

Section 3 - Large Lot Residential Zone

3.1 Introduction

- 3.1.1 The name 'Large Lot Residential' reflects the predominantly residential nature of the zone, which has a lower density and a more rural feel than in the Residential Zone. The areas covered in the previous Waipa District Plan by the Rural Residential Policy Area have been incorporated into this zone along with the smaller villages and some proposed new areas. People living in this zone are generally seeking to live in a semi rural environment, while remaining within commuting distance to urban centres.
- 3.1.2 The location and extent of Large Lot Residential Zones have been defined within Future Proof (the Sub-Regional Growth Strategy) and the Waipa District Growth Strategy (the Growth Strategy). These areas are defined in response to the need to protect high class soils, rural character, reduce the potential for reverse sensitivity and manage infrastructure. Most Large Lot Residential Zones are focused around existing towns or rural villages that have been identified in the Growth Strategy as areas for future growth. However, the Rural Zone (rural residential policy areas) that were identified in the previous District Plan have also been retained; although they are more remote from services, and have not been identified as areas for expansion. Some specific rules in these areas need to be retained to ensure character and amenity is retained.
- 3.1.3 Large Lot Residential Zone character is different from urban residential and/or rural character. The elements that generally define the District's large lot residential character are:
- (a) Views to natural features including flat to rolling terrain, volcanic cones, and water bodies; and
 - (b) Low density residential built form and residential land use; and
 - (c) Generally un-serviced with a lack of urban infrastructure such as reticulated water and wastewater systems, and less services such as street lighting, footpaths, and curb and channel road edging than the Residential Zone.
- 3.1.4 The individual character of Pirongia, Ōhaupo, and Kihikihi is further expanded on in the relevant Town Concept Plans. This section seeks to reinforce the character identified in the Town Concept Plans. This includes in Pirongia, the relationship between the town and the community and the Waipā River. This is an important element of character that gives effect to the Waikato River Vision and Strategy.
- 3.1.5 A number of National Grid transmission lines traverse the Large Lot Residential Zone of Waipā District. The subdivision, use and development of land is controlled within a defined National Grid Corridor to ensure potential adverse effects are appropriately addressed. The greatest level of restriction on landowners is within the National Grid Yard (particularly the support structures) which is the area that is closest to the transmission line and where there is the greatest potential for adverse effects to occur. The restrictions recognise that the greatest potential effects are generated by sensitive activities and intensive development. Notwithstanding such restrictions, any lawfully established activities within the National Grid Corridor can continue as long as they meet the criteria for existing use rights in the Resource Management Act 1991 or are a permitted activity.
- 3.1.6 The management of subdivision within the National Grid Corridor is addressed in Section 15 (Infrastructure, Hazards, Development and Subdivision).

- 3.1.7 The predominant use of this zone is residential, and this character can be undermined by the location of non-residential activities on sites in Large Lot Residential Zones. This Plan makes clear provision for commercial, industrial and retail activities within their respective zones. Therefore, it is not envisaged that such activities will locate within the Large Lot Residential Zone, other than home occupations; which are permitted in the zone to provide for a degree of self-sufficiency and specific activities identified in the Town Concept Plans for Pirongia and Ōhaupo such as visitor accommodation and health care facilities.

3.2 Resource Management Issues

Effects on water bodies

- 3.2.1 Stormwater and wastewater discharges from Large Lot Residential Zones can have adverse effects on water bodies which is inconsistent with the Waikato River Vision and Strategy.

Reverse sensitivity

- 3.2.2 Incompatibility between activities at the Rural Zone/Large Lot Residential Zone or the Hydro Power Zone/Large Lot Residential Zone interface can cause conflict by adversely affecting existing and lawfully established farming or electricity generation activities in the adjoining Rural Zone or Hydro Power Zone, as well as farming or electricity generation activities affecting Large lot Residential Zone activities.

Large Lot Residential Zone character

- 3.2.3 The open nature and character of existing low density Large Lot Residential Zones can be adversely affected by more dense and/or non-residential developments.
- 3.2.4 The community has set out the future aspirations, character and amenity expectations in Town Concept Plans that have been developed for Te Awamutu, Kihikihi, Cambridge, Pirongia and Ōhaupo. The Plan provisions can either enable or discourage their implementation. Including the relationship between the town and the community and the Waipā River. This relationship is important for the achievement of the Waikato River Vision and Strategy.
- 3.2.5 Home occupations provide a work place alternative that can contribute positively to a community, but can also have adverse effects.
- 3.2.6 Relocated buildings can adversely affect existing amenity.
- 3.2.7 The intended character and servicing of Large Lot Residential Zones, is sometimes misaligned with community expectations. There is a need therefore to clearly establish that these areas are generally unserviced, which includes no municipal wastewater services, infrequent municipal water supply, and less footpaths, streetlights and curb and channel on roads than in Residential Zones.
- 3.2.8 Large Lot Residential Zone Structure Plan Areas in the vicinity of Houchens Road and Lake Karāpiro have specific rules that need to be maintained from the previous District Plan to address specific concerns that were identified when the areas were created.

Changing housing demands

- 3.2.9 There is a need to provide for a range of housing types, particularly for an ageing population. This needs to be balanced against the need to preserve the open character of Large Lot Residential Zones.

On-site amenity

- 3.2.10 Poorly positioned buildings can result in adverse effects on neighbouring properties by reducing openness and privacy, and causing shading.
- 3.2.11 While the keeping of small numbers of farm animals is a generally accepted activity in the Large Lot Residential Zone, some animals may generate noise, odour, or other nuisance effects that are not acceptable within a large lot residential environment. Some activities such as bee keeping, while having benefits for pollination and other activities have particular characteristics which need to be managed in order to avoid undue adverse effects.
- 3.2.12 Large Lot Residential Zones traditionally have a low ambient noise environment. Noise from activities within the Large Lot Residential Zone, from activities in adjacent zones, or from strategic roads and railways that adjoin the Large Lot Residential Zone, can have a detrimental impact on the amenity values for residential activities.
- 3.2.13 Increased housing density, and associated increases in impermeable surfaces and domestic wastewater treatment systems within a Large Lot Residential Zone, can detrimentally affect stormwater and wastewater disposal.

Signs

- 3.2.14 Large signs are not consistent with the character of Large Lot Residential Zones.

Neighbourhood safety

- 3.2.15 Inappropriate building design, fence design, and site layout affects the opportunity for passive surveillance from dwellings to roads and other public places and as a consequence adversely affect community safety.

Non-residential activities

- 3.2.16 A number of non-residential activities (i.e. retirement village accommodation, community halls, and childcare facilities, as well as aspirations identified in the town plans for Pirongia and Ōhaupo) provide lifestyle alternatives and benefits to the community.

