

## Section 13 - Marae Development Zone

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### 13.1 Introduction

13.1.1 Historically, the Waipā District was relatively densely populated with large numbers of pā, marae and papakāinga. A substantial portion of the current Waipā District was part of the Waikato Confiscation after the Waikato War. Post confiscation, the land was settled, and the wetlands drained and developed by the mainly Pakeha settlers. Tāngata whenua communities fled to areas outside of the Aukati (confiscation) Line. Some land was subsequently returned to Māori individuals as Crown grants. Today there are still areas of land in multiple Māori ownership which are mainly in the rural environment, and, in addition to the Ō-Tāwhao Marae on the Te Awamutu College grounds, there are six existing marae and/or pā currently in use, as follows:

- (a) Pōhara (Ngāti Koroki Kahukura/Waikato Tainui - Oreipunga Road)
- (b) Maungatautari (Ngāti Koroki Kahukura/Waikato Tainui - Hicks Road)
- (c) Mangatoatoa (Maniapoto - Te Mawhai Road, Tokanui)
- (d) Te Kōpua (Maniapoto - Morgan Road)
- (e) Pārāwera (Raukawa, corner of Owairaka Valley and Arapuni Roads)
- (f) Kemureti (Cambridge Greenbelt)

13.1.2 The intention of this zone is to enable the development of marae and papakāinga to allow tāngata whenua to reconnect with sites/areas of significance, and it is also intended that this zone could apply to other sites in the future. The enabling of tāngata whenua to reconnect with sites/areas of significance is a matter of national importance, as identified in Section 6(e) of the Act:

*“The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga”*

13.1.3 It is envisaged that the intensity of development for marae and associated papakāinga is more aligned to residential development than rural. It is appropriate that a specific zone is created with rules that enable this outcome. The main limiting factor to development will be the ability to service development with water supply, stormwater, and wastewater treatment and disposal services; and this may mean that development within the zone requires a resource consent. A development plan process has been provided for to enable a holistic approach to future development of existing marae, while still ensuring that the effects of developments on the surrounding area and servicing are addressed.

13.1.4 Much of the Māori land under multiple ownership is located in rural areas that are relatively removed from urban environments and sources of employment. In order to enable marae and papakāinga to be sustainable, there is the potential for employment opportunities to be created in association with a marae.

### 13.2 Resource Management Issues

13.2.1 Most existing marae are within the Rural Zone, where the anticipated density of settlement is less than that associated with traditional papakāinga settlements.

- 13.2.2 Over time, people have moved away from traditional areas of settlement like marae. There is a desire from tāngata whenua to reconnect with these areas and providing for and recognising this relationship is a matter of national importance in the Act.
- 13.2.3 On-site servicing of rural marae for water, wastewater, stormwater and appropriate transport infrastructure currently restricts the ability of most marae to develop beyond providing core functional purposes.
- Advice Note: Different options for servicing may be more readily available in the future which may provide greater flexibility for development.
- 13.2.4 The existing marae locations do not lend themselves readily to the provision of education, health or other services. In the future there are likely to be aspirations to develop marae in more favourable locations.
- 13.2.5 Activities on Marae Development Zoned properties can have adverse effects on surrounding properties and farming activities.
- 13.2.6 Undeveloped land around existing buildings within the Marae Development Zone is generally used for Rural Zone uses, which needs to be provided for within the Marae Development Zone rules.
- 13.2.7 While some activities are consistent between marae, the specific details of customary activities undertaken will differ between marae.

### 13.3 Objectives and Policies

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

#### **Objective - Relationship of Māori**

- 13.3.1 To recognise and provide for the relationship of Māori, their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

*Policy - Tāngata whenua aspirations*

- 13.3.1.1 Support the aspirations of tāngata whenua to develop papakāinga, marae and/or pā, except where the scale of adverse effects outweighs those aspirations.

#### **Objective - Promotion of tāngata whenua values**

- 13.3.2 To uphold and to assist tāngata whenua to uphold, the partnership principles inherent within the principles of Te Tiriti o Waitangi; by assisting tāngata whenua of the District to maintain and enhance their culture, traditions, economy and society, in order that their well-being (mauri) and health (hauora) is maintained and enhanced.

*Policy - Role of marae and papakāinga*

- 13.3.2.1 To enable existing and future marae and papakāinga to be a focus and essential part of the development of Māori culture, traditions, society and economy.

