

H10 – APPENDIX 3

Rebuttal Evidence

Chapter 16: Residential Zone

Proposed Waikato District

Plan Stage 1

(Notified version)

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

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Chapter 16: Residential Zone **Rules**

- (1) The rules that apply to activities in the Residential Zone are contained in **Rule 16.1** Land Use – Activities, **Rule 16.2** Land Use – Effects and **Rule 16.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Residential Zone are contained in **Rule 16.4** and the **relevant rules in 14 Infrastructure and Energy, and 15 Natural Hazards and Climate Change (Placeholder)**.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Residential Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity
- (5) The Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. **Rule 16.5** manages all land use, building and subdivision in this location. **Rule 16.5.1** sets out how to apply rules to Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Residential Zone.

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

16.1 Land Use - Activities

16.1.1 Prohibited Activities

- (1) The following activity is a prohibited activity. No application for resource consent for a prohibited activity can be made and a resource consent must not be granted.

PRI	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7).
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16.1.2 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) **Activity specific conditions:**
 - (b) Land Use – Effects rules in **Rule 16.2** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - (c) Land Use – Building rules in **Rule 16.3** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - ~~(d) Activity-specific conditions:~~

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

Activity	Activity-specific conditions
P1	Residential activity, unless specified below.
P2	(a) The total building coverage does not exceed 50%; (b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori

	Customary Land.	<p>Council with the associated building consent application:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court and (ii) A Licence to Occupy; (c) Where a Trust Order or Māori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent: <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; (ii) A lease, or an Occupation Order of the Māori Land Court; (d) The following Land Use – Effects rules in Rule 16.3 do not apply: <ul style="list-style-type: none"> (i) Rule 16.3.1 (Dwelling); (ii) Rule 16.3.2 (Minor dwellings); (iii) Rule 16.3.6 (Building Coverage).
P3	A new retirement village or alterations to an existing retirement village:	<ul style="list-style-type: none"> (a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha; (b) The site is either serviced by or within 400m walking distance of public transport; (c) The site is connected to public water and wastewater infrastructure; (d) Minimum living court or balcony area and dimensions: <ul style="list-style-type: none"> (i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m; (e) Minimum service court is either: <ul style="list-style-type: none"> (i) Apartment – Communal outdoor space (ie no individual service courts required); or (ii) All other units – 10m² for each unit; (f) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high; (g) The following Land Use – Effects rule in Rule 16.2 does not apply: <ul style="list-style-type: none"> (i) Rule 16.2.7 (Signs); (h) The following Land Use – Building rules in Rule 16.3 do not apply: <ul style="list-style-type: none"> (i) Rule 16.3.1 (Dwelling); (ii) Rule 16.3.3 (Building Height); (iii) Rule 16.3.7 (Living Court); (iv) Rule 16.3.8 (Service Court); (i) The following Infrastructure and Energy rule in Chapter 14 does not apply: <ul style="list-style-type: none"> (i) Rule 14.12.1 P4(1)(a) (Traffic generation).
P4	Home occupation	<ul style="list-style-type: none"> (a) It is wholly contained within a building;

		<p>(b) The storage of materials or machinery associated with the home occupation are <u>either wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property</u>;</p> <p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day;</p> <p>(e) Machinery may only be operated between 7:30am and 9pm on any day.</p>
P5	Temporary event	<p>(a) The event occurs no more than 3 times per consecutive 12 month period;</p> <p>(b) The duration of each temporary event is less than 72 hours;</p> <p>(c) It may operate between 7.30am and 8:30pm Monday to Sunday;</p> <p>(d) Temporary structures are:</p> <p>(i) erected no more than 2 days before the temporary event occurs;</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(e) The site is returned to its previous condition no more than 3 days after the end of the temporary event;</p> <p>(f) There is no direct site access from a national route or regional arterial road.</p>
P6	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P7	Community activity	Nil
P8	Neighbourhood park	Nil
P9	Home stay	<p>(a) No more than 4 temporary residents;</p> <p>(b) No more than two people who are not permanent residents of the site are employed at any one time.</p>
P10	Agricultural, horticultural and viticultural activities	(a) Must be within the Residential West Te Kauwhata Area.
P11	Neighbourhood centre	(a) Must be within an area identified in a Council approved Structure Plan or Master Plan.
P12	Commercial activity	(a) Must be within the Bankart Street and Wainui Road Business Overlay Area.
P13	Childcare facility	(a) For up to 4 children that are not permanent residents of the household unit.
P14	Emergency services training and management activities	(a) It may operate between 7.00am and 10.00pm Monday to Sunday.

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

16.1.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Council's discretion shall be restricted to the following matters: Matters of Discretion:															
RDI	<p>A Multi-Unit development of three or more units that meets all of the following conditions:</p> <p>(a) The Land Use Effects rules in Rule 16.2;</p> <p>(b) The Land Use Building rules in Rule 16.3, except the following rules do not apply:</p> <p>(i) Rule 16.3.1 Dwelling;</p> <p>(ii) Rule 16.3.8 16.3.6 Building coverage;</p> <p>(iii) Rule 16.3.9 16.3.7 Living court;</p> <p>(iv) Rule 16.3.10 16.3.8 Service court;</p> <p>(c) The minimum net site area per residential unit is 300m²;</p> <p>(d) The Multi-Unit development is connected to public wastewater and water reticulation;</p> <p>(e) Total building coverage of the site does not exceed 50%;</p> <p>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) Table 14;</p> <p>(g) Service court areas are provided to meet the following minimum requirements for each residential unit:</p> <p>(i) At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</p> <p>(ii) At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</p> <p>(iii) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court.</p> <p>(h) Living court areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" data-bbox="432 1458 994 1742"> <thead> <tr> <th>Duplex dwelling</th> <th>Area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>40 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" data-bbox="432 1787 994 2024"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>20 m²</td> <td>4m</td> </tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m ²	4m	2 or more bedrooms	40 m ²	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m ²	4m	<p>(a) Density of the development;</p> <p>(b) The manner in which the provisions of the Multi-Unit Design contained in Appendix 3.4 have been incorporated;</p> <p>(c) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p>(d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</p> <p>(e) The incorporation of energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout, including proposed unit boundaries which identify space around each unit and any common areas;</p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building;</p> <p>(j) Provision of infrastructure (including water supply for firefighting purposes) to individual units,</p>
Duplex dwelling	Area	Minimum dimension															
Studio unit or 1 bedroom	30 m ²	4m															
2 or more bedrooms	40 m ²	4m															
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension															
Studio unit or 1 bedroom	20 m ²	4m															

	<table border="1"> <tr> <td data-bbox="432 188 644 277">2 or more bedrooms</td> <td data-bbox="644 188 844 277">30 m²</td> <td data-bbox="844 188 991 277">4m</td> </tr> <tr> <td data-bbox="432 322 699 445">Apartment Building Upper Levels Residential Unit</td> <td data-bbox="699 322 844 445">Area</td> <td data-bbox="844 322 991 445">Minimum Dimension</td> </tr> <tr> <td data-bbox="432 445 699 528">Studio unit or 1 bedroom</td> <td data-bbox="699 445 844 528">+10m²</td> <td data-bbox="844 445 991 528">2m</td> </tr> <tr> <td data-bbox="432 528 699 611">2 or more bedrooms</td> <td data-bbox="699 528 844 611">+15m²</td> <td data-bbox="844 528 991 611">2m</td> </tr> </table>	2 or more bedrooms	30 m ²	4m	Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	+10m ²	2m	2 or more bedrooms	+15m ²	2m	<p>(k) <u>Provision of trunk infrastructure;</u></p> <p>(l) <u>On-site parking and manoeuvring;</u></p> <p>(m) <u>Safety and efficiency of the transport network.</u></p>
2 or more bedrooms	30 m ²	4m												
Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension												
Studio unit or 1 bedroom	+10m ²	2m												
2 or more bedrooms	+15m ²	2m												
RD2	Education facilities	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>a. <u>The extent to which it is necessary to locate the activity in the Residential Zone.</u></p> <p>b. <u>Reverse sensitivity effects of adjacent activities.</u></p> <p>c. <u>The extent to which the activity may adversely impact on the transport network.</u></p> <p>d. <u>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood.</u></p> <p>e. <u>The extent to which the activity may adversely impact on the noise environment.</u></p>												
RD3	Emergency service facilities	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>a. <u>The extent to which it is necessary to locate the activity in the Residential Zone.</u></p> <p>b. <u>Reverse sensitivity effects of adjacent activities.</u></p> <p>c. <u>The extent to which the activity may adversely impact on the transport network.</u></p> <p>d. <u>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood, particularly with regard to scale of</u></p>												

		<p>buildings.</p> <p>e. The extent to which the activity may adversely impact on the noise environment.</p>
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[s42A Report – Section 13 Topic 10 - Housing options Rules]

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

16.1.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with one or more of the a 'Activity-Specific Conditions' in Rule 16.1.2 .
D2	Any permitted activity that does not comply with the Land Use – Effects Rule 16.2 or Land Use – Building Rule 16.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.
D3 D2	Any Multi-unit development that does not comply with Rule 16.1.3 RDI .

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

16.1.5 Non-complying Activities

(1) The activities listed below are non-complying activities.

NCI	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
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16.2 Land Use – Effects

16.2.1 Noise

- (1) [Rules 16.2.1.1](#) and [16.2.1.2](#) provide the permitted noise levels generated by land use activities.
- (2) [Rule 16.2.1.1](#) Noise – general provides permitted noise levels in the Residential Zone.
- (3) [Rule 16.2.1.2](#) Noise – Construction provides the noise levels for construction activities

16.2.1.1 Noise – General

P1	Farming noise , and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any other site in the Residential Zone must not exceed:</p> <ol style="list-style-type: none"> (i) 50dB $L_{Aeq(15min)} - (L_{Aeq})$, 7am to 7pm, every day; (ii) 45dB $L_{Aeq(15min)} - (L_{Aeq})$, 7pm to 10pm, every day; and (iii) 40dB $L_{Aeq(15min)} - (L_{Aeq})$ 10pm to 7am the following day; and (iv) 65dB $L_{Amax} - (L_{Amax})$, 10pm to 7am the following day. <p>(b) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”; and</p> <p>(c) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 “Acoustic-Environmental noise”.</p>

P3	Noise levels shall be measured in accordance with the requirements of [REDACTED] [REDACTED] (b) Noise levels shall be assessed in accordance with the requirements of [REDACTED] [REDACTED]
DI	Noise that does not comply with Rule 16.2.1.1 P2 or P3 .

[s42A Report – Section 18 – Topic 15 - Noise]

16.2.1.2 Noise – Construction

PI	(a) Construction noise must meet not exceed the limits in NZS 6803:1999 (Acoustics – Construction Noise); and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.
RDI	(a) Construction noise that does not comply with Rule 16.2.1.2 PI . (b) Council’s discretion shall be restricted to the following matters: (i) Effects on amenity values; (ii) Hours and days of construction; (iii) Noise levels; (iv) Timing and duration; and (v) Methods of construction.

[s42A Report – Section 18 – Topic 15 - Noise]

16.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area

PI	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity within the Bankart Street and Wainui Road Business Overlay Area may occur between 7.30am and 6:30pm.
DI	The servicing and hours of operation of a commercial activity that does not comply with Rule 16.2.2 PI .

16.2.3 Glare and artificial light spill

PI	Illumination from Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site .
RDI	(a) Illumination that does not comply with Rule 16.2.3 PI . (b) The Council's discretion shall be restricted to the following matters: (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; and (vi) Mitigation measures.

[s42A Report – Section 19 – Topic 16 - Lighting]

16.2.4 Earthworks

- (1) [Rule 16.2.4.1](#) – General, provides the permitted rules for earthworks activities for the Residential Zone. ~~This rule does not apply in those areas specified in Rule 16.2.4.2, 16.2.4.3 and 16.2.4.4.~~

[s42A Report – Section 11 Topic 8 - Earthworks]

- (2) There are specific standards for earthworks within rules:
- (a) Rule 16.2.4.2 – Maaori Sites and Maaori Areas of Significance;
 - (b) Rule 16.2.4.3 – Significant Natural Areas;
 - (c) Rule 16.2.4.4 – Landscape and Natural Character Areas.

16.2.4.1 Earthworks - General

PI	<p>(a) Earthworks (excluding the importation the use of fill cleanfill material or controlled fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 4.5 5 m horizontally from any infrastructure including a waterway, open drain or overland flow path; (ii) Not exceed a volume of 250m³ and an area of not more than 1,000m² over any consecutive 12 month period; (iii) Not exceed an area of 1000m² over any consecutive 12 month period; (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) Earthworks are set back at least 1.5m from all boundaries; (vii) Areas exposed by earthworks are stabilized to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement cessation of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>Earthworks for the purpose of creating a building platform and accessway for residential purposes within a site, using including the use of imported fill cleanfill material imported fill material must meet the following condition:</p> <ul style="list-style-type: none"> (a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Not exceed a total volume of 20m³; (ii) Not exceed a depth of 1m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback at least 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RDI	<p>(a) Earthworks that do not comply with any one or more of the conditions of Rule 16.2.4.1 PI, P2 or P3.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material;

	<ul style="list-style-type: none"> (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths; and (xi) Land instability, erosion and sedimentation.
NCI	Earthworks including involving the importation of cleanfill controlled fill material to a site .

[s42A Report – Section 11 - Topic 8 - Earthworks]

16.2.4.2 Earthworks – Maori Sites and Maori Areas of Significance

RD1	<ul style="list-style-type: none"> (a) Earthworks within a Maori Site of Significance as identified in Schedule 30.3 (Maori Site of Significance) and shown on the planning maps. (b) Council’s discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values.
RD2	<ul style="list-style-type: none"> (a) Earthworks within a Maori area of significance as identified in Schedule 30.4 (Maori Area of Significance) and shown on the planning maps. (b) Council’s discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values.

16.2.4.3 Earthworks - Significant Natural Areas

PI	<ul style="list-style-type: none"> (a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area and must meet all of the following conditions: <ul style="list-style-type: none"> (i) Maximum volume of 50m³ in a single consecutive 12 month period; (ii) Maximum area of 250m² in a single consecutive 12 month period; and (iii) Not include importing any fill material.
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 16.2.4.3 PI. (b) Council’s discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat; (ii) The protection of adverse effects on the Significant Natural Area values.
DI	Earthworks within an identified Significant Natural Area not provided for in Rule 16.2.4.3 PI or RD1 .

16.2.4.4 Earthworks - Landscape and Natural Character Areas

PI	<ul style="list-style-type: none"> (a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions: <ul style="list-style-type: none"> (i) The earthworks are undertaken within a single consecutive 12 month period; (ii) The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period: 									
	<table border="1"> <thead> <tr> <th>Landscape or Natural Character Area</th> <th>Area (m²)</th> <th>Volume (m³)</th> </tr> </thead> <tbody> <tr> <td>Significant Amenity Landscape (SAL) sand dune</td> <td>50</td> <td>250</td> </tr> <tr> <td>High or Outstanding Natural Character area</td> <td></td> <td></td> </tr> </tbody> </table>	Landscape or Natural Character Area	Area (m ²)	Volume (m ³)	Significant Amenity Landscape (SAL) sand dune	50	250	High or Outstanding Natural Character area		
Landscape or Natural Character Area	Area (m ²)	Volume (m ³)								
Significant Amenity Landscape (SAL) sand dune	50	250								
High or Outstanding Natural Character area										

	<p>of the coastal environment</p> <p>Outstanding Natural Feature (ONF) sand dune</p> <p>Outstanding Natural Feature (ONF)</p> <p>Outstanding Natural Landscapes (ONLs)</p>			
	<p>(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;</p> <p>(iv) The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);</p> <p>(v) Areas exposed by the earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(vii) The earthworks do not divert or change natural water flows, water bodies or established drainage paths.</p>			
DI	Earthworks that do not comply with Rule 16.2.4.4 PI .			

16.2.5 Hazardous substances

PI	(a) The use, storage or disposal of any hazardous substance where: <ul style="list-style-type: none"> (i) the aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Residential zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).
P2	(a) The storage or use of radioactive materials is: <ul style="list-style-type: none"> (i) an approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
DI	The use, storage or disposal of any hazardous substances that does not comply with Rule 16.2.5 PI or P2 .

16.2.6 Notable trees

- (I) **Rules 16.2.6.1 to 16.2.6.4** provide permitted rules for works on notable trees, which are identified in **Schedule 30.2** (Notable Trees) as follows:
 - (a) **Rule 16.2.6.1** - Removal or destruction;
 - (b) **Rule 16.2.6.2** – Trimming;
 - (c) **Rule 16.2.6.3** - Activities within the dripline

16.2.6.1 Notable trees – Removal or destruction

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from a works arborist that states that the tree is dead, dying, diseased or is unsafe in accordance with Appendix 11 Tree Removal Certificate.
RDI	(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 16.2.6.1 PI . (b) Council’s discretion is restricted to the following matters:

	<ul style="list-style-type: none"> (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.
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16.2.6.2 Notable tree – Trimming

PI	<ul style="list-style-type: none"> (a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either: <ul style="list-style-type: none"> (i) to remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or (ii) the maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.
RDI	<ul style="list-style-type: none"> (a) The trimming of a notable tree that does not comply with Rule 16.2.6.2. PI. (b) Council’s discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values.

16.2.6.3 Notable tree – Activities within the dripline

PI	<ul style="list-style-type: none"> (a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must comply with all of the following conditions: <ul style="list-style-type: none"> (i) No excavation, compaction, sealing or soil disturbance and placement of fill material, except for the sealing of an existing road or footpath; (ii) No parking or storage of materials, vehicles or machinery; (iii) Discharge of an eco-toxic substance; and (iv) No construction of structures.
RDI	<ul style="list-style-type: none"> (a) Any activity that does not comply with Rule 16.2.6.3 PI. (b) Council’s discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Location of activity in relation to the tree; (ii) Timing and manner in which the activity is carried out; (iii) Remedial measures; (iv) Effect on the health of the tree; and (v) Amenity values.

16.2.7 Signs

- (1) **Rule 16.2.7.1** Signs – general provides permitted standards for any sign, including real estate signs, across the entire Residential Zone.
- (2) **Rule 16.2.7.2** Signs – effects on traffic applies specific standards for signs that are directed at road users.

16.2.7.1 Signs – general

PI	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m <u>in height above the ground</u>; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway; (viii) The sign does not project over road reserve; (viii)(ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation; (ix) (x) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation; (x) (xi) The sign is not attached to a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation; (xi) (xii) (The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or a property name sign.
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) The sign does not project into or over road reserve.
RDI	<p>(a) A sign that does not comply with <u>Rule 16.2.7.1 P2 or P3</u>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Glare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on a notable tree; (vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) Effects on cultural values of any Maaori Site of Significance; and (ix) Effects on notable architectural features of a building.

[S42A Report – Section 21 – Topic 18 Signage]

16.2.7.2 Signs – Effects on traffic

<p>PI</p>	<p>(a) Any sign directed at road land transport users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iv) Be able to be viewed by drivers for at least 130m; (iv) (v) Contain no more than 40 characters and no more than 6 words and/or symbols or graphics; (v) (vi) Have lettering that is at least 150mm high; (iv) (vii) (Be at least 130m from a site entrance, where the sign directs traffic to the entrance
<p>DI RDI</p>	<p>(a) Any sign that does not comply with Rule 16.2.7.2 PI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Clare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on a notable tree; (vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) Effects on cultural values of any Maaori Site of Significance; and <p>Effects on notable architectural features of a building.</p>

[S42A Report – Section 21 – Topic 18 Signage]

16.2.8 Indigenous vegetation clearance inside a Significant Natural Area

<p>P1</p>	<p>(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; (v) Gathering plants in accordance with Maaori customs and values;
<p>P2</p>	<p>Removal of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</p>
<p>P3</p>	<p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; and (ii) The total indigenous vegetation clearance does not exceed 250m².
<p>P4</p>	<p>(a) On Maori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded: <ul style="list-style-type: none"> A. 1500m² for a Marae complex, including areas associated with access parking and manoeuvring; B. 500m² per dwelling, including areas associated with access parking and manoeuvring; and

	C. 500m ² for a papakaainga building including areas associated with access parking and manoeuvring.
P5	(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes: (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Maaori customs and values.
P6	Removal of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
D1	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 16.2.8 P1, P2, P3, P4, P5 or P6.

16.3 Land Use – Building

16.3.1 Dwelling

PI	One or two dwellings within a site.
DI RDI	A dwelling that does not comply with Rule 16.3.1 PI. (a) Up to two dwellings within a site. (b) Council's discretion shall be limited to the following matters: (i) Intensity of development; (ii) Design and location of buildings; (iii) Provision of residential amenity values for residents within the site (iv) Adverse effects on amenity values (such as shading, privacy) for residents of adjoining sites; (v) Provision of infrastructure. (a) Three or more dwellings within a site is a multi-unit development and Rule 16.3.1.3 RDI applies.

[s42A Report – Section 12 Topic 9: Housing options Rules]

16.3.2 Minor dwelling

PI	(b) One minor dwelling contained within a site must comply with all of the following conditions: (i) The net site area is 900m² or more; (ii) The site does not contain a Multi-unit development. (iii) The gross floor area shall not exceed 70m ²
D1	A minor dwelling that does not comply with Rule 16.3.2 PI.

16.3.3 Height

- (1) Rules 16.3.3.1 to 16.3.3.3 provide permitted height for buildings, structures or vegetation.
- (2) Rule 16.3.3.1 Height – Building general provides permitted height limits across the entire Residential Zone **except in those areas specified in Rules 16.3.3.2 and 16.3.3.3.**
[S42A Report – Section 27 – Topic 24 – Height]
- (3) Rule 16.3.3.2 Height -Buildings in a battlefield view shaft.

- (4) **Rule 16.3.3.3** Height - Buildings, structures and vegetation within any airport obstacle limitation surface provides height limits for specific activities within these areas.
- (5) Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and **Appendix 7** (Raglan Navigation Beacons), the prohibited activity **Rule 16.1.1 PRI** applies.

16.3.3.1 Height - Building general

PI	(a) The maximum height of any building must not exceed 7.58m. (b) The maximum height of a hose drying tower on a Fire and Emergency fire station site must not exceed 15m.
DI RDI	(a) Any building that does not comply with Rule 16.3.3.1 P1 . (b) Council's discretion is restricted to the following matters: (i) <u>Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces;</u> (ii) <u>Loss of privacy through overlooking adjoining sites;</u> (iii) <u>Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking;</u> (iv) <u>Design (such as high windows) and location of the building.</u>

[S42A Report – Section 27 – Topic 24 – Height]

16.3.3.2 Height – Building and vegetation in a battlefield view shaft area

PI	The maximum height of a building , structure or vegetation above ground level within a battlefield view shaft as shown on the planning maps, must not exceed 5m.
DI	A building in the battlefield view shaft that does not comply with Rule 16.3.3.2 P1 .

[S42A Report – Section 27 – Topic 24 – Height]

16.3.3.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

PI	A building , structure or vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps.
DI	A building , structure or vegetation that does not comply with Rule 16.3.3.3 P1 .

16.3.4 Fences or walls – Road boundaries and Reserve Zone boundaries

PI	(a) Fences and walls between the applicable building setbacks under Rule 16.3.9 on a site and any road and reserve zone boundaries must comply with all of the following conditions: (i) Be no higher than 1.2m if solid: (ii) Be no higher than 1.8m if: A. visually permeable for the full 1.8m height of the fence or wall; or B. solid up to 1.2m and visually permeable between 1.2 and 1.8m.
P2	Any fences or walls between erected within the applicable building setbacks under Rule 16.3.9 on a site and along the northern common boundaries of the Residential Zone between Wayside Road and Travers Road, Te Kauwhata, adjacent to the and Country Living Zone, between Wayside Road and Travers Road, Te Kauwhata, must be of a rural-type post and wire or post and rail construction.
RDI	(a) Fences or walls that do not comply with Rule 16.3.4 P1 or P2 .

	(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Building materials and design; (ii) Effects on amenity; and (iii) Public space visibility.
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[s42A Report – Section 28 – Topic 25 – Fences or walls]

16.3.5 Daylight admission

PI	Buildings must not protrude through a height control plane rising at an angle of 37 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary .
RD1	(a) A building that does not comply with Rule 16.3.5 P1 . (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent any other sites; (iv) Privacy on another any other sites; and (v) Effects on amenity values and residential character.

[s42A Report – Section 8 Topic 5: Daylight and outlook]

16.3.6 Building coverage

PI	The total building coverage must not exceed 40%.
P2	Within the Te Kauwhata Residential West Area or the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage must not exceed 35%.
P3	Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage must not exceed 50%.
PI RD1	(a) Total building coverage that does not comply with Rule 16.3.6 P1, P2 or P3 . (b) <u>Council's discretion shall be restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone;</u> (ii) <u>Visual dominance of the street resulting from building scale;</u> (iii) <u>Management of stormwater flooding, nuisance or damage to within the site.</u>

[s42A Report – Section 6 Topic 3: Site coverage]

16.3.6A Impervious surfaces

PI	<u>The impervious surfaces of a site must not exceed 70%.</u>
RD1	(a) <u>Impervious surface that does not comply with Rule 16.3.6A P1</u> (b) <u>Councils discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>Site design, layout and amenity;</u> (ii) <u>The risk of flooding, nuisance or damage to the site or other buildings and site.</u>

[s42A Report – Section 6 Topic 3: Site coverage]

16.3.7 Living court

PI	(a) A living court must be provided for each dwelling that meets all of the following conditions: <ol style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the dwelling; (ii) It is readily accessible from a living area of the dwelling; (iii) When located on the ground floor, it has a minimum area of 80m² and a minimum dimension of 4m in any direction; and (iv) When located on a balcony of an above ground apartment, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction.
P2	(a) A living court must be provided for each minor dwelling that meets all of the following conditions: <ol style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the minor dwelling; (ii) It is readily accessible from a living area of the minor dwelling; (iii) When located on the ground floor it has a minimum area of 40m² and a minimum dimension of 4m in any direction; (iv) When located on a balcony of an above ground apartment, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction.
PI RDI	(a) A living court that does not comply with Rule 16.3.7 PI or P2 . (b) <u>Council's discretion is restricted to the following matters:</u> <ol style="list-style-type: none"> (i) <u>The extent to which the space is useable and contributes to the feeling of spaciousness;</u> (ii) <u>Access to sunlight;</u> (iii) <u>Privacy of adjoining residential sites;</u> (iv) <u>Accessibility to and convenience of the space for occupiers;</u> (v) <u>Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space</u>

[s42A Report – Section 29 - Topic 26 – Living Court]

16.3.8 Service court

PI	(a) A service court must be provided for each dwelling and minor dwelling , <u>either as two separate areas or one combined area</u> , each with all the following dimensions: <ol style="list-style-type: none"> (i) minimum area of 15m²; and (ii) contains a circle of at least 3m diameter. (i) <u>Storage of waste and recycling bins – minimum area of 3m² and minimum dimension of 1.5m;</u> (iii) <u>Washing line – minimum area of 5m² and minimum dimension of 2m.</u>
PI RDI	(a) A service court that does not comply with Rule 16.3.8 PI . (b) <u>Council's discretion shall be restricted to the following matters:</u> <ol style="list-style-type: none"> (i) <u>The convenience and accessibility of the spaces for building occupiers;</u> (ii) <u>The adequacy of the space to meet the expected requirements of building occupiers; and</u> (iii) <u>Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</u>

[s42A Report – Section 30 - Topic 27 – Service Court]

16.3.9 Building setbacks

- (1) **Rules 16.3.9.1 to 16.3.9.4** provide the permitted building setback distances for buildings from **site** boundaries, specific land use activities and environmental features.
- (2) **Rule 16.3.9.1** Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any **site** within the Residential Zone. Different setback distances are applied based on the type of **building**.
- (3) **Rule 16.3.9.2** Building setback - sensitive land use provides permitted setback distances for any **building** containing a **sensitive land use** from specified land use activities.

- (4) **Rule 16.3.9.3** Building setback – water bodies including lake, wetland, river and coast.
- (5) **Rule 16.3.9.4** Building setback – Environmental Protection Area provides specific setback distances from specified environmental features.

16.3.9.1 Building setbacks – All boundaries

PI	(a) The finished external walls (excluding eaves) of a A building must be set back a minimum of: <ul style="list-style-type: none"> (i) 3m from the road boundary (excluding state highways – refer to rule 16.3.9.2); (ii) 13m from the edge of an indicative road (as demonstrated on a structure plan or planning maps); (iii) 1.5m from every boundary other than a road boundary; and (iv) 1.5m from every vehicle access to another site.
P2	(a) The finished external walls (excluding eaves) of a A non-habitable building can be set back less than 1.5m from a boundary , where: <ul style="list-style-type: none"> (i) the total length of all buildings within 1.5m of the boundary does not exceed 6m; and (ii) the building does not have any windows or doors on the side of the building facing the boundary.
P3	A garage must be set back behind the front façade of the dwelling where the dwelling and garage are on a site that has frontage to a road .
RD1	(a) A building that does not comply with Rule 16.3.9.1 P1, P2 or P3 . (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Road network safety and efficiency; (ii) Reverse sensitivity effects; (iii) Adverse effects on amenity; (iv) Streetscape; (v) Potential to mitigate adverse effects; (vi) Daylight admission to adjoining properties; and (vii) Effects on privacy at adjoining sites

[s42A Report – Section 5 - Topic 2: Setbacks]

16.3.9.2 Building setback – Sensitive land use

PI	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and. (vi) 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.
DI	Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1 .

[s42A Report – Section 5 Topic 2: Setbacks]

16.3.9.3 Building setback – Water bodies

PI	(a) Any building must be setback a minimum of: <ul style="list-style-type: none"> (i) 23m from the margin of any; <ul style="list-style-type: none"> A. lake; and B. wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs. (v) 10m from any artificial wetland.
P2	(a) A public amenity of up to 25m, ² or a pump shed (public or private), within any building setback identified in Rule 16.3.9.3 PI .
DI	Any building that does not comply with Rule 16.3.9.3 PI or P2 .

[s42A Report – Section 5 Topic 2: Setbacks]

16.3.9.4 Building setback – Environmental Protection Area

PI	A building must be set back a minimum of 3m from an Environmental Protection Area.
DI	A building that does not comply with Rule 16.3.9.4 PI .

16.3.10 Building - Horotiu Acoustic Area

PI	Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) - Table II .
RDI	(a) Construction, addition to or alteration of a building that does not comply with Rule 16.3.10 PI . (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the building; (iii) Timing and duration of noise received at the notional boundary of the building; (iv) Potential for reverse sensitivity effects.

16.3.11 Historic Heritage

- (1) The following rules manage heritage items (buildings and monuments):
 - (a) **Rule 16.3.11.1** - Group A Heritage item – Demolition, removal or relocation
 - (b) **Rule 16.3.11.2** - Group B Heritage item – Demolition, removal or relocation
 - (c) **Rule 16.3.11.3** - All heritage items – Alterations and additions
 - (d) **Rule 16.3.11.4** - All heritage items – Maintenance or repair
 - (e) **Rule 16.3.11.5** - All heritage items – site development
- (2) The rules in **16.3.11.6** – Matangi and Huntly address development within the two precincts.

16.3.11.1 Group A heritage item – Demolition, removal or relocation

NCI	Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items).
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16.3.11.2 Group B heritage item – Demolition, removal or relocation

DI	Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage
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	Items).
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16.3.11.3 All heritage items – Alterations or addition

PI	(a) Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) no significant feature of interest is removed, destroyed or damaged; (ii) alterations or additions are not visible from a public place.
RD1	(a) Any activity that does not comply with Rule 16.3.11.3 PI. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials and appearance; and (ii) effects on heritage values.

16.3.11.4 All heritage items – Maintenance or repair

PI	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) no significant feature of interest is destroyed or damaged; and (ii) replacement materials are the same as, or similar to, the original in terms of form, style and appearance.
RD1	(a) Any activity that does not comply with Rule 16.3.11.4 PI. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials, appearance; (ii) effects on heritage values.

