Waitomo Proposed District Plan (Appeals Version)

Introduction to Section 104(1A)

Section 104(1A) of the Resource Management Act 1991 (RMA) introduces limitations on the matters a consent authority may consider when assessing the effects of a district land-use activity.

Consent authorities must disregard certain effects relating to residential activities, trade competition, retail distribution, project demand and financial viability, the type of residents to be accommodated in new developments and views from private property.

The purpose of the provision is to remove specified considerations from resource consent assessments, while allowing councils to continue assessing other relevant environmental effects. Section 104(1A) is shown in full below:

Section 104(1A)

(1A) When considering the effects of a district land use activity, a consent authority must disregard—

(a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):

(i) the area of glazing:

(ii) the presence or absence of balconies:

(iii) the outdoor living space:

(iv) the internal layout:

(v) the size of a residential unit:

(vi) the size of landscaped areas (except in relation to permeability):

(b) negative effects of development on trade competition, including on competing providers of input goods and services:

(c) effects on retail distribution:

(d) in relation to a project,—

(i) any lack of demand for the project; or

(ii) the fact that the project is not financially viable:

(e) the type of residents to be housed in a new development:

(f) views from private property.

Section 104(1A) – District Plan Assessment and Recommended Amendments

The Waitomo Proposed District Plan (Appeals Version) has been reviewed to identify any provisions that may be affected by section 104(1A). The plan itself will not be amended immediately. Instead, the following tables provide an assessment as a guide. The tables should not be regarded as a final or exhaustive assessment of the plan. As further guidance becomes available, including case law on the application of section 104(1A), the tables will be reviewed and updated as necessary. Please note, some provisions are assessed as "Assessed as not applicable to s104(1A)." These provisions have been included to indicate that they have been considered as part of this process.

PART 1 - INTRODUCTION AND GENERAL

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
1. Mihi - NO CHANGES			

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
2. Contents - NO CHANGES			
3. Purpose - NO CHANGES			
4. Description of the District - NO CHANGES			
5. Statutory context - NO CHANGES			
6. General approach - NO CHANGES			
7. Cross boundary matters - NO CHANGES			
8. Relationships between spatial layers - NO CHANGES			
9. Definitions			
Boarding house	**D**	Assessed as not applicable to s104(1A).	-
co-housing development	**D**	Assessed as not applicable to s104(1A).	-
compact housing developments	**D**	Assessed as not applicable to s104(1A).	-
duplex dwellings	**D**	Assessed as not applicable to s104(1A).	-
fortified site	**D**	Assessed as not applicable to s104(1A).	-
Large format retail	**C**	means any retail activity or wholesale outlet exceeding 300 m^2 gross floor area. It includes but is not limited to: (a) Supermarkets. (b) Hardware and building improvement centres. (c) Office furniture and electronics equipment and system suppliers. (d) Bedding, furniture and household appliance retailers.	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		(e) Outdoor equipment suppliers. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and transport function.*	
Managed care facilities	**C**	means land or buildings in which residential accommodation, supervision, assistance, care and/or support are provided by an agency for residents. For the avoidance of doubt, managed care facilities include women's refuges, night shelters, emergency housing and housing with associated rehabilitation activities, but excludes custodial facilities managed by the Department of Corrections. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
Outdoor living space	**A**	~~means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.~~	104(1A)(a)(iii)
Outdoor retail activities	**C**	means any retail activity or wholesale outlet where goods are displayed for direct sale to the public provided that 40% or more of the display area floor space is outdoors. It includes but is not limited to: (a) Motor vehicle, boat and marine, and farm machinery sales and service. (b) Hire services. (c) Farming and agriculture suppliers. (d) Trade suppliers. (e) Garden suppliers (including nurseries and garden centres). *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and transport function.*	104(1A)(c)
Outdoor service space	**D**	Assessed as not applicable to s104(1A).	-

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
Papakāinga housing development	**A**	means a residential development comprising more than two but no more than six individual papakāinga units which supports traditional Māori cultural living ~~for a recognised mana whenua group residing in Waitomo district~~.	104(1A)(e)
Papakāinga units	**A**	means residential accommodation which supports traditional Māori cultural living ~~for a recognised mana whenua group residing in Waitomo district. For the avoidance of doubt, individual papakāinga units must contain a bedroom and separate bathroom including a toilet, sink and shower but are not required to contain a kitchen where communal kitchen facilities are available on the site.~~	104(1A)(e), 104(1A)(a)(iv)
residential unit	**D**	Assessed as not applicable to s104(1A).	-
Retirement village	**A**	means a managed comprehensive residential complex or facilities used to provide residential accommodation ~~for people who are retired and any spouses or partners of such people~~. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.	104(1A)(e)
seasonal worker accommodation	**C**	means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement associated with a horticultural activity. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
staff accommodation associated with a tourism facility	**C**	means a premises that is provided on the same site as the tourism facility it serves, which is occupied by staff working on-site in that same tourism facility. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
Tiny house	**A**	means self-contained residential accommodation ~~which is a maximum of 20 m² gross floor area at ground floor level~~, and is: (a) Built on a chassis, on wheels and can be towed by a vehicle, but is not motorised itself; and	104(1A)(a)(v)

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		(b) Not intended to be permanently located on any site or attached to the ground on a permanent foundation. For the avoidance of doubt a tiny house is not a second-hand relocated building, a mobile home, a house bus, a recreational vehicle (RV), a trailer type RV, a caravan or a pop-top trailer. Note: Where building work is carried out (for example to join two tiny houses together by a walkway or create a permanent deck) or where kitchen and bathroom plumbing fittings need to be connected to reticulated water or wastewater systems or septic tank systems, the tiny house becomes a building.	
Tiny house development	**D**	Assessed as not applicable to s104(1A).	-
10. Abbreviations - NO CHANGES			
11. Glossary - NO CHANGES			
12. National policy statements and NZCPS - NO CHANGES			
13. National environmental standards - NO CHANGES			
14. Regulations - NO CHANGES			
15. Mana whenua - NO CHANGES			

PART 2 -DISTRICT-WIDE MATTERS

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
16. Strategic Direction — SD			
UFD-O2.	**C**	Support and sustain the vitality and viability of Te Kūiti, as the primary commercial centre for the district, to provide a range of business, retail and entertainment activities, community facilities, educational facilities and visitor accommodation. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(c)
17. Energy - NO CHANGES			
18. National Electricity and Gas Transmission - NO CHANGES			
19. Network Utilities - NO CHANGES (Also see below)			
20. Transport - NO CHANGES			
21. Contaminated Land - NO CHANGES			
22. Hazardous Substances - NO CHANGES			
23. Natural Hazards - NO CHANGES			
24. Historic Heritage - NO CHANGES			
25. Sites and Areas of Significance to Māori			
SASM-R4.	**C**	External additions to existing buildings 1. From 20 October 2022 any addition or extension to any building must not exceed 40 m^2, at any one time or in total cumulatively per scheduled site; and 2. For residential activities only, from 20 October 2022 the maximum area of any new deck must be no more than 20 m^2 and there must be no more than one new deck constructed per scheduled site from this date.	104(1A)(a)(iii) and (v)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard, however, the impacts of additions to a residential unit on the site or area of significance to Māori will be assessed.	
26. Ecosystems and Indigenous Biodiversity - NO CHANGES			
27. Natural Character - NO CHANGES			
28. Natural Features and Landscapes — NFL			
NFL-R1	**B**	Any building that is less than or equal to 5 m in height and/or less than or equal to 30 m^2 in size. *For residential units use **NFL-R2**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the landscape or feature will be assessed.*	104(1A)(a)(v)
NFL-R2	**B**	Any building that is less than or equal to 5 m in height and/or greater than 30 m^2 but less than or equal to 100 m^2 in size. *For residential units apply this rule in place of **NFL-R1, R3 or R4**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the landscape or feature will be assessed.*	104(1A)(a)(v)
NFL-R3	**B**	Any building that is greater than 5 m but less than or equal to 8 m in height and/or greater than 100 m^2 but less than or equal to 300 m^2 in size *For residential units use **NFL-R2**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the landscape or feature will be assessed.*	104(1A)(a)(v)
NFL-R4	**B**	Any building or structure that is greater than 8 m in height and/or greater than 300 m^2 in size *For residential units use **NFL-R2**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the landscape or feature will be assessed.*	104(1A)(a)(v)
29. Subdivision - NO CHANGES			

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
30. Activities on the Surface of Water - NO CHANGES			
31. Amateur Radio - NO CHANGES			
32. Coastal Environment			
CE-R1	**B**	Any building that is less than or equal to 5 m in height and/or less than or equal to 30 m^2 in size. *For residential units use **CE-R2**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the area of high/very high or outstanding natural character will be assessed.*	104(1A)(a)(v)
CE-R2	**B**	Any building that is less than or equal to 5 m in height and/or greater than 30 m^2 but less than or equal to 100 m^2 in size. *For residential units apply this rule in place of **CE-R1, R3 or R4**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the area of high/very high or outstanding natural character will be assessed.*	104(1A)(a)(v)
CE-R3	**B**	Any building that is greater than 5 m but less than or equal to 8 m in height and/or greater than 100 m^2 but less than or equal to 300 m^2 in size *For residential units use **CE-R2**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the area of high/very high or outstanding natural character will be assessed.*	104(1A)(a)(v)
CE-R4	**B**	Any building or structure that is greater than 8 m in height and/or greater than 300 m^2 in size *For residential units use **CE-R2**. The size of a residential unit will be disregarded under section 104(1A)(a)(v) however, the impacts of the residential unit on the area of high/very high or outstanding natural character will be assessed.*	104(1A)(a)(v)
CEH-S5	**D**	Assessed as not applicable to s104(1A).	-
33. Earthworks - NO CHANGES			