*Policy - Cultural and historic relationship*

- 13.3.2.2 To promote the cultural and historic relationship tāngata whenua have with the District.

*Policy - Planning for marae and papakāinga*

- 13.3.2.3 Encourage and assist in the integrated and holistic planning for the development of marae and papakāinga through Iwi or Hapū Development Plans.

*Policy - Future development*

- 13.3.2.4 Support the Marae Development Zone in other locations where it is consistent with sustainable development principles, supports tāngata whenua aspirations, and is supported by integrated Iwi or Hapū Development Plans.

**Objective - Recognising environment and amenity values**

- 13.3.3 To ensure that development within the Marae Development Zone recognises and provides for environmental values, as well as the character and amenity of the adjoining zone(s).

*Policy - Environmental effects*

- 13.3.3.1 Developments within land zoned Marae Development shall reflect sustainable management, and the environmental protection principles of the Waikato River Vision and Strategy and the Waipā River Agreement (Maniapoto Deed).

*Policy - Reverse sensitivity effects on adjoining zones*

- 13.3.3.2 Developments and activities on land zoned Marae Development shall be designed and managed in such a way as to not significantly adversely affect the character and amenity of land adjoining the Marae Development Zone.

*Policy - Farming activities on land adjoining the Rural Zone*

- 13.3.3.3 Recognise that land within the Marae Development Zone may legitimately be used for farming activities where adjoining land is in the Rural Zone.

*Policy - Relocated buildings*

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

## 13.4 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.*

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.

## 13.4.1

**Activity Status Tables**

13.4.1.1	<b>Permitted activities</b> The following activities must comply with the performance standards of this zone
(a)	Farming activities where this zone adjoins the Rural Zone.
(b)	Marae
(c)	Papakāinga development.
(d)	Kohanga reo.
(e)	Kokiri centre.
(f)	Urupā (burial ground).
(g)	Sale of products, goods and services produced as part of (a)-(e) above on site activities, from a building limited to 50m <sup>2</sup> of gross dedicated retail floor area (i.e. one building per Marae Development Zone area).
(h)	Passive and active recreation, customary activities, tikanga māori, social and cultural activities.
(i)	Relocated buildings, except for those listed in Appendix N1.
(j)	Removal or demolition of buildings.
(k)	Offices associated with hauora functions.
(l)	Any development undertaken in accordance with an approved Iwi or Hapū Development Plan (refer to Rule 13.4.1.4(b)).
(m)	Earthworks
(n)	Temporary buildings including ablution and storage sheds incidental to a construction project.
(o)	Temporary events.
(p)	Signs
(q)	Demolition and removal of buildings and structures, except those listed in Appendix N1 Heritage Items.

13.4.1.2	<b>Controlled activities</b> The following activities must comply with the performance standards of this zone
(a)	There are no controlled activities.

13.4.1.3	<b>Restricted discretionary activities</b> The following activities must comply with the performance standards of this zone
(a)	Any permitted or controlled activity that does not comply with one rule, except those outlined in 13.4.1.4 below.

13.4.1.4	<b>Discretionary activities</b>
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with: <ul style="list-style-type: none"> <li>(i) Rule 13.4.2.6 - Site coverage</li> <li>(ii) Rule 13.4.2.9 - Servicing</li> <li>(iii) Rules 13.4.2.10 to 13.4.2.11 - Noise</li> <li>(iv) Rules 13.4.2.16 and 13.4.2.17 - Signs</li> <li>(v) Rules 13.4.2.18 and 13.4.2.19 - Temporary construction buildings</li> <li>(vi) Rules 13.4.2.20 to 13.4.2.23 - Temporary events</li> <li>(vii) Rule 13.4.2.24 (e) to (f) - Home occupations</li> <li>(viii) Rule 13.4.2.25 - Earthworks</li> </ul>
(b)	Iwi or Hapū Development Plan.

13.4.1.5	<b>Non-complying activities</b>
(a)	Any building or activity that fails to comply with: <ul style="list-style-type: none"> <li>(i) Rule 13.4.2.2 - Building setbacks</li> <li>(ii) Rule 13.4.2.12 - Helicopter noise</li> </ul>

13.4.1.5	<b>Non-complying activities</b>
	(iii) Rule 13.4.2.24(a) to (d) - Home occupation
(b)	All other activities not listed in activity status table Rules 13.4.1.1 to 13.4.1.4 and not listed as a prohibited activity.

