

# Chapter 16: Residential Zone

Proposed Waikato District

Plan Stage 1

(Notified version)



# Contents

Chapter 16: Residential Zone.....	5
16.1 Land Use - Activities .....	5
16.1.1 Prohibited Activities.....	5
16.1.2 Permitted Activities.....	5
16.1.3 Restricted Discretionary Activities .....	7
16.1.4 Discretionary Activities.....	9
16.1.5 Non-complying Activities.....	9
16.2 Land Use – Effects .....	9
16.2.1 Noise .....	9
16.2.1.1 Noise – General .....	9
16.2.1.2 Noise – Construction .....	10
16.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area.....	10
16.2.3 Glare and artificial light spill .....	10
16.2.4 Earthworks .....	10
16.2.4.1 Earthworks - General.....	11
16.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance.....	12
16.2.4.3 Earthworks - Significant Natural Areas.....	12
16.2.4.4 Earthworks - Landscape and Natural Character Areas .....	12
16.2.5 Hazardous substances .....	13
16.2.6 Notable trees.....	13
16.2.6.1 Notable trees – Removal or destruction .....	13
16.2.6.2 Notable tree – Trimming .....	13
16.2.6.3 Notable tree – Activities within the dripline.....	14
16.2.7 Signs .....	14
16.2.7.1 Signs – general.....	15
16.2.7.2 Signs – Effects on traffic .....	16
16.2.8 Indigenous vegetation clearance inside a Significant Natural Area .....	16
16.3 Land Use – Building.....	17
16.3.1 Dwelling.....	17
16.3.2 Minor dwelling.....	17
16.3.3 Height.....	17
16.3.3.1 Height - Building general.....	17
16.3.3.2 Height – Building and vegetation in a battlefield view shaft area .....	17

16.3.3.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface.....	17
16.3.4 Fences or walls – Road boundaries and Reserve Zone boundaries.....	18
16.3.5 Daylight admission.....	18
16.3.6 Building coverage.....	18
16.3.7 Living court.....	18
16.3.8 Service court.....	19
16.3.9 Building setbacks.....	19
16.3.9.1 Building setbacks – All boundaries.....	19
16.3.9.2 Building setback – Sensitive land use.....	20
16.3.9.3 Building setback – Water bodies.....	20
16.3.9.4 Building setback – Environmental Protection Area.....	20
16.3.10 Building - Horotiu Acoustic Area.....	20
16.3.11 Historic Heritage.....	20
16.3.11.1 Group A heritage item – Demolition, removal or relocation.....	21
16.3.11.2 Group B heritage item – Demolition, removal or relocation.....	21
16.3.11.3 All heritage items – Alterations or addition.....	21
16.3.11.4 All heritage items – Maintenance or repair.....	21
16.3.11.5 All heritage items – Site development.....	21
16.3.11.6 Heritage precincts – Matangi and Huntly.....	22
16.4 Subdivision.....	22
16.4.1 Subdivision - General.....	23
16.4.2 Subdivision - Te Kauwhata Ecological Residential Area.....	23
16.4.3 Subdivision - Te Kauwhata West Residential Area.....	24
16.4.4 Subdivision - Multi-unit development.....	25
16.4.5 Subdivision – Boundary adjustments.....	25
16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold.....	26
16.4.7 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas.....	26
16.4.8 Title boundaries – Significant Natural Areas.....	27
16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance.....	27
16.4.10 Subdivision of land containing heritage items.....	27
16.4.11 Subdivision - Road frontage.....	27
16.4.12 Subdivision - Building platform.....	27
16.4.13 Subdivision creating reserves.....	28

16.4.14 Subdivision of esplanade reserves and esplanade strips.....	28
16.4.15 Subdivision of land containing mapped off-road walkways.....	28
16.4.16 Subdivision of land containing an Environmental Protection Area.....	29
16.5 Lakeside Te Kauwhata Precinct.....	30
16.5.1 Application of rules.....	30
16.5.3 Restricted Discretionary Activities.....	35
16.5.4 Discretionary Activities.....	38
16.5.6 Non-complying Activities.....	38
16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT).....	39
16.5.7.2 Earthworks - general.....	40
16.5.8 Land Use – Building Rules.....	42
16.5.9 Subdivision.....	45

## Chapter 16: Residential Zone

- (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**.
- (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.
- (6) The Residential Zone also contains specific provisions for the Residential Zone in the Ohinewai Structure Plan Area. Rule 16.6.1 sets out how to apply rules in that Residential Zone, including rules that are different from, or are in addition to, rules that apply in the rest of the Residential Zone.

### 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 <b>Appendix 7</b> ).
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#### 16.1.2 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
  - (a) 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);
  - (b) 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);
  - (c) Activity-specific conditions.

Activity		Activity-specific conditions
PI	<b>Residential activity</b> , unless specified below.	Nil
P2	<b>A Marae Complex or Papakaanga Housing Development on Maaori</b>	(a) The total <b>building coverage</b> does not exceed 50%; (b) Where the land is vested in trustees whose

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

P4	Home occupation	<p>(a) It is wholly contained within a building;</p> <p>(b) The storage of materials or machinery associated with the home occupation are wholly contained within a building;</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 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.

### 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:

RDI	<p>A Multi-Unit development that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(a) The Land Use – Effects rules in <b>Rule 16.2</b>;</li> <li>(b) The Land Use – Building rules in <b>Rule 16.3</b>, except the following rules do not apply: <ul style="list-style-type: none"> <li>(i) <b>Rule 16.3.1</b>, Dwelling;</li> <li>(ii) <b>Rule 16.3.8</b> Building coverage;</li> <li>(iii) <b>Rule 16.3.9</b> Living court;</li> <li>(iv) <b>Rule 16.3.10</b> Service court;</li> </ul> </li> <li>(c) The minimum net site area per residential unit is 300m<sup>2</sup>;</li> <li>(d) The Multi-Unit development is connected to public wastewater and water reticulation;</li> <li>(e) Total building coverage of the site does not exceed 50%;</li> <li>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in <b>Appendix I</b> (Acoustic Insulation) – Table I4;</li> <li>(g) Service court areas are provided to meet the following minimum requirements for each residential unit: <ul style="list-style-type: none"> <li>(i) At least 2.25m<sup>2</sup> 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;</li> <li>(ii) At least 3m<sup>2</sup> with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</li> <li>(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.</li> </ul> </li> <li>(h) Living court areas are provided to meet the following minimum requirements for each residential unit:</li> </ul> <table border="1" style="margin-left: 40px; margin-bottom: 20px; border-collapse: collapse; width: 100%;"> <thead> <tr> <th style="padding: 5px;">Duplex dwelling</th> <th style="padding: 5px;">Area</th> <th style="padding: 5px;">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Studio unit or 1 bedroom</td> <td style="padding: 5px; text-align: center;">30 m<sup>2</sup></td> <td style="padding: 5px; text-align: center;">4m</td> </tr> <tr> <td style="padding: 5px;">2 or more bedrooms</td> <td style="padding: 5px; text-align: center;">40 m<sup>2</sup></td> <td style="padding: 5px; text-align: center;">4m</td> </tr> </tbody> </table> <table border="1" style="margin-left: 40px; border-collapse: collapse; width: 100%;"> <thead> <tr> <th style="padding: 5px;">Apartment Building Ground Level Residential Unit</th> <th style="padding: 5px;">Area</th> <th style="padding: 5px;">Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Studio unit or 1 bedroom</td> <td style="padding: 5px; text-align: center;">20 m<sup>2</sup></td> <td style="padding: 5px; text-align: center;">4m</td> </tr> <tr> <td style="padding: 5px;">2 or more bedrooms</td> <td style="padding: 5px; text-align: center;">30 m<sup>2</sup></td> <td style="padding: 5px; text-align: center;">4m</td> </tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m <sup>2</sup>	4m	2 or more bedrooms	40 m <sup>2</sup>	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m <sup>2</sup>	4m	2 or more bedrooms	30 m <sup>2</sup>	4m	<ul style="list-style-type: none"> <li>(a) Density of the development;</li> <li>(b) The manner in which the provisions of the Multi-Unit Design contained in <b>Appendix 3.4</b> have been incorporated;</li> <li>(c) Contribution of the development to and engagement with adjacent streets and public open space;</li> <li>(d) The visual quality and interest created through design such as the separation of <b>buildings</b>, variety in built form and architectural detailing, glazing, materials and colour;</li> <li>(e) The incorporation of energy efficiency measures such as passive solar principles;</li> <li>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, <b>living court</b> orientation, <b>site</b> design and layout;</li> <li>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</li> <li>(h) Avoidance or mitigation of natural hazards;</li> <li>(i) Geotechnical suitability for <b>building</b>;</li> <li>(j) Provision of <b>infrastructure</b> to individual units,</li> </ul>
Duplex dwelling	Area	Minimum dimension																		
Studio unit or 1 bedroom	30 m <sup>2</sup>	4m																		
2 or more bedrooms	40 m <sup>2</sup>	4m																		
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension																		
Studio unit or 1 bedroom	20 m <sup>2</sup>	4m																		
2 or more bedrooms	30 m <sup>2</sup>	4m																		



	Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension
	Studio unit or 1 bedroom	10m <sup>2</sup>	2m
	2 or more bedrooms	15m <sup>2</sup>	2m

**16.1.4 Discretionary Activities**

(1) The activities listed below are discretionary activities.

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

**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	<b>Farming noise</b> , and noise generated by <b>emergency generators</b> and emergency sirens.
P2	(a) Noise measured within any other <b>site</b> in the Residential Zone must not exceed: <ul style="list-style-type: none"> <li>(i) 50dB (L<sub>Aeq</sub>), 7am to 7pm, every day;</li> <li>(ii) 45dB (L<sub>Aeq</sub>), 7pm to 10pm, every day; and</li> <li>(iii) 40dB (L<sub>Aeq</sub>) and 65dB (L<sub>Amax</sub>), 10pm to 7am the following day.</li> </ul>
P3	(a) Noise levels shall be measured in accordance with the requirements of <b>NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"</b> ; and (b) Noise levels shall be assessed in accordance with the requirements of <b>NZS 6802:2008 "Acoustic-Environmental noise"</b>

DI	Noise that does not comply with <a href="#">Rule 16.2.1.1 P2 or P3</a> .
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### 16.2.1.2 Noise – Construction

PI	(a) Construction noise must meet 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'.
RD1	(a) Construction noise that does not comply with <a href="#">Rule 16.2.1.2 PI</a> . (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.

### 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 <a href="#">commercial activity</a> 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 <a href="#">commercial activity</a> that does not comply with <a href="#">Rule 16.2.2 PI</a> .

### 16.2.3 Glare and artificial light spill

PI	Glare and artificial light spill must not exceed 10 <a href="#">lux</a> measured horizontally and vertically within any other <a href="#">site</a> .
RD1	(a) Illumination that does not comply with <a href="#">Rule 16.2.3 PI</a> . (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.