Health and well-being of the Waikato and Waipā Rivers

- 3.2.17 Development within the Large Lot Residential Zone has the potential to either benefit or adversely affect the health and well-being of the Waikato and Waipā Rivers. Careful consideration should be given to the following: (but not limited to) potential impacts of vegetation clearance, earthworks and the provision of infrastructure within river catchments.

National Grid transmission lines for the conveyance of electricity

- 3.2.18 National Grid transmission lines for the conveyance of electricity are considered to be a resource of national and regional significance that requires protection. The location of

activities within National Grid Corridors have the potential to result in adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and future development of the National Grid network and result in sensitive activities locating where they are most vulnerable to the effects, including risks, associated with the line.

3.3 Objectives and Policies

Please also refer to the objectives and policies of Parts C, Part E and Part F, as relevant.

Objective - Effects on water quality

- 3.3.1 To avoid adverse effects on lakes and water bodies arising from development and subdivision within the Large Lot Residential Zone.

Policy - Health and well-being of the Waikato and Waipā Rivers

- 3.3.1.1 Developments, subdivisions, and activities in the Large Lot Residential Zone should give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā Accord through developments, subdivisions and activities being designed and operated to avoid the potentially significant adverse effects associated with stormwater and wastewater discharges.

Objective - Reverse sensitivity effects

- 3.3.2 To manage reverse sensitivity effects arising from development in the Large Lot Residential Zone.

Policy - Reverse sensitivity effects on farming and electricity generation activities

- 3.3.2.1 The potential for reverse sensitivity effects on farming or electricity generation activities by large lot residential activities adjoining the Rural Zone or Hydro Power Zone is minimised by requiring minimum setback distances for buildings.

Policy - Farming Activities prior to land development

- 3.3.2.2 To provide for farming activities on undeveloped land within the Large Lot Residential Zone provided that the best practicable option to minimise effects is adopted.

Objective - Large Lot Residential Zone character

- 3.3.3 To maintain and enhance the key aspects of character within the Large Lot Residential Zone.

Policy - Character

- 3.3.3.1 Buildings and activities within the Large Lot Residential Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area. In particular, they should maintain the character of open space, low-density residential development with a feeling of spaciousness; connections to the natural landscape; and the absence of Council wastewater services, and lower levels of other infrastructure in comparison to the Residential Zone.

Policy - Ōhaupo character

3.3.3.2 For Ōhaupo, to maintain and enhance character by:

- (a) Focusing large lot residential development on the slopes heading down from the ridgeline of the State Highway into the rural peat land plains; and
- (b) Maintaining low density residential development, around a commercial service area; and
- (c) Enhancing the visual and recreational connections to Lake Rotomānuka through pedestrian and cycle routes; and
- (d) Enhancing the connectivity of the community through developing transport links where practicable, and safe cycle and pedestrian links to the school.

Policy - Pirongia character

3.3.3.3 For Pirongia, to maintain and enhance character by:

- (a) Maintaining low density residential development of one to two stories around a commercial service area, all within the greenbelt and river boundaries; and
- (b) Retaining the views of Mount Pirongia from public places, enabled by the grid layout of wide roads, grassed verges, and street trees; and
- (c) Ensuring that developments and walkways, cycleways and bridle paths enhance the physical and visual connection between Pirongia and the Waipā River; and
- (d) Ensuring that the scale and design of any non-residential activities enhances village character and addresses site specific issues such as on-site servicing, and transport related effects.

Policy - Lake Karāpiro Large Lot Residential Structure Plan Area

3.3.3.4 For the Lake Karāpiro Large Lot Residential Structure Plan Area, to maintain and enhance character by:

- (a) Maintaining low density residential development; and
- (b) Providing for additions and alterations to existing dwellings and buildings within the building platforms identified in Appendix S7; and
- (c) Retaining the views of the landscape across Lake Karāpiro from State Highway 1.

Policy - Building setbacks from site boundaries

3.3.3.5 To maintain the existing spaciousness between buildings in the Large Lot Residential Zone when viewed from a road and between sites, to maintain privacy with adjoining sites as well as safety and the overall open character of Large Lot Residential Zones.

Advice Note: In some cases affected parties consents will not be sufficient to address the effects on character.

Policy - Relocated buildings

3.3.3.6 Relocated buildings shall not detract from the amenity of the neighbourhood they are located within by ensuring that exterior maintenance and painting is undertaken.

Policy - Scale and intensity of development

- 3.3.3.7 To restrict the scale and intensity of development and subdivision within the Large Lot Residential Zone to those which can be serviced by on site non-reticulated wastewater and stormwater networks.

Policy - Home occupations

- 3.3.3.8 Home occupations within the Large Lot Residential Zone should be of a scale, site layout, and location that do not adversely affect adjoining properties or the character of the area.

Policy - Residential Based Visitor Accommodation

- 3.3.3.9 Residential Based Visitor Accommodation is enabled where the scale of the activity is such that it:
- (a) Maintains local residential character, including the scale and design of buildings and their location on the site; and
 - (b) Provides for on-site parking and vehicle manoeuvring areas; and
 - (c) Mitigates adverse effects related to traffic generation, access and noise to the extent that they do not result in adverse effects on residential character and amenity or on the surrounding transport network.

Objective - Development on sites adjoining heritage items

- 3.3.4 To ensure development on sites adjoining heritage items does not detract from the values of the heritage item.

Policy - Development on sites adjoining heritage items

- 3.3.4.1 Development on sites adjoining heritage items shall not detract from the character and values of the heritage item(s).

Objective - On-site amenity values and safety

- 3.3.5 To maintain and enhance amenity values in the Large Lot Residential Zone.

Policy - Height of buildings

- 3.3.5.1 The height of buildings shall not result in loss of privacy or cause over shadowing on adjoining sites; or detract from the amenity of the area.

Policy - Site coverage and impermeable surfaces

- 3.3.5.2 Development and all impermeable surfaces should not exceed a maximum site coverage in the Large Lot Residential Zone, in order to ensure that all sites:
- (a) Maintain the open character and spaciousness of the zone; and
 - (b) Maintain sufficient open space to provide for landscaping, and on-site wastewater and stormwater disposal.

Policy - Housing and keeping of animals

- 3.3.5.3 Animals (including bees) kept in the Large Lot Residential Zone will be restricted in type, number and in the location and management of any enclosures to those compatible with the amenity expectations of the Large Lot Residential Zone.

Policy - Earthworks

- 3.3.5.4 To ensure that earthworks are carried out in a manner that avoids adverse effects between properties and on lakes and water bodies.

Policies - Safety and design

- 3.3.5.5 To maintain, and where possible enhance, the safety of Large Lot Residential Zones through site layouts and building designs that incorporate crime prevention through environmental design (CPTED) principles.

- 3.3.5.6 Development and buildings should enable passive surveillance of public places by having visually permeable fences where a site boundary adjoins a road, reserve, walkway or other public place.

- 3.3.5.7 Fortified sites should not be established in the Large Lot Residential Zone.

Policy - Maintaining low ambient noise and vibration environment

- 3.3.5.8 Noise emissions and vibration from all activities (including construction), within the Large Lot Residential Zone should maintain the low ambient noise and vibration environment that is consistent with the amenity expectations of the Large Lot Residential Zone.

Policy - Noise sensitive activities located adjacent to railways and strategic roads

- 3.3.5.9 Noise sensitive activities located in close proximity to railway lines and strategic roads should have acoustic treatment.

Policies - Signs

- 3.3.5.10 To maintain the character, amenity and safety of Large Lot Residential Zones by limiting the number, size, design and location of signs.

- 3.3.5.11 Signs not related to a site, including billboards, are not consistent with the character of the Large Lot Residential Zone and should be avoided.

Objective - Providing housing options

- 3.3.6 To enable a range of housing options that are consistent with the key elements of the character of the Large Lot Residential Zone within which they are located.

Policy - Secondary dwellings

- 3.3.6.1 To meet a range of housing needs by enabling one secondary dwelling per site where neighbourhood amenity and on-site amenity standards can be met.

Policy - Marae and Papakāinga

- 3.3.6.2 To enable sustainable marae and papakāinga developments acknowledging that the design and layout of the development may be different than that generally found in the Large Lot Residential Zone.

Objective - Non-residential activities

- 3.3.7 To restrict the establishment of non-residential activities in the Large Lot Residential Zone, except for those activities that provide for the health and well-being of the community, and have a functional and compelling need to locate within a Large Lot Residential Zone.

Policy - Maintain residential function

- 3.3.7.1 To maintain the Large Lot Residential Zone for residential activities by ensuring that Industrial activities, retail activities, commercial activities and offices are avoided within the Large Lot Residential Zone.

Policies - Non-residential activities

- 3.3.7.2 To enable activities that provide for the health and well-being of the community and that service or support an identified local need (examples include education facilities, places of worship, community centres, and marae); provided that rear sites, and sites located on cul-de-sacs, or that have access to strategic roads shall be avoided.

- 3.3.7.3 Buildings associated with non-residential activities should be of a scale and design that:
- (a) Maintains local residential character including the scale and design of buildings and their location on the site; and
 - (b) Provides for on-site parking and vehicle manoeuvring areas; and
 - (c) Mitigates adverse effects related to traffic generation, access, noise, vibration, and light spill, to the extent that they do not result in adverse effects on residential character and amenity or on the surrounding transport network.

Policy - Visitors accommodation in limited circumstances

- 3.3.7.4 Visitors accommodation will be limited to the Large Lot Residential Zones of Pirongia and Ōhaupo and will only be considered where the scale and design of the visitors accommodation enhances village character, and where site specific issues such as on-site wastewater and stormwater servicing, and transport related effects are addressed.

Advice Note: The sustainable design and layout principles contained in Section 15 - Infrastructure, Hazards, Development and Subdivision and the building design principles for multi-unit housing are also relevant.

Policy - Hazardous waste processing and disposal

- 3.3.7.5 To prohibit the establishment of activities involving processing and/or disposal of hazardous wastes.

Policy - Pirongia health care facility

- 3.3.7.6 To provide for the development of a health care facility in the Pirongia Large Lot Residential Zone which reflects the overall character, low scale and density identified in the Pirongia Town Concept Plan and that enhances village character and access to the Waipā River.

Policy - Non-residential activities in structure plan areas

3.3.7.7 To recognise the potential for new local shops within structure plan areas, that service the needs of the surrounding community, such as the Commercial Overlay within the T6 Growth Cell Structure Plan Area. Retail activities or services provided within these locations shall provide for the daily needs of people and be located within a walkable catchment. [PC13]

Objective - National Grid transmission networks

3.3.8 To recognise and provide for the ongoing operation, maintenance and development of the National Grid electricity transmission network.

Policies - Management of activities within National Grid Corridors

3.3.8.1 To recognise the importance of the National Grid network in enabling communities to provide for their economic and social well-being and to provide for the ongoing operation, maintenance and development of the Grid through the management of activities within identified setbacks and corridors.

3.3.8.2 To ensure safe and efficient use and development of the National Grid and to protect the National Grid from the adverse effects of activities adjacent to it.

3.3.8.3 To avoid inappropriate land use and development within the National Grid Yard to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised and to minimise the potential for nuisance effects.

3.3.8.4 To avoid the establishment of new sensitive activities within the National Grid Yard in order to minimise adverse effects on and from the National Grid, including adverse effects on health and safety, amenity and nuisance effects, and reverse sensitivity effects.

3.3.8.5 To not foreclose operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.

3.4 Rules

The rules that apply to activities are contained in:

- (a) The activity status tables and the performance standards in this zone; and*
- (b) The activity status tables and the performance standards in Parts E District Wide Provisions and Part F District Wide Natural and Cultural Heritage of the Plan.*

Development within a structure plan area identified on Planning Maps is required to be in general accordance with an approved structure plan. Refer to Rule 15.4.2.69 Infrastructure, Hazards, Development and Subdivision.

Advice Notes:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.
2. Vegetation to be planted within or near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

3.4.1

Activity Status Tables

3.4.1.1	<p>Permitted activities</p> <p>The following activities must comply with the performance standards of this zone</p>
(a)	Residential activities.
(b)	Home occupations.
(c)	One dwelling and one secondary dwelling per site.
(d)	Accessory buildings to any permitted activity.
(e)	Demolition and removal of buildings, except those listed in Appendix N1 - Heritage Items.
(f)	Relocated buildings, except where the site is listed in Appendix N1 - Heritage Items.
(g)	Earthworks that comply with Rule 3.4.2.9.
(h)	Signs.
(i)	Temporary construction buildings including ablution and storage sheds incidental to a construction project.
(j)	Housing and keeping of animals.
(k)	Conservation blocks – (Including Reserves under the Reserves Act 1977).
(l)	Earthworks within the National Grid Yard that comply with Rules 3.4.2.10 to 3.4.2.11.
(m)	In the area shown on the Planning Maps as the 'Karāpiro Large Lot Residential Structure Plan Area', any additions and alterations to existing dwellings and buildings that are contained within the building platforms shown in Appendix S7.
(n)	Pasture reinstatement.
(o)	Residential Based Visitor Accommodation.