13.4.1.6	<b>Prohibited activities</b>
	The following activities are prohibited and no resource consent will be approved
(a)	There are no prohibited activities.

## 13.4.2 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. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.*

### Rule - Rural Zone permitted activities

- 13.4.2.1 The rules of Section 4 - Rural Zone shall apply to farming activities on land within the Marae Development Zone where adjoining the Rural Zone.

### Rules - Building setbacks

- 13.4.2.2 The minimum building setback from road boundaries shall be 15m

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

- 13.4.2.3 The minimum building setback from internal boundaries shall be 10m

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 sites; 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
- 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

- 13.4.2.4 No building, excluding pou, shall exceed 15m in height

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
- Effects on character and amenity of the surrounding zone; and
- Effects on surrounding properties; and

- Loss of daylight to adjoining sites.  
These matters will be considered in accordance with the assessment criteria in Section 21.

#### **Rule - Relocated buildings**

- 13.4.2.5 A relocated building more than 40m<sup>2</sup> 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 40m<sup>2</sup> are not required to comply with this rule but are required to comply with the relevant rules in 13.4.2.
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 - Site coverage**

13.4.2.6 Site coverage shall not exceed 40% of the net site area.

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

**Rule - Impermeable surfaces**

13.4.2.7 Impermeable surfaces must not exceed 60% of the net site area.

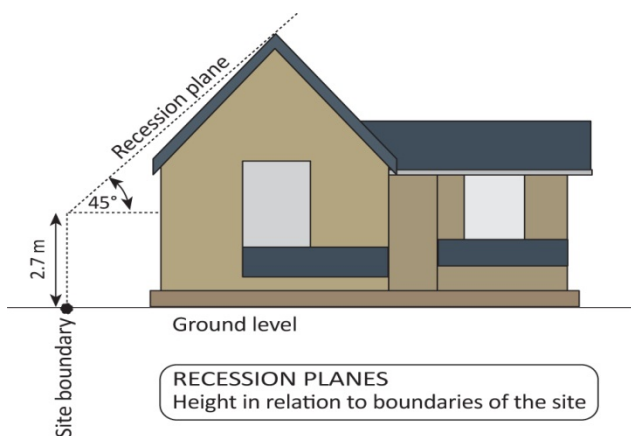
Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity- with the discretion being restricted over:

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

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

**Rule - Daylight control**

13.4.2.8 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 the zone.



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
- Effects on rural character and amenity; and
- Effects on surrounding properties; and
- Loss of daylight to adjoining sites.

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

### **Rule - Servicing**

13.4.2.9 All developments within the Marae Development Zone shall:

- (a) Have an independent potable water supply for activities on the site, and for fire fighting; and
- (b) Be on a site of sufficient size to contain the treatment and disposal of wastewater resulting from any development within the site boundaries; and
- (c) Be on a site of sufficient size to enable on site detention and disposal of stormwater (as measured in a 10% AEP).

Advice Note: Please refer to Section 15 - Infrastructure, Hazards, Development and Subdivision for additional rules relating to water, stormwater and wastewater servicing.

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

### **Rule - Noise**

13.4.2.10 Activities shall be conducted and buildings located, designed and used to ensure that they do not exceed the following limits within the notional boundary of any dwelling on adjoining and/or adjacent sites:

- |  |              |
|--|--------------|
| (a) Day time 7.00am to 10.00pm                         | 50dBA (Leq)  |
| (b) Night time 10.00pm to 7.00am                       | 40dBA (Leq)  |
| (c) Single noise event at night time 10.00pm to 7.00am | 70dBA (Lmax) |

The 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 discretionary activity.

### **Rule - Noise insulation: residential activities**

13.4.2.11 Where a noise sensitive activity is proposed to be located within 40m of a railway, track or a designated State Highway, the building shall be insulated so that it achieves the following noise levels:

- |                                   |                 |
|-----------------------------------|-----------------|
| (a) Inside bedrooms               | 35dB LAeq (1hr) |
| (b) Inside other habitable spaces | 40dB LAeq (1hr) |

Advice Note: A report from an experienced practitioner shall be submitted at the time of building consent application to demonstrate compliance with this rule.

