

Hamilton City

Operative District Plan

July 2012

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Operative District Plan Hamilton City

At its meeting of **29 June 2012** the Hamilton City Council resolved to declare the Hamilton City District Plan 'Operative' pursuant to clause 17 (2) of Schedule 1 of the Resource Management Act 1991 (RMA).

Public notification of the availability of the Hamilton City Operative District Plan was given on **21 July 2012**.

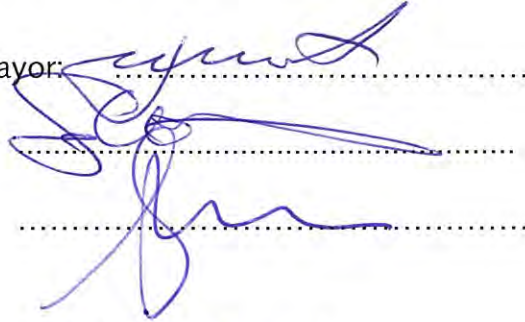
In accordance with clause 20 (1) of Schedule 1 of the RMA, the Hamilton City District Plan becomes operative on **28 July 2012**.

THE COMMON SEAL of the HAMILTON CITY COUNCIL was affixed hereto in the presence of:

Her Worship the Mayor:

Deputy Mayor:

Chief Executive:



Dated at Hamilton this *29* day of *June* 2012

Hamilton City Council
Municipal Offices
Garden Place
Private Bag 3010
HAMILTON



Plan publically notified 30 October 1999
Decisions on submissions and further submissions notified 27 October 2001
References Version of Plan printed November 2001
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1.0 Introduction

1.1 District Plan Overview

1.1.1 What is a District Plan?

The Hamilton City District Plan is a legal document prepared under the Resource Management Act 1991 (RMA). The District Plan defines the way in which the city's natural and physical resources will be managed to achieve the purpose and principles of the RMA. The Plan provides a framework of resource management policy and implementation methods to manage the effects of the use, development or protection of land and associated natural and physical resources in the city.

The District Plan states the significant resource management issues of the district, the objectives to be achieved, the policies for addressing the issues and objectives, and the methods to be used to implement these policies.

1.1.2 Structure and Format of this Plan

The structure and format of the District Plan is based around the separation of the Policy and Implementation (Rules) sections. The Policy Section provides a statement of the District Plan's approach to the management of effects on natural and physical resources, while the Implementation Section provides zones, overlays, rules and standards which address the effects of activities carried out in the city.

Policy

The Policy Section has been divided into three areas: an Introduction; a Statement on Integrated Management; and the Resource Management Policies.

The **Introduction** deals principally with matters relating to the Plan's relationship to the RMA, the operational elements that the Plan must have regard to, and a profile of the city's natural and physical resources and people.

The **Statement on Integrated Management** includes a broad background to the concept of Integrated Management and its context within the RMA, and a discussion on current development and environmental trends in Hamilton, and the significant resource management issues for the city over the next 10 years. Links are also established between the resource management issues facing Hamilton, the functions the Council must fulfil under the RMA, and the resource management policies contained in the District Plan.

The **Resource Management Policies** are the more specific policy elements which generate zones, overlays, city-wide rules and standards in the Implementation section of the Plan. These specific policies have been deliberately separated from the Implementation elements because there is no exclusive relationship between a policy and a rule. A method used within the Plan, such as a rule, may be the means of achieving a number of different policies.

Each Resource Management Policy identifies the principal resource management issues for Hamilton, the objectives sought by the Plan, and the policy direction chosen in response to these issues and objectives. It also describes the methods which will be used to carry out the policies (both within and beyond the District Plan), the reasons for adopting those particular policies, and the anticipated environmental results that the Plan intends to achieve.

Implementation

The Implementation section of the Plan incorporates all the rules, standards, and assessment criteria for the activities or effects that are intended to be managed through the Plan. The delivery of these regulatory methods will occur through three principal methodologies: zones; overlays; and city-wide rules.

Zoning and Zone Rules will be used to organise broad ranges of activities together, in a desire to separate incompatible effects generated by those activities. All areas of the city are zoned. Areas are zoned on the basis that the land uses generate a compatible range of effects and enjoy similar levels of amenity.

The **Overlays** have been developed to address particular resource management issues that occur throughout the city, and aim to protect specific values (eg. heritage and ecological values). The Overlays will modify how activities are accommodated in that area or how standards in a zone may be varied. Some Overlays relate to discrete properties in the city, while others do not follow property boundaries. A single property may also be affected by more than one Overlay (eg. Environmental Protection Overlay and Heritage Item Schedule)

Finally there are the **City-Wide Rules** that apply to activities (eg. network utilities) or standards (eg. noise levels). The City-Wide Activities and Standards are read in conjunction with the rules outlined for each zoning.

1.2 Statutory Framework

1.2.1 The Resource Management Act 1991

This District Plan has been prepared pursuant to Council's statutory obligation under Section 73(1) of the RMA. The RMA has a single purpose 'to promote the sustainable management of natural and physical resources'.

Section 5(2) defines sustainable management as:

"...managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment".*

Following the purpose of the RMA are a number of principles which shall be recognised and provided for, regarded, or taken into account, by all persons exercising functions and powers under the RMA. These principles provide direction to the purpose and outline a number of more specific matters that should be central to the way the effects of the use, development and protection of natural and physical resources are managed.

The Council shall:

Section 6

...recognise and provide for matters of national importance:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- f) The protection of historic heritage from inappropriate subdivision, use and development.*
- g) The protection of recognised customary activities.*

Section 7

...have particular regard to:

- a) *Kaitiakitanga:*
- aa) *The ethic of stewardship*
- b) *The efficient use and development of natural and physical resources:*
- ba) *The efficiency of the end use of energy:*
- c) *The maintenance and enhancement of amenity values:*
- d) *Intrinsic values of ecosystems:*
- e) Repealed.
- f) *Maintenance and enhancement of the quality of the environment:*
- g) *Any finite characteristics of natural and physical resources:*
- h) *The protection of the habitat of trout and salmon.*
- i) *The effects of climate change*
- j) *The benefits to be derived from the use and development of renewable energy.*

Sections 6 and 7 have a hierarchical relationship which is exhibited in the forcefulness of the requiring statement. For example, the Section 6 matters are of national importance and must be recognised and provided for, while the Section 7 matters just need to have had particular regard paid to them. The District Plan reflects this hierarchy in that the Section 6 matters are explicitly provided for in policies, while the Section 7 matters are expressed implicitly throughout the whole Plan and explicitly when directly relevant to the Hamilton context. For example, the Plan protects heritage items and precincts as they are very important to communities within Hamilton.

Both the Section 6 and 7 matters have been addressed in this Plan to the extent to which they are relevant to Hamilton City. The preservation of the coastal environment and the protection of the habitat of trout and salmon have therefore not been addressed as they do not occur within the city. But, matters such as maintaining and enhancing amenity values is a vitally important issue for the urban environment therefore the City's District Plan places considerable emphasis upon it.

Section 8

...take into account the principles of the Treaty of Waitangi (*Te Tiriti o Waitangi*).

The Treaty of Waitangi was signed in 1840 by the British Crown and representatives of certain iwi (tribes) and hapu (sub-tribes). The principles of the Treaty of Waitangi were first introduced into New Zealand legislation in 1975 under the Treaty of Waitangi Act 1975. The principles have been defined and clarified over the following years by the Waitangi Tribunal and the Courts. The main principles include:

- the principle of Te Tino Rangatiratanga (full chiefly authority over resources including lands, forests, fisheries and other taonga);
- the principle of partnership (the Treaty of Waitangi signified a partnership between Maori tribes and the Crown which included utmost good faith and genuine consultation);

- the principle of kawanatanga (gave the Crown the right to govern and make laws applying to everyone in exchange for the guarantee that tangata whenua retain Te Tino Rangatiratanga);
- the principle of consultation (the Treaty of Waitangi calls for Maori to have a much greater say in the management of the environment, and that consultation needs to be genuine, transparent and involve sufficient time for debate and for everyone to be involved); and
- the principle of active protection (an obligation to actively protect Maori people in the use of their lands, water and other protected taonga to the fullest extent practicable — this extends to the spiritual values and beliefs of Maori in relation to resource management).

Hamilton City Council works with local tangata whenua on resource management issues in an attempt to put into practice the principles of the Treaty of Waitangi. It is not a simple process, but rather an on-going development of mutual trust, respect and partnership.

Various parts of the District Plan have explicitly been developed in consultation with tangata whenua, while other parts contain reference to cultural values which have been identified during Council's work with local tangata whenua representatives.

1.2.2 The Policy and Planning Framework under the RMA

The RMA establishes a framework of policy and planning documents for the integrated management of the environment. The framework is a hierarchy comprising of three levels; national, regional, and territorial. Policies and plans produced at these levels need to work together to achieve the purpose of sustainable management of natural and physical resources. Section 75(2) highlights this aim by requiring that:

A district plan must give effect to any national policy statement or a New Zealand coastal policy statement and any Regional Policy Statement and must not be inconsistent with-

- a) any water conservation order; or*
- b) a regional plan for any matter specified in s. 30 (1)*

The resource management inter-relationship, and associated policy and planning documents, are summarised in the following table.

AUTHORITY	POLICY AND PLANNING DOCUMENTS
National Government	National Policy Statements developed by the Ministry for the Environment New Zealand Coastal Policy Statement developed by the Department of Conservation (Mandatory) National Environmental Standards and Regulations Water Conservation Orders Designations and Heritage Orders required by Government Agencies
Regional Authority	Regional Policy Statements (Mandatory) Regional Coastal Plan (Mandatory) Regional Plans (Optional)
Territorial Authority	District Plan (Mandatory)

At present there is only one National Policy Statement, the New Zealand Coastal Policy Statement. This document has no bearing on the Hamilton City District Plan because the city has no coastline within its boundaries. The Water Conservation Orders currently established do not affect water-bodies in Hamilton City, and there have been no National Environmental Standards or Regulations produced by the government.

The Waikato Regional Council has an operative Regional Policy Statement which was notified in 1996 and a Proposed Regional Plan for Land, Air, Water, Geothermal, and River and Lake Beds which was notified in September 1998. Both of these documents have a bearing on the District Plan, and have been consulted during its development. Consultation will continue through the District Plan preparation process as Regional Policy Statement Variations take place and the Regional Plan becomes operative.

1.2.3 District Plan Preparation Requirements

The RMA requires that territorial authorities develop a District Plan as one means of achieving the purpose of promoting sustainable management. The District Plan has been prepared in accordance with the requirements in Sections 31, 32, 73, 74, 75, and 76 of the RMA. These requirements are outlined below.

Section 31:

Every territorial authority shall have the following functions:

- a) *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of-*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iii) *the maintenance of indigenous biological diversity*
- c) *The control of the emission of noise and the mitigation of the effects of noise:*
- d) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- e) *Any other functions specified in this Act.*

The function of integrated management is discussed further in Section 2.1 of this Plan, and the functions relating to natural hazards, hazardous substances, subdivision, noise and activities on the surface of water in rivers and lakes are covered in Policy Sections 3.0-8.0 of this District Plan.

Section 32:

Section 32 of the RMA requires Councils to adequately justify the necessity of objectives, policies and methods adopted in their District Plans. Before a proposed plan is notified under section 48, or a regulation is made, an evaluation must be carried out by-

- (1) (a) *the Minister, for a national policy statement or a national environmental standard; or*

- (b) the Minister of Conservation, for the New Zealand coastal policy statement; or
- (c) the local authority, for a policy statement or plan (except changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 Schedule 1); or
- (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.
- (2) A further evaluation must also be made by-
- (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and
- (b) The relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.
- (3) A evaluation must examine-
- (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purpose of the examinations referred to in subsections (3) and (3A), an evaluation must take into account-
- (a) the benefits and costs of policies, rules, or other methods, and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.
- (5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
- (6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

During the initial stages of the Review of the Hamilton City District Plan, Council accepted that undertaking and documenting the Section 32 process should be an integral part of the review.

The key duty Council needed to undertake in relation to its Section 32 requirements was to 'consider and evaluate alternatives before adopting any objective, policy, rule or other method in the District Plan'. This duty was expressed through a multi-stage process. This process included:

- defining a topic/subject area (ie. hazardous substances or residential);
- researching and analysing current provisions, trends and issues;
- consulting with the community, key stakeholders and Council units;
- producing issues and options papers on the topic;
- further consultation and workshops with the community, key stakeholders and Council units;
- producing policy papers and reports for Council comment and direction; and

- the development and refinement of objectives, policies and methods.

The Council's Section 32 requirements were specifically addressed within the issues and options papers and policy papers. These papers canvassed the raft of methods available for addressing the resource management issues relevant to the particular topic. The papers also identified the connections to Part II of the RMA and the efficiency and effectiveness of managing any related effects. The objectives, policies and methods within the District Plan were further refined through a peer review process.

The Council's Section 32 requirements are not a one-off duty which is undertaken and then completed. Continual improvements and refinements will be made as a result of the monitoring undertaken against the Anticipated Environmental Results identified in the Plan.

Section 73:

Section 73 states that:

- (1) *There shall at all times be one district plan for each district prepared by the territorial authority in the manner set out in the First Schedule. And that,*
- (1a) *A district plan may be changed by a territorial authority in the manner set out in the First Schedule.*

One of the most important parts of the First Schedule process is the requirement to undertake consultation during the preparation or change of a district plan. Specifically, the territorial authority concerned shall consult:

- The Minister for the Environment;
- Other Ministers of the Crown who may be affected by the plan;
- Local Authorities who may be affected by the plan; and
- The Tangata Whenua of the area who may be so affected.

The First Schedule also states that the local authority may consult anyone else during the preparation of a plan. Hamilton City Council has undertaken a considerable amount of consultation beyond their statutory requirements. Following is a brief summary of the consultation process undertaken by Council during the preparation of this Plan.

Plan Preparation

STAGE	PROCESS	PARTICIPANTS	OUTPUT
<i>Scoping</i> of topic and information gathering	Informal discussions	Local iwi and stakeholders ¹	Scoping/Position Paper outline situation, suggest possible action
<i>Analysis</i> and investigation to identify issues and options	Workshops Taskforce Working Party	Councillors, local iwi, District Plan review team members, Council staff, and outside stakeholders	Issues and Options Paper or Planning Studies
<i>Consultation</i> on Issues and Options Papers	Public Meetings Taskforce or Working Party evaluations	Stakeholders, local iwi, Public, Councillors, Council staff, District Plan review team member	Summary of public responses to Issues and Options Papers
<i>Development of Policy</i> for the District Plan	Taskforce Working Party	Council Staff, local iwi, Councillors, District Plan review team member, and stakeholders	Policy Statement to be included in District Plan
<i>Development of Rules</i> and other methods for the District Plan	Taskforce Working Party	Council Staff, local iwi, Councillors, District Plan review team member, and stakeholders	District Plan Provisions

Additional consultation methods also included statistically representative telephone surveys, mail return surveys (sent to all households via community newspapers), a telephone hotline, and informal discussions with interest groups.

Plan Notification

Following is a summary of the public participation avenues that were available after the Proposed District Plan was notified.

STAGE	PROCESS	PARTICIPANTS	OUTPUT
<i>Submissions</i>	Written submissions on the content of the Plan	Any person may make a submission	Summary of all submissions
<i>Further Submissions</i>	Written submissions either supporting or opposing the first round of submissions	Any person may make a further submission	Copy of further submission served on the person who made the first submission
Local Authority <i>Hearings</i> into submissions	Oral hearings held by Council	Every person who made a submission or further submission and who requested to be heard	Council decisions on the hearings, indicating the reasons for accepting or rejecting submissions

¹ Stakeholders include, but are not limited to: community and interest groups, government ministries and departments, individual members of the public, other Council departments.

Appeals against Council decisions on submissions	Appeals lodged to the Environment Court on Council decisions and Plan Provisions, followed by a hearing	Any submitter can appeal on matters that they included in their submission	The Environment Court confirmed, or required modification, deletion, or insertion of provisions
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Tangata Whenua

The RMA has as one of its key principles, Section 8...taking into account the Principles of the Treaty of Waitangi. One means of giving expression to this responsibility is through active participation of local tangata whenua in resource management issues and District Plan development. Hamilton City Council and local Tainui iwi, who are tangata whenua in Hamilton, have worked together during the preparation of this District Plan.

The District Plan preparation process involved presentations by Council staff to local iwi regarding progress on the Plan and key issues arising. Iwi representatives also identified issues of significance to Tainui within the Hamilton City boundaries. Tainui iwi were actively consulted during the preparation of objectives, policies, and methods, and were present on working parties, taskforces, and at public meetings.

Section 74:

Section 74 of the Act requires that territorial authorities have regard to any:

- *proposed regional policy statement; or*
- *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has responsibility under Part 4; and*
- *management plans and strategies prepared under other Acts; and*
- *relevant entry in the Historic Places Register; and*
- *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulation or bylaws relating to taipure, mahinga mataitai, or other non-commercial Maori customary fishing) to the extent that their content has a bearing on resource management issues of the district; and*
- *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

A territorial authority must take into account any relevant documents recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.

In preparing or changing any district plan, a territorial authority must not have regard to trade competition.

Having regard to these other planning instruments is an important part of Council's requirement to undertake integrated management. Council needs to be aware of what other documents and methods are also used to address resource management issues so that consistency in policy approaches and methods is established, co-ordination between legislation and agencies is developed and duplication of effort reduced. Following is a summary of the documents relevant to Hamilton City.

Management Plans and Strategies

The Council has had regard to the provisions of other planning documents it has prepared. The District Plan has been prepared in consultation with the various units of Council who may operate under different legislation, or who develop strategies and plans for the city's management. These strategies and plans include the following:

- Reserve Act 1977 Management Plans (i.e., Jubilee Park and Hamilton Lake Domain) prepared under the Reserves Act 1977;
- Hamilton City Council's Recreation and Leisure Plan;
- Hamilton City Council's Waste Management Plan;
- Hamilton City Council's Green Network Strategy;
- Hamilton's Integrated Transportation Strategy; and
- Hamilton City Council's Asset Management Plans for Infrastructure.
- Hamilton City Council 2006-16 Long-Term Plan
- Hamilton City's Urban Design Strategy — CityScope
- Access Hamilton: Transport Strategy and Infrastructure Programme

Other documents developed at the regional and national levels have also been considered during the Plan development process, including the Regional Pest Management Strategy, the Regional Land Transport Strategy, and the Conservation Management Strategy.

Iwi Management Plans

At present there are no management documents recognised or produced by local iwi for the area contained within the city. Council will consider future iwi management plans, and District Plan changes will be made when appropriate.

Historic Places Register

The Historic Places Register is prepared under the Historic Places Act 1993. The register lists historic places, historic areas, waahi tapu and waahi tapu areas which are of special or outstanding historical or cultural significance or value, and those of historical or cultural heritage. Included in the Register are buildings, sites, archaeological sites and waahi tapu. The Hamilton City Council holds a copy of the Register containing relevant sites located in the city.

The District Plan includes policies and rules relating to Heritage Items and Heritage Precincts within the city. The Heritage Items Schedule and Precincts have been prepared with reference to the Historic Places Register and the Waikato Heritage Study.

Management of Taiapure or Fisheries

Currently there are no management plans relating to Taiapure or fisheries which are of relevance to the district covered by the Hamilton City Council.

Adjacent Territorial Authorities and Cross Boundary Issues

Section 74 of the RMA requires that territorial authorities have regard to the district plans of adjacent territorial authorities, and Section 75 requires Councils to state the processes to be used to deal with issues which cross territorial boundaries. These requirements are an expression of the need for integrated management of the effects of activities across territorial boundaries. During the development of the Hamilton City District Plan the contents of the Waipa District Plan and Waikato District Plan have been considered to address consistency concerns.

The following is a summary of possible cross-boundary issues between Hamilton City Council, Waipa District Council and Waikato District Council:

- management of effects from rural and rural-residential subdivision near territorial boundaries;
- management of effects from urban growth on rural amenity values and landscapes;
- management of effects on natural features which traverse boundaries, such as surface activities on the Waikato River and urban development of the Rotokauri Growth Area that contains a significant portion of the Lake Rotokauri Catchment;
- management of effects of activities within Hamilton City on water quality and aquatic habitat in the Waikato River, waterways, lakes and wetlands;
- provision for, and management of, infrastructural services which cross territorial boundaries or affect neighbouring authorities, such as the transport network and airport;
- establishing standards that relate to widespread effects, such as noise, and air and water quality;
- the processing of resource consent applications for proposals that concern neighbouring territorial authorities and the regional authority;

Hamilton City Council uses a variety of processes when dealing with issues which affect other authorities. These processes include both the formal procedures set out by the RMA and informal mechanisms established between the authorities. Following is a summary of processes used by Council:

- joint consent processing/joint hearings (Section 102 of the RMA);
- submissions on neighbouring authority documents;
- discussions/consultation on plan preparation and changes when other territories are affected;
- copies of applications to other authorities when the proposal is in an area close to boundaries;
- consultation or notification regarding activities near boundaries;
- regular formal and informal liaison with District and Regional Authorities;
- joint resource management projects; and
- encouragement of applicants to consult if a proposal may have effects on adjoining territory.

Section 75:

A district plan must state-

- (a) The objectives for the district; and*
- (b) The policies to implement the objectives; and*
- (c) The rules (if any) to implement the policies.*

A district plan may state —

- (a) The significant resource management issues for the district; and*
- (b) The methods, other than rules, for implementing the policies for the district; and*
- (c) The principal reasons for adoption the policies and methods; and*
- (d) The environmental results expected from the policies and methods; and*
- (e) The procedures for monitoring the efficiency and effectiveness of the policies and methods;
and*
- (f) The processes for dealing with issues that cross territorial authority boundaries; and*
- (g) The information to be included with an application for a resource consent; and*
- (h) Any other information required for the purpose of the territorial authority's functions, powers,
and duties under this Act.*

A district plan must give effect to-

- (a) A national policy statement; and*
- (b) Any New Zealand coastal policy statement; and*
- (c) Any regional policy statement*

A district plan must not be inconsistent with —

- (a) A water conservation order; or*
- (b) A regional plan for any matter specified in section 30(1)*

A district plan may also incorporate material by reference under Part 3 of Schedule 1.

1.3 City Profile

1.3.1 Context and History

Hamilton City is situated in the North Island and straddles the banks of the Waikato River. It is a major service centre for the fertile agricultural region of the Waikato (which generates nineteen percent of New Zealand's total export earnings).

New Zealand's dairy industry is centred in Hamilton, with a strong technological-based research and development capability. Research facilities are located in and around the city, including Landcare Research, AgResearch, and Dairying Research Corporation. The city also contains some of the region's main educational assets, including the University of Waikato, Waikato Institute of Technology and Te Wananga O Aoteroa.

The earliest recorded settlers in the Hamilton area were Maori from the Tainui canoe. The Tainui people called an area on the west bank of the Waikato River, between the Hamilton Hotel and London Street, Kirikiriroa (long stretch of gravel). At that time the river was the major means of communication and connection with other settled areas. In the 1860's the New Zealand Wars started along with raupatu (land confiscation), which resulted in subsequent European settlement. A military outpost developed mainly in Hamilton East until the evolution of land transport and the development of agriculture. In 1867 the road was opened to Auckland and a regular coach service commenced, followed in 1877 by railway from Auckland. The town gradually changed in character to a market and service centre, and major transport link for the surrounding districts.

In 1877 the Borough of Hamilton was formed through the combining of the East and West Hamilton settlements. It was named by Colonel Moule, commanding officer of the 4th Waikato Regiment, in honour of Captain John Charles Fane Hamilton, the commander of HMS Esk, who was killed while leading the naval brigade at the Battle of Gate Pa near Tauranga in 1864. The population at that time was 1245 residents, and continued to expand, reaching 20,000 in 1945, and now exceeding 130,000. The original Hamilton borough had an area of 752 hectares; the city currently occupies approximately 9,860 hectares.

1.3.2 Land-Use and Development

Land-use in Hamilton City is dominated by rural, residential, and roading activities, with each of these elements occupying 25% of the city's land. The remaining 25% is apportioned between commercial, industrial, recreational, educational, and community uses. Recreational ranks the highest of these minor uses, accounting for around 9% of the total land area.

New city boundaries established in 1989 provided Hamilton with 2,500 hectares of rural land in the Rototuna, Rotokauri, and Peacocke areas. These areas will eventually be fully developed with residential dwellings and associated services. Temple View also became part of the city on 1 July 2004, further increasing the city's land area by 430 hectares to approximately 9,860 hectares in total.

Over recent years, Hamilton City has shown an average annual population increase of 2.1% (based on June 2001 to June 2005 population estimates). Current residential growth is directed mainly towards the north of the city, with low to medium density suburbs predominating, but there has been a surge in the number of in-fill housing developments being undertaken.

1.3.3 Natural Resources

Water Resources

Hamilton City has a wide variety of natural water resources including rivers, streams, lakes, and groundwater. These resources are used for drinking water, recreation, and wastewater discharges, provide natural habitats (flora and fauna) and visual amenity, and are considered taonga (treasures).

The Waikato River and its associated tributary streams form an extensive system of gullies which are key landscape and natural features of the city. The quality of water within the river is important for health, wildlife, and amenity reasons. The Waikato River traverses many districts, from its origin in Lake Taupo through to its coastal dispersal at Port Waikato, necessitating careful and integrated management of the overlapping effects that can be generated by particular uses.

In pre-European times the Hamilton area contained an extensive lake and wetland ecosystem. The city's few remnants of this system include Lake Rotoroa (Hamilton Lake), Lake Rotokauri (on the city boundary), Lake Rotokaeo (Forest Lake), and Horseshoe Lake. These lakes are nationally significant because of their rarity and location within an urban area. The quality of the lake ecosystems has declined as a result of urban development, from increased nutrient flows into the lakes, invasion of exotic species, increases in the rate of water level change, and a reduction in the biota they support. Subsequently there has been increased community awareness of these issues and the need to protect and enhance remaining ecosystems and the city's biodiversity.

Geology, Landforms, and Soils

The Waikato basin is a depression filled with sediments, mainly of alluvial origin but with some ash thrown out by volcanic eruptions. Older more resistant sediments protruding above the general level of the plains form the higher ridges in the city, such as those encircling the north and east of Hamilton Lake.

The Waikato River has incised itself into the relatively soft sedimentaries forming terraces along its course, with small tributaries forming the gullies characteristic of the city. The gentle gradients common in the city provide a valuable source of variety in the topography, which is otherwise dominated by the plains.

The underlying geology of the area is of relatively recent origin which is closely reflected in the soils. The soils form the basis for the agricultural and horticultural wealth of the Waikato, and result in high productivity. One soil type present in Hamilton is peat, which forms in low-lying poorly drained depressions in the plain. Peat soils have high organic and moisture contents, and are generally unsuitable for urban purposes because of their lack of stability and compaction.

Ecology and Biodiversity

Hamilton's environment bears little resemblance to that which existed prior to settlement. Little remains of the natural vegetation of the area, which was covered with mixed forest dominated by rimu, tawa, and kahikatea. Even at the time of European settlement only small patches of the original forest remained, and manuka scrub covered the greater part of the basin and eastern hills. Presently Hamilton contains only 10 hectares of native vegetation, much of which is present in small, isolated fragments, along the length of the Waikato River and in suburban communities.

Indigenous biological diversity (the variety of plants and animals) has largely been lost. Discrete studies of forest remnants within the city have shown that approximately 75% of the biota present are native, with the exception of birds, which showed native species proportions as only 40%. However, accurate information is scarce as a detailed assessment of the city's biodiversity has not been undertaken.