### 16.2.4 Earthworks

- (1) [Rule 16.2.4.1](#) – General, provides the permitted rules for earthworks activities for the Residential Zone.
- (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

P1	<p>(a) <b>Earthworks</b> (excluding the importation of <b>fill material</b>) within a <b>site</b> must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be located more than 1.5 m horizontally from any waterway, open drain or <b>overland flow path</b>;</li> <li>(ii) Not exceed a volume of 250m<sup>3</sup>;</li> <li>(iii) Not exceed an area of 1000m<sup>2</sup> over any consecutive 12 month period;</li> <li>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</li> <li>(v) The slope of the resulting cut, filled areas or fill batter face in <b>stable ground</b>, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</li> <li>(vi) <b>Earthworks</b> are set back 1.5m from all <b>boundaries</b>;</li> <li>(vii) Areas exposed by <b>earthworks</b> are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the <b>earthworks</b>;</li> <li>(viii) Sediment resulting from the <b>earthworks</b> is retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls;</li> <li>(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
P2	<p><b>Earthworks</b> for the purpose of creating a <b>building platform</b> for residential purposes within a <b>site</b>, using imported <b>fill material</b> must meet the following condition:</p> <p>(a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
P3	<p>(a) <b>Earthworks</b> for purposes other than creating a <b>building platform</b> for residential purposes within a <b>site</b>, using imported <b>fill material</b> must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Not exceed a total volume of 20m<sup>3</sup>;</li> <li>(ii) Not exceed a depth of 1m;</li> <li>(iii) The slope of the resulting filled area in <b>stable ground</b> must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li>(iv) <b>Fill material</b> is setback 1.5m from all <b>boundaries</b>;</li> <li>(v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the <b>earthworks</b>;</li> <li>(vi) Sediment resulting from the filling is retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls;</li> <li>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
RDI	<p>(a) <b>Earthworks</b> that do not comply with <b>Rule 16.2.4.1 P1, P2 or P3</b>.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of <b>earthworks</b>;</li> <li>(iii) Nature of <b>fill material</b>;</li> <li>(iv) Contamination of <b>fill material</b>;</li> <li>(v) Location of the <b>earthworks</b> in relation to waterways, significant <b>indigenous vegetation</b> and habitat;</li> <li>(vi) Compaction of the <b>fill material</b>;</li> <li>(vii) Volume and depth of <b>fill material</b>;</li> <li>(viii) Protection of the Hauraki Gulf Catchment Area;</li> <li>(ix) Geotechnical stability;</li> <li>(x) Flood risk, including natural water flows and established drainage paths; and</li> <li>(xi) Land instability, erosion and sedimentation.</li> </ul>
NCI	<p><b>Earthworks</b> including the importation of <b>cleanfill</b> to a <b>site</b>.</p>

### 16.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance

RD1	(a) Earthworks within a Maaori Site of Significance as identified in Schedule 30.3 (Maaori Site of Significance) and shown on the planning maps. (b) Council’s discretion shall be restricted to the following matters: (i) location of activity in relation to the site; (ii) effects on heritage and cultural values.
RD2	(a) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori Area of Significance) and shown on the planning maps. (b) Council’s discretion shall be restricted to the following matters: (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	(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: (i) Maximum volume of 50m <sup>3</sup> in a single consecutive 12 month period; (ii) Maximum area of 250m <sup>2</sup> in a single consecutive 12 month period; and (iii) Not include importing any fill material.
RDI	(a) Earthworks that do not comply with Rule 16.2.4.3 PI. (b) Council’s discretion shall be restricted to the following matters: (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 RDI.

### 16.2.4.4 Earthworks - Landscape and Natural Character Areas

PI	(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; (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" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d9ead3;">Landscape or Natural Character Area</th> <th style="background-color: #d9ead3;">Area (m<sup>2</sup>)</th> <th style="background-color: #d9ead3;">Volume (m<sup>3</sup>)</th> </tr> </thead> <tbody> <tr> <td style="background-color: #d9ead3;">Significant Amenity Landscape (SAL) sand dune</td> <td style="background-color: #d9ead3;">50</td> <td style="background-color: #d9ead3;">250</td> </tr> <tr> <td style="background-color: #d9ead3;">High or Outstanding Natural Character area of the coastal environment</td> <td style="background-color: #d9ead3;"></td> <td style="background-color: #d9ead3;"></td> </tr> <tr> <td style="background-color: #d9ead3;">Outstanding Natural Feature (ONF) sand dune</td> <td style="background-color: #d9ead3;"></td> <td style="background-color: #d9ead3;"></td> </tr> <tr> <td style="background-color: #d9ead3;">Outstanding Natural Feature (ONF)</td> <td style="background-color: #d9ead3;"></td> <td style="background-color: #d9ead3;"></td> </tr> <tr> <td style="background-color: #d9ead3;">Outstanding Natural Landscapes (ONLs)</td> <td style="background-color: #d9ead3;"></td> <td style="background-color: #d9ead3;"></td> </tr> </tbody> </table>	Landscape or Natural Character Area	Area (m <sup>2</sup> )	Volume (m <sup>3</sup> )	Significant Amenity Landscape (SAL) sand dune	50	250	High or Outstanding Natural Character area of the coastal environment			Outstanding Natural Feature (ONF) sand dune			Outstanding Natural Feature (ONF)			Outstanding Natural Landscapes (ONLs)			
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High or Outstanding Natural Character area of the coastal environment																				
Outstanding Natural Feature (ONF) sand dune																				
Outstanding Natural Feature (ONF)																				
Outstanding Natural Landscapes (ONLs)																				
	(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;																			

	<ul style="list-style-type: none"> <li>(iv) The maximum slope of the resulting cut or batter face in <b>stable ground</b> does not exceed 1:2 (1m vertical to 2m horizontal);</li> <li>(v) Areas exposed by the <b>earthworks</b> are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the <b>earthworks</b>;</li> <li>(vi) Sediment is retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls;</li> <li>(vii) The <b>earthworks</b> do not divert or change natural water flows, water bodies or established drainage paths.</li> </ul>
D1	<b>Earthworks</b> that do not comply with <b>Rule 16.2.4.4 PI</b> .

### 16.2.5 Hazardous substances

PI	<ul style="list-style-type: none"> <li>(a) The <b>use, storage</b> or disposal of any <b>hazardous substance</b> where: <ul style="list-style-type: none"> <li>(i) the aggregate quantity of any <b>hazardous substance</b> of any <b>hazard</b> classification on a <b>site</b> is less than the quantity specified in the Residential zone in <b>Table 5.1</b> contained within <b>Appendix 5</b> (Hazardous Substances).</li> </ul> </li> </ul>
P2	<ul style="list-style-type: none"> <li>(a) The <b>storage</b> or <b>use</b> of radioactive materials is: <ul style="list-style-type: none"> <li>(i) an approved equipment for medical and diagnostic purposes; or</li> <li>(ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</li> </ul> </li> </ul>
D1	The <b>use, storage</b> or disposal of any <b>hazardous substances</b> that does not comply with <b>Rule 16.2.5 PI or P2</b> .

### 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 <b>Schedule 30.2</b> (Notable Trees) where certification is provided to Council from a <b>works arborist</b> that states that the tree is dead, dying, diseased or is unsafe in accordance with <b>Appendix 1 I</b> Tree Removal Certificate.
RDI	<ul style="list-style-type: none"> <li>(a) Removal or destruction of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) that does not comply with <b>Rule 16.2.6.1 PI</b>.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Timing and manner in which the activity is carried out;</li> <li>(ii) Effects on amenity values; and</li> <li>(iii) Effects on heritage values.</li> </ul> </li> </ul>

#### 16.2.6.2 Notable tree – Trimming

PI	<ul style="list-style-type: none"> <li>(a) The trimming of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) is either: <ul style="list-style-type: none"> <li>(i) to remove dead, dying, or diseased branches and the tree work is undertaken by a <b>works arborist</b>; or</li> <li>(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.</li> </ul> </li> </ul>
RDI	<ul style="list-style-type: none"> <li>(a) The trimming of a notable tree that does not comply with <b>Rule 16.2.6.2. PI</b>.</li> <li>(b) Council's discretion is restricted to the following matters:</li> </ul>

	<ul style="list-style-type: none"> <li>(i) Timing and manner in which the activity is carried out;</li> <li>(ii) Effects on amenity values.</li> </ul>
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### 16.2.6.3 Notable tree – Activities within the dripline

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

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

### 16.2.7.2 Signs – Effects on traffic

PI	<p>(a) Any <b>sign</b> directed at road users must:</p> <ul style="list-style-type: none"> <li>(i) Not imitate the content, colour or appearance of any traffic control <b>sign</b>;</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other <b>sign</b>;</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a <b>site</b> entrance and intersections;</li> <li>(iv) Be able to be viewed by drivers for at least 130m;</li> <li>(v) Contain no more than 40 characters and no more than 6 symbols;</li> <li>(vi) Have lettering that is at least 150mm high;</li> <li>(vii) Be at least 130m from a <b>site</b> entrance, where the <b>sign</b> directs traffic to the entrance.</li> </ul>
DI	Any <b>sign</b> that does not comply with <b>Rule 16.2.7.2 PI</b> .

### 16.2.8 Indigenous vegetation clearance inside a Significant Natural Area

P1	<p>(a) <b>Indigenous vegetation clearance</b> in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences;</li> <li>(v) Gathering plants in accordance with Maaori customs and values;</li> </ul>
P2	Removal of up to 5m <sup>3</sup> 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
P3	<p>(a) <b>Indigenous vegetation clearance</b> for building, access, parking and manoeuvring areas in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the <b>site</b> outside the <b>Significant Natural Area</b>;</li> <li>and</li> <li>(ii) The total <b>indigenous vegetation clearance</b> does not exceed 250m<sup>2</sup>.</li> </ul>
P4	<p>(a) On <b>Maaori Freehold Land</b> or <b>Maaori Customary Land</b>, <b>indigenous vegetation clearance</b> in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) where:</p> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the site outside the <b>Significant Natural Area</b>;</li> <li>(ii) The following total areas are not exceeded: <ul style="list-style-type: none"> <li>A. 1500m<sup>2</sup> for a <b>Marae complex</b>, including areas associated with access parking and manoeuvring;</li> <li>B. 500m<sup>2</sup> per <b>dwelling</b>, including areas associated with access parking and manoeuvring; and</li> <li>C. 500m<sup>2</sup> for a <b>papakaainga building</b> including areas associated with access parking and manoeuvring.</li> </ul> </li> </ul>
P5	<p>(a) On <b>Maaori Freehold Land</b> or <b>Maaori Customary Land</b>, <b>indigenous vegetation clearance</b> in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences; or</li> <li>(v) Gathering plants in accordance with Maaori customs and values.</li> </ul>
P6	Removal of up to 5m <sup>3</sup> 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



DI	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.
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## 16.3 Land Use – Building

### 16.3.1 Dwelling

PI	One dwelling within a site.
DI	A dwelling that does not comply with Rule 16.3.1 P1.

### 16.3.2 Minor dwelling

PI	(a) One minor dwelling contained within a site must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) The net site area is 900m<sup>2</sup> or more;</li> <li>(ii) The site does not contain a Multi-unit development.</li> <li>(iii) The gross floor area shall not exceed 70m<sup>2</sup></li> </ul>
DI	A minor dwelling that does not comply with Rule 16.3.2 P1.

### 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.
- (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	The maximum height of any building must not exceed 7.5m.
DI	Any building that does not comply with Rule 16.3.3.1 P1.

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

PI	The maximum height of a building, structure or vegetation 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.