16.3.11.5 All heritage items – Site development

PI	(a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) be set back at least 10m from the heritage item; (ii) not locate a building between the front of the heritage item and the road.
RD1	(a) Any activity that does not comply with one or more conditions of Rule 16.3.11.5 PI. (b) Council's discretion is restricted to the following matters: (i) effects on the values, context and setting of the heritage item; (ii) location, design, size, materials and finish; (iii) landscaping; (iv) the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road.

16.3.11.6 Heritage precincts – Matangi and Huntly

C1	(a) Construction of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps that is set back at least 8m from road boundaries. (b) Council's control is reserved over the following matters: (i) Effects on historic heritage, amenity values and character of the precinct; and (ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).
C2	(a) Alteration of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps. (b) Council's control is reserved over the following matters: (i) Effects on historic heritage, amenity values and character of the precinct; and

	(ii) Building height , side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).
C3	(a) Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps. (b) Council's control is reserved over the following matters: (i) Effects on historic heritage, amenity values and character of the precinct; and (ii) Advertising signs .
RD1	(a) Construction alteration of to a building in the Matangi Heritage Precinct or the Huntly Heritage Precinct identified on the planning maps that does not comply with Rule 16.3.11.6 C1, C2 or C3 . (b) Council's discretion shall be restricted to the following matters: (i) Effects on historic heritage , amenity values and character of the precinct; (ii) Building height , side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide); (iii) Advertising signs; and (iv) Setback from road boundaries.

16.4 Subdivision

- (1) **Rule 16.4.1** provides for subdivision ~~density and apply across~~ **within** the Residential Zone, subject to compliance with the following:
- Rule 16.4.7 Subdivision – Tittle boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
 - Rule 16.4.8 Title boundaries – Significant Natural Areas;
 - Rule 16.4.9 Title boundaries – Maori sites and Maori areas of Significance;
 - Rule 16.4.10 Subdivision of land containing heritage items;
 - Rule 16.4.11 Subdivision – Road Frontage;
 - Rule 16.4.12 Subdivision – Building Platform;
 - Rule 16.4.3 Subdivision creating reserves;
 - Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
 - Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
 - Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.
- (2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply:~~The following rules apply to specific areas and/or activities:~~
- Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;
 - Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area); and
 - Rule 16.4.4 (Subdivision – Multi-Unit development);
 - Rule 16.4.5 Subdivision – Boundary adjustments; and
 - Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.
- (3) The following rules apply to specific areas and/or activities:
- Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4));
 - Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4));
 - Rule 16.4.4 Subdivision – Multi-unit development;

- (d) Rule 16.4.5 Subdivision – Boundary adjustments;
 - (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;
 - (f) Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;
 - (g) Rule 16.4.8 Title boundaries - Significant Natura Areas, heritage items, archaeological sites, sites of significance to Maaori;
 - (h) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;
 - (i) Rule 16.4.10 Subdivision of land containing heritage items;
 - (j) Rule 16.4.13 – Subdivision reserves;
 - (k) Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;
 - (l) Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and
 - (m) Rule 16.4.16 – Subdivision of land containing Environmental Protection Area
- (4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas:
- (a) Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and
 - (b) Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area.
- ~~(f) Rules 16.4.1 to 16.4.4 are also subject to the following subdivision controls:~~
- ~~(i) Rule 16.4.5 – subdivision boundary adjustments;~~
 - ~~(ii) Rule 16.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;~~
 - ~~(iii) Rule 16.4.7 – subdivision title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;~~
 - ~~(iv) Rule 16.4.8 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;~~
 - ~~(v) Rule 16.4.9 – Title boundaries – Maaori site and Maaori areas of significance~~
 - ~~(vi) Rule 16.4.10 – subdivision of land containing heritage items;~~
 - ~~(vii) Rule 16.4.11 – subdivision road frontage;~~
 - ~~(viii) Rule 16.4.12 – subdivision building platform;~~
 - ~~(ix) Rule 16.4.13 – subdivision reserves; and~~
 - ~~(x) Rule 16.4.14 – subdivision esplanade reserves and esplanade strips.~~
- ~~(5) Rules 16.4.14 and 16.4.15 apply to specific features or areas:~~
- ~~(6) Rule 16.4.15 – subdivision of land containing mapped off-road walkways; and~~
- ~~(7) Rule 16.4.16 – subdivision of land containing Environmental Protection Area.~~

[s42A Report – Section 33 Topic 30 - Subdivision]

16.4.1 Subdivision - General

RDI	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest; (ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater; (iii) Where roads are to be vested in Council, they must follow a grid layout; (iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created; (v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.
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	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout <u>including the grid layout of roads and the number of rear lots;</u> (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values;and (vii) Reverse sensitivity effects; (viii) sStreetscape landscaping; (ix) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines) (x) Vehicle and pedestrian networks; (xi) Consistency with any relevant structure plan or master plan <u>included in the plan,</u> including the provision of neighbourhood parks, reserves and neighbourhood centres; and (xii) <u>Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to inspect, maintain and upgrade the infrastructure.</u> (xiii) Provision of <u>for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes.</u>
RD2	Subdivision that does not comply with any of conditions (i), (iii), (iv) and (v) in Rule 16.4.1 RDI.
DI	Subdivision that does not comply with a condition (ii) in Rule 16.4.1 RDI.

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.1A Subdivision of land within the National Grid Corridor

RD1	<p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u> <u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u> <u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u> <u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u> <u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u>
NCI	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 16.4.1 RDI.</u>

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.2 Subdivision - Te Kauwhata Ecological Residential Area

RD1	<p>(a) Proposed lots, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest,</u> in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p>
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	<ul style="list-style-type: none"> (i) Have a minimum net site area of 750m²; (ii) Have a minimum average net site area of 875m²; (iii) Must be able to be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they must follow a grid layout; (v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including the grid layout of roads and the number of rear lots; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines); (viii) Vehicle and pedestrian networks; (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and (x) Provision of infrastructure, including water supply for firefighting purposes.
DI	Subdivision within the Te Kauwhata Ecological Residential Area that does not comply with Rule 16.4.2 RDI.

[s42A Report – Section 34 – Topic 31 – Te Kauwhata]

16.4.3 Subdivision - Te Kauwhata West Residential Area

RDI	<p>(a) Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest, within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be a minimum net site area of 650m²; (ii) Have a minimum average net site area of 875m²; (iii) Be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they are to follow a grid layout; (v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including the grid layout of roads and the number of rear lots;; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform, including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines); (viii) Vehicle and pedestrian networks; (ix) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and (x) Provision of infrastructure, including water supply for firefighting purposes.
DI	Subdivision within the Te Kauwhata West Residential Area that does not comply with Rule 16.4.3 RDI.

[s42A Report – Section 34 – Topic 31 – Te Kauwhata]

16.4.4 Subdivision - Multi-unit development

RDI	<p>(a) Multi-Unit development must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) An application for land use consent under Rule 16.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation; (iii) The minimum existing lot size where a new freehold (fee simple) lot is exclusive area for each residential unit being created must be 300m² net site area; (iv) Where a residential unit is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum residential unit size: <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="text-align: left;">Unit of Multi Unit</th> <th style="text-align: left;">Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 or more bedroom unit</td> <td>100m²</td> </tr> </tbody> </table> <ul style="list-style-type: none"> (b) Council’s discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Subdivision layout including common boundary and party walls for the Multi-unit development; (ii) Provision of common areas for shared spaces, access and services; (iii) Provision of infrastructure to individual residential units; (including for firefighting purposes); (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape; (vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-Unit Development Guideline) (viii) Consistency with any relevant structure plan or master plan included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (ix) Vehicle, pedestrian and cycle networks; (x) Safety, function and efficiency of road network and any internal roads or accessways. 	Unit of Multi Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	60m²	2 bedroom unit	80m²	3 or more bedroom unit	100m²
Unit of Multi Unit	Minimum Unit Area								
Studio unit or 1 bedroom unit	60m²								
2 bedroom unit	80m²								
3 or more bedroom unit	100m²								
DI	Subdivision that does not comply with Rule 16.4.4 RDI .								

[s42A Report – Section 13 - Topic 10: Housing options Rules]

16.4.5 Subdivision – Boundary adjustments

CI	<p>(a) Boundary adjustments must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The conditions specified in: <ul style="list-style-type: none"> A. Rule 16.4.1 Subdivision - General; B. Rule 16.4.2 Subdivision in the Te Kauwhata Ecological Residential Area; C. Rule 16.4.3 Subdivision in the Te Kauwhata West Residential Area; or D. Rule 16.4.4 Subdivision- Multi-unit development; (b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation adjustment. (c) Council’s control is reserved over the following matters: <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of titles and variation in lot sizes.
DI RDI	<p>(a) Boundary adjustments that does not comply with Rule 16.4.5 CI.</p> <p>(b) The Council’s discretion shall be restricted to the following matters:</p>

	<ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of title and variation in title size.
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[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold

C1	<ul style="list-style-type: none"> (a) Conversion of a cross lease flats plan to a fee simple title. (b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) Effects on existing buildings; (ii) Site layout and design; and (iii) Compliance with permitted building rules.
C2	<ul style="list-style-type: none"> (a) Amendment or update of a cross lease flats plan to include additions or alterations to buildings, and areas for exclusive use by any owner. (b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) Purpose of the boundary adjustment; (ii) Effects on existing buildings; (iii) Site layout and design of cross lease or flats plan; and (iv) Compliance with permitted building rules.
D+	Any conversion of a cross lease flats plan or amendment or update to a cross lease flats plan that does not comply with Rule 16.4.6 C1 or C2.

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.7 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas

RDI	<ul style="list-style-type: none"> (a) Subdivision of land containing contaminated land (other than were the contaminated land has been confirmed as not being contaminated land for its intended use), notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions: <ul style="list-style-type: none"> (i) Where an existing building is to contained within the The boundaries of every any proposed lot containing existing buildings must demonstrate is required with the following building rules (other than where any non-compliance existed lawfully prior to the subdivision) relating to: <ul style="list-style-type: none"> A. daylight admission (Rule 16.3.5); B. building coverage (Rule 16.3.6); C. building setbacks (Rule 16.3.9). (ii) Where any The boundaries of every proposed lot subdivision contains one or more of the features listed in A – D, the must not divide the following: <ul style="list-style-type: none"> A. a natural hazard area; B. contaminated land (other than were the contaminated land has been confirmed as not being contaminated land for its intended use); C. Significant Amenity Landscape; or D. notable tree. (iii) The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed in A – C below, must provide the following setbacks: <ul style="list-style-type: none"> A. 300m from any intensive farming activity; B. 500m from the boundary of an Aggregate Extraction Area for rock extraction; and C. 200m from the boundary of an Aggregate Extraction Area for sand excavation. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Landscape values; (ii) Amenity values and character; (iii) Reverse sensitivity effects; (iv) Effects on existing buildings;
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	(v) Effects on natural hazard areas; (vi) Effects on contaminated land ; (vii) Effects on any notable trees; and (viii) Effects on an intensive farming activity.
NCI DI	Subdivision that does not comply with Rule 16.4.7 RDI .

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.8 Title boundaries – Significant Natural Areas

RDI	(a) Subdivision of sites containing a Significant Natural Area(s) , where the Significant Natural Area is contained wholly within a proposed lot . (b) Council's discretion shall be restricted to the following matter: (i) Effects on Significant Natural Area .
NCI	Subdivision that does not comply with Rule 16.4.8 RDI .

16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance

RDI	(a) Subdivision of sites containing Maaori Sites of Significance and Maaori Areas of Significance that includes all of the site or area within a proposed lot . (b) Council's discretion shall be restricted to the following matters: (i) Effects on sites of significance to Maaori; (ii) Effects on areas of significance to Maaori.
NCI	Subdivision that does not comply with Rule 16.4.9 RDI .

16.4.10 Subdivision of land containing heritage items

RDI	(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items). (b) Council's discretion shall be restricted to the following matters: (i) Effects on heritage values; (ii) Context and setting of the heritage item ; and (iii) The extent to which the relationship of the heritage item with its setting is maintained within one lot .
NCI	Subdivision that does not comply with Rule 16.4.10 RDI .

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.11 Subdivision - Road frontage

RDI	(a) Every proposed lot with a road boundary , other than an access allotment , utility allotment , or a proposed lot containing a ROW or access leg must have a width along the road boundary of at least 15m. (b) Council's discretion shall be restricted to the following matters: (i) Safety and efficiency of vehicle access and road network; and (ii) Amenity values and rural residential character.
DI	Subdivision that does not comply with Rule 16.4.11 RDI .

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.12 Subdivision - Building platform

	(a) Every proposed lot , other than one designed specifically for access, or is a utility allotment must be
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RDI	<p>capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths.
DI	Subdivision that does not comply with Rule 16.4.12 RDI .

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.13 Subdivision creating reserves

RDI	<p>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy; (ii) Consistency with any relevant structure plan or master plan included in the plan; (iii) Reserve size and location; (iv) Proximity to other reserves; (v) The existing reserve supply in the surrounding area; (vi) Whether the reserve is of suitable topography for future use and development; (vii) Measures required to bring the reserve up to Council standard prior to vesting; and (viii) The type and standard of boundary fencing.
DI RDI	<p>(a) Subdivision that does not comply with Rule 16.4.13 RDI.</p> <p>(b) The Council's discretion shall be restricted to the matters set out in Rule 16.4.13 RDI(b)</p>

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.14 Subdivision of esplanade reserves and esplanade strips

RDI	<p>(a) Subdivision of an esplanade reserve or strip at least 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) that is required to be created shall vest in Council where the following situations apply:</p> <ul style="list-style-type: none"> (i) The proposed lot is less than 4ha and within 20m of: <ul style="list-style-type: none"> A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; or (ii) The proposed lot is more than 4ha or more than 20m from of mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip;
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	<ul style="list-style-type: none"> (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.
DI	Subdivision that does not comply with Rule 16.4.14 RD1 .

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.15 Subdivision of land containing mapped off-road walkways, cycleways or bridleways

RD1	<ul style="list-style-type: none"> (a) Subdivision where walkways, <u>cycleways or bridleways</u> shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions: <ul style="list-style-type: none"> (i) The walkway, <u>cycleway or bridleway</u> is at least 3 metres wide and is designed and constructed for shared pedestrian and cycle <u>or riding</u> use, as per Rule 14.12.1 P8 (Transportation); (ii) The walkway, <u>cycleway or bridleway</u> is generally in accordance with the walkway, <u>cycleway or bridleway</u> route shown on the planning maps; (iii) The walkway, <u>cycleway or bridleway</u> is shown on the plan of subdivision and vested in the Council. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Alignment of the walkway, <u>cycleway or bridleway</u>; (ii) Drainage in relation to the walkway, <u>cycleway or bridleway</u>; (iii) Standard of design and construction of the walkway, <u>cycleway or bridleway</u>; (iv) Land stability; (v) Amenity matters including batter slopes; and (vi) Connection to reserves.
DI	Subdivision that does not comply with Rule 16.4.15 RD1 .

[s42A Report – Section 33 – Topic 30 - Subdivision]

16.4.16 Subdivision of land containing an Environmental Protection Area

CI	<ul style="list-style-type: none"> (a) Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions: <ul style="list-style-type: none"> (i) Include a planting and management plan for the area, prepared by a suitably qualified person, containing exclusively native species suitable to the area and conditions; (ii) Planting must be undertaken prior to the issue of the s224(c) certificate. (b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) <u>Effects on amenity and ecological values</u>; (ii) Measures proposed in the planting and management plan; and (iii) Vesting of reserve land in Council if appropriate.
RD1	Subdivision that does not comply with a condition of Rule 16.4.16 CI: <ul style="list-style-type: none"> (a) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Matters that control is reserved over in Rule 16.4.16 CI(b); (ii) Effects on amenity values; and (iii) Effects on ecological values.

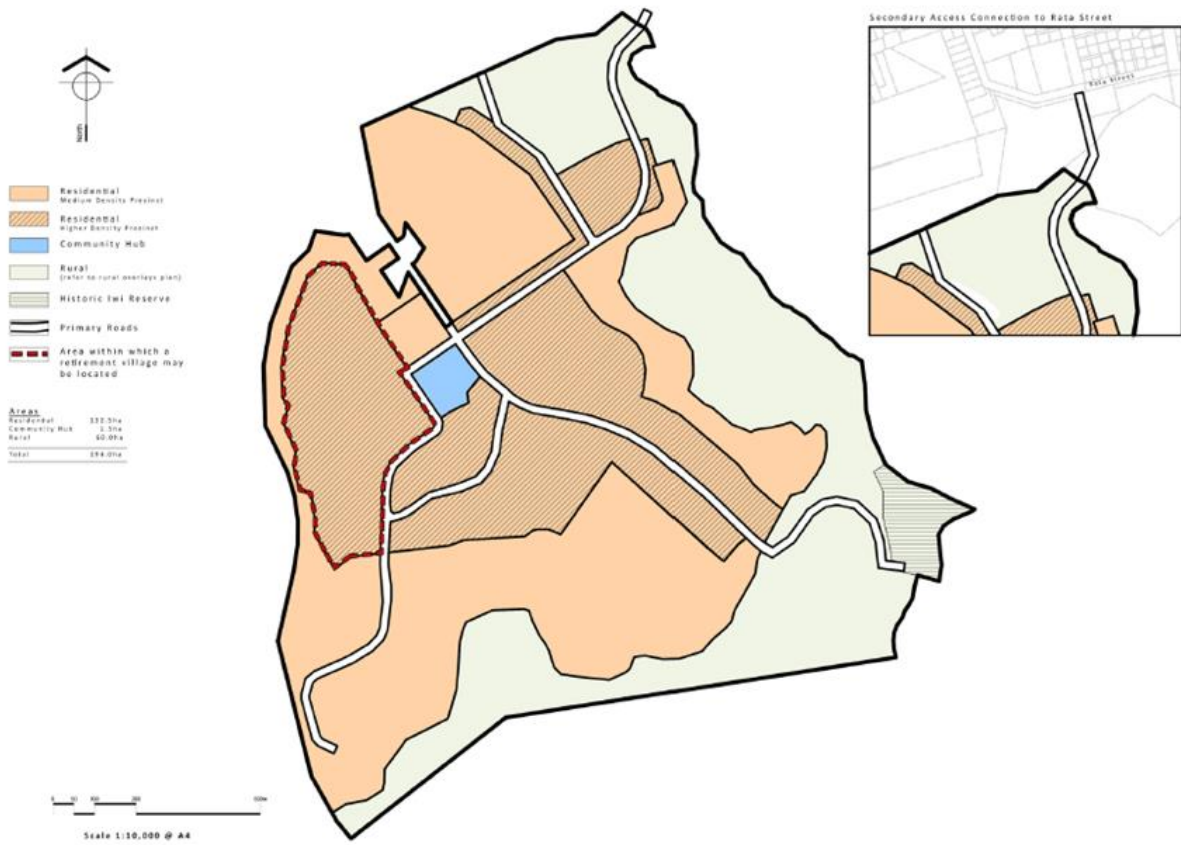
[s42A Report – Section 31 – Topic 28 – Building Setback – Environmental Protection Area]

16.5 Lakeside Te Kauwhata Precinct

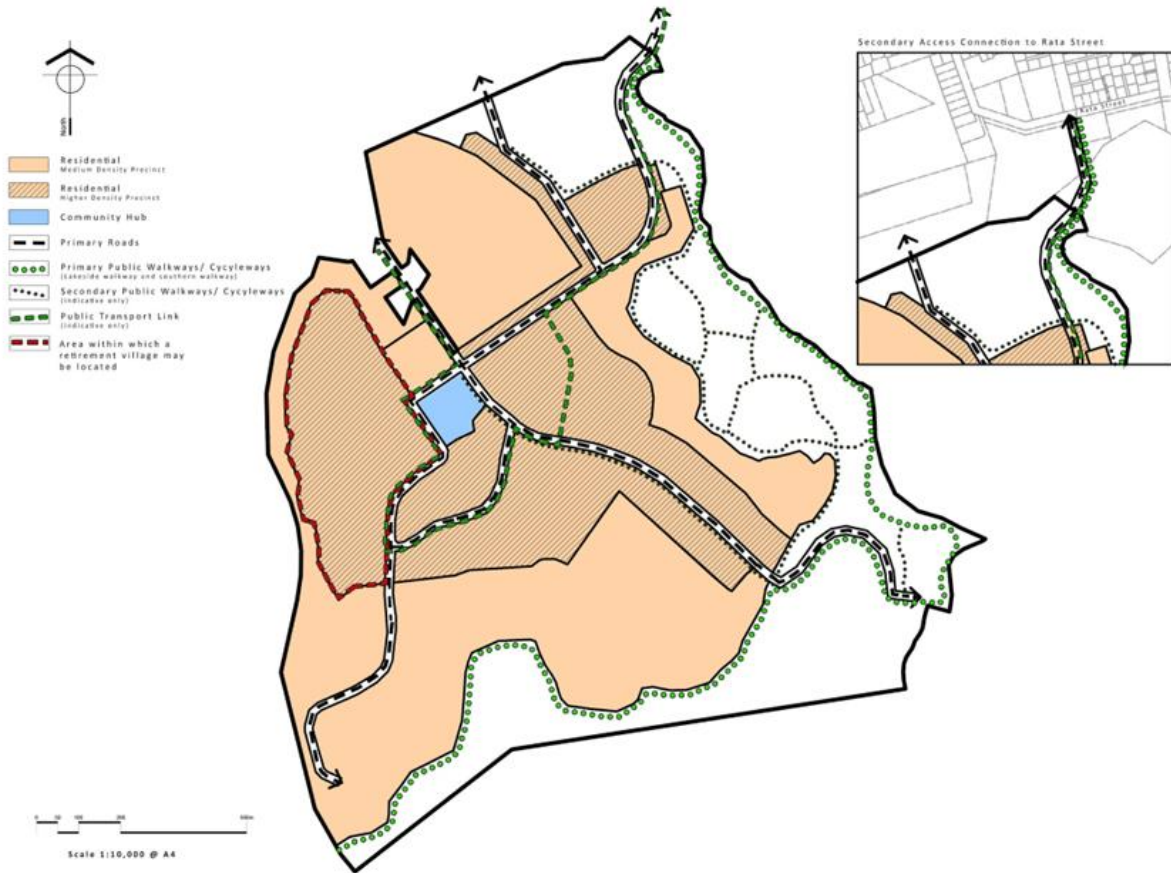
16.5.1 Application of rules

- (1) The rules that apply to a permitted activity in Rule 16.5.2 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows:
- (i) Rule 15.2 (Land Use – Effects) except:
 - A. Rule 16.2.4.1 (Earthworks – general) and Rule 16.2.4.2 (Earthworks – Maaori Sites and Maaori Areas of Significance) does not apply and Rule 16.5.7.2 applies instead
 - B. Rule 16.2.2 (Servicing hours of operation – Bankart Street and Wainui Road Business Overlay Area)
 - C. Rule 16.2.6 Notable trees
 - (i) Rule 16.5.7.1 Noise and Vibration – North Island Main Trunk Line (NIMT)
 - (ii) Rule 16.3 (Land Use – Building) does not apply, Rule 16.5.8 (Land Use – Building) applies instead.
- (2) The rules that apply to subdivision within the Lakeside Te Kauwhata Precinct are:
- (i) Rule 16.4 (Subdivision) except:
 - A. Rule 16.4.1 (Subdivision General) does not apply and Rule 16.5.9.1 (Subdivision Lakeside - General) applies instead
 - B. Rule 16.4.2 (Subdivision – Te Kauwhata Ecological Residential Area) does not apply
 - C. Rule 16.4.3 (Subdivision – Te Kauwhata West Residential Area) does not apply
 - D. Rule 16.4.4 (Subdivision – Multi-unit development) does not apply
 - E. Rule 16.4.6 (Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold) does not apply
 - F. Rule 16.4.9 (Title boundaries – Maaori Sites and Maaori Areas of Significance) does not apply
 - G. Rule 16.4.10 (Subdivision of land containing heritage items) does not apply
 - H. Rule 16.4.11 (Subdivision – road frontage) does not apply
 - I. Rule 16.4.12 (Subdivision – Building platform) does not apply
 - J. Rule 16.4.15 (Subdivision of land containing mapped off-road walkways) does not apply
 - K. Rule 16.4.16 (Subdivision of land containing an Environmental Protection Area) does not apply
 - (ii) Rule 16.5.9.2 (Lakeside Comprehensive Subdivision Consent)
 - (iii) Rule 16.5.9.3 (Subdivisions less than 5ha)
- (3) The following precinct plans apply in the Residential Zone within the Lakeside Te Kauwhata Precinct:

(a) Plan I Lakeside Precinct Plan: Precinct Areas



(b) Plan 2 Lakeside Precinct Plan: Public Transport, Primary Road Network and Walkways/cycle ways



(c) Plan 3 Lakeside Precinct Plan: Overlays and Open Space



16.5.2 Permitted Activities

- (a) The following activities are permitted activities if they meet all the following:
- (iv) Land Use – Effects rules in [Rule 16.2](#) and [Rule 16.5.7](#) (unless the activity rule and/or activity specific conditions identify condition(s) that does not apply);
 - (v) Activity-specific conditions.

Activity		Activity-specific conditions
P1	Any activity listed in Rule 16.5.2 P2 (Residential Activity), P3 (Retirement Village) or P7 (Community Activity) below.	(a) Secondary Access Control: <ul style="list-style-type: none"> (i) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 16.5.1(3)(a)) must be opened for traffic before the number of dwellings including independent living units within a retirement village, in the Lakeside Precinct Plan Area exceeds 400. (ii) For the purpose of this rule, exceedance of 400 dwellings shall occur at the time of issue of building consent for a dwelling including an independent living unit within a retirement village.
P2	Residential activity	Complies with Rule 16.5.2 P1 (a)(i) and (ii) (Secondary Access Control)
P3	A new retirement village or alterations to an existing retirement village .	(a) Rule 16.5.2 P1 (a)(i) and (ii) (Secondary Access Control); <ul style="list-style-type: none"> (b) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 2ha; (c) The site is either serviced by or within 400m walking distance of an existing or future public transport route, or is within the location shown in Precinct Plan 16.5.1(3)(b); (d) The site is connected to public water and wastewater infrastructure; (e) Minimum living court or balcony area and dimensions: <ul style="list-style-type: none"> (i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m; (f) Minimum service court is either: <ul style="list-style-type: none"> (i) Apartment – Communal outdoor space (ie no individual service courts required); or (ii) All other units – 10m² for each unit; (g) Building height does not exceed 8m, except for 15% of the total site building coverage, where buildings may be up to 10m high; (h) The following Land Use – Effects rule in Rule 16.2 does not apply: <ul style="list-style-type: none"> (i) Rule 16.2.7 (Signs); (i) The following rules in Rule 16.5 do not apply: <ul style="list-style-type: none"> (i) Rule 16.5.8.1 (Dwelling); (ii) Rule 16.5.8.2 (Building Height); (iii) Rule 16.5.8.6 (Living Court);

		(j) The following Infrastructure and Energy Rule does not apply: (i) Rule 14.12.1 P4 (Traffic generation).
P4	Home occupation	(a) It is wholly contained within a building ; (i) The storage of materials or machinery associated with the home occupation are wholly contained within a building ; (ii) No more than 2 people who are not permanent residents of the site are employed at any one time; (iii) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; (iv) Machinery may be operated between 7:30am and 9pm on any day.
P5	Temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each temporary event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: (i) Erected no more than 2 days before the temporary event occurs; (ii) Removed no more than 3 days after the end of the event; (iii) The site is returned to its previous condition no more than 3 days after the end of the temporary event ; (iv) There is no direct site access from a national route or regional arterial road.
P6	Home stay	(a) No more than 4 temporary residents; (b) It is wholly contained within a building ; (c) The storage of materials or machinery associated with the home occupation are wholly contained within a building ; (d) No more than two people who are not permanent residents of the site are employed at any one time.
P7	Community activity	(a) Complies with Rule 16.5.2 PI (a)(i) and (ii) Secondary Access Control; (b) The gross floor area does not exceed 2,000m ² within the whole of the Te Kauwhata Lakeside Precinct Plan Area.
P8	Neighbourhood Park	Nil
P9	Grazing and pastoral farming	(k) The site must be more than 5ha.
P10	Neighbourhood centre	(a) Must be within an area identified in a Council approved Structure Plan or Master Plan

16.5.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity	Council's discretion shall be
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		restricted to the following matters:
RDI	<p>(a) A comprehensive land development consent (CLDC) that meets all of the following conditions:</p> <p>(i) is in accordance with the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1.(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1 (3)(b); and the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and</p> <p>(ii) A CLDC is in accordance with the Lakeside Precinct Plans identified above if:</p> <p>A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1 (3)(b);</p> <p>B. The bus route is either on the alignment shown on Precinct Plan Rule 16.5.1 (3)(b) or a continuous alignment that achieves the same circulation;</p> <p>C. The external boundary of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan Rule 16.5.1.(3)(a);</p> <p>D. Indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan 16.5.1.(3)(b) provided connections are retained between the Lakeside Walkway and the residential development;</p> <p>E. Lakeside Walkway is within 10m of the location shown on Precinct Plan Rule 16.5.1.(3)(c);</p> <p>F. Retirement village boundaries are within 50m of the location shown on Precinct Plan Rule 16.5.1.(3)(a);</p> <p>G. Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1.(3)(c);</p> <p>(b) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan Rule 16.5.1(3)(b)) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <p>(i) each independent living unit in a retirement village shall count as one allotment;</p> <p>(ii) for the purpose of this rule, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.</p> <p>(c) The following infrastructure requirements are met:</p> <p>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet</p>	<p>(a) Discretion is reserved over:</p> <p>(i) consistency with the Te Kauwhata Lakeside Precinct Plans in Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c),</p> <p>(ii) matters identified in the assessment criteria in X,</p> <p>(iii) managing the effects of wastewater and stormwater,</p> <p>(iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard,</p> <p>(v) protection, restoration or enhancement of ecological features,</p> <p>(vi) provision and location of existing and future utilities and connections,</p> <p>(vii) location of roads and their connections,</p> <p>(viii) provision for public access to Lake Waikare,</p> <p>(ix) provision of open space, including linkages between residential areas, open space and Lake Waikare,</p> <p>(x) effects of natural hazards (including flooding), geotechnical and land contamination,</p> <p>(xi) provision of the historic Iwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c).</p>

	<p>water quality, quantity and disposal requirements; and</p> <p>(ii) Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14; and</p> <p>iv) Prior to the issue of any building consent for a dwelling or retirement village, the infrastructure requirements detailed in (c)(i)(iii) above shall be implemented and operational.</p> <p>(d) A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(e) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(f) CLDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>	
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16.5.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	<p>(a) A CLDC that does not comply with Rule 16.5.3 RDI and meets all of the following conditions and conditions 16.5.3 RDI (b) and (c) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(b); (ii) Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; (iii) The external boundary of the high density area within the Residential Zone is within 10m-20m of the location shown on Precinct Plan 16.5.1(3)(a); (iv) Indicative walkways/cycle ways are within 100m-200m of the location shown on Precinct Plan 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; (v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 6.5.1(3)(c); (vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a); (vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c). <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
D2	<p>Any activity that does not comply with one or more of the activity specific conditions for a permitted activity under Rule 16.1.2 applies under the Land Use – Effects Rule 16.2 or Land Use Buildings Rule 16.3.</p>

16.5.6 Non-complying Activities

(I) The activities listed below are non-complying activities.

NC1	<p>A CLDC that does not meet the requirements of Rule 16.5.3 RDI (b) and (c) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.</p>
NC2	<p>A CLDC that does not meet any of the parameters for a discretionary activity outlined in 16.5.4 D1 (a) to (g) is a non-complying activity.</p>
NC3	<p>Any activity that is not listed as a Permitted, Restricted Discretionary or Discretionary activity.</p>

16.5.7 Land Use – Effects Rule

16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT)

PI	<p>(a) Construction or alteration of a building must comply with the following conditions:</p> <ul style="list-style-type: none"> (i) a non-habitable accessory building or attached non-habitable garage and is set back at least 5m from any boundary which adjoins the NIMT, or (ii) a building other than that specified in (a) above and is set back at least 10m from any boundary which adjoins the NIMT and. (iii) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure that the following internal design noise limits shall not be exceeded with all external doors and windows closed. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Receiving Environment</td> <td style="width: 50%;">LAeq, 1 hour</td> </tr> <tr> <td>Residential – bedrooms</td> <td>35 dB</td> </tr> <tr> <td>Residential – other habitable spaces</td> <td>40 dB</td> </tr> <tr> <td>Teaching spaces</td> <td>40 dB</td> </tr> <tr> <td>All other sensitive activity building spaces</td> <td>To comply</td> </tr> <tr> <td><u>e.g.</u></td> <td>with satisfactory</td> </tr> <tr> <td style="padding-left: 20px;">- Hospital and Dementia</td> <td>sound levels Care Spaces AS/NZS</td> </tr> <tr> <td style="padding-left: 20px;">- Commercial Spaces</td> <td>2107:2000 (nearest specified equivalent)</td> </tr> </table> <ul style="list-style-type: none"> (iv) For the purpose of this rule, the noise levels generated by rail operations on the NIMT shall be as determined by a qualified acoustic specialist, using methods consistent with New Zealand Standards, within five years prior to the date of the design certificate referred to at the end of this clause b) (v) This rule only applies to habitable rooms, teaching spaces and sensitive activity building spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance. (vi) Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided. (vii) The ventilation system installed shall comply with the following: <ul style="list-style-type: none"> A. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or B. A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms; C. The noise level generated by the system must not exceed 40dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; D. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; E. Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting. (viii) Compliance with this rule shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, at the time of building consent application; and (ix) If located within 40m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from 	Receiving Environment	LAeq, 1 hour	Residential – bedrooms	35 dB	Residential – other habitable spaces	40 dB	Teaching spaces	40 dB	All other sensitive activity building spaces	To comply	<u>e.g.</u>	with satisfactory	- Hospital and Dementia	sound levels Care Spaces AS/NZS	- Commercial Spaces	2107:2000 (nearest specified equivalent)
Receiving Environment	LAeq, 1 hour																
Residential – bedrooms	35 dB																
Residential – other habitable spaces	40 dB																
Teaching spaces	40 dB																
All other sensitive activity building spaces	To comply																
<u>e.g.</u>	with satisfactory																
- Hospital and Dementia	sound levels Care Spaces AS/NZS																
- Commercial Spaces	2107:2000 (nearest specified equivalent)																

	<p>Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</p> <p>Receiving Environment Maximum weighted velocity, V^w95</p> <p>Sensitive activities/ buildings 0.3mm/s</p> <p>Or</p> <p>(x) if located within 20m of the centre line of the nearest rail track within the NIMT is designed and constructed to ensure that the level of vibration from trains shall not exceed the criteria set out in the British Standard BS 7385-2:1993.</p> <p>(xi) Compliance with clauses (d) and (e) shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified vibration specialist, at the time of building consent application. Vibration generated by rail operations on the NIMT shall be as determined by a qualified vibration specialist, using methods consistent with New Zealand standards, within five years prior to the date of the design certificate.</p>
RD1	<p>(a) Construction or alteration of a building that does not comply with Rule 16.5.7.1PI.</p> <p>(b) Any restricted discretionary activity will be limited notified to the operator of the rail network (currently KiwiRail).</p> <p>(c) Council's discretion shall be restricted to the following matters:</p> <p>(i) reverse sensitivity issues related to NIMT;</p> <p>(ii) Noise sensitive activities within 100m of a rail track:</p> <p style="padding-left: 40px;">A. The degree of noise attenuation achieved at the noise sensitive activity;</p> <p style="padding-left: 40px;">B. The effects of reverse sensitivity on the operation of the rail network, and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the rail network;</p> <p style="padding-left: 40px;">C. A reverse sensitivity covenant.</p> <p>(iii) Vibration sensitive activities within 40m of a rail track:</p> <p style="padding-left: 40px;">A. The size, nature and location of the building on the site;</p> <p style="padding-left: 40px;">B. Special topographical, building features or ground conditions which will mitigate vibration impacts;</p> <p style="padding-left: 40px;">C. Any characteristics of the proposed use which make compliance with the standard unnecessary;</p> <p style="padding-left: 40px;">D. A reverse sensitivity covenant.</p>

16.5.7.2 Earthworks - general

PI	<p>(a) Earthworks (excluding the importation of fill, within a flood risk area, or a CLDC), including earthworks necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Te Kauwhata Lakeside Precinct Plan, must meet all the following conditions:</p> <p>(i) do not disturb or move more than 200m³ within an individual site in a single calendar year except where the maximum area at any one time shall not exceed 400m², and</p> <p>(ii) in relation to the height of any cut or batter face do not exceed 2m, or</p> <p>(iii) are necessary for building works authorised by a building consent and:</p> <p style="padding-left: 40px;">A. the area of earthworks is no more than 150% of the area of those building works, or</p> <p style="padding-left: 40px;">B. the earthworks occur on land with an average gradient no steeper than 1:8, or</p> <p style="padding-left: 40px;">C. any trenching for network utilities, or on or offsite utilities within the Te Kauwhata Lakeside Precinct Plan Area are backfilled or reinstated to original ground level, or</p> <p style="padding-left: 40px;">D. traffic associated with the works is managed in accordance with a Construction Traffic Management Plan approved by the Waikato District Council as the road controlling authority;</p> <p style="padding-left: 40px;">E. Including any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced; and</p> <p style="padding-left: 40px;">F. Retain sediment within the construction area through the implementation and maintenance of sediment controls.</p>
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	<p>Note: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas</p>
P2	<p>(a) Earthworks involving imported fill material (other than earthworks approved as part of a CLDC) meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) all material for filling is clean fill, and (ii) filling that is not part of building work, or construction of roads, or installation of infrastructure: <ul style="list-style-type: none"> A. does not exceed a volume of 20m³ and a depth of 1 m, and B. does not include a building platform, and C. does not include placing fill into an area of significant indigenous vegetation or habitat, or (iii) is for minor upgrading of existing electricity lines and does not exceed 50m³, and (iv) where traffic associated with the work uses public roads, is managed in accordance with an approved Construction Traffic Management Plan or authorised in writing by Waikato District Council as the road controlling authority. <p>Note: The Waikato Pest Management Plan addresses the management of identified pest species, including alligator weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p>
P3	<p>(a) Earthworks in a Flood Risk Area (other than earthworks approved as part of a CLDC) shall meet the following conditions:</p> <ul style="list-style-type: none"> (i) filling is no more than is necessary to: <ul style="list-style-type: none"> A. provide a foundation for building approved by a building consent, and access to that building, or B. enable minor upgrading of existing electricity lines and does not exceed 50m³. <p>Note 1: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p>Note 2: Regional earthworks consents may also be needed for works in a high risk erosion area.</p>
CI	<p>(a) Earthworks that do not comply with Rule 16.5.7.2 PI are a controlled activity provided it meets the following conditions:</p> <ul style="list-style-type: none"> (i) do not exceed 5000m² in total area at any one time except a retirement village where the maximum area at any one time shall not exceed 1 ha; (ii) does not involve contaminated land unless that land has been remediated; (iii) have erosion and sediment controls in place which will retain sediment on the site; (iv) any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, or in the cases where the filled area is to be (in part or whole) within a building platform or hard surface area, the base course has been laid and compacted within 12 months of the earthworks being commenced; (v) any surplus material is disposed of within the Te Kauwhata Lakeside Precinct Plan Area in 16.5.1(3)(a), and (vi) does not adversely affect other land through changes to natural water flows or established drainage paths.
RDI	<p>(a) Earthworks that do not comply with 16.5.7.2 CI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) visual effects; (iii) mitigation measures including sediment control; (iv) effects on land utilization; (v) effects on erosion;

	<ul style="list-style-type: none"> (vi) effects on cultural values; (vii) effects on heritage values; (viii) effects on the Lake Waikare flood plain.
RD2	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 16.5.7.2 P2. (b) Council discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) effects on amenity values; (ii) visual effects; (iii) effects on indigenous vegetation and habitat; (iv) mitigation measures including replacement planting where vegetation removal is involved; (v) effects on cultural values; (vi) effects on heritage values.
DI	Earthworks that do not comply with Rule 16.5.7.2 P3 .

16.5.8 Land Use – Building Rules

16.5.8.1 Dwelling

PI	One dwelling within a site .
RD1	<ul style="list-style-type: none"> (a) Construction of more than one dwelling on land contained in a certificate of title must comply with all of the following conditions: <ul style="list-style-type: none"> (i) semi-detached or terrace houses meet the following density requirements: <ul style="list-style-type: none"> A. Medium Density Precinct one dwelling per 300m²; B. Higher Density Precinct one dwelling per 225 m²; or C. Part of a retirement village. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Design and location of buildings; (ii) Amenity values of the locality; (iii) Privacy on other sites; (iv) Matters referred to in Appendix B (Engineering Standards); (v) Consistency with the Te Kauwhata Lakeside Precinct Plan in Rule 16.5.1(3)(a), 16.5.1(3)(b), and 16.5.1(3)(c).
DI	Construction of more than one dwelling on land contained in a record of title that does not comply with Rule 16.5.8.1 RDI .

16.5.8.2 Height

PI	The maximum height of any building must not exceed 8.0m.
RD1	<ul style="list-style-type: none"> (a) Any building that does not comply with Rule 16.5.8.2 PI. (b) The Council's discretion shall be restricted to the following: <ul style="list-style-type: none"> (i) design and location of building; (ii) building dominance effects; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other sites; (v) amenity values of the locality.

16.5.8.3 Building coverage

PI	The total building coverage on a site must not exceed 40% in the Medium Density precinct identified on
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	the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) .
P2	The total building coverage on a site must not exceed 65% in the higher density precinct identified on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) .
RDI	(a) Total building coverage on a site that does not exceed the maximum building coverage control by more than an additional 10%. (b) Council's discretion shall be restricted to the following matters: (i) design and location of building ; (ii) effect of the scale of the building on adjoining sites and the streetscape.
DI	Total building coverage that does not comply with Rule 16.5.8.3 PI, P2 or RDI .

16.5.8.4 Daylight admission

PI	Any building within the Medium Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 2.5m above ground level at every point of the site boundary, except that this standard does not apply to party walls located along site boundaries.
P2	Any building within the High Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 3.5m above ground level at every point of the site boundary within 20m of a street frontage, and 2.5m above ground level at every point on the site boundary greater than 20m from the street frontage; except that this standard does not apply to party walls located along site boundaries.
RDI	(a) Any building which does not comply with Rule 16.5.8.4 PI or P2 . (b) Council's discretion shall be restricted to: (i) height of building ; (ii) design and location of building ; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other sites ; (v) amenity values of the locality.

16.5.8.5 Non-residential building

PI	A non-residential building provided that the gross floor area does not exceed 300m ² .
DI	A non-residential building which does not comply with Rule 16.5.8.5 PI .

16.5.8.6 Living court

PI	(a) A living court must be provided for each dwelling in the Medium Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets all of the following conditions: (i) the living court is readily accessible from a living area of the dwelling ; and either (ii) on the ground floor the living court has a minimum area of 60m ² capable of containing a circle of 6m diameter, and has a minimum width of 2.5m; or (iii) if the dwelling does not have a habitable room on the ground floor, a balcony is provided that meets the following: A. has an area of 10m ² with a diameter of at least 2.0m for 1 bedroom dwelling ; or B. has an area of 15m ² with a minimum diameter 2.4m for 2 or more bedroom dwelling s.
P2	(a) A living court must be provided for each dwelling in the High Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets either Rule (a)(v) or condition (a)(ii): (i) it complies with the living court rules for the medium density precinct, except that the

	<p>ground floor living court must have a minimum area of 50m²; or</p> <p>(ii) Communal open space is provided and:</p> <p>(b) the communal open space is accessible from all dwellings subject to this provision, and</p> <p>(i) each dwelling has a legal right to use and enjoy the communal open space, and</p> <p>(ii) an on-site private open space is provided where either:</p> <p>A. on the ground floor the living court has a minimum area of 30m² capable of containing a circle of 4m diameter, and has a minimum width of 2.5m; or</p> <p>B. if the dwelling does not have a habitable room on the ground floor, a balcony is provided containing at least 10m² and a circle with a diameter of at least 2.0m.</p>
RD1	<p>(a) Construction or alteration of a dwelling which does not comply with Rule 16.5.8.6 P1 or P2.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Outdoor amenity;</p> <p>(ii) Functionality of balcony space;</p> <p>(iii) Integration of balconies within building design;</p> <p>(iv) Privacy and overlooking.</p>

16.5.8.7 Building setbacks – All boundaries

PI	<p>(a) A building must be set back a minimum of:</p> <p>(i) 3m from the road boundary;</p> <p>(ii) 1m from the side boundary excluding duplexes or terrace houses;</p> <p>(iii) 1.5m from the rear boundary.</p>
RD1	<p>(a) A building that does not comply with Rule 16.5.8.7 P1.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) amenity of neighbouring properties including shadowing, building dominance and privacy;</p> <p>(ii) streetscape quality;</p> <p>(iii) road network safety and efficiency.</p>

16.5.8.8 Fences

PI	<p>(a) Fences and walls between the applicable building setbacks under Rule 16.5.8.7 on a site and any road and road reserve boundaries must comply with all of the following conditions:</p> <p>(i) be no higher than 1.2m if solid;</p> <p>(ii) be no higher than 2m if:</p> <p>A. visually permeable for the full 1.8m height of the fence; or</p> <p>B. solid up to 1.2m and visually permeable between 1.2m and 1.8m.</p>
RD1	<p>a) A fence or wall which does not comply with 16.5.8.8 P1.</p> <p>b) Council's discretion shall be restricted to the following matters:</p> <p>(i) building materials and design</p> <p>(ii) height</p> <p>(iii) effects on amenity</p> <p>(iv) visibility of public space.</p>

16.5.8.9 Overlooking of public spaces

PI	<p>(a) Any dwelling or independent living unit within a retirement village located on a site which fronts a street or public open space must comply with all of the following conditions:</p> <p>(i) at least one habitable room with glazing overlooks the street or public open space, and</p> <p>(ii) the area of glazing shall be a minimum of 25% of that part of the wall area of the habitable room which faces the street or public open space.</p>
RD1	<p>(a) Any dwelling or independent living unit within a retirement village which does not comply with 16.5.8.9 P1.</p>

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| | <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) visibility of public open space; (ii) public safety. |
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16.5.9 Subdivision

16.5.9.1 Subdivision Lakeside - general

C1	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Subdivision is for an existing or approved housing development. (ii) every allotment, other than a utility allotment or access allotment, has a net site area of at least: <ul style="list-style-type: none"> A. Medium Density Precinct – a minimum site size of 300m² with an average site size of 450m², subject to (B) below; B. Higher Density Precinct – a minimum site size of 225m², with a minimum average site size of 250m². Where a site has legal access to private communal open space, then the percentage of that open space related to the number of properties with legal rights to use the private communal open space, will count towards the average site size (but not minimum site size); or C. 2500m² in the case of any new allotment that is not connected to a reticulated wastewater system. For the avoidance of doubt this rule does not apply to any allotment created prior to 1 January 2017. (iii) No allotment adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m² net site area. (iv) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least: <ul style="list-style-type: none"> A. 12m in the Medium Density Precinct shown on Plan Rule 16.5.1(3)(a) or B. 9m in the Higher Density Precinct shown on Plan Rule 16.5.1(3)(a) or (v) every allotment, other than a utility or access allotment, is capable of containing a building platform: <ul style="list-style-type: none"> A. Upon which a dwelling and living court could be sited as a permitted activity or, in the Higher Density Precinct, outdoor living space meets the communal open space Rule 16.5.8.6, or B. In the case of vacant sites with no associated building proposal: C. A rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards, and D. No part of the rectangle is located in an area identified as a stream or flood plain. (vi) every allotment other than a utility, access or open space allotment meets the infrastructure requirements as below: <ul style="list-style-type: none"> A. Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and B. Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and C. Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14. (vii) any allotment that creates a walkway or cycle way or any walkway or cycle way forming part of a subdivision is:
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	<ul style="list-style-type: none"> A. at least 3 metres wide; B. designed for shared pedestrian and cycle use; C. for connections between roads, has unimpeded visibility along the entire length; D. generally in accordance with the walkway route shown on Precinct Plan Rule 16.5.1(3)(c) (recognising that the detailed alignment is indicative only). <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout; (ii) shape and orientation of allotments; (iii) ability of allotments to accommodate a practical building platform; (iv) variation in allotment size; (v) likely location of future buildings and their potential effects on the environment; (vi) avoidance or mitigation of natural hazards geotechnical suitability for building; (vii) road efficiency and safety; (viii) vehicle and pedestrian networks; (ix) connection to open spaces; (x) amenity and streetscape; (xi) drainage; (xii) land stability; (xiii) amenity matters including batter slopes; (xiv) health and safety; (xv) easements to facilitate development beyond the site.
RDI	<p>(a) Subdivision that does not comply with conditions in Rule 16.5.9.1 C1.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout; (ii) shape and orientation of allotments; (iii) ability of allotments to accommodate a practical building platform; (iv) variation in allotment size; (v) likely location of future buildings and their potential effects on the environment; (vi) avoidance or mitigation of natural hazards geotechnical suitability for building; (vii) road efficiency and safety; (viii) vehicle and pedestrian networks; (ix) connection to open spaces; (x) amenity and streetscape; (xi) drainage; (xii) land stability; (xiii) amenity matters including batter slopes; (xiv) health and safety; (xv) easements to facilitate development beyond the site.

16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)

RDI	<p>(a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) is in accordance with Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1(3)(b); and the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and (ii) A CS is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); B. Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation;
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	<p>C. The external boundary of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(a);</p> <p>(iii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development;</p> <p>(iv) The Lakeside Walkway is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</p> <p>(v) Retirement village boundaries are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and</p> <p>(vi) Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1(3)(c).</p> <p>(vii) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan Rule 16.5.1(3)(b)) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <p>A. each independent living unit in a retirement village shall count as one allotment;</p> <p>B. for the purpose of this rule, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.</p> <p>(viii) The following infrastructure requirements are met:</p> <p>A. Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p> <p>B. Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</p> <p>C. Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>D. Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14;</p> <p>E. and prior to the issue of any 224C approval, the infrastructure requirements detailed in (viii) A-D above shall be implemented and operational.</p> <p>(ix) Individual site sizes shall not be less than the following for the identified areas on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).</p> <p>A. Medium Density– a minimum site size of 300m² with a minimum average site size of 450m², subject to E below.</p> <p>B. Higher Density – a minimum site size of 225m² with a minimum average site size of 250m². Where a site has legal access to private communal open space, the percentage of that-open space related to the number of properties with legal rights to use the private communal open space, will count towards average site size (but not minimum site size).</p> <p>C. Retirement village – Medium Density precinct – a minimum exclusive area for an independent dwelling of 120m².</p> <p>D. Retirement village – Higher Density precinct – no density limit.</p> <p>E. No allotment adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m² net site area.</p> <p>F. Where the averaging rule applies in A and B above this shall be calculated as the average of all sites zoned Residential, intended for residential purposes, and less than 2000m². Any allotment greater than 2000m² or any allotment primarily intended for roading or public</p>
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	<p>infrastructure shall not be included within the average calculation.</p> <p>(x) A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plan in Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c), (ii) matters identified in the assessment criteria in X; (iii) managing the effects of wastewater and stormwater; (iv) extent of any non-compliance with site density control; (v) roading network (including the Te Kauwhata Road level crossing safety); (vi) compliance with a Council approved roading standard; (vii) protection, restoration or enhancement of ecological features; (viii) provision and location of existing and future utilities and connections; (ix) location of roads and their connections; (x) provision for public access to Lake Waikare; (xi) provision of open space, including linkages between residential areas, open space and Lake Waikare; (xii) effects of natural hazards (including flooding), geotechnical and land contamination; (xiii) provision of the historic Iwi overlay area shown on Precinct Plan Rule 3/7 16.5.1(3)(c). <p>(c) Applications for approval of a Comprehensive Subdivision Consent as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>Note 1 CS approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>
DI	<p>(a) A CS that does not comply with Rule 16.5.9.2 RDI and meets all of the following conditions and conditions 16.5.9.2 RDI (i) and (ii) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1(3)(b); (ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; (iii) The external boundary of the high density area within the Residential Zone is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(a); (iv) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan Rule 15.5.2.3 provided that connections are retained between the Lakeside Walkway and the residential development; (v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(c); (vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a); (vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c). <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NC1	<p>A CS that does not meet the requirements of Rule 16.5.9.2 RDI (vii) and (viii) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.</p>
NC2	<p>A CS that does not meet any of the parameters for a discretionary activity outlined in Rule 16.5.9.2 DI (i) to (vii) is a non-complying activity.</p>

16.5.9.3 Subdivision – Sites less than 5ha

RDI	<p>(a) Subdivision on sites less than 5 ha that complies with the conditions as set out below:</p> <ul style="list-style-type: none"> (i) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); (ii) environmental improvements required by the Te Kauwhata Lakeside Precinct Plan (including, but not limited to landscaping and provision of walkways and cycleways shown on the Precinct Plan Rule 16.5.1(3)(c)) have been implemented to the extent required; or (iii) the requisite environmental improvements in (ii) above are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plans Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); (ii) matters identified in the assessment criteria in X; (iii) managing the effects of wastewater and stormwater; (iv) extent of any non-compliance with site density control; (v) roading network and compliance with a Council approved roading standard; (vi) provision and location of existing and future utilities and connections; (vii) location of roads and their connections; (viii) effects of natural hazards (including flooding), geotechnical and land contamination.
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