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
34. Financial Contributions - NO CHANGES			
35. Hapori Whānui - NO CHANGES			
36. Light - NO CHANGES			
37. Noise			
Noise - Table 5 - Construction schedule	**A**	~~Glazed areas shall be less than 35% of each room's gross floor area~~	104(1A)(a)(i)
38. Relocated Buildings and Shipping Containers			
RLB-P3	**C**	Avoid relocating buildings or shipping containers used for living accommodation into those zones and precincts where this is identified as a non-complying activity, except where the remoteness of the site necessitates worker accommodation that cannot be provided in another zone. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity*.	104(1A)(e)
RLB-P6	**A**	Enable the conversion and use of shipping containers for the sale of goods and services in specified zones and precincts, only where ~~the primacy of the Te Kūiti CBD precinct (PREC5) is protected and~~ the amenity of the neighbourhood is maintained or enhanced.	104(1A)(c)
RLB-S1	**D**	Assessed as not applicable to s104(1A).	-
39. Signs - NO CHANGES			
40. Temporary Activities - NO CHANGES			

PART 3 — AREA-SPECIFIC MATTERS

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
41. Residential Zone — PREC1 and PREC2			
RESZ-O4	**A**	Provide for the business and retail characteristics of the Te Kumi commercial precinct (PREC2) ~~while avoiding further expansion of commercial activities outside of the precinct to protect the Te Kūiti town centre.~~	104(1A)(c)
RESZ-P3	**D**	Assessed as not applicable to s104(1A).	-
RESZ-P4	**A**	In the Te Kumi commercial precinct (PREC2): 1. Provide for the ongoing operation and growth of lawfully established businesses ~~while avoiding further expansion of commercial or retail activities outside of this precinct~~; and 2. Encourage any re-development or new development is sympathetic to the style of the adjacent railway cottages; and 3. Manage the timing and hours of operation of activities to ensure reasonable compatibility with the amenity and character of adjacent residential uses; and 4. Encourage developments that implement the outcomes specified in the key moves of the Te Kūiti Town Concept Plan; and 5. Employ landscaping and fencing to maintain the character and amenity values of the area; and 6. Manage the potential adverse visual effects of outdoor storage.	104(1A)(c)
RESZ-P7	**C**	Other than activities directly providing for the health and wellbeing of the local community, avoid the establishment of non-residential activities, so that the amenity, quality and character of the zone is not diminished and the vitality of the district's commercial zones is not undermined. This policy particularly applies to, but is not limited to retail and industrial activities. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
RESZ-R11	**A, B**	**Boarding houses and retirement villages** Activity Status: RDIS Matters over which discretion is restricted: (a) The size, design, location, construction and materials used; and (b) Effects on the streetscape and amenity of the area; and (c) The level of on-site amenity and landscaping ~~and outdoor living space~~ provided to residents; and (d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and (e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (f) Consideration of reverse sensitivity effects; and (g) The extent to which the key moves in the relevant Town Concept Plan has been considered and provided for. Activity status where compliance is not achieved: N/A	104(1A)(a)(iii)
RESZ-S8	**A**	**Maximum number of residential units – sites serviced by wastewater reticulation** The maximum number of buildings per site is: 1. One residential unit per 450 m^2 of net site area, except sites less than 450 m^2 existing on 20 October 2022 may erect one residential unit on the site; and 2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2 excluding garaging~~ or one tiny house per site; OR 3. One set of duplex dwellings per 800 m^2 of net site area; or 4. A co-housing development comprising of no more than 6 household units where 400 m^2 of net site area is provided per residential unit; or 5. A tiny house or tiny house development comprising of no more than 6 tiny houses where 200 m^2 of net site area is provided per tiny house; or 6. A papakāinga unit or papakāinga development comprising of no more than 6 papakāinga units where 200 m^2 of net site area is provided per unit; and	104(1A)(a)(v)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		7. A compact housing development comprising of no more than 6 residential units where 300 m^2 of net site area is provided per unit.	
RESZ-S9	**A**	**Maximum number of residential units – sites not serviced by wastewater reticulation** Maximum number of residential units – sites not serviced by wastewater reticulation 1. One residential unit per 2500 m^2 of net site area; and 2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2 excluding garaging~~ or one tiny house per site; OR 3. One set of duplex dwellings per 2500 m^2 of net site area; or 4. Co-housing developments and tiny house developments of no more than 6 residential units/tiny houses respectively, must be on a site of sufficient size to contain the treatment and disposal of wastewater and stormwater resulting from any development within the site boundaries.	104(1A)(a)(v)
RESZ-S13	**D**	Assessed as not applicable to s104(1A).	-
PREC2-R15	**A, B**	**Boarding houses and retirement villages** Activity Status: RDIS Matters over which discretion is restricted: (a) The size, design, location, construction and materials used; and (b) Effects on the streetscape and amenity of the area; and (c) The level of on-site amenity and landscaping ~~and outdoor living space~~ provided to residents; and (d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and (e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (f) Consideration of reverse sensitivity effects; and (g) The extent to which the key moves in the relevant Town Concept Plan has been considered and provided for.	104(1A)(a)(iii)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		Activity status where compliance is not achieved: N/A	
PREC1-R1–R4	**D**	Assessed as not applicable to s104(1A).	-
42. General Rural Zone —PREC3			
GRUZ-P10	**D**	Assessed as not applicable to s104(1A).	-
GRUZ-R17	**C**	**Seasonal worker accommodation** *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
GRUZ-R18	**D**	Assessed as not applicable to s104(1A).	-
GRUZ-R21	**C**	**Tourism facilities and retail activities** *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and transport function.*	104(1A)(c)
GRUZ-R25	**D**	Assessed as not applicable to s104(1A).	-
GRUZ-S8	**A**	**Maximum number of residential units** 1. One residential unit per record of title; and 2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2 excluding garaging,~~ per holding; and 3. One residential unit for a farm worker per holding; OR 4. A papakāinga housing development of no more than 6 residential units must be on a site of sufficient size to contain the treatment and disposal of wastewater and stormwater resulting from any development within the site boundaries. Activity status where compliance is not achieved: DIS	104(1A)(a)(v)
PREC3-R16	**C**	**Retail activities ancillary to any permitted activity** Activity status: PER Where:	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		1. The retail activity is ancillary to a permitted activity; and 2. The retail activity occupies no more than 60 m² of the activity's gross floor area; and 3. All of the performance standards in PREC3 - Table 2 are complied with. Activity status where compliance is not achieved: NC *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and transport function.*	
PREC3-R19	**C**	**Residential units for caretakers or staff** *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
43 — Rural Production Zone			
RPROZ-R7	**C**	One residential unit providing residential accommodation per each individual zone for security staff or caretakers, with the exception of the Taharoa Ironsands Mine (Site RPROZ-1 as listed in RPROZ-SCHED 1), where there is no restriction on the number of residential units providing accommodation for key operational staff, security staff or caretakers. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
44. Rural Lifestyle Zone			
RLZ-P17	**A**	Discourage non-residential activities, so that the amenity, quality and character of the zone is not diminished~~, and the vitality of the district's commercial zones is not undermined~~.	104(1A)(c)
RLZ-S4	**A**	**Maximum number of residential units or papakāinga units** The maximum number of buildings per site is:	104(1A)(a)(v)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		1. One residential unit per 2500 m^2 of net site area, except sites less than 2500 m^2 existing on 20 October 2022 may erect one residential unit on the site; and 2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2 excluding garaging per site~~; OR 3. Papakāinga housing developments of no more than 6 papakāinga units, must be on a site of sufficient size to contain the treatment and disposal of wastewater and stormwater resulting from any development within the site boundaries.	
45. Settlement Zone—PREC4			
SETZ-O7	**C**	Enable mana whenua to express their cultural traditions and values through the provision of hapū-focused, papakāinga housing developments. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
SETZ-P7	**C**	Land use activities and development should be restricted to a density, scale and intensity and be located appropriately, in order to maintain the zone's character and amenity. This policy particularly applies to, but is not limited to large scale retail activities and heavy industrial activities. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(c)
SETZ-R10	**C**	**Retail activities and pop-up shops** where the total gross floor area does not exceed 150 m^2 per site Activity status: PER Where: 1. All of the performance standards in SETZ –Table 2 are complied with; and 2. In Mokau the activities must occur on front sites adjacent to State Highway 3 or Oha Street; or 3. In Marokopa the activities must occur on front sites adjacent to Marokopa Road or Rauparaha Street; or	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		4. In Maniaiti/Benneydale the activities must occur on front sites adjacent to State Highway 30 or Maniaiti Road; or 5. In Taharoa the activities must occur on front sites adjacent to Taharoa Road or Kiwi Street; or 6. In Awakino, Aria, Kinohaku and Te Waitere the activities may anywhere in the settlement zone but must occur on front sites. *Note: Outside of the areas specified in (2) to (6) and in Hangatiki, these activities are discretionary activities.* *Note: For the avoidance of doubt nothing in this rule precludes anybody from living on site* Activity status where compliance is not achieved: DIS *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and transport function.*	