#### 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.
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DI	A <b>building</b> , structure or vegetation that does not comply with <b>Rule 16.3.3.3 PI</b> .
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#### 16.3.4 Fences or walls – Road boundaries and Reserve Zone boundaries

PI	(a) Fences and walls between the applicable <b>building setbacks</b> under <b>Rule 16.3.9</b> on a site and any road and reserve zone boundaries must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) Be no higher than 1.2m if solid;</li> <li>(ii) Be no higher than 1.8m if: <ul style="list-style-type: none"> <li>A. <b>visually permeable</b> for the full 1.8m height of the fence or wall; or</li> <li>B. solid up to 1.2m and <b>visually permeable</b> between 1.2 and 1.8m.</li> </ul> </li> </ul>
P2	Fences or walls between the applicable <b>building setbacks</b> under <b>Rule 16.3.9</b> on a site and along the northern boundary of the Residential Zone between Wayside Road and Travers Road, Te Kauwhata, adjacent to the Country Living Zone, must be of a rural-type post and wire or post and rail construction.
RD1	(a) Fences or walls that do not comply with <b>Rule 16.3.4 PI or P2</b> . (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Building materials and design;</li> <li>(ii) Effects on amenity; and</li> <li>(iii) Public space visibility.</li> </ul>

#### 16.3.5 Daylight admission

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

#### 16.3.6 Building coverage

PI	The total <b>building coverage</b> 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 <b>building coverage</b> must not exceed 35%.
P3	Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total <b>building coverage</b> must not exceed 50%.
DI	Total <b>building coverage</b> that does not comply with <b>Rule 16.3.6 PI, P2 or P3</b> .

#### 16.3.7 Living court

PI	(a) A <b>living court</b> must be provided for each <b>dwelling</b> that meets all of the following conditions: <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>dwelling</b>;</li> <li>(ii) It is readily accessible from a living area of the <b>dwelling</b>;</li> <li>(iii) When located on the ground floor, it has a minimum area of 80m<sup>2</sup> and a minimum dimension of 4m in any direction; and</li> <li>(iv) When located on a balcony of an above ground <b>apartment</b>, it must have a minimum area of 15m<sup>2</sup> and a minimum dimension of 2m in any direction.</li> </ul>
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P2	(a) A <b>living court</b> must be provided for each <b>minor dwelling</b> that meets all of the following conditions: <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>minor dwelling</b>;</li> <li>(ii) It is readily accessible from a living area of the <b>minor dwelling</b>;</li> <li>(iii) When located on the ground floor it has a minimum area of 40m<sup>2</sup> and a minimum dimension of 4m in any direction;</li> <li>(iv) When located on a balcony of an above ground <b>apartment</b>, it must have a minimum area of 15m<sup>2</sup> and a minimum dimension of 2m in any direction.</li> </ul>
DI	A <b>living court</b> that does not comply with <b>Rule 16.3.7 P1 or P2</b> .

### 16.3.8 Service court

PI	(a) A <b>service court</b> must be provided for each <b>dwelling</b> and <b>minor dwelling</b> , each with all the following dimensions: <ul style="list-style-type: none"> <li>(i) minimum area of 15m<sup>2</sup>; and</li> <li>(ii) contains a circle of at least 3m diameter.</li> </ul>
DI	A <b>service court</b> that does not comply with <b>Rule 16.3.8 P1</b> .

### 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) A <b>building</b> must be set back a minimum of: <ul style="list-style-type: none"> <li>(i) 3m from the road <b>boundary</b>;</li> <li>(ii) 13m from the edge of an <b>indicative road</b>;</li> <li>(iii) 1.5m from every <b>boundary</b> other than a road <b>boundary</b>; and</li> <li>(iv) 1.5m from every vehicle access to another <b>site</b>.</li> </ul>
P2	(a) A non-habitable <b>building</b> can be set back less than 1.5m from a <b>boundary</b> , where: <ul style="list-style-type: none"> <li>(i) the total length of all <b>buildings</b> within 1.5m of the <b>boundary</b> does not exceed 6m; and</li> <li>(ii) the building does not have any windows or doors on the side of the <b>building</b> facing the <b>boundary</b>.</li> </ul>
P3	A garage must be set back behind the front façade of the <b>dwelling</b> .
RD1	(a) A <b>building</b> that does not comply with <b>Rule 16.3.9.1 P1, P2 or P3</b> . (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Road network safety and efficiency;</li> <li>(ii) Reverse sensitivity effects;</li> <li>(iii) Adverse effects on amenity;</li> <li>(iv) Streetscape;</li> <li>(v) Potential to mitigate adverse effects;</li> <li>(vi) Daylight admission to adjoining properties; and</li> </ul>

	(vii) Effects on privacy at adjoining sites
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### 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"> <li>(i) 5m from the designated boundary of the railway corridor;</li> <li>(ii) 15m from the boundary of a national route or regional arterial;</li> <li>(iii) 25m from the designated boundary of the Waikato Expressway;</li> <li>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and</li> <li>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.</li> </ul>
DI	Any building for a sensitive land use that does not comply with Rule 16.3.9.2. PI.

### 16.3.9.3 Building setback – Water bodies

PI	(a) Any building must be setback a minimum of: <ul style="list-style-type: none"> <li>(i) 23m from the margin of any:           <ul style="list-style-type: none"> <li>A. lake; and</li> <li>B. wetland;</li> </ul> </li> <li>(ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers);</li> <li>(iii) 28m from the margin of both the Waikato River and the Waipa River; and</li> <li>(iv) 23m from mean high water springs.</li> </ul>
P2	(a) A public amenity of up to 25m, <sup>2</sup> or a pump shed 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.

### 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 I I.
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"> <li>(i) On-site amenity values;</li> <li>(ii) Noise levels received at the notional boundary of the building;</li> <li>(iii) Timing and duration of noise received at the notional boundary of the building;</li> <li>(iv) Potential for reverse sensitivity effects.</li> </ul>

### 16.3.11 Historic Heritage

- (I) 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 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: <ul style="list-style-type: none"> <li>(i) no significant feature of interest is removed, destroyed or damaged;</li> <li>(ii) alterations or additions are not visible from a public place.</li> </ul>
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: <ul style="list-style-type: none"> <li>(i) form, style, materials and appearance; and</li> <li>(ii) effects on heritage values.</li> </ul>

#### 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: <ul style="list-style-type: none"> <li>(i) no significant feature of interest is destroyed or damaged; and</li> <li>(ii) replacement materials are the same as, or similar to, the original in terms of form, style and appearance.</li> </ul>
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: <ul style="list-style-type: none"> <li>(i) form, style, materials, appearance;</li> <li>(ii) effects on heritage values.</li> </ul>

#### 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: <ul style="list-style-type: none"> <li>(i) be set back at least 10m from the heritage item;</li> <li>(ii) not locate a building between the front of the heritage item and the road.</li> </ul>
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: <ul style="list-style-type: none"> <li>(i) effects on the values, context and setting of the heritage item;</li> <li>(ii) location, design, size, materials and finish;</li> <li>(iii) landscaping;</li> <li>(iv) the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road.</li> </ul>

### 16.3.11.6 Heritage precincts – Matangi and Huntly

C1	<p>(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.</p> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on historic heritage, amenity values and character of the precinct; and</li> <li>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of <a href="#">Appendix 3.6</a> (Matangi Heritage Precinct Design Guide) or <a href="#">Appendix 3.5</a> (Huntly Heritage Precinct Design Guide).</li> </ul>
C2	<p>(a) Alteration of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps.</p> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on historic heritage, amenity values and character of the precinct; and</li> <li>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of <a href="#">Appendix 3.6</a> (Matangi Heritage Precinct Design Guide) or <a href="#">Appendix 3.5</a> (Huntly Heritage Precinct Design Guide).</li> </ul>
C3	<p>(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.</p> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on historic heritage, amenity values and character of the precinct; and</li> <li>(ii) Advertising signs.</li> </ul>
RD1	<p>(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 <a href="#">Rule 16.3.11.6 C1, C2 or C3</a>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on historic heritage, amenity values and character of the precinct;</li> <li>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of <a href="#">Appendix 3.6</a> (Matangi Heritage Precinct Design Guide) or <a href="#">Appendix 3.5</a> (Huntly Heritage Precinct Design Guide);</li> <li>(iii) Advertising signs; and</li> <li>(iv) Setback from road boundaries.</li> </ul>

### 16.4 Subdivision

- (1) [Rule 16.4.1](#) provides for subdivision density and apply across the Residential Zone.
- (2) The following rules apply to specific areas and/or activities:
  - (a) [Rule 16.4.2](#) - Subdivision - Te Kauwhata Ecological Residential Area;
  - (b) [Rule 16.4.3](#) - Subdivision - Te Kauwhata West Residential Area); and
  - (c) [Rule 16.4.4](#) (Subdivision – Multi-Unit development).
  - (d) [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.
- (3) **Rules 16.4.14 and 16.4.15** apply to specific features or areas:
- (4) **Rule 16.4.15** – subdivision of land containing mapped off-road walkways; and
- (5) **Rule 16.4.16** – subdivision of land containing Environmental Protection Area.

### 16.4.1 Subdivision - General

RDI	<p>(a) <b>Subdivision</b> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Proposed <b>lots</b> must have a minimum <b>net site area</b> of 450m<sup>2</sup>, except where the proposed <b>lot</b> is an <b>access allotment</b> or <b>utility allotment</b> or reserve to vest;</li> <li>(ii) Proposed <b>lots</b> must be able to connect to public-reticulated water supply and wastewater;</li> <li>(iii) Where roads are to be vested in Council, they must follow a <b>grid layout</b>;</li> <li>(iv) Where 4 or more proposed <b>lots</b> are proposed to be created, the number of <b>rear lots</b> do not exceed 15% of the total number of <b>lots</b> being created;</li> <li>(v) Where the <b>subdivision</b> is within a structure plan area, <b>neighbourhood centres</b> within the <b>site</b> are provided in accordance with that structure plan document.</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout;</li> <li>(ii) Shape of <b>lots</b> and variation in lot sizes;</li> <li>(iii) Ability of <b>lots</b> to accommodate a practical <b>building platform</b> including geotechnical stability for <b>building</b>;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> <li>(vii) Consistency with the matters contained within <b>Appendix 3.1</b> (Residential Subdivision Guidelines)</li> <li>(viii) Vehicle and pedestrian networks;</li> <li>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and <b>neighbourhood centres</b>; and</li> <li>(x) Provision of <b>infrastructure</b>.</li> </ul>
DI	<b>Subdivision</b> that does not comply with a condition in <b>Rule 16.4.1 RDI</b> .

### 16.4.2 Subdivision - Te Kauwhata Ecological Residential Area

RDI	<p>(a) Proposed <b>lots</b> in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Have a minimum <b>net site area</b> of 750m<sup>2</sup>;</li> <li>(ii) Have a minimum average <b>net site area</b> of 875m<sup>2</sup>;</li> <li>(iii) Must be able to be connected to public-reticulated water supply and wastewater;</li> <li>(iv) Where roads are to be vested in Council, they must follow a <b>grid layout</b>;</li> <li>(v) Where 4 or more proposed <b>lots</b> are being created, rear <b>lots</b> must not exceed 15% of the total number of <b>lots</b> being created.</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout;</li> <li>(ii) Shape of <b>lots</b> and variation in lot sizes;</li> <li>(iii) Ability of <b>lots</b> to accommodate a practical <b>building platform</b> including geotechnical stability for <b>building</b>;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> <li>(vii) Consistency with the matters contained within <b>Appendix 3.1</b> (Residential Subdivision Guidelines);</li> </ul>
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	<ul style="list-style-type: none"> <li>(viii) Vehicle and pedestrian networks;</li> <li>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and <b>neighbourhood centres</b>; and</li> <li>(x) Provision of <b>infrastructure</b>.</li> </ul>
DI	<b>Subdivision</b> within the Te Kauwhata Ecological Residential Area that does not comply with <b>Rule 16.4.2 RDI</b> .

### 16.4.3 Subdivision - Te Kauwhata West Residential Area

RDI	<ul style="list-style-type: none"> <li>(a) Proposed <b>lots</b> within the Te Kauwhata West Residential Area must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) Be a minimum <b>net site area</b> of 650m<sup>2</sup>;</li> <li>(ii) Have a minimum average <b>net site area</b> of 875m<sup>2</sup>;</li> <li>(iii) Be connected to public-reticulated water supply and wastewater;</li> <li>(iv) Where roads are to be vested in Council, they are to follow a <b>grid layout</b>;</li> <li>(v) Where more than 5 proposed lots are being created, rear <b>lots</b> must not exceed 15% of the total number of titles being created.</li> </ul> </li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout;</li> <li>(ii) Shape of <b>lots</b> and variation in lot sizes;</li> <li>(iii) Ability of <b>lots</b> to accommodate a practical <b>building platform</b>, including geotechnical stability for <b>building</b>;</li> <li>(iv) Likely location of future <b>buildings</b> and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> <li>(vii) Consistency with the matters contained within <b>Appendix 3.1</b> (Residential Subdivision Design Guidelines);</li> <li>(viii) Vehicle and pedestrian networks;</li> <li>(ix) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and <b>neighbourhood centres</b>; and</li> <li>(x) Provision of <b>infrastructure</b>.</li> </ul> </li> </ul>
DI	<b>Subdivision</b> within the Te Kauwhata West Residential Area that does not comply with <b>Rule 16.4.3 RDI</b> .



### 16.4.4 Subdivision - Multi-unit development

RD1	<p>(a) <b>Multi-Unit development</b> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) An application for land use consent under <b>Rule 16.1.3</b> (Multi-Unit Development) must accompany the <b>subdivision</b> or have been granted land use consent by Council;</li> <li>(ii) The <b>Multi-Unit development</b> is able to be connected to public wastewater and water reticulation;</li> <li>(iii) The minimum existing <b>lot</b> size where a new freehold (fee simple) <b>lot</b> is being created must be 300m<sup>2</sup> <b>net site area</b>.</li> <li>(iv) Where a <b>residential unit</b> is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum <b>residential unit</b> size:</li> </ul> <table border="1" style="margin-left: 40px; border-style: dashed;"> <thead> <tr> <th>Unit of Multi-Unit</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>60m<sup>2</sup></td> </tr> <tr> <td>2 bedroom unit</td> <td>80m<sup>2</sup></td> </tr> <tr> <td>3 or more bedroom unit</td> <td>100m<sup>2</sup></td> </tr> </tbody> </table> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout including common boundary and party walls for the <b>Multi-unit development</b>;</li> <li>(ii) Provision of common areas for shared spaces, access and services;</li> <li>(iii) Provision of <b>infrastructure</b> to individual <b>residential units</b>;</li> <li>(iv) Avoidance or mitigation of natural hazards;</li> <li>(v) Geotechnical suitability of <b>site</b> for <b>buildings</b>;</li> <li>(vi) Amenity values and streetscape;</li> <li>(vii) Consistency with the matters contained, and outcomes sought, in <b>Appendix 3.4</b> (Multi-Unit Development Guideline)</li> <li>(viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and <b>neighbourhood centres</b>;</li> <li>(ix) Vehicle, pedestrian and cycle networks;</li> <li>(x) Safety, function and efficiency of road network and any internal roads or accessways.</li> </ul>	Unit of Multi-Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	60m <sup>2</sup>	2 bedroom unit	80m <sup>2</sup>	3 or more bedroom unit	100m <sup>2</sup>
Unit of Multi-Unit	Minimum Unit Area								
Studio unit or 1 bedroom unit	60m <sup>2</sup>								
2 bedroom unit	80m <sup>2</sup>								
3 or more bedroom unit	100m <sup>2</sup>								
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.4 RD1</b> .								

### 16.4.5 Subdivision – Boundary adjustments

C1	<p>(a) <b>Boundary</b> adjustments must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The conditions specified in: <ul style="list-style-type: none"> <li>A. <b>Rule 16.4.1</b> Subdivision - General;</li> <li>B. <b>Rule 16.4.2</b> Subdivision in the Te Kauwhata Ecological Residential Area;</li> <li>C. <b>Rule 16.4.3</b> Subdivision in the Te Kauwhata West Residential Area; or</li> <li>D. <b>Rule 16.4.4</b> Subdivision- Multi-unit development;</li> </ul> </li> <li>(b) Proposed <b>lots</b> must not generate any additional building infringements to those which legally existed prior to the <b>boundary</b> relocation.</li> <li>(c) Council's control is reserved over the following matters: <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout;</li> <li>(ii) Shape of titles and variation in <b>lot</b> sizes.</li> </ul> </li> </ul>
D1	<b>Boundary</b> adjustments that does not comply with <b>Rule 16.4.5 C1</b> .

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

C1	<p>(a) Conversion of a cross lease flats plan to a fee simple title.</p> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on existing buildings;</li> <li>(ii) Site layout and design; and</li> <li>(iii) Compliance with permitted building rules.</li> </ul>
C2	<p>(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.</p> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Purpose of the boundary adjustment;</li> <li>(ii) Effects on existing buildings;</li> <li>(iii) Site layout and design of cross lease or flats plan; and</li> <li>(iv) Compliance with permitted building rules.</li> </ul>
D1	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.

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

RD1	<p>(a) Subdivision of land containing contaminated land, notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The boundaries of every proposed lot containing existing buildings must demonstrate compliance 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"> <li>A. daylight admission (Rule 16.3.5);</li> <li>B. building coverage (Rule 16.3.6);</li> <li>C. building setbacks (Rule 16.3.9).</li> </ul> </li> <li>(ii) The boundaries of every proposed lot must not divide the following: <ul style="list-style-type: none"> <li>A. a natural hazard area;</li> <li>B. contaminated land;</li> <li>C. Significant Amenity Landscape; or</li> <li>D. notable tree.</li> </ul> </li> <li>(iii) The boundaries of every proposed lot must provide the following setbacks: <ul style="list-style-type: none"> <li>A. 300m from any intensive farming activity;</li> <li>B. 500m from the boundary of an Aggregate Extraction Area for rock extraction; and</li> <li>C. 200m from the boundary of an Aggregate Extraction Area for sand excavation.</li> </ul> </li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Landscape values;</li> <li>(ii) Amenity values and character;</li> <li>(iii) Reverse sensitivity effects;</li> <li>(iv) Effects on existing buildings;</li> <li>(v) Effects on natural hazard areas;</li> <li>(vi) Effects on contaminated land;</li> <li>(vii) Effects on any notable trees; and</li> <li>(viii) Effects on an intensive farming activity.</li> </ul>
NCI	Subdivision that does not comply with Rule 16.4.7 RD1.

#### 16.4.8 Title boundaries – Significant Natural Areas

RD1	<p>(a) Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot.</p> <p>(b) Council's discretion shall be restricted to the following matter:</p> <p>(i) Effects on Significant Natural Area.</p>
NCI	Subdivision that does not comply with Rule 16.4.8 RD1.

#### 16.4.9 Title boundaries – Maori sites and Maori areas of Significance

RD1	<p>(a) Subdivision of sites containing Maori Sites of Significance and Maori Areas of Significance that includes all of the site or area within a proposed lot.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on sites of significance to Maori;</p> <p>(ii) Effects on areas of significance to Maori.</p>
NCI	Subdivision that does not comply with Rule 16.4.9 RD1.

#### 16.4.10 Subdivision of land containing heritage items

RD1	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on heritage values;</p> <p>(ii) Context and setting of the heritage item; and</p> <p>(iii) The extent to which the relationship of the heritage item with its setting is maintained.</p>
NCI	Subdivision that does not comply with Rule 16.4.10 RD1.

#### 16.4.11 Subdivision - Road frontage

RD1	<p>(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.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Safety and efficiency of vehicle access and road network; and</p> <p>(ii) Amenity values and rural character.</p>
DI	Subdivision that does not comply with Rule 16.4.11 RD1.

#### 16.4.12 Subdivision - Building platform

RD1	<p>(a) Every proposed lot, other than one designed specifically for access, utility allotment must be 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> <p>(i) a circle with a diameter of at least 18m exclusive of yards; or</p> <p>(ii) a rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of allotments;</p> <p>(iii) Ability of allotments to accommodate a practical building platform;</p> <p>(iv) Likely location of future buildings and their potential effects on the environment;</p> <p>(v) Avoidance or mitigation of natural hazards;</p>
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	(vi) Geotechnical suitability for <b>building</b> ; and (vii) Ponding areas and primary <b>overland flow paths</b> .
DI	<b>Subdivision</b> that does not comply with <b>Rule 16.4.12 RDI</b> .

#### 16.4.13 Subdivision creating reserves

RDI	(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 <b>subdivision</b> , must be bordered by roads along at least 50% of its boundaries. (b) Council's discretion shall be restricted to the following matters: (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; (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 <b>boundary</b> fencing.
DI	<b>Subdivision</b> that does not comply with <b>Rule 16.4.13 RDI</b> .

#### 16.4.14 Subdivision of esplanade reserves and esplanade strips

RDI	(a) <b>Subdivision</b> of an esplanade reserve or strip at least 20m wide (or other width stated in <b>Appendix 4</b> (Esplanade Priority Areas) that is required to be created shall vest in Council where the following situations apply: (i) The proposed <b>lot</b> is less than 4ha and within 20m of: A. <b>mean high water springs</b> ; B. the <b>bank</b> of any river whose bed has an average width of 3m or more; or C. a lake whose <b>bed</b> has an area of 8ha or more; or (ii) The proposed <b>lot</b> is more than 4ha or more than 20m of <b>mean high water springs</b> or a water body identified in <b>Appendix 4</b> (Esplanade Priority Areas). (b) Council's discretion shall be restricted to the following matters: (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip; (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	<b>Subdivision</b> that does not comply with <b>Rule 16.4.14 RDI</b> .

#### 16.4.15 Subdivision of land containing mapped off-road walkways

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

#### 16.4.16 Subdivision of land containing an Environmental Protection Area

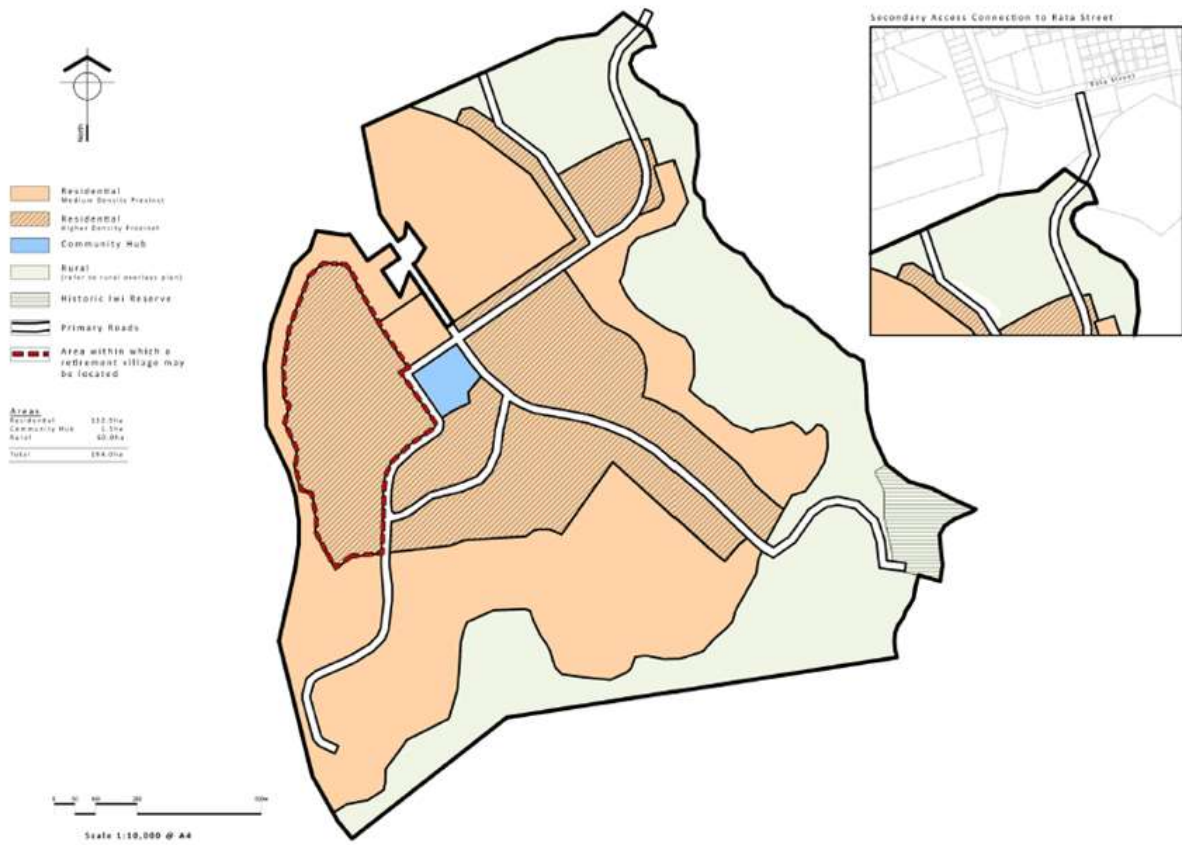
CI	<ul style="list-style-type: none"> <li>(a) <b>Subdivision</b> of land containing an Environmental Protection Area must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) Include a planting and management plan for the area, prepared by a suitably-qualified person, containing exclusively native species suitable to the area and conditions;</li> <li>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</li> </ul> </li> <li>(b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> <li>(i) Measures proposed in the planting and management plan; and</li> <li>(ii) Vesting of reserve land in Council if appropriate.</li> </ul> </li> </ul>
RD1	<p><b>Subdivision</b> that does not comply with a condition of <b>Rule 16.4.16 C1</b>.</p> <ul style="list-style-type: none"> <li>(a) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Matters that control is reserved over in <b>Rule 16.4.16 C1(b)</b>;</li> <li>(ii) Effects on amenity values; and</li> <li>(iii) Effects on ecological values.</li> </ul> </li> </ul>

## 16.5 Lakeside Te Kauwhata Precinct

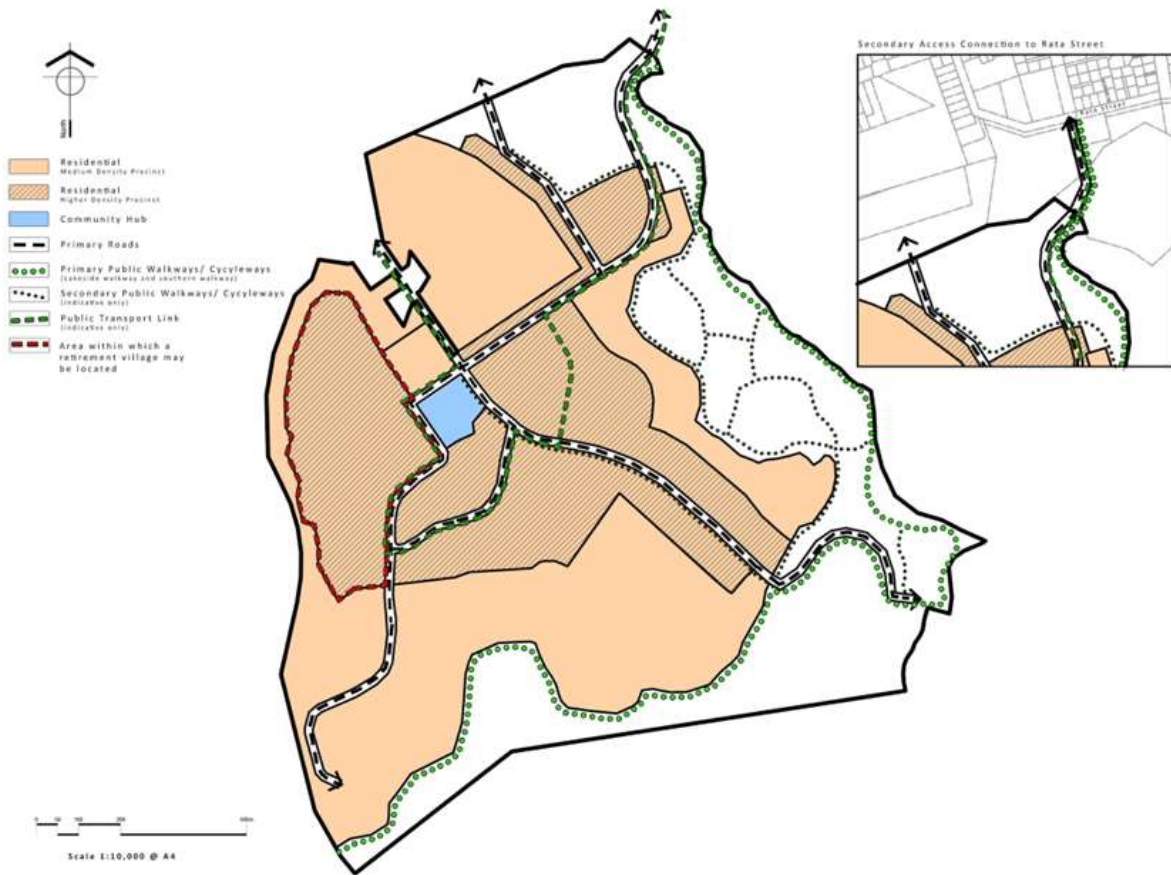
### 16.5.1 Application of rules

- (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:

- (iii) 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);
- (iv) Activity-specific conditions.

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

		(j) The following Infrastructure and Energy Rule does not apply: (i) <b>Rule 14.12.1 P4</b> (Traffic generation).
P4	<b>Home occupation</b>	(a) It is wholly contained within a <b>building</b> ; (i) The storage of materials or machinery associated with the <b>home occupation</b> are wholly contained within a <b>building</b> ; (ii) No more than 2 people who are not permanent residents of the <b>site</b> 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	<b>Temporary event</b>	(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 <b>site</b> is returned to its previous condition no more than 3 days after the end of the <b>temporary event</b> ; (iv) There is no direct <b>site</b> access from a national route or regional arterial road.
P6	<b>Home stay</b>	(a) No more than 4 temporary residents; (b) It is wholly contained within a <b>building</b> ; (c) The storage of materials or machinery associated with the <b>home occupation</b> are wholly contained within a <b>building</b> ; (d) No more than two people who are not permanent residents of the <b>site</b> are employed at any one time.
P7	<b>Community activity</b>	(a) Complies with <b>Rule 16.5.2 P1 (a)(i) and (ii)</b> Secondary Access Control; (b) The gross floor area does not exceed 2,000m <sup>2</sup> within the whole of the Te Kauwhata Lakeside Precinct Plan Area.
P8	Neighbourhood Park	Nil
P9	Grazing and pastoral farming	(a) The <b>site</b> must be more than 5ha.
P10	<b>Neighbourhood centre</b>	(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 restricted to the following matters:
RDI	<p>(a) A <b>comprehensive land development consent (CLDC)</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) is in accordance with the Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1.(3)(a)</b>; the roading network, walkways and cycleways shown on Precinct Plan <b>Rule 16.5.1 (3)(b)</b>; and the open space shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> as set out in the precinct parameters below; and</li> <li>(ii) A <b>CLDC</b> is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> <li>A. Primary roads are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1 (3)(b)</b>;</li> <li>B. The bus route is either on the alignment shown on Precinct Plan <b>Rule 16.5.1 (3)(b)</b> or a continuous alignment that achieves the same circulation;</li> <li>C. The external <b>boundary</b> of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan <b>Rule 16.5.1.(3)(a)</b>;</li> <li>D. Indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan <b>16.5.1.(3)(b)</b> provided connections are retained between the Lakeside Walkway and the residential development;</li> <li>E. Lakeside Walkway is within 10m of the location shown on Precinct Plan <b>Rule 16.5.1.(3)(c)</b>;</li> <li>F. <b>Retirement village</b> boundaries are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1.(3)(a)</b>;</li> <li>G. Indicative areas of open space are within 200m of the location shown on Precinct Plan <b>Rule 16.5.1.(3)(c)</b>;</li> </ul> </li> </ul> <p>(b) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan <b>Rule 16.5.1(3)(b)</b>) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <ul style="list-style-type: none"> <li>(i) each independent living unit in a <b>retirement village</b> shall count as one <b>allotment</b>;</li> <li>(ii) for the purpose of this rule, exceedance of 400 residential <b>allotments</b> 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 <b>building</b> consent for that unit.</li> </ul> <p>(c) The following <b>infrastructure</b> requirements are met:</p> <ul style="list-style-type: none"> <li>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed <b>subdivision</b></li> </ul>	<p>(a) Discretion is reserved over:</p> <ul style="list-style-type: none"> <li>(i) consistency with the Te Kauwhata Lakeside Precinct Plans in <b>Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c)</b>,</li> <li>(ii) matters identified in the assessment criteria in X,</li> <li>(iii) managing the effects of wastewater and stormwater,</li> <li>(iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard,</li> <li>(v) protection, restoration or enhancement of ecological features,</li> <li>(vi) provision and location of existing and future utilities and connections,</li> <li>(vii) location of roads and their connections,</li> <li>(viii) provision for public access to Lake Waikare,</li> <li>(ix) provision of open space, including linkages between residential areas, open space and Lake Waikare,</li> <li>(x) effects of natural hazards (including flooding),</li> </ul>

	<p>including all necessary treatment required to meet 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>	<p>geotechnical and land contamination,</p> <p>(xi) provision of the historic lwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c).</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 RD1 and meets all of the following conditions and conditions 16.5.3 RD1 (b) and (c) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> <li>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(b);</li> <li>(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;</li> <li>(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);</li> <li>(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;</li> <li>(v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 6.5.1(3)(c);</li> <li>(vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c).</li> </ul> <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 RD1 (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 DI (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 <b>building</b> must comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(i) a non-habitable <b>accessory building</b> or attached non-habitable garage and is set back at least 5m from any <b>boundary</b> which adjoins the NIMT, or</li> <li>(ii) a <b>building</b> other than that specified in (a) above and is set back at least 10m from any <b>boundary</b> which adjoins the NIMT and.</li> <li>(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.</li> </ul> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 60%;"><b>Receiving Environment</b></td> <td style="text-align: right;"><b>LAeq, 1 hour</b></td> </tr> <tr> <td>Residential – bedrooms</td> <td style="text-align: right;">35 dB</td> </tr> <tr> <td>Residential – other habitable spaces</td> <td style="text-align: right;">40 dB</td> </tr> <tr> <td>Teaching spaces</td> <td style="text-align: right;">40 dB</td> </tr> <tr> <td>All other sensitive activity building spaces</td> <td style="text-align: right;">To comply</td> </tr> <tr> <td><u>e.g.</u></td> <td style="text-align: right;">with satisfactory</td> </tr> <tr> <td style="padding-left: 20px;">- Hospital and Dementia</td> <td style="text-align: right;">sound levels Care Spaces AS/NZS</td> </tr> <tr> <td style="padding-left: 20px;">- Commercial Spaces</td> <td style="text-align: right;">2107:2000 (nearest specified equivalent)</td> </tr> </table> <ul style="list-style-type: none"> <li>(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)</li> <li>(v) This rule only applies to habitable rooms, teaching spaces and sensitive activity <b>building</b> spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance.</li> <li>(vi) Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided.</li> <li>(vii) The ventilation system installed shall comply with the following:             <ul style="list-style-type: none"> <li>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</li> <li>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;</li> <li>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;</li> <li>D. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation;</li> <li>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.</li> </ul> </li> <li>(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</li> <li>(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</li> </ul>	<b>Receiving Environment</b>	<b>LAeq, 1 hour</b>	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)
<b>Receiving Environment</b>	<b>LAeq, 1 hour</b>																
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>edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</p> <p><b>Receiving Environment</b>      <b>Maximum weighted velocity, V<sup>w</sup>95</b></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 <b>British Standard BS 7385-2:1993</b>.</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 <b>building</b> that does not comply with <b>Rule 16.5.7.1PI</b>.</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) <b>Noise sensitive activities</b> within 100m of a rail track:</p> <p style="padding-left: 40px;">A. The degree of noise attenuation achieved at the <b>noise sensitive activity</b>;</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 <b>building</b> on the site;</p> <p style="padding-left: 40px;">B. Special topographical, <b>building</b> 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) <b>Earthworks</b> (excluding the importation of fill, within a flood risk area, or a <b>CLDC</b>), including <b>earthworks</b> 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 200m<sup>3</sup> within an individual <b>site</b> in a single calendar year except where the maximum area at any one time shall not exceed 400m<sup>2</sup>, and</p> <p>(ii) in relation to the <b>height</b> of any cut or batter face do not exceed 2m, or</p> <p>(iii) are necessary for <b>building</b> 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 <b>building</b> works, or</p> <p style="padding-left: 40px;">B. the <b>earthworks</b> 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 <b>earthworks</b> 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><b>Note:</b> 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) <b>Earthworks</b> involving imported <b>fill material</b> (other than <b>earthworks</b> approved as part of a <b>CLDC</b>) meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) all material for filling is <b>clean fill</b>, and</li> <li>(ii) filling that is not part of <b>building</b> work, or construction of roads, or installation of <b>infrastructure</b>: <ul style="list-style-type: none"> <li>A. does not exceed a volume of 20m<sup>3</sup> and a depth of 1m, and</li> <li>B. does not include a <b>building platform</b>, and</li> <li>C. does not include placing fill into an area of significant <b>indigenous vegetation</b> or habitat, or</li> </ul> </li> <li>(iii) is for minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>, and</li> <li>(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.</li> </ul> <p><b>Note:</b> 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) <b>Earthworks</b> in a Flood Risk Area (other than <b>earthworks</b> approved as part of a <b>CLDC</b>) shall meet the following conditions:</p> <ul style="list-style-type: none"> <li>(i) filling is no more than is necessary to: <ul style="list-style-type: none"> <li>A. provide a foundation for <b>building</b> approved by a building consent, and access to that <b>building</b>, or</li> <li>B. enable minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>.</li> </ul> </li> </ul> <p><b>Note 1:</b> 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><b>Note 2:</b> Regional <b>earthworks</b> consents may also be needed for works in a high risk erosion area.</p>
CI	<p>(a) <b>Earthworks</b> that do not comply with Rule <b>16.5.7.2 PI</b> are a controlled activity provided it meets the following conditions:</p> <ul style="list-style-type: none"> <li>(i) do not exceed 5000m<sup>2</sup> in total area at any one time except a <b>retirement village</b> where the maximum area at any one time shall not exceed 1ha;</li> <li>(ii) does not involve <b>contaminated land</b> unless that land has been remediated;</li> <li>(iii) have erosion and sediment controls in place which will retain sediment on the <b>site</b>;</li> <li>(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 <b>earthworks</b> being commenced;</li> <li>(v) any surplus material is disposed of within the Te Kauwhata Lakeside Precinct Plan Area in <b>16.5.1(3)(a)</b>, and</li> <li>(vi) does not adversely affect other land through changes to natural water flows or established drainage paths.</li> </ul>
RDI	<p>(a) <b>Earthworks</b> that do not comply with <b>16.5.7.2 CI</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) visual effects;</li> <li>(iii) mitigation measures including sediment control;</li> <li>(iv) effects on land utilization;</li> </ul>

	<ul style="list-style-type: none"> <li>(v) effects on erosion;</li> <li>(vi) effects on cultural values;</li> <li>(vii) effects on heritage values;</li> <li>(viii) effects on the Lake Waikare flood plain.</li> </ul>
RD2	<ul style="list-style-type: none"> <li>(a) <b>Earthworks</b> that do not comply with Rule 16.5.7.2 P2.</li> <li>(b) Council discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) visual effects;</li> <li>(iii) effects on <b>indigenous vegetation</b> and habitat;</li> <li>(iv) mitigation measures including replacement planting where vegetation removal is involved;</li> <li>(v) effects on cultural values;</li> <li>(vi) effects on heritage values.</li> </ul> </li> </ul>
DI	<b>Earthworks</b> 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 <b>dwelling</b> within a <b>site</b> .
RD1	<ul style="list-style-type: none"> <li>(a) Construction of more than one <b>dwelling</b> on land contained in a certificate of title must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) semi-detached or terrace houses meet the following density requirements: <ul style="list-style-type: none"> <li>A. Medium Density Precinct one <b>dwelling</b> per 300m<sup>2</sup>;</li> <li>B. Higher Density Precinct one <b>dwelling</b> per 225 m<sup>2</sup>; or</li> <li>C. Part of a <b>retirement village</b>.</li> </ul> </li> </ul> </li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Design and location of <b>buildings</b>;</li> <li>(ii) Amenity values of the locality;</li> <li>(iii) Privacy on other <b>sites</b>;</li> <li>(iv) Matters referred to in Appendix B (Engineering Standards);</li> <li>(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).</li> </ul> </li> </ul>
DI	Construction of more than one <b>dwelling</b> 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 <b>height</b> of any <b>building</b> must not exceed 8.0m.
RD1	<ul style="list-style-type: none"> <li>(a) Any <b>building</b> that does not comply with Rule 16.5.8.2 P1.</li> <li>(b) The Council's discretion shall be restricted to the following: <ul style="list-style-type: none"> <li>(i) design and location of <b>building</b>;</li> <li>(ii) building dominance effects;</li> <li>(iii) admission of daylight and sunlight to the <b>site</b> and other sites;</li> <li>(iv) privacy on other <b>sites</b>;</li> <li>(v) amenity values of the locality.</li> </ul> </li> </ul>

### 16.5.8.3 Building coverage

PI	The total <b>building coverage</b> on a <b>site</b> must not exceed 40% in the Medium Density precinct identified on the Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b> .
P2	The total <b>building coverage</b> on a <b>site</b> must not exceed 65% in the higher density precinct identified on the Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b> .
RD1	(a) Total <b>building coverage</b> on a <b>site</b> that does not exceed the maximum <b>building coverage</b> control by more than an additional 10%. (b) Council's discretion shall be restricted to the following matters: (i) design and location of <b>building</b> ; (ii) effect of the scale of the <b>building</b> on <b>adjoining sites</b> and the streetscape.
DI	Total <b>building coverage</b> that does not comply with Rule <b>16.5.8.3 PI, P2 or RD1</b> .

### 16.5.8.4 Daylight admission

PI	Any <b>building</b> within the Medium Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan <b>16.5.1(3)(a)</b> shall not protrude through a <b>height control plane</b> rising at an angle of 45° commencing at an elevation of 2.5m above ground level at every point of the <b>site</b> boundary, except that this standard does not apply to party walls located along <b>site</b> boundaries.
P2	Any <b>building</b> within the High Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan <b>16.5.1(3)(a)</b> shall not protrude through a <b>height control plane</b> rising at an angle of 45° commencing at an elevation of 3.5m above ground level at every point of the <b>site boundary</b> within 20m of a street frontage, and 2.5m above ground level at every point on the <b>site boundary</b> greater than 20m from the street frontage; except that this standard does not apply to party walls located along <b>site</b> boundaries.
RD1	(a) Any <b>building</b> which does not comply with Rule <b>16.5.8.4 PI or P2</b> . (b) Council's discretion shall be restricted to: (i) height of <b>building</b> ; (ii) design and location of <b>building</b> ; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other <b>sites</b> ; (v) amenity values of the locality.

### 16.5.8.5 Non-residential building

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

### 16.5.8.6 Living court

PI	(a) A <b>living court</b> must be provided for each <b>dwelling</b> in the Medium Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b> which meets all of the following conditions: (i) the <b>living court</b> is readily accessible from a living area of the <b>dwelling</b> ; and either (ii) on the ground floor the <b>living court</b> has a minimum area of 60m <sup>2</sup> capable of containing a circle of 6m diameter, and has a minimum width of 2.5m; or (iii) if the <b>dwelling</b> does not have a habitable room on the ground floor, a balcony is provided that meets the following: A. has an area of 10m <sup>2</sup> with a diameter of at least 2.0m for 1 bedroom <b>dwelling</b> s; or B. has an area of 15m <sup>2</sup> with a minimum diameter 2.4m for 2 or more bedroom <b>dwelling</b> s.
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P2	<p>(a) A <b>living court</b> must be provided for each <b>dwelling</b> in the High Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b> which meets either Rule (a)(v) or condition (a) (ii):</p> <ul style="list-style-type: none"> <li>(i) it complies with the <b>living court</b> rules for the medium density precinct, except that the ground floor <b>living court</b> must have a minimum area of 50m<sup>2</sup>; or</li> <li>(ii) Communal open space is provided and:</li> </ul> <p>(b) the communal open space is accessible from all dwellings subject to this provision, and</p> <ul style="list-style-type: none"> <li>(i) each <b>dwelling</b> has a legal right to use and enjoy the communal open space, and</li> <li>(ii) an on-site private open space is provided where either: <ul style="list-style-type: none"> <li>A. on the ground floor the <b>living court</b> has a minimum area of 30m<sup>2</sup> capable of containing a circle of 4m diameter, and has a minimum width of 2.5m; or</li> <li>B. if the <b>dwelling</b> does not have a habitable room on the ground floor, a balcony is provided containing at least 10m<sup>2</sup> and a circle with a diameter of at least 2.0m.</li> </ul> </li> </ul>
RD1	<p>(a) Construction or alteration of a <b>dwelling</b> which does not comply with <b>Rule 16.5.8.6 PI</b> or <b>P2</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Outdoor amenity;</li> <li>(ii) Functionality of balcony space;</li> <li>(iii) Integration of balconies within building design;</li> <li>(iv) Privacy and overlooking.</li> </ul>

### 16.5.8.7 Building setbacks – All boundaries

PI	<p>(a) A <b>building</b> must be set back a minimum of:</p> <ul style="list-style-type: none"> <li>(i) 3m from the road <b>boundary</b>;</li> <li>(ii) 1m from the side <b>boundary</b> excluding duplexes or terrace houses;</li> <li>(iii) 1.5m from the rear <b>boundary</b>.</li> </ul>
RD1	<p>(a) A <b>building</b> that does not comply with <b>Rule 16.5.8.7 PI</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) amenity of neighbouring properties including shadowing, building dominance and privacy;</li> <li>(ii) streetscape quality;</li> <li>(iii) road network safety and efficiency.</li> </ul>

### 16.5.8.8 Fences

PI	<p>(a) Fences and walls between the applicable <b>building</b> setbacks under <b>Rule 16.5.8.7</b> on a site and any road and road reserve boundaries must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) be no higher than 1.2m if solid;</li> <li>(ii) be no higher than 2m if: <ul style="list-style-type: none"> <li>A. visually permeable for the full 1.8m height of the fence; or</li> <li>B. solid up to 1.2m and visually permeable between 1.2m and 1.8m.</li> </ul> </li> </ul>
RD1	<p>a) A fence or wall which does not comply with <b>16.5.8.8 PI</b>.</p> <p>b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>building</b> materials and design</li> <li>(ii) <b>height</b></li> <li>(iii) effects on amenity</li> <li>(iv) visibility of public space.</li> </ul>