3.4.1.2	<p>Controlled activity</p> <p>The following activities must comply with the performance standards of this zone</p>
(a)	<p>Dwellings and buildings within the Lake Karāpiro Large Lot Residential Structure Plan Area located within the building platforms shown in Appendix S7.</p> <p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> ▪ Integration of buildings into the surrounding landscape through their external design, construction, finish and colour; and ▪ The extent, scale and location of driveways or other vehicular tracks; and ▪ The design, nature and timing of landscape plantings to screen or soften the appearance of buildings and vehicular accessways; and ▪ The protection of existing indigenous vegetation; and ▪ Provision for ongoing maintenance of any landscape planting. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>

3.4.1.3	<p>Restricted discretionary activities</p> <p>The following activities must comply with the performance standards of this zone</p>
(a)	<p>Bee keeping.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Location of hives and likely flight path; and ▪ Number of hives; and ▪ Effects on surrounding properties; and ▪ Management techniques employed to reduce the potential for nuisance. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(b)	<p>Dwellings within a quarry buffer.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Location of the dwelling; and ▪ The likely adverse effects of the mineral extraction and processing activities; and ▪ Noise and vibration mitigation; and ▪ Reverse sensitivity on mineral extraction and processing activities; and

3.4.1.3	Restricted discretionary activities The following activities must comply with the performance standards of this zone
	<ul style="list-style-type: none"> ▪ Landscaping and visual amenity. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(c)	Any permitted activity, or controlled activity that does not comply with the performance standards in 3.4.2, except for those specified in Rule 3.4.1.4(a), or as specified in 3.4.2.
(d)	<p><u>Neighbourhood Centre within the T6 Growth Cell Structure Plan Area, located in general accordance with the T6 Growth Cell Structure Plan and limited to the following activities:</u></p> <p>(a) <u>Café, dining and ancillary activities</u> (b) <u>Commercial retail and service activities</u> (c) <u>Commercial offices or residential activities, limited to above ground floor.</u></p> <p><u>Assessment will be restricted to the following matters:</u></p> <ul style="list-style-type: none"> ▪ <u>Building location, bulk and design; and</u> ▪ <u>Visual and amenity effects on surrounding properties; and</u> ▪ <u>Location of parking areas and vehicle manoeuvring; and</u> ▪ <u>Impacts on surrounding open space amenity and pedestrian safety; and</u> ▪ <u>Location, colour, size and content of signs; and</u> ▪ <u>Infrastructure effects; and</u> ▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21. [PC13]</u></p>

3.4.1.4	Discretionary activities
(a)	<p>Any building or activity that fails to comply with:</p> <ul style="list-style-type: none"> (i) Rule 3.4.2.1(a) - Minimum building setback from road boundaries (ii) Rule 3.4.2.3 - Height (iii) Rule 3.4.2.7 - Site coverage (iv) Rule 3.4.2.8 - Impermeable surfaces [PC15] (v) Rule 3.4.2.9 - Earthworks (vi) Rules 3.4.2.13 - Housing and keeping of animals (vii) Rules 3.4.2.14 and 3.4.2.15 - Temporary construction buildings (viii) Rule 3.4.2.16(a) - Dwellings: Lake Karāpiro Large Lot Residential Structure Plan Area (ix) Rules 3.4.2.17 to 3.2.4.19 - Secondary independent dwelling (x) Rule 3.4.2.20(e) to (h) - Home occupation (xi) Rule 3.4.2.21 - Design and layout of development adjoining water bodies and reserves (xii) Rule 3.4.2.22 - Noise (xiii) Rules 3.4.2.25 to 3.2.4.27 - Noise insulation: Residential activities (xiv) Rules 3.4.2.29 and 3.4.3.30 - Signs
(b)	Construction of new buildings on a site that adjoins a Category A listed heritage item in Appendix N1 where the building(s) is within 20m of the common boundary.
(c)	Churches, community centres, marae, papakāinga development.
(d)	Education facilities.
(e)	Visitors accommodation.
(f)	Retirement village accommodation and associated care facilities and rest homes.
(g)	Healthcare facilities.
(h)	Boarding or breeding kennels or catteries.
(i)	The use of shipping containers for any activity, including a dwelling, or a sleep out, or as an accessory building for the day to day storage needs of domestic goods, or for the storage of home occupation equipment, provided that the use of a shipping container for a temporary construction building project is exempt from this rule. Refer to Rules 3.4.2.14 and 3.4.2.15 – Temporary Construction Buildings.

3.4.1.5	Non-complying activities
(a)	Any building that fails to comply with Rule 3.4.2.1 - Minimum building setback from road boundaries, except as specified in the rule.
(b)	In the area shown on the Planning Maps as the 'Karāpiro Large Lot Residential Structure Plan Area', any dwelling exceeding the maximum number of dwellings under Rule 3.4.2.16(b).
(c)	All other activities not included in activity status table Rules 3.4.1.1 to 3.4.1.4 and not listed as a prohibited activity.
(d)	Within the National Grid Yard: (i) Any building or addition to a building for a National Grid Sensitive Activity. (ii) Any change of use to a National Grid Sensitive Activity or the establishment of a new National Grid Sensitive Activity. (iii) Any building, structure or earthworks which fail to comply with Rules 3.4.2.10, 3.4.2.11 or 3.4.2.12.
(e)	Activities that fail to comply with Rule 3.4.2.20(a) to (d).

3.4.1.6	Prohibited activities The following activities are prohibited and no resource consent will be approved
(a)	Fortified sites.
(b)	Hazardous waste processing or disposal.

3.4.2 Performance Standards

The following rules apply to activities listed as permitted, controlled or restricted discretionary.

Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies. In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. For discretionary activities Council shall have regard to the assessment criteria in Section 21, which are only a guide to the matters that Council may consider, and shall not restrict Council's discretionary powers.

Rule - Minimum building setback from road boundaries

3.4.2.1 The minimum building setback from road boundaries shall be:

- | | | |
|-----|---|-----|
| (a) | From the Waikato Expressway (Designation D20) | 35m |
| (b) | From a strategic road | 15m |
| (c) | For all other roads | 10m |

Advice Note: See also Rule 25.4.2.1 - Building setback from road boundaries within identified viewshafts

Activities that fail to comply with Rule 3.4.2.1(a) will require a resource consent for a discretionary activity.
Activities that fail to comply with Rules 3.4.2.1(b) or 3.4.2.1(c) will require a resource consent for a non-complying activity.

Rule - Minimum building setback from internal site boundaries

3.4.2.2 The minimum building setback from internal site boundaries shall be:

- | | | |
|-----|--|----|
| (a) | For sites 1,500m ² or less | 3m |
| (b) | For sites 1,501m ² or greater | 5m |

Provided that for dwellings and detached habitable rooms where a site boundary adjoins a Rural Zone, the minimum setback from that boundary shall be 10m.

- (c) Dwellings in the Lake Karāpiro Large Lot Residential Structure Plan Areas subject to Rule 3.4.2.16 are exempt from this rule.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- The provision of daylight and sunlight into neighbouring buildings; and
- Visual and aural privacy; and
- The general appearance/effect on the openness and character; and
- The safety and efficiency of pedestrian, cyclists and traffic flow; and
- Access around the site; and
- Effects on surrounding properties; and
- Potential reverse sensitivity effects on any adjoining rural activities.

These matters will be considered in accordance with the assessment criteria in Section 21.

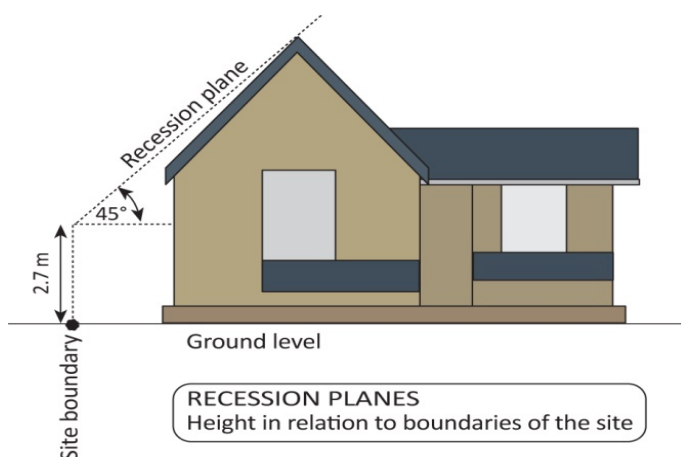
Rule - Height

- 3.4.2.3 Buildings shall not exceed 8m in height.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Daylight control

- 3.4.2.4 No building shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 2.7m above the ground level of the front, side or rear boundaries of a site.



Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects including bulk, scale and location of the building; and
- Access to daylight and sunlight on the site and on adjoining properties; and
- Effects on existing trees; and
- Landscaping.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Neighbourhood amenity and safety

3.4.2.5 Fences between buildings on the site and any road, public walkway or reserve shall be no higher than 1.2m in height if not visually permeable, or no more than 1.8m in height if visually permeable.

3.4.2.6 Landscape planting between dwellings on the site and any public place shall allow visibility between the dwelling and the public place.

Activities that fail to comply with Rules 3.4.2.5 to 3.4.2.6 a restricted discretionary activity with the discretion being restricted over:

- Passive surveillance of the street, walkway or reserve; and
- Safety; and
- Design and height of the fence; and
- The type of landscape planting.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Site coverage

3.4.2.7 ~~The maximum total building coverage on a site shall not exceed the following:~~

Site coverage must not exceed:

- (a) 25% of the net site area ~~On~~ sites less than or equal to 1000m²; or
- (b) 250m² ~~On~~ sites ~~between greater than~~ 1000m² and ~~1249m²~~ less than or equal to 1250m² ~~a maximum of; or~~
- (c) 20% of the net site area ~~On~~ sites ~~between greater than~~ 1250m² and ~~2499m²~~ less than or equal to 2500m²; or
- (d) 500m² ~~On~~ sites ~~between greater than~~ 2500m² and ~~3344m²~~ less than or equal to 3345m² ~~a maximum of; or~~
- (e) 15% of the net site area ~~On~~ all other sites. [PC15]

Provided that, in all instances the gross floor area of all accessory buildings on a site shall not exceed 100m².

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Impermeable surfaces

3.4.2.8 ~~Impermeable surface coverage on a site shall not exceed 800m², provided that for sites of 2500m² or less, the maximum impermeable surface coverage shall not exceed 33% of the net site area.~~

Impermeable surfaces must not exceed:

- (a) 33% of the net site area on sites less than or equal to 2500m²; or
- (b) 1200m² of the net site area on sites greater than 2500m².

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal
- The effect of stormwater run-off to adjoining properties.

These matters will be considered in accordance with the assessment criteria in Section 21.
[PC15]

Rules - Earthworks

- 3.4.2.9 Earthworks shall not exceed a total volume of 25m³ or a total area of 250m² in a single activity or in cumulative activities in any one calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

Advice Notes:

1. In the event that any artefacts, human remains or evidence of historic human activity are discovered, there is a procedure under the Heritage New Zealand Pouhere Taonga Act 2014 that must be followed.
2. Earthworks complying with permitted activity rules or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of a lake or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

- 3.4.2.10 Any earthworks within a National Grid Yard must:

- (a) Around National Grid pole support structures:
- (i) Be no deeper than 300mm within 2.2m of a National Grid pole support structure or stay wire; and
 - (ii) Be no deeper than 750mm between 2.2m to 5m from a National Grid pole support structure or stay wire.

Provided that vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt from (i) and (ii) above.

- (b) Around National Grid tower support structures:
- (i) Be no deeper than 300mm within 6m of the outer visible edge of a National Grid tower; and
 - (ii) Be no deeper than 3m between 6m to 12m from the outer visible edge of a National Grid tower.
- (c) Anywhere within the National Grid Yard:
- (i) Not create an unstable batter that will affect a transmission support structure; and
 - (ii) Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

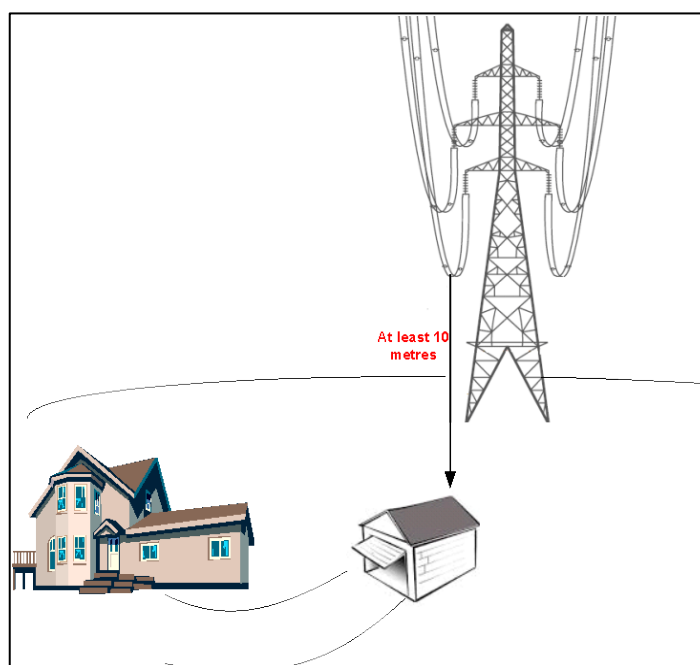
Provided that the following are exempt from Rule 3.4.2.10(a) and (b) above:

- (i) Earthworks undertaken by a network utility operator; or
- (ii) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Buildings and structures within the National Grid Yard

- 3.4.2.11 Buildings and structures within the National Grid Yard are permitted if they meet the following:
- (a) On existing sites within the urban limits as at 30 May 2014:
 - (i) Are an accessory building for a National Grid Sensitive Activity; and/or
 - (ii) Are internal alterations to a building used for a National Grid Sensitive Activity that do not extend the building footprint, or increase the height of the building; and/or
 - (iii) Are a building not associated with a National Grid Sensitive Activity.
 - (b) On all sites within any part of the National Grid Yard, any buildings and structures must:
 - (i) Be permitted by Rule 3.4.2.11(a) above; and/or
 - (ii) Be a fence; and/or
 - (iii) Be network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid; and/or
 - (iv) Be any public sign required by law or provided by any statutory body in accordance with its powers under any Act.
 - (c) All buildings and structures permitted by Rule 3.4.2.11(a) and (b) must comply with at least one of the following:
 - (i) Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines (refer diagram below); or
 - (ii) Demonstrate that safe electrical clearance distances are maintained under all National Grid line operating conditions.



Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

- 3.4.2.12 Buildings and structures around the National Grid Support Structures shall be setback a minimum of 12m from a National Grid Support Structure, provided that the following buildings and structures are exempt from this rule:
- (a) Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or
 - (b) A fence more than 5m from the nearest National Grid Support Structure.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Housing and keeping of animals

- 3.4.2.13 The housing and keeping of animals shall be conducted so that it does not create a noise, odour or dust nuisance to occupants of adjoining or nearby sites, and shall comply with the following:
- (a) The number of domestic poultry shall not exceed ten on properties less than 1ha, and shall not include any roosters; and
 - (b) The number of domestic poultry shall not exceed fifty on properties greater than 1ha and shall not include any roosters; and
 - (c) Pigs are only allowed on sites where the net site area is over 2000m², and no more than three pigs over the age of 8 weeks shall be kept at any one time; and
 - (d) There shall be no boarding of domestic animals as a commercial service; and
 - (e) Sites may be used for grazing of horses and farm animals; and
 - (f) Pens or enclosures for the housing of animals (other than paddocks) shall be setback a minimum of 10m from site boundaries.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Temporary construction buildings

- 3.4.2.14 Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on the same site as the construction project, or on a site adjoining the construction project.
- 3.4.2.15 Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum yard requirements of the Large Lot Residential Zone.

Activities that fail to comply with Rules 3.4.2.14 and 3.4.2.15 will require a resource consent for a discretionary activity.

Rule - Dwellings: Lake Karāpiro Large Lot Residential Structure Plan Area

- 3.4.2.16 In the Lake Karāpiro Large Lot Residential Structure Plan Areas, dwellings shall comply with the following:
- (a) Dwellings shall be located on building platforms identified in Appendix S7; and
 - (b) The maximum number of dwellings permitted in the Lake Karāpiro Large Lot Residential Structure Plan Area shall not exceed the following:

- | | | |
|-------|---------------|--------------|
| (i) | Within Unit A | 9 Dwellings |
| (ii) | Within Unit B | 16 Dwellings |
| (iii) | Within Unit C | 15 Dwellings |

Activities that fail to comply with Rule 3.4.2.16(a) will require a resource consent for a discretionary activity.

Activities that fail to comply with Rule 3.4.2.16(b) will require a resource consent for a non-complying activity.

Advice Note: Dwellings within the Lake Karāpiro Large lot Lot Residential Structure Plan Area located within the building platforms shown in Appendix S7 are controlled activities, subject to the provisions of this rule. See 3.4.1.2(a).

Rules - Secondary dwelling

3.4.2.17 The minimum net site area required for the erection of a secondary dwelling shall be:

- | | | |
|-----|---|--------------------|
| (a) | In the Large Lot Residential Zone of Pirongia and the Houchens Road Large Lot Residential Structure Plan Area | 2000m ² |
| (b) | In all other Large Lot Residential Zones | 2500m ² |

3.4.2.18 A secondary dwelling shall be either:

- (a) On lots of less than 5000m² - a secondary dwelling shall be encompassed within the bulk of the principal dwelling so that the building contains both dwellings and has the visual appearance of a single dwelling.
- (b) On lots of 5000m² or greater - a secondary dwelling shall be either:
 - (i) Encompassed within the bulk of the principal dwelling so that the building contains both dwellings and has the visual appearance of a single dwelling; or
 - (ii) Attached to a garage servicing the principal dwelling and secondary dwelling.

Provided that this rule does not apply to the Lake Karāpiro Large Lot Residential Structure Plan Area where secondary dwellings are not provided for.

3.4.2.19 A secondary dwelling shall be no more than 70m² GFA, (excluding garaging).

Advice Note: For the avoidance of doubt, both dwellings must separately comply with the rules in this zone, including rules in Section 15 - Infrastructure, Hazards, Development and Subdivision and Section 16 - Transportation.

Activities that fail to comply with Rules 3.4.2.17 to 3.4.2.19 will require a resource consent for a discretionary activity.

Rule - Home occupations

3.4.2.20 Exclusive of residents, no more than one person shall be engaged in a home occupation in a dwelling, including any accessory building, provided that:

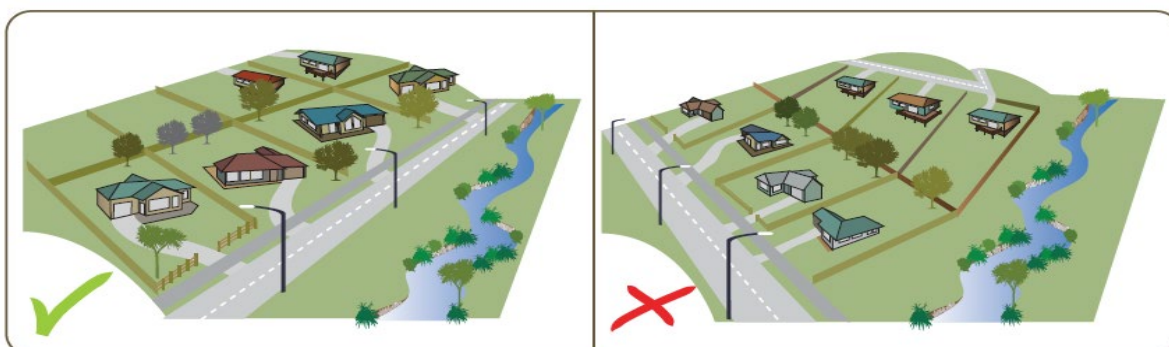
- (a) The principal operator of the home occupation must be a permanent resident on the site to which the home occupation relates; and
- (b) The floor area of the building(s) used for the home occupation shall not exceed 50m²; and
- (c) Any outdoor area associated with the home occupation shall not exceed 50m²; and

- (d) Retail sales shall be limited to those goods, materials and services produced on site as a result of the home occupation or used in the direct operation and management of the home occupation on the site; and must take place within the buildings on the same site, and the area occupied for the retail sales shall constitute part of the gross floor area of the activity; and
- (e) Any outdoor area associated with the home occupation shall be visually screened from any adjoining dwelling or public place and shall not encroach on any building setback; and
- (f) The home occupation shall generate no more than 20 vehicle movements per day; and
- (g) There shall be no unloading and loading of vehicles or the receiving of customers or deliveries before 7.30am or after 7.00pm on any day; and
- (h) There shall be no operation of machinery before 7.30am or after 7.00pm on any day.

Activities that fail to comply with Rules 3.4.2.20(a) to 3.4.2.20(d) will require a resource consent for a non-complying activity.
 Activities that fail to comply with Rules 3.4.2.20(e) to 3.4.2.20(h) will require a resource consent for a discretionary activity.

Rule - Design and layout of development adjoining water bodies and reserves

3.4.2.21 Within the Large Lot Residential Zone, the design and layout of development shall ensure that water bodies and reserves are fronted by either the front or side façade of a dwelling.



Development should front natural features such as water bodies and reserves.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity, except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with the discretion being restricted over:

- (a) The extent to which the design and layout of development provides for passive surveillance of reserve(s).

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Noise

3.4.2.22 Activities shall be conducted and buildings located, designed and used to ensure that they do not exceed the following limits at the notional boundary of any dwelling:

- (a) Monday to Saturday - 7.00am to 10.00pm 50dBA (Leq)
- (b) Sundays & Public Holidays - 8.00am to 6.00pm 50dBA (Leq)
- (c) At all other times 40dBA (Leq)

- (d) Any single event noise 10.00pm to 7.00am 70dBA (Lmax)

Provided that:

- (i) This rule shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency services; and
- (ii) Noise from farm animals including farm dogs, agricultural vehicles (when not being used for recreational purposes), agricultural machinery or equipment operated and maintained in accordance with manufacturer's specifications and in accordance with accepted management practice (excluding frost fans) are exempt from this rule provided that the best practicable option to keeping noise at a reasonable level is adopted.

All noise levels shall be measured and assessed in accordance with the requirements of NZS6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Vibration

- 3.4.2.23 Vibration emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 - Code of Practice for Storage, Handling, and Use of Explosives.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Safety; and
- Time and duration of effect; and
- Effects on buildings and structures, either on site or on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Construction noise

- 3.4.2.24 Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Time and duration of effect; and
- Effects on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Noise insulation: residential activities

- 3.4.2.25 Where a noise sensitive activity is proposed to be located within 40m of a railway track as identified on the Planning Maps, the building shall be insulated so that it achieves the following noise levels:

- (a) Inside bedrooms within 40m of a railway track 35dB LAeq (1hr)
- (b) Inside other habitable spaces within 40m of a railway track 40dB LAeq (1hr)

- 3.4.2.26 Where a noise sensitive activity is proposed to be located within:
- (a) 40m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is less than 70km/hour; or
 - (b) 80m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is equal to or greater than 70km/hour; or
 - (c) 100m of the Waikato Expressway section of State Highway 1 or any other designated State Highway (as measured from the edge of the carriageway or the edge of the designation if the carriageway location has not been confirmed in writing by the Requiring Authority);

then the building shall be insulated so that it achieves the following noise levels:

- (i) Inside habitable rooms (including bedrooms) 40dB LAeq (24hr)

Provided that this rule does not apply to the Houchens Road Large Lot Residential Structure Plan Area.

Advice Note: A report from an experienced practitioner should be submitted at the time of building consent application to demonstrate compliance with Rules 3.4.2.25 and 3.4.2.26.

- 3.4.2.27 Within the Houchens Road Large Lot Residential Structure Plan Area, any new buildings, or any alteration(s) to existing buildings otherwise intended for noise sensitive activities (such as accommodation or education facilities, or offices) constructed within 80m (measured from the nearest painted edge of the carriageway) of State Highway 3/Ohaupo Road or land that is subject to a notice of requirement or designation for State Highway 3/Ohaupo Road:

- (a) The building or alteration shall be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in Australian New Zealand Standard AS/NZS2107:2000 Recommended Design Sound Levels and Reverberation Times for Building Interiors; or
- (b) Prior to the construction of any habitable building(s) on the site, an acoustic design certificate from a qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels of Australian New Zealand Standard AS/NZS2107:2000 Recommended Design sound levels and Reverberation Times for Building Interiors are achieved; or
- (c) The dwelling or alteration shall be designed, constructed and maintained in accordance with the schedule of typical building construction set out in Appendix A of Australian New Zealand Standard AS/NZS2107:2000 Recommended Design Sound Levels and Reverberation Times for Building Interiors.

Activities that fail to comply with Rules 3.4.2.25 to 3.4.2.27 will require a resource consent for a discretionary activity.

Rule - Noise: temporary military training activities

- 3.4.2.28 Noise from temporary military training activities measured from a line 20m from and parallel to the façade of any dwelling or the legal boundary where this is closest to the dwelling shall not exceed the following limits:

Time (any day)	Noise Limits		
	L10	L95	Lmax
0630 - 0730	60	45a	70

Time (any day)	Noise Limits		
	L10	L95	Lmax
0730 - 1800	75	60	90
1800 - 2000	70	55	85
2000 - 0630 (except as provided for below)	35	-	65
For no more than 5 days in any 4 week period:			
2000 - 0630	40	-	65

Provided that noise resulting from the use of explosives shall not exceed 122dBA during daylight hours 6.30am to 8.00pm. No noise resulting from the use of explosives shall be generated outside of these times.

All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Noise; and
- Vehicle access.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Signs

3.4.2.29 The following signs are permitted:

- (a) A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign shall exceed 0.25m² visible in any direction.
- (b) Signs advertising that the land or premises are for sale or lease. The maximum size of each sign shall be no more than 2m², and no more than four signs are permitted on a site at any one time.
- (c) A sign erected on a construction site giving details of the project. The maximum total area of the sign shall be no more than 2m² and no more than one sign is permitted on a site at any one time.
- (d) Any sign erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (e) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) Signs shall relate to activities authorised under the District Plan and shall be located on the site to which they relate; and
- (ii) Signs shall not be internally illuminated, flashing, incorporate fluorescent or moving materials such as flags, or be painted in colours that are used on traffic signals; and
- (iii) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and

- (iv) A freestanding sign shall be placed so that no part is more than 2m above ground level; and
- (v) Signs shall be placed so that they do not block sight distances at entranceways and should be no closer than 20m to a road intersection; and
- (vi) Signs shall be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

3.4.2.30 Signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation; provided that there shall be no more than one sign per site, it shall not exceed a combined total area of 3m² visible in all directions, and shall be setback 15m from any strategic road.

Provided that in all cases:

- (a) Signs shall not be internally illuminated, flashing, incorporate fluorescent materials or be painted in colours that are used on traffic signals; and
- (b) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and
- (c) A freestanding sign shall be placed so that no part is more than 2m above ground level; and
- (d) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and
- (e) Signs shall be removed within three days of the conclusion of the event.

Provided that relevant the zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 3.4.2.29 and 3.4.2.30 will require a resource consent for a discretionary activity.

Rule - Relocated buildings

3.4.2.31 A relocated building over 40m² GFA shall meet the following requirements:

- (a) A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:
 - (i) A Waipa District Council Building Compliance Officer (or equivalent); or
 - (ii) A member of the New Zealand Institute of Building Surveyors; or
 - (iii) A licensed building practitioner (carpenter or design category); or
 - (iv) A building inspector from the local authority where the building is being relocated from; and
- (b) If the Building Relocation Inspection Report has been prepared by a person other than a Waipa District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipa District Council Building Compliance Officer (or equivalent position) by

undertaking an on-site inspection of the relocated building once it has been relocated; and should the Waipa District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:

- (i) The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.
- (c) All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and
- (d) The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site.

Provided that this rule shall not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.

Advice Notes:

1. Relocated buildings less than 40m² are not required to comply with this rule but are required to comply with the relevant rules in 3.4.2.
2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.
3. The onsite inspection by a Waipa District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building Consent process, and will not incur additional costs.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Pasture reinstatement

3.4.2.32 Vegetation clearance of manuka and/or kanuka and/or tree ferns on land previously in pastoral use for the purpose of maintaining or reinstating pasture shall comply with the following:

- (a) Not occur within 10m of a water body; and
- (b) Vegetation to be cleared shall be less than 15 years old and less than 5m in height.

Advice Notes:

1. Refer also to the provisions in Section 24 – Indigenous Biodiversity.
2. Note where indigenous vegetation is to be removed or modified under Rule 3.4.2.32 there may be a need to verify the age of regeneration kanuka, manuka or tree ferns to avoid the possibility of carrying out an unauthorised activity. The Waikato Regional Aerial Photography project has data available which may be used to verify age if required.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Area and location of vegetation to be removed; and
- Effect on ecological and biodiversity values; and
- Effect on at risk or threatened species; and
- Effects on the relationship of tāngata whenua with their ancestral lands, water sites, wāhi tapu, and other taonga; and
- Remediation and mitigation measures including consideration of the no net loss principle.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Residential Based Visitor Accommodation

3.4.2.33 The use of a dwelling as Residential Based Visitor Accommodation is permitted if it accommodates no more than:

- (a) Three people in a one bedroom dwelling; or
- (b) Five people in a two bedroom dwelling; or
- (c) Seven people in a three bedroom dwelling; or
- (d) No more than 10 people in a dwelling with four or more bedrooms.

3.4.2.34 Where a Sleep Out is used it will be considered as one bedroom.

3.4.2.35 Where there are permanent residents staying on site they will be included in the maximum number of people able to be accommodated overnight in the dwelling.

- (a) No paying overnight visitors are to be accommodated in temporary living spaces, such as tents, caravans, motor vans or campervans.

Activities which fail to comply with this rule will require a resource consent for a discretionary activity.

Rule – Neighbourhood Centre within the T6 Growth Cell Structure Plan area

3.4.2.36 The neighbourhood centre within the T6 Growth Cell Structure Plan Area shall comply with the following:

- (a) Be located in general accordance as shown on the T6 Growth Cell Structure Plan.
- (b) The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week.
- (c) Buildings shall not exceed 14m in height and shall be no more than three floors within the Centre.
- (d) The architecture should have a pedestrian scale, with large and welcoming doors and openings adjacent to public space. Buildings with large blank walls on the first level are not permitted.
- (e) The built form is designed to allow flexible use of spaces, so the character of the area can develop and adapt over time.
- (f) Each individual retail and services tenancy should have a floor area of not more than 250m² Gross Floor Area (GFA) (excluding community amenities and facilities, administration offices, and professional offices).
- (g) All commercial building street frontage shall be constructed to a 0m front lot boundary.

- (h) All street frontages should have a minimum 3m wide continuous covered veranda to allow for weather protection.
- (i) All commercial buildings should have a minimum 3m setback from all adjoining residential zone, reserves and public open space boundaries.
- (j) All buildings fronting a road or reserve should have an active frontage, incorporating 70% permeable, glazed shop frontage at ground floor. Active frontages should also include wide double doorways to allow for easy pedestrian access.
- (k) Where a site adjoins the Residential Zone, no building or stored materials should penetrate a recession plane at right angles to the Residential Zone boundary inclined inwards at an angle of 45° from 2.7m above ground level.
- (l) Any storage or service area (including mechanical, electrical and utility equipment, refuse, and recycling activities) not enclosed within a building or where a shipping container is being used for storage, should be fully screened by landscaping or solid walls or fences not less than 1.8m in height.
- (m) Walls and fences over 1.8m in height should be setback a minimum of 5m from the road boundary unless a landscaping strip of a minimum of 2m wide is provided on the external side of the fence.
- (n) Walls and fences along any road or reserve should not exceed 1.6m in height, except where at least 40% of the fence is visually permeable, in which case the fence may be constructed to a maximum height of 1.8m.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity. [PC13]

3.5 Assessment Criteria

3.5.1 Controlled activities and Restricted Discretionary activities

For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved.

3.5.2 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.