SETZ-R19	**A, B**	**Boarding houses and retirement villages** Activity Status: RDIS Matters over which discretion is restricted: (a) The size, design, location, construction and materials used; and (b) Effects on the streetscape and amenity of the area; and (c) The provision of adequate infrastructure to service the activity; and (d) The level of on-site amenity and landscaping ~~and outdoor living space~~ provided to residents; and (e) Adverse effects on the safe, efficient and effective operation of the transport network, giving particular consideration to pedestrian and cyclist safety; and (f) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (g) Consideration of reverse sensitivity effects; and	104(1A)(a)(iii)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		(h) The extent to which the key moves in the relevant Town Concept Plan has been considered and provided for. Activity status where compliance is not achieved: N/A	
SETZ-S5	**D**	Assessed as not applicable to s104(1A).	-
SETZ-S7	**C**	**Maximum floor space within PREC4** 1. The maximum floor space used for permitted activities listed in PREC4-R4 to PREC4-R12 must not exceed 250 m² gross floor area per site. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and transport function.*	104(1A)(c)
SETZ-S13	**A**	**Maximum number of residential units – sites serviced by wastewater reticulation** 1. One residential unit per 450 m^2 of net site area, except sites less than 450 m^2 existing on 20 October 2022 may erect one residential unit on the site; and 2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2 excluding garaging~~ or one tiny house per site. OR 3. One set of duplex dwellings per 800 m^2 of net site area; or 4. A co-housing development comprising of no more than 6 household units where 400 m^2 of net site area is provided per residential unit; or 5. A tiny house development comprising of no more than 6 tiny houses where 200 m^2 of net site area is provided per tiny house; or 6. A papakāinga development comprising of no more than 6 papakāinga units where 200 m^2 of net site area is provided per unit. Activity status where compliance is not achieved: DIS	104(1A)(a)(v)
SETZ-S14	**A**	**Maximum number of residential units – sites not serviced by wastewater reticulation** 1. One residential unit per 2500 m^2 of net site area; and	104(1A)(a)(v)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2 excluding garaging~~ or one tiny house per site. OR 3. One set of duplex dwellings per 2500 m^2 of net site area; or 4. Co-housing, papakānga and tiny house developments of no more than 6 residential units/tiny houses respectively, must be on a site of sufficient size to contain the treatment and disposal of wastewater and stormwater resulting from any development within the site boundaries. Activity status where compliance is not achieved: DIS	
SETZ-S15	**D**	Assessed as not applicable to s104(1A).	-
46. Commercial Zone —PREC5			
COMZ–P12	**C**	Encourage the use of vacant buildings and sites by providing for a wider range of activities where a building or site has been vacant for 2 years, as long as there is no significant effect on the viability of the Te Kūiti CBD precinct. In cases where an activity is more appropriately located outside of the Te Kūiti CBD precinct, a consent of a limited term may be considered. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Note this provision seeks to address regeneration of the CBD.*	104(1A)(c)
COMZ–P16	**C**	Avoid the fragmentation of retail and commercial activities by only providing for larger scale retail activities and activities that do not impact the role and function of the Te Kūiti CBD precinct as a vibrant, high amenity, retail focused town centre. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(c)
COMZ–P17	**A**	Provide for the growth and redevelopment of the Piopio commercial centre~~, in a way and at a rate that does not compromise the role and function of Te Kūiti CBD precinct.~~	104(1A)(c)
COMZ-R20	**A, C**	Retirement villages, boarding houses and managed care facilities Activity status: RDIS Where:	104(1A)(a)(iii)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		1. The activity is not located in the Piopio commercial zone. Where the activity is RDIS, the matters over which discretion is restricted are: (a) The size, design, location, construction and materials used; and (b) Effects on the streetscape and amenity of the area; and (c) The level of on-site amenity and landscaping ~~and outdoor living space~~ provided to residents; and (d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and (e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (f) Consideration of reverse sensitivity effects; and (g) The extent to which the key moves in the relevant Town Concept Plan have been considered and provided for. Activity status when compliance is not achieved: NC	
COMZ-S8	**C**	**Floor space requirements in the Te Kūiti commercial zone (excluding PREC5)** 1. Retail activities, cafes, restaurants, licensed premises and tourism facilities must be in a single tenancy and/or ownership and must be greater than 300 m^2 gross floor area. Activity status where compliance is not achieved: DIS *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and pedestrian safety.*	104(1A)(c)