### 16.5.8.9 Overlooking of public spaces

PI	<p>(a) Any <b>dwelling</b> or independent living unit within a <b>retirement village</b> located on a site which fronts a street or public open space must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) at least one habitable room with glazing overlooks the street or public open space, and</li> </ul>
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	(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.
RD I	<p>(a) Any dwelling or independent living unit within a retirement village which does not comply with 16.5.8.9 PI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) visibility of public open space;</p> <p>(ii) public safety.</p>

## 16.5.9 Subdivision

### 16.5.9.1 Subdivision Lakeside - general

CI	<p>(a) Subdivision must comply with all of the following conditions:</p> <p>(i) Subdivision is for an existing or approved housing development.</p> <p>(ii) every allotment, other than a utility allotment or access allotment, has a net site area of at least:</p> <p>A. Medium Density Precinct – a minimum site size of 300m<sup>2</sup> with an average site size of 450m<sup>2</sup>, subject to (B) below;</p> <p>B. Higher Density Precinct – a minimum site size of 225m<sup>2</sup>, with a minimum average site size of 250m<sup>2</sup>. 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</p> <p>C. 2500m<sup>2</sup> 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.</p> <p>(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 450m<sup>2</sup> net site area.</p> <p>(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:</p> <p>A. 12m in the Medium Density Precinct shown on Plan Rule 16.5.1(3)(a) or</p> <p>B. 9m in the Higher Density Precinct shown on Plan Rule 16.5.1(3)(a) or</p> <p>(v) every allotment, other than a utility or access allotment, is capable of containing a building platform:</p> <p>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</p> <p>B. In the case of vacant sites with no associated building proposal:</p> <p>C. A rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards, and</p> <p>D. No part of the rectangle is located in an area identified as a stream or flood plain.</p> <p>(vi) every allotment other than a utility, access or open space allotment meets the infrastructure requirements as below:</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. 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</p> <p>C. Every allotment other than a utility allotment, access allotment or open</p>
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	<p>space <b>allotment</b> must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with <b>Chapter 14</b>.</p> <p>(vii) any <b>allotment</b> that creates a walkway or cycle way or any walkway or cycle way forming part of a <b>subdivision</b> is:</p> <ul style="list-style-type: none"> <li>A. at least 3 metres wide;</li> <li>B. designed for shared pedestrian and cycle use;</li> <li>C. for connections between roads, has unimpeded visibility along the entire length;</li> <li>D. generally in accordance with the walkway route shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> (recognising that the detailed alignment is indicative only).</li> </ul> <p>(b) Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>subdivision</b> layout;</li> <li>(ii) shape and orientation of <b>allotments</b>;</li> <li>(iii) ability of <b>allotments</b> to accommodate a practical <b>building platform</b>;</li> <li>(iv) variation in <b>allotment</b> size;</li> <li>(v) likely location of future buildings and their potential effects on the environment;</li> <li>(vi) avoidance or mitigation of natural hazards geotechnical suitability for <b>building</b>;</li> <li>(vii) road efficiency and safety;</li> <li>(viii) vehicle and pedestrian networks;</li> <li>(ix) connection to open spaces;</li> <li>(x) amenity and streetscape;</li> <li>(xi) drainage;</li> <li>(xii) land stability;</li> <li>(xiii) amenity matters including batter slopes;</li> <li>(xiv) health and safety;</li> <li>(xv) easements to facilitate development beyond the <b>site</b>.</li> </ul>
<p>RD1</p>	<p>(a) <b>Subdivision</b> that does not comply with conditions in <b>Rule 16.5.9.1 C1</b>.</p> <p>(b) The Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>subdivision</b> layout;</li> <li>(ii) shape and orientation of <b>allotments</b>;</li> <li>(iii) ability of <b>allotments</b> to accommodate a practical <b>building platform</b>;</li> <li>(iv) variation in <b>allotment</b> size;</li> <li>(v) likely location of future <b>buildings</b> and their potential effects on the environment;</li> <li>(vi) avoidance or mitigation of natural hazards geotechnical suitability for <b>building</b>;</li> <li>(vii) road efficiency and safety;</li> <li>(viii) vehicle and pedestrian networks;</li> <li>(ix) connection to open spaces;</li> <li>(x) amenity and streetscape;</li> <li>(xi) drainage;</li> <li>(xii) land stability;</li> <li>(xiii) amenity matters including batter slopes;</li> <li>(xiv) health and safety;</li> <li>(xv) easements to facilitate development beyond the site.</li> </ul>

**16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)**

<p>RD1</p>	<p>(a) A <b>Comprehensive Subdivision Consent (CS)</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) is in accordance with Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b>; the roading network, walkways and cycleways shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>; and the open space shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> as set out in the precinct parameters below; and</li> </ul>
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	<p>(ii) A CS is in accordance with the Lakeside Precinct Plans identified above if:</p> <ol style="list-style-type: none"> <li>A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b);</li> <li>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;</li> <li>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);</li> </ol> <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> <ol style="list-style-type: none"> <li>A. each independent living unit in a retirement village shall count as one allotment;</li> <li>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.</li> </ol> <p>(viii) The following infrastructure requirements are met:</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>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</li> <li>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;</li> <li>E. and prior to the issue of any 224C approval, the infrastructure requirements detailed in (viii) A-D above shall be implemented and operational.</li> </ol> <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> <ol style="list-style-type: none"> <li>A. Medium Density– a minimum site size of 300m<sup>2</sup> with a minimum average site size of 450m<sup>2</sup>, subject to E below.</li> <li>B. Higher Density – a minimum site size of 225m<sup>2</sup> with a minimum average site size of 250m<sup>2</sup>. 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).</li> <li>C. Retirement village – Medium Density precinct – a minimum exclusive area for an</li> </ol>
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	<p>independent dwelling of 120m<sup>2</sup>.</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 450m<sup>2</sup> 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 2000m<sup>2</sup>. Any allotment greater than 2000m<sup>2</sup> or any allotment primarily intended for roading or public 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"> <li>(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),</li> <li>(ii) matters identified in the assessment criteria in X;</li> <li>(iii) managing the effects of wastewater and stormwater;</li> <li>(iv) extent of any non-compliance with site density control;</li> <li>(v) roading network (including the Te Kauwhata Road level crossing safety);</li> <li>(vi) compliance with a Council approved roading standard;</li> <li>(vii) protection, restoration or enhancement of ecological features;</li> <li>(viii) provision and location of existing and future utilities and connections;</li> <li>(ix) location of roads and their connections;</li> <li>(x) provision for public access to Lake Waikare;</li> <li>(xi) provision of open space, including linkages between residential areas, open space and Lake Waikare;</li> <li>(xii) effects of natural hazards (including flooding), geotechnical and land contamination;</li> <li>(xiii) provision of the historic Iwi overlay area shown on Precinct Plan Rule 3/7 16.5.1(3)(c).</li> </ul> <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><b>Note 1</b></p> <p>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>
<p>DI</p>	<p>(a) A CS that does not comply with Rule 16.5.9.2 RD1 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"> <li>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1(3)(b);</li> <li>(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;</li> <li>(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);</li> <li>(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;</li> <li>(v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</li> <li>(vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(vii) Indicative areas of open space are within 200-400m of the location shown on Precinct</li> </ul>



	Plan 16.5.1(3)(c). (b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.
NC1	A CS that does not meet the requirements of Rule 16.5.9.2 RD1 (vii) and (viii) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.
NC2	A CS that does not meet any of the parameters for a discretionary activity outlined in Rule 16.5.9.2 D1 (i) to (vii) is a non-complying activity.

### 16.5.9.3 Subdivision – Sites less than 5ha

RD1	<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"> <li>(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);</li> <li>(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</li> <li>(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.</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(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);</li> <li>(ii) matters identified in the assessment criteria in X;</li> <li>(iii) managing the effects of wastewater and stormwater;</li> <li>(iv) extent of any non-compliance with site density control;</li> <li>(v) roading network and compliance with a Council approved roading standard;</li> <li>(vi) provision and location of existing and future utilities and connections;</li> <li>(vii) location of roads and their connections;</li> <li>(viii) effects of natural hazards (including flooding), geotechnical and land contamination.</li> </ul>
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## **16.6 Specific Area – Ohinewai Structure Plan Area Residential Zone Rules**

### **16.6.1 Land Use – Activities**

The Permitted Activity rules in 16.1.2, except for P2, P3, and P8 apply in the Ohinewai Structure Plan area. All of the rules in 16.2, 16.3 and 16.4 apply in addition to the rules in 16.6, except where they are inconsistent with a rule in 16.6, in which case only the rule in 16.6 applies.

### **16.6.2 Restricted Discretionary Activities**

(1) In addition to the Restricted Discretionary Activities in 16.1.3 the following 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.

<u>RD1</u>	<p><u>A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>a) Effects on amenity values</u></p> <p><u>b) The extent of consistency with the Urban Design Guidelines, Multi-Unit Development, 2018 (Appendix 3.3)</u></p> <p><u>c) The outcomes of any Integrated Transport Assessment undertaken under Rule 16.6.3RD7.</u></p>
<u>RD1</u>	<p><u>A new retirement village or alterations to existing retirement villages.</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>a) Effects on amenity values:</u></p> <p><u>b) The extent of consistency with the Urban Design Guidelines, Multi-Unit Development, 2018 (Appendix 3.3).</u></p> <p><u>c) The extent of consistency with the Ohinewai Structure Plan.</u></p> <p><u>d) The outcomes of any Integrated Transport Assessment undertaken under Rule 16.6.3RD7.</u></p>
<u>RD3</u>	<p><u>A Neighbourhood park.</u></p> <p><u>Council's discretion shall be restricted to:</u></p> <p><u>a) The extent of consistency with the Ohinewai Structure Plan</u></p> <p><u>b) The extent of consistency with the Urban Design Guidelines, Multi-Unit Development, 2018 (Appendix 3.3), Section 8 Communal Open Spaces and Landscape Treatment.</u></p>

### 16.6.3 Land Use - Effects

<u>RD1</u>	<u>The average density for residential development must be at least 25 units per ha of net developable land (ie. excluding roads and reserves).</u>
<u>RD2</u>	<u>All residential units must be designed and constructed in accordance with the recommendations of a site-specific geotechnical assessment and include any necessary ground improvement works and specific foundation design.</u>
<u>RD3</u>	<u>All residential units must include provision for on-lot Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the residential lot.</u>
<u>RD4</u>	<u>There must be no direct vehicle access from any property onto Tahuna Rd.</u>
<u>RD5</u>	<p><u>Earthworks which do not comply with rule 16.2.4.1 P1, P2 or P3 and are designed in accordance with the Ohinewai Structure Plan and include an Ecological Rehabilitation and Management Plan (ERMP) that includes the following:</u></p> <ul style="list-style-type: none"> <li><u>a) If any watercourse is present on the site, an indigenous fish management plan, including a summary of fish habitat and species present, a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works, identification of indigenous fish release sites, roles and responsibilities of parties, reporting requirements and any specific mitigation measures;</u></li> <li><u>b) A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat;</u></li> <li><u>c) An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant and animal control;</u></li> <li><u>d) A predator control programme;</u></li> <li><u>e) Provisions for ongoing management and maintenance of wetland areas;</u></li> <li><u>f) A description of the proposed ecological monitoring framework; and</u></li> <li><u>g) Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed.</u></li> </ul> <p><u>Council's discretion shall be restricted to the following matters, in addition to the matters in rule 16.2.4.1 RDI:</u></p> <ul style="list-style-type: none"> <li><u>i) The nature and extent of ecological mitigation measures;</u></li> <li><u>ii) The extent of consistency with the Ohinewai Structure Plan.</u></li> </ul>
<u>RD6</u>	<u>Any habitable rooms which have an acoustic line of sight (ie. excluding vegetation) to the boundary of the Lake Rotokawau Reserve shall be provided with a means of maintaining an appropriate level of fresh air and thermal comfort while the windows are closed, as advised by a suitably qualified building services engineer.</u>
<u>RD7</u>	<u>Any Multi-Unit Development, retirement village or alterations to retirement villages, Marae Complex or Papakainga Housing Development must include an Integrated Transport Assessment that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades and recommends any necessary mitigation measures.</u>
<u>RD8</u>	<u>For any Multi-Unit Development, retirement village or alterations to retirement villages, Marae Complex or Papakainga Housing Development the following assessment criteria apply. The extent to which:</u>