Climate and Air

The topography and location of the city influences the climatic conditions it experiences. The basin area receives lower rainfall than the surrounding hills, while Hamilton's inland location promotes a greater range of temperatures than in coastal areas. The hollows and gullies of the city are prone to ground frosts, and concentrated air pollution conditions are created by temperature inversions and light winds.

Natural Hazards

There is limited information about natural hazards in Hamilton. Most of the information available is regarding flooding and erosion. The peat lakes, wetlands, river, gully systems and nearby land parcels are the location of most natural hazard risks. These natural features and associated properties are vulnerable to flooding events as they have high existing watertable levels which are easily saturated during heavy rains.

The Waikato River and associated streams carry much of the city's stormwater and therefore flood easily during rain and storm events. The Waikato River levels are also affected by the hydro-dams, particularly the water level at Lake Karapiro which is controlled by the Regional Council, Environment Waikato. The city's gullies and riverbanks are also susceptible to accelerated erosion because of their sandy substrate composition.

1.3.4 Physical Resources

Transportation

The city has a well identified transportation network and an associated hierarchy of roads. Transportation networks in Hamilton City include roads, cycleways, pedestrianways, and the river. The main mode of transport for the city's residents is the private motor vehicle, but there are also a number of bus operators, a railway station and railway routes.

Hamilton City Council in conjunction with Environment Waikato, Transit New Zealand and New Zealand Government Transport Agencies are seeking to develop and support an integrated, safe, efficient and sustainable transport system that provides for ease of access in and around Hamilton City and promote community awareness around travel choices and alternative modes.

Hamilton City Council, in co-ordination with the community, is addressing national and local concerns associated with transport, such as air quality, greenhouse gases, noise, accessibility, safety, and alternative modes of transport.

Infrastructure and Services

Hamilton has well established infrastructure and services, including water supply, wastewater treatment, stormwater discharging, and solid waste disposal.

The Waikato River provides a plentiful supply of freshwater, with a water treatment station situated at Peacockes Road being upgraded to ensure that the required potable water flows and pressures are available to the community. There is a network of sanitary sewers for wastewater, and a wastewater treatment plant located at Pukete. This system will continue to be upgraded to provide for a higher level of effluent treatment prior to discharge to the Waikato River, and so that the needs of new housing development in the city can be met.

The city also has a stormwater network programme designed to protect areas from flooding. Extensions to this system will be made to service new development areas, with extensions including the Swampy Creek Interceptor and Canal. The city's solid waste is disposed of through the refuse transfer station at Frankton and the landfill site at Horotiu.

Community Facilities

Hamilton's community facilities range from sports and recreation, through to the arts, education, and health. Key community assets include:

- 471 hectares of Parks and Gardens and 427 hectares of Sports Areas;
- one central and five branch libraries;
- three main theatre venues;
- the Waikato Museum of Art and History, Exsite and ArtsPost; and
- a network of community centres.

Heritage

Much of the city's character derives from its early settlement patterns, and reflects the many different dimensions of the first contact between Maori and European cultures. Various events have contributed to the present urban and rural heritage of the Waikato area, including the New Zealand Wars, missionary activities, early settlement, and agricultural development.

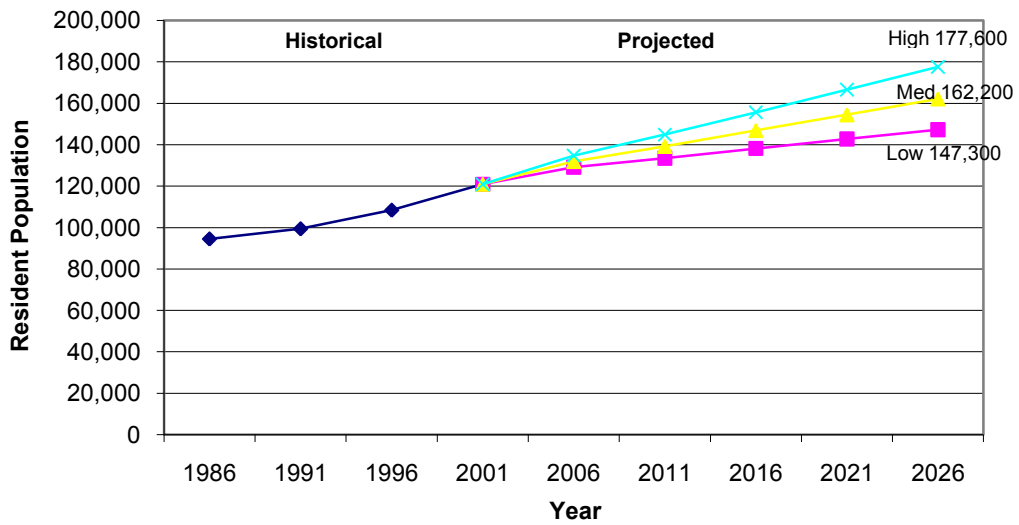
Hamilton City has a wide range of heritage areas and sites. The heritage areas within the city are generally examples of particular periods or unique characteristics, such as the old residential and commercial area in Frankton. Individual sites with heritage value in the city include buildings, bridges, and structures, such as the former Bank of New Zealand, Beale House, Fairfield Bridge, Claudelands Bridge, and the Water Tower above Hamilton Lake.

1.3.5 People

Population

Hamilton is the seventh largest of 15 cities in New Zealand, with a population of 131,400, based on Statistics New Zealand's June 2005 estimate. The population growth rate, established from population estimates (June 2001 - June 2005), has been around 2.1% per annum. These figures place Hamilton above the national average growth rate of 1.4%. Figure 1 illustrates the population figures up until 2001, with estimated figures through until 2026.

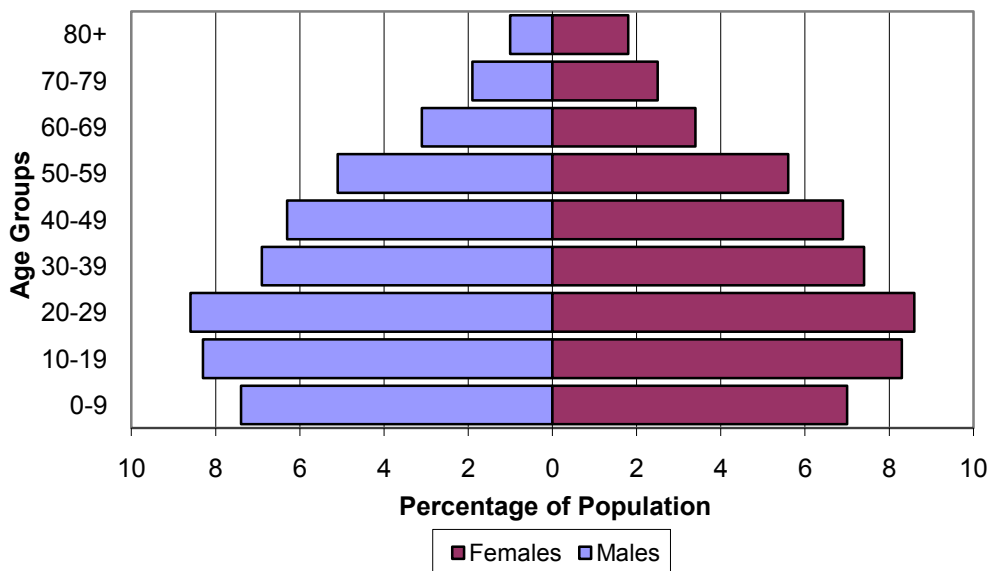
Figure 1: The population in Hamilton between 1986 and 2001 based on census figures and estimated until 2026 (Source: Statistics New Zealand).



Population Age Structure

The age structure of residents in Hamilton is younger than the national average, 49% of the population aged 30 years or less, based on the 2001 census figures. The median age is projected to be 31.2 years in 2006 and 35.3 in 2026. The 60+ age group is projected to increase from 15,880 in 2001 to 29,420 by 2021, an 85% increase. This has significant implications for strategic planning, the form and nature of development in the city, and the community. The following figure illustrates the projected age structure of the city in 2006.

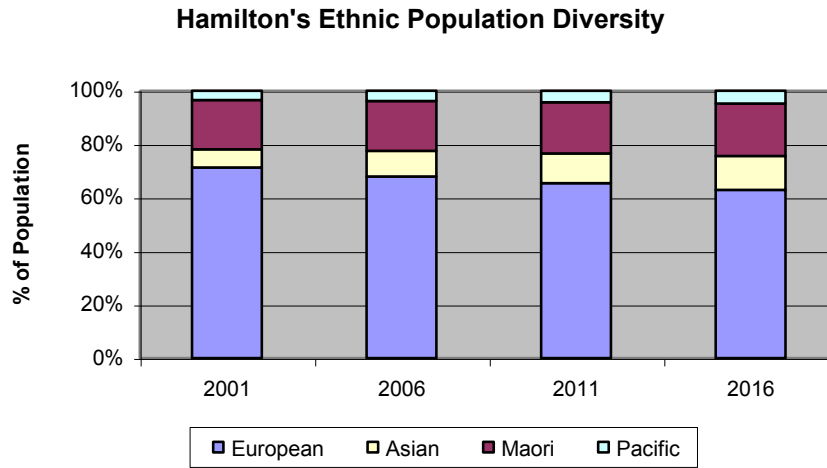
2006 Age and Gender Projections for Hamilton



(Source: Statistics New Zealand)

Population Composition

The ethnic composition of the city has been changing over recent years with the proportion of Europeans decreasing from 87% in 1981 to 78 % in 2001 , and the proportion of Maori increasing from 10% to 20%. This impacts on resource management for the city, as the aspirations and requirements of people from various cultures differ.



(Source: Statistics New Zealand)

1.4 Tangata Whenua

He waiata tangi a Tawhiao

Tawhiao's lament for the Waikato

*Ka titiro whakaoro au te riu o Waikato
Ahakoa ma te pupuri ia i roto te kapu o taku ringa
Me takamiri toona atahua
Tena etahi mea matomato ngawari*

*I look down the valley of Waikato
As though to hold it in the hollow of my hand
And caress its beauty
Like some tender verdant thing*

*Kaa totoro atu au ki te tihia o Pirongia
Ahakoa ma te uhia me tiaki i toona matu i toku ake
Katea titia pewhea te pahu ma roto i te uma o
Maungaatautari me Maungaakawa
Nga puke o oku ooha*

*I reach out from the top of Pirongia
As though to cover and protect its substance
with my own.
See how it burst through*

The bosoms of Maungatautari and Maungakawa

*Te Awa o te ora ia piko nui atu te ataahua o te
whakamutunga
Kaa whakawhiti au i te awaawa o Kirikiriroa o ngaa
rauwiri i pai ana
Te renga o ngaa mea pai*

Hills of my inheritance

*The river of life, each curve more beautiful than the
last*

*Ki mua ki te waahi tuutakitanga ki Ngaaruawaahia
I reira kei runga i te tuuahu haumoko
Ka okioki au toku matenga*

*Across the smooth belly of Kirikiriroa,
Its gardens bursting with the fullness of good things*

*Towards the meeting place at Ngaruawahia
There on the fertile mound I would rest my head*

*Kaa titiro ma roto i ngaa heke o Taupiri
Ki reira ki te waahi o ngaa hanga katoa
Tukuna tenei kingi kia haere mai*

*I look through the thighs of Taupiri
There at the place of all creation
Let the king come forth*

Na Tawhiao, c- 1825 — 1894 He kiingi tuarua

Tawhiao c- 1825 — 1894 Second Maori King

This waiata tangi (lament) was composed by King Tawhiao in 1860. It illustrates the geographic landmarks of Ngaati Tamainupo, Ngaati Mahanga, Ngaati Wairere, Ngaati Haua, Ngaati Koroki, and Ngaati Mahuta², as sub tribes of the Waikato Iwi.

1.4.1 History and Settlement

Waikato iwi and local hapu are tangata whenua of the land within Hamilton City's boundaries. Their ancestry can be traced to the arrival in Aotearoa of the Tainui canoe in approximately 1300AD. It is recorded that the canoe travelled from Tahiti, via Rarotonga, and landed at Whangaparaoa on the East Cape. Travel continued around the Eastern Bay of Plenty coastline, to Hauraki, Waitemata Harbour, Manukau, and further south to Mokau on the Taranaki coastline. Final landfall for the Tainui canoe was at Kawhia harbour in the Waikato region.

² Appointed member of the Kaahui ariki (Note: This is not a reference issue)

The settlement of the Waikato region has its origins at Maketu on the Kawhia harbour. Settlements soon spread from Kawhia along the western coastline extending to Whaingaroa (Raglan) in the north and to Moeatoa (near Marakopa) in the south. The interior settlement of the Waikato followed, with villages forming along the banks of the Waikato and Waipa rivers. This pattern of settlement occurred due to the availability of food resources such as kaeo (freshwater mussels) koura (*Paranephrops panifrons*), poorohe (*Mytilus canaliculus*), and migrating tuna (eels) and whitebait in the Waikato River.

The Waikato basin was the base of many different hapu. In the 1600's climatic changes had a dramatic effect on food resources and traditional occupation sites, causing intensified warfare in the region and changes in ownership of land which continued into the early 1800's. During missionary arrivals in the 1830's Ngaati Wairere were occupying Kirikiriroa. Ngaati Wairere have strong genealogical links with many hapu including Ngaati Tamainupo, Ngaati Mahanga, Ngaati Haua, Ngaati Koroki, and Ngaati Mahuta. These hapu are represented by Nga Mana Toopu O Kirikiriroa within Hamilton City's boundaries.

The Hamilton area has a history of some 700-800 years of Maori occupation and settlement, highlighted by pa sites, traditional gardens, and agricultural features along the Waikato River. The priceless artefacts that have been recovered from within the city indicate that the river had been a favoured location for occupation by Waikato iwi and their hapu.

The Waikato Confederation of Hapu developed under the leadership of Potatau Te Wherowhero (later appointed as the first Maori King) and other allied chiefs during the 1820's in response to the threat of invasions from northern tribes, and from the intrusion of European settlers, traders and missionaries. European settlers brought new technologies that initiated extraordinary economic growth, widespread literacy, powerful and progressive changes to Maori society, and trade links to the north and west of the Waikato. Commercial trade links were established as far afield as Australia, the Pacific, and England.

The Maori King movement, known as Kingitanga, was developed and debated nationally in the mid 1840's, with the first Maori King being appointed in 1858 at Ngaruawahia. The Kingitanga was established to prevent further loss of Maori land to European settlers and posed a direct threat to colonial ambitions. The New Zealand Settlement Act, passed by the colonial Government in 1863 under Governor Grey's leadership, allowed the Crown to confiscate 1.2 million acres of land in the Waikato. This culminated in the 'Waikato Land Wars', when British Colonial troops entered into the Waikato between 1863 and 1865 causing devastation and great loss of life.

The process of raupatu (confiscation) was an attempt to destroy the economic wealth and political strengths of the Kingitanga. During this time the rich agricultural resources were removed, control of the Waikato river system overridden, and waahi tapu, burial sites, and sites of religious importance desecrated. The effects of tapu associated with sites of religious importance were removed under the supervision of King Tawhiao during the 1880's.

Small isolated allotments of land were offered to Waikato iwi for reoccupation after the land confiscations, however no land was set aside within their former favoured settlements along the Waikato River. Ngaati Wairere and related hapu such as Ngaati Hanui, Ngaati Koura, Ngaati Parekirangi and Ngaati Waikai, were forced off their traditional lands and river pa and were allocated

land at Hukanui (Gordonton) and Tauhei. Other remnants of the Waikato iwi affected by the raupatu were dispersed throughout the Waikato, Hauraki, Bay of Plenty, and King Country regions. Unsuccessful attempts at redress regarding the 1863 confiscations were sought with successive governments and the British Crown by King Tawhiao, King Mahuta, King TeRata, and King Koroki.

1.4.2 Local Iwi and Hapu Representation and Organisations

Te Kauhanganui (Tainui Maori Trust Board)

The 33 hapu affected by Waikato land confiscations are represented through Te Kauhanganui (Tainui Maori Trust Board that was formed in 1946). Te Kauhanganui is the iwi authority of the Waikato tribe. In 1989 the Court of Appeal resolved, in the case of *Tainui Maori Trust Board v Attorney-General*, that Waikato iwi and the Crown begin negotiations regarding the ownership of Crown assets. This decision was in direct conflict to the Waitangi Tribunal Claim regarding land confiscations in the Waikato.

The Waikato Raupatu Land Settlement Act and the Deed of Settlement was finalised and passed through parliament after negotiations in 1995 between the Tainui Maori Trust Board (Te Kauhanganui) and the Crown. This settlement pertained to land only, and included Waikato Tainui tribes being given first right of refusal on Crown-owned lands in the area. This resulted in the returning to Tainui of land such as the University of Waikato, Waikato Polytechnic, the Hamilton High Court, and Housing Corporation lands. The Waikato tribe is now one of the largest contributors to city rates and urban and commercial developments.

The 1995 settlement did not address all the concerns Tainui have regarding the Treaty of Waitangi and the ownership of resources. There is still much debate over these issues locally and nationwide. Presently Te Kauhanganui (Tainui Maori Trust Board) has a claim with the Treaty of Waitangi Claims Tribunal regarding the guardianship and restoration of the Waikato River.

Nga Mana Toopu O Kirikiriroa

Te Kauhanganui (Tainui Maori Trust Board) recognises a number of management committees and organisations that represent the Tainui people. One such organisation, Nga Mana Toopu O Kirikiriroa (NaMTOK), is a coalition of local hapu representatives formed in 1995. The committee was mandated by local kaumatua (elders) and marae for dealing with Article II issues under the Treaty of Waitangi, and all matters pertaining to the Resource Management Act. Te Kauhanganui (Tainui Maori Trust Board) deals with the regional issues and resource consents. Nga Mana Toopu advises Council on District Plan matters, local policy issues, and land use resource consents. Nga Mana Toopu has the localised knowledge of the land, its history, customary values and precepts. Nga Mana Toopu also has the ability to identify issues effecting local hapu who hold customary rights as Mana Whenua by identifying issues and providing mitigation solutions.

This relationship between Te Kauhanganui and Nga Mana Toopu demonstrates two levels of consultation with tangata whenua when dealing with resource management issues. Different levels of consultation may be relevant to a resource consent application, which is determined by Nga Mana Toopu dependent on the nature of the proposal.

Te Runanga O Kirikiriroa

The Treaty of Waitangi also includes Article III on social issues pertaining to Maori. Te Runanga O Kirikiriroa is an organisation that represents non-Tainui Maori within the city on these issues. The

people being represented are generally urban-based Maori who live in the city but do not have historical or ancestral ties to local hapu and their ethnographic traditions of art, culture and society.

1.4.3 Tangata Whenua Resource Management Issues

Local Authorities have a statutory duty under the Resource Management Act 1991 and Local Government Act 1974 to take into account the principles of the Treaty of Waitangi in relation to tangata whenua in their area. Following is a brief overview of the resource management issues and concerns raised by Waikato iwi and local hapu for Hamilton City.

Tangata whenua throughout New Zealand have historically had a dependence upon the land, rivers and sea for their survival. Co-existing with this relationship is the holistic view of the natural, physical, and spiritual worlds. There is seen to be no separation between these elements, and many cultural traditions and religious notions are based upon their integration. The Waikato tribes have a perspective of the environment and natural resources that may differ from other tribes around the country. These differences stem from the relationships established with the environment, and are initiated within marae protocols and customary practices. This is evident within the Kingitanga and its forums, such as Poukai, and the connection Waikato tribes have with the Waikato River, its associated landmarks, historic and religious sites, and traditional food resources.

The Waikato River is the central component of the Waikato iwi culture and Kingitanga. It has mauri, and was used as a food resource, a spiritual resource, and for religious and cultural identity. The knowledge of the environment, its components, and the perception of humanity as part of the natural and spiritual worlds is expressed in this concept of mauri. Mauri can be described as the life force that is present in all living things; its essence can be transferred into objects such as talisman or other entities. Mauri is maintained through the exercise of kaitiakitanga (the notion of guardianship, care, self-esteem, and respect). Waikato iwi accepted the force of the river and its spirit, and any flooding or erosion was seen as the 'changing moods' of the river, which were not to be controlled. The changes in the river were seen as indicators of environment health and the sustenance of its people, and pa were built along the river to protect the resources on which local hapu relied.

Waikato iwi and local hapu focus on resource management issues which reflect this holistic view of the natural, physical, and spiritual worlds. Waikato iwi and local hapu have indicated that the quality of the city's waterways and margins, the protection of native vegetation and fauna, and the contamination of the city's soils are of particular concern. A further concern of iwi and hapu is the importance of protecting those sites which are of historical and cultural significance. Throughout the city there is a range of sites including pa, middens, food gathering sites, storage pits and waahi tapu. In some cases, no physical evidence remains but these sites are still significant.

In all these concerns the importance of protecting the spiritual dimension of the environment and the mauri of all things is pre-eminent. The need to be able to carry out the practices of kaitiakitanga are also essential to iwi and hapu if full responsibilities towards the environment are to be fulfilled. Protection of natural resources is a key part in the duties of kaitiaki. Waikato iwi and local hapu also place emphasis on undertaking consultation in good faith, and the appropriate resourcing of representatives involved in local resource management.

The main aim of local tangata whenua is to see the conservation, restoration, reconstruction, and enhancement of aspects of the environment that are of benefit to Maori and the greater community.

This includes the natural environment, its spiritual values, and the protection of local hapu heritage, traditional arts, and culture through historical sites, natural features, and waahi tapu. These aims and intentions are put into practice through active participation of iwi representatives in local resource management and the development of a partnership with local government authorities and the greater community.

2.0 Statement of Integrated Management

One of the principle functions of any Territorial Authority is to provide for the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources (Section 31 of the RMA). The following is a discussion of what this function means for Hamilton City and what resource management issues need to be addressed to fulfil this function.

2.1 What is Integrated Management?

The concept of integrated management requires communities to think about the environment as a whole, and to manage the environment in a way that recognises links between elements of the whole. This includes being aware of environmental, social and economic issues on a local, regional, national and even global scale.

The United Nations Conference on Environment and Development held in Rio de Janeiro in June 1992 led to the adoption of Agenda 21. Agenda 21 provides a framework of action guiding the sustainable development of local communities. Sustainable development is defined as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

One of the key guiding principles of Agenda 21 is integrated management. It enables local communities to make connections between the environment and social and economic development, and suggests ways of tackling environmental and developmental problems in an integrated and holistic manner. As required by the Local Government Act 2002, the Hamilton City Council has prepared a new Long-Term Plan for Hamilton City. This Plan covers the 10 year period 1 July 2006 — 30 June 2016 and is called the Council's 2006-16 Long-Term Plan.

Environmental legislation such as New Zealand's Resource Management Act 1991 embodies many of the principles of Agenda 21, but is not explicitly drafted to achieve Agenda 21; that role has been picked up by local and regional government in New Zealand in a variety of ways. Hamilton City Council adopted the Agenda 21 principles in 1993 and has been working towards implementing them at the city level. One expression of this was the development of a Strategic Plan for Hamilton (1997-2017).

Hamilton City Council's 2006-16 Long-Term Plan outlines the Council's strategic framework for the City of Hamilton and its future development. It also identifies specific Community Outcomes developed through an extensive community consultation process. The 2006-16 Long-Term Plan aims to address the integration of environmental, economic and social factors at the local community level. The 2006-16 Long-Term Plan invites the community to be responsible for achieving its own vision. The Council, along with a wide range of community partners are contributors to its achievement.

2.2 Integrated Management and the RMA

The legislative framework of the RMA includes many of the same principles that are expressed in Agenda 21. The need to consider future generations, to look at the environment as a whole

(integrated management), community participation and local decision making are all inherent in the RMA.

The explicit focus of the RMA (the management of environmental effects of activities) focuses the function of Territorial Authorities toward the integrated management of the effects of the use, development and protection of land to ensure sustainable management of natural and physical resources. This focus is reflected in the District Plans Councils produce. This is considerably more limited than the wider focus of both Agenda 21 and Hamilton's 2006 — 16 Long-Term Plan.

Foremost the District Plan cannot address social and economic development issues on their own, it can only take these into account within the context of the sustainable management of its city's natural and physical resources.

The concept of integrated management is at the very core of the RMA. The RMA's purpose, Section 5, requires the management of the use, development and protection of natural and physical resources which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Section 5 of the RMA further clarifies this enabling concept by stating that this can happen so long as future generations can meet their reasonably foreseeable needs, the life-supporting capacity of air, water, soil and ecosystems is safeguarded, and any adverse effects of activities on the environment are avoided, remedied or mitigated.

Sections 30, 31 and 59 establish the means for institutional and functional integration by requiring regions and districts to achieve integrated management of natural and physical resources. Section 31 of the RMA outlines one of the main functions of Council as the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. The District Plan is the key tool Council uses to fulfil this function.

Effective integrated management at the local level involves considering the present state of the city, likely trends, identifying future opportunities, likely physical, natural, social and economic constraints, and determining the preferences of the city's citizens. Hamilton City is constantly changing and growing, creating a need to protect its resources and retain its distinctive character while satisfying the diverse economic, social and cultural well-being of the community. The Local Government Act 2002, requires the Hamilton City Council to produce a Long-Term Plan. The 2006-16 Long-Term Plan, provides a blueprint for the development of Hamilton over the next 10 years and was developed after an extensive community consultation process to identify a new set of Community Outcomes and future priorities of the City. The Council's 2006-16 Long-Term Plan strategic framework is developed around three overarching strands: Investing in our People, Creating Identity and Prosperity and Protecting our Future. Underpinning these strands are Council's Statements of Strategic intent. The Plan includes a comprehensive description of Council's activities as well as the contribution they make to Hamilton's Community Outcomes and achieving Council's strategic direction.

In terms of Hamilton's District Plan, this means that the Plan will assume all activity is acceptable unless there is evidence to suggest that the activity will cause harmful effects on the environment. Environment is defined by the RMA to include;

- ecosystems and their constituent parts, including people and communities; and

- all natural and physical resources; and
- amenity values; and the social, economic, aesthetic, and cultural conditions which affect the matters stated above.

The District Plan reflects this philosophy, and provides for a range of permitted, controlled, restricted discretionary, discretionary and non-complying activities based on environmental effects which can then be evaluated through established development standards, assessment criteria, and Sections 104 and 105 of the RMA.

2.3 Integrated Management In Hamilton City

To effectively develop policies for integrated management in Hamilton's District Plan requires an understanding of the significant resource management issues for the city, both now and in the future.

Cities in general are the location of intensified effects on natural and physical resources because of the high concentration of people and land uses. Hamilton City is highly urbanised, growing at a rate above the national average, and has a limited land resource. This combination of characteristics creates pressures on the city's natural and physical resources.

2.3.1 Pressures on Hamilton's Natural and Physical Resources

Hamilton City has experienced strong urban growth which has left a landscape that is highly modified from its original natural state. Further use and development has the potential to degrade important landscape values and natural features such as the Waikato River, gullies, ridgelines, lakes, wetlands, and indigenous vegetation and habitats.

The large-scale modification of the land resource can also considerably alter the nature and quality of run-off entering Hamilton's lakes, streams and rivers, and can adversely affect aquatic ecosystems. Additionally, the topography of Hamilton and its surrounding land forms has the potential to intensify the adverse effects on air quality created by land use activities (ie, vehicle emissions, domestic heating).

Land use in Hamilton is becoming more intensive and diversified due to population increases, changing community demographics and constantly changing uses. This intensification and diversification can impact upon the life supporting capacity of air, water, soil and ecosystems, resulting in the degradation of their quality, health and amenity value.

For example, Hamilton's peat soils are also a significant resource for the city as they are a remnant habitat which supports many species of indigenous fauna and flora. Peat soils need to be protected because their viability is indirectly impacted through surrounding development as the watertable is lowered due to the diversion of stormwater.

While the natural resources contribute obvious amenity, intrinsic, and ecological values to the city they also embody the cultural and spiritual values of Waikato iwi. These cultural and spiritual values are not always understood or recognised in the management of the city's resources. Development also has significant impact on the physical and spiritual health (mauri) of resources which are of importance to Maori. Discharges into waterways, removal of indigenous vegetation, draining of wetlands and the modification or destruction of significant historical and cultural sites are the most prominent adverse

effects of development in Hamilton City. The protection of natural resources is also a key part in the duties of kaitiaki undertaken by Maori.

The quality of the city's environments are significant in determining people's well-being, health and quality of life. Urban amenity values contribute significantly to the quality of Hamilton's living and business environments. Amenity values include access to sunlight, protection of privacy, access to services, facilities and open space, freedom from nuisances, and many natural and built heritage features. Intensification of the city has resulted in increased noise and traffic levels and a loss of amenity values including privacy, loss of character houses, loss of significant trees and vegetation. The loss of heritage and archaeological features can also occur.

Over the last ten years, declining household sizes, changing lifestyles, and the ageing population have led to changing residential and business patterns throughout the city. This has resulted in demands for a wider range of housing forms, changes in the city's density, and an increased mixing of activity types.

Business areas also create environments distinctive in character, scale and amenity values. These areas are the focus of considerable human interaction, contributing significantly to the social and economic well-being of communities, and to the amenity and character of a city. Individual business activities also have different scales, site designs, hours of operation, and formats and therefore generate a range of different adverse effects. Most businesses are reliant upon human interaction, and therefore favour locations in areas close or accessible to people, but some are more targeted at pedestrian traffic (ie. the central city) or vehicle traffic (ie. suburban centres). High vehicle levels resulting from business activities can impact on surrounding amenity values and the safe and efficient functioning of the transport network, while the mix of pedestrian and vehicle modes can create potential safety issues. The variety of business activities and their integration with the city's living environments create a need to manage adverse effects which can arise through conflicts of expected amenity values.

The character of the city's living and business environments are being affected by the increased mixing of activities. Commercial activities and community facilities like childcare centres, doctor's surgeries and community houses play a major role in enhancing quality of life and in providing services to the local community, however they can also create adverse effects, especially at the boundaries between activities. Conversely increased residential interest in many commercial parts of the city and general blurring of activity specific areas has resulted in the need to manage issues of reverse sensitivity.

In Hamilton much of the remaining rural land is being viewed for potential urban development. The subdivision and development of land in Hamilton is at a stage which allows Council to adequately manage future land use effects and to efficiently co-ordinate the provision of infrastructure.

This is an important part of integrated management because many of the effects of land use activities on the natural and physical environment can be avoided, remedied or mitigated at the subdivision stage. For example, the subdivision pattern of land can be designed to protect natural features and provide access to them, avoid natural hazards, and provide land for open space and recreation needs.

The collection of natural and physical resources in Hamilton and the pressures on them created by continual growth and development require Council to manage the effects of land use activities. The significant resource management issues for Hamilton which the District Plan must address can be summarised as follows:

- Maintaining and enhancing amenity during city growth and intensification;
- Managing the effects of business activities on the natural environment, amenity values, and other activities; and
- Protecting the natural environment from continued degradation
- Enhancing the quality of the natural environment
- Recognising and protecting the cultural and spiritual values tangata whenua associate with the city's natural and physical resources

Hamilton City Council's Urban Design Strategy — CityScope encapsulates a variety of mechanisms to improve the practice of land subdivision layout and design, including the use of exemplar displays, the promotion and use of good subdivision guidance and other educational material endorsed by Council.

In addition to these significant issues the Resource Management Act 1991 specifically requires Council to address issues of access to rivers and lakes, and the protection of the public from exposure to natural hazards. Hamilton is bisected by the Waikato River, and contains a number of ecologically and community significant waterbodies. The city has a well established suite of policies that ensure that the community has quality access to these resources. The District Plan will support these, and provide a regulatory basis for a number of the Council's policies.

As a city, Hamilton's principal hazard is from flooding connected with the Waikato River and its tributaries. Erosion, particularly close to the city's gullies, is also a potential risk. The District Plan has well established policies for addressing these, which will continue to be enhanced as the community's knowledge about the nature of these and other hazards improve.

The significant resource management issues for Hamilton have been developed in response to Councils Section 5 and 31 responsibilities and functions under the RMA and are at a very broad level for the city. These responsibilities and functions of Council are addressed within the District Plan to the extent to which they are significant for Hamilton City. The policy papers which follow, Sections 3.0 — 8.0, state how the significant resource management issues are given effect in the District Plan and develop issues to a more detailed level to aid in policy development and implementation.

3.1 Natural Values

Introduction and Issues

This policy statement provides the framework to collectively, and comprehensively, manage the city's natural values and significant natural features. Significant natural features include:

- The Waikato River corridor and associated gully systems.
- Peat lakes, wetlands and associated peatland.
- Remnant indigenous vegetation.
- The ecosystems and habitats which depend on these and other natural features.
- Surface and groundwater resources, which are essential to sustaining the city.
- Visually significant ridgelines.

Protection of these natural features and their associated processes are important for the survival of the city's natural values. Potential threats include the reduction or loss of habitats due to contamination, disturbance or destruction. Many threats are associated with ongoing urban development. The plan seeks to recognise and protect these natural values in a way that integrates these values with urban development. To address potential threats the plan contains provisions relating to earthworks, development of structures, impermeable surfaces, vegetation removal, and where necessary other land use practices, to ensure that the natural values of these features are protected.

The Waikato River corridor and associated gully systems are the city's key landscape and natural features. They contain significant pockets of indigenous vegetation and provide important ecological corridors and a wilderness experience within the city. These areas are also important for their scenic value and are used for a wide variety of recreational activities. The river and gully corridors have cultural significance for Waikato iwi and contain heritage sites of historical and cultural importance.

The quality of water within the River and streams is particularly important to amenity values, the health of residents, wildlife, and the food chain. The Council has a key role in managing the effects of land use activities that could adversely impact on water quality. The Waikato Regional Council (Environment Waikato) monitors the water quality and ecology of streams within the city. Hamilton streams display relatively poor water quality and in-stream habitat (as do nearby rural streams). However, it is difficult to quantify the full adverse effect that urbanisation has on stream water quality and in-stream values without further monitoring of upstream water quality (i.e. where the streams enter the city).

In Hamilton's predominantly flat landscape, ridgelines are features which give detail to an area, act as landmarks and provide views. They are significant local landform features which provide amenity value. These features also have cultural significance in identifying whanau, hapu and iwi boundaries, and in some cases they personify ancestors.

Lake Rotoroa, Lake Rotokauri (on the city boundary), Lake Rotokaeo (Forest Lake) and Lake Waiwhakareke (Horseshoe Lake) are important remnants of the extensive lake and wetland ecosystem that existed in pre-European times. The lakes are an environmentally significant habitat, both nationally and internationally, due to their size, rarity and location within an urban area. Wetlands include bogs, swamps (e.g. in the bottom of some gullies) and soakage areas.

Little remains of the indigenous vegetation which once covered the Hamilton Basin, described as "covered with a mixed forest dominated by rimu and tawa (with kahikatea dominant in the wet areas)." At the time of European settlement, the Waikato Basin was largely covered with manuka scrub, though significant patches of the original forest still remained. Very little of the original vegetation cover now remains.

Hamilton City Council's Urban Design Strategy — CityScope provides an umbrella framework which will manage and promote the city's identified natural values and significant natural features based on sound urban design principles, particularly at the time of land subdivision and development for closer urban development. Guidelines, best practice advice notes and other educational materials will be prepared in a coordinated and integrated format.

The principal issues regarding natural values in Hamilton are:

Waikato River Corridor and Gully Systems:

- **The removal of gully and riverbank vegetation can cause increased erosion, the destruction of wildlife habitats and pose a risk to the built environment.** Removal of vegetation along the riverbank and gully systems has increased erosion along the river-gully margins, affecting water quality and destroying local ecosystems. Removal of vegetation and disturbance of soil can also increase the risk to urban developments adjoining river and gully areas particularly in combination with heavy rain or flooding events.
- **Continuing urban development modifies natural waterways, reduces streamside vegetation, and disturbs habitats.** Urban development increases stormwater run-off which can affect the profiles of streams, making them less suitable for plants and animals. The design of stormwater infrastructure can also impact on stormwater run-off and subsequent disturbance of habitats. When natural waterways are disturbed by urban development, and altered for stormwater disposal purposes, they are often piped or channelled. This precludes the ability of streamside vegetation to capture sediment and contaminants. Stormwater discharges, run-off, industrial and agricultural waste discharges, and accidental spills or leaks, all combine to reduce water quality, increase sedimentation of downstream waterways and smother aquatic life.
- **Recreational activities can conflict with the natural values of the river and gully systems.** The River corridor and gully systems are used for a wide variety of recreational activities. However, there can be conflicts between different types of recreational activities and sensitive sites such as waahi tapu, remnant bush, and steep banks vulnerable to erosion.
- **Urban development can cause a loss of landscape and visual values.** The scale and location of urban development within the river corridor and gully systems affects the visual quality and natural

character of this area particularly where industrial/commercial activity adjoins the river and gully corridor.

- **The cumulative effect of incremental gully filling over time has a significant adverse effect on the integrity of the gully system as a whole.** The incremental filling of gullies has caused the progressive loss of the natural landform structure of gully systems in Hamilton. Much of the original gully system has been lost altogether along with its associated natural character and landscape values. Incremental filling of gullies for urban development leads to the cumulative long-term loss of a distinctive and unique natural feature of the Hamilton landscape.

Peat Lakes and Wetlands:

- **Peat lakes and wetlands have been degraded or lost because of a lack of information.** A lack of knowledge about the location or significance of lakes and wetlands has led to their modification or destruction. Significant areas of the city's original wetlands have been drained and subsequently developed for urban purposes and this is likely to continue without adequate assessment and identification.
- **Land use activities undertaken around lake and wetland margins, and within wider peatland catchments can affect the ecological viability of these natural features.** The protection of peat lakes and wetlands is dependent upon managing the effects of activities within the surrounding catchment as well as around the lake margins. Activities within this wider catchment can adversely affect the drainage (lowering of the water table) and water quality of the lakes.
- **Recreation and amenity values can be lost through urban development and subsequent use.** Destruction of lakes or wetlands precludes their use as recreation assets, while degradation of lakes and wetlands affects their visual values and limits their potential as attractive amenity features.

Indigenous Vegetation:

- **The area and condition of Hamilton's remaining indigenous vegetation limits their viability.** Much of Hamilton's remaining indigenous vegetation occurs in small, isolated pockets. A lack of connection between fragments hinders re-colonisation of plants and animals.
- **Indigenous vegetation can be degraded or lost through a lack of information.** There is a lack of information on the location, state, and significance of Hamilton's remnant indigenous vegetation. Without this information base, sites of ecological importance can be lost or degraded through the cumulative effects of urban development.
- **Protected ecological sites such as Claudelands Bush are still vulnerable to the cumulative effects of surrounding development.** The viability of protected sites (e.g. Claudelands Bush) can still be compromised by surrounding development, particularly from a lowering of the watertable, increased edge effects and invasion of plant and animal pests.

Ridgelines:

- **Urban development and construction on ridgelines can impact on landscape and visual values.** The development of building platforms on ridgelines reflects the desirability of these sites for residential development but may conflict with the visual integrity of ridgelines and potential linkages along viewing points from ridgelines.
- **Urban development can modify landscape elements and natural drainage patterns.** Current urban development practices can result in major modification of slopes and ridgelines, particularly through contouring which can also affect natural drainage patterns.
- **Urban development on ridgelines has the potential to disturb cultural sites of significance to Waikato iwi.** Sites of significance to Waikato iwi are still located at high points, but a lack of protection has resulted in physical disturbance to many.

Objective 3.1.1 Waikato River Corridor and Gullies

To protect the natural character, bank stability and water quality of the river corridor and gully system for their visual, wildlife, cultural, historical, and recreational values and enhance these significant natural features and their associated ecological processes.

Policies

- a) Control activities that have significant impacts on physical form, wildlife habitats, water quality and land stability, particularly the clearance of vegetation along the river and the filling of gullies, including the cumulative effects of incremental gully filling.
- b) Ensure that any access, recreational activities and associated infrastructure along the river and gully margins, is undertaken in a manner that is consistent with ecological values and processes and natural hazard management.
- c) Maintain and enhance the ecological functions of waterways by minimising the modification of natural watercourses and riparian margins.
- d) Maintain those aspects of the Waikato River and Gullies that are of significance to Waikato iwi, in particular the spiritual dimension and mauri (life force) of water.
- e) Minimise the adverse effects of development in greenfield areas on the existing natural drainage patterns.
- f) Encourage the multi-functional use, connectivity and accessibility of the City's river corridors and gullies, for cycling, walking, cultural and shared public space, where such activities are compatible with and do not detract from identified ecological and amenity values.

Reasons

Hamilton's gully system is geologically unique (the outcome of a particular geological history unique to this area). The natural shape of the gullies, which comprises steep sides and a flatter, wet floor, has resulted in distinctive plant communities on the sides and bottoms. The remaining native vegetation in the gullies are important as a source of local genetic stock for restoration. This unique gully landform is at risk from incremental filling. The cumulative effect of this filling over time has a significant adverse effect on the landform, and its associated landscape, visual and amenity values.

As the city's major wildlife habitat and landscape feature and key taonga for Waikato iwi, the river corridor and gullies will need to be managed to ensure that any activities do not compromise the natural, landscape and cultural values.

Much of the river and gully banks have been subject to building activity, particularly along the top of slopes. The scale and location of building, and the extent of impervious surfaces provided for access, parking and storage can have major impacts on the viability of natural areas and on land stability. Buffer protection along river and gully margins (including the banks and lip of the bank) together with careful management of activities within these environments will ensure sufficient ability for the impacts of land use activities along their edges to be absorbed.

Similarly, effective management of these areas is important in regard to flood plain functions, waterway vitality and providing access and recreational opportunities. The city's waterways serve as a stormwater disposal system and the quality of stormwater discharges can have considerable effect on receiving waters, particularly the city's lakes and streams. Management of waterways should take account of not only drainage needs, but also the enhancement of ecological and amenity values. Opportunities also exist to promote these 'green corridors' for alternative activities and uses providing they do not detract from the primary management objectives. For example, these areas can be used to enhance linkages, connectivity and accessibility throughout the City. Green corridors may be able to support recreational activities, such as walking, cycling, and ecological promotion.

Objective 3.1.2 Peat Lakes and Wetlands

To protect and enhance the natural character and ecological viability of lakes, wetlands and their margins as visual, cultural, wildlife, and recreational assets.

Policies

- a) Identify and protect the remaining lake and wetland areas within the city from the adverse effects of urban development.
- b) Avoid, remedy or mitigate the adverse effects of urban stormwater to maintain and enhance the water quality of the city's lakes and wetlands as habitats for fish, other aquatic species, and plants.
- c) Control development within identified peatland catchments surrounding lakes and wetlands to maintain and enhance the quantity and quality of groundwater and ecological viability of lakes and wetlands.

- d) Ensure public access around lake and wetland margins and recreational activities on the surface of water are compatible with maintaining ecological values.
- e) Maintain those aspects of the environment that are of significance to Waikato iwi, in particular the spiritual dimension and mauri (life force) of water.

Reasons

Several wetland areas remain in the city, although significant areas of the city's original wetlands have been drained. It is because of this rarity that these areas are of such importance, and they also have significance under Sections 6 and 7 of the RMA. Knowledge about existing sites (particularly wetlands) is limited. Identification and assessment of these sites will be the first step towards their protection.

The fragility of existing lake and wetland habitats within the city is exacerbated by a lack of adequate buffer protection. If land use activities on the surrounding peatland catchment are controlled (particularly in terms of maintaining the water table) this will help to maintain their natural functioning i.e. the ecological services they provide (such as acting as a stormwater sponge). Subsequent effects on infrastructure will also be minimised due to a slowing of differential shrinkage.

The provision of open space and extension of green areas around lakes and wetlands where practicable will enhance their protection and enable public access. This will affect the proximity of structures and impermeable surfaces to lakes and wetlands. It will provide for potential disposal of stormwater to ground in appropriate areas, reducing stormwater discharges, improving surface water quality and maintaining the watertable.

Objective 3.1.3 Indigenous Vegetation Remnants

To maintain and enhance the city's remaining indigenous vegetation ecosystems and associated ecological processes.

Policies

- a) Identify, maintain and enhance significant remnant vegetation and fauna habitat.
- b) Control activities adjoining significant sites of indigenous vegetation to minimise the adverse effects on indigenous vegetation and fauna habitats.
- c) Ensure adjoining activities are compatible with maintaining the identified natural values of significant vegetation and fauna habitats.
- d) Minimise the clearance of indigenous vegetation and subsequent adverse effects on the quality of water, soils, native vegetation and fauna habitat, and the mauri of those resources.
- e) Encourage activities on public and private land that promote and enhance the restoration of linkages between areas of indigenous vegetation and fauna habitats in particular the re-planting of gully and riverbanks with indigenous vegetation.

Reasons

Several areas within the City (particularly along the river and gullies) contain indigenous plant associations, the previous significance of which has not always been appreciated. These will be protected because of their unique natural values, and as examples of the kind of features that existed prior to settlement. Other features such as Claudelands Bush are protected as a forest remnant.

These environments are particularly important but in many cases fragile, being adjacent to or within a large urban area, and potentially threatened by urban development. A significant portion of this land is in public ownership, but long term public management needs to retain their natural values and ensure that any development is compatible with those values.

The fragility of some existing habitats is worsened by isolation and a lack of adequate buffer protection. Protection will be enhanced by controlling activities adjacent to such habitats and by providing open space linkages and extension of 'green' areas where practical.

Methods

The Natural Values objectives and policies will be implemented through the following methods:

District Plan

- **Environmental Protection Overlay** - includes standards governing earthworks, vegetation clearance, filling of land, structures in and adjoining waterways, and density of development. This overlay will also be used to identify and control natural hazards such as flooding, erosion, and land instability.
- **Subdivision and Development Rules** - provide for esplanade reserves and esplanade strips to be taken at the time of subdivision.
- **Reserves Contributions** - provides the ability to acquire natural features and linkages as reserves at the time of subdivision.
- **Establishment of an Ecological Database** - will enable the identification and assessment of ecologically significant sites and management options to be developed. Associated rules may be developed to enable effective management of these sites.
- **Structure Plans** - provide guidance for future development of the greenfields areas of the city. Structure Plans will be used to identify significant ecological and landscape features to be acquired for reserves and provide linkages between these areas.
- **Significant Archaeological, Historic, and Cultural Sites Overlay** - will control activities that have the potential to damage or destroy identified significant sites.
- **Rotokauri Structure Plan** — provides a context for the protection of the existing natural values of the landscape including Lake Waiwhakareke, the Natural Heritage Park, Pikihinau Reserve and ridgelines.

Other Methods

- **CityScope** — Council's new Urban Design Strategy provides an umbrella framework which will manage and promote the City's identified natural values and significant natural features environment, from a design perspective based on sound principles, particularly at the subdivision for close urban development. Specific guidelines, best practice notes and other educational material will be prepared by Council and presented in a coordinated and integrated format.
- **The Green Network Strategy** - is a broad strategy that aims to integrate natural values and urban development through a range of regulatory and non-regulatory methods across Council Units and within the community.
- **Reserves Act Management Plans** - must be developed for ecologically significant sites and key natural features on Council reserves. Planning for Council's reserve network can add another level of detail to district plan rules and also provides for additional public consultation.
- **Hamilton City Council's Recreation and Leisure Plan** - identifies the need to facilitate access to Hamilton's riverside parks and gully areas while protecting environmental values.
- **Council Works Programmes** - particularly those relating to stormwater disposal and drainage, roading construction and sealing programmes can be undertaken in a way which retains and enhances natural values.
- **Hamilton City Development Manual** - will provide for stormwater disposal and treatment standards including increased on-site disposal of stormwater within identified peatland catchments.
- **Guidelines and Other Educational Material** - will be developed to assist landowners, developers, and the wider community, regarding matters such as re-vegetation and restoration guidelines for gullies, best practice guides for the management of wetlands and peatlands etc.
- **Subdivision Design Guidance** — will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in so far as they relate to the subdivision of land.
- **Stormwater Catchment Management Plans** — will be used to provide a technical evaluation of the effects of land use changes on stormwater, and provide direction on infrastructure needed to mitigate adverse effects on receiving environments. Catchment Management Plans will be prepared for city growth areas as part of the City's comprehensive stormwater discharge consent. The operation aspects of ongoing environmental mitigation are covered in the City's Stormwater Management Plan (education, riparian planting, street cleaning, spill management, etc)
- **Covenants** - such as QE II Covenants and Conservation Covenants can be utilised to protect indigenous vegetation remnants on private land.

Anticipated Environmental Results

The following environmental results are anticipated:

- The natural character of the Waikato River corridor and gully system maintained.
- Natural functions of peat lake/wetlands margins and their surrounding catchments maintained.
- Significant ecological sites identified and protected.
- River and stream margins retained and enhanced as wildlife habitats, natural flood retention basins and amenity assets.
- Surface and groundwater quality within the city improved.
- Improved recognition of Tangata Whenua values.
- A series of linked ecosystems throughout the city.
- Retention of natural features in new developments.

3.2 Natural Hazards

Introduction and Issues

Council is required, under Section 31 (b) of the Resource Management Act, to control the effects of activities including the avoidance or mitigation of natural hazards.

Environment Waikato has a role in the collection, analysis, storage, and communication of natural hazard information to territorial authorities. It is Hamilton City Council's responsibility to develop specific objectives, policies, and rules in the District Plan to control the use of land to avoid and mitigate natural hazards.

At present there is a lack of information about a number of hazards (such as earthquakes) and the risk to the city associated with them. Where information is available about these hazards it is often at a scale not appropriate to the city. Current information on natural hazards is limited to flooding and accelerated erosion, therefore land use controls will need to focus on these areas. The city needs to review its exposure to a wider range of hazards, and continue to develop policy and rules accordingly.

The majority of gully and riverbanks within the city have a sandy substrate and are therefore vulnerable to erosion. This risk is increased by removal of vegetation from these banks. Areas adjacent to parts of the river and the gully streams are also vulnerable to flooding events, as are parts of the city located on peat soils or around peat lakes or wetlands.

The principal issues regarding natural hazards in Hamilton are:

- **Accentuated risk to human life and property from natural hazards as a result of land use practices and occupation of hazard prone areas.** Increased risk to property and human life from natural hazards can result from occupation of hazard prone areas as well as land use practices such as slope excavation, disturbance of soil and vegetation, and building of structures.
- **An increased exposure to risk due to a lack of information and knowledge about natural hazards.** Current information limits the identification of hazard prone areas and the level of risk associated with these areas. Without a comprehensive information base, planning to reduce the effects of hazards tends to be reactive.

Objective 3.2.1 Natural Hazards

To identify and mitigate the impacts from natural hazards on people, property, and the environment.

Policies

- a) Avoid development in areas identified as being subject to significant risk from natural hazards (or limit its intensity) unless the risk of damage can be mitigated.
- b) Control development in hazard prone areas to minimise the impacts of flooding and accelerated erosion.

- c) Ensure that the disposal of stormwater occurs in a manner that minimises the risk of flooding, erosion, and land instability.

Reasons

Historically, development has often occurred in areas subject to natural hazards and large parts of the city are already established in areas that carry some degree of risk (e.g. floodplains, river and gully banks, and peat soils). There is still considerable demand for development in areas subject to potential hazard (notably the gullies). Where possible the best means of guarding against natural hazards is to avoid locations that are subject to risk.

The banks of the river and gullies are prone to erosion, land instability and flooding and the District Plan must control or manage development in areas of known risk, particularly the disposal of stormwater. The ongoing identification of further hazard prone areas and establishing levels of risk associated with these areas is important to allow for a proactive response to managing and reducing exposure to natural hazards within the city.

The Temple View catchment is characterised by soils with poor soakage qualities and steep topography to the north and west of the Temple View urban area. These elements combined make the area particularly susceptible to overland flow and flooding in heavy rainfall events. Parts of the Temple View urban area have been identified as prone to flooding events and as secondary flood flow paths. Flooding events can become a hazard to both people and their property if not managed correctly.

It is not practicable, either through regulation or by other means, to provide total security against all natural hazards. However, in areas where risk can be defined, such as along the Waikato River corridor or in Temple View flood hazard areas, it will be necessary to avoid or restrict subdivision and land use development. In some locations such as on river or gully banks, it will be appropriate to control the impact of development on the environment.

Some areas within the city are built on flood plains or flood prone areas. The protection of these is costly and they are still subject to periodic threat from flood damage. To reduce the degree of this hazard in the future, urban development of existing rural areas which are natural flood plains, or flood prone areas in Temple View should be avoided.

Methods

The Natural Hazards objective and policies will be implemented through the following methods:

District Plan

- **Environmental Protection Overlay** - provides performance standards for minimum floor levels and building setbacks from waterways and controls on earthworks, vegetation clearance and structures in erosion and flood prone areas.
- **Reserve Contributions** - allow for esplanade reserves to be taken to protect natural hazard prone areas.

- **Subdivision and Development Rules** - will provide extra controls in relation to potential hazard areas and stormwater disposal options.

Other Methods

- **Council Work Programmes** - can also serve to mitigate the effects of natural hazards through stormwater maintenance programmes and other flood hazard mitigation works.
- **A Natural Hazards Register** - development of a register which contains all of the available information on hazards within the city which can be passed onto affected landowners.
- **Research and Monitoring** - update of the Hazards Register and research into other potential hazards and methods for mitigation.
- **Regional Plan** - provides for the complementary management of natural hazards by the Regional Council through the collection, analysis, storage and communication of natural hazard information to local authorities.
- **Building Act 1991** - provides standards/controls on the structural integrity of buildings (e.g. earthquake compliance) through Project Information Memoranda (PIM's) and provides information on natural hazards (e.g. flooding and instability) relating to particular sites.
- **Riverside Reserve Act Management Plan** - contains objectives and policies to maintain the stability of the riverbanks.

Anticipated Environmental Results

The following environmental results are anticipated:

- Retention of the existing gully landform in a largely unmodified state.
- Future urban development will avoid hazard prone areas.
- An improved awareness of the presence and risk of natural hazards for the city.

3.3 Activities on the Surface of Water

Introduction and Issues

Council is required, under Section 31 (e) of the Resource Management Act, to control the effects of activities in relation to the surface water in rivers and lakes. The Waikato River and the city's peat lakes have been identified as key natural features that require careful management to protect their natural values. Activities that occur on the surface of these waterbodies have the potential to undermine these natural values.

The waterbodies to be covered under these provisions include the Waikato River and Hamilton Lake (Lake Rotoroa). Horseshoe Lake and Lake Rotokaeo are also covered even though there are no surface water activities currently undertaken on them.

Hamilton City adjoins Waikato District to the north and Waipa District to the south. These authorities also have responsibilities to control activities on the Waikato River. A compatible and mutually supportive approach to management across these boundaries is important.

Environment Waikato is responsible for the bed of the river, water quality and all structures in, on, under, or over the beds of lakes and rivers. This includes boat ramps and jetties. Management of activities on the river (the bed, surface and banks) requires an integrated and consistent approach between authorities.