COMZ-S9	**A**	**Maximum number of residential units in the Te Kūiti commercial zone (excluding PREC5)** The maximum number of buildings per site is: 1. One residential unit per 450 m^2 of net site area, except sites less than 450 m^2 existing on 20 October 2022 may erect one residential unit on the site; and	104(1A)(a)(v)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2 excluding garaging~~ per site; OR 3. One set of duplex dwellings per 800 m^2 of net site area; or 4. A compact housing development comprising no more than 6 residential units where 300 m^2 of net site area is provided per unit. Activity status where compliance is not achieved: DIS *Note: Residential units, minor residential units and duplex dwellings at ground level and compact housing developments in the Piopio commercial zone or in PREC5 are non-complying activities.*	
COMZ-S10	**D**	Assessed as not applicable to s104(1A).	-
PREC5-R12	**C**	**Shopkeeper's dwellings** Activity status: PER Where: 1. All of the performance standards in COMZ –Table 2 are complied with; and 2. For shopkeeper's dwellings the use of ground floor space, or land at the rear of a building is permitted to provide one residential unit per building for staff (and their families) working on that site; and 3. The residential unit must not be located in any shop frontage at ground level Activity status where compliance is not achieved *Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, also see the historic heritage chapter.* *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
PREC5-R15	**C**	**Large format retail and outdoor retail activities** Activity Status: RDIS Where: 1. The building or site has been vacant for more than 2 years. Where the activity is RDIS, the matters over which discretion is restricted are: (a) The size, design, position, construction and materials used; and	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		(b) Effects on the streetscape and amenity of the area; and (c) The level of on-site amenity provided including the provision of verandahs, the percentage of transparent display windows proposed in the street facing façade(s), the use of design features to improve interface with the pedestrian environment and the location of the main public entrance into the building; and (d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and (e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (f) The positive effects of repurposing the building or site. (g) The extent to which the key moves in the Te Kūiti Town Concept Plan have been considered and provided for. Activity status where compliance is not achieved: DIS *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Note this provision seeks to address regeneration of the CBD.*	
47. Industrial Zone			
INZ-P1	**C**	Avoid office, retail and commercial activities that are not ancillary activities to the primary industrial activity so that the vitality of the district's commercial zones is not undermined. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(c)
INZ-P2	**C**	Only provide for retail activities, in limited situations where there is a direct operational need or functional need to locate within the industrial zone and no capacity available in the commercial zones.	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.	
INZ-R14	**C**	**Residential units for caretakers or staff** Activity status: PER Where: 1. One residential unit per site to provide accommodation for security staff or caretakers working on that site; and 2. All of the performance standards in INZ - Table 2 are complied with. Activity status where compliance is not achieved: NC *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
INZ-R15	**C**	**Retail activities ancillary to any permitted activity** Activity status: PER Where: 1. The retail activity must be ancillary to a permitted activity; and 2. The maximum gross floor area of the retail activity must be no more than 60 m^2; and 3. All of the performance standards in INZ - Table 2 are complied with. Activity status where compliance is not achieved: NC *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including industrial land availability and reverse sensitivity.*	104(1A)(c)
48. Natural Open Space Zone			
NOSZ-P7	**C**	On private land, enable papakāinga and residential units only where these provide for caretakers or employees undertaking conservation activities on the holding.	104(1A)(e)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.	
NOSZ-R6	**C**	**Residential units and papakāinga units associated with conservation activities** Activity status: DIS Where: 1. The residential units or papakāinga units provide residential accommodation for caretakers or employees undertaking conservation activities on the holding. Activity status where compliance is not achieved: NC *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
49. Natural Open Space Zone - NO CHANGES			
50. Future Urban Zone - NO CHANGES			
51. Māori Purpose Zone			
MPZ-P2	**A**	Support the aspirations of mana whenua to develop marae complexes and papakāinga housing developments while ensuring adverse effects on the environment are avoided, remedied or mitigated by: 1. Avoiding overdevelopment of sites through building coverage specifications; and 2. Ensuring development or redevelopment is appropriately located and well designed; and 3. Requiring noise sensitive activities located adjacent to State Highways and/or railways to provide sufficient acoustic treatment to protect the level of amenity anticipated in the zone; and 4. Ensuring papakāinga housing development is appropriately serviced and provides the occupants with ~~outdoor space and~~ parking.	104(1A)(a)(iii)