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

### **Rule - Helicopter noise**

13.4.2.12 The noise emanating from a site shall meet the limits recommended in, and be measured and assessed in accordance with NZS6807:1994 Noise Management and Landing Use Planning for Helicopter Landing Areas.



Advice Note: This rule does not apply to any helicopter movement associated with military or emergency purposes.

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

#### Rule - Construction noise

- 13.4.2.13 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.

#### Rule - Vibration

- 13.4.2.14 Vibration emanating from a site shall not exceed 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 - Noise: temporary military training activities

- 13.4.2.15 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
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

13.4.2.16 The following signs are permitted:

- (a) A sign giving information such as the name of the marae 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 1.2m<sup>2</sup> visible in any one direction with a maximum area of 2.4m<sup>2</sup>.
- (b) Signs for orientation and direction of traffic and/or pedestrians within the Marae Development Zone.
- (c) Signs advertising that the land or premises are for sale or lease. The maximum size of each sign shall be no more than 2m<sup>2</sup> and no more than four signs are permitted on a site at any one time.
- (d) A sign erected on a construction site giving details of the project. The maximum total area of the sign shall be no more than 2m<sup>2</sup> and no more than one sign is permitted on a site at any one time.
- (e) Any sign erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (f) Health and Safety in Employment related signs.

Provided that in all cases:

- (i) All signs shall relate to activities authorised under the 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 shall be no closer than 20m to a road intersection; and
- (vi) Signs shall be removed when the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

13.4.2.17 Signs giving information on forthcoming 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 proscribed by legislation are permitted, as long as signs shall not exceed a combined total area of 3m<sup>2</sup> visible in all direction and shall be setback at least 15m from any strategic road.

Provided that in all cases:

- (a) 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
- (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 13.4.2.16 and 13.4.2.17 will require a resource consent for a discretionary activity.

#### **Rules - Temporary construction buildings**

- 13.4.2.18 Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project.
- 13.4.2.19 Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum setback requirements for the Marae Development Zone.

Activities that fail to comply with Rules 13.4.2.18 and 13.4.2.19 will require a resource consent for a discretionary activity.

#### **Rules - Temporary event**

- 13.4.2.20 All temporary buildings and works associated with the temporary event shall be removed and the site returned to its original condition within five days after the event has ceased.
- 13.4.2.21 Temporary events shall not occur outside of the hours of 7.00am to 10.00pm.
- 13.4.2.22 All buildings and any required works shall be set back from the boundary in accordance with the relevant Marae Development Zone building setback requirements.
- 13.4.2.23 Any temporary event that is likely to attract more than 200 vehicles shall require a Traffic Management Plan. The Traffic Management Plan is required to be submitted to and approved by the relevant road controlling authority no less than one month prior to the event.

Advice Note: Refer to the New Zealand Building Code – G1 – Personal Hygiene for the minimum number of toilets that should be provided, and for rubbish disposal provisions.

Activities that fail to comply with Rules 13.4.2.20 to 13.4.2.23 will require a resource consent for a discretionary activity.

### **Rule - Home occupations**

- 13.4.2.24 Exclusive of residents, no more than one person shall be engaged in a home occupation in a dwelling, or accessory building, provided that:
- (a) The principal operator of the home occupation shall be a permanent resident on the site to which the home occupation relates; and
  - (b) The total gross floor area in the dwelling or accessory buildings used for the home occupation shall not exceed 50m<sup>2</sup>; and
  - (c) Any outdoor area associated with the home occupation shall not exceed 50m<sup>2</sup>; 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) A home occupation shall generate no more than 20 vehicle movements per day.

Activities that fail to comply with Rules 13.4.2.24(a) to 13.4.2.24(d) will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 13.4.2.24(e) to 13.4.2.24(f) will require a resource consent for a discretionary activity.

### **Rule - Earthworks**

- 13.4.2.25 Earthworks shall not exceed a total volume of 1000m<sup>3</sup> in a single activity or in cumulative activities in any 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. Additional earthworks consent requirements may apply in identified landscapes.
3. Earthworks complying with permitted activity standards 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.
4. Earthworks within 23m of lakes 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.

## **13.5 Assessment Criteria**

### **13.5.1 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.*

### **13.5.2 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.*