The principal issues regarding activities on the surface of water in Hamilton are:

- **Surface water activities have the potential to adversely affect ecological, cultural and amenity values.** The Waikato River and the city's lakes are important wildlife habitats, key taonga to Waikato iwi, and interesting visual features. Activities on the surface of water have the potential to disturb habitats, undermine bank stability, introduce noxious flora and fauna and pollute surface waters.
- **The increasing use of waterways as recreation resources can adversely effect both the waterbody and adjoining uses.** The Waikato River and Lake Rotoroa are recreation assets that are used for a variety of activities and there is the potential for increased use of these waterbodies in future. Activities on the surface of these waterbodies enables people to provide for their social, economic and recreational needs. However, the impacts of these activities can adversely affect the waterbody and adjoining land, particularly the effects of noise on surrounding residential uses and the effect of wash on bank stability.
- **Use of the Waikato River for power generation and subsequent adverse effects on bank stability and habitats.** The Waikato River is used for hydro-electric power generation. This activity has a marked effect on the river's water level. These large fluctuations in level have an adverse effect on bank stability (particularly when combined with vegetation clearance of banks) and on habitats. These fluctuations can also affect activities on the river, such as the use of jetties. Controlling river

flows and levels is not the responsibility of Council, however the regional council can set maximum and minimum levels for the Waikato River.

- **Structures on the surface of the Waikato River can adversely affect ecological and amenity values.** Structures on the surface of water have the potential to cause conflicts for space with other river users and affect the natural character of the waterbody, inhibit water flows and have the potential to become navigation hazards.

Objective 3.3.1 Activities on the Surface of Water

To ensure that the ecological, cultural, and amenity values of waterways are not adversely affected by surface water activities.

Policies

- a) Minimise the adverse effects from motorised surface water activities on adjoining land uses particularly in terms of noise.
- b) Minimise adverse effects on ecological and cultural values from activities on the surface of the city's waterways particularly in relation to water quality, bank stability and habitat quality.
- c) Avoid the generation of adverse effects such as wash, noise, and the transfer and distribution of aquatic weeds on all lakes.
- d) Allow a limited number of organised temporary events on the surface of the Waikato River provided that potential adverse effects can be mitigated.
- e) Minimise the adverse effects of structures on the surface of the Waikato River particularly in terms of the river's natural character, inhibition of water flows, or possible navigation hazards.

Reasons

The wide range of activities that take place on the surface of these waters has the potential, if left unmanaged, to significantly affect their environmental quality and the amenities enjoyed by the community.

The majority of issues relating to surface water activities centre around motorised craft, whether they are for commercial or private recreation purposes. Impacts such as noise, wash, the potential for accelerated erosion and habitat destruction all need to be controlled.

The size, speed and frequency of motorised craft are the major causes of these impacts. The location and size of the waterbody is also relevant in its ability to absorb certain impacts, as is the proximity of adjoining uses. The proximity of both the Waikato River and Lake Rotoroa to densely populated residential areas suggests that careful management is required. The smaller peat lakes (Horseshoe and Rotokaeo) are both too small to adequately mitigate the effects of motorised surface water activities.

Organised temporary events (i.e. events of a limited duration and restricted hours of operation) will be allowed to an extent because adverse effects are mitigated by the short-term nature of the event. The cumulative effects of such events may require further research.

Structures on the surface of water have the potential to cause conflicts with other river users especially in terms of safety and adverse effects on the natural character of the waterbody. Most structures are attached to the bed of the river (and are therefore the responsibility of the regional council) though in instances where the main body of the structure either floats on the surface of the water (in the case of pontoons) or sits on or above the surface of water (in the case of jetties) they will need to be controlled as part of the District Plan.

Methods

The Activities on the Surface of Water objective and policies will be implemented through the following methods:

District Plan

- **Activities on the Surface of Water Rules** - will include performance standards to mitigate the effects of activities on adjoining land users, and on the natural, cultural and amenity values of the city's waterbodies.

Other Methods

- **Reserves Act Management Plans** - the Hamilton Lake Management Plan (including Lake Rotoroa) and the Riverside Reserves Management Plan provides complementary management of river and lake-margins in public reserve. These plans can also control access to waterbodies for commercial activities through leases and licenses.
- **Guidelines and Other Educational Material** - can be developed for river users on safety and environmental matters.
- **Liaison with Iwi and Surrounding Authorities** - through both formal and informal means can ensure an integrated and consistent approach to the use and protection of the Waikato River.
- **Regional Plan** - provides for the control of structures in, over or under the bed of rivers and lakes.
- **Research and Monitoring** - further research into the effects of surface water activities (including cumulative effects) particularly on bank stability and identified significant habitats may help to modify or further refine the Surface Water Rules.
- **Hamilton City - Council and Regional Council Bylaws and Other Regulations** - provides for complementary management of those aspects of surface water activities that have no exclusive environmental effect.
- **Advocacy** - Council can advocate to the Regional Council regarding the development and refinement of maximum and minimum water levels for the Waikato River to reduce downstream effects from hydro power generation.

Anticipated Environmental Results

The following environmental results are anticipated:

- Conflicts between incompatible uses reduced.
- Natural values of waterbodies maintained.

3.4 Air Quality

Introduction and Issues

Emissions such as dust and odours from industrial, motor vehicle and domestic sources contaminate air. Air pollution can affect people's health and damage buildings and plant life. In addition airborne pollutants can dissolve and wash into drains, contaminating the waters flowing through them. Hamilton's topography and prevailing meteorological characteristics (proximity to the Waikato River Valley, relatively low wind speeds) means that these pollutants are often not dispersed quickly from the city.

Under the RMA responsibility for controlling discharges to air lies with the Waikato Regional Council, particularly as air quality is not a matter confined to local authority boundaries. However, the interrelationship between land use and air quality means that there are issues which need to be addressed under the district plan.

The principal issues regarding air quality in Hamilton are:

- **The potential effects on the amenity represented by the quality of the air resource can be increased due to locational factors.** Congregation of major air discharging activities in one area, for example, can generate cumulative effects on the air quality in that area and can result in conflicts between activities that have different amenity requirements. This is particularly critical at the interface with activities that are more sensitive to a lowering of air quality such as at the interface of industrial and residential uses.
- **Land use activities can generate air quality nuisances and a subsequent loss of amenity.** Many land use activities, for example, generate minor dust and odour problems for adjoining properties while non point discharges such as domestic heating and vehicle related emissions can cumulatively cause a problem for the quality of the air throughout the city particularly in relation to the emission of CO₂. These adverse effects can vary in scale depending on duration and or frequency of the activity causing the effect and whether there is a cumulative buildup of pollution in the area.
- **There is a lack of comprehensive data on the nature, degree and scale of adverse effects on air quality from land uses and management.** This leads to difficulties in identifying sensitive areas, the existence of adverse effects or predicting the escalation of adverse effects on air quality.
- **The management of the air resource under the RMA is the primary responsibility of the Regional Council, however Council has responsibility for the control of the adverse effects of land use activities and there is potential for overlapping regulation of this resource.** In order to provide for the sustainable management of the resource Council needs to ensure that it complements rather than duplicates the role of the Regional Council and other agencies such as the Department of Health who may have legislative responsibilities in relation to this resource.

Objective 3.4.1 Air Quality

To maintain the existing air quality of the city, and to mitigate adverse effects from land use activities in places and at times where the levels of pollutants are unacceptable to the community.

Policies

- a) Control the establishment and location of activities which pose significant risks of major adverse effects on air quality to minimise adverse effects on the air quality amenity of those parts of the city where high air quality is expected.
- b) Avoid compromising legitimately established activities involving discharges to air by controlling the establishment at the sites of such activities, of activities requiring higher standards of air quality.
- c) Avoid, remedy or mitigate any air quality nuisance arising from activities not subject to air quality controls administered by the Waikato Regional Council.
- d) Encourage the reduction of discharges, particularly of CO₂, to air from vehicle emissions and heating sources.

Reasons

Impacts on air quality from dust, odour and contaminants can arise from a variety of land uses. Managing these impacts is usually a matter of applying relevant best practice to the particular activity. Zoning enables the segregation of incompatible activities which generate potential risks to air quality from people centred activities and allows those activities with legal rights to discharge to air to continue to utilise that privilege without pressures from uses requiring higher quality air standards to cease their activity.

The management of the air resource under the RMA is the primarily the responsibility of the Regional Council. Council contributes to this management by controlling the adverse effects of land use activities which includes those effects on air quality which are not subject to regional council controls.

Based on the current air monitoring data, regulating to control the adverse effects from small scale, domestic and mobile sources of air pollutants cannot be justified. Education and codes of practice, supported by enforcement, are likely to be more effective in an urban context with minor air quality matters that occur across a range of activities throughout the city. Such initiatives need to be complemented by an improved understanding by the community of its role in reducing overall discharges to air.

A significant element in air quality is the cumulative effect of non-point discharges, including vehicle emissions. Reduction of these air emissions is to a large extent dependent on decisions taken outside the context of the District Plan, such as emission controls on vehicles however long term traffic management, and future urban design are important elements in reducing the concentration and generation of emissions which Council can have influence over.

Section 17 of the RMA imposes a general duty to avoid, remedy or mitigate the adverse effects of activities on the environment. This enables Council to quickly address minor and careless behaviour or unanticipated adverse outcomes on the environment.

Methods

The Air Quality objective and policies will be implemented through the following methods:

District Plan

- **Zoning Based Rules** - will be used to direct activities with potential risk to air quality to suitable locations and to buffer activities susceptible to lower air quality.
- **Subdivision Design Guidance** — will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in so far as they relate to the subdivision of land.

Other Methods

- **Monitoring** - of air quality over Hamilton City will allow Council to identify existing air quality and reductions or improvements in the quality of the resource.
- **Co-ordination with the Regional Council** - on management of air quality issues.
- **Submissions as an Affected Party** - will be made, where considered necessary, on air discharge applications being processed by the Regional Council.
- **Enforcement Powers under Section 17 of the RMA** - will be used to deal with air quality nuisances arising from land development and use.
- **Hamilton City Development Manual** - will be used to minimise dust, odour and other air quality impacts from land development and use.
- **Council Works Programmes** - can include consideration of road designs and locations that will endeavour to reduce air emissions from traffic, and tree planting to mitigate air pollution.
- **Council Guidelines and Other Educational Material** - including guidelines, to promote best practice for activities having potential air quality impacts, reduction of vehicle emissions and control of domestic sources of air pollution.
- **Health Act, Hamilton City Council Bylaws, and Other Regulations** - designed to protect air quality will be utilised where appropriate to mitigate air quality nuisances.
- **Energy and Waste Management Plans** - development and implementation of the Council's Energy Strategy, Waste Management Plan, and Local Climate Protection Action Plan will contribute to the improvement of air quality.
- **Access Hamilton** - a policy framework linking land use and transport planning which promotes and encourages a wide range of transport options.

Anticipated Environmental Results

The following environmental results are anticipated:

- Reduced number of complaints regarding air quality.

3.5 Urban Trees

Introduction and Issues

Hamilton's urban trees make an important contribution to the health and wellbeing of the residents of the city and to the quality of the city's landscape. Hamilton City is strongly identified with its urban trees, which help create a pleasant environment and contribute significantly to urban amenity value, and cultural and heritage values. Urban trees also support the environment through: releasing oxygen; absorbing carbon dioxide and water; moderating micro-climates; giving shade and shelter from winds; providing land stability particularly on gully and river banks; and providing habitat for wildlife - birds and insects, both native and exotic species. These contributions to environmental quality are not always understood and have not been adequately valued in the past. The contribution of gully and river bank vegetation to the city's natural values is covered under the natural values policy section (Section 3.1).

Council's Green Network Strategy reflects a comprehensive approach to managing ecosystems and maintaining natural values within the urban environment. Within this broad focus, the District Plan contributes through a policy framework on urban trees and by protecting significant trees.

The principal issues regarding urban trees in Hamilton are:

- **Subdivision and urban intensification causes increased pressure on urban trees and contributes to a loss of the city's green character.** Large-scale subdivisions still tend to utilise an approach of clearing a site of all vegetation before proceeding with development. At a smaller scale, residential and commercial development can have significant adverse effects on the extent and condition of urban trees, particularly in terms of removal of larger trees. Retention of trees, particularly on private land, is a significant challenge given the rate of development and intensification, and the building of larger houses on smaller sites. Regulatory and non-regulatory methods need to be encouraged (including best practice processes — subdivision design guidance, advice and education materials) to ensure that the process of land subdivision and development does not compromise the amenity values of Hamilton City's treescape environment.
- **The removal of trees in gullies and along the river impacts on amenity values.** The city's river and gully system is a significant repository for urban trees. The maintenance and enhancement of this resource is important to support a significant tree framework for the city and to retain the city's green character and amenity values.
- **Urban development and lack of identification can cause a potential loss of amenity values, heritage values and biological resources associated with urban trees.** Ongoing urban intensification can potentially threaten trees which have special value to the community for historical, cultural, landscape or biological resource reasons particularly if these values have not been identified or appreciated.

Objective 3.5.1 Urban Trees

To maintain and improve the urban tree resource to enhance the city's amenity, character, identity and health and heritage values.

Policies

- a) Protect significant trees identified for their historical, cultural and amenity values from the adverse effects of ongoing urban development.
- b) Mitigate the effects of development on the amenity, ecosystem, riparian and land stabilisation values of urban trees, particularly within the river corridor and gully system.
- c) Encourage developments that retain as many trees as possible (especially in larger subdivisions).
- d) Encourage and where appropriate require tree planting on public and private land to offset the impacts of urban intensification.

Reasons

Much of Hamilton's distinctive character is derived from its urban trees, which are an integral part of the city's amenity and identity. Significant trees provide important links with the city's history and traditions, whether individual specimens or groups of trees such as Jubilee Bush. Urban trees also have an important role in terms of maintaining life-supporting processes and assisting the functioning of the urban ecosystem.

The loss of vegetative cover from urban areas has long-term implications. Once mature trees are lost, it takes time to re-establish them, and with intensification, there may be reduced opportunities for providing areas of mature urban vegetation. The cumulative effect of the loss of individual trees and stands of trees can have significant implications for wildlife habitat and for the urban ecosystem (in terms of lost ecosystem services), particularly within the river and gully system. There are also significant implications in terms of loss urban amenity values and the green character of the city.

There is a need to identify and protect individual trees or groups of trees that have special value to the community and to provide a basis for regulatory measures to protect specified trees. Identifying and recording those trees that have outstanding values or quality individually or collectively and are consequently worthy of protection, enhances people's awareness of their value, significance, and the need to retain them.

Methods

The Urban Trees objective and policies will be implemented through the following methods:

District Plan

- **Environmental Protection Overlay** - will control development and retain and enhance vegetation along the river and gullies and around lakes and wetlands.
- **The Establishment and Maintenance of a Schedule of Significant Trees** - will identify those trees which are formally protected by the plan for their significance (with the consent of the landowner).
- **Significant Trees Overlay** - will govern the pruning, maintenance and removal of significant trees.
- **Planting and Screening Rules** - will require planting of street frontages, extensive sealed areas, and zone boundaries.

Other Methods

- **CityScope** — Council's Urban Design Strategy provides an umbrella framework which will manage and promote the City's treescape environment and amenity value from a design perspective based in sound design principles.
- **The Development of an Urban Vegetation Management Plan** - linking all vegetation management policies into one document could be undertaken. The plan could address the management of riparian vegetation (gully management plans), bush areas, significant trees, street trees, and the planting of road reserves. The plan could focus on replanting, restoration and enhancement of both indigenous and exotic species and assist in establishing the ecosystem approach advocated in the Green Network Strategy.
- **Establishment of an Ecological Database** - stands of trees which are identified as significant because of their ecological values will be incorporated into the Schedule of Ecologically Significant Sites.
- **Council Guidelines and Other Educational Material** - include the City Beautification Guidelines for Street Planting and the Hamilton City Development Manual.
- **Council Tree Planting and Maintenance Programmes** - eg. on reserves and road reserves will aid in the restoration and enhancement of ecosystems.
- **Council Assistance to Owners of Scheduled Trees** - could take the form of grants, incentives, waiver of consent fees, or the offering of services or advice relating to their care, maintenance, conservation and enhancement.
- **Monitoring and Review** - will lead to regular updates and subsequent additions to the Register of Significant Trees with the consent of landowners via Plan Change.
- **Identification** - of trees on the Significant Trees Register will be enhanced by the placement of a plaque attached to the tree.

- **Economic Instruments** - such as fines for damage to significant trees based on the tree valuation as part of the RNZIH method can be utilised to ensure the protection of significant trees.

Anticipated Environmental Results

The following environmental results are anticipated:

- Increased public awareness of the value of urban trees and the responsibility of landowners in its protection.
- A strong framework of urban trees created and ecosystem functions maintained.
- Improved identification and protection of significant trees.
- Significant tree register maintained and updated.
- Reduced loss of trees as a result of subdivision.

4.1 Future Urban Areas

Introduction and Issues

Hamilton contains three principal areas of rural land within its boundaries. These are located at Rototuna (1107 ha), Rotokauri (748 ha) and Peacocke (702 ha). At present these areas contain a mixture of rural activities and lifestyle rural residential blocks.

These areas provide the city's future urban land bank and there is considerable pressure from land owners and developers to enable development to occur within these areas.

The Council is keen to ensure that the development of these areas occurs in an economic, and sustainable manner. The District Plan is concerned with the management of the effects of activities that currently occur in these areas. It is also concerned to ensure that the key environmental and amenity resources of the area are not destroyed or compromised as the land progresses towards its future urban use.

The Hamilton City Council's 2006-16 Long-Term Plan, identifies a new strategic framework to guide the City's future shape and direction. A key factor in developing a new blueprint for the City is the need to advance quality urban design in its built environment. To this end, the Council has approved and adopted an urban design strategy for ongoing development of the City. It also provides an overarching framework to enact the New Zealand Urban Design Protocol (to which Council is a signatory). CityScope commits Council to utilising urban design in all its strategic planning and policy documents, and the active promotion and incorporation of international best practice urban design and sustainable development principles in the planning and design of new growth areas. Council will also seek to develop or support the development of exemplar display projects within these areas.

The principal issues regarding future urban areas in Hamilton are:

- **The amenity standards expected by rural residential and residential dwellers have the potential for adverse impact on established activities.** As urban activities, such as rural residential or low density residential development, take place within established rural areas, many of the effects associated with the operation of farms or other existing activities e.g. noise, dust, hours of operation, odour become less accepted by the community and as a consequence pressures are placed on existing operations to curtail their activities. These pressures are increased as the scale of urban activity increases particularly where it occurs sporadically. This has serious consequences for the continuing economic viability of the existing activity.
- **The modification and removal of riparian vegetation and areas of bush, archaeological and other historic sites and items has a direct impact on the resources of the areas, and on the future amenity values of the land.** The future urban areas of the city contain remnant stands of bush, streams, and some vegetated riparian margins. These play a significant role in the management of rural water quality for rural streams.

Hamilton as a city is characterised by its extensive gully and stream network. The potential loss of such environments and ecosystems from the future urban area will negatively impact on the present environmental health of these systems, and on their future contribution to the amenity and diversity of the urban landscape.

The potential loss or modification of archaeological and historic sites and items has the potential to lead to a loss of amenity and diversity for both the present and the future city community.

- **Interim development of the Future Urban Areas, including infrastructure provision, has the potential to make further conversion to full urban development difficult.** While there is current demand for development, particularly rural residential opportunities in these areas, sporadic interim development, of both rural and rural residential natures, can effectively make further conversion to full urban development uneconomic. This is particularly so if development affects or pre-empts the effective and efficient location of roads, services and other supporting land use activities. The type of infrastructure provided, particularly for rural residential or residential development, can have major impacts on further conversion to urban development. Individual onsite management systems can have significant limitations and the extensive duplication of these systems could lead to unacceptable cumulative environmental effects eg. pollution of groundwater or gully systems. In many instances local systems will operate at a scale or intensity that will not allow for their practical inclusion into any Council network in the future as wider development occurs.

Objective 4.1.1 Development in Future Urban Areas

Ensure that the activities carried out in the future urban area do not generate adverse environmental effects and or compromise future urban use.

Policies

- a) Provide an overall framework for future urban areas within which rural, rural residential and urban density development can take place during the transition to full urban development.
- b) Enable the continuation of a range of existing activities providing they avoid, remedy or mitigate any adverse environmental effects and do not compromise future urbanisation potential.
- c) Control the subdivision of land and siting of buildings for rural purposes so that the size, arrangement, access and development of rural lots will not compromise potential urban development.
- d) Enable rural residential development in circumstances where it will not unduly conflict with the potential for continuation of existing activities on adjoining properties, compromise future urban development potential or give rise to adverse environmental effects.

- e) Enable urban development in rural areas where it is consistent with the overall framework for future urban development, does not adversely impact on uses on adjoining properties, and satisfactory provision can be made for road access and infrastructural services.
- f) Ensure a reasonable share of additional cost on future urban development arising from interim subdivision and development is met by the subdivider.
- g) Ensure that subdivision of land in the Future Urban Zone does not compromise the integrity and viability of the relevant Structure Plan that has been prepared for the Growth Cell.

Reasons

The management of future urban land in Hamilton involves providing for rural activities and lifestyles and a range of compatible uses in the interim, while recognising that urbanisation will eventually occur. Traditional rural development and activities can have significant impacts both on the natural environment and on adjacent urban development. However pressures for lifestyle development and the interface with urban development have equally significant implications for the continued viability of traditional rural activities and other existing activities particularly as reverse sensitivity issues lead to pressures from lifestyle and residential development for existing activities to be further controlled.

The objectives and policies for the Future Urban Areas recognise these competing demands on the future urban area resource and seek to provide for flexibility of use of the resource during its transition to full urban development. To this end rural activities will continue to be provided for in the area. Rural residential and "out of sequence" residential development will also be accommodated in the zone subject to their impacts on the environment, surrounding activities and on future urban development potential being avoided or mitigated. Subdivision will need to be controlled in a manner that ensures the urban needs of future generations can be met while allowing for the needs of the existing landowners.

It is recognised that rural lifestyle development will have only limited impact on re-subdivision for urban purposes but where urban style development is involved there will be practical and financial implications for subsequent urban development.

It is important that any subdivision within the Future Urban Zone where Structure Plans have been prepared should be managed so that the integrity and viability of these plans are not compromised. To ensure this occurs any subdivision within the structure plan areas need to be controlled in order to maintain a pattern of land parcels which ultimately enable development to occur in a manner that is appropriate for the growth cells as indicated in the Structure Plans or subsequent zoning changes.

Objective 4.1.2 Sustainable New Growth

To ensure that development in the areas identified for new growth is carried out in a manner that meets the community's needs and avoids, remedies or mitigates adverse environmental effects.

Policies

- a) Establish the supply of appropriately zoned and serviced urban land within the city to meet the current and future demands of the city's population.
- b) Identify the key infrastructural, community, cultural and environmental opportunities and constraints for each new growth area and ensure that these are reflected in the development of each area.
- c) Accommodate a wide range of activities in new growth areas that will contribute to the development, functioning and amenity of local communities, and contribute positively to the community's identity.

Reasons

Development of new growth areas will require effective planning to ensure that the critical structural elements are identified and set aside or planned for prior to development occurring.

In particular the District Plan recognises the desirability of establishing the opportunities for the provision of those facilities and activities that assist the community, including local commercial employment and service opportunities, recreation, community facilities, and effective transport networks within and beyond the area.

Objective 4.1.3 Protection of Environmental and Cultural Values

To ensure that any development in the future urban area, particularly the development of new growth areas, does not have an adverse impact on the significant environmental, ecological and cultural features of the area.

Policies

- a) Protect and enhance the natural features of gully and riverbank areas in future urban areas.
- b) Ensure that the environs of Horseshoe Lake and Lake Rotokauri and the associated peat soils are sustainably managed to safeguard their ecological values and to avoid compromising the drainage system through inappropriate subdivision and development.
- c) Identify and protect sites of archaeological, historic and cultural significance and notable trees within future urban areas.

Reasons

Hamilton's gully system and the Waikato River are key components of the city's overall amenity as well as significant ecological systems in their own right. Opportunities exist during the development of the Future Urban Areas to ensure their protection and enhancement. Opportunities also exist to protect notable trees and archaeological, historic and cultural sites at the time of land development to contribute to the future amenity and diversity of the urban landscape.

Objective 4.1.4 Urban Development within the Peacocke Future Urban Area

To ensure urban development within the Peacocke Future Urban area is sustainable, integrated, and delivers high levels of residential amenity.

Policies

- a) Enable development to occur in general accordance with the Peacocke Structure Plan.
- b) The development of the Peacocke Future Urban area encourages liveability, diversity and safety for the community.
- c) Require a master plan to demonstrate how an appropriate nature, scale and intensity of urban development within the Peacocke Future Urban area will be undertaken in a coordinated manner that ensures that integrated and efficient development occurs within and between the neighbourhoods and the adjacent City.
- d) Ensure that all urban development responds positively to the identified character areas within the Peacocke area and to the natural environment.
- e) Enable the transition from rural to urban to be managed over an extended period recognising the diversity of environments and the varying patterns of land use and ownership throughout the area.

Objective 4.1.5 Integration of the Peacocke Future Urban Area with City Wide Infrastructure

To ensure urban development within the Peacocke Future Urban area occurs at a rate, and in a manner, which is integrated with, and does not compromise the city wide trunk infrastructure.

Policies

- a) Infrastructure is to be developed in general accordance with the Peacocke Structure Plan
- b) Ensure that urban residential development in the Peacocke Future Urban area is connected to wastewater, stormwater and water supply infrastructure which is integrated with and connected to the city wide reticulated infrastructure.
- c) Wastewater, stormwater and water supply infrastructure within the Peacocke Future Urban area is to be developed in a manner which gives effect to the Waikato River vision and strategy.
- d) Ensure that wastewater, stormwater and water supply infrastructure is integrated and connected between neighbourhoods and developments within the Peacocke Future Urban area so as to achieve an efficient and effective reticulated infrastructure network.
- e) Where city wide bulk infrastructure is not in place and capable of connecting to proposed development within the Peacocke Future Urban area , and the developer prefers not to delay

development until council establishes that infrastructure, the developer may fund and establish, to council's satisfaction (including any necessary arrangements for the developer to recover a portion of those funds from subsequent development) the necessary bulk infrastructure to enable connections to city wide bulk infrastructure.

- f) The transportation network, within the Peacocke Future Urban area is to be integrated with the city wide and regional transportation networks to ensure a safe and efficient network.

Reasons

The Peacocke Future Urban Zone has been established to provide for and guide future use and development of land within the Peacocke area. Council wishes to see the Peacocke area become a high quality urban environment that is based on best practice urban design principles. A master planning approach has been developed to achieve this by ensuring that infrastructure provision and staging is integrated with development while enabling flexibility and innovation in design.

Urban development within the Peacocke Future Urban Zone is restricted until the necessary bulk trunk infrastructure and transport networks have been established to join Peacocke to the city's existing infrastructure networks.