MPZ-R8	**C**	**Retail activities**	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
		Activity status: PER Where: 1. All of the performance standards in MPZ - Table 2 are complied with; and 2. The retail activity must predominantly sell goods produced on-site; and 3. Each of these activities must not exceed a total gross floor area of 100 m^2 per activity, per each individual zone *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and pedestrian safety.*	
52. Tourism Zone			
TOUZ-P7	**C**	Minimise the potential for residential based visitor accommodation and staff accommodation associated with a tourism facility to generate adverse traffic and noise effects on adjoining properties by restricting maximum occupancy. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)
TOUZ-P11	**C**	Land use activities and development should be restricted to a density, scale and intensity and be located appropriately, in order to maintain the zone's character and amenity. This policy particularly applies to, but is not limited to large scale retail activities and industrial activities. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(c)
TOUZ-R7	**C**	**Visitor accommodation, camping grounds and staff accommodation associated with a tourism facility** *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity.*	104(1A)(e)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
TOUZ-S4	**B**	**Landscaping of road boundaries** 1. Where a site other than a residential activity adjoins a road, the road boundary must be landscaped to a minimum depth of 2 m, except for the required access and egress points. The landscaping must consist of either grass and/or a combination of groundcovers, shrubs and/or trees. Matters over which discretion is restricted: (a) Species of plants and height at time of planting; and (b) The extent to which the key moves in the Waitomo Caves Village Town Concept Plan have been considered and provided for; and (c) Visual effects including bulk, scale and location of the building or activity; and (d) Other methods employed to soften the visual impact of the building or activity from the road; and (e) Topographical and geographical features affecting the ability to provide the required landscaping.	104(1A)(a)(vi)
TOUZ-S6	**C**	**Maximum floor space** The maximum floor space used for permitted activities listed in TOUZ-R1 to TOUZ-R6 must not exceed 250 m^2 gross floor area, provided that this rule does not apply to any site in the Waitomo Caves Village tourism zone. Matters over which discretion is restricted: (a) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (b) The layout, design and location of activities on the site, including parking areas, loading areas and vehicle access points; and (c) Effects on surrounding properties, character and amenity; and (d) Potential reverse sensitivity effects on any adjoining activities. *This provision may reference a matter specified in section 104(1A) of the RMA that a consent authority is required to disregard when considering the effects of a district land use activity. Maximum floor space is used to address other effects including traffic generation, road capacity and transport function.*	104(1A)(c)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
TOUZ-S9	**D**	Assessed as not applicable to s104(1A).	-
TOUZ-S12	**D**	Assessed as not applicable to s104(1A).	-
TOUZ-S13	**A**	**Maximum number of residential units – sites serviced by wastewater reticulation** The maximum number of buildings per site is: 1. One residential unit per 450 m^2 of net site area, except sites less than 450 m^2 existing on 29 October 2022 may erect one residential unit on the site; and 2. Either one minor residential ~~unit with a maximum gross floor area of 70~~ m^2 ~~excluding garaging or one tiny house~~ per site; OR 3. One set of duplex dwellings per 800 m^2 of net site area; or 4. Co-housing developments of no more than 6 household units where 400 m^2 of net site area is provided per residential unit; or 5. A tiny house development comprising of no more than 6 tiny houses where 200 m^2 of net site area is provided per tiny house; or 6. A papakāinga unit or papakāinga development comprising of no more than 6 papakāinga units where 200 m^2 of net site area is provided per unit. Activity status where compliance is not achieved: DIS	104(1A)(a)(v)
TOUZ-S14	**A**	Maximum number of residential units – sites not serviced by wastewater reticulation 1. One residential unit per 2500 m^2 of net site area; and 2. Either one minor residential unit ~~with a maximum gross floor area of 70 m^2~~ ~~excluding garaging~~ or one tiny house per site; OR 3. One set of duplex dwellings per 2500 m^2 of net site area; or 4. Co-housing developments, papakāinga developments and tiny house developments of no more than 6 residential units/tiny houses respectively, must be on a site of sufficient size to contain the treatment and disposal of wastewater and stormwater resulting from any development within the site boundaries. *Note: Sites not serviced by wastewater reticulation may require consent under Waikato Regional Plan.* Activity status where compliance is not achieved: DIS	104(1A)(a)(v)

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: No change	Recommended amendment	RMA Provision
53. Amenity Precinct			
54. Te Maika Precinct			
PREC7-S11	**B**	**Site requirements** 1. No building other than residential units may exceed 300 m^2 in size; and 2. All developments must have an independent potable water supply for activities on the site; and 3. All developments must be on a site of sufficient size to enable on site detention and disposal of stormwater (as measured in a 10% AEP); and 4. No building (except accessory buildings) may be erected unless: (a) A qualified archaeologist has provided written confirmation that the allotment does not contain an archaeological site or appropriate permission has been obtained from Heritage New Zealand; and (b) A qualified geotechnical engineer has provided written confirmation that: (i) The allotment is physically suitable for the proposed building and; (ii) Suitable wastewater disposal can be achieved on site; and (iii) The site of any wastewater or grey water disposal is at least 900 millimetres above ground water level. *Note: For wastewater disposal, preference is given to composting toilets or systems which do not require discharge of liquid waste.* Activity status where compliance is not achieved: DIS	104(1A)(a)(v)
55. Designations - NO CHANGES			

PART 4 — SCHEDULES AND APPENDICES

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: Legal review U: Unsure	Recommended amendment	RMA Provision
SCHED1 — Heritage Buildings and Structures - NO CHANGES			
SCHED2 — Significant Archaeological Sites - NO CHANGES			
SCHED3 — Sites and Areas of Significance to Māori - NO CHANGES			
SCHED4 — Wāhi Tapu Sites - NO CHANGES			
SCHED5 — Cultural Alert Layer - NO CHANGES			
SCHED6 — Significant Natural Areas - NO CHANGES			
SCHED7 — Outstanding Natural Landscapes- NO CHANGES			
SCHED8 — Outstanding Natural Features - NO CHANGES			
SCHED9 — Landscapes of High Amenity Value - NO CHANGES			
SCHED10 — Outstanding Natural Character - NO CHANGES			
SCHED11 — High/Very High Natural Character - NO CHANGES			
SCHED12 — Karst Overlay - NO CHANGES			
SCHED13 — Coastal Environment Overlay - NO CHANGES			
APP1 — Information Requirements - NO CHANGES			
APP2 — Cultural Impact Assessment Process - NO CHANGES			
APP3 — ICOMOS NZ Charter - NO CHANGES			
APP4 — Biodiversity Offsetting Framework - NO CHANGES			

Plan Provision	Recommendation A: Delete B: Modify C: Retain and Note D: Legal review U: Unsure	Recommended amendment	RMA Provision
APP5 — Structure Plan Requirements - NO CHANGES			
APP6 — Statutory Acknowledgement Areas – Maraeroa A & B Blocks - NO CHANGES			
APP7 — Statutory Acknowledgement Areas – Ngāti Tūwharetoa - NO CHANGES			
APP8 — Statutory Acknowledgement Areas – Raukawa - NO CHANGES			
APP9 — Appendix 9 – Statutory Acknowledgement Areas – Ngāti Maniapoto - NO CHANGES			

Transition to the Planning Act

During the transition to the Planning Act 2026, it is anticipated that interim national standards will be introduced, which may further change how the District Plan is implemented. In the meantime, a minor amendment to the Network Utilities chapter is shown below to illustrate the changes required to reflect amendments contained in the Resource Management (National Environmental Standards for Telecommunication Facilities) Amendment Regulations 2026:

<table>
<tr><td>NU-R2.</td><td colspan="5">National Environmental Standards for Telecommunication Facilities (NESTF) <s>2016</s> 2026</td></tr>
<tr><td>Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space, all precincts except PREC3</td><td>Industrial, general rural and rural production zones and PREC3</td><td>Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites</td><td>Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character</td><td>Coastal environment, karst overlay, landscapes of high amenity value</td><td>All roads and new roads approved as part of a resource consent</td></tr>
<tr><td>See below</td><td>See below</td><td>DIS: Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites, outstanding natural features Category A, C and D
NC: Outstanding natural features Category B, E and F</td><td>DIS</td><td>RDIS</td><td>PER - See below</td></tr>
<tr><td colspan="6">NU-R2.1 to NU-R2.4 are permitted by NESTF where the relevant standards in NESTF are complied with and the activity is not located within overlays, scheduled sites and features where resource consent is otherwise required:
1. Telecommunication cabinets (Regulation 19 to 25):
(i) Outside the road reserve
(ii) On buildings outside the road reserve
2. Antennas (Regulation 26 to 37):
(i) Replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas)</td></tr>
</table>

(ii) New poles and antennas in rural zones, commercial zones and industrial zones

(iii) Antennas on buildings outside the road reserve (above a permitted height in residential areas)

3. Small-cell units on existing structures outside the road reserve (Regulation 38)

4. Telecommunication lines underground, on the ground and overhead outside the road reserve (Regulations 39 to 43)

5. Self-contained power units and battery storage in rural zones (Regulations 43D to 43G)

NU-R2.5 to NU-R2.8 are permitted by NESTF in the road reserve where the relevant standards in NESTF are complied with:

~~5~~6. Telecommunication cabinets (Regulation 19 to 24):

(i) In the road reserve

(ii) On buildings

~~6~~7. Antennas (Regulation 26 to 29):

(i) On existing poles

(ii) On new poles

(iii) Replacement, upgrading and co-location of existing poles and antennas (with different conditions in residential and non-residential areas)

~~7~~8. Small-cell units on existing structures (Regulation 38)

~~8~~9. Telecommunication lines underground, on the ground and overhead (Regulations 39 to 43)

RDIS: Where the standards in NESTF are not complied with unless the equivalent equipment not regulated by the NESTF is otherwise provided for as a permitted activity in the NU Rules (except for Reg 55 Radio Frequency which is NC in accordance with NESTF).

NC: Where the standards in NESTF are not complied with or the activity cannot comply with the Te Kūiti Aerodrome flightpath height restrictions.