analyse those later in this decision.
- 5.5 An archaeological site of borrow pits and Maaori-made soils was also shown on the map submitted in evidence. The archaeological site is included on the Planning Maps for information and referred to in an advice note in the plan text. We sought clarification after the hearing on the extent of this area. Map 2 shows the revised area of the archaeological site.

Map 2



6 Section 42A report analysis and recommendations

- 6.1 The section 42A report recommended acceptance of the proposed special purpose zone, with the PDP being amended to include the draft plan provisions and maps produced in evidence.
- 6.2 The report included analysis of the related issues, which we will elaborate on in the following sections, along with the relevant evidence.

7 Criteria for a special purpose zone

- 7.1 The National Planning Standards set criteria for the creation of a special purpose zone. The proposed land use activities or anticipated outcomes of the additional zone must be:
- a) significant to the district, region or country;
 - b) impractical to be managed through another zone; and
 - c) impractical to be managed through a combination of spatial layers.⁴
- 7.2 The section 42A report concluded that these criteria are met. Mr Donald's evidence emphasised the uniqueness of the site, including these points:
- a) The land was returned to Waikato-Tainui through the treaty settlement process and is held in Te Wherowhero title (named after the first Maaori King);
 - b) The land is unable to be sold or leased without the approval of Kiingi Tuheitia and two other custodial trustees; and
 - c) The intent is to retain the land for future generations and develop it for the good of Waikato-Tainui people.
- 7.3 A video was shown at the hearing indicating a vision for the development of the land for a range of business, residential including papakainga, educational and open space uses, all targeted to improve the wellbeing of Waikato-Tainui people.
- 7.4 We are satisfied by the evidence that that this social and cultural vision is significant to the district and impracticable to be delivered through another zone or spatial layers, particularly as Waikato-Tainui intend to manage the whole site according to cultural practices and not to subdivide or alienate any of the land. The proposed zone would enable a comprehensive approach to managing the development of the site, recognise the unique nature of the Hopuhopu site, and the current and anticipated future uses.
- 7.5 We find that and the proposed special purpose zone complies with the Natural Planning Standards criteria, and we now proceed to consider the proposal in more detail.

⁴ National Planning Standards, Zone framework standard 8.3.

8 Higher order documents

- 8.1 The first consideration is to test the rezoning proposal against higher order documents.⁵ We have described these documents in detail in other decisions. In this decision we will reference the documents only so far as is relevant to our conclusions here.
- 8.2 The section 42A report and submitter evidence listed these documents as relevant to this decision:
- a) National Policy Statement for Urban Development 2020 (NPS-UD);
 - b) Vision and Strategy for the Waikato River;
 - c) Waikato Regional Policy Statement (WRPS);
 - d) Future Proof 2017;
 - e) Waikato 2070;
 - f) Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao); and
 - g) Proposed District Plan Policy Direction - Framework s42A report.⁶

National Policy Statement for Urban Development 2020

- 8.3 The NPS-UD primarily requires councils to plan for well-functioning urban environments and to ensure the adequate provision of developable land. It requires district plans to enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which certain criteria apply.
- 8.4 The section 42A report author stated that NPS-UD is not particularly relevant to Hopuhopu because Hopuhopu is not an urban environment. She noted that the Hopuhopu proposal would comply with some aspects of the NPS-UD policies.⁷ We agree there are aspects of Hopuhopu that might contribute to meeting the council's obligations under the NPS-UD, but we do not see it as a comprehensive response to the NPS-UD.
- 8.5 We consider that the NPS-UD does not constrain our decision on Hopuhopu rezoning. We understand that the NPS-UD is aiming to improve the functioning of urban areas and not concerned with development at places like Hopuhopu. Hopuhopu is not an urban environment area as defined in the NPS-UD.⁸ We consider that the proposed Hopuhopu rezoning would not adversely affect the functioning of urban areas elsewhere because of its modest scale.

Vision and Strategy for the Waikato River

⁵ Section 42A Framework Report - 19 January 2021, introduces the higher order documents

⁶ Listed in section 42A report para 50; evidence of Susan Henderson para 9.1.

⁷ Section 42A report para 51a.

⁸ "Urban environment" definition, NPS-UD 1.4

8.6 The Vision and Strategy (Te Ture Whaimana) for the Waikato River aims to enable positive outcomes and prevent adverse outcomes for the river. The adverse effects of land use and development at Hopuhopu beside the river are obvious risks. We accept that those risks would be adequately addressed in draft policies and rules for Hopuhopu that were mentioned by Ms Henderson in her evidence.⁹ Beyond that, we observe that Waikato-Tainui is the owner and future developer of Hopuhopu. We have heard strong advocacy for the Vision and Strategy from Waikato-Tainui at other hearings and we have no doubt that the requirements of the Vision and Strategy will be met at Hopuhopu.

Waikato Regional Policy Statement

8.7 The WRPS provisions relevant to our decision on Hopuhopu are those calling for positive outcomes for Maaori, and provisions restricting urban development and rezoning.

8.8 Ms Henderson identified several WRPS provisions calling for positive outcomes for Maaori. She considered that the Hopuhopu development would give effect to these.¹⁰ Ms Henderson stated that the proposed development would enhance the ability of Waikato-Tainui to exercise kaitiakitanga over this tribal land.

8.9 Similar to our reasoning in relation to the Vision and Strategy, we agree that the WRPS policies which call for positive outcomes for Maaori will be given effect to at Hopuhopu. We conclude that this aspect of the WRPS does not constrain our decision on Hopuhopu rezoning.

8.10 Chapter 6 of the WRPS concerns the Built Environment and requires councils to consider section 6A principles when reviewing district plans. The WRPS states that these principles are not absolutes, and it is recognised that some developments will be able to support certain principles more than others. In some cases, certain principles may need to be traded off against others. However, all principles are to be appropriately considered.

8.11 The principles particularly relevant to Hopuhopu are:

- a) support existing urban areas in preference to creating new ones:
...
- c) minimise the need for greenfield urban development;
- d) not compromise existing and planned infrastructure;
- e) connect well with existing and planned infrastructure;
- f) identify water requirements and ensure availability;
...

⁹ Evidence of Susan Henderson, para 9.29

¹⁰ Evidence of Susan Henderson, page 14

i) promote compact urban form, design and location to: ... minimise private motor vehicle use;

...

p) be appropriate with respect to projected climate change;

q) consider effects on tangata whenua relationships, values, aspirations, roles and responsibilities;

r) support the Vision and Strategy for the Waikato River.

8.12 Principles d), e) and f) regarding infrastructure, and q) and r) outcomes for Maaori and the Vision and Strategy, are supported, as discussed in other parts of this decision.

8.13 Regarding principle a), Ms Henderson sought to emphasise that the current Hopuhopu zoning is “urban” and that Hopuhopu rezoning could be said to support an existing urban area rather than creating a new one.¹¹ For the purposes of Principle a), we accept that Hopuhopu qualifies as “urban” as a non-agricultural village within the WRPS definition:

“Urban” – a concentration of residential, commercial and/or industrial activities, having the nature of a city, town, suburb or a village which is predominantly non-agricultural or nonrural in nature.¹²

8.14 Regarding principles c) and i), the requested Hopuhopu rezoning includes greenfield development and does not promote compact urban form. It relies on schools, shops, facilities and services in other locations. While Hopuhopu has a bus service, future development will be largely dependent on the use of private vehicles. We have weighed these considerations in light of the WRPS’s intentions around the principles. We note that they are titled “General Principles” and whilst relevant, are not directive in nature.

8.15 We conclude that overall, the Hopuhopu rezoning is acceptable in terms of the WRPS principles. Our reasons are that the rezoning satisfies some of the principles and we give greater weighting to these than we give to the principles that are not as strongly supported, noting that the expansion of existing residential and business areas will be of modest scale and will not unduly impact urban areas elsewhere.

Future Proof

8.16 Future Proof 2009, which is adopted by the WRPS, and Future Proof’s 2017 revision, (collectively, Future Proof) are discussed in detail in the Framework Report and other decisions.¹³ Ms Henderson saw no inconsistency between Future Proof 2009 and 2017. Ms Henderson acknowledged that Hopuhopu is outside of the indicative village/urban limits identified in the 2009 and 2017 strategies, but is a site already zoned for urban

¹¹ Evidence of Susan Henderson para 7.1, 8.1, 9.15,

¹² WRPS Glossary – “urban”

¹³ Frameworks Report para 115-122; Ohinewai Decision

uses. Ms Henderson then highlighted the Future Proof provisions which promote positive outcomes for Maaori.¹⁴

8.17 There is no doubt that that the proposal promotes positive outcomes for Maaori, including by providing for marae and papakaainga in terms of WRPS Policy 6.4. However, we still need to consider other aspects of Future Proof, which direct urban development into identified locations and constrain urban development in all other places. Hopuhopu is not one of the favoured locations.

8.18 The Hopuhopu proposal includes the conversion of an area currently in the Rural Zone to urban uses. District plans can consider an alternative residential or industrial land release if criteria in WRPS Method 6.14.3 are satisfied. The key criterion is that industrial land release is to be “justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence.)” We received little direct evidence in regard to the proposed light industrial zoning, but we are satisfied that the criteria are met, given the modest scale of the additional development which is contemplated.

8.19 Ms Henderson stated in relation to light industrial uses:

This is to provide for opportunities for new business start-ups and incubators which may include workshops as an example. A new definition of ‘light industrial’ activities for the Hopuhopu site would mean that such activities would be generally of a small scale and would need to be located predominantly indoors so as to ensure they are unlikely to give rise to adverse effects beyond the site.¹⁵

8.20 We have concluded that the Hopuhopu rezoning gives effect to the WRPS. We consider that the WRPS is sufficiently responsive and flexible to admit this development, particularly given the alternative land release criteria in Method 6.14.3. The proposed scale and intensity of the residential, business and light industrial activities were a key consideration. Later in this decision, we assess the draft plan provisions to ensure these outcomes are attained.

Waikato 2070

8.21 We are required to “have regard” to Waikato 2070, which is the district’s growth and economic development strategy adopted in 2020.¹⁶ It encourages partnering with iwi to help realise their social, cultural, economic and environmental aspirations. The strategy includes the Ngaaruawahia Development Plan in which Hopuhopu is identified as a Special Activity Precinct with a development timeframe of 1-3 years and also includes a Hopuhopu Business Park.

8.22 We note that the Framework Report lists Growth Cells from Waikato 2070. Included in the Ngaruawahia Growth cell is a Hopuhopu Business Park 2030-2050 adjacent to the site being considered in this decision. We received little evidence about this future

¹⁴ Evidence of Susan Henderson para 9.15

¹⁵ Evidence of Susan Henderson, para 11.15

¹⁶ s42A Zone Extents Framework Report, para 123-139; RMA s74(2)

business park.¹⁷ However, it appears to us that the proposal will be compatible with an indicated business park.

8.23 We conclude that the proposed Hopuhopu rezoning is consistent with Waikato 2070, strengthening our view that it is aligned with the NPS-UD and WRPS.

Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao)

8.24 The section 42A report author concluded that the proposal is consistent with the Waikato-Tainui Environmental Plan objectives, saying that the proposed development will enhance the education and training already occurring, support papakaainga development and allow urban and rural development to occur. We agree.

Conclusion on higher order documents

8.25 We conclude that the Hopuhopu rezoning proposal gives effect to the NPS-UD and WRPS. We have had regard to the other relevant higher order documents and consider that the proposal is consistent with these other planning instruments. Our reasons are set out above and we also adopt the reasoning of the section 42A report.¹⁸

9 Infrastructure

Three waters

9.1 We received evidence about infrastructure at the hearing from several sources. The Framework Report contains information about council plans for infrastructure development.¹⁹ The section 42A report author, Betty Connolly, provided details specific to Hopuhopu.²⁰ Submitter evidence on infrastructure came from planners, but we did not receive written expert evidence.

9.2 Ms Henderson stated that Waikato-Tainui had commissioned site investigations by technical consultants in relation to the future development of the site. These investigations included traffic and transport, three waters, geotechnical, archaeological, ecological, contamination and alligator weed.²¹

9.3 Ms Henderson summarised the conclusions from the reports. Chris Dawson of Bloxham, Burnett and Olliver, the consultancy that reported on traffic and three waters, attended the hearing and answered our questions.

9.4 In relation to stormwater, freshwater and drinking water services(three waters), Ms Henderson stated that Bloxam Burnett and Olliver engineers met with Watercare Services Limited (Watercare) to discuss the proposal. Watercare did not indicate any concerns with the capacity of the nearby Council wastewater treatment plant to service

¹⁷ Section 42A report page 24 (business park in relation to 3 waters); Section s32AA evaluation para it briefly at para

¹⁸ Section 42A report, para 82

¹⁹ s42A Zone Extents Framework Report, Appendix 5: Assessment of Growth Cell Servicing

²⁰ Betty Connolly, section 42A report, para 77

²¹ Evidence Susan Henderson, section 12.

the Hopuhopu development given the type of development proposed, being a brownfield site with no proposals for wet industry. At the hearing, Mr Dawson confirmed the meeting with Watercare conveyed a clear understanding that water and wastewater capacity will be available, and connections will be provided for in the proposed development.

- 9.5 Stormwater management proposals were also outlined by Ms Henderson. Stormwater treatment will need to be provided for three catchments. Stormwater management for the proposed development will achieve water quality treatment and be in general accordance with Council's and Waikato Regional Council's respective requirements.
- 9.6 As mentioned above, Ms Henderson advised that Hopuhopu is a brownfield site with existing urban zoning, and existing services to the site, including three waters. While we accept that, we also note that areas of the site are to be redeveloped more intensively and it is important to consider whether infrastructure's capacity can be expanded to service that future development.
- 9.7 We sought further assurance regarding three waters. We received a memorandum from Anna Fraser, an Associate Civil Engineer employed by Beca Ltd, who reviewed the information contained in Ms Henderson's evidence on three waters. Ms Fraser recommended the following:
- a) Confirmation be sought that the wastewater network, pump stations and treatment plant have sufficient long-term capacity in the next stage of design;
 - b) The high-level assessment completed by Bloxam Burnett and Olliver on three waters should be reviewed to confirm assumptions for the site; and
 - c) Confirmation be sought from Watercare regarding the capacity of the water supply for the proposed rezoning.
- 9.8 We have not received further confirmations as suggested by Ms Fraser. However, we consider the residual issues can be adequately addressed in plan provisions that ensure three waters are available prior to any development commencing. Bearing in mind the proximity of the site to existing Council infrastructure, we consider that standard engineering solutions should be feasible. We have amended the draft policies to ensure that these are implemented.

Traffic and roading

- 9.9 In relation to traffic Ms Henderson summarised an initial traffic effects assessment undertaken by Bloxham, Burnett and Olliver. This assessment concluded that the overall transportation effects on the adjoining road network with the introduction of the proposed Hopuhopu rezoning are expected to be moderate but able to be managed and mitigated to an acceptable level. The northern Great South Road/Old Taupiri Road intersection is expected to operate at acceptable levels of service and safety, but the southern intersection of those roads is expected to deteriorate over time and capacity upgrades may be required.

9.10 We are satisfied that the development can be satisfactorily serviced for transport by the existing road network. Traffic growth is able to be managed and effects mitigated to an acceptable level through plan provisions and development contributions. We note that provision has been made in the draft zone provisions for walking and cycle paths throughout the zone, which should help to reduce vehicle trips within the site.

10 Site suitability

10.1 In relation to geotechnical matters, Ms Henderson said that an initial geotechnical investigation by CMW Geosciences had assessed liquefaction risk as insignificant to mild for the residential areas of the site and mild to moderate for the business areas. Suitable foundations and specific building setbacks were recommended. Earthworks were expected to be relatively standard but would require specific designs at the consent stage.

10.2 Flooding in a 1% AEP event will affect parts of the site. This has been considered and all development will be accommodated outside of this extent.

10.3 An archaeological site of probable and possible borrow pits and cultivated soils was identified.²² The area has been shown on the draft zoning map as an 'Indicative Borrow Pit and Maaori-Made Soils Overlay.' An advisory note was included in the draft zone text to highlight the archaeological site requirements under the Heritage New Zealand Pouhere Taonga Act 2014 in relation to this area.

10.4 In relation to possible contamination at the site, 4-Sight Consulting Ltd has identified a range of activities on the Hazardous Activities and Industries List (HAIL) that are known to have been undertaken or are considered likely to have been undertaken within the site. Consent will likely be required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and section 5.3 of the Waikato Regional Plan.

10.5 Alligator weed is present on the site and will be required to be managed in accordance with the Waikato Pest Management Plan 2014-2024, and an advisory note was included in the draft zone text to highlight this requirement.

10.6 We are satisfied that site development would not be materially constrained by geotechnical, natural hazards, archaeological contamination or pest issues, and none of these rule out rezoning.

Additional locational criteria for industry

10.7 The Framework Report identifies the following additional considerations for the location of industry:²³

- a. large, flat sites;

²² Site noted on NZAA register S14/394

²³ S42A Zone Extents Framework Report para 162

- b. ease of access to the regional road network (without passing through town and village centres or through residential areas);
- c. ease and affordability of providing for water and wastewater (especially for wet industries);
- d. geological stability to provide sound foundations; and
- e. good buffering from residential and environmental areas and other areas likely to be sensitive to magnetic radiation, noise and vibration.

10.8 We consider that the proposed precinct for light industrial activity meets those requirements, subject to the applicable plan provisions. Any future extension of light industry to other precincts would need to be assessed by reference to appropriate objectives and policies, which we discuss further below.

10.9 Policy 4.1.6 of the PDP limits the location of industrial activities within the district. The draft plan provisions submitted in evidence propose to amend that policy to include Hopuhopu. We have adopted that suggestion, amending the wording to enable light industrial in Hopuhopu Special Purpose Zone Precinct 3.

Other good practice planning approaches

10.10 The section 42A report identified four other considerations relevant to Hopuhopu.²⁴ Our assessment of them is as follows:

- a) *Economic costs and benefits*: this is a unique site that has the ability to provide extensive economic benefits for Waikato-Tainui despite the costs involved.
- b) *Site features*: the site is well suited for the development of a Special Purposes Zone. It is flat, has access to infrastructure, and existing development including the Endowment College, housing and other buildings used for Waikato-Tainui's administration.
- c) *Defensible zone boundaries*: Hopuhopu is clearly defined on the south-eastern boundary by the main trunk line and Great South Road, the northern boundary by the river and the south-western boundary by a property boundary bordering Council's wastewater plant and privately-owned land. Te Wherowhero title cannot be extended to the surrounding land.
- d) *Spot zoning*: the guidance generally suggests there should not be spot zones, but anticipates that this may be appropriate on occasion. It is appropriate here given Hopuhopu's special features and the overall PDP objectives.

10.11 We agree with the s42A report author's conclusion that Hopuhopu satisfies the above considerations.

11 Panel decision

11.1 Our decision is to accept the submissions for the Hopuhopu Special Purpose Zone rezoning proposal. Our reasons are that the proposal as described in evidence meets the criteria for the creation of a special purpose zone, gives effect to the national and

²⁴ The section 42A report para 84

regional policy statements, supports the other relevant high-level policy documents, and complies with good planning practice.

- 11.2 We accept the draft planning maps, including the five precincts with their boundaries as presented in evidence. The archaeological site of borrow pits and Maaori-made soils will be shown on the map for information and explained in an advice note in the PDP text. The pest plants in the archaeological area, as mentioned in the Waikato Regional Council's further submission, are not mapped but referred to in a second advice note.

12 Draft plan provisions

- 12.1 Draft plan objectives, policies, rules and maps were provided in evidence.²⁵ We have examined these and this section summarises our findings as well as the changes which we have made.
- 12.2 At several points of this decision, we noted that the Hopuhopu rezoning is acceptable because of the limited scale of the urban development. In Section 8, we considered that giving effect to the national and regional policy statements depended upon the urban development not exceeding the current proposal. In Section 9, we noted that residual issues around infrastructure could be addressed in plan provisions that ensure three waters are available prior to the proposed development.
- 12.3 We have amended some of the draft plan provisions to manage the scale of urban activities outside the precincts identified for such development and to ensure provision of infrastructure. These are set out in Attachments 1 and 2.
- 12.4 We have generally reviewed and amended the draft plan provisions for consistency across the PDP. We have also carefully considered one particular aspect of consistency concerning the site boundary, which is the usual reference point for many land use controls. For example, effects such as noise and light spill are usually measured at site boundaries, as are building setbacks and height control planes. This approach generally works well to manage effects between small urban sites under separate ownership. However, the Hopuhopu Special Purpose Zone comprises a single 138ha parcel of land. If the site boundary is taken to mean the zone boundary, then many standard controls will not be sufficient to mitigate adverse effects between the different land uses within the site.
- 12.5 The draft rules presented by the submitter contain rules providing for noise, light spill and the height control plane to be measured only at the zone boundary. The draft rules required building setbacks only from roads, railway, the Waikato River and the boundaries of adjoining sites. We do note that some of the outcomes of a building setback will however be attained by a rule that caps the total number of residential units in Precinct 1 (Residential) at one residential unit per 450m². However, there are no equivalent density controls on other activities in the zone.

²⁵ Evidence of Susan Henderson, appendices 1-6

- 12.6 On a large site such as this, those rules will not mitigate effects evenly within the site. We have concluded that this approach is acceptable in the special Hopuhopu context. The relevant features of Hopuhopu for these purposes are: the single, indivisible ownership; the nature of the Te Wherowhero title designed for the benefit of all Waikato-Tainui; and the specific purposes of the zone. In this context, we have decided that the management of internal amenity is appropriately left to be managed by the landowner and land users. Accordingly, we have decided to keep the rules as submitted, subject to minor changes.
- 12.7 A number of the draft definitions have been amended or deleted for simplification and consistency across the PDP. The draft included an “Introduction” section, which we retitled as “Issues” for consistency with the National Planning Standards.

13 Conclusion

- 13.1 We accept and/or reject the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this Decision.
- 13.2 Overall, we are satisfied that the amendments to the PDP as notified, as well as the new Hopuhopu Special Purpose Zone provisions, respectively appended as “Attachment 1” and “Attachment 2”, will provide a suitable framework in the PDP for land use and development within the Hopuhopu site.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

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Attachment 1: Amendments to Chapters 13

Chapter 13 Definitions

<u>Kaumaatua housing (Hopuhopu):</u>	<u>Means, in the HOPZ – Hopuhopu zone, one or more residential units for the purpose of providing housing specifically for kaumaatua and may include:</u> <u>(a) services and facilities, including rest homes and hospitals, for the care and benefit of the residents;</u> <u>(b) activities, pavilions and/or other recreational facilities or meeting places for the use of residents of that complex and visitors of residents.</u>
<u>Light industrial activity</u>	<u>Means small scale manufacturing, warehouse, storage, service and repair activities which do not involve the use of heavy machinery, are carried out indoors with no adverse effects (such as noise, odour, dust, fumes and smoke) on residential activities sensitive to these effects.</u>
<u>Plant nursery (Hopuhopu):</u>	<u>the use of land and/or buildings for the propagation, display, storage and wholesale sale of plants where production is not dependent on the soils of the site, and may include ancillary offices, and ancillary buildings such as sheds, glasshouses, and shade houses.</u>

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Attachment 2: New Special Purpose Zone - Hopuhopu

HOPZ – Hopuhopu zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The Hopuhopu site comprises 138ha. This land, a former army base, was returned to Waikato-Tainui in 1993 by the Crown. The site is held in Te Wherowhero title for the benefit of all Waikato-Tainui. Waikato-Tainui established a complex including the Waikato-Tainui College for Research and Development (also known as the endowed college) along with residential, administrative, business, sports and other activities. This significant resource has historic, symbolic, and cultural importance to Waikato-Tainui, who wish to develop the land as a tribal hub for the benefit of all their people. Issues for development include limitations on three waters infrastructure and the capacity of the road network.

Objectives

HOPZ-O1 Purpose of the zone.

Waikato-Tainui are able to promote their spiritual, educational, cultural, social, economic, and environmental interests, well-being, and associations in accordance with tikanga Maaori, in a tribal hub within a place of historic, symbolic, and cultural importance to Waikato-Tainui in the zone.

HOPZ-O2 Role of Hopuhopu.

The role of Hopuhopu as the headquarters of Waikato-Tainui and the site of the Waikato-Tainui Endowed College is recognised and strengthened.

HOPZ-O3 Development.

Development of the zone is of a character and scale that reflects its river setting and is compatible with the special nature of Hopuhopu as the headquarters of Waikato-Tainui.

HOPZ-O4 Use and development.

The use and development of the Hopuhopu site for a range of activities is facilitated and enabled whilst ensuring adverse effects of activities are avoided, remedied, or mitigated.

HOPZ-O5 Te Wherowhero.

Recognise the special nature of Te Wherowhero title as treaty settlement land which is held for the benefit of all Waikato-Tainui.

HOPZ-O6 Infrastructure.

Infrastructure to support development is provided in an integrated and comprehensive manner and in place at the time of development.

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Policies

All precincts

HOPZ-P1 Hopuhopu precincts.

- (I) Provide for a range of compatible activity types in appropriate locations by defining specific precincts within the zone, being:
- (a) PREC8 – Hopuhopu residential precinct providing for predominantly residential activities;
 - (b) PREC9 – Hopuhopu education and conference precinct providing for predominantly educational and conference facilities
 - (c) PREC10 – Hopuhopu business precinct providing for predominantly business activities;
 - (d) PREC11 – Hopuhopu open space precinct providing for predominantly open space, used for recreational and rural activities; and
 - (e) PREC12 – Hopuhopu mixed use precinct providing for predominantly mixed use activities

HOPZ-P2 Built form.

- (I) Promote well-designed built form that:
- (a) Responds to the characteristics and qualities of the area and provides for tikanga Maaori;
 - (b) Promotes development that is sympathetic to and celebrates cultural and historic values;
 - (c) Provides for a highly-connected network of pedestrian and cycle ways within each precinct and linking to the wider Hopuhopu area;
 - (d) Promotes vehicle and pedestrian safety
 - (e) Creates strong visual and physical links to the Waikato River.

HOPZ-P3 Cultural activities.

Provide for a range of cultural activities to occur.

HOPZ-P4 Character.

Encourage attractive character with generous on-site open space, landscaping, screening and street planting.

HOPZ-P5 Cultural events and temporary events.

Enable cultural events, and temporary events and associated temporary structures provided any adverse effects are managed.

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HOPZ-P6 Servicing.

Require habitable buildings to connect to public reticulated network networks for wastewater and potable water with adequate capacity; and require all development to provide land drainage and stormwater disposal either through a reticulated network or in accordance with the EIT – Energy, infrastructure and transport section.

HOPZ-P7 Adverse effects.

(1) Minimise adverse effects on the environment and surrounding area by:

- (a) Identifying defined precincts as a means of separating incompatible activities;
- (b) Ensuring that height, bulk and building scale are in keeping with the amenity values of the area;
- (c) Maintaining the amenity values of neighbouring zones and sites through mechanisms such as setbacks from boundaries and height limits;
- (d) Requiring the bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites;
- (e) Requiring that noise levels measured within any other site in any other zone must meet the permitted noise levels for that zone;
- (f) Requiring that any signage is compatible with the Precinct within which it is located, does not detract from the visual amenity of the surrounding environment, and does not distract, confuse or obstruct motorists, pedestrians and other road users;
- (g) Minimising the adverse effects of sediment and stormwater runoff from earthworks;
- (h) Ensuring the safe and efficient operation and functioning of the transport network and internal access to facilities;
- (i) Ensuring there is sufficient open space in each precinct to provide for landscaping and on-site stormwater disposal;
- (j) Ensuring that the design of buildings supports good urban design, particularly when visible from Old Taupiri Road and the Waikato River.

HOPZ-P8 Industrial development.

Avoid industrial development in precincts: PREC8, PREC9, PREC11 and PREC12.

HOPZ-P9 Land use transport integration.

Provide for the integration of land use with transport infrastructure.

PREC8 – Hopuhopu residential precinct policies

PREC8-PI Use and development.

Provide for the use and development of land for a range of residential and cultural activities.

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PREC8-P2 Design of residential units.

Allow for flexibility in the layout and design of residential units and activities to enable tikanga Maaori to be incorporated.

PREC8-P3 Building form and layout.

(I) Building forms and layout of residential development:

- (a) Provides for a highly-connected network of pedestrian and cycle ways linking to the wider Hopuhopu area;
- (b) Creates a distinct neighbourhood that reflects the special nature of Hopuhopu;
- (c) Provides for a range of types and densities of residential units, up to one unit per 450m²;
- (d) Provides for good street outlook/surveillance to contribute to safety;
- (e) Promotes vehicle and pedestrian safety;
- (f) Promotes development that is sympathetic to and celebrates cultural and historic values.

PREC8-P4 Non-residential activities.

Limit non-residential activities to a scale that is compatible with residential amenity.

PREC9 – Hopuhopu education and conference precinct policies

PREC9-P1 Activities.

Provide for the use and development of a range of educational facilities, community facilities, conference facilities and ancillary activities, recognising and strengthening the role of the Endowed College as a Waikato-Tainui academic and research college drawing on maatauranga Maaori and indigenous knowledge systems, within a national and international community of scholars.

PREC9-P2 Health facilities.

Enable the use and development of health facilities including in a way which recognises tikanga Maaori.

PREC9-P3 Accommodation.

Provide for the use and development of visitor accommodation and other accommodation ancillary to educational, community and conference activities.

PREC9-P4 Commercial activities.

Limit commercial activities to activities ancillary to a community facility, an educational facility, or a conference centre.

PREC9-P5 Building form and layout.

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Building forms and layout of development promotes development that is sympathetic to local amenity and celebrates cultural and historic values.

PREC10 – Hopuhopu business precinct policies

PREC10-P1 Development.

Development of commercial activities, light industrial activities, and offices is carried out in a way and at a scale that complements and supports the role of business and industrial centres in the District, whilst meeting needs of the Waikato-Tainui community.

PREC10-P2 Employment opportunities.

Provide for employment opportunities through a range of activities.

PREC10-P3 Recreational and health facilities.

Enable the use and development of recreational and health facilities including in a way which recognises tikanga Maaori.

PREC10-P4 Visitor accommodation.

Provide for the use and development of visitor accommodation.

PREC11 – Hopuhopu open space precinct policies

PREC11-P1 Open space character.

Maintain the predominant open space character of PREC11 – Hopuhopu open space precinct in the scale, design, type and location of any development.

PREC11-P2 Use and development.

Enable the use and development of facilities for farming activities including plant nurseries; and recreation, educational and industry training activities compatible with the open space character of PREC11 – Hopuhopu open space precinct.

PREC11-P3 Commercial, office, and industrial activities

Avoid commercial, office, and industrial activities in PREC11 – Hopuhopu open space precinct, except for activities ancillary to farming activities, plant nurseries, recreation, educational and industry training.

PREC11-P4 Residential activities.

Avoid residential activities in PREC11 – Hopuhopu open space precinct.

PREC11-P5 Reverse sensitivity.

Avoid activities that will result in reverse sensitivity effects and/or conflict with permitted activities outside the precinct, including motorised recreation.

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PREC12 – Hopuhopu mixed use precinct policies

PREC12-P1 Use and development.

- (1) Enable the use and development of mixed use activities and for kaumaatua housing, in a way which:
- (a) Ensures the exercise of tikanga Maaori, including in the design and layout of buildings, facilities and activities; and
 - (b) Enhances the Waikato-Tainui relationship with the Waikato River.

PREC12-P2 Commercial activities and offices.

Development of commercial activities and offices is limited, to retain space for other enabled activities in PREC12 – Hopuhopu mixed use precinct, and is carried out in a way and at a scale that complements and supports the role of business and industrial centres throughout the District, whilst meeting needs of the Waikato-Tainui community.

PREC12-P3 Retail.

Provide for small-scale retail activities.

TEMP-Px Cultural events and temporary events in the HOPZ – Hopuhopu zone.

Enable cultural events, and temporary events and associated temporary structures provided any adverse effects are managed.

SUB-Px Subdivision in the HOPZ – Hopuhopu zone.

Avoid subdivision except where it is necessary for infrastructure, utilities, reserves, or road vesting.

Rules

Advice note:

Additional consent may be required for subdivision and change of use where contaminated soil is reasonably likely to harm human health, under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Land use – activities

HOPZ-RI	<u>Places of cultural significance</u>	
(1) Activity status: PER	Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
HOPZ-R2	<u>Cultural event</u>	

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(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
HOPZ-R3 <u>Informal recreation</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
HOPZ-R4 <u>Conservation activity</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
HOPZ-R5 <u>Construction or alteration of a building for a sensitive land use</u>	
(1) Activity status: PER Activity-specific standards: (a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u> (i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u> (ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u>	(2) Activity status where compliance not achieved: RDIS <u>Council's discretion is restricted to the following matters:</u> (a) <u>Effects on the amenity values of the site;</u> (b) <u>The risk of electrical hazards affecting the safety of people;</u> (c) <u>The risk of damage to property; and</u> (d) <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u>
HOPZ-R6 <u>Construction, demolition, addition, and alteration of a building or structure</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
HOPZ-R7 <u>Hazardous waste storage, processing or disposal</u>	
Activity status: DIS	
HOPZ-R8 <u>Transport depot</u>	
Activity status: DIS	
HOPZ-R9 <u>Intensive farming</u>	
Activity status: DIS	
HOPZ-R10 <u>Rural industry</u>	
Activity status: DIS	
HOPZ-R11 <u>Correctional facility</u>	
Activity status: DIS	

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HOPZ-R12	<u>Any activity that is not listed as permitted, restricted discretionary or discretionary</u>
Activity status: DIS	

Land use – activities for PREC8 – Hopuhopu residential precinct

PREC8-R1	<u>Residential activity</u>	
	<u>This includes occupation of a single residential unit for short term rental.</u>	
(1) Activity status: PER	Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC8-R2	<u>Papakaainga, and Papakaainga building</u>	
(1) Activity status: PER	Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC8-R3	<u>Kaumaatua housing (Hopuhopu)</u>	
(1) Activity status: PER	Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC8-R4	<u>Home business</u>	
(1) Activity status: PER	Activity-specific standards: <ul style="list-style-type: none"> (a) <u>It is wholly contained within a building except as provided for in (c) below;</u> (b) <u>The storage of materials or machinery associated with the home business is either wholly contained within a building, or where outside occupies no more than 100m² per residential unit and is located where it is not visible from public roads;</u> (c) <u>No more than 2 people who are not permanent residents of the residential unit are employed at any one time;</u> (d) <u>Unloading and loading of vehicles or the receiving of customers or deliveries may only occur between 7:30am and 7:00pm on any day;</u> (e) <u>Machinery may only be operated between 7.30am and 9.00 pm on any day.</u> 	(2) Activity status where compliance not achieved: RDIS <u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (a) <u>Duration and frequency;</u> (b) <u>Effects on traffic;</u> (c) <u>Effect on amenity values of nearby residential properties; and</u> (d) <u>Scale of the activity.</u>
PREC8-R5	<u>Homestay</u>	
(1) Activity status: PER	Activity-specific standards: <ul style="list-style-type: none"> (a) <u>No more than 4 temporary residents in a residential unit.</u> 	(2) Activity status where compliance not achieved: RDIS <u>Council's discretion is restricted to the following matters:</u>

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	(a) <u>Duration and frequency</u> ; (b) <u>Effects on traffic</u> ; (c) <u>Effect on amenity values of nearby residential properties</u> ; (d) <u>Number of temporary residents</u> ;
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Land use – activities for PREC9 – Hopuhopu education and conference

PREC9-R1	<u>Visitor accommodation</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R2	<u>Marae complex</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R3	<u>Community facility</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R4	<u>Educational facility including waananga, koohanga reo and kura kaupapa</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R5	<u>Conference centre and facilities</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R6	<u>Health facility including hauora</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC10 – Hopuhopu business precinct

PREC10-R1	<u>Visitor accommodation</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R2	<u>Marae complex</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R3	<u>Organised recreation (Hopuhopu)</u>

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(1) Activity status: PER Activity-specific standards: (a) The activity does not involve motorsport	(2) Activity status where compliance not achieved: DIS
PREC10-R4 <u>Indoor recreation (Hopuhopu)</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R5 <u>Community facility</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R6 <u>Whare taonga (museum)</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R7 <u>Conference centre and facilities</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R8 <u>Trade and industry training activity</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R9 <u>Light industry</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R10 <u>Commercial activity</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R11 <u>Office</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R12 <u>Health facility including hauora</u>	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R13 <u>Public transport facility</u>	
(1) Activity status: PER Activity-specific standards:	(2) Activity status where compliance not achieved: n/a

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Nil.	
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Land use – activities for PREC 1 – Hopuhopu open space precinct

PREC 1-RI	Organised recreation (Hopuhopu)
(1) Activity status: PER Activity-specific standards: (a) The activity does not involve motorsport.	(2) Activity status where compliance not achieved: DIS
PREC 1-R2	Indoor recreation (Hopuhopu)
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC 1-R3	Trade and industry training activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC 1-R4	Crafting and carving workshop
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC 1-R5	Plant nursery
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC 1-R6	Plant nursery
(1) Activity status: PER Activity-specific standards: (a) Any retail sales to the public occur from a single building limited to 50m ² of gross dedicated retail floor area.	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on traffic; (b) Hours and days of operation; (c) Noise levels; and (d) Site design, layout and amenity.
PREC 1-R7	Farming
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC 2 – Hopuhopu mixed use precinct

PREC 2-RI	Kaumaatua housing (Hopuhopu)
(1) Activity status: PER Activity-specific standards:	(2) Activity status where compliance not achieved: n/a

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<u>Nil.</u>	
PREC12-R2	<u>Marae complex</u>
(1) Activity status: PER Activity-specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a
PREC12-R3	<u>Community facility</u>
(1) Activity status: PER Activity-specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a
PREC12-R4	<u>Whare taonga (museum)</u>
(1) Activity status: PER Activity-specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a
PREC12-R5	<u>Conference centre and facilities</u>
(1) Activity status: PER Activity-specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a
PREC12-R6	<u>Commercial activity</u>
(1) Activity status: PER Activity-specific standards: (a) <u>The activity occurs within PREC12 – Hopuhopu mixed use precinct and the combined total area of all retail activities in the Precinct does not exceed 400m² of gross dedicated retail floor area</u>	(2) Activity status where compliance not achieved: DIS
PREC12-R7	<u>Office</u>
(1) Activity status: PER Activity-specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a
PREC12-R8	<u>Health facility including hauora</u>
(1) Activity status: PER Activity-specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a

Land use – effects

HOPZ-S1	<u>Outdoor storage</u>
(1) Activity status: PER Where: (a) <u>Outdoor storage in all precincts except that in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct:</u>	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) <u>Visual amenity;</u> (b) <u>Size and location of storage area;</u> (c) <u>Measures to mitigate adverse effects;</u>

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<p>(i) <u>Outdoor storage of goods or materials must comply with all of the following standards:</u></p> <p>(1) <u>HOPZ-S3 (Height) and HOPZ-S6 (Height in relation to boundary);</u> and</p> <p>(2) <u>Be fully screened from view from any:</u></p> <p>(3) <u>Public road;</u></p> <p>(4) <u>Public reserve; and</u></p> <p>(5) <u>Adjoining site in another zone.</u></p>	<p>(d) <u>Effects on loading and parking areas.</u></p>
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Land use – building

<p>HOPZ-S2</p>	<p><u>Number of residential units</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>(1) Activity status: PER Where:</p> <p>(a) <u>The total number of residential units in PREC8 – Hopuhopu residential precinct does not exceed a residential unit yield equivalent to one residential unit per 450m² across the entirety of PREC8 – Hopuhopu residential precinct;</u></p>		
<p>HOPZ-S3</p>	<p><u>Height - building general</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Height of the building;</u></p> <p>(b) <u>Design and location of the building;</u></p> <p>(c) <u>Extent of shading on an adjoining site;</u></p> <p>(d) <u>Privacy on adjoining sites.</u></p>
<p>(1) Activity status: PER Where:</p> <p>(a) <u>The maximum height of any building or structure, measured from the natural ground level immediately below that part of the structure, must not exceed:</u></p> <p>(i) <u>8m above ground level in PREC8 – Hopuhopu residential precinct;</u></p> <p>(ii) <u>12m above ground level in PREC9 – Hopuhopu education and conference precinct;</u></p> <p>(iii) <u>12m above ground level in PREC10 – Hopuhopu business precinct;</u></p> <p>(iv) <u>15m above ground level in in PREC11 – Hopuhopu open space precinct; and</u></p> <p>(v) <u>12m above ground level in PREC12 – Hopuhopu mixed use precinct.</u></p>		
<p>HOPZ-S4</p>	<p><u>Height – floodlight</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>(1) Activity status: PER Where:</p>		

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<p>(a) <u>Any floodlight must not exceed a maximum height of 12m, measured from the natural ground level.</u></p>	
<p>HOPZ-S5 <u>Height of fences or walls</u></p>	
<p>(1) Activity status: PER Where: (a) <u>Fences and walls along any zone boundary, road boundary, boundary of adjoining sites, or within building setbacks under HOPZ-S7 – HOPZ-S8 on a site, measured from the natural ground level immediately below that part of the structure, must be no higher than:</u> (i) <u>1.2m if solid;</u> (ii) <u>1.8m if the fence is:</u> (1) <u>Visually permeable for the full 1.8m height of the fence or wall;</u> <u>or</u> (2) <u>Solid up to 1.2m and visually permeable between 1.2 and 1.8m.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS <u>Council’s discretion is restricted to the following matters:</u> (a) <u>Building materials and design;</u> (b) <u>Effects on amenity;</u> (c) <u>Public space visibility.</u></p>
<p>HOPZ-S6 <u>Height in relation to boundary</u></p>	
<p>(1) Activity status: PER Where: (a) <u>A building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the zone boundary, a road boundary, or boundaries of adjoining sites.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS <u>Council’s discretion is restricted to the following matters:</u> (a) <u>Height of the building;</u> (b) <u>Design and location of the building;</u> (c) <u>Admission of daylight and sunlight to the site and other site;</u> (d) <u>Privacy on any other site;</u> (e) <u>Amenity values of the locality</u></p>
<p>HOPZ-S7 <u>Building setbacks – All boundaries</u></p>	
<p>(1) Activity status: PER Where: (a) <u>A building must be set back a minimum of:</u> (i) <u>3m from a road or zone boundary;</u> (ii) <u>3m from the boundary of an adjoining site.</u> (b) <u>HOPZ-S7(1) does not apply to a structure that is not a building.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS <u>Council’s discretion is restricted to the following matters:</u> (a) <u>Height, design and location of the building relative to the boundary;</u> (b) <u>Impacts on the privacy for adjoining site(s);</u> (c) <u>Impacts on amenity values, including main living areas, outdoor living space of adjoining land;</u> (d) <u>Landscaping and/or screening; and</u> (e) <u>Road network safety and efficiency.</u></p>

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HOPZ-S8	Building setback - sensitive land use
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any building for a sensitive land use must be set back a minimum of:</u></p> <p>(i) <u>15m from a regional arterial road;</u></p> <p>(ii) <u>300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</u></p> <p>(iii) <u>30m from a municipal wastewater treatment facility where the treatment process is fully enclosed;</u></p> <p>(iv) <u>300m from buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity.</u></p> <p>(b) <u>HOPZ-S8(1) does not apply to a structure that is not a building.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
HOPZ-S9	Building setback – water bodies
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any building, other than provided for under HOPZ-S9(1)(b), must be set back a minimum of:</u></p> <p>(i) <u>32m from the margin of any wetland;</u></p> <p>(ii) <u>12m from the bank of any river with an average width of less than 3m;</u></p> <p>(iii) <u>32m from the bank of any river with an average width of 3m or more (other than the Waikato River);</u></p> <p>(iv) <u>28m from the banks of the Waikato River in PREC8 – Hopuhopu residential precinct;</u></p> <p>(v) <u>37m from the banks of the Waikato River in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct;</u></p> <p>(vi) <u>10m from any artificial wetland.</u></p> <p>(b) <u>A public amenity building, or maimai used for temporary waterfowl hunting purposes, of up to 25m² in size;</u></p> <p>(c) <u>A pump shed (public or private) set back a minimum of 5m from any waterbody; and</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>The size of the adjacent waterbody and the landscape, ecological, cultural and recreational values associated with it;</u></p> <p>(b) <u>Erosion and sediment control measures;</u></p> <p>(c) <u>The functional or operational need for the building to be located close to the waterbody; and</u></p> <p>(d) <u>Effects on public access to the waterbody.</u></p>

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(d) <u>HOPZ-S9(1) does not apply to a structure that is not a building.</u>	
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EW-R47	<u>Earthworks – general</u>	
<u>HOPZ – Hopuhopu zone</u>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Except as otherwise specified in Advice note 1 and 2 below:</u></p> <p>(i) <u>Ancillary rural earthworks;</u></p> <p>(ii) <u>A farm quarry where the volume of aggregate extracted does not exceed 1000m³ in any single consecutive 12 month period;</u></p> <p>(b) <u>Earthworks ancillary to a conservation activity must meet the following standard:</u></p> <p>(i) <u>Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p> <p>(d) <u>Contamination of fill material or clean fill;</u></p> <p>(e) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u></p> <p>(f) <u>Compaction of the fill material;</u></p> <p>(g) <u>Volume and depth of fill material;</u></p> <p>(h) <u>Geotechnical stability;</u></p> <p>(i) <u>Flood risk, including natural water flows and established drainage paths;</u></p> <p>(j) <u>Land instability, erosion and sedimentation;</u></p> <p>(k) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</u></p> <p>(l) <u>Proximity to underground services and service connections.</u></p>
EW-R48	<u>Earthworks – general</u>	
<u>HOPZ – Hopuhopu zone</u>	<p>(3) Activity status: PER</p> <p>Where:</p> <p>(m) <u>With the exception of earthworks for the activities listed in EW-R47 and EW-R49, earthworks across the whole of the HOPZ – Hopuhopu zone must meet all of the following standards:</u></p> <p>(i) <u>Cumulatively, do not exceed a volume of more than</u></p>	<p>(3) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p> <p>(d) <u>Contamination of fill material or clean fill;</u></p>

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	<p><u>2000m³ and an area of more than 4000m² over any single consecutive 12 month period of which imported fill material or cleanfill does not exceed a total volume of 1,000m³ in any single consecutive 12 month period;</u></p> <p>(ii) <u>The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level;</u></p> <p>(iii) <u>Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</u></p> <p>(iv) <u>Earthworks are setback a minimum of 1.5m from all site and zone boundaries;</u></p> <p>(v) <u>Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path;</u></p> <p>(vi) <u>Areas exposed by earthworks are stabilised to avoid runoff within 1 month and any remaining bare ground re-vegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks or finished with a hardstand surface;</u></p> <p>(i) <u>Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls;</u></p> <p>(ii) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths;</u></p> <p>(iii) <u>Earthworks must not result in the site being unable to be serviced by gravity sewers.</u></p>	<p>(e) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u></p> <p>(f) <u>Compaction of the fill material;</u></p> <p>(g) <u>Volume and depth of fill material;</u></p> <p>(h) <u>Geotechnical stability;</u></p> <p>(i) <u>Flood risk, including natural water flows and established drainage paths;</u></p> <p>(j) <u>Land instability, erosion and sedimentation;</u></p> <p>(k) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</u></p> <p>(l) <u>Proximity to underground services and service connections.</u></p>
EW-R49	<u>Earthworks – general</u>	

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<p><u>HOPZ – Hopuhopu zone</u></p>	<p>(4) Activity status: PER Where:</p> <p>(a) <u>Earthworks for the purpose of creating a building platform (including the use of imported fill material) that is:</u></p> <p>(i) <u>Subject to an approved building consent;</u></p> <p>(ii) <u>The earthworks occur wholly within the footprint of the building;</u></p> <p>(iii) <u>For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall; and</u></p> <p>(iv) <u>For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</u></p>	<p>(5) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p> <p>(d) <u>Contamination of fill material or clean fill;</u></p> <p>(e) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u></p> <p>(f) <u>Compaction of the fill material;</u></p> <p>(g) <u>Volume and depth of fill material;</u></p> <p>(h) <u>Geotechnical stability;</u></p> <p>(i) <u>Flood risk, including natural water flows and established drainage paths;</u></p> <p>(j) <u>Land instability, erosion and sedimentation;</u></p> <p>(k) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</u></p> <p>(l) <u>Proximity to underground services and service connections.</u></p>
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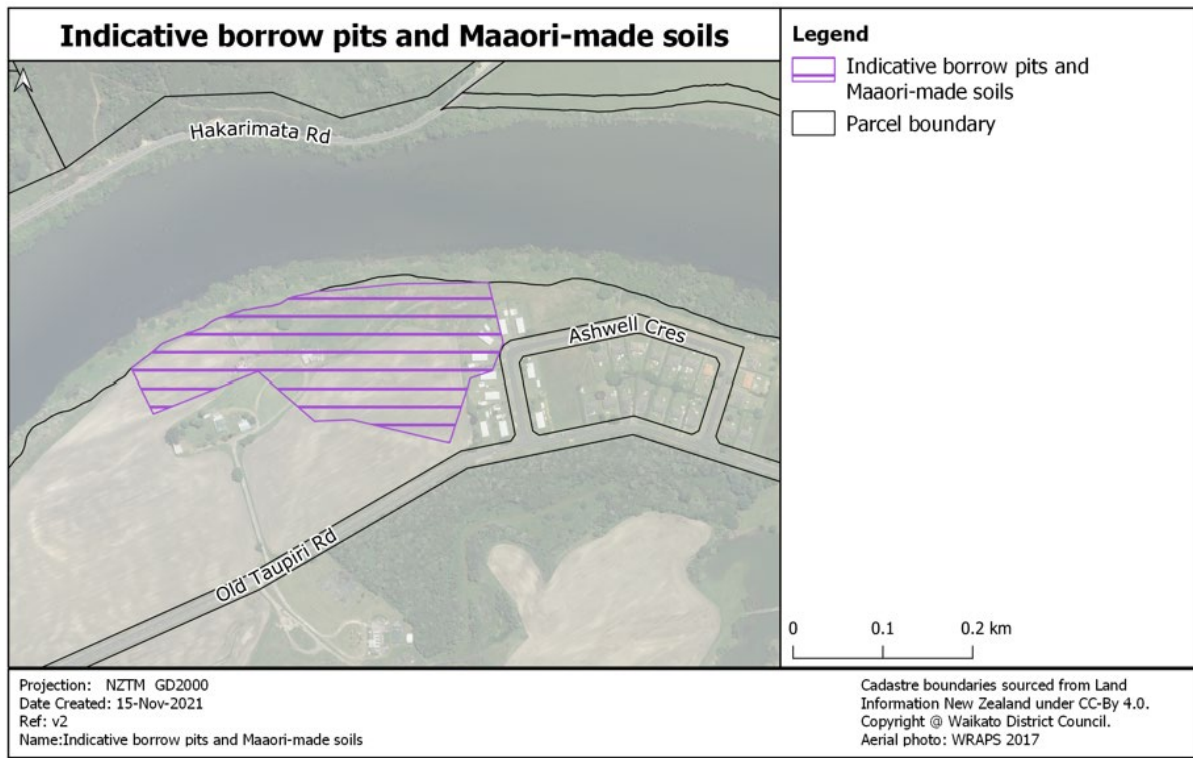
Advice notes: Hopuhopu Archaeological Site

Advice Note 1: The Hopuhopu Archaeological Site map below indicates an area which contains Maori-made soils and possible borrow pits. Heritage New Zealand Pouhere Taonga should be contacted regarding development in this area and an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.

Advice Note 2: The 'Indicative Borrow Pit and Maori-Made Soils' area also coincides with an area known to have contained alligator weed. The Waikato Regional Pest Management Plan 2014-2024 contains rules which relate to the management of alligator weed.

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

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LIGHT-R6	Glare and artificial light spill	
<ul style="list-style-type: none"> • <u>HOPZ – Hopuhopu zone</u> 	<p>(6) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at the zone boundary;</u> (b) <u>LIGHT-R6(1)(a) does not apply to vehicles used in farming activities and agricultural equipment.</u> 	<p>(7) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) <u>Effects on amenity values;</u> (b) <u>Light spill levels on other sites;</u> (c) <u>Road safety;</u> (d) <u>Duration and frequency;</u> (e) <u>Location and orientation of the light source;</u> (f) <u>Mitigation measures.</u>

TEMP-Rx	Temporary event	
<ul style="list-style-type: none"> <u>HOPZ – Hopuhopu zone</u> 	<p>(4) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>The event occurs no more than 15 times per consecutive 12 month period;</u> (i) <u>The duration of each event is less than 72 hours;</u> (ii) <u>It may only operate between 7.30am to 8:30pm Monday to Sunday;</u> (iii) <u>Temporary structures are:</u> <ul style="list-style-type: none"> (1) <u>Erected no more than 7 days before the event occurs;</u> (2) <u>Removed no more than 3 days after the end of the event;</u> (iv) <u>The site of the event is returned to its previous condition no more than 3 days after the end of the event; and</u> 	<p>(5) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) <u>Duration and frequency;</u> (b) <u>Effects on traffic;</u> (c) <u>Traffic safety; and</u> (d) <u>Effects on amenity values.</u>

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	(v) <u>There is no direct site access from a national route or regional arterial road.</u>	
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NOISE-Rx	Noise – general	
<u>HOPZ – Hopuhopu zone</u>	(8) Activity status: PER Where: (a) <u>Farming noise, crowd noise, and noise generated by hunting, emergency generators and emergency sirens.</u>	(9) Activity status where compliance not achieved: n/a
NOISE-Rx	Noise – general	
<u>HOPZ – Hopuhopu zone</u>	(1) Activity status: PER Where: (a) <u>Noise generated within the HOPZ – Hopuhopu zone when measured at the zone boundary must meet the permitted noise levels for the neighbouring zone.</u> (b) <u>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound; and</u> (c) <u>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 Acoustic- Environmental noise.</u>	(2) Activity status where compliance not achieved: DIS

SIGN-R45	Signs – general	
<u>HOPZ – Hopuhopu zone</u>	(3) Activity status: PER Where: (a) <u>A sign must comply with all of the following standards:</u> (i) <u>The sign is wholly contained on the site;</u> (ii) <u>The sign is not illuminated,</u> (iii) <u>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</u> (iv) <u>The sign relates to:</u> (I) <u>Goods or services available on the site; or</u>	(4) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) <u>Amenity values;</u> (b) <u>Character of the locality;</u> (c) <u>Effects on traffic safety;</u> (d) <u>Effects of glare and artificial light spill;</u> (e) <u>Content, colour and location of the sign;</u> (f) <u>Effects on notable trees;</u> (g) <u>Effects on the heritage values of any Historic heritage item due</u>

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	<p>(2) <u>A property name sign.</u></p> <p>(b) <u>In PREC8 – Hopuhopu residential precinct, PREC9 – Hopuhopu education and conference precinct, PREC11 – Hopuhopu open space precinct, PREC12 – Hopuhopu mixed use precinct:</u></p> <p>(i) <u>The sign does not exceed 3m²; and</u></p> <p>(ii) <u>The sign height does not exceed 3m;</u></p> <p>(c) <u>In PREC10 – Hopuhopu business precinct:</u></p> <p>(i) <u>The sign height must not exceed 10m;</u></p> <p>(ii) <u>Where the sign is attached to a building, it must:</u></p> <p>(1) <u>Not extend more than 300mm from the building wall; and</u></p> <p>(2) <u>Not exceed the height of the building;</u></p> <p>(iii) <u>Where the sign is a freestanding sign, it must:</u></p> <p>(1) <u>Not exceed an area of 3m²; and</u></p> <p>(2) <u>Be set back at least 5m from the zone boundary.</u></p>	<p><u>to the size, location, design and appearance of the sign;</u></p> <p>(h) <u>Effects on cultural values of any SASM – Sites and areas of significance to Maori;</u></p>
<p><u>SIGN-R46</u></p>	<p><u>Signs – effects on traffic</u></p>	
<p><u>HOPZ – Hopuhopu zone</u></p>	<p>(5) Activity status: PER</p> <p><u>Where:</u></p> <p>(a) <u>Any sign directed at land transport users must meet all of the following standards:</u></p> <p>(i) <u>Not imitate the content, colour or appearance of any traffic control sign;</u></p> <p>(ii) <u>Be located at least 60m from controlled intersections, pedestrian crossings and level crossings;</u></p> <p>(iii) <u>Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;</u></p>	<p>(6) Activity status where compliance not achieved: RDIS</p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>Effects on traffic safety;</u></p> <p>(b) <u>Glare and artificial light spill; and</u></p> <p>(c) <u>Content, colour and location of the sign.</u></p>

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	<p>(iv) <u>Contain no more than 40 characters and no more than 6 words, symbols, or graphics;</u></p> <p>(v) <u>Have lettering that is at least 200mm high; and</u></p> <p>(vi) <u>Where the sign directs traffic to a site entrance, it must be at least:</u></p> <p>(vii) <u>175m from the entrance on roads with a speed limit of 80 km/hr or less; or</u></p> <p>(viii) <u>250m from the entrance on roads with a speed limit of more than 80km/hr.</u></p>	
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Subdivision

<u>SUB-Rxxx</u>	<u>Any subdivision in the HOPZ – Hopuhopu zone except as provided for in Rule AINF-Rxx (subdivision to create a utility allotment for accommodating infrastructure)</u>
<u>HOPZ – Hopuhopu zone</u>	(1) Activity status: NC

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Decision Zoning