	<p><u>a) when viewed from any public space, creates visual interest through articulation, roof form, openings and variation;</u></p> <p><u>b) garage doors do not dominate the road elevation, so they are generally set back further than the front face of the building;</u></p> <p><u>c) fences and walls along any road or reserve boundary are avoided or limited in height;</u></p> <p><u>d) a transition in height and scale is provided between new development and any neighbouring buildings;</u></p> <p><u>e) soft landscaping are concentrated along public space boundaries, with species selected to maintain views between dwellings and public space;</u></p> <p><u>f) buildings are oriented and located to define external spaces that allow adequate daylight to dwellings and sunlight to main living rooms and private outdoor spaces;</u></p> <p><u>g) dwellings are accessed from the south, and have a more private 'face' to the north;</u></p> <p><u>h) main living rooms are located on the north or northwester side of the dwelling;</u></p> <p><u>i) buildings are positioned to minimise overshadowing or visual domination of adjoining private outdoor spaces;</u></p> <p><u>j) flat private outdoor spaces are located to the north, east or west of the dwelling and directly accessible from it.</u></p> <p><u>k) direct views from the windows of one dwelling into the windows of another are minimised;</u></p> <p><u>l) acoustic privacy between dwelling units is enhanced by separation between openings, solid acoustic screening and separation of noise sensitive spaces of one dwelling from service rooms, garages and parking areas of others.</u></p> <p><u>m) garages and parking areas are located adjoining or in close proximity to the dwelling they serve;</u></p> <p><u>n) outdoor parking spaces on the front 6 metres of any site abutting a road are limited, unless they are designed to minimise visual impact on the streetscape.</u></p>
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**16.6.4 Land Use - Building**

<b>RDI</b>	<p><u>Any building must be located at least:</u></p> <p><u>a) 15m from the road boundary of Tahuna Rd.</u></p> <p><u>b) 15m from the boundary of the Rural zone.</u></p>
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**16.6.5 – Subdivision**

<b>RDI</b>	<u>All subdivision shall be in accordance with the Ohinewai Structure Plan.</u>
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<u>RD2</u>	<u>All lots must have building platforms that are above 8.05m RL (ground level).</u>
<u>RD3</u>	<u>Subdivision must be staged in accordance with Table 16.6.4.1 and the Staging Plan (Dwg No P19-176-00-1020-SK). All subdivision applications must include details of infrastructure that is to be constructed or upgraded prior to s224c RMA approval of any lots in that stage and must be in accordance with the Staging Plan.</u>
<u>RD4</u>	<u>All subdivision applications shall include information to demonstrate that the density requirements of rule 16.6.3 are met.</u>
<u>RD5</u>	<u>Any subdivision application that includes land within Stage 8 on the Staging Plan must include information to demonstrate that residential lots will not be subject to any flood effects from blockage of the Tahuna Drain.</u>
<u>RD6</u>	<u>All subdivision applications must include lighting design that is sensitive to bat habitat in accordance with any recommendations in any ERMP.</u>
<u>RD7</u>	<p><u>All subdivision applications must include a Landscape Concept Plan that includes the following:</u></p> <ul style="list-style-type: none"> <li><u>a) Landscape concept design for all areas of open space and stormwater management areas;</u></li> <li><u>b) Details of landscape treatment of streets, footpaths and cycleways;</u></li> <li><u>c) Details of landscape treatment of stormwater swales, wetlands, detention areas and riparian margins;</u></li> <li><u>d) Details of landscape treatment to integrate the site with the vegetation on the adjacent Lake Rotokawau Reserve;</u></li> <li><u>c) Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u></li> <li><u>d) Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u></li> <li><u>e) Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u></li> <li><u>f) Identification of areas for public access and any areas that are not public;</u></li> <li><u>g) Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u></li> <li><u>h) Details of any tangata whenua inspired artwork or features;</u></li> <li><u>i) Details of fencing and landscape treatment of the lots along the Tahuna Road frontage to create an attractive and open interface to Tahuna Road;</u></li> <li><u>j) Evidence of consistency with any Ecological Rehabilitation and Management Plan;</u></li> <li><u>k) Evidence of consistency with the Waikato District Council Park Strategy 2014, the Urban Design Guidelines, Multi-Unit Development 2018 (Appendix 3.1), the Urban Design Guidelines; Residential Subdivision 2018 (Appendix 3.1) and the Waikato Regional Pest Management Plan 2014-2024; and</u></li> <li><u>l) Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u></li> </ul>
<u>RD8</u>	<p><u>All application for subdivision must be accompanied by a stormwater management report and plans. The report and plans must:</u></p> <ul style="list-style-type: none"> <li><u>a) describe how the plans comply with any relevant discharge consent;</u></li> <li><u>b) identify overland flow paths;</u></li> <li><u>c) describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site;</u></li> <li><u>d) if stormwater devices are to be located below 8.05m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities.</u></li> </ul>

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**Table 16.6.5.1 – Infrastructure Upgrades**

<u>Upgrade required</u>	<u>Staging and Timing</u>
<b>Transport</b>	
<u>a) Walking and cycling linkages to Ohinewai West over the NIMT and the Waikato Expressway;</u> <u>i) Construction of a separate shared path bridge to the south of the interchange.</u> <u>ii) Construction of shared paths and ramps connecting to the bridge.</u>	<u>Stage 2A/ Year 3</u>
<u>b) Construction of an interim bus stop on Tahuna Road between the Ohinewai interchange and Lumsden Road.</u>	<u>Stage 2A/ Year 3</u>
<u>c) Tahuna Road upgrade (from Lumsden Road to Access 2) to peri-urban cross-section;</u> <u>i) Kerb and channel and street lighting on northern side of the road.</u>	<u>Stage 2A/ Year 3</u>
<u>d) Construction of Access 2 on Tahuna Road (roundabout);</u> <u>i) Construction of new intersection to provide access to residential area.</u>	<u>Stage 4/ Year 5</u>
<u>e) Balemi Road upgrade (to easternmost access):</u> <u>i) Reconstruction of the road to urbanised industrial cross-section including widening and sealing and kerb and channel on southern side of the road.</u>	<u>Stage F3 plus Rail Siding/Year 6</u>
<u>f) Lumsden Road upgrade (from Tahuna Road to Access 4);</u> <u>i) Upgrade to urbanised/industrial cross-section with kerb and channel and graded berms;</u> <u>ii) Construct 620m of shared path on eastern side of road extending from Tahuna Road to Access 4.</u> <u>iii) Street lighting on eastern side of Lumsden Road from Tahuna Road to just north of Balemi Road.</u>	<u>Stage 2B/Year 3</u>
<u>g) Construction of Access 1 on Tahuna Road (Left-in, left-out);</u>	<u>Stages 2C and 2D/Year 3</u>
<u>h) Construction of Access 3 on Lumsden Road (T-intersection).</u>	<u>Stage 3B/Year 4</u>
<u>i) Construction of Access 4 on Lumsden Road (T-intersection).</u>	<u>Stage 3B/Year 4</u>
<u>j) Construction of new low speed slip lane from the Great South Road to Ohinewai South Road.</u>	<u>Factory Stage F3 and Stage 5B/ Year 6</u>
<u>k) Lumsden Road realignment;</u> <u>i) Realignment north of Access 4 with 'S' bends.</u>	<u>Factory Stage F3 plus Rail Siding/Year 6</u>

ii) <u>Relocation and reconstruction of Lumsden Road/Balemi Road intersection.</u> iii) <u>Gated speed threshold treatment and speed reduction measures for southbound traffic speed calming.</u>	
l) <u>Tahuna Road/Lumsden Road intersection upgrade:</u> i) <u>Construction of an additional lane on the northern, eastern and circulating lane of the roundabout.</u>	<u>Factory Stage F3 plus Stages 5A and 5B/Year 6</u>
m) <u>Sightline improvement to Southbound offramp on the Ohinewai interchange</u>	<u>Stage 1/Year 2</u>
n) <u>Walking and cycling linkage to/from Huntly:</u> i) <u>Provision of cycle/pedestrian path on eastern side of Ohinewai South Road, with a crossing facility at the left-slip lane from Great South Road.</u> ii) <u>Provision of a cycle/pedestrian path along the stopbank on the western side of Ohinewai South Road, extending from the crossing to the existing footpath just south of 46 Great South Road.</u>	<u>Factory Stage F3 plus Stages 5A and 5B/Year 6</u>
<b><u>Water &amp; Wastewater</u></b>	
a) <u>On-site disposal of wastewater and on-site water supply from bore,</u>	<u>Factory Stage F1/Year 2</u>
b) <u>Bulk main connections to Huntly Wastewater Treatment Plant and Huntly Water Treatment Plant.</u>	<u>Stage 2/Year 3</u>
c) <u>Bulk main connections to Wastewater Treatment Plant and Water Treatment Plant; to be determined by Mid-Waikato Servicing Strategy.</u>	<u>Stage 6/Year 7</u>
<b><u>Community Infrastructure</u></b>	
a) <u>Community centre</u>	<u>Stage 4/Year 5</u>
b) <u>Sports fields</u>	<u>Stage 4/ Year 5</u>
c) <u>Central Park wetland/open space</u>	<u>Stage 5C/Year 6</u>
d) <u>Wetland park/open space</u>	<u>Stage 6/Year 7</u>
e) <u>Shared recreational paths</u>	<u>Stage 7/Year 8</u>
f) <u>Market Gardens</u>	<u>Stage 7/Year 8</u>
g) <u>Orchard/Beehives</u>	<u>Stage 8/Year 9</u>

Note 1: A private developer agreement between the developer and the Council will allocate financial responsibility for the upgrades where there are shared benefits.

Note 2: This table includes all infrastructure upgrades in the Ohinewai Structure Plan Area. The Staging Plan should be referred to when confirming which upgrades apply in the Residential Zone.

### **16.6.6 – Discretionary Activities**

<u>DI</u>	<u>Any development or subdivision that is not in accordance with the Ohinewai Structure Plan.</u>
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<u>D2</u>	<u>Any development or subdivision that is not in accordance with the Staging Plan (Dwg No P19-176-00-1020-SK) or Table 16.6.5.1.</u>
<u>D3</u>	<u>A corner shop and café of not more than 400m<sup>2</sup> gross leasable floor area each, in accordance with the Ohinewai Structure Plan.</u> <u>The assessment criteria for any application shall include the extent to which the total floor area of commercial activities in the Ohinewai Structure Plan area is consistent with Business Zone Rule 17.6.2 RDI.</u>

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