Methods

The Future Urban objectives and policies will be implemented through the following methods:

District Plan

- **Development Strategies and Master Plans** — will be prepared by Council for new growth areas. These will be used to articulate the shape, direction and quality of new development to complement the defined character and amenity of these areas or component areas.
- **Future Urban Zone Rules** - provide for the interim management of the city's Future Urban Areas pending subsequent urban development, ensuring that such development is not unduly compromised and in particular seeks to accommodate traditional rural activities and manage pressures for peri-urban development including lifestyle subdivision.
- **Subdivision and Development Rules** - will control how subdivision occurs, and establish the financial and reserves contribution requirements for development in the new growth areas.
- **Structure Plans** - will be prepared for each new growth area. These integrate the land uses, and identify key natural resources, transport and infrastructure requirements, any potential constraints to development, and investigate management options to protect significant features including development incentives. Consideration will be given to the need to protect established activities against reverse sensitivity effects. Structure Plans also identify the staging programme for land release in the areas that matches the community's ability to service the land. Structure Plans set out the development concept for longer term growth and the likely extent of future infrastructure provision that will be needed. To ensure that infrastructure is provided in a logical sequence and in

time to serve the needs of new development the Structure Plans will establish the principle of development levies that will need to be paid as part of subdivision proposals. Structure Plans are therefore a key vehicle for achieving the early and orderly release of land for development and will be prepared through consultation with the local community.

- **Environmental Protection Overlay, Heritage Items Overlay, Significant Archaeological, Historic and Cultural Sites Overlay and Significant Trees Overlay** - will be used to ensure that identified natural and cultural and heritage values are taken in account with respect to the subdivision and development of land.
- **City-Wide Activities Rules** - provide for roading and other infrastructure in relation to Future Urban Areas.
- **City-Wide Standards** - will be used to ensure impacts including vehicle provision, site layout, visual amenities, noise and pollution in future urban areas are adequately dealt with.
- **Subdivision Design Guidance** — will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in so far as they relate to the subdivision of land.

Other Methods

- **Council Guidelines and Other Educational Material** - will raise public awareness of the need to address the longer-term resource management implications of interim rural development and activities.
- **The Hamilton City Council's 2006-16 Long Term Plan** - will identify Council's programme of major infrastructural investment and it's funding sources.
- **CityScope** — Council's Urban Design Strategy has been developed to foster a design-led approach to development in new and established areas of the City. It also provides an umbrella policy framework to promote and encourage quality urban design in the City's built and natural environment.
- **Access Hamilton** — is a transport strategy and infrastructure programme which promotes and encourages a wide range of transport options. It includes various initiatives designed to manage and accommodate future traffic growth in an environmentally sustainable manner.
- **District Plan Changes** - will be used to progressively rezone land in the Future Urban Areas for urban purposes, to enable the effective supply of land for urban development to be maintained.
- **Designation Procedures** - may be used by the Hamilton City Council and other requiring authorities to identify and set aside land for public works in the new growth areas.

Anticipated Environmental Results

The following environmental results are anticipated:

- Development which is integrated with the local natural and physical conditions of the locality and area.
- The provision of a wide range of activities in the Future Urban Area.
- Opportunities for the provision of future urban infrastructure maintained.
- Significant natural features protected.
- Future urban development not compromised by lifestyle subdivision.
- Conflicts with rural activities minimised in the interim.

4.2 Transportation and Accessibility

Introduction and Issues

An accessible city is one in which land uses and transport networks are integrated to enhance people's accessibility throughout a city, while minimising effects of transport on amenity values and the environment. Transport networks in Hamilton City include roads, cycleways, pedestrianways, and the river. The main mode of transport for the city's residents is the private motor vehicle, therefore roads are the key element in the city's transport network. To promote and encourage environmental sustainability, the Council has approved and adopted Access Hamilton — an integrated transport strategy and infrastructure work programme that will enable good access and movement around the City for all modes of transport and enable the growth requirements of the City to be managed to assist with environmental sustainability in the future.

The District Plan plays an important role in managing the effects of land use. The development, maintenance and environmental management of transport networks are vital for the sustainable management of the urban infrastructure. Managing this 'resource', and the effects associated with the use of this resource, is an important element in achieving the purposes of the RMA within the urban environment.

The District Plan also has a role in ensuring that the city's network of transport corridors functions safely and efficiently to transport goods and people around the city, provide access to properties, and make provision for the parking and accessibility to services necessary to meet people's day to day needs.

The principal issues regarding transportation and accessibility in Hamilton are:

- **High speeds and traffic volumes can have adverse effects on the amenity values of living and business environments.** Residential areas, local shopping centres, and cultural, recreational and leisure venues are places with high levels of expected amenity. They are generally places with lower noise levels, high pedestrian usage, and high proportions of landscaping and open space. Vehicles can create nuisances such as vibration, fumes, noise, and safety issues which conflict with these levels of amenity.
- **The wide variety of road users and differing speed levels can create conflicts and negatively impact on public safety.** Road users in Hamilton consist of pedestrians, cyclists, motorists and public transport passengers. Conflicts arise between the different road users when they are required to share the road corridor. The main impact is upon public safety road users travel at different speeds, require different design features, and can involve stopping and starting which impacts on the free flow of traffic (ie. buses stopping and cars parking).
- **The multi-functional use of the transport network has the potential to impact on the safe and efficient functioning of the transport network.** The transport network has the primary function of transporting people and goods around and through the city. The network uses a significant portion of the city's land resource and therefore it is desirable to use the network for a variety of different

functions. Functions include transporting people and goods, enhancing amenity and ecological values, and to provide a route for reticulation services (ie. telecommunications, water, gas and power).

Different roads and corridors in the network are recognised as performing different functions. Despite this, multi-functional use can conflict with the safe and efficient transport function of the network due to obstructions such as trees, signs, and telephone and power poles.

- **Discharges from vehicles and water run-off from roads can have adverse effects on air and water quality and impact upon human health.** Motor vehicles can create pollutants such as carbon monoxide, carbon dioxide and nitrogen dioxide. These pollutants degrade the quality of the air resource which can in turn affect the health of the public.

Contaminants from vehicles can build up on road surfaces and become attached to sediments in water run-off. This water run-off is transported through the stormwater network and discharged into the city's lakes, streams and the Waikato River. Larger sediment particles can be removed through the city's catch-pits, but a majority of the contaminants reach waterways and waterbodies and result in the degradation of water quality.

- **Multi-storey/high rise development under the flight path of the Hamilton Airport can pose a threat to public safety.** Buildings and structures in certain parts of the city could protrude into the flight path of planes departing and approaching Hamilton Airport. This increases the risks to public safety both on the ground and in the air.
- **Relationship between Subdivision Layout and roading design.** The predominant form of suburban subdivisions has resulted in a curvi-linear street pattern, with a large number of cul-de-sacs and few through streets. This has implications for the integration of suburbs and communities and increases reliance on motor vehicles. Amenity values are reduced for these communities in terms of longer car trips to access services outside the immediate neighbourhood area and the discouragement of walking and cycling because of the travel distances involved.

Objective 4.2.1 Transport Network

To maintain a safe and efficient transport network that allows the city to function and develop with minimal conflicts between land uses, traffic and people.

Policies

- a) Establish and maintain a transport network which accommodates a variety of traffic functions and which minimises conflicts between road users.
- b) Ensure that the roading system provides for property access requirements without compromising the safety and efficiency of the transport network.

- c) Ensure that local road networks provide an integrated road, pedestrian and cycle network which meets the needs of residents and road users and promotes the overall amenity and efficiency of the transport and land use environment.
- d) Facilitate the reticulation of network utilities within the transport network without adversely affecting access, traffic flow or local amenity values.
- e) Encourage design of the transport network which enhances visual amenity values and aids in protecting ecological values.
- f) Encourage the multi-functional use of the transport network which avoids adverse effects on the safe and efficient transport functioning of the network.

Reasons

The transport network is an important resource which enables the community to meet its access, communication, and amenity needs. The transport network must accommodate both through-traffic and access requirements, and needs to minimise conflicts between cars, heavy vehicles, buses, cyclists and pedestrians. To minimise these conflicts separate corridors are sometimes provided for individual modes of transport such as cycle lanes on roads, and cycleways and walkways separate from roads.

Road design, long term planning, and the maintenance of a road hierarchy can assist with traffic management by ensuring that a road is adequately designed to meet the needs of the vehicles and people likely to use it. The design of arterial and local roads will differ to ensure the appropriate functioning of each road type. Good design and interconnectivity within the local road network is important to maximise access, minimise vehicle trip length, and avoid unnecessary connections between local roads and the collector network. Greater connectivity within and between residential areas also contributes positively to the functionality and amenity of these areas.

The transport network provides the opportunity to accommodate network utilities including water, wastewater and stormwater disposal, electricity, gas and telecommunications. Transport networks can also contribute to the amenity values of neighbourhoods and be utilised as part of ecological green networks. This can be achieved by planting road reserves and cycle pathway routes with trees and other vegetation. These functions are important uses of the transport network but they must not distract from the primary transporting function of the network.

Objective 4.2.2 Access

To ensure that the location and distribution of access points for activities along roads do not adversely affect the safe and efficient functioning of the transport network.

Policies

- a) Ensure that access onto and off roads where the primary function is to provide for through-traffic does not adversely affect the safe and efficient functioning of the road.

- b) Require activities which generate high traffic volumes to avoid or mitigate adverse effects on surrounding traffic flows and pedestrian and cyclist safety.
- c) Control the number, size and position of access points to individual properties and land uses to minimise the adverse effects on the transport network and public safety.
- d) Encourage road designs which reflect their assigned through-traffic and access functions.
- e) Encourage activities which require multiple, closely spaced access points to locate on roads where the access function predominates over the through-traffic function.

Reasons

Activities and land uses alongside roads have the potential to impact on the safe and efficient functioning of the transport network through the effects of vehicles entering and exiting the network. The function of arterial roads is to carry large volumes of through-traffic, including heavy vehicles. The effects of vehicle movement onto and off the roadway are potentially greater on arterial roads than on local roads where traffic flows are smaller and slower, and access is the major function of the road. However, even on local roads, road design and traffic management measures can improve the efficiency and effectiveness of the road system. Protecting local roads from the impacts of high traffic-generating activities protects local amenity values and safety of other users including cyclists and pedestrians.

Objective 4.2.3 Parking and Loading

To ensure that sufficient and accessible off-street parking, loading and manoeuvring areas are provided as part of development without adverse effects on traffic flows, amenity values or public safety.

Policies

- a) Require a minimum number of parking spaces for motor vehicles, bicycles, motorcycles and for vehicles used by people with disabilities to meet the normal needs of the site or building use.
- b) Require on-site loading and unloading areas to meet the needs of the site or building use.
- c) Ensure that access, parking, loading and manoeuvring areas do not create a nuisance or detract from the amenity values of the site or adjoining properties, or the traffic functions of the adjoining street.
- d) Require cash payments in lieu of the provision of parking spaces in the central city to meet the parking needs of shoppers and workers.

Reasons

The provision of adequate and convenient parking and loading facilities is part of Council's transport planning throughout the city. The ability of roads to carry traffic efficiently and safely depends to a large extent on the provision of vehicle parking, loading, manoeuvring, and access to and from

properties. Parking and loading space needs to be provided in a manner that will minimise conflict with traffic, minimise detracting from neighbourhood amenity values, and be convenient for residents, staff and other users of the site.

Parking requirements vary from all-day parking by employees at or near work places to short-term but readily available parking for retail activities. Spill-over of all-day parking from commercial areas, major facilities (ie. the University) and city centre areas into residential areas causes adverse effects on safety, accessibility to properties and amenity of residential areas.

The land resource is limited in the Central City and requiring each business to provide its own individual parking spaces is an inefficient use of the land available. The parking resource is therefore centralised and provided by Council. Contributions are required from developers to assist in providing the parking facilities.

Objective 4.2.4 Impacts of the Transport Network

To minimise the adverse effects generated by transport network uses on the natural and physical environment, amenity values and public safety.

Policies

- a) Differentiate road functions to minimise adverse effects of through-traffic on safety, noise, cyclists, pedestrians and amenity values.
- b) Promote transport network, individual road, and traffic management designs which minimise adverse effects on the safety, noise and amenity values of the local environment.
- c) Promote network and individual road designs which minimise the pollution of natural waterways from road stormwater run-off.
- d) Promote road construction in locations which avoids or minimises disruption or modification of sites of ecological and cultural significance.
- e) Promote the integration and connectivity of the transport network to ensure a well-connected movement system that provides a choice of transport routes and modes including public transport and facilities for pedestrians and cyclists.

Reasons

Roads and their activities impact on the environment directly and indirectly. Direct effects on people and the environment include emissions to air, noise, vibration, and the pollution of stormwater from contaminants washed off roads. Road uses can adversely affect amenity values, personal safety and privacy.

Road design influences the extent of adverse effects. Smooth, steady traffic flow on roads designed for through-traffic can help to reduce air pollution through more economical fuel use resulting from less stop-start behaviour, as well as reducing noise and improving safety. Pollution is also minimised by

decreasing traffic volumes and decreasing travel times, and by designing roads and roadsides to minimise run-off directly to waterways.

Earthworks and other activities associated with the construction and location of roads have the potential to obliterate or damage features of ecological or cultural significance. The promotion of environmentally sensitive construction and design techniques are therefore addressed through the Code of Practice.

The adverse effects of transport activities and the transport network on amenity values and the environment can be avoided, remedied or mitigated where land use activities and transport networks are integrated to enhance people's accessibility throughout the City. The transport network (including roads, public transport routes and nodes, cycleways, pedestrian ways and the river) needs to be designed as an integrated network to ensure the sustainable management of the City's urban infrastructure and to provide sufficient design capacity for all modes of transport.

Objective 4.2.4A Urban Design and Connectivity

To achieve an integrated and sustainable transport network.

Policies

- a) To recognise and provide for a choice of sustainable transport nodes and routes within the City Road Hierarchy
- b) To ensure a high level of accessibility, connectivity and permeability within the transport network and between surrounding neighbourhoods to enhance neighbourhood amenity values.
- c) To improve the design and integration of access (taking into account all modes of transport, which include walking, cycling and disabled access) within any new subdivisions.
- d) To ensure the design and appearance of public space, (which includes all elements of the roading corridors), enhances the amenity values of adjoining neighbourhoods.
- e) To develop a legible and understandable City Road Hierarchy through road design and layout, construction, streetscape and landscape treatments.

Reasons

The efficient location and layout of roads contributes to the establishment of an integrated and sustainable transport network. A well-designed transport network meets the needs of its users and promotes access for all modes throughout the City. This is principally achieved through the provision of well-connected roads that are capable of supporting a viable public transport network including provision for cyclists and pedestrians. The vitality and vibrancy of the City can be enhanced by incorporating urban design principles into the design of roading infrastructure recognising that these are shared public spaces that contribute to the City's identity.

An integrated transport network helps to avoid, remedy or mitigate the adverse effects of the roading network on the environment and on the community's amenity values by reducing travel distances to facilities, minimising car usage and pollution.

Objective 4.2.5 Hamilton Airport

To ensure the safe and efficient operation of Hamilton Airport's airspace over the city.

Policy

- a) Control the height of buildings and structures in specified areas of the city to avoid intrusion into airspace.

Reasons

Hamilton Airport is located within Waipa District but the airport's horizontal and conical Obstruction Limitation Surfaces extend into Hamilton City. Hamilton Airport is a significant regional resource and is a key part of Hamilton's transport network. The Plan sets height restrictions and controls on development to ensure airport operations and development are not compromised.

Objective 4.2.6 Future Waikato Expressway Through Rototuna Structure Plan

To ensure the safe and efficient operation of the future Waikato Expressway (Designation 90) section transversing through the Rototuna Structure Plan area upon its completion and use by the public.

Policy

- a) Control the location of subdivision and development of noise sensitive land use activities adjoining the Waikato Expressway (Designation 90) within the Rototuna Structure Plan through the implementation of setbacks of habitable buildings and structures and, as necessary, acoustic mitigation to protect the operation of the nationally significant infrastructure.

Reasons

The proposed Waikato Expressway is identified as being of national significance to ensure the long term sustainability of transport links between the main centres. In the context of Hamilton City the Waikato Expressway only touches the City boundary in two areas, it transverses through Stages 3 and 4 of the Rototuna Structure Plan in the north, and forms the boundary between Waikato District Council and the City to the East at Ruakura (City boundary adjustment July 2011). Hamilton City's transport network recognises the future operation of the Expressway as both a significant national, regional resource and will be key part of Hamilton's future transport network once the Ring Road is completed. It is important that subdivision and land use development of the land immediately surrounding Designation 90 is designed and constructed in a manner to ensure the construction and use of the Waikato Expressway is not compromised, while ensuring the development of the City's

urban areas continues as anticipated within both the City's growth plan and the Waikato Regional Policy Statement.

Methods

The Transportation and Accessibility objectives and policies will be implemented through the following methods:

District Plan

- **Parking, Loading and Access Rules** - will outline the requirements for on-site parking, loading and manoeuvring, and access to and from properties, and the cash in lieu payments required when parking cannot be provided on-site.
- **Network Utility Rules** - will provide for roads, walkways and cycleways throughout the city.
- **Road Hierarchy** - recognises that roads perform a variety of functions and accordingly classifies them by reference to a defined hierarchy which controls the road function and manages activities on land adjacent to them.
- **Access Hamilton Map** - identifies significant road corridors and key connector intersections.
- **Designation Procedures** - may be used to identify areas of land required for future road construction.
- **Financial Contributions** - will contribute towards construction of new roads and access to arterial roads.
- **Structure Plans** - will guide the placement of new roads and other connections during the development of the new growth areas of the city.
- **Subdivision Design Guide** - will be used to provide a guidance on the Assessment Criteria and Performance Outcomes in relation to residential subdivision: layouts and roading design. The guidance explains and illustrates the urban design principles of connectivity and permeability.
- **Significant Archaeological, Historic and Cultural Sites Overlay** - will provide additional protection for significant sites to minimise the likelihood of earthworks disturbing sites.
- **Hamilton Airport Protection Overlay** - will prevent obstruction of airspace above the approaches to Hamilton International Airport.
- **Subdivision Design Guidance** - will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in so far as they relate to the subdivision of land.

Other Methods

- **Council Works Programmes** - will provide for the construction, maintenance and upgrading of roads.

- **Hamilton City Development Manual and other Codes of Practice** - will set out design guidelines and standards relating to road design and traffic management.
- **Access Hamilton** - a transport strategy and infrastructure programme, arising from Council's 2006-16 Long-Term Plan, will encourage people to use alternative modes of transport (to motor vehicles), e.g. public transport, walking and cycling to assist environmental sustainability and will be utilised as the predominant strategic policy framework for transport planning.
- **Hamilton's Integrated Transport Strategy** - and initiatives arising from the Strategic Plan will be utilised to develop policy framework for transport planning.
- **Provision of Cycle Stands or Racks** - will be made at convenient locations throughout the central business area and commercial centres.
- **Council Guidelines and Other Educational Material** - on safe road use will be conveyed to different categories of road user through the work of the Council's Road Safety Co-ordinator and other organisations.
- **Consultation with the Waikato Regional Airport Limited** - will be undertaken regarding any proposed intrusion within the Hamilton Airport Protection Overlay.

Anticipated Environmental Results

The following environmental results are anticipated:

- Improved road safety throughout the city.
- Adequate parking opportunities throughout the city.
- Reduced traffic congestion.
- Maintained amenity value of residential and other areas in the city.
- Reduced conflicts between land uses and road functions.
- Uninterrupted air traffic approach paths across the city.

4.3 Roads and Network Utilities

Introduction and Issues

Network utilities form an essential part of the city's infrastructure and their maintenance and development contribute to the health, safety and well-being of residents. Network utilities include services and facilities such as: stormwater and drainage systems, telecommunications and radio communications, electricity and gas networks, roading networks, and major installations including electricity sub stations, and sewage and water treatment plants. All network utilities assist in the effective functioning of the city and some are specifically required to manage the environmental effects of other activities (eg. public health hazards from inadequate water supply and waste disposal). It is therefore important that the construction, maintenance and operation of these services and facilities be effectively provided for in the plan.

To promote and encourage environmental sustainability of the City's road networks, the Council has approved and adopted Access Hamilton — an integrated transport strategy and infrastructure work programme that will enable good access and movement around the City for all modes of transport and will seek to sustainably manage the City's traffic growth requirements.

A wide range of public and private operators, who may have been granted Network Utility Operator Status by the Minister of the Environment, may provide network utilities. The District Plan can control the establishment, maintenance and upgrading of Network Utilities. However many operational standards are governed by other legislation, and therefore are not subject to either the RMA or the District Plan.

High voltage electricity transmission lines form a part of the national, regional and local infrastructure network. Their maintenance and development contribute to sustainable, secure and efficient electricity transmission network. It is therefore important that the development, maintenance and operation of these transmission lines be recognised in the plan.

The principal issues regarding Network Utilities and High Voltage Electricity Transmission corridors in Hamilton are:

- **Network utilities can have adverse effects on amenity values and public health and safety.** Adverse environmental effects such as noise, odour, discharge of contaminants, potential electromagnetic impacts and damage to natural features can arise through the establishment or operation of network utilities. There is public concern that facilities generating electromagnetic radiation or fields may harm the health of those in close proximity to them.
- **Network Utilities can have an adverse visual impact on surrounding areas.** The visual impacts of network utilities vary from utility to utility. Communication structures, including towers and dish antennas, can have major visual impacts depending on the scale and nature of the structures and the type of aerials required. Similarly, some network utilities require larger ancillary buildings or structures with greater impacts on the visual environment. The visual impact of such facilities is

increased depending on the sensitivity of the surrounding area. Residential areas for example are more sensitive visual environments than industrial areas.

- **The potential for adverse impacts associated with the location and appearance of network utilities increases within environmentally sensitive areas, particularly within the river and gully systems.** Earthworks and the removal of vegetation associated with the establishment of network utilities has the potential to have a significant impact on river and gully systems that are prone to erosion. In addition the significant landscape value of these areas can be detracted from by above ground installations.
- **Environmental and reverse sensitivity effects of landuse and building developments in close proximity to high voltage electricity transmission lines.** The erection and alterations of buildings, land use and earthworks under or near high voltage electricity transmission lines (being for the purposes of this District Plan lines that transmit or convey electricity at a voltage exceeding 33kV), has the potential to restrict the ability to provide a sustainable, secure and efficient national electricity transmission network, as well as effect amenity and the health and well being of persons and properties. The objective and policies relating to electricity transmission need to be read alongside the National Policy Statement on Electricity Transmission.

Objective 4.3.1 Provision for Network Utilities

To accommodate network utilities throughout the city in a manner which enables the community to meet its needs while minimising adverse effects on the environment.

Policies

- a) Control network utilities in a manner which matches the degree of control to the level of likely effect of the activity on the amenity values or environmental values of the surrounding area.
- b) Manage network utilities including high voltage electricity transmission lines that generate electromagnetic and radio frequency radiation in accordance with accepted and operative national and international standards.
- c) Ensure that where technically and economically possible network utilities are placed underground.
- d) Ensure the visual effects of network utilities and structures associated with the generation, storage and transmission of network utilities are no more than minor with respect to the scale of local buildings and the sensitivity of the environment in which they are located.

Reasons

The provision, operation and maintenance of network utilities is important in terms of health (eg. clean drinking water, sanitation, waste disposal), amenity values (eg. communications technology) and resource use (eg. efficiency in service provision). It is therefore essential to ensure that appropriate provision is made in the District Plan for the establishment of Network Utilities throughout the City.

Network utilities vary widely in terms of scale and potential for adverse effect. In addition their potential effects can vary in relation to the sensitivity of the environment in which the utility seeks to locate.

The fundamental basis therefore of the policies is to enable the establishment and operation of network utilities while maintaining and enhancing environmental quality. This is achieved by providing for network utilities on a city-wide basis subject to a minimum of control with extra controls applying where the potential adverse environmental or amenity effects of the network utility on the surrounding area are considered to be increased. International and national standards relating to radiofrequency fields will be utilized where they are considered to be best practice. Telecommunication facilities generating electromagnetic radiation operate well below the New Zealand Standard which in itself is conservative. Evidence indicates that any risk of adverse effects relating to electromagnetic radiation from such facilities is small.

Objective 4.3.2 High Voltage Electricity Transmission Corridors and Sensitive Activities

To protect the importance of the High Voltage Electricity Transmission Lines within Hamilton City and ensuring a continued sustainable, secure and efficient national electricity resource while seeking to minimise adverse effects on the surrounding environment.

Policies

- a) To recognise the importance High Voltage Electricity Transmission Lines have on the social and economic wellbeing of Hamilton City and the Waikato region.
- b) Ensure that sensitive activities including schools, childcare facilities, residential buildings and hospitals, within the High Voltage Electricity Transmission Corridor are controlled to avoid any adverse effects on the safe and efficient development, operation and maintenance of the High Voltage Electricity Transmission Lines.
- c) Ensure that subdivision and land development within the High Voltage Electricity Transmission Corridor is managed in such a way that avoids adverse effects on the safe and efficient operation and development of the High Voltage Electricity Transmission Lines.
- d) Avoid buildings, structures, earthworks and tall vegetation under, or within the immediate proximity of High Voltage Electricity Transmission Lines.
- e) Ensure that any development or land use under or in close proximity to High Voltage Electricity Transmission Lines does not restrict access for the purposes of ongoing operation and maintenance of the High Voltage Electricity Transmission Lines.

Reasons

The High Voltage Electricity Transmission Lines are a physical resource of national importance. Its sustainable management is necessary to ensure the health and well being of communities. One of the key components of that sustainable management is ensuring that adverse effects from development near the High Voltage Electricity Transmission Lines are addressed so that such development does not constrain the operation of the network. Another key component is ensuring that the operation of the High Voltage Electricity Transmission Lines does not adversely effect the surrounding environment including disruption to local communities.

Health and safety effects can arise from High Voltage Electricity Transmission Lines and their structures. Where significant infrastructure already exists, sensitive activities should not locate in close proximity.

The National Policy Statement on Electricity Transmission requires the management of activities particularly sensitive activities which include schools, residential buildings and hospitals. This is to avoid reverse-sensitivity effects on the High Voltage Electricity Transmission Lines and to ensure that operation, maintenance, upgrading, and development of the High Voltage Electricity Transmission Lines is not compromised. These sensitive activities are based on environmental effects (such as amenity values) and relative risks to safety and health. The above objective and policies aim to ensure this management, and is assisted by the identification of a buffer corridor which contains the High Voltage Electricity Transmission Lines to indicate the extent to which the objective applies.

Objective 4.3.3 Provision for New and Existing High Voltage Electricity Transmission Lines

To ensure efficient operation, maintenance and upgrade of the existing High Voltage Electricity Lines and provide for the establishment of new High Voltage Electricity Transmission Lines.

Policies

- a) Recognise the benefits to Hamilton City as well as the national benefits of sustainable, secure and efficient electricity transmission when undertaking maintenance of or upgrading to the existing High Voltage Electricity Transmission Lines or when developing new High Voltage Electricity Transmission Lines.
- b) Ensure the technical and operational requirements of the High Voltage Electricity Transmission Lines are fully considered and provided for while ensuring the effects on the surrounding environment are no more than minor.
- c) Encourage a reduction of existing transmission effects on the surrounding environment when substantial upgrades to the existing High Voltage Electricity Transmission Lines are undertaken
- d) Ensure the adverse effects of new High Voltage Electricity Transmission Lines are addressed by route, site and method selection.
- e) Encourage the use of existing High Voltage Electricity Transmission Corridors in preference to new corridors when developing new High Voltage Electricity Transmission Lines.

- f) Ensure that new High Voltage Electricity Transmission Lines avoids urban areas, areas of high recreational value or amenity, areas of high natural character, and where sensitive activities, such as schools, residential buildings and hospitals, have already established.
- g) Encourage the establishment of new High Voltage Electricity Transmission Lines be undertaken via the designation process for efficient long term development, operation and maintenance of the infrastructure.

Reasons

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Accordingly it is important to recognise the national significance of the High Voltage Electricity Transmission Lines by facilitating the operation, maintenance and upgrade of the existing lines and the establishment of new High Voltage Electricity Transmission Lines to meet the needs of present and future generations.

High Voltage Electricity Transmission Lines can adversely affect the environment and amenity, and it is therefore also important to manage potential adverse effect, particularly through design and location of new High Voltage Electricity Transmission Lines.

Methods

The Network Utilities objectives and policies will be implemented through the following methods:

District Plan

- **Network Utilities Rules** - provide standards governing numbers, location, scale and, design of utility equipment and associated buildings and sites.
- **Subdivision and Development Rules** - provide for the co-ordination of infrastructure provision at the time of subdivision.
- **Access Hamilton Map** — identifies significant road corridors and key connector intersections.
- **Environmental Protection Overlay** - places additional controls on the location and appearance of network utilities in environmentally sensitive areas.
- **Designation Procedures** - can be utilised to provide site specific authorisation and controls for network utilities.
- **Subdivision Design Guidance** — will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in so far as they relate to the subdivision of land.
- **District Planning Maps** — identifies the location of High Voltage Electricity Transmission Corridors

Other Methods

- **National Policy Statement on Electricity Transmission** - facilitates the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources.
- **National Environmental Standards for Electricity Transmission Activities** - provide activity standards relating to the operation, maintenance, upgrading, relocation, or removal of existing high voltage transmission lines.
- **Hamilton City Development Manual and Codes of Practice for Street Openings** - specifies standards for the provision and construction of utility services.
- **Access Hamilton** - is a transport strategy and infrastructure programme. It encourages people to use alternative modes of transport (to motor vehicles). e.g. public transport, walking and cycling so as to manage the rate of traffic growth and to assist with environmental sustainability.
- **New Zealand and International Standards** - will be used as guidelines to manage effects of activities, particularly in relation to electromagnetic radiation.
- **Coordination with other Network Utility Operators** - in relation to the location of new utility services and possible effects of new development on existing facilities and services will ensure integrated and environmentally acceptable provision of network utilities.
- **Development Contributions Policy** - outlines the circumstances in which Council intends to require development contributions towards the growth component of new infrastructure provision.
- **Codes of Practice** - prepared by industry (and other regulatory authorities) will be used to help in assessing proposals and imposing conditions of consent.

Anticipated Environmental Results

The following environmental results are anticipated:

- Reduced visual intrusion from network utilities.
- Adequate provision of city infrastructure servicing.
- Environmental impacts of network utilities avoided, remedied or mitigated.
- Continued development, maintenance and operation of High Voltage Electricity Transmission Lines.
- Reduced conflict between development and the operation of High Voltage Electricity Transmission Lines.

4.4 Subdivision and Development of Land

Introduction and Issues

The subdivision of land and buildings is an integral part of the development and use of land. The pattern and scale of land holdings impacts on the ability to mitigate the effects of activities on the environment and on the potential amenity of an area. Subdivision also establishes the pattern of development for a locality. As it is often the first step in the development process, it can shape both the nature of future development and its impact on a range of environmental values (eg natural areas, cultural items and biophysical values). Similarly, design, linkages, services, and reserves affect community amenity. Subdivision therefore, while not having a direct impact itself, establishes a pattern and disposition of land that can result in significant benefits or costs to the community and is a significant element in enabling the community to satisfy its social, cultural and economic wellbeing.

The principal issues regarding subdivision and development of land in Hamilton are:

- **Subdivision has implications on both the economic utilisation of land and the management of environmental effects.** Within the City, the environmental capacity of the land resource including infrastructural networks can have differing capacity to mitigate the effects of a range of activities. Similarly, different groups of activities require land in differing amounts to provide a reasonable basis for their operations and to control the effects they generate.

Unless control is exercised over the intensity and form of subdivision in the City, it can generate undesirable outcomes for the environment and on the ability of effects to be managed and amenity levels to be protected. In the long term this has the potential to affect the ongoing economic use and development of the land resource in the City.

- **The city's natural and cultural features and significant landscapes can be compromised by the subdivision and development of land.** The effective protection of natural features, landscapes, cultural items, remnant ecosystems and areas subject to natural hazards can be compromised by the creation of inappropriate sites, boundaries or building platforms, unless specific regard is had to those values through the subdivision process.
- **The subdivision of buildings into individual ownerships can detract from amenity values.** Where buildings, especially existing developments which were not designed to be managed under fragmented ownerships, are subdivided into separate titles, this can impact on amenity values including access, utilisation of outdoor space and maintenance, and can also compromise redevelopment potential.
- **The need for public facilities arises from development, but is most appropriately integrated with the subdivision of land.** The requirement for services, roading and other facilities often arises from the development and use of land. However, it is the process of subdivision which establishes the pattern of development. If provision is not made for essential services, roading and other linkages

and for community open space at the time of subdivision, then the efficiency and amenity of the development that subsequently occurs can be compromised.

- **If subdivision and infrastructure are not co-ordinated, then the effective mitigation of environmental effects and the provision of opportunities will be compromised.** While individual subdivisions are often planned in isolation, they are closely integrated with the development process which generally requires the provision of infrastructure to occur. The roading network, infrastructural services and open space required to accommodate the City's growth, cannot be developed or funded on an ad hoc basis. This requires co-ordinated implementation if the effects on the environment of piecemeal development and the economics of the City's continued expansion are to be effectively managed.
- **Intensive developments not associated with subdivision will still impact on the environment.** Intensive developments, which may not involve subdivision, will still have impacts on the environment and implications for the provision of infrastructure and reserves. Where new provision or upgrading of existing infrastructure is required to meet demand this can have a negative impact on the capacity of the system unless appropriate recovery mechanisms are in place.
- **Subdivisional design; connectivity and permeability.** Well-designed subdivision of land and buildings is integral to the sustainable management and development of land. The predominant form of suburban subdivisions has resulted in a curvi-linear street pattern, with a large number of cul-de-sacs and poor interconnectivity. This form of development has implications for community integration and increases reliance on motor vehicles. By recognising and promoting connectivity and permeability in subdivision design, better linkages within and between adjoining neighbourhoods and more sustainable forms of development can be achieved.

Objective 4.4.1 Opportunities for Subdivision

To enable land to be subdivided in a manner which accommodates a wide range of activities while promoting the amenity values of the neighbourhood and maintaining opportunities for future utilisation.

Policies

- a) Encourage a comprehensive approach to subdivisional planning, particularly in new growth areas that enables the long term needs of the community to be addressed and the potential impacts of future development on the environment to be minimised.
- b) Facilitate, as part of any subdivision, the efficient and effective provision of roading, essential services and reserves to avoid or mitigate the environmental, health and safety impacts of under capacity.

- c) Ensure that interim subdivision in future urban areas occurs in a manner that will accommodate activities and their associated effects while protecting the environment and the potential for urban development.
- d) Ensure that subdivision in residential areas can accommodate the housing and related needs of the community, while enhancing residential amenity values and without exceeding environmental and service capacities.
- e) Ensure that subdivision in commercial and industrial areas can accommodate a wide range of activities in a manner which addresses potential impacts including maintenance of amenity values and meets functional needs including vehicular provision.
- f) Ensure that where any subdivision involves established buildings, recognition is given to functional needs, future redevelopment potential, existing environmental effects and existing usage as well as to the protection of the environment and maintenance of amenity values.

Reasons

While the development and use of land and buildings can be facilitated by subdivision into separate ownerships, there are impacts on the environment. Under the RMA, the District Plan is the means by which the sustainable management of resources concerning these impacts is addressed in an integrated manner. Accordingly suitable provision is needed in the district plan to manage subdivision and development to ensure it is co-ordinated within an overall planning framework and takes potential use of the land into account. In that regard, a comprehensive approach to subdivision in new growth areas should be encouraged. Furthermore, land development within the urban context is dependent on the provision of infrastructure of adequate capacity and unless this is provided in an integrated manner, intensive urban development will not be sustainable.

In situations where the normal range of activities can be accommodated on defined areas of land in an environmentally acceptable manner and where off site development issues are taken into account under an overall planning framework, then subdivision can be managed through specific plan provisions with limited residual discretion. With regard to residential areas, density and its implications for amenity values is the main consideration while for industrial areas the management of environmental impacts is a significant factor.

Where there is uncertainty about the type of activity or how environmental and development impacts can be addressed then each subdivision needs to be considered on its merits under a resource consent. This applies particularly to interim subdivision in future urban areas which can have implications for securing subsequent sustainable urban development while for subdivision involving buildings (as in commercial centres) the impact on amenity values including convenience needs to be taken into account.

Objective 4.4.2 Environmental Impacts of Subdivision and Development

To ensure that any subdivision and development of land is carried out in a manner which reflects the physical constraints on its use and development and avoids, remedies or mitigates any adverse effects on the environment.

Policies

- a) Ensure that, where opportunities exist, the subdivision and development of land recognises and responds to identified natural, amenity, cultural and heritage values in the locality.
- b) Avoid the intensive urban subdivision and development of land where it is likely to increase exposure to natural hazards or detrimentally impact on identified ecological values.
- c) Require as part of any subdivision and development of land; that provision be made that enables the effective environmental management of, and public access to, the riparian margins of the Waikato River and the City's lakes and major streams.
- d) Ensure that as part of any subdivision and development of land, the carrying out of earthworks and the provision of stormwater disposal facilities both on and off the site minimises the contamination of natural waters and the danger of flooding and erosion in the area.
- e) Require as part of any subdivision and development of land; provision for the environmentally acceptable disposal of sewage and other waste generated by any activities able to be established on that land.
- f) Minimise any detrimental effects on the safety and efficiency of the transport network and on the amenity values of surrounding communities due to increased traffic movements arising from subdivision and development of land.
- g) Ensure that subdivision and development within the Lake Waiwhakareke Landscape Character Area recognises and enhances the special relationship of the surrounding landscape to the lake and proposed Natural Heritage Park.

Reasons

While the creation of separate titles in itself has only limited impacts on the environment, the pattern of land ownership can have significant impacts on the nature and form of future development. The early identification and accommodation of a range of environmental values and constraints can minimise the risk of environmental damage due to the subsequent development of land. These include the effects arising from activities thereby able to be established, impacts from increased intensity of development and difficulties in co-ordinating solutions to environmental problems across fragmented ownerships. There are also the direct impacts due to land development usually associated with the subdivision process.

To achieve sustainable management in respect of subdivision and development, a reasonable degree of direction is needed for dealing with environmental issues. In that regard where there are constraints due to special values or natural hazards then consideration needs to be given to restricting development or controlling how it is undertaken. Structure Plans provide context for how these controls will be exercised in the City's main growth areas but constraints and special values also exist elsewhere. The identification and response to these is part of an ongoing programme of work being undertaken as part of CityScope. Land development associated with subdivision normally involves changes in topography and hydrology, resulting in significant impacts on the wider natural environment which need to be addressed. In that regard the RMA specifically recognises the need to protect riparian margins.

Development as a consequence of subdivision usually results in significant changes in water flows beyond the site which need to be addressed as part of stormwater management for the wider catchment to minimise impacts such as flooding and erosion. There are also environmental impacts arising from waste generated by activities established subsequent to subdivision, particularly sewage disposal, which can best be remedied by ensuring suitable provision as part of the subdivision, but in a manner which avoids cumulative effects. Subsequent activities also require access to the transport network which forms an important physical resource that needs to be maintained and developed if the effects of increased traffic (such as impacts on safety and efficiency and on amenity values) are to be reasonably managed.

The Lake Waiwhakareke Landscape Character Area derives its character from the relationship of the surrounding topography to the Natural Heritage Park and Lake Waiwhakareke. Underpinning this relationship are significant natural, cultural and recreational values that are described in more detail within the Rotokauri Structure Plan. The Lake Waiwhakareke Landscape Character Area Design Guide in Rule Section 10.0 provides guidance on managing future development to protect these elements and maintain the strong sense of underlying character that distinguishes this area from other parts of Rotokauri.

Objective 4.4.3 Public Facilities and Subdivision

To ensure the adequate and equitable provision of infrastructural services and facilities, and reserves required, as a consequence of the subdivision or development of land, in order to avoid, remedy or mitigate adverse effects on the environment and to enable the community's needs to be met.

Policies

- a) Ensure the provision of land for recreational, amenity and environmental protection purposes throughout the city.
- b) Require developers to provide for land to be set aside and developed as reserves in conjunction with the subdivision and development of land to address the community's recreational needs.

- c) Ensure that the land set aside as reserves has regard to the protection of identified natural, amenity, cultural and heritage values in the locality being subdivided.
- d) Require developers to provide for network utility reticulation and roading within the site as part of the subdivision and development of land, and to provide connections to the trunk service systems where necessary in order to remedy or mitigate impacts on the environment and on people's health and safety.
- e) Ensure that the costs of additional provision for stormwater disposal, required to remedy or mitigate the flooding, erosion and other environmental impacts of the subdivision and development of land within each catchment area are met by developers.
- f) Ensure that a reasonable share of the cost of meeting the off-site provision for arterial roading, needed to mitigate the impacts of the additional traffic generated on the transport network which arise from the subdivision and development of land within each new growth area is recovered from the developers.
- g) Ensure that the costs of meeting the off-site provision for reticulated sewage disposal and water supply within each service area, needed to protect peoples health and mitigate environmental impacts, which arise from the subdivision and development of land, together with a reasonable share of the costs of providing trunk services to that area, are met by the developers.
- h) Ensure that for intensive developments, developers meet the costs of remedying or mitigating the local impacts on the environment and on the capacity of infrastructural services and roading.
- i) Co-ordinate new urban and infrastructural development to enable subdivision to respond to market demand while facilitating the economic and timely provision of roading and essential services.
- j) Ensure that the developers meet the full costs of infrastructural provision where subdivision is proposed ahead of programmed development.

Reasons

Provision should be made for roads, infrastructural services and reserves as part of the subdivision and development of land. This is to enable the future community to address their long term social, economic and cultural needs and to help manage the environmental effects arising from the activities which will take place. In many instances the community has identified key values that need to be protected, which can benefit from being addressed at the subdivision stage. Subdivision for urban development is also dependent on arterial roading, trunk services and other facilities serving the wider locality and it is appropriate that developers adequately contribute to such provision.

In that regard while some development may occur within the capacity of existing networks, the cumulative demand on infrastructural services and on roading from ongoing development will require increased capacity. This relates not only to trunk services and arterial roading, but also to facilities such

as reservoirs and treatment plants. Provision for the funding the City's infrastructural development programmes, needs to give reasonable certainty to both Council and developers while adequately reflecting demand and ensuring that developers accept responsibility for meeting the equitable costs of addressing the impacts of development.

The provision of land for reserves is important in the protection of natural values and the mitigation of development impacts as well as contributing to people's wellbeing through the enhancement of neighbourhood amenity values and the provision of recreational opportunities. Structure Plans provide a framework for such provision within the City's growth areas and the setting aside of reserves as part of subdivision and development is one element in this.

The provision of roading and essential services particularly to accommodate urban development in the new growth areas involves substantial investment. Accordingly, subdivision and provision of infrastructure needs to proceed in sequence to avoid uneconomic servicing and minimise distortion of the property market. However there needs to be flexibility to respond to changing circumstances while avoiding the community bearing the risks. Accordingly, where a developer requires provision of facilities ahead of an established work programme, then this should not be a financial burden on the community. Financial Contributions will be sought to provide a means of mitigating the environment effects of development. They address the marginal effects of individual development but they are not intended as a direct funding mechanism to facilitate growth. Development Contributions taken under the Local Government Act 2002 enable a more holistic approach to be taken to the planning and provision of infrastructure and provide a more equitable basis for sharing the costs of growth between developers and existing ratepayers.

Objective 4.4.4 Subdivisional Design; Integration, Permeability and Connectivity

To achieve high levels of connectivity and permeability in all subdivision thereby contributing to integrated and sustainable urban development.

Policies

- a) Ensure a high level of accessibility, connectivity and permeability within the transport network and between surrounding neighbourhood subdivisions to enhance neighbourhood amenity values.
- b) Recognise and provide for a choice of sustainable transport nodes and routes within the Road Hierarchy, including linkages for pedestrians and cyclists.

Reasons

The process of land subdivision and development leads to the establishment of activities requiring access to the City's transport network. It is important to ensure that increases in vehicle movements do not reduce neighbourhood amenity values. The design of subdivisions should therefore recognise and provide for a range of transportation modes to meet a community's needs in a sustainable manner as possible. The purpose of these is to secure better community integration in terms of allotments. Council requires concept plans for all subdivisions creating ten or more allotments. The purpose of these is to secure better community integration in terms of

road connectivity to adjoining development and public facilities including public transport nodes, as well as linkages for pedestrians and cycleways. By recognising the importance of connectivity and permeability for all modes of transport in the design of subdivisions Council is able to secure more integrated and sustainable urban development in the City.

Methods

The Subdivision and Development of Land objectives and policies will be implemented through the following methods:

District Plan

- **Subdivision and Development Rules** - provide the mechanisms for managing the various aspects of the subdivision and development of land including integrated planning, allotment standards, contributions for infrastructural works and reserves, and construction standards.
- **Subdivision Design Guide** — will be used to provide a guidance on the Assessment Criteria and Performance Outcomes in so far as they relate to subdivision for residential purposes. Guidance will include an explanation of and illustration of the urban design principles of connectivity and permeability.
- **Overlay Rules** - will be used to ensure that identified natural, cultural and heritage values are taken into account with respect to subdivision and development of land.
- **City-Wide Activities Rules** - in relation to controls on network utilities and provision for a roading hierarchy need to be taken into account in the subdivision and development of land.
- **Access Hamilton Map** — identifies significant road corridors and key connector intersections.
- **City-Wide Standards** - will be used to address specific environmental and amenity issues such as noise, dust, planting relating to the subdivision and development of land.
- **Structure Plans** - will be used to provide an overall framework to guide development in the city's new growth areas and co-ordinate the various subdivisional projects while ensuring key natural features are protected and major infrastructural proposals are not compromised.
- **Infrastructure Provision** - particularly roading, essential services and open space required to be provided as part of the subdivision will contribute to the sustainable management of the subdivision and development of land.
- **Financial and Reserves Contributions** - will be used insofar as they relate to the provision of reserves and the mitigation of environmental effects arising from development.

Other Methods

- **Hamilton City Development Manual** - will be used to support the construction standards in the plan relating to land development and infrastructure, by serving as a means of compliance without inhibiting acceptable alternative solutions.
- **Council Works Programmes** - for infrastructural development are a key element in managing the cumulative environmental impacts of urban development and helping determine the rate and direction of urban growth.
- **Council Guidelines and Other Educational Materials** - can help to encourage forms of subdivisional development in accordance with desired environmental outcomes.
- **Development Contributions Policy** — outlines the circumstances in which Council intends to require development contributions towards the growth component of new infrastructure provision.
- **Development and Master Plans** — will be prepared by Council for new growth areas. These will be used to articulate the shape, direction and quality of new development to complement the defined character and amenity of these areas or component areas.
- **Stormwater Catchment Management Plans** — will be used to provide a technical evaluation of the effects of land use changes on stormwater, and provide direction on infrastructure needed to mitigate adverse effects on receiving environments. Catchment Management Plans will be prepared for city growth areas as part of the City's comprehensive stormwater discharge consent. The operation aspects of ongoing environmental mitigation are covered in the City's Stormwater Management Plan (education, riparian planting, street cleaning, spill management, etc).

Anticipated Environmental Results

The following environmental results are anticipated:

- Significant natural features are protected and the potential impacts of natural hazards minimised.
- Adverse effects on the environment, including amenity values, are avoided, remedied or mitigated.
- The subdivision and development of land and consequent activities provided with adequate, suitable and economically viable infrastructural services.
- Adequate provision made for access including roading in areas of new development.
- Land set aside as recreation reserves in accordance with the Green Network Strategy.
- The natural values of Lake Waiwhakareke Natural Heritage Park are extended into the surrounding residential neighbourhood.

5.1 Residential Areas

Introduction and Issues

Residential areas are made up of a broad range of communities and neighbourhoods, reflecting different lifestyles, aspirations and built environments. Declining household sizes, changing lifestyles, increasing ethnic diversity, and ageing of the population have led to changing residential patterns throughout the city, resulting in demands for a wider range of housing forms and styles.

Achieving a pleasant residential environment, including privacy, access to sunlight, open space and quiet is vital given the amount of time people spend in their homes. The availability of services and facilities like childcare centres, doctor's surgeries and community houses in residential areas also plays a major role in enhancing quality of life and protecting the amenity of the neighbourhood.

The principal issues regarding residential areas in Hamilton are:

- **The amenity values of residential areas can be adversely affected by intensified residential development, especially in established areas.** The long-term trend towards smaller households and lower maintenance properties is creating demand for more intensive development, with increased building coverage, paving and less open space. This has the potential to impact on residential amenity in a variety of ways.

Increases in site intensity, coverage and bulk through infill development or the development of high density housing have the potential to impact on to sunlight, privacy and the perception and provision of open space.

Developing higher density housing in established residential areas can also result in the loss of mature trees, gardens and areas of bush from private land. New development is often built up to the street edge, replacing vegetation and eroding the qualities of the streetscape. Such development lacks the elements of maturity that is provided by trees and planting. The significance of trees and planting on individual sites is an important element in the overall character of a neighbourhood that needs to be recognised and provided for.

- **Site development can have impacts on the special character, heritage values or environmental significance of an area.** There are areas of the residential environment that are recognised as having a distinctive and special character. The character of these areas is derived from a range of factors including site layout, vegetation and fencing and the period housing stock. Some areas have more distinct heritage values resulting from the intactness of the area's built form, the age and styles of houses, or the streetscape. The removal and demolition or unsympathetic alteration of buildings can impact on local character and distinctiveness. Many existing buildings contribute significantly to local character but do not have values that would enable them to be specifically protected as Heritage Items. The loss of such buildings removes key elements of maturity and distinction that contribute greatly to local character.

The unique character or values of these areas can be compromised by site redevelopment, infill development, additions and alterations of existing buildings and the design and location of structures such as fences if these have little regard to the dominant character of the area.

Other areas, yet to be developed, derive their character from a combination of existing landscape, cultural, heritage and ecological values. Reflecting this character in the future built form offers the opportunity to create distinct residential neighbourhoods.

Insensitive residential development adjacent to important natural features like the city's gullies, the Waikato River, ridgelines and lakes can also detract from the "natural" character of these areas, limit public access, and affect natural ecosystems.

- **Demand for more diverse housing opportunities, including specialised accommodation, can result in adverse effects on amenity values.** Changes in the city's demographics mean that there is a diverse range of housing needs, including housing for people with disabilities, housing for older people, visitor accommodation and student hostels. There is also demand for intensive residential development close to the university, hospital and close to the central city. While these are all residential activities, adverse effects on amenity values can include the incompatible scale and form of buildings, traffic noise and safety issues.
- **Increasing demands for a range of non-residential activities in residential areas can have an adverse effect on amenity values.** A wide range of non-residential activities and home occupations in residential areas can contribute to the vitality of the surrounding area and improves access to services for residents. However, some activities can have adverse effects on residential amenity values and are not compatible with residential character. Adverse effects from these activities can include the volume or nature of the traffic they generate, noise, dust, odour and glare. Other effects result because of the scale of the activity and the size and bulk of buildings needed to house that activity is significantly different from typical dwellings in residential areas.
- **Lack of visual connectivity between dwellings and public spaces detracts from the safety and vitality of those areas.** High fences and side-facing development blocks the line of sight from residential areas to public spaces, increasing opportunities for crime and discouraging social interaction. Low fences and active frontages create passive surveillance opportunities, making people feel safer when using public reserves and improving the vitality of the area. Increasing the intensity of development, through height and density, in close proximity to public spaces can provide a sense of enclosure and passive surveillance.
- **Poor connectivity and low residential densities has the potential to undermine the viability of neighbourhood centres.** The viability of neighbourhood centres can be adversely affected if there are insufficient numbers of people living close by or their journey to a particular centre is too difficult. The facilities and services that neighbourhood centres support are an important element in the promotion of sustainable communities.

Facilities and services that are readily accessible to local people serve both as a focal point for community interaction, as well as promoting the use of more sustainable (and healthy) transportation nodes. It is important therefore, that development in close proximity to neighbourhood centre activity supports these functions.

Objective 5.1.1 Residential Diversity and Densities

To enable a diversity of living environments which meet the differing needs of the city's population, and support the viability of neighbourhood centres and facilities while protecting residential amenity values.

Policies

- a) Enable housing which meets the needs of all socio-economic groups and groups requiring specialised accommodation where the adverse effects on amenity values including safety, traffic and noise can be mitigated.
- b) Encourage flexibility in density, building form and site development where the development is designed with regard to the character of the area and presents a high standard of amenity for residents and neighbours.
- c) Enable various levels of building densities within the residential area taking into account the existing character of these areas and the capacity of the existing infrastructure.
- d) Enable higher density residential development, including high rise development, in locations close to the central city, suburban and neighbourhood centres, tertiary education facilities and hospital.
- e) Ensure that residential areas with defined heritage values or identified environmental significance are protected to ensure that these values are retained.
- f) Provide for a variety of densities, including medium and high density residential development in the Rototuna Structure Plan area to deliver densities consistent with those promoted by the Waikato Regional Policy Statement.
- g) Ensure that development in areas identified for medium and high density residential activities in the Rototuna Structure Plan area is in general accordance with the Rototuna Urban Design Guide.
- h) Provide a maximum development yield and minimum average lot size within the North East Residential Area of the Rototuna Structure Plan to ensure the natural topography of the area is maintained and the sustainable use of the City's land resource is promoted while mitigating against the effects from the development of this area of land on the City's infrastructure.

Reasons

The policies aim to encourage a mixture of housing types and other forms of residential accommodation in residential areas to reflect a growing diversity in the market place. This includes providing housing opportunities for people who require specialised accommodation (eg. housing for older persons and people with disabilities). The plan intends that specialised housing is provided on the same basis as permanent accommodation throughout the residential area, subject to standards to protect the amenity values of the residential area.

The policies also recognise that built forms and layouts other than the traditional house and section may be appropriate. These will be considered and will be assessed by the Council on the quality and standard of the living environment that they provide for their residents.

The policies allow for different densities of development in different locations in the city to provide housing choice and reflect demand. These densities are determined by environmental and heritage values, topography, available infrastructure, housing needs and demand and the city's overall strategy for accommodating growth.

Throughout the majority of the residential area, a minimum density of development will be provided for which could allow more intensive development in some areas depending on the development which has already taken place and the current density of the area. In response to this, the plan recognises that infill development in established areas that may result requires careful management through the plan to protect amenity values.

The policies also provide for higher density development in specific locations. Increasing numbers of apartment buildings, terrace houses and smaller sections have been developed in the city over the last five years and interest has also been expressed in providing for a wider range of housing types by developing high rise housing. Demand for higher density development occurs close to suburban commercial centres, tertiary education facilities and the central city. Encouraging this to occur in these locations has the benefit of providing the population to support the viability of such areas. It is also recognised that it is not desirable to increase residential densities in some areas of the city. Areas with special character, heritage and landscape values or environmental significance can be adversely affected by changes to the original pattern of subdivision and housing, natural drainage patterns and clearance of native vegetation. The policies aim to ensure that the amenity and character of the Residential Zone are maintained and enhanced. Public education through the use of design guidance may also assist in reinforcing residential character and amenity values within the residential environment.

The location of higher density development close to services is likely to encourage more walking and cycling to local services and will enhance public transport viability. Higher density development close to services and employment could reduce traffic generation and pollution.

Objective 5.1.2 Character and Amenity Values

To maintain and enhance character and amenity values of residential areas by ensuring a level of on-site amenity for residents and ensuring that neighbouring properties are not adversely affected by development.

Policies

- a) Ensure that the size and scale of buildings and structures are compatible with the character and amenity of the residential area.
- b) Ensure that buildings are designed and located to ensure that adequate levels of sunlight and daylight reach adjoining properties throughout the year.

- c) Ensure that the design and location of buildings do not compromise the privacy of adjoining development, having regard to the character of the area.
- d) Ensure that sufficient, convenient off-street parking and manoeuvring areas are provided to meet the needs of residents and that the siting of garages, carports and vehicle access ensures the safety of on-street traffic and pedestrian movement.
- e) Ensure that residential activities include a minimum amount of on-site open space, for individual or collective use.
- f) Encourage the siting of buildings to take advantage of aspect, topography and site conditions.
- g) Encourage the retention of significant vegetation and trees in residential areas to preserve the green open space character and environmental values.
- h) Encourage high density housing to be designed so that it is compatible with existing development.
- i) Ensure that multi-storey apartment buildings are designed with residential features such as balconies and on-site amenities to ensure high levels of residential amenity are maintained.
- j) Ensure development in Rotokauri that is adjacent to public space achieves visual connectivity to these areas.
- k) Ensure the development of the North East Residential Area in the Rototuna Structure Plan accommodates the Waikato Expressway through appropriate development controls (including the use of setbacks) and pedestrian and cycleway connections.

Reasons

Hamilton's residents have expectations for the residential environment relating to privacy and quiet, amount of green space or landscaping, design or character of buildings, density and types of housing, and safety. The policies ensure that these values are maintained or enhanced.

However, the adverse effects of activities can compromise the character of residential areas. The reception of sunlight and daylight to each residential unit is a critical component of residential amenity values that provides warmth and energy efficiency and is vital to outdoor activities. The policies aim to ensure that shading effects are minimised and there is sufficient space around the site to allow the admission of sunlight onto the site. Buildings and structures also need to be of a size and scale that might be expected in a neighbourhood and that are compatible with residential activities.

It is also important to balance the sustainable use of the urban land resource within the City with the protection of nationally strategic infrastructure, such as the Waikato Expressway (Designation 90). This will be achieved through the provision of set backs to mitigate acoustic effects from such infrastructure, along with setting a development yield in the North East Residential Area.

Privacy is considered an important component of residential amenity values although not everyone requires privacy to the same degree. The policies focus on providing a reasonable degree of privacy between dwellings. Linked with privacy is the desire for private open space to be provided with developments. To meet the needs of occupants, there needs to be flexibility in how and where open space is provided. This flexibility is also needed in terms of the location of buildings on the site. Better use of a site may be made where setbacks and the location of open space and buildings are relaxed.

Hamilton residents also value the city's green image. Retention of significant vegetation, maintenance of open green space in residential areas, and new street planting will ensure that the city's attractive landscape character is maintained and enhanced.

The way in which buildings interface with public spaces can have a major bearing on how these spaces are used and their overall amenity value. Encouraging strong visual connections between public spaces and the residential uses they front leads to a greater sense of personal safety for the users of these spaces which in turn promotes greater use and enjoyment of the spaces themselves.

Improving the design of higher density housing is also a concern of the community. Concerns about the effects of high density housing on amenity values often relates to the design of the development rather than the density. Good design can overcome many of the issues commonly raised about past attempts at high density housing.

Objective 5.1.3 Non-Residential Activities

To enable for a range of non-residential activities within residential areas, while ensuring that they do not detract from the amenity values of the area.

Policies

- a) Enable the establishment of home occupations throughout the residential area and ensure that any adverse environmental effects are avoided, remedied or mitigated.
- b) Control non-residential activities so that noise, odour, dust, vibration, glare, noxiousness or danger do not cause a nuisance or adversely affect the health of occupants of surrounding residential properties.
- c) Ensure that non-residential activities and buildings are designed so that they do not physically dominate any residential building or affect the residential character of the neighbourhood.
- d) Ensure that non-residential activities are compatible with the surrounding residential area in terms of the volume of traffic generated, the need for parking and the role of the street in the road hierarchy.
- e) Avoid the establishment of activities which generate high volumes of traffic, pedestrian movements, noise and that create significant adverse effects on the overall amenity values of the residential environment.

- f) Enable ancillary activities such as bars, restaurants and conference facilities to be developed in conjunction with the established visitor accommodation node in the Ulster Street area.

Reasons

Non-residential activities, including home occupations, are an important part of the residential environment, as they provide services and employment opportunities, and enhance accessibility to facilities for the local community.

However, non-residential activities can also adversely affect neighbouring sites and local communities through noise, traffic generation, visual impacts and hours of operation. The control of these effects is important in ensuring a high standard of residential amenity.

While the policies provide for small scale non-residential activities, it is important to the community that there is certainty that the area they live in will continue to be a residential area. Controlling the scale and effects of the non-residential activities is important to maintain residential areas primarily for residential activities.

The policies provide for home occupations throughout the residential area but limited to activities which do not affect residential character. Many home occupations have few adverse environmental effects and will be encouraged. Nuisances like glare, light spill and noise will be controlled to minimise the adverse effects on amenity values.

Dairies are an important and highly utilised service in suburban areas, providing a typical urban retail service within the community and encouraging less frequent and shorter vehicle trips, which are often suitable for walking and cycling. Without such a service people are forced to travel longer distances for everyday items, contributing to congestion and parking difficulties on the City road network. Providing residents with convenient access to day to day services further assists opportunities for social interaction resulting in a potential reduction in crime. The policies of this plan seek to enable dairies to locate in residential areas provided that the effects to which they give rise are compatible with that residential environment.

However some non-residential activities are not desirable in residential areas because they result in significant adverse effects. In particular, activities like some retailing, service stations and licensed premises attract large numbers of vehicles and people, have late opening hours and can result in noise.

However in some residential areas, some of these activities may be appropriate. In the Visitor Facilities Area, focussing on the existing motel development in Ulster Street, ancillary activities like restaurants, bars and conference facilities are allowed for in conjunction with visitor accommodation.

Objective 5.1.4 Claudelands West Special Character Area

To recognise and enhance the distinctiveness and special character of the Claudelands West Special Character Area.

Policies

- a) Control subdivision and development to maintain the low intensity residential character of the area.
- b) Ensure that new development maintains the characteristic setback of existing residential development from the road.
- c) Ensure that new buildings and structures are compatible with the form, height and bulk of houses constructed prior to 1939 in the surrounding Claudelands West Special Character Area.
- d) Encourage the sensitive development of any structures such as fences and walls within the front yard of sites to permit a high level of visibility between the dwelling and the road.
- e) Encourage the retention of houses constructed prior to 1939 in the area.
- f) Encourage additions, alterations and renovations of existing buildings, including flats and apartments, which complement the visual character of the area.
- g) Encourage the retention of mature trees and other vegetation in the front yard to enhance the streetscape.

Reasons

The Claudelands West Special Character Area derives its character, largely from the number of examples of period housing providing links with the city's early settlement, including bungalows, arts and crafts houses and villas. The area is also characterised by its low density development. Areas of mature vegetation, including street trees and front yard gardens are also a significant element of the Claudelands West area.

However, the area is not intact and its character was altered during the 1970's and 1980's with the development of a large number of apartment buildings and flats, subdivision into small sections and infill housing. The policies aim to ensure that the amenity and character of the Residential Zone is maintained and enhanced. Public education through the use of design guidance may also assist in reinforcing character and amenity values within the residential environment.

While it is recognised that the area is no longer low density, maintaining what remains of the low density housing pattern is an important element of preserving the character. Another important aspect of protecting the character of the area is ensuring that any new buildings in the area are compatible with houses constructed prior to 1939. Because there is a range of housing styles in the area, the plan does not attempt to control housing styles. Instead, it focuses on ensuring that new residential developments are compatible in terms of height, scale and bulk and respect the character housing. The policies also focus on preserving the front yard and the streetscape by ensuring that buildings are set back from the road and low front yard fences are maintained. This ensures that the building line is preserved and there are opportunities for front yard gardens and tree planting.

Other elements of the character of the area which, while important, are not controlled in the plan. Instead the plan aims to encourage the protection or enhancement of these elements, through methods

outside the plan. For example, the alterations, renovations or additions to houses have not been a problem in the past as most are owned by residents with an interest in the character of the area who have developed their homes sensitively. Also important in preserving the character of the area is encouraging the renovation of existing buildings (both houses and flats) so that it is done so in a way which enhances the character of the area. Similarly, the loss of trees and front gardens and front fences will have an effect on the character of the area, however the plan does not control vegetation removal except for significant trees. Retention of vegetation and planting will be encouraged through methods outside the plan like guidelines.

Objective 5.1.5 Lake Waiwhakareke Landscape Character Area

To create a distinctive residential environment that recognises and responds positively to the area's natural, cultural and recreational resources present in and around the Natural Heritage Park and Lake Waiwhakareke, and emphasises their role in creating that character.

Policies

- a) Ensure that the natural, cultural and recreational values of the Natural Heritage Park are reflected in the development of the adjoining residential area.
- b) Ensure that residential development maximises visual and physical connectivity with Lake Waiwhakareke and the Natural Heritage Park
- c) Promote the safety of park users through the location, form, density and orientation of residential development close to the Natural Heritage Park.

Reasons

The Lake Waiwhakareke Landscape Character Area derives its character from a combination of elements identified as; the topography, the Natural Heritage Park including Lake Waiwhakareke and the natural, cultural and recreational values of the area. The significance of these character elements warrants the imposition of specific controls on residential development in order to create, maintain and enhance the character of this area.

CityScope identifies as one of its principles, the need for landscapes and natural environments to be considered at all scales of design. The policies aim to create a residential area that derives its distinctiveness from the way it relates and responds to the area's character elements. Rule Section 10.0 includes Design Guidance that illustrates how the area's character can be optimised to create a distinctive and sustainable residential environment.

Objective 5.1.6 Ridgeline Character Area

To recognise the local significance of the Rotokauri Ridgelines as a landscape feature and ensure that the form and pattern of residential development helps retain a sense of this underlying landform.

Policies

- a) Ensure that development contributes to the retention and enhancement of the ridgelines and upper hill slopes as legible features of the Rotokauri skyline.
- b) Maintain the natural pattern of the ridgelines as a key feature of future residential development.
- c) Maximise the public amenity value of existing ridgeline roads as viewing opportunities of the City and surrounding rural landscape.

Reasons

As a landscape feature, the western hills are locally significant in the context of the Rotokauri growth cell. Their slope and elevation help to physically and visually define the landscape character of the lower lying basins and terrace flats. In particular, the Exelby Road ridgeline is a strong feature in differentiating the growth cell from the adjoining rural landscape of Waikato District.

The western hills warrant special landscape management and planning provisions to retain the legibility of the ridgelines and achieve a form and density of development that enables a sense of the underlying landform to be retained. The Ridgeline Character Area comprises a primary ridgeline that runs from north to south and follows the alignment of Exelby Road; and ridgelines (or spurs) aligned in a generally east-west direction. In terms of its vertical extent the Ridgeline Character Area is based on a 10 metre vertical offset in elevation from the ridgelines, but is supplemented by a 10m offset in elevation from the existing ridge top roads where their alignment veers away from the true physical definition of the ridgeline feature.

The Ridgeline Character Area is made up of a number of key visual and physical characteristics. These are as follows:

- Distinctive pattern of ridges that constitute a coherent and discrete topographic feature of the western part of the growth cell;
- The differentiation of the ridgelines from the surrounding low lying land;
- The role of the primary ridgeline in defining the boundary between the growth cell and the adjoining rural parts of the Waikato District further west;
- The role of the ridgelines and spurs in defining the series of basins and associated terrace flats on the lower lying ground;
- The important visual connection of the distant views southeast back to the city skyline and north and northwest out to the surrounding rural landscape from the ridgelines.

The opportunity exists to promote development that responds positively to the underlying landscape facilitating greater legibility and the creation of a distinctive urban character.

Objective 5.1.7 Hamilton East Residential Character Zone

Management and development within the Hamilton East neighbourhood maintains and enhances its distinctive character and amenity values.

Policies

- a) Ensure that development within the Hamilton East general residential area is consistent with the generally low intensity residential character of the area, the high degree of private amenity space, the strong visual relationship to the street and the variety of building styles that depict the historical development of the area.
- b) Enable redevelopment opportunities within the Hamilton East High Density Area whilst ensuring that the siting, bulk and design of development recognises the strong visual relationship with the streetscape and ensures the protection of private residential amenity.
- c) Avoid any adverse effects on character and amenity from medium and high density residential developments in the Hamilton East general residential area.
- d) Ensure the valued character of Hamilton East's distinctive streetscapes is retained.
- e) Ensure that new buildings and structures are in keeping with the scale and character of the area in terms of their height, scale, form and positioning.
- f) Ensure that new development does not adversely affect the amenity and privacy of neighbouring properties.
- g) Ensure that development maintains a strong visual relationship with the street in terms of building orientation, the treatment of front yard setbacks and the height of front yard fencing.
- h) Ensure that buildings are only located within the front setback where an alternative siting would be impracticable.
- i) Ensure that the removal or demolition of, or alteration and additions to buildings that contribute to local character or heritage values will not adversely affect the special character of Hamilton East.
- j) Ensure a minimum level of open space for use as outdoor living areas, planting, rubbish, storage and outdoor drying areas.
- k) Ensure a minimum level of permeable areas to encourage the retention of and provision for front yard trees and planting.
- l) Ensure that the provision and convenience of on-site parking will meet the needs of residents without reliance on off-site provision or adverse visual effects on the street scene.

Reasons

Throughout the Hamilton East area development has a strong visual relationship with public spaces such as streets and reserves which distinguishes it from other City suburbs. The relationship is particularly evident in the residential areas where the smaller scale of development, its siting, orientation to the street and frontage treatment are complemented greatly by extensive tree planting and berms within the road reserve. Residential areas comprise typically quiet streets with a high degree of visibility between the street and individual dwellings. Dwellings are generally detached and single

storey. Garages and accessory buildings are generally located to the rear of a site, thus maintaining a strong relationship between the dwelling and the street. The area enjoys high amenity values in terms of privacy, space, visual character and continuity and low noise levels.

Visual character is reinforced by the existence of a wide variety of building styles and ages. Some properties are identified and protected for their heritage values but others, generally those pre-dating 1940 contribute more generally to the valued local character without necessarily being of heritage value individually. It is important that future development recognises the contribution that these individual elements make to the overall character of the area.

The development or redevelopment of sites needs to provide the opportunity to enhance local character through careful attention to scale, design, positioning in relation to neighbours, existing buildings and public spaces, and through vegetation and planting. These elements are also important in the High Density Area although the key elements relate to matters of design, bulk and location in terms of their impact on amenity values rather than the intrinsic qualities of existing built development. As such this area provides wider scope for development than elsewhere in Hamilton East.

Objective 5.1.8 North East Rototuna Residential Area

To recognise the local significance of the Rototuna ridgeline as a landscape feature and ensure that the form and pattern of residential development in the North East Residential Area of the Rototuna Structure Plan helps retain this underlying landform and is not incompatible with the future operation of the Waikato Expressway or the City's infrastructure.

Policies

- a) Ensure that development retains upper hill slopes as legible features of the north eastern Rototuna skyline.
- b) Maintain the natural pattern of the landform as a key feature of future residential development.
- c) Maintain the public amenity value of existing ridgeline roads as viewing opportunities of the City and surrounding rural landscape.
- d) Ensure development in the North East Residential Area does not constrain the development, construction or operation of the future Waikato Expressway (Designation 90).
- e) Ensure development in the North East Residential Area does not constrain the operation of the City's infrastructure.
- f) Provide a maximum development yield and minimum average lot size within the North East Residential Area of the Rototuna Structure Plan to ensure the character of the natural topography of the area is maintained and the sustainable use of the City's land resource is promoted while mitigating against the effects from the development of this area of land on the City's infrastructure.
- g) Promote a connection across the Waikato Expressway designation (Designation 90), such as an underpass, to facilitate walking and cycle network connectivity between the North East Rototuna Area and the remaining Rototuna Structure Plan area.

Reasons

As a landscape feature, the north eastern area of Rototuna is locally significant in the context of Stages 3 and 4 of the remaining Rototuna growth cell. The mixed nature of the landscape, bounded by Horsham Downs Road (as the boundary edge between Hamilton City and Waikato District Councils) to the north and the Waikato Expressway designation to the south helps to physically and visually define the area's character. In particular, the Horsham Downs Road ridgeline is a strong feature that differentiates the urban edge of the Rototuna Growth Cell from the adjoining rural landscape of Waikato District.

This area warrants special landscape management and planning provisions to retain the character of the elevated landscape to achieve a form and density of development that enables a sense of the underlying landform to be retained. The North East Rototuna Residential Area comprises a primary ridgeline that runs from west to east direction. The area also contains a number of inner areas that have lower lying topography.

The North East Rototuna Residential Area is made up of a number of key visual and physical characteristics. These are as follows:

- Distinctive pattern of ridges that constitute a coherent and discrete topographic feature of the north eastern part of the Rototuna Growth Cell;
- The differentiation between the elevated hill area from the surrounding lower flat land;
- The role of the primary ridgeline in defining the boundary between the growth cell and the adjoining rural parts of the Waikato District to the north;
- The role of the ridgelines and hills in defining a series of basins and associated flats on the lower lying ground and flat plateaus on the elevated areas;
- The visual and physical connection with the rest of the Rototuna Growth Cell, specifically the Rototuna Suburban Centre and the City beyond the Waikato Expressway Designation, notwithstanding that the Designation, to an extent, visually separates the north east area of Rototuna from the rest of the Rototuna Growth Cell.

The opportunity exists to promote development that responds positively to the underlying landscape facilitating greater legibility and the creation of a distinctive urban character.

Methods

The Residential Areas objectives and policies will be implemented through the following methods:

District Plan

- **Residential Zone** - will provide opportunities for a wide range of housing types, control densities, and aspects of development including building heights, separation distances, sunlight and daylight.
- **Rotokauri Residential Zone** - will be used to specify the standard of development for the Lake Waiwhakareke Landscape Character Area, Rotokauri Ridgeline Character Area, Rotokauri High Density Area and Rotokauri High Density Interface Area.

- **Hamilton East Residential Character Zone** - will be used to protect the identified character and amenity values of the area from incompatible development while providing for the continued development.
- **Rototuna Residential Zone** - will provide opportunities for a variety of housing types and densities. The Zone comprises three areas — the General Residential Area, North East Residential Area and the Medium Density Residential Area.
- **Residential High Density Area** - will be used to identify appropriate locations for higher density housing and provide standards for that development.
- **Residential Visitor Facilities Area** - will be used to identify an area for the on-going development of visitor accommodation and supporting activities.
- **Residential Claudelands West Special Character Area** - will be used to protect the identified character of this area from incompatible development.
- **Rotokauri Structure Plan** - illustrates the ways in which residential development will be expected to respond to the existing natural values of the landscape including Lake Waiwhakareke, the Natural Heritage Park and ridgelines.
- **Rototuna Structure Plan** - will be used to guide the location and form of residential development.
- **Lake Waiwhakareke Landscape Character Area** - will be used to protect the identified character of this area from incompatible development.
- **Ridgeline Character Area** - will be used to achieve a pattern of residential development that retains the legibility of the ridgelines in the Rotokauri Structure Plan Area
- **North East Rototuna Residential Area** - will be used to achieve a pattern of residential development that maintains the character and legibility of the remaining existing topography in the final two stages of the Rototuna Structure Plan Area, and which is not incompatible with the future use and operation of the Waikato Expressway Designation.
- **Rotokauri High Density and High Density Interface Areas** - will be used to promote the viability and vitality of the Rotokauri Neighbourhood Centre and ensure that there are positive relationships and strong visual connectivity between buildings and spaces within the Neighbourhood Centre.
- **Environmental Protection Overlay** - will identify and protect areas of environmental significance.
- **Heritage Items Overlay and Heritage Precincts Overlay** - will identify items and areas for protection and will encourage development which is compatible with their special character.
- **Subdivision and Development Rules** - will be used to control the subdivision of sites eg. allotment sizes and dimensions.
- **City wide standards** - will be used to ensure that impacts including provisions for vehicles, site layout, visual amenities, noise and pollution are avoided, remedied or mitigated.

- **Subdivision and Development Rules** - will be used to control the subdivision of sites eg. allotment sizes and dimensions.
- **City wide standards** - will be used to ensure that impacts including provisions for vehicles, site layout, visual amenities, noise and pollution are avoided, remedied or mitigated.
- **Financial Contributions** - will be required by the Council to contribute to the costs of new infrastructure and upgrading and the provision of reserves and other facilities.
- **Residential Centre Design Guidance** - will be used to provide an interpretation of Assessment Criteria in relation to Residential Centres. The guidance explains and illustrates the urban design principles of good development layout.
- **Rototuna Urban Design Guide** - will be used as a basis to assess applications for comprehensive development plans (land use consent) in the Medium Density Residential Area.

Other Methods

- **CityScope** - Council's Urban Design Strategy has been developed to foster a design-led approach to development in the City. It also provides an umbrella policy framework to promote and encourage quality urban design in the City's built and natural environments.
- **Vista** - the City's Design Guide provides advice and guidance on the principles that should be adopted in new development to deliver the outcomes anticipated by CityScope.
- **Council Works Programmes** - could include amenity improvement works (eg. tree planting and traffic management schemes) and the co-ordination of infrastructure provision such as the development of public open space, water supply, drainage, and roading.
- **Council Guidelines and Other Educational Material** - including design guidelines could be developed to promote better landscape and building outcomes, site layout and good practice and to provide guidance for developers and property owners.
- **Building Act 1991** - will be used to ensure that building work and buildings are safe and sanitary and occupants have means of escape from fire.

Anticipated Environmental Results

The following environmental results are anticipated:

- Residents and visitors have a choice of residential opportunities which meet their needs.
- Developments provide good on-site amenity for residents including private open space, adequate sunlight, daylight and protection of privacy.
- The open space and 'green' nature of residential areas is maintained and enhanced.
- Areas identified as having heritage values or special character are conserved and enhanced.

- Residential neighbourhoods provide a variety of compatible services, facilities and businesses, without detracting from residential amenity.
- Higher density housing is developed around suburban centres, the city centre, tertiary education facilities, neighbourhood centres and identified interface areas.
- Development within identified interface areas is attractive and creates a sense of enclosure and strong visual connectivity to any public space.
- The residential neighbourhood around Lake Waiwhakareke Natural Heritage Park protects and enhances the area's natural character.
- Legibility of the Rotokauri ridgelines is maintained.
- Legibility of the Rototuna natural topography is maintained.
- The low intensity character of the Hamilton East general residential area will be maintained.
- Building design will enhance the distinctive character of the Hamilton East area.
- The highly vegetated streetscape throughout Hamilton East will be enhanced through additional on-site planting.
- Buildings that contribute significantly to local character will be retained in Hamilton East.

5.2 Recreation

Introduction and Issues

Setting aside areas of land to accommodate the city's recreational and community activities is important for Hamilton's ecological, environmental, social, cultural and economic wellbeing. Hamilton City has a wide variety of such areas, most of which are classified for a primary purpose under the Reserves Act 1977. They range from informal amenity areas to highly developed areas accommodating facilities for organised indoor and outdoor active recreation, community facilities (including provision for arts and cultural activities) and include land with natural values and/or environmental significance.

Recreation land in the city performs three important functions. It provides a stewardship function through the maintenance and enhancement of ecosystems, and the protection and/or conservation of natural landforms, vegetation, and wildlife and in some circumstances cultural and heritage values; it helps mitigate the effects of urbanisation by contributing a greenscape amenity to the city; and it helps provide Hamilton's people and the wider regional community with a full range of recreational activities and opportunities.

The recreation resource is a key component of the Council-wide Green Network Strategy, and the provision and use of the resource must remain integrated within the wider Green Network philosophy. Its relationship to the Green Network is an important consideration in determining how existing land is to be developed and used and where new parks are to be acquired.

The principal issues regarding recreation in Hamilton are:

- **Intensification of settlement through urban development distances people from the natural environment and reduces the amount of private open space.** A denser pattern of urban development and associated decrease in private open space can have consequent effects on amenity particularly where larger areas of open space are required by the community for recreational pursuits. Demands on public open space to provide open space amenity and areas for recreation are consequently increased. These demands are wide ranging from ecological protection for sensitive environments, protection of cultural or heritage sites, through small neighbourhood playgrounds of purely local significance, to large sports facilities of city-wide or regional importance. Aging populations and changing patterns of recreation will affect this demand over time.
- **The acquisition of recreation land over time and by various methods has the potential to lead to a fragmented resource.** While recreation land is of direct benefit to the local population, the efficient and effective use of the resource and the benefits to the community of recreation land can be greater where there is the opportunity to develop linkages between areas of recreation land and facilities. Such connections between recreation areas would increase public accessibility to the resource and also have the environmental benefit of providing for wild life corridors and the

protection of ecological values throughout the city. In addition the aggregation of recreation land in a locality can accommodate organised activities and centres.

- **Recreational activities can have adverse impacts on environmentally sensitive recreation land.** Many recreation areas are situated along rivers or encompass gully systems and these areas are environmentally sensitive. Recreation related activities, such as construction of buildings and walkways, have the potential to cause adverse impacts including erosion, damage to vegetation and pollution of waterways.
- **The use of recreation land has the potential to detract from the amenity of adjoining properties.** There is a general expectation that recreation land is freely available for recreational use. Conflict can arise when the expectations of residents adjoining recreation land regarding the use of that land are different from the actual recreation uses of that land. This conflict can be increased when such uses as the provision of clubrooms, liquor licences associated with recreation, evening training, and events with large attendances are involved. While such uses help meet the recreational needs of the community they have potential adverse effects on the amenity values of the surrounding community and recreation land.
- **Integrated use of Reserve Management Plans and the District Plan provisions for recreation land is required.** Where recreation land is managed in terms of the Reserves Act 1977 each reserve is required to have a Reserve Management Plan. These plans establish the scope of activities, which must be in accordance with the purposes for which the reserves are classified under the Reserves Act. These plans provide the basis for the more detailed management of reserves while the District Plan rules provide the broad overall controls on types of use. Poor integration between Reserves Act Management Plans and the District Plan could result in the inadequate management of reserves and the subsequent generation of unintended adverse effects.

Objective 5.2.1 Fulfilling Recreation Needs

To identify and acquire land to meet the recreation needs of the community.

Policies

- a) Ensure the provision of land for passive and active recreation activities throughout the city.
- b) Ensure land is available at suitable and convenient locations for the establishment of major recreation, arts and cultural facilities to serve the city wide community.
- c) Acquire, where appropriate, land that can be used to link recreation land and facilities throughout the city to provide ecological continuity and complement other community focal points.

Reasons

The community has a range of needs for both active and passive recreation land. Within this range three broad categories can be identified; land with environmental, ecological and amenity values where some passive recreation can take place, land for more organised active recreation use eg. sports fields,

gardens etc, and land for major recreation uses such as city or regional recreation and arts and cultural facilities. Each of these needs will be accommodated in a separate zone within which the effects of the activities will be controlled in relation to the intensity of use and the sensitivity and amenity of the surrounding environment. The day to day uses of the sites will be controlled through Reserves Act Management Plans or their equivalent. The distribution of land within these zones will be regularly reviewed in order to ensure distribution patterns match community recreational needs.

Early identification and provision of recreation land, which will be carried out as part of the Council's wider strategic reserve development programme having regard to the Green Network Strategy, Structure Plans and the Recreation and Leisure Plan, can enable it to be carefully integrated with the overall design of an area, whether this is for residential, commercial or industrial purposes. The Council's Urban Design Strategy — CityScope encapsulates a variety of mechanisms based on sound urban design principles. This Strategy will complement and enhance the recreational resource in the city by augmenting the distinctive character, identity and legibility of recreation land inclusive of their landscape, ecology, historic and cultural features, etc.

Objective 5.2.2 Values of Recreation Land

To maintain, enhance and where appropriate acquire recreation land with identified environmental, cultural, and heritage values.

Policies

- a) Identify, and where appropriate, acquire land which has environmental, cultural, or heritage importance or which will enhance the environmental, cultural, heritage and amenity values of recreation land within the city.
- b) Control the use of recreation land to support and protect ecosystems, biodiversity and ecological linkages throughout the city.
- c) Identify and where appropriate acquire key landscape viewing points within the city.

Reasons

Some recreation land areas will be acquired because of their natural values or a combination of natural, cultural and heritage, including landscape, values. These areas will need protection from disturbance, modification, development and use, and public access to them may have to be limited. Gully areas are an example of recreation land areas set aside to protect a range of values rather than providing mainly for recreation. In addition land that is identified through the Green Network Strategy as having the potential to enhance the environmental, cultural, heritage and amenity values of existing recreation land by providing linkages between areas, buffers around sensitive ecological, cultural and heritage areas, may also be acquired for these purposes.

Objective 5.2.3 Acquisition of Recreation Land

To ensure the establishment of recreation land as land is subdivided or developed.

Policies

- a) Require developers to contribute land and/or a financial contribution on subdivision and/or development to enable the ongoing acquisition and development of recreation land in all areas of the city.
- b) Require the establishment of adequate esplanade reserves where land is subdivided adjacent to any river or lake as defined by the RMA.
- c) Consider the acquisition of equivalent reserves where the river or lake is not large enough that the RMA would otherwise require it.

Reasons

Provision of reserves at the time of subdivision or development provides the opportunity to avoid or mitigate the adverse effects of urbanisation and to enhance the protection of vulnerable natural and physical resources. Public access to and along riparian margins is also more readily achieved at the time land is developed. Identification of land Council wishes to acquire to achieve these policies will be guided by Council's wider strategic reserve development having regard to the Green Network Strategy, Structure Plans and Council's Recreation and Leisure Plan.

This policy enables people to meet their recreational needs in an environmentally acceptable fashion, ensures the protection of at least a proportion of Hamilton's environmentally and culturally significant features and helps mitigate the environmental effects of urbanisation.

Objective 5.2.4 Recreation Facilities

To enable the establishment and operation of recreational facilities and activities on recreation land to serve Hamilton and the Waikato region.

Policies

- a) Enable recreation land to be utilised for the development and operation of a range of facilities and activities serving the city and region, taking account of the scale of the activities and their likely effects on the amenity of the recreation land and adjoining properties.
- b) Restrict the establishment and operation of major facilities and activities on recreation land that has significant environmental or cultural importance.
- c) Ensure that recreational facilities and activities (including ancillary activities) are designed, located and operated in a manner that will ensure that any adverse effects on the amenity of recreation land or its surrounding environment are avoided, remedied or mitigated.

- d) Ensure that any building and parking facilities are integrated into the site and do not compromise the open space character.

Reasons

There is a need to accommodate a range of recreational facilities and activities on recreation land. It is acknowledged that these facilities and activities can generate a range of adverse effects and an efficient and effective regime will need to be provided to manage these effects.

In addition to District Plan controls, Reserve Management Plans, prepared under the Reserves Act 1977 (or an equivalent type of plan) will guide the day to day management of recreation land in the city providing further certainty to the public and users of reserve land as to its intended development and ongoing use.

Methods

The Recreation objectives and policies will be implemented through the following methods:

District Plan

- **Recreation Zones Rules** - provide for a range of recreation activities to be accommodated throughout the city while controlling adverse effects.
- **Environmental Protection Overlay** - will be used to identify and avoid (where possible) natural hazards such as flooding, erosion, and land instability.
- **Heritage Items Overlay, Significant Archaeological, Historic and Cultural Sites Overlay** — will identify significant items and sites and further control activities which have the potential to damage them.
- **Subdivision and Development Rules** - provide for reserves, esplanade reserves and esplanade strips to be taken as reserves at the time of subdivision and for key sites of natural, cultural or archaeological significance to be acquired as reserves if appropriate.
- **Structure Plans** - identify significant ecological and landscape features and recreation land to be acquired in the future in the greenfield areas of the city.
- **City-Wide Standards** - will be used to ensure impacts on the environment including traffic, site development, visual amenities, noise and pollution associated with recreational uses are avoided, remedied and mitigated.
- **Subdivision Design Guidance** — will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in so far as they relate to the subdivision of land.

Other Methods

- **Reviews of the distribution of recreation land across the specific recreation zones** - will ensure that enough recreation land is in each specific recreation zoning to meet recreation demands.
- **Esplanade Reserves** - provision is made under the RMA for the taking of esplanade reserve in certain circumstances along the margins of rivers and lakes.
- **Green Network Strategy** - broad strategy that aims to integrate natural values and urban development through a range of regulatory and non regulatory methods across Council Units and within the community.
- **Reserves Contributions** - provide the ability to acquire recreation land areas (including linkages and connections) at the time of subdivision through the setting aside of land or payment of a cash contribution.
- **Reserves Act Management Plans** - the development and review of Reserves Act Management Plans for the detailed day-to-day planning and development of recreation land in addition to controls under the District Plan.
- **Hamilton's Recreation and Leisure Plan** - aims to develop strategies to address the recreation and leisure needs of Hamilton residents, identify gaps in the provision of recreation opportunities and respond to community expectations in addressing those gaps, and to facilitate partnerships between Council and other organisations in Hamilton. The Recreation and Leisure Plan will be reviewed every 3 years.
- **Walkway and Cycling Strategies** - detailing walkways and cycleways are to be developed. These strategies can encompass both park areas and roads.
- **Urban Vegetation Plan** - will be developed which includes principles for the management and development of a vegetation framework on recreation land and public open space across the city.
- **Council Guidelines and other Educational Material** - will be developed to assist Council operations, landowners, developers and the wider community regarding matters such as revegetation and restoration guidelines for gullies. They will include City Beautification Guidelines for Street Planting and the Hamilton City Development Manual.
- **CityScope** — The Council's Urban Design Strategy encapsulates a variety of mechanisms based on sound urban design principles. This Strategy will complement and enhance the City's recreational resource by augmenting the distinctive character, identity and legibility of recreational land, inclusive of their landscape, ecology, historic and cultural features.

Anticipated Environmental Results

The following environmental results are anticipated:

- The adequate provision of recreation land to meet the community's expressed needs.
- The acquisition, enhancement and conservation of recreation land having natural, ecological, environmental, cultural or heritage significance.
- Recreation land located so as to help define community identity, foster linkages between communities and between and within recreation land, and allow for the establishment of ecological corridors.
- Flexibility within active recreational areas to allow for changing recreational trends and community needs.
- Additional public recreational facilities provided and recreational use of the city's natural features increased consistent with the conservation of environmental values of recreation lands, and, where the land is classified under the Reserves Act 1977, consistent with that classification.
- Maintenance of amenity values of recreation land areas and of the adjoining communities, particularly the amenity and character of the Waikato River Corridor and the gully system.

5.3 Community Facilities

Introduction and Issues

Community facilities are an essential component in the urban environment and contribute significantly to the community's quality of life. Many provide local community level services and can be easily integrated into the suburban environment. Larger facilities which may provide a greater range and intensity of services or cater for a wider catchment, will generate greater impacts on the environment and the surrounding neighbourhood and therefore require more extensive control.

Many community facilities are purpose built and may be covered by a specific provision in the district plan such as a designation. However, as they can constitute a significant resource in terms of land and buildings, appropriate alternative uses should be facilitated where the facilities are no longer required for the original purpose.

The principal issues regarding community facilities in Hamilton are:

- **The scale and intensity of community facilities can impact on neighbourhood character and amenity values.** While small-scale community facilities can be readily integrated into residential neighbourhoods, larger facilities give rise to greater effects associated with concentrations of people, hours of operation and generation of traffic. Where large integrated developments occur providing a range of services some community facility buildings can be obtrusive in scale and character in relation to surrounding residential development.
- **The operation of community facilities can generate a range of negative effects that impact on the neighbourhood amenity values.** There are a variety of community services and facilities, all of which are important to the local community and which have broadly similar environmental effects. However, there can be impacts (eg. noise) on the surrounding neighbourhood which arise both from activities being undertaken on the site particularly where there are significant concentrations of people. Public perceptions on safety and social impacts may arouse opposition to some types of community activities, such as drop in centres. There is also, the potential for cumulative effects, particularly increased nuisances, where community facilities are clustered within residential areas.
- **Community facilities and their siting in relation to the transport network can have adverse traffic impacts.** Community facilities, including small local neighbourhood services, can generate traffic and parking pressures, which have an impact on the surrounding neighbourhood and the local street system. This can be exacerbated where there are significant peak time traffic and parking impacts - such as dropping off pupils at schools and intermittent large gatherings at churches and halls. Conversely, with sites on arterial roads, the safety of children, noise and air pollution, need to be taken into account as well as the impact on traffic safety and efficiency.
- **Community facilities are needed in new growth areas but there are constraints on accommodating them.** Pressures for development can restrict the availability of suitable land for community facilities in developing greenfield areas particularly where larger sites are involved. Accordingly, opportunities to establish new facilities may be compromised to the detriment of future neighbourhood amenity values.

Objective 5.3.1 Community Facilities

To facilitate the provision of a range of community services and facilities throughout the city, in a manner which minimises adverse environmental effects.

Policies

- a) Ensure that the scale, form and nature of those community services and facilities operating throughout residential areas is compatible with local amenity values and that adverse impacts on neighbours are avoided.
- b) Enable the development and operation of a range of community facilities on sites in residential areas including new growth areas where impacts on neighbourhood amenity values and on traffic safety and efficiency can be avoided or mitigated.
- c) Encourage the provision of open space and landscaping to help mitigate impacts on amenity values where the scale and intensity of a community facility may not be compatible with that of the surrounding residential area.
- d) Minimise the effects of noise glare or other nuisances arising from any community facility on adjacent residential areas.
- e) Minimise adverse effects arising from traffic and parking associated with community facilities on the transport network and the amenity values of the surrounding area.

Reasons

Community services and facilities form an integral part of the city's residential areas but can have impacts such as traffic, noise and appearance on the neighbourhood environment. Where community facilities are generally of a domestic scale and activities are subject to suitable control then there should be little impact on neighbourhood amenity values. In those circumstances, such facilities can be accommodated as part of normal residential development.

Larger community services and facilities (including schools, churches, institutions and hospitals) are usually established on specified sites. However, any provision in the plan needs to enable the continued utilisation of such physical resources if the original use of the site ceases. At the same time, the effects on the wider neighbourhood need to be effectively managed although for lower intensity development, this can be achieved through suitable controls rather than resource consents. In that regard, an acceptable level of impacts from community facilities may be higher than for other activities, because of the increased amenity due to the local availability of community services which can be seen as a form of mitigation.

There is a need to ensure opportunities for the establishment of community services and facilities in new growth areas. In particular, larger facilities can be permitted to establish in new residential areas subject to appropriate limitations on the basis that developing neighbourhood amenity values will be able to accommodate them.

Methods

The Community Facilities objective and policies will be implemented through the following methods:

District Plan

- **Community Facilities Zone Rules** - will be used to accommodate community facilities in association with residential neighbourhoods while managing the effects on the local environment.
- **Other Zoning Rules** - will be used to facilitate the establishment of compatible community facilities within residential zones, as well as to accommodate a range of community facilities in other areas of the city and to enable suitable opportunities for larger facilities in new growth areas.
- **City-Wide Standards** - will be used to ensure impacts on the environment including traffic, site development, visual amenities, noise and pollution associated with community facilities are managed.
- **Rotokauri Structure Plan** - sets out the opportunities for providing community facilities within the Rotokauri area.
- **Rototuna Structure Plan and Concept Plan** - will be used to guide the location of Community Facilities within the Rototuna Area.
- **Designations and Procedures** - can be utilised by requiring authorities to make specific provision for a proposed community facility.

Other Methods

- **Hamilton City Council's Recreation and Leisure Plan** - identifies the need for a range of community facilities in accessible locations.
- **Economic Instruments** - such as development levies or incentives can be used to help establish community facilities, particularly in new growth areas.
- **Public Provision** - of some community facilities can be established as part of the service delivery functions of the Crown or Council.
- **CityScope** - the Council's Urban Design Strategy encapsulates a variety of mechanisms to improve the design of the City's built environment based on sound urban design principles. This Strategy recognises the design contribution that large facilities make to the urban environment and that the scale and configuration of these buildings and open spaces can make a positive contribution to the visual amenity values of the City.

Anticipated Environmental Results

The following environmental results are anticipated:

- A range of small-scale, local community services and facilities accommodated and satisfactorily integrated into local neighbourhoods.

- Larger community facilities provided for in a flexible manner, with impacts on the neighbourhood minimised.

5.4 Major Facilities

Introduction and Issues

The city's major community institutions and other facilities, such as the university, hospital and showgrounds, are important in enabling the community to meet its social, cultural and economic needs and are significant activity centres in the city. These facilities contribute to the City's amenity values, providing open space and landscaping features which contribute to the visual amenity values of the community. The City's larger facilities also make a positive design contribution in terms of their identity as landmark buildings. Facilities whose design is well-integrated to their neighbourhood context add to the richness and diversity of place and engender a strong community identity.

The major facilities need to be able to readily develop and adapt, but their size and complexity can make it difficult to accommodate them under the normal District Plan provisions. In that regard they involve relatively large sites containing a wide range of activities and development under the effective control of a single authority. As such the community's concern is focussed on controlling their wider impact on the City environment and their particular impact on those areas which immediately adjoin the facility.

With the exception of the Central Polytechnic Campus, which is located within the Central Area and is generally consistent with surrounding development, the City's other major facilities are substantial distinct entities, which differ significantly from their surroundings. It is therefore appropriate to address the environmental implications of those major facilities on a stand-alone basis.

The principal issues regarding major facilities in Hamilton are:

- **The size and nature of major facilities can give rise to a range of impacts both locally and city-wide.** Major facilities are generally developed as large integrated campuses. While the internal distribution of activities and buildings may generate some localised environmental effect, the community's principal concerns relate to the off-site effects and to any adverse effects generated at the interface with adjoining areas. These can occur from the effects of activities near the boundaries, the placement of ingress, egress and parking and the impact of buildings. The large volumes of traffic and substantial parking demand often generated by major facilities also impacts on the surrounding community.
- **The scale and ongoing development of major facilities can have implications for both the city and the local area.** There are ongoing pressures for the expansion of existing major facilities and for the establishment of associated activities in the vicinity, which can lead to changes in the character, and amenity of the locality. Major facilities often involve large, multi-storey building complexes which are substantially different in scale from neighbouring activities. Because of their scale and nature, major facilities will also have impacts on the City's transport network, infrastructural capacity and amenity values.

- **The concentration of activities at major facilities can give rise to neighbourhood impacts.** Significant concentrations of people are normally associated with the day-to-day functioning of major facilities. There can be impacts such as noise on the surrounding neighbourhood arising; both from activities being undertaken on the site and the impact of vehicle movements and parking associated with the operation of the facility. In particular the location of principal ingress and egress points can have a significant impact on the local roading system. A number of major facilities also generate localised “peak” effects associated with temporary or intermittent events. The impact of these on the surrounding neighbourhood is difficult to control.

Objective 5.4.1 Major Facilities

To enable the continued development and operation of the city's tertiary education institutions; base hospital and events centres while minimising environmental impacts at the periphery of the site and on the wider community.

Policies

- a) Encourage the development of each major facility under an overall management framework that addresses the mitigation of the effects of activities on the environment within the site, the surrounding community and the wider city.
- b) Enable a wide range of activities to be undertaken on the site where the effects can be contained on-site to minimise any adverse effects on adjoining areas and on natural values.
- c) Minimise any adverse impacts which might arise from development and activities undertaken as part of any major facility, particularly near the periphery of the site.
- d) Control the ingress, egress and parking impacts associated with major facilities on neighbourhood amenity values and on the safety and efficiency of the transport network.
- e) Encourage major facilities to be developed in a manner that enables the scale and configuration of buildings and open space to contribute positively to the visual amenity values of the city.

Reasons

Each major facility is a large-scale complex of activities being developed and operated on a single site under an overall management framework. The controlling organisations are best placed to manage the internal development of their sites and can take responsibility for resource management within the site.

However, there are wider environmental implications, including potential effects on the city's transport network and other infrastructure, on the city's natural values and on the amenity values of the general area due to the nature of activities and form of development. At the same time, there are specific adverse impacts on areas adjoining the site, (such as traffic, parking, noise, privacy and visual amenity) which need to be avoided or mitigated. It is desirable that any measures for addressing these various impacts should be co-ordinated with the on-site management of each major facility.

Methods

The Major Facilities objective and policies will be implemented through the following methods:

District Plan

- **Major Facilities Zone Rules** - provides for those major facilities located outside the central area and accommodates their activities while managing their effects on the local environment and their wider effects on the city environment.
- **Concept Plans** - will be prepared by the organisations responsible for the major facilities to help guide their development. Such plans will be recognised in the rules as providing a suitable basis for the assessment of resource consents.
- **City-Wide Standards** - will be used to ensure adverse impacts, including traffic, site development, visual amenities, noise and pollution associated with major facilities are managed.

Other Methods

- **Hamilton City Council's Recreation and Leisure Plan** - identifies issues relating to the use of major facilities for recreation and leisure activities.
- **Partnerships** - between Council and a facility's controlling authority will be used to help address the issues relating to major facilities.
- **CityScope** — the Council's Urban Design Strategy encapsulates a variety of mechanisms to improve the design of the City's built environment based on sound urban design principles. This Strategy will promote and enhance the design contribution of major facilities by recognising their distinctive character as landmark facilities and their contribution to City identity.
- **Access Hamilton** — is a transport strategy and infrastructure programme designed to encourage people to use alternative modes of transport to enable traffic growth rates to be sustainable for the future. Development within the Major Facilities Zone should be consistent with this Strategy.

Anticipated Environmental Results

The following environmental results are anticipated:

- Continued development and operation of major facilities.
- Direct impacts arising from major facilities on the environment and amenity values of the local neighbourhood kept to a minimum.
- The visual amenity values of the city enhanced by building and site development associated with major facilities.

Overview of the Business Environment Policy

The approach taken in the District Plan to business activities involves accommodating rapid change, minimising restraints on competition, and recognising and responding to differing environmental implications. All three aspects are interrelated but the central focus of the plan is on enabling the community to meet its needs in an environmentally sustainable manner. In that regard the plan broadly differentiates between commercial centres, service areas and industrial areas with a wide range of business and related activities accommodated in all three. The plan also recognises that each area has significantly different environmental conditions, and different levels of amenity to be protected.

The city centre is recognised as a strong retail, administrative and entertainment hub for the city and wider Waikato Region. Suburban centres provide for convenient local shopping close to residential communities. For these commercial centres, pedestrian safety and convenience with a high standard of environmental amenity within an intensively developed compact area is emphasised.

The plan seeks to maintain the viability of the city centre and suburban centres by enabling a wide range of activities, while at the same time ensuring that the amenity values of each centre are protected. The plan does not attempt to protect established commercial centres from competition per se but does seek to prevent significant loss of vitality, vibrancy and amenity of the existing City Centre and neighbourhood centres as a whole which may result from significant dispersal of retail, office and entertainment uses.

Opportunities for commercial service development are available in a variety of locations throughout the city, particularly around the central area, at Frankton and at Te Rapa. The policy supports a wide range of business retail formats, together with levels of amenity that reflect the broader retail and service nature of the commercial service environment. While commercial service activities are also accommodated throughout the industrial areas of the city, the emphasis in the latter is on minimising potential conflict with industrial activities. There is also a need to ensure that efficient use is made of industrial land for industrial uses given the scarcity of industrial land availability in the City and to ensure a wide variety of choice of sites for new industrial uses. Controls over retail, offices and entertainment uses are therefore necessary in greenfield industrial areas.

For service areas, vehicular access and convenience predominates resulting in an emphasis on low intensity development which can involve extensive areas of land. A reasonable standard of environmental amenity is desirable though intensive levels of pedestrian amenity are not consistent with the overall intention of the mixed uses anticipated in these areas. Non-industrial activities have the potential to generate reverse sensitivity and accordingly must mitigate themselves from accepted industrial effects.

Within industrial areas minimum standards of environmental amenity are recognised, and accepted as being consistent with the overall intention for the area. Where these areas interface with established residential areas the management of effect is the responsibility of industrial users.

A key premise of the policy direction for business under the plan is that in order to enable people to satisfy their needs, restrictions on competition and on change should be minimised. Controls on development and activities in business areas are to be focussed on managing environmental impacts, maintaining accessibility

and ensuring consistency with local amenity values. It is not concerned with protecting an established pattern of business investment.

6.1 Central Area

Introduction and Issues

The Central Area of Hamilton City is the principal centre for employment, retailing, entertainment, and business activity in the Waikato Region. This has been reflected over the years by considerable investment in public infrastructure, parking, pedestrian areas, open space and community facilities, to accommodate the density of people and activities that regularly congregate in the Central Area.

The Central Area comprises an intensively developed, pedestrian oriented City Centre (being the area generally bounded by Hood, Anglesea and London Streets and the Waikato River) supported by an extensive lower intensity service oriented peripheral central area.

The City Centre will continue to be a significant place of activity within the city. As such it needs to remain highly accessible and continue to provide a high level of physical amenity to shoppers and businesses to continue to contribute to the "sense of place" that has developed over the years. This together with the area's heritage values serve as a drawcard for visitors which contributes to the city's vitality.

The Hamilton City Council's 2006-16 Long-Term Plan, identifies a new strategic framework to guide the City's future shape and direction. A key factor in developing a new blueprint for the City is the need to advance quality urban design in the built environment. To this end, the Council has approved and adopted an Urban Design Strategy for the City entitled — CityScope.

Access Hamilton is another significant initiative being implemented by the Council in conjunction with Environment Waikato and Transit New Zealand. The Access Hamilton Strategy seeks to develop and support an integrated, safe, efficient and sustainable transport system that provides ease of access in and around Hamilton and promotes community awareness around travel choices and alternative modes to motor vehicles e.g. public transport, walking and cycling. To enhance the role and function of the Central Area, the Council has developed an arterial Ring Road network and Cross-City Connector to ensure good access and movement around the City for all modes of transport, as well as improvements to public transport, cycling and pedestrian facilities throughout the city.

The principal issues regarding the central area in Hamilton are:

- **Provision for a wide range of commercial opportunities may conflict with amenity and community values.** Historically the City Centre has been the principal administrative, retail and civic amenity focus of the city and region and this has been reflected in the scale and high standard of amenity of the buildings in the City Centre. Increasing market diversification and changing lifestyles have altered the role and character of the area, and this will continue. Accordingly, there is a need to enable the physical resources in the City Centre to be fully utilised while continuing to recognise the City Centre's wider role and contribute positively to the maintenance and enhancement of its amenity and community values.

- **The increased demand for inner city living can have impacts on the operation of commercial and related activities throughout the Central Area.** Residential accommodation contributes to the Central Area as an employment and entertainment centre. It also increases housing choice. The predominant amenity in the Central Area is however, not always conducive to residential activity and potential conflicts, including noise, need to be recognised.
- **Inappropriate development can adversely affect amenities within the City Centre.** Pedestrian amenity and safety are key elements in the effective functioning of the City Centre. The development of pedestrian friendly spaces with strong parking support and linkages allows the City Centre to accommodate large numbers of people in a safe environment, and offers convenient access between different parts of the City Centre. The provision of large open window frontages and building verandahs also contribute to the overall amenity of the area. Inappropriate building design, particularly at the street level, can create 'holes' in the pedestrian amenity areas.
- **Inappropriate development can compromise open space amenity values in the City Centre.** Pedestrian amenity is also achieved by the provision of public open space, and other public facilities. The City Centre has a number of open spaces that encourage community interaction and relaxation and provide pedestrian links. The amenity values and pleasantness of these areas can be compromised and destroyed by inappropriate development (eg. Garden Place in terms of layout and overshadowing).
- **Development pressures can adversely impact on the heritage values within the Central Area.** There is a strong mix of heritage buildings throughout the Central Area, particularly in the southern end. Many of the existing buildings are visual reminders of the past which add to the sense of diversity and attractiveness of the city. Redevelopment to meet a demand for more modern premises and safety concerns with older buildings may threaten heritage features.
- **Provision of easy access into and throughout the Central Area (including parking) is desirable to support the amenity and life of the City Centre.** Large numbers of people commute to and from the Central Area on a regular basis and people visiting the City Centre for shopping, entertainment and business largely travel by car. Therefore, access to and within the area needs to be safe, efficient, and convenient for a wide range of uses, and transport modes, while the distribution of carparking needs to be managed to ensure the effective accommodation of both customer, commuter and business demands.
- **Integration of the City Centre with the river environment can conflict with ecological and cultural values and impact on bank stability.** The Waikato River frontage is recognised as an attractive and important but under-utilised natural asset to the City Centre. Providing access to and along the River and developing the riverfront in a comprehensive manner is considered important to facilitate the river as a feature of the City Centre. However, there are topographical limitations and any development works could threaten the natural values associated with the river and its banks. Such works also have implications for the relationship of Maori with the river.

Objective 6.1.1 A Vibrant Central Area

To encourage the effective development and operation of the Central Area and the City Centre in particular as a commercial and community focus for Hamilton.

Policies

- a) Enable a wide range of commercial, recreational, cultural and social activities to be established throughout the Central Area where these are compatible with established amenity values and with the capacity of the transport network to accommodate activities safely and efficiently.
- b) Control the establishment of vehicle intensive commercial activities where traffic generation is likely to have adverse effects on the safety and efficiency of the transport network in the Central Area and on the amenity values of the City Centre.
- c) Encourage the development of residential activities and visitor accommodation throughout the Central Area, provided they are consistent with the accepted amenity values for the different parts of the area.
- d) Ensure that building development in the City Centre maintains and enhances a safe, pleasant, and efficient pedestrian environment.
- e) Encourage the public and private provision of facilities, spaces and features that contribute to the civic amenity of the City Centre.

Reasons

Changing markets and consumer demand means that the Central Area must be allowed to respond to changing trends. The facilitation of a wide range of activities, including residential, is a key element in enabling the area to contribute to the economic and social needs of the community.

The City Centre is also a strong civic and community space. Activities and development need to recognise established amenity values and ensure that they contribute to, or remain consistent with, these values. The community will continue to develop and maintain high levels of public amenity in the City Centre, and this needs to complement and be integrated with private initiatives.

Activities requiring high levels of on-site carparking need to be conveniently connected to the arterial roading network in order to maximise access and reduce adverse impacts of high traffic volumes on City Centre streets.

Objective 6.1.2 Integration with the Waikato River

To enable the significant amenity and natural values of the Waikato River to be integrated with the commercial and civic activities of the Central Area.

Policies

- a) Encourage the development of commercial activities along the river frontage in conjunction with coordinated pedestrian access to enhance the visual and access linkages between the river and the City Centre.
- b) Facilitate improved public access between the river and the remainder of the Central Area, and along the riverbank between London Street and Victoria Bridge to incorporate the river's intrinsic amenity values into the City Centre.
- c) Ensure that new development along the riverbank does not adversely affect the stability of the riverbank, limit public access to the river or impact on the cultural, heritage, amenity or natural environmental values of the area.

Reasons

The Waikato River is a key element of Hamilton's environment and the riverