



4 Residential Zones

4.1 Purpose

- a) The Residential Zones assist in creating a compact City. The Central City Zone also contributes significantly to the residential strategy by providing opportunities for higher-density living in the Central City (see Chapter 7: Central City Zone).
- b) The City has a finite amount of residential land. To accommodate more people, Council needs to develop the land it has more efficiently. The key is to provide a range of section sizes and household choices, including smaller sections and more compact living environments (such as townhouses and apartments), as well as the traditional larger lots with backyards.
- c) This District Plan provides for four Residential Zones (shown on the Planning Maps) that promote opportunities for different dwelling densities.
 - i. General Residential Zone.
 - ii. Residential Intensification Zone.
 - iii. Medium-Density Residential Zone.
 - iv. Large Lot Residential Zone.
- d) The provisions of this chapter are designed to assist in meeting the density targets of the Regional Policy Statement.
- e) The District Plan also provides for special character residential areas in Chapter 5: Special Character Zones.

4.1.1 General Residential Zone

- a) The General Residential Zone provides for most of the traditional housing areas. The zone includes established residential suburbs and some greenfield areas.
- b) ~~The General Residential Zone will be an area of stability, with the current form and density of housing continuing.~~ This zone is intended to be primarily for residential buildings and activities.
- c) The building form is likely to be low (one or two-storey) single dwellings with a high ratio of on-site open space to building. There is an expectation of a high level of private, on-site amenity. Duplex dwellings are a higher density form of development but are acceptable so long as they maintain a sense of open space and private, on-site amenity.
- d) Larger sites will be able to accommodate an ancillary, self-contained residential unit.

4.1.2 Residential Intensification Zone

- a) The Residential Intensification Zone is applied to existing residential areas that have been identified as suitable to accommodate higher density development. The intent is to encourage site redevelopment, primarily for multi-level and attached housing. These are expected to ~~be on larger or amalgamated sites to allow sufficient room for deliver~~ good urban design outcomes.

Proposed Plan
Change 6-
Notified Version

- b) The form of housing is likely to be apartments and town houses.
- c) The Residential Intensification Zone has a Visitor Facilities Area (which can be found on the Planning Map 36B) which recognises the existing visitor accommodation around Ulster Street. This area includes the sites fronting Ulster Street, from Mill Street to Beetham Park and provides for a high-density mix of visitor and permanent residential accommodation in the form of multi-unit and apartment developments. Ancillary activities often accompany visitor accommodation, such as conference facilities and restaurants.
- d) The Residential Intensification Zone in Hamilton East (which can be found on the Planning Maps 45B and 46B) has special rules that recognise and protect elements of the streetscape, including site coverage, building height and wall length. In this area, the focus is on the protection of amenity values – the strong ‘green’ backdrop – rather than the character of the existing buildings. This area is defined by that part of the Residential Intensification Zone:
 - i. South of Te Aroha Street, and
 - ii. West of Peachgrove Road, and
 - iii. North of Albert Street, and
 - iv. East of Memorial Drive to Anzac Parade then east of the Waikato River.

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.1.3 Medium-Density Residential Zone

- a) The Medium-Density Residential Zone applies to identified greenfield areas within the Rototuna, Rotokauri, ~~and~~ Ruakura and Te Awa Lakes Structure Plan areas. This zone recognises that medium-density housing is more easily achieved when it is comprehensively planned from the start, rather than being retrofitted into an existing urban environment.
- b) A Comprehensive Development Plan or Land Development Consent for Ruakura and Te Awa Lakes must be approved before development in this zone. These plans need to be in general accordance with the relevant Structure Plan and Urban Design Guide.

4.1.4 Large Lot Residential Zone

- a) The Large Lot Residential Zone recognises that there are certain locations where a lower density is required to manage the effects of residential development in a sustainable manner. The Large Lot Residential Zone is similar in most respects to the General Residential Zone, with the obvious difference being the size of allotments within the Large Lot Residential Zone. The locations and rationale for this zone in these locations are outlined below.
 - i. Ruakura Structure Plan area (SH26)
This location is not serviced and is already characterised by a range of large lot residential and non-residential uses.
 - ii. Ruakura Structure Plan area (Percival/Ryburn Roads)
The area bounded by Percival, and Ryburn Roads, the designation for the Waikato Expressway, the East Coast Main Trunk railway (ECMT) and the approved inland port (Logistics Zone, Sub–Area A – see Figure 2-14 Ruakura

Structure Plan – Land use (Appendix2)) is characterised by a range of large lot residential uses and some rural activities. This area is not serviced and is not intended to be serviced.

This area is planned in the Ruakura Structure Plan area to transition to the Ruakura Logistics Zone in future district plans. To protect amenity a buffer will be necessary at the interface between the land intended to support the expansion of the inland port and future development in the Industrial Park Zone and the residential area. Interface design control measures are therefore adopted to assist in the protection of the residential amenity resulting from the development of the inland port and related activities adjacent to the enclave. The buffer measures are to be detailed in the relevant Land Development Plan and implemented prior to the land being developed. For the avoidance of doubt, the required vegetation is to have been planted prior to development and have established heights and densities.

The conversion of the rural residential area to a Logistics zoning will require a change or variation to be made to the District Plan when there is sufficient information and certainty about the timing and need for the 'new' zoning. This is consistent with the staged industrial land allocation provided in the Regional Policy Statement.

4.1.5 All Residential Zones

- a) Design and layout of residential sites and buildings are critically important. All residential development must address potential adverse environmental effects and ensure a quality urban environment is achieved through high quality urban design.
- b) Good standards of amenity create a pleasant and attractive living environment, and in doing so contribute to wider neighbourhood amenity. Residential amenity means the many qualities and attributes that allow people to enjoy living where they do – such as visual attributes, sunlight, good access, low noise levels and safety.
- c) All Residential Zones are intended to be primarily for residential purposes and other activities need to maintain residential character and amenity.
- d) In addition to residential activities, some small-scale non-residential activities, such as home-based business and home stays, are appropriate in residential areas. A limited range of non-residential activities that support communities, such as schools and health centres, can potentially establish within the zones. However, this is subject to their compatibility with the existing and anticipated residential character and amenity.

4.2 Objectives and Policies: Residential Zones

| Objective | Policies |
|---|--|
| <p>4.2.1 A range of housing types and densities is available to meet the needs of all communities.</p> | <p>4.2.1a A variety of housing densities and types should be developed, consistent with the:</p> <ul style="list-style-type: none"> i. Capacity of the existing infrastructure. ii. Target densities promoted by Future Proof and the Regional Policy Statement. Specifically this means achieving, as a minimum, the following average gross density targets (excluding transport corridors) over time in the Residential zones. <ol style="list-style-type: none"> 1. 16 dwellings per hectare for development (excluding the identified Large Lot Residential Areas). 2. 30 dwellings per hectare for identified intensification areas. |
| | <p>4.2.1b Higher-density residential development should be located within and close to the Central City, suburban and neighbourhood centres, tertiary education facilities and hospital, and in areas serviced by passenger transport.</p> |
| | <p>4.2.1c New residential development shall be able to be adequately serviced in terms of Three Waters infrastructure, with the exception of the Ruakura Structure Plan area Large Lot Residential Zone.</p> |
| <p>Explanation</p> | |
| <p><i>This objective and policies recognise the need for a range of dwelling types and densities to meet the needs of all aspects of the community. These could range from a large family dwelling with plenty of outdoor space to an inner city apartment. Current projections indicate an aging population, as well as an increasing population. Different portions of the community have different housing preferences reflecting income, age, family size, number of children, and cultural factors.</i></p> <p><i>The Regional Policy Statement sets out dwelling density targets, derived from Future Proof. These will be achieved by managing lot sizes in existing developed areas and subdivision yields in Structure Plan areas.</i></p> <p><i>Different density targets are set for greenfield areas and existing urban areas. Greenfield development can be designed to meet a higher-density target from the outset, whereas intensification is harder to achieve in existing urban areas with an established land-use pattern. The Large Lot Residential Zone identifies areas where</i></p> | |

topography and existing land uses do not lend themselves to full urbanisation.

The policies require residential development to occur only in those areas identified.

This approach ensures stability for established parts of the City and that higher density will not occur where it is not identified and provided for.

| Objective | Policies |
|--|---|
| 4.2.2 Efficient use of land and infrastructure. | 4.2.2a Residential development shall use land and infrastructure efficiently by: <ul style="list-style-type: none"> i. Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans. ii. Staging and sequencing the development as indicated by rules or Structure Plans. iii. Otherwise complying with relevant Structure Plans. |
| | 4.2.2b New buildings and activities shall mitigate effects on and from regionally significant infrastructure. |
| | 4.2.2c Residential land uses should be managed to avoid potential effects, such as noise, from arterial transport corridors and state highways. |
| Explanation | |
| <p><i>The use of land can be affected by the presence of infrastructure. Not only does residential development need to have an adequate level of servicing available, but it needs to respond to regionally significant infrastructure, such as telecommunication infrastructure or the national electricity grid, either existing or planned.</i></p> <p><i>Complying with staging ensures that infrastructure can be planned in advance of development and the effects of increased densities can be better managed.</i></p> <p><i>Infrastructure includes Three Waters and transport networks, as well as social infrastructure like libraries and community halls.</i></p> <p><i>The policies recognise the need to manage residential land uses around regionally significant infrastructure, both existing and proposed – both to manage the effects that residential activities and structures can have on the infrastructure, as well as the adverse effects that the infrastructure can have on residential uses.</i></p> | |
| Objective | Policies |

| | |
|--|--|
| <p>4.2.3 Residential development produces good on-site amenity.</p> | <p>4.2.3a Residential design shall achieve quality on-site amenity by providing:</p> <ul style="list-style-type: none"> i. Private, useable outdoor living areas. ii. Access to sunlight and daylight throughout the year. iii. Adequate service areas to accommodate typical residential living requirements. iv. Insulation to minimise adverse noise effects. v. Parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents. vi. Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development. <p>4.2.3b Residential sites adjacent to public space shall achieve visual and physical connectivity to these areas.</p> <p>4.2.3c Building design and location shall protect the privacy of adjoining dwellings.</p> <p>4.2.3d Buildings should be designed to conform to natural topography.</p> <p>4.2.3e Development in areas identified for medium and high-density residential activities should be in general accordance with the appropriate Design Assessment Criteria.</p> |
| <p>Explanation</p> <p><i>Good design of housing is critically important to on-site and off-site amenity, especially where there is higher-density housing. The policies identify the features important for residential development, regardless of what form the dwelling may take, e.g. single, duplex or apartment.</i></p> <p><i>Important design features include access to sunlight, outdoor living space, storage space, space for waste and recycling, visual connectivity to public spaces such as the street, privacy and off-road parking. Incorporation of these features will ensure functional and high-quality living environments for the occupants.</i></p> | |
| <p>Objective</p> | <p>Policies</p> |
| <p>4.2.4 The development contributes to</p> | <p>4.2.4a The size and scale of buildings and structures</p> |

| good neighbourhood amenity as the area matures. | shall be compatible with the locality. |
|---|---|
| | 4.2.4b Buildings should be designed so they do not physically dominate or adversely affect the residential character of the neighbourhood. |
| | 4.2.4c Significant vegetation and trees should be preserved wherever possible. |
| | 4.2.4d Garages, carports and vehicle access points shall be sited to ensure the safety of all road users and the safe and efficient function of the transport corridor. |
| | 4.2.4e Development in the General Residential and Large Lot Residential Zones should not detract from or degrade the existing character of the surrounding area. |
| Explanation | |
| <i>How buildings relate to a street can have a major bearing on people's perception of the safety of an area. Cumulative effects of development should contribute positively to the streetscape and amenity. The urban amenity expected by residents can be positively or negatively altered by development. It is important that any new development is sympathetic to an area's existing character and amenity.</i> | |
| Objective | Policies |
| 4.2.5 Protect and enhance the character values of the Hamilton East portion of the Residential Intensification Zone. | 4.2.5a Development shall: <ul style="list-style-type: none"> i. Enable redevelopment opportunities. ii. Ensure that the siting and design of development recognises the strong visual relationship with the streetscape. iii. Be provided with landscaping and planting that enhances on-site and local residential amenity. iv. Ensure that extensive areas of hard-surfacing are avoided, wherever practicable. v. Be consistent with the local context, scale and character. vi. Avoid significant adverse effects on the character of the Hamilton East Area. |

| Explanation | |
|---|--|
| <p><i>The Hamilton East Residential Intensification Zone includes 2-storey and multi-unit accommodation in the “sausage block” format typical of the 1970s. As a result of this type of development, setbacks and separation distances are less pronounced than in other Hamilton East developments. Setbacks and separation distances are an important feature because front yard planting contributes to the amenity values the strong green backdrop of this area provides. The focus of the District Plan in this area is on the protection of these amenity values rather than the character of the existing buildings. This zone provides for higher levels of development than elsewhere in Hamilton East. The Hamilton East portion of the Residential Intensification Zone is identified in the Planning Maps.</i></p> | |
| Objective | Policies |
| <p>4.2.6 Residential activities remain the dominant activity in Residential Zones.</p> | <p>4.2.6a Non-residential activities should not establish in residential areas, unless the adverse effects on all zones are avoided, remedied or mitigated.</p> |
| | <p>4.2.6b Visitor facilities such as accommodation and conference facilities should be located primarily in the Visitor Facilities Area.</p> |
| | <p>4.2.6c Home-based businesses shall:</p> <ul style="list-style-type: none"> i. Be ancillary to the residential activity of the site. ii. Avoid adverse effects on the neighbourhood, character, amenity and the transport network. iii. Take place within dwellings or ancillary buildings. iv. Involve no outdoor storage of vehicles, equipment or goods visible from a public place. v. Be compatible with the character and amenity of the locality, in terms of location, type and scale of activity, number of visitors to the site, and hours of operation. |
| | <p>4.2.6d Community facilities and community support activities (including managed care facilities and residential centres) shall:</p> <ul style="list-style-type: none"> i. Serve a local social or cultural need. ii. Be compatible with existing and anticipated residential amenity. |

| | |
|---|--|
| | <p>4.2.6e</p> <p>Non-residential activities shall be of an appropriate size to maintain character of the site.</p> |
| <p>Explanation</p> <p><i>Non-residential activities have the potential to generate significant adverse effects in residential areas. Provided home-based businesses – where residential uses still occupy the majority of the dwelling – do not generate off-site effects, they are an acceptable form of non-residential activity. Home-based businesses often perform an incubator role that allows small businesses to become established. Once the home-based business has become established and grown to a certain size, it is more appropriate for it to relocate in either a Business or Industrial Zone. The policy seeks to prevent conversion of sites or buildings into purely business use.</i></p> <p><i>Some other non-residential activities may be appropriate in the Residential Zones. These include community facilities that perform a social or cultural function, such as schools, churches and community halls, as well as emergency service facilities.</i></p> | |
| Objective | Policies |
| <p>4.2.7</p> <p>Activities in Residential Zones are compatible with residential amenity.</p> | <p>4.2.7a</p> <p>Adverse effects of activities on the amenity values of the locality shall be minimised including:</p> <ul style="list-style-type: none"> i. Effects of noise, glare, odour, dust, smoke, fumes and other nuisances. ii. Effects on traffic, parking, and transport networks. |
| <p>Explanation</p> <p><i>This objective ensures that all activities in Residential Zones must be compatible with the amenity reasonably expected by residents. This covers hours of operation, as well as the by-products of the operation itself.</i></p> | |
| Objective | Policies |
| <p>4.2.8</p> <p>Residential buildings make efficient use of water and energy resources.</p> | <p>4.2.8a</p> <p>Development should encourage the efficient use of energy and water, by:</p> <ul style="list-style-type: none"> i. Incorporating water-sensitive techniques. ii. Reducing the use of reticulated electricity. |
| <p>Explanation</p> <p><i>This objective encourages new residential dwellings to use water and energy-efficient technologies and both will range in scale appropriate to the building. Single dwellings, for example, may wish to install solar panels on the roof and install a rainwater tank. Apartment buildings have the ability to incorporate more sophisticated technologies.</i></p> | |

| Objective | Policies |
|---|---|
| 4.2.9 Buildings and activities at the interface of Residential Zones with other zones will be compatible with the form and type of development anticipated in the adjacent zone. | 4.2.9a Adverse effects of activities that cross zone boundaries shall be managed through setbacks, building design, and landscaping. |
| | 4.2.9b Buildings and structures on the boundary between Residential Zones and public areas shall incorporate CPTED principles. |
| Explanation <p><i>This objective recognises the importance of managing both structures and activities where Residential Zones adjoin other zones. In most cases this will be reducing the impact that other zones, such as commercial and industrial, have on residential amenity. This can and will be managed by both zones through setbacks, design of buildings, and landscaping.</i></p> <p><i>This objective also recognises the importance of the interface between Residential Zones and public areas such as roads and reserves.</i></p> | |
| Objective | Policies |
| 4.2.10 Protect the amenity values of the Percival – Ryburn Road Large Lot Residential Zone, while providing for the urbanisation for the Ruakura Structure Plan area. | 4.2.10a Maintain the low density living environment by limiting the subdivision of land for further residential purposes. |
| | 4.2.10b Maintain efficient management of water supply and the treatment and disposal of stormwater and wastewater. |
| Explanation <p><i>This objective recognises that the area is an established rural residential enclave but that there is a need to manage its subdivision, use and development of future residential land uses given the area's central location and ultimately as part of an inland port which once completed will be of a scale that will make it a regionally significant facility.</i></p> | |
| Objective | Policies |
| 4.2.11 Further development within the Percival /Ryburn Road Large Lot Residential Zone does not compromise future logistics zoning as provided for in the Regional Policy Statement. | 4.2.11a Manage the transition to a logistics zoning by a variation or change to the District Plan when there is sufficient information and certainty about the timing and need for this zoning. |
| Explanation <p><i>The large lot residential zoning for the Percival-Ryburn Road area is intended to</i></p> | |

change to adopt a zoning consistent with the zoning of the adjoining land that serves the operations of the inland port. This will occur as part of a publicly notified planning process.

| Objective | Policies |
|--|---|
| 4.2.12 The Ruakura Medium Density Residential Zone includes an Integrated Retail Development providing services and community facilities capable of meeting the day to day needs of the immediate neighbourhood. | 4.2.12a An Integrated Retail Development limited in size shall be provided for in a location central to the Ruakura Medium Density Residential Development. |
| | 4.2.12b Activities within the Integrated Retail Development shall principally serve their immediate neighbourhood. |
| | 4.2.12c The scale and nature of activities within the Ruakura Integrated Retail Development shall not generate significant adverse amenity effects on surrounding residential areas and transport networks. |

Explanation

The Ruakura Integrated Retail Development Centre will provide a range of everyday goods and services and essentially serve a walk-in population. Being situated in a planned residential area it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values.

| Objective | Policies |
|---|--|
| 4.2.13 <u>The Te Awa Lakes Medium Density Residential Zone enables a comprehensively designed residential development integrated with the adjacent adventure park tourist and recreation attraction and the Waikato River, all contributing to an attractive gateway to the city.</u> | 4.2.13a <u>A range of housing types, including higher densities, are enabled to provide a choice of living environments.</u> |
| | 4.2.13b <u>The development achieves higher density in conjunction with high quality amenity through a masterplanned approach that informs the Te Awa Lakes Structure Plan and related rules.</u> |
| | 4.2.13c <u>Development is sensitive to the Waikato River interface through lower density development and building setbacks.</u> |
| | 4.2.13d <u>The development manages its proximity to the adventure park, the Waikato Expressway and industrial areas through setbacks, building design, open space and landscape treatments.</u> |

Proposed Plan Change 2-
Te Awa Lakes Private
Plan Change- Notified
Version

Explanation

This objective and policies reflect the unique location of the Te Awa Lakes Medium Density Residential Zone and its integration with the adventure park, the masterplanning that underpins it and the opportunity afforded for it to integrate into its surrounding activities and features, while achieving high levels of residential amenity. The zone is consistent with the purpose and principles of the Te Awa Lakes Structure Plan.

4.3 Rules – General Residential, Residential Intensification and Large Lot Residential Zones

4.3.1 Activity Status Table – General Residential Zone, Residential Intensification Zone and Large Lot Residential Zone

| Activity | General Residential Zone | Residential Intensification Zone | Large Lot Residential Zone |
|--|--------------------------|----------------------------------|----------------------------|
| Residential Activities and Structures | | | |
| a) Number of residential units per site in the General Residential Zone (excluding apartments and integrated residential developments) | | | |
| i. Up to 3 residential units on front, corner, through and rear sites (excluding duplex dwellings) | P | - | - |
| ii. Up to 3 residential units on rear sites (including duplex dwellings) | P | - | - |
| iii. One duplex dwelling on a front site | RD* | - | - |
| iv. 4 or more residential units on front, corner, through and rear sites (including duplex dwellings) | RD* | - | - |
| ab) Accessory building | P | P | P |
| bc) Apartment building | D | RD | D |
| i. On Lot 2 DP492571 (see Figure 4.3.1) | RD | - | - |
| ii. Percival and Ryburn Road enclave | - | - | NC |
| ed) Ancillary residential unit | P | NC | P |
| ee) Ancillary residential structures | P | P | P |
| ef) Single dwelling: first residential unit per site | P | D | P |
| fg) Single dwelling: second and subsequent residential unit per site | RD(see rule 4.3.1a) | D | RD* |

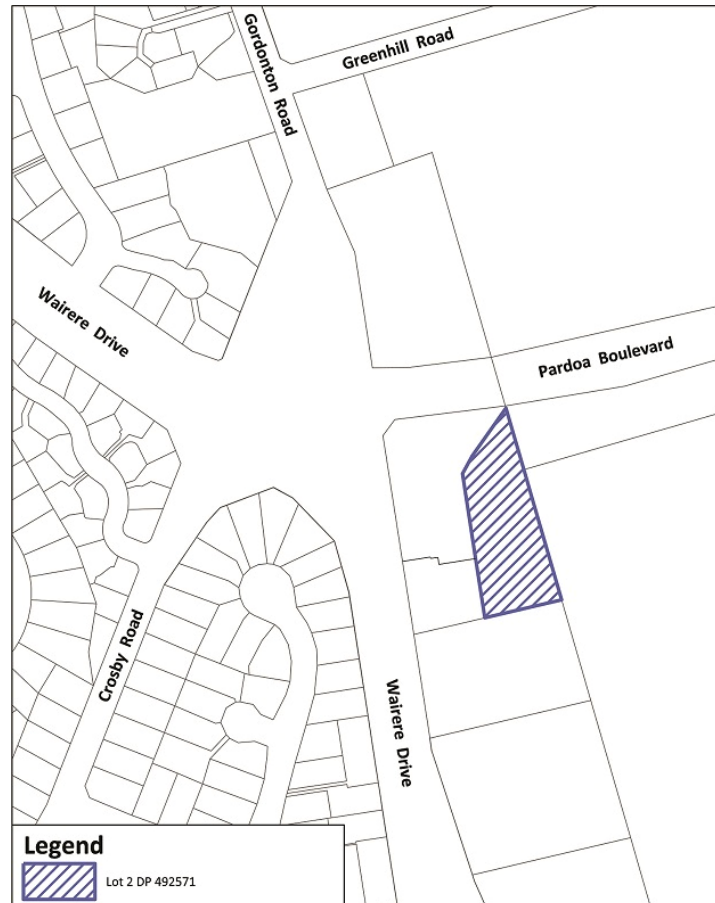
Proposed Plan
Change 6- Notified
Version

| Activity | General Residential Zone | Residential Intensification Zone | Large Lot Residential Zone |
|--|--------------------------|----------------------------------|----------------------------|
| gh) Duplex dwellings | RD (see rule 4.3.1a) | RD* | RD* |
| i. Percival and Ryburn Road enclave | - | - | NC |
| hi) Integrated Residential Development | RD | NC | NC |
| ij) Managed care facilities | | | |
| i. up to 9 residents | P | P | P |
| ii. up to 10 residents (excluding emergency housing) | D | P | D |
| iii. 11 or more residents (excluding emergency housing) | D | D | D |
| jk) Emergency housing for up to 10 residents | P | P | P |
| kl) Papakainga | RD* | RD* | RD* |
| lm) Residential activities | P | P | P |
| mn) Residential centre | D | D | D |
| no) Rest home | RD* | RD* | RD* |
| op) Farming activities | NC | NC | P |
| pq) Rural industry | NC | NC | D |
| qr) Produce stalls | NC | NC | P |
| rs) New building for the purpose of Health Care Services identified in 4.3.1aa) | RD | - | - |
| rat) The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Structure Plan Area where the site is subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below). | - | - | P |
| rbu) The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Structure Plan Area where the site is not subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below). | - | - | D |
| Commercial Activities and Structures | | | |
| sv) Childcare facility | | | |
| i. up to 5 children | P | RD | P |
| ii. six or more children | RD | RD | RD |
| tw) Conference facility | NC | D | NC |
| ux) Conference facility in Visitor Facilities Area | - | P | - |
| vy) Dairy | RD | NC | D |

| Activity | General Residential Zone | Residential Intensification Zone | Large Lot Residential Zone |
|--|--------------------------|----------------------------------|----------------------------|
| wz) Health care service | D | D | NC |
| aa) Health care services on Lot1 DP S2537, Flat B DP S43060, Flat 1 DP S43568, Flat 2 S67794 (being at 452, 448B, 444A and 444B Ulster Street), Lot 28 DP S4185 and Lot 27 DP S4185 (being at 3 and 5 Urlich Avenue) | P | - | - |
| ybb) Home-based business | P | P | P |
| zcc) Homestay accommodation | P | P | P |
| aadd) Office, other than as a home-based business | NC | NC | NC |
| bbee) Places of assembly | D | D | NC |
| eeff) Restaurant | NC | D | NC |
| edgg) Restaurant ancillary to visitor accommodation in Visitor Facilities Area | - | P | - |
| eehh) Show homes | P | D* | P |
| ffii) Tertiary education and specialised training facility | RD | D | NC |
| ggjj) Visitor accommodation | RD | D | D |
| hkkk) Visitor accommodation in Visitor Facilities Area | - | P | - |
| Community Activities and Structures | | | |
| ii) Community centre | RD | D | D |
| jjmm) Informal recreation | P | P | P |
| kknn) Marae | D | D | D |
| lloo) Organised recreation | P | P | P |
| mmpp) Places of worship | RD | D | D |
| nnqq) School | D | D | NC |
| All Activities and Structures | | | |
| oerr) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage) | P | P | P |
| ppss) Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage) | P | P | P |
| qqtt) Relocated buildings | P | P | P |
| rruu) Emergency service facilities | RD | D | D |
| ssvv) Any activity not listed above | NC | NC | NC |

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)
3. For the purposes of this rule a “restrictive no-complaint covenant” is defined as a restrictive covenant registered on the Title to the property or a binding agreement to covenant, in favour of the adjoining Industrial Park and Logistics Zoned land by the landowner (and binding any successors in title) not to complain as to effects generated by the lawful establishment and operation of the Industrial Park and Logistics Zoned land (including the inland port).

Figure 4.3.1: Lot 2 DP 492571 (see Rule 4.3.1b)i.)

4.3.2 Rules – Ruakura Structure Plan Area General Residential – Staging

- a) Activities listed in 4.3 Rules – Activity Status Table – 4.3.1 General Residential Zone and Residential Intensification Zone which are undertaken in the Ruakura Structure Plan Area shall comply with Rules 3.7.4.1, 3.7.4.2, 3.7.4.3, 3.7.4.4, 3.7.4.5 and 3.7.5 in Chapter 3: Structure Plans.

4.4 Rules – General Standards – General Residential, Residential Intensification Zones and Large Lot Residential Zone

- a) The following standards apply in the General Residential, Residential Intensification Zones and Large Lot Residential Zone only.

4.4.1 Density

- a) The minimum or maximum area of land (net site area) required in respect of each residential unit (or resident in the case of residential centres, rest homes and managed care facilities) shall be:

| Activity | Net site area (minimums unless otherwise stated) | | |
|---|--|---|--|
| | General Residential Zone | Large Lot Residential Zone | Residential Intensification Zone |
| i. Single dwellings (per residential unit) | 400m ² per residential unit 1000m ² per residential unit for lots adjoining Waikato Expressway (Designation E90 and E90a) | 2500m ² (SH26) Ruakura Structure Plan area 2ha (Percival/Ryburn Roads) Ruakura Structure Plan area* | 350m ² maximum per residential unit |
| ii. Duplex dwellings | 400m ² per duplex (200m ² per unit) | 2500m ² per duplex (1250m ² per unit) | 300m ² per duplex (150m ² per unit) 600m ² maximum per duplex (300m ² maximum per unit) |
| iii. Apartment building | - | - | Average net site area of 150m ² per residential unit |
| iv. Single dwellings with an ancillary residential unit | 600m ² total for both dwelling and ancillary residential unit | 3500m ² total for both dwelling and ancillary residential unit 2ha for both dwelling and ancillary residential unit (Percival/Ryburn Roads) Ruakura Structure Plan area.* | - |

| | | | |
|---------------------------------------|---|---|-------------------------------|
| v. Integrated Residential Development | 300m ² per single dwelling unit 400m ² per duplex (200m ² per unit) Apartments – Average net site area of 150m ² per residential unit | - | - |
| vi. Relocated dwellings | 400m ² per residential unit | 2500m ² per residential unit 2ha per residential unit (Percival/Ryburn Roads) Ruakura Structure Plan area.* | - |
| vii. Residential centres | 75m ² per resident | 300m ² per resident | 50m ² per resident |
| viii. Rest homes | 75m ² per resident | 300m ² per resident | 50m ² per resident |
| ix. Managed care facilities | 100m ² per resident | 400m ² per resident | 50m ² per resident |

Proposed Plan
Change 6-
Notified Version

- b) Dwellings in the Percival/Ryburn Roads Ruakura Structure Plan area not complying with the density standards in 4.4.1 shall be a non-complying activity.
- c) The minimum net site areas marked with a “*” in rule 4.4.1 a) above shall not apply to the property at 23 Ryburn Road (lot 8, DP 9210) where one additional dwelling is permitted with a minimum net site area of 5,000m².

4.4.2 Site Coverage

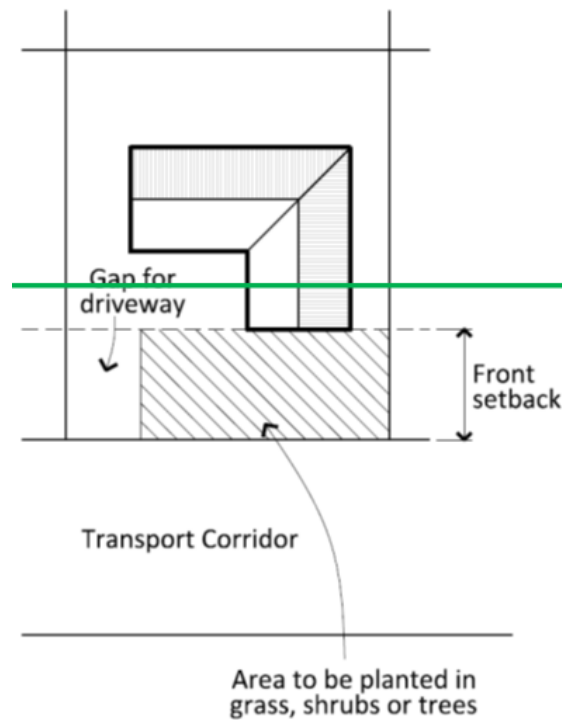
| | General Residential Zone | Large Lot Residential Zone | Residential Intensification Zone |
|------------------|--------------------------|----------------------------|--|
| a) Site coverage | Maximum 40% | Maximum 20% | Maximum 50% Hamilton East: Maximum 45% |

4.4.3 Permeable Surface

| | General Residential Zone | Large Lot Residential Zone | Residential Intensification Zone |
|---|-----------------------------|----------------------------|----------------------------------|
| a) Front sites, corner sites, through sites only: permeability of the front setback, excluding vehicle and access provisions front setback (required by Rule 4.4.6) to be planted in grass, shrubs or trees (see Figure 4.4.3c) | 100% Minimum 50% | Minimum 70% | 100% Minimum 40% |
| b) Permeability across the entire site (can include area required by Rule 4.4.3(a) above) | Minimum 30% | Minimum 70% | Minimum 20% |

Proposed Plan
Change 6-
Notified Version

Figure 4.4.3c: Planting requirement in the Front Setback



4.4.4 Building Height

| | General Residential Zone | Large Lot Residential Zone | Residential Intensification Zone |
|------------------------|--------------------------|----------------------------|--|
| a) Height of buildings | Maximum 10m | Maximum 10m | Maximum 12.5m Hamilton East: 10m Opoia Road: 16m |

4.4.5 Height in Relation to Boundary

- a) No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries (see Figure 4.4.5~~de~~ below).
- Except that:
- i. Where buildings are attached, no height control plane is required between those buildings.
 - ii. Where a boundary adjoins a transport corridor ~~or access way~~, the 45-degree angle applies to that boundary, measured 3m above the boundary (see Figure 4.4.5~~de~~ below).
 - iii. Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45 degrees and with this angle measured from 3m above ground level at the midway line ~~or the indicative subdivision boundary~~.
 - iv. Where the boundary subject to measurement adjoins a legal right of way, access lot or entrance strip, the standard applies from the farthest boundary of that legal right of way, access lot or entrance strip.
- b) In the Residential Intensification Zone, the height control plane applies only along a zone boundary adjoining the General Residential Zone or any of the Special Character Zones.
- c) The following exemptions apply to Rule 4.4.5(a):
- i. Chimneys, flues and similar projections not exceeding 2m in height and 1m² in area may protrude through the height control plane; and
 - ii. An aerial as permitted in Volume 1, Chapter 25.7 City-wide – Network Utilities and the Electricity National Grid Corridor may protrude through the height control plan; and
 - iii. A gable end, dormer or roof may project beyond the height control plane where:
 - (a) any projection is no greater than 1.5m² in area and no greater than 1m in height; and
 - (b) any projection is no greater than 2.5m cumulatively in length measured along the edge of the roof (see figure 4.4.5f); and
 - (c) no more than two gable end or dormer projections occur on any given elevation.

Proposed Plan
Change 6-
Notified Version

Figure 4.4.5~~de~~: Height control plane for a boundary adjoining a transport corridor or access

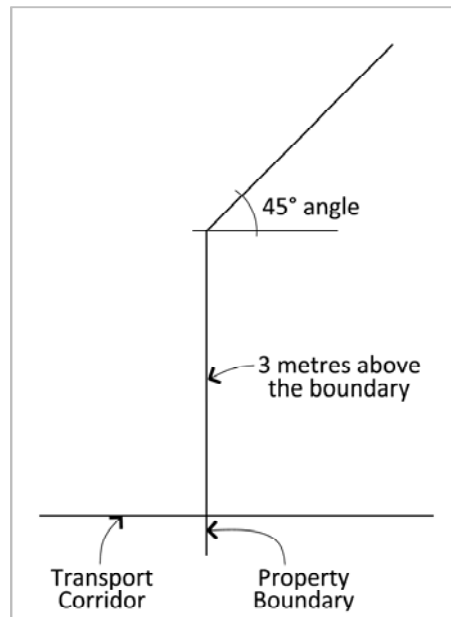
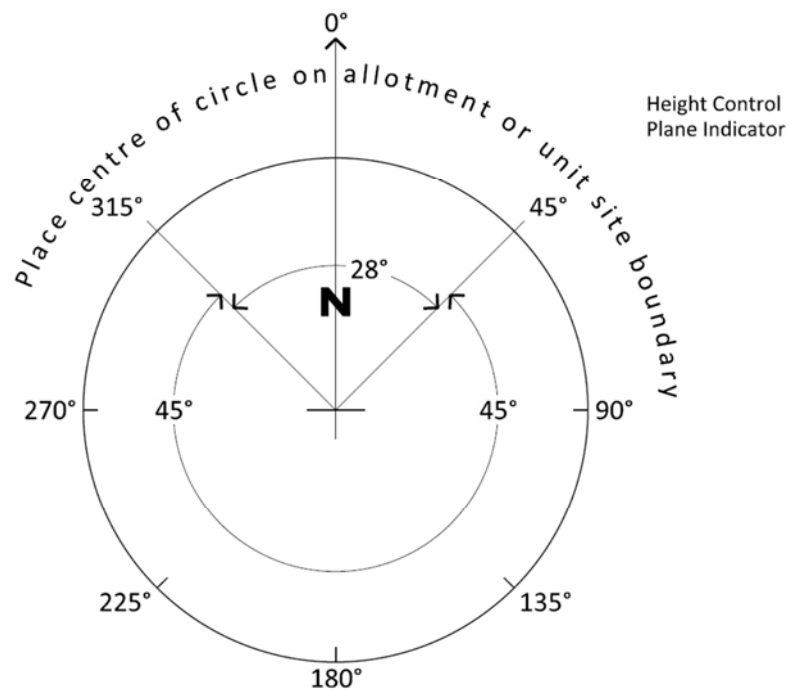


Figure 4.4.5de: Height Control Plane

HEIGHT CONTROL PLANE

The height in relation to boundaries of the allotment or unit site area shall vary with the direction or bearing of each allotment or unit boundary according to the diagrams below.



NOTE: North is True North

The height control plane shall be calculated by orientating both the site plan and height control plane indicator to true north, and placing the height control plane indicator over the site plan with the centre of the circle touching the allotment or unit site boundary under consideration. The height control plane angle shall be that indicated by that sector of the diagram within which a line drawn at right angles to the allotment or unit site boundary from the centre of the circle lies.

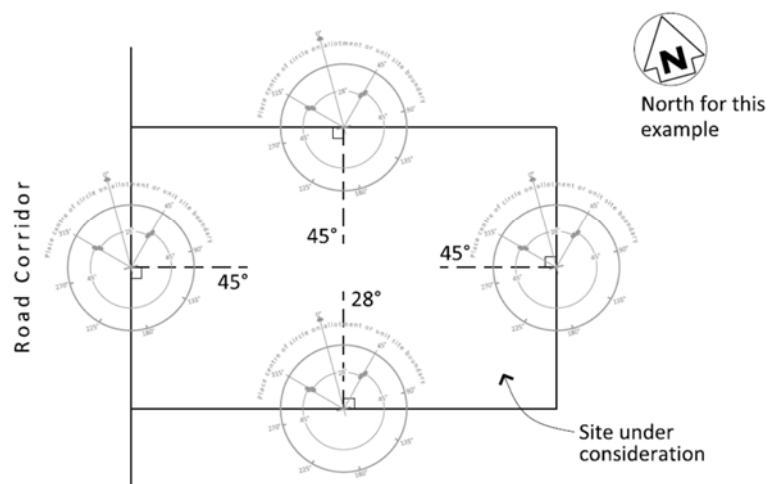
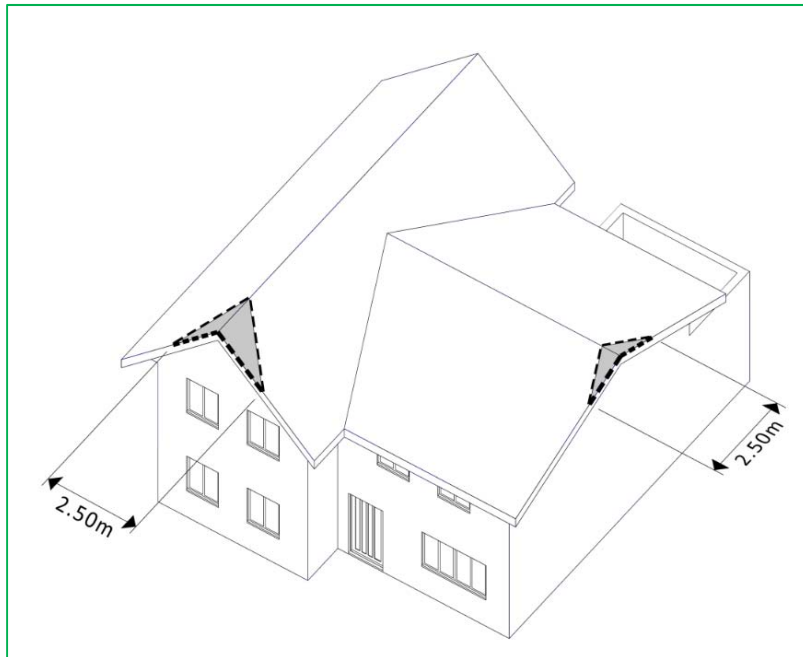


Figure 4.4.5f: Exceptions for gable ends, dormers and roof projections

Proposed Plan
Change 6-
Notified Version



4.4.6 Building Setbacks

| Building setback from | Minimum distance |
|--|---|
| a) Transport corridor boundary – local and collector transport corridors | 3m 5m Large Lot Residential Zone |
| b) Transport corridor boundary – arterial transport corridors | 5m Except that any garage or carport facing the transport corridor shall be set back a minimum of 8m |
| c) Waikato Expressway (Designation E90 or E90a) | i. 35m from the designation boundary, or ii. 40m measured from the actual carriageway edge of the Waikato Expressway if: 1. The location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or 2. Construction is underway or completed. |
| d) Internal vehicle access serving more than one up to three residential units on a site (excluding access to an ancillary residential unit) | 1.5m or setback may be reduced where the written consent of the owners and/or occupiers of the shared site is obtained. No part of a building (including eaves) shall extend over or encroach into an internal vehicle access. |
| e) Internal vehicle access serving more than three residential units on a site | Setback of Residential Units = 1.5m |

| | |
|--|--|
| f) Waikato Riverbank and Gully Hazard Area | 6m (applies to buildings and swimming pools) |
| eg) Any other boundary | <p>1.5m or setbacks may be reduced where:</p> <ul style="list-style-type: none"> i. Buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or ii. The written consent of the owners adjoining the relevant setback or setbacks is obtained. iii. It is proposed to site a building within the 1.5m setback and: <ul style="list-style-type: none"> (a) The building is less than 10m² in area; and (b) The building is less than 2m in height; and (c) The building will not be connected to electricity supply; and (d) There is no discharge of stormwater onto neighbouring land from the building; and (e) No more than one building is established on a site in accordance with this rule. <p>For Large Lot Residential Zone:</p> <ul style="list-style-type: none"> iii-iv. 5m setback for SH26 and Percival/Ryburn Roads iv. 50m for buildings and outdoor hardstands used for housing and feeding animals, including milking sheds and shearing sheds. vi. 250m for residential units set back from the operational area of an existing intensive farm on any other site. vii. 25m from any water body. |

Proposed Plan
Change 6-
Notified Version

Note

1. Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

4.4.7 Interface Between Public and Private

- a) These standards only apply to residential units and accessory buildings on front, corner and through sites that have unit site areas that directly front onto a transport corridor.
- b) Location of accessory building:
 - i. ~~All detached accessory buildings shall be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7f)~~ Where the vehicle entrance to a garage or carport faces toward a transport corridor it shall be setback a minimum of 5.0m from the road boundary;

- ii. ~~Accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door is to face the street, be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7e);~~

~~Any accessory building (excluding a carport) that:~~

- ~~(a) is located forward of the front building line of a dwelling; and~~
~~(b) does not have a vehicle entrance facing toward a transport corridor shall be provided with a window(s) facing the transport corridor which have an area no less than 10% of the façade.~~

- iii. ~~Accessory buildings that are an integral part of the design and construction of the dwelling, if the garage door is 90 degrees to the street, shall be forward of the front line of the dwelling (see Figure 4.4.7e), by no more than 8m.~~

~~Where the accessory building (excluding any open carport) is to be located between any residential unit and a transport corridor, it shall not extend to cover more than 50% of the residential unit that is visible from the transport corridor.~~

~~For the purpose of assessment:~~

- ~~the measurement of the extent that a residential unit and any accessory building is visible, shall be taken from the elevation plans provided to illustrate the proposed development.~~
- ~~This standard shall apply regardless of whether there is any screen fencing or planting of the transport corridor boundary existing or proposed.~~

- c) At least one habitable room of the residential unit shall have a clear-glazed window facing the transport corridor from which vision toward the transport corridor is not blocked by any accessory building. For corner and through sites this shall be required only on the frontage from which vehicular access is provided.
- d) Residential Intensification Zone – Hamilton East only: No wall of any building parallel to or up to an angle of 30 degrees to any external boundary except the transport corridor frontage shall exceed 15m in length without there being a step in (or out) plan of at least 2m depth and 5m length.

~~Figure 4.4.7e: Setback for accessory buildings—example of an accessory building that is an integral part of the design~~

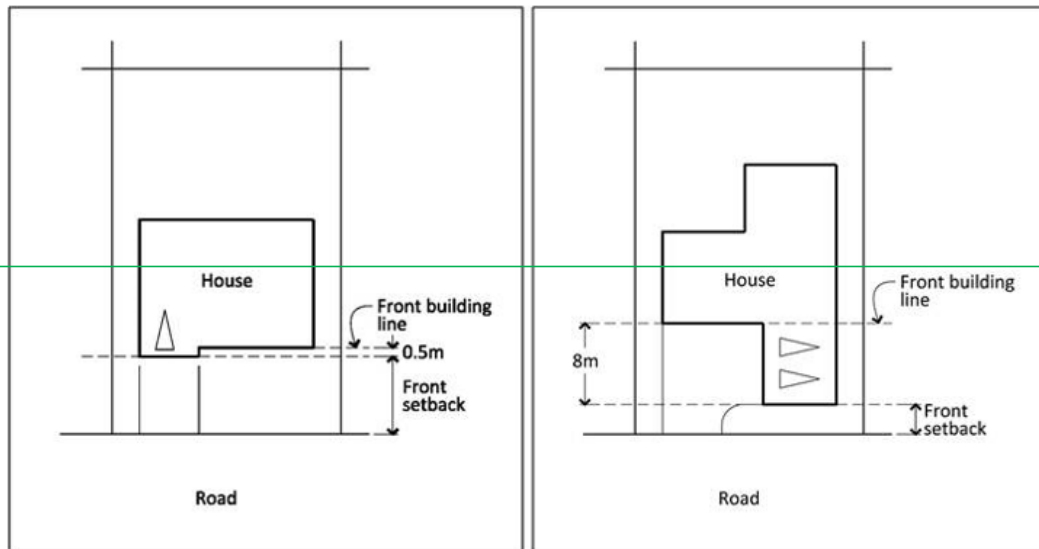
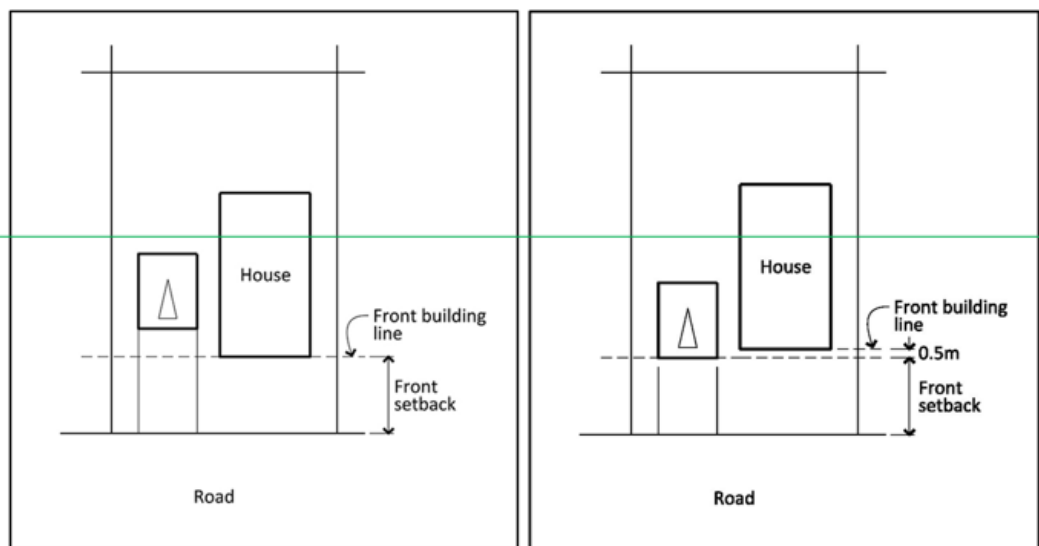


Figure 4.4.7f: Setback for accessory buildings — example of a detached accessory building



Proposed Plan
Change 6-
Notified Version

4.4.8 Fences and Walls

- a) Fences and/or walls shall have a maximum height of 1.8m.
- b) The height of any fence and/or wall shall be measured in terms of natural ground level.
- c) Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.
- d) Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.
- e) This rule shall not apply to any fence and/or wall which:
 - (i) following construction will be located at or below the natural ground level of the land that existed prior to construction commencing; or

- (ii) is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property boundary not in common ownership.

Note

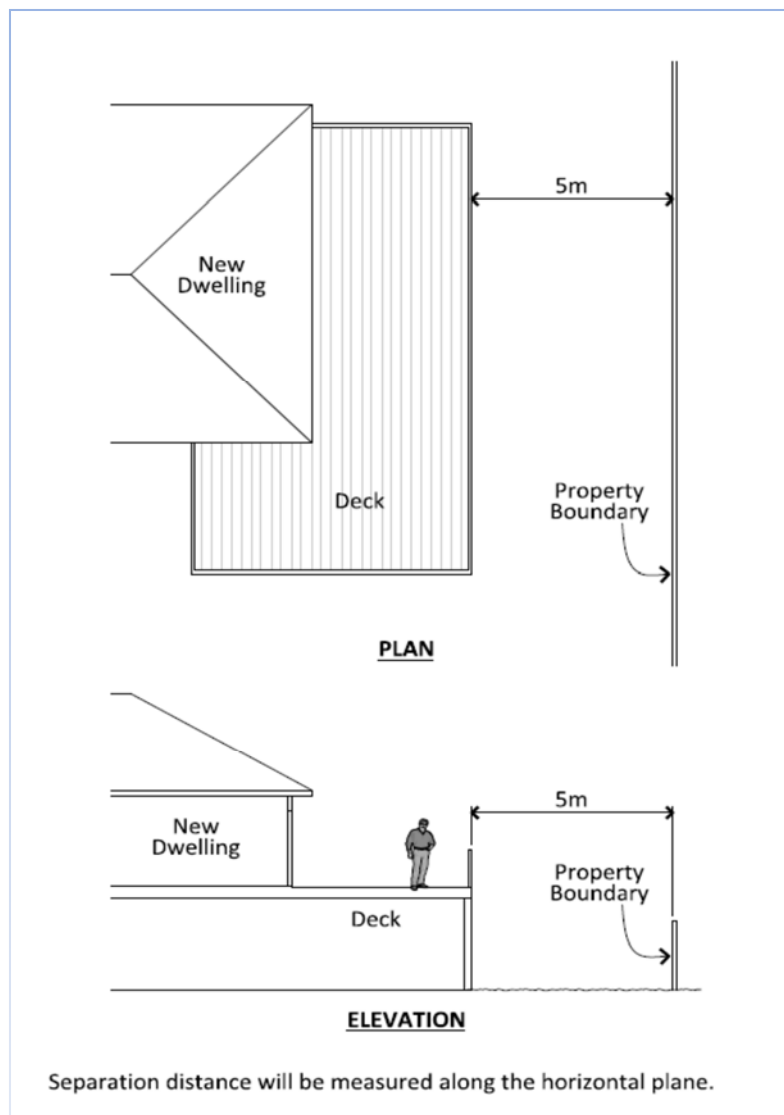
1. For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and the combined height will be assessed as the overall height of both structures.

Proposed Plan
Change 6-
Notified Version

4.4.9 Residential Buildings – Separation and Privacy

- a) Residential buildings shall be set back at least 3m from the nearest part of any other residential building on the same site, except:
 - i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings on the same site, separation distance is a minimum of 1.5m.
- b) A balcony at upper-floor level shall be set back at least 5m from all boundaries (see Figure 4.4.9c).

This does not apply to a boundary along a transport corridor, access way, right-of-way, private way, access lot, or entrance strip, less than 6m wide.

Figure 4.4.9c: Upper-floor setbacks for separation and privacy

4.4.10 Outdoor Living Area

- a) These standards do not apply to managed care facilities or rest homes.
- b) Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. ~~Located on a side of the residential unit which faces north, east or west (refer Figure 4.4.10h). For the purpose of this standard, a side that faces north, east or west means the area to the:~~
 - ~~West of the westernmost and/or easternmost corners of the dwelling, and/or~~

Proposed Plan
Change 6-
Notified Version

- ~~West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or~~
 - ~~East of the east facing façade aligned at no more than 15 degrees to the north-south axis.~~
- c) Communal open space for 4 or more residential units and apartment buildings shall comply with 4.4.10b) iii) ~~and iv)~~ as well as being:
- i. For the shared use of all residents on site, and
 - ii. Readily accessible from all residential units on site.
- d) Outdoor living areas shall have areas and dimensions as follows.

| Residential units | Outdoor living area per residential unit | Shape |
|---|--|--|
| i. Including single residential dwellings and duplex dwellings | 60m² <ul style="list-style-type: none"> • Up to 2 bedrooms- 35m²; plus • 10m² for each additional bedroom over 2 | Capable of containing a 6m diameter circle No dimension less than 2.5m Either: <ul style="list-style-type: none"> • No dimension less than 4.0m; or • Capable of containing a 6m circle with no dimension less than 2.5m |
| ii. Ancillary residential unit | 12m ² | No dimension less than 2.5m |
| iii. Communal open space for 4 or more residential units for the exclusive use of the residential units | 12m ² | Capable of containing a 8m diameter circle No dimension less than 4m |
| iv. Apartment buildings and duplex dwellings in the Residential Intensification Zone, where communal open space is not provided | 12m² <ul style="list-style-type: none"> • Up to 2 bedrooms- 12m²; plus • 5m² for each additional bedroom over 2 | No dimension less than 2.5m |
| v. Communal open space for apartment buildings in the Residential Intensification Zone | Up to 7 residential units – 12m ² per unit 8 or more residential units – 8m ² per unit | Capable of containing a circle with the following diameter: <ul style="list-style-type: none"> • 4-7 residential units – 6m • 8 or more residential units – 8m No dimension less than 2.5m |

Proposed Plan
Change 6-
Notified Version

- e) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.
- f) In the General Residential Zone, any communal open space shall be optional but cannot contribute more than 50% of the above provisions.
- g) Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.

Figure 4.4.10h: Outdoor living area—north, east or west

OUT DOOR LIVING AREA

The location of the outdoor living area for a dwelling will vary based on the dwelling's orientation.

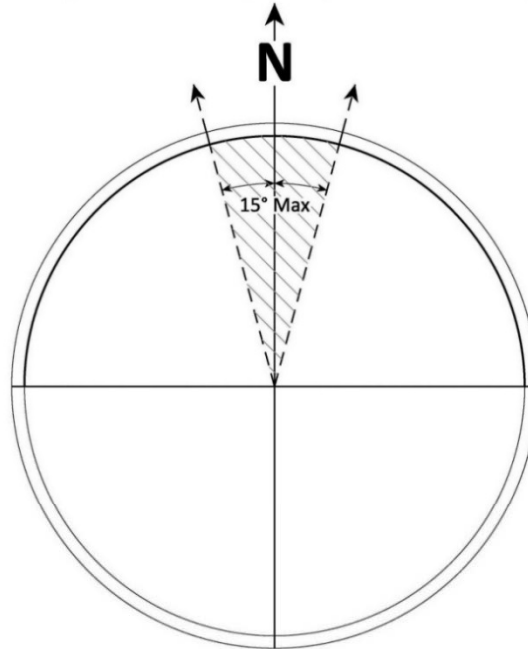
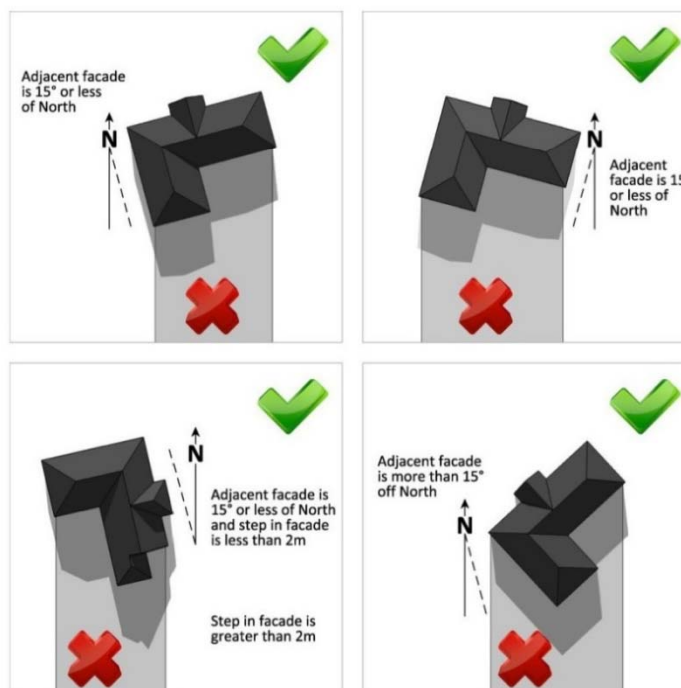


Diagram A: Outdoor Living Area indicator

Note: North is True North

To determine if a dwelling's façade is aligned no more than 15° to the north-south axis, the north point of the Outdoor Living Area Indicator (Diagram A) should be aligned with the north point shown on the site plan. If a façade is within the 15° off set, then that façade should be included as part of the area used to locate outdoor living areas (See diagrams below). If a façade has an in step or out step of more than 2m the façade south of that point should be excluded.



Proposed Plan
Change 6-
Notified Version

4.4.11 Service Areas

a) These standards do not apply to managed care facilities or rest homes.

| Description | Minimum requirements per Residential Area-unit |
|--|--|
| b) Every site, including first single dwelling but excluding 4.4.11(d) – (f) | i. At least 20m² 15m ² , and may be made up of two separate areas incorporating <ul style="list-style-type: none"> 10m² for clothes drying (e.g. foldable clothes line) 5m² for rubbish / recycling storage ii. Minimum dimension 3m 1.5m |
| c) Second and subsequent residential units, including duplex dwellings | i. Additional 20m² for second and each subsequent residential unit 15m ² , and may be made up of two separate areas incorporating <ul style="list-style-type: none"> 10m² for clothes drying (e.g. foldable clothes line) 5m² for rubbish / recycling storage ii. Minimum dimension 3m 1.5m iii. Duplex in Residential Intensification zone <ul style="list-style-type: none"> Individual or communal 10m² Minimum dimension 1.5m |
| d) Service area per ancillary residential unit | i. Additional 10m ² ii. Minimum dimension 2.5m 1.5m |
| e) Apartments | Individual or communal: i. 10m ² ii. Minimum dimension 2.5m 1.5m |
| f) Community centres, visitor accommodation, conference facilities | i. 10m ² ii. Minimum dimension 2.5m 1.5m |
| g) Dairies (may be indoor or outdoor) | i. Minimum 10m ² ii. Minimum dimension 2.5m 1.5m iii. Readily accessible to service vehicles iv. Indoor service area separately partitioned v. Outdoor service area; all-weather dust-free surface |

Proposed Plan
Change 6-
Notified Version

| | |
|----------------------|---|
| h) All service areas | <p>i. Clothes drying areas shall be readily accessible from each residential unit</p> <p>ii. Not visible from a public place unless screened from view by vegetation or fencing in accordance with Section 25.5.</p> <p>iii. Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages).</p> <p>iv. Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking.</p> |
|----------------------|---|

4.4.12 Residential Unit Size – Residential Intensification Zones

- a) The minimum floor area or indoor living area required in respect of each residential unit (excluding ancillary residential units) in the Residential Intensification Zone and the General Residential Zone shall be:

| Form of residential unit | Floor area/Living area |
|----------------------------|--|
| i. Studio unit | Minimum 35m ² Floor Area |
| ii. 1 bedroom unit | Minimum 45m ² Floor Area |
| iii. 2 bedroom unit | Minimum 70m ² 55m ² Floor Area |
| iv. 3 or more bedroom unit | Minimum 90m ² 30m ² Indoor Living Area |

- b) In any one residential apartment building, containing in excess of 20 residential units, the combined number of one-bedroom units and studios shall not exceed 70% of the total number of apartments within the building.

Proposed Plan
Change 6-
Notified Version

4.4.13 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant:

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

4.5 Rules – Medium-Density Residential Zone

4.5.1 Comprehensive Development Plan Process

- a) The Medium-Density Residential Zone is divided into a number of Comprehensive Development Plan Areas (as shown in Appendix 3). This excludes the Ruakura Structure Plan where Figure 2-16 Ruakura Land Development Plan Areas (Appendix 2) identifies Land Development Plan Areas which are subject to Rules within 3.7.4.2 and the Te Awa Lakes Structure Plan where Figure 2-20 identifies Land Development Plan Areas which are subject to Rules within 4.5.6.
- b) Development in the Medium-Density Residential Zone should only occur once a resource consent for a Comprehensive Development Plan for the whole subject area has been granted by Council (refer to Volume 2, Appendix 1.2.2.8 for what is required in a Comprehensive Development Plan). However, there are some activities that can occur as Permitted Activities, subject to compliance with relevant standards in Rule 4.6, before the approval of a Comprehensive Development Plan. These are:
 - i. Maintenance, repair and minor alterations or additions to existing buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
 - ii. Informal recreation and ancillary buildings.
 - iii. Residential activities.
 - iv. Temporary activities.
 - v. Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
- c) A Comprehensive Development Plan must be for a whole Comprehensive Development Plan Area as identified in Volume 2, Appendix 3. Activities within an area can proceed on a staged basis if stages have been defined as part of the consent granted.
- d) Unless otherwise stated, a Comprehensive Development Plan for each area identified requires resource consent as a discretionary activity.
- e) The activity status of a Comprehensive Development Plan application will be classified as non-complying if one or more activities that form part of the application:
 - i. Are identified as a non-complying activity in column two of the Activity Status Table (refer to Rule 4.5.3), or
 - ii. Fail to meet one or more of the standards in Rule 4.6 or Rule 4.8.
- f) All activities listed in column one of Rule 4.5.3 are non-complying activities in the absence of an approved Comprehensive Development Plan unless the activity is listed as permitted in 4.5.1(b).

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.5.2 Comprehensive Development Plan Process Once Consent Has Been Granted

- a) All development in an area subject to a Comprehensive Development Plan that has been granted consent is authorised. Changes to the conditions of a Comprehensive Development Plan consent will be considered as a discretionary activity under section 127 of the Act, except where the proposed changes involve different scale, intensity or character or extend the scope of the original application, in which case a new Comprehensive Development Plan consent is required (refer to 4.5.2b).
- b) For a Comprehensive Development Plan that has been granted consent, any changes in use or changes that involve materially different effects or extend the scope of the original application, will require a new Comprehensive Development Plan consent and will be assessed as the same activity status in the original application for a Comprehensive Development Plan. There are some changes that can occur as permitted activities without the need for a new Comprehensive Development Plan consent, subject to compliance with relevant standards in Rule 4.6.
- c) The activity status of changes in use requiring a new Comprehensive Development Plan consent will be classified as non-complying if one or more activities that form part of the application:
 - i. Are identified as a non-complying activity in column two (refer to Rule 4.5.3), or
 - ii. Fail to meet one or more of the standards in Rule 4.6 or Rule 4.8.
- d) See Chapter 3.7.4.2 for Land Development Consent process in Ruakura. The activity status for Land Development Consents is identified in Rule 4.5.4.

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.5.3 Activity Status Table – Medium-Density Residential Zone (excluding Ruakura and Te Awa Lakes)

| Activities | Activity Status for a Comprehensive Development Plan and changes in use once consent has been granted <i>Note: See Rule 4.5.2(a) for once consent granted</i> |
|--|--|
| Residential Activities and Structures | |
| a) Accessory buildings | D |
| b) Apartment buildings | D |
| c) Ancillary residential unit | D |
| d) Ancillary residential structures | D P for changes in use |
| e) Single dwelling | D |
| f) Duplex dwellings | D |
| g) Maintenance, repair, minor alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built | P |

| Activities | Activity Status for a Comprehensive Development Plan and changes in use once consent has been granted <i>Note: See Rule 4.5.2(a) for once consent granted</i> |
|--|---|
| Heritage) | |
| h) Managed care facilities | D |
| i) Papakainga | D |
| j) Residential activities | P |
| k) Residential centre | D |
| l) Rest home | D |
| Commercial Activities and Structures | |
| m) Childcare facility i) up to 5 children ii) six or more children | D D P for changes in use |
| n) Dairy | D |
| o) Tertiary education and specialised training facility | NC |
| p) Health care services | NC |
| q) Home-based business | D P for changes in use |
| r) Homestay accommodation | D P for changes in use |
| s) Offices | NC |
| t) Places of assembly | NC |
| u) Show home | D |
| v) Visitor accommodation | D |
| Community Activities and Structures | |
| w) Community centre | D |
| x) General recreation | NC |
| y) Informal recreation and ancillary buildings | P |
| z) Marae | D |
| aa) Places of worship | D |
| bb) School | NC |

| Activities | Activity Status for a Comprehensive Development Plan and changes in use once consent has been granted <i>Note: See Rule 4.5.2(a) for once consent granted</i> |
|--|---|
| All Activities and Structures | |
| cc) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage) | P |
| dd) Relocated buildings | D |
| ee) Emergency service facilities | D |
| ff) Temporary activities | P |
| gg) Any activity not listed above | NC |

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.5.4 Activity Status Table – Ruakura Medium-Density Residential Zone and Te Awa Lakes Medium Density Residential Zone

| Activities | Activity Status |
|---|-----------------|
| Land Development Activities (refer Rule 3.7.4.2 for the Ruakura Medium-Density Residential Zone and Rule 4.5.6 for the Te Awa Lakes Medium-Density Residential Zone) | RD* |
| Residential Activities and Structures | |
| a) Single dwelling | P |
| b) Duplex dwellings and apartments | RD* |
| c) Maintenance, repair, minor alterations and additions to existing buildings | P |
| d) Managed care facilities | D |
| e) Papakainga | RD* |
| f) Residential activities | P |
| g) Residential centre | D |
| h) Rest home | D |
| Commercial Activities and Structures | |
| i) Childcare facility for up to five children | C |
| j) Childcare facility for six or more children | D |

| Activities | Activity Status |
|---|-----------------|
| k) Dairy | C |
| l) Tertiary education and specialised training facility | D |
| m) Health care services | D |
| n) Home-based business | P |
| o) Homestay accommodation | P |
| p) Places of assembly | D |
| q) Show homes | P |
| r) Visitor accommodation | D |
| s) One Integrated Retail Development in accordance with the general location identified on Figure 2.14 Ruakura Structure Plan – Land Use (Appendix 2) | RD* |
| t) One Service Station (fronting Pardoia Boulevard) | D |
| u) Community centre | C |
| v) General recreation | D |
| w) Informal recreation and ancillary buildings | P |
| x) Marae | D |
| y) Places of worship | D |
| z) School | D |
| aa) Demolition or removal of existing buildings (except heritage buildings) | P |
| bb) Relocated buildings | C |
| cc) Emergency service facilities | D |
| dd) Temporary activities | P |

4.5.5 Rule – Ruakura Structure Plan Area – Staging

- a) Notwithstanding Rule 4.5.1 and 4.5.2, activities listed in 4.5.4 Rules – Activity Status Table – Medium-Density Residential Zone which are undertaken in the Ruakura Structure Plan Area shall comply with Rules 3.7.4.1, 3.7.4.2, 3.7.4.3, 3.7.4.4, 3.7.4.5 and 3.7.5 in Chapter 3: Structure Plans.

4.5.6 Land Development Plan Rules in Te Awa Lakes Medium Density Residential Zone

- a) A resource consent for a restricted discretionary activity is required for the following activities in the Te Awa Lakes Medium Density Residential Zone:
- i. Preparation of land for development purposes including earthworks and vegetation removal.
 - ii. Construction of roads, pedestrian paths and cycle routes.
 - iii. Installation of Three Waters infrastructure
 - iv. Works related to the establishment of open space areas.
- b) Land Development Plan applications for activities listed in a) above shall be obtained for the entire development (which may be staged) of not less than one of the Land Development Plan Areas in Figure 2-20, together with any adjacent Land Development Plan Areas or parts of Land Development Plan Areas, in conjunction with land use, subdivision and development under any other rule of the Te Awa Lakes Medium Density Residential Zone.
- c) A Land Development Plan application shall provide the information required by Rule 1.2.2.23.
- d) Land Development Plan applications will be assessed in accordance with the functions of the Hamilton City Council prescribed in Section 31 of the Resource Management Act. Consents may also be required from Waikato Regional Council under the Waikato Regional Plan e.g. for stormwater discharge.
- e) Except as provided for by sections 95A(2), 95C and 95B(2) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the relevant zone chapter shall be considered without notification or the need to obtain approval from affected persons.

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.6 Rules – General Standards – Medium-Density Residential Zone

4.6.1 Comprehensive or Land Development Plans

- a) All development in an area that is subject to a consented Comprehensive Development Plan shall comply with the terms of that consent.

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.6.2 Development Yield

- a) Comprehensive Development Plans shall demonstrate that the yield achieves within 10% of the residential unit total identified in Comprehensive Development Area Residential Unit Yield.

| Location | Comprehensive Development Area | Residential Yield – Units per Comprehensive Development Area (+ or - 10%) |
|-----------|--------------------------------|---|
| Rototuna | A | 84 |
| | B | 28 |
| | C | 28 |
| | D | 90 |
| | E | 36 |
| | F | 200 |
| Rotokauri | A | 162 |
| | B | 143 |
| | C | 78 |
| | D | 185 |
| | E | 44 |
| | F | 168 |

b) Land Development Plan applications in Land Development Plan Areas (see Figure 2-20, Appendix 2), for the Te Awa Lakes Medium Density Residential Zone shall demonstrate that the yield achieves within 10% of the residential unit total identified below.

| <u>Land Development Plan Areas on Figure 2:21</u> | <u>Residential Unit Yield (+ or - 10%)</u> |
|---|--|
| <u>A</u> | <u>116</u> |
| <u>B</u> | <u>162</u> |
| <u>C</u> | <u>134</u> |
| <u>D</u> | <u>26</u> |
| <u>E</u> | <u>42</u> |
| <u>F</u> | <u>51</u> |
| <u>G</u> | <u>62</u> |
| <u>H</u> | <u>44</u> |
| <u>I</u> | <u>47</u> |
| <u>J</u> | <u>33</u> |
| <u>K</u> | <u>33</u> |
| <u>L</u> | <u>32</u> |
| <u>M</u> | <u>28</u> |
| <u>N</u> | <u>42</u> |
| <u>O</u> | <u>24</u> |
| <u>P</u> | <u>16</u> |
| <u>TOTAL</u> | <u>892</u> |

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.6.3 Height in Relation to Boundary

- a) Where a building is on land that adjoins the General Residential Zone or a Comprehensive Development Plan Area:
- No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries.

Except:

- Where buildings are attached, no setback is required between those buildings.
- Where a boundary adjoins a transport corridor or access, the 45-degree angle applies to that boundary, measured 3m above the boundary.
- Written consent from the owners and occupiers of the adjoining property or Comprehensive Development Plan area is obtained.

Note

1. Refer to Figure 4.4.5c for guidance on determining the height control plane when adjoining a transport corridor or access.

4.6.4 Residential Unit Size

- a) The minimum floor area required in respect of each residential unit shall be:

| Form of residential unit | Floor area |
|----------------------------|--------------------------|
| i. Studio unit | Minimum 35m ² |
| ii. 1 bedroom unit | Minimum 45m ² |
| iii. 2 bedroom unit | Minimum 70m ² |
| iv. 3 or more bedroom unit | Minimum 90m ² |

- b) In any one apartment building containing in excess of 20 residential units, the combined number of one bedroom units and studios shall not exceed 70 percent of the total number of apartments within the building.

4.6.5 Permeable Surface

| | Medium Density Zone |
|--|---------------------|
| Permeability across the entire site | Minimum 20% |
| Front, Corner and Through Sites in the Ruakura <u>and Te Awa Lakes</u> Medium Density Residential Zone: Permeability forward of the building line of the dwelling planted in grass, shrubs and trees. | Minimum 50% |

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.6.6 Site Coverage

The maximum site coverage within the Ruakura Medium Density Residential Zone is 50%.

4.6.7 Building Height

- a) The maximum height of a building or structure in the Ruakura Medium Density Residential Zone and Te Awa Lakes Medium Density Residential Zone is 10m.

4.6.8 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant:

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

4.7 Rules – Specific Standards – All Residential Zones

4.7.1 Ancillary Residential Unit

- a) A maximum of one ancillary residential unit per site.
- b) Maximum gross floor area of 60m².
- c) The outdoor living area shall not be included as part of the outdoor living area provided for the principal residential building on site.

4.7.2 Childcare Facility

- a) The activity shall not be part of a multiple residential unit development.
- b) The activity shall be located on a front, corner or through site.
- c) The activity shall have a maximum gross floor area of all buildings of 250m².

4.7.3 Community Centres, Tertiary and Specialised Training Facilities, Schools and Places of Worship

| | |
|---|---------------------------|
| a) Gross floor area of all buildings | Maximum 250m ² |
| b) Hours of operation | 0700 to 2200 hours |
| c) Additional hours for special event (maximum 1 per calendar year) | 2200 to 0200 hours |

- d) The display or storage of materials, except for permitted signage, shall not be visible from outside the site.

4.7.4 Dairies

| | |
|--|---------------------------|
| a) Gross floor area of retail | Maximum 100m ² |
| b) Hours of operation | 0700 to 2200 hours |
| c) Building setback from side or rear boundaries | Minimum 5m |

4.7.5 Home-based Businesses

- a) For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:
 - i. Employ no more than 2 people, one of whom must reside on the site on a permanent basis.
 - ii. Not exceed 30% of the total gross floor area of buildings on the site.
 - iii. Not generate any trips by a heavy motor vehicle.
 - iv. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours.
 - v. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
 - vi. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.

- vii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- viii. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
- ix. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.

4.7.6 Managed Care Facilities

- a) Within one calendar month of its occupancy, the Agency/person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following.
 - i. Proposed number of residents.
 - ii. The anticipated number of visitors to the site per week and daily visiting hours.
 - iii. Anticipated full time equivalent staff at the facility.
 - iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
 - v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- b) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 15m² per resident in the General Residential Zone.
 - ii. At least 12m² per resident in the Residential Intensification Zone.
 - iii. A minimum dimension of not less than 4m.
 - iv. An area capable of containing a 6m diameter circle.
 - v. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
 - vi. Comprise not more than 35% impermeable surface area.
 - vii. For the exclusive use of the residents.
 - viii. Readily accessible for all residents.
 - ix. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- c) A service area shall be provided that has:
 - i. A minimum area of 20m² with a minimum dimension of 3m.
 - ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.

- d) Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.
- e) No part of any site or premises used as a managed care facility shall contain a secure unit.

4.7.7 Relocated Buildings

- a) Any relocated building intended for use as a dwelling (excluding previously used accessory buildings) must have previously been designed, built and used as a dwelling.
- b) A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building.
- c) All reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- d) The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.

4.7.8 Show Homes

- a) Shall be staffed by a maximum number of two staff at any time.
- b) Shall be located on a front, corner or through site.
- c) Shall have a maximum activity duration of two years from the time of first occupation.

4.7.9 Rest Homes

- a) Maximum occupancy shall be 10 residents (including live-in staff).
- b) The maximum density for rest homes shall be:
 - i. One person per 75m² of net site area in the General Residential Zone; or
 - ii. One person per 40m² of net site area in the Residential Intensification Zone; or
 - iii. One person per 50m² of net site area in the Medium-Density Residential Zone.
- c) An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.
 - ii. Is readily accessible to all residents.
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- d) The outdoor living area shall be provided communally which shall comprise:

- i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. At least capable of containing a 6m-diameter circle.
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- e) A service area shall be provided with areas and dimensions as follows:
 - i. Minimum area of 20m².
 - ii. Minimum dimension of 3m.
 - iii. Provided that where a fully equipped laundry (both washing and drying machines) is provided in rest home, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.

4.7.10 Visitor Accommodation Outside of the Visitor Facilities Area

- a) Maximum occupancy for visitor accommodation shall be 12 guests.
- b) Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant.

4.7.11 Integrated Residential Development

- a) Minimum site area of 2000m².
- b) No more than ~~20~~30% of residential units shall be in the form of apartments.
- c) Required to undertake a Water Impact Assessment, as described in Volume 2, Appendix 1.2.2.5.

Proposed Plan
Change 6-
Notified Version

4.8 Rules – Specific Standards – Ruakura Medium-Density Residential Zone and Te Awa Lakes Medium Density Residential Zone

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.8.1 One Integrated Retail Development (see Figure 2-14 Ruakura Structure Plan – Land use (Appendix 2))

- a) Activities shall only consist of:
 - Retail
 - Cafes/Restaurants
 - Offices
 - Healthcare services
 - Community facilities
 - Childcare facilities

| | |
|--|-------------------------------|
| Combined gross floor area of all tenancies | Maximum of 3500m ² |
| Gross floor area per tenancy (excluding offices) | Maximum 399m ² |
| Gross floor area for office tenancies | Maximum 250m ² |

- b) Only one integrated retail development shall be provided within the Medium Density Residential Zone.
- c) Maximum Building Height: 10 metres
- d) Where any boundary adjoins a residential boundary, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary. Elements such as flues, flagpoles, open balustrades shall be exempt.
- e) Building setbacks
- Front Boundary: 5 metres when fronting an arterial road.
- Side and Rear Boundaries: 1.5 metres where the boundary adjoins a residential boundary or Open Space Zone.
- f) A maximum building intensity (floor area Ratio) of 1:1 shall apply.
- g) Service Areas
- Any building shall provide service areas as follows:
- i. At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater.
 - ii. Any additional service areas shall not:
 - Be less than 5m²
 - Have a minimum dimension of less than 2.5m
 - iii. Any outdoor service area shall be maintained with an all-weather, dust free surface.
 - iv. A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
 - v. Any services area shall not encroach on to areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).
- h) Outdoor storage
- Any outdoor storage area used for storage of goods and materials shall:
- i. Be laid out and used in a manner that does not conflict with vehicle access.
 - ii. Be maintained with an all-weather, dust free surface.
 - iii. Be located away from public view or otherwise screened by fencing and landscaping.

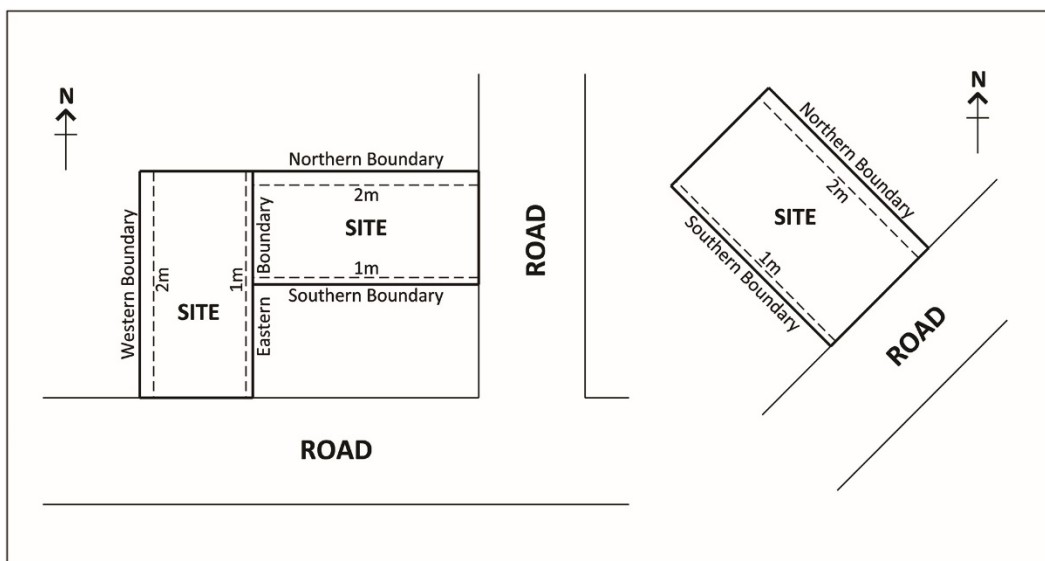
- iv. Not encroach on areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).
- i) No roller doors, or similar, which may obscure windows or entranceways may be installed on the front of any building fronting a public space.

4.8.2 Building Setbacks

| | |
|--|--|
| a) Transport corridor boundary – local and collector roads except where a garage provides access to a local or a collector road the garage shall be a minimum of 5m from that transport corridor boundary. | 3m |
| b) Transport corridor boundary – arterial roads | 5m |
| c) Side yards | |
| i. Side yard east or south | 1m |
| ii. Side yard west or north | 2m |
| iii. As an alternative for either i. or ii. above, a zero lot boundary may be used subject to obtaining neighbours consent which may attach to a dwelling on an adjoining allotment. | |
| d) Rear yard | 3m |
| e) Waikato Riverbank and Gully Hazard Area | 6m (applies to buildings and swimming pools) |

Note – refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

Figure 4.8.2: Side Yards



4.8.3 Interface between Public and Private

- a) The front wall of all accessory buildings that are detached, including carports and garages, should be no further forward of the front building line of the dwelling than 0.5m.
- b) The front wall of accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door faces the street, be located no further forward of the front building line of the dwelling than 0.5m, except for a single dwelling on a site with a frontage less than 15m wide the garage door shall be setback a minimum of 0.5m from the front building line of the dwelling.
- c) Maximum garage width of 50% of the front building line of the dwelling on a site with a frontage less than 15m wide.
- d) Any wall, except the wall containing the garage door, of an accessory building facing the street must consist of at least 20% of glazed materials.
- e) For front sites, the primary entrance on the ground floor shall face the street and provide pedestrian access separated from the driveway.
- f) At least one habitable room shall have a clear-glazed window facing the street. For corner sites and sites with two transport corridor frontages, this is required only on the transport corridor frontage from which vehicular access is provided.

| g) Maximum Fence Heights | | |
|--------------------------|---|--|
| i. | Front and side boundary fences or walls located forward of the front building line of the dwelling. | 1.2m |
| ii. | Front and side boundary fences or walls located forward of the front building line of the dwelling surrounding north facing Outdoor Living Areas that face a transport corridor. | 1.8m (with 50% or more of the fence visually permeable). |
| iii. | For sites adjoining an Open Space Area as shown on Figure 2-14: Ruakura Structure Plan – Land Use (Appendix 2), fences or walls located between the dwelling and the Area boundary. | 1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable). |
| iv. | All other boundary fences or walls | 1.8m. |

4.8.4 Residential Buildings – Separation and Privacy

- a) Residential buildings shall be set back at least 3m from the nearest part of any other residential building on the same site, except:
 - i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings on the same site, separation distance shall be a minimum of 1.5m.

4.8.5 Outdoor Living Area

- a) Each residential unit shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Located on a side of the residential unit which faces north of east or west.
- b) Outdoor living areas for residential units shall be a minimum of 40m² capable of containing a 6m diameter circle and for ancillary residential units shall be 12m² capable of containing a 2.5m diameter circle.
- c) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.

Note

- 1. Any communal open space is optional and is additional to the above provisions.

4.8.6 Service Areas

| Description | Minimum Requirements |
|---|---|
| a) Detached dwellings, duplex dwellings and dwellings in comprehensive residential developments | 20m ² Minimum dimension 3m |
| b) Service area for ancillary residential unit | Additional 10m ² Minimum dimension 2.5m |
| c) All service areas | Readily accessible from each residential unit, not visible from a public place or in a front yard, or yard adjoining the Transport Corridor Zone or Open Space Zone. To be screened from the street and setback a minimum of 2m from primary building frontage. |

4.8.7 River Interface Overlay in Te Awa Lakes Medium Density Residential Zone

- a) The minimum area of land (net site area) required in respect of each residential unit adjoining any existing or proposed esplanade reserve adjacent to the Waikato River shall be 1,000m².
- b) The maximum height of a building or structure is 8m.
- c) The General Residential Zone Rules in 4.4.2, 4.4.3, 4.4.5, 4.4.6, 4.4.7, 4.4.8, 4.4.9, 4.4.10 and 4.4.11 shall apply.

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

4.9 Rules – Specific Standards – Large Lot Residential Zone

4.9.1 Effluent Disposal

- a) Areas for the on-site disposal or storage of sewage (septic tanks) or farm effluent shall not be located within a:
 - i. High Flood Hazard Area.
 - ii. Medium Flood Hazard Area.
 - iii. Low Flood Hazard Area.
 - iv. Temple View Flood Hazard Area.
 - v. Culvert Block Flood Hazard Area.
 - vi. Waikato Riverbank and Gully Hazard Area.
 - vii. Significant Natural Area (refer to Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas).
 - viii. Root protection zone of a significant tree (refer to Volume 2, Appendix 9, Schedule 9D: Significant Trees).
 - ix. Site in Schedule 8B: Group 1 Archaeological and Cultural Sites (refer to Volume 2, Appendix 8, Schedule 8B).
- b) Facilities for the storage and disposal of sewage (septic tanks) or farm effluent shall be sited at least 25m from any natural or artificial water course or any lake.
- c) Facilities for the storage and disposal of farm effluent shall be sited at least:
 - i. 100m from any residential unit on another site.
 - ii. 15m from any site boundary.
 - iii. 150m from any Residential Zone or Special Character Zone boundary.

4.9.2 Produce Stalls

- a) One produce stall shall be allowed per site.
- b) Produce stalls shall not exceed 16m² gross floor area.
- c) Produce sold from a stall shall be grown or made either:
 - i. On the property on which it is offered for sale.
 - ii. On land owned or leased by the vendor of the produce.

- iii. On land less than 3km from the property on which it is offered for sale.
- d) Produce stalls shall not be established on any site having vehicular access to a major arterial transport corridor or the strategic network.
- e) Produce stalls shall be located to enable two off-road hard stand areas for car parking.

4.10 Controlled Activities: Matters of Control

- a) In determining any application for resource consent for a controlled activity, the Council shall reserve its control over the following matters.

| Activity | Matter of Control (Refer to Volume 2, Appendix 1.3.2) |
|---|---|
| i. Childcare facility for up to five children | <ul style="list-style-type: none"> • F – Ruakura |
| ii. Dairy | <ul style="list-style-type: none"> • F – Ruakura |
| iii. Community centre | <ul style="list-style-type: none"> • F – Ruakura |
| iv. Relocated buildings | <ul style="list-style-type: none"> • F – Ruakura |

4.11 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

| Activity Specific | Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3) |
|--|--|
| i. Duplex dwellings* | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| ii. Apartment buildings | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| iii. Childcare facility for 6 or more children | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |

| | |
|--|--|
| iv. Community centre | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| v. Dairy | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| vi. Tertiary education and specialised training facility | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| vii. Papakainga* | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| viii. Places of worship | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| ix. Rest home* | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| x. New building for the purpose of Health Care Services identified in 4.3.1 ^{vs}) | <ul style="list-style-type: none"> • B – Design and Layout |
| xi. Second and subsequent single dwellings per site* | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| xii. Visitor accommodation | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| xiii. Emergency service facilities | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| xiv. Integrated Residential Development | <ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity |
| Ruakura Medium Density Residential Zone | |
| xiv. Land Development Activities* | <ul style="list-style-type: none"> • N - Ruakura |
| xv. Duplex dwellings (other than provided for in 4.5.4b) above) and apartments* | <ul style="list-style-type: none"> • B – Design and Layout • N - Ruakura |
| xvi. One Integrated Retail Development in accordance with the general location identified on Figure 2-14 Ruakura Structure Plan – Land Use (Appendix 2)* | <ul style="list-style-type: none"> • B – Design and Layout • H – Function, Vitality, Viability and Amenity of Centres • N – Ruakura |

Proposed Plan
Change 6-
Notified Version

| | |
|--|---|
| xvii Papakainga* | <ul style="list-style-type: none"> • B- Design and Layout • N- Ruakura |
| <u>Te Awa Lakes Medium Density Residential Zone</u> | |
| <u>xviii Land Development Activities</u> | <ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> • <u>G – Transportation</u> • <u>I – Network Utilities and Transmission</u> • <u>J – Three Waters Capacity and Techniques</u> |

Proposed Plan Change
2- Te Awa Lakes Private
Plan Change- Notified
Version

Note

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (*) except for those outlined within the Ruakura Medium Density Residential Zone which is outlined in 4.12 below.

4.12 Notification Rule for Ruakura Medium Density Residential Zone

- a) Except as provided for by Section 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the table above and activity status table 4.5.4 shall be considered without notification or the need to obtain approval from affected persons.
- b) Notwithstanding clause (a), where an activity identified in Rule 4.5.4 requires resource consent for a Restricted Discretionary Activity under two or more activity descriptions, and only one of the Restricted Discretionary Activities is identified with an asterisk (*), notification of the activity shall be at the Council's discretion in accordance with Section 95A, 95B and 95C of the Act.

4.13 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following:

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following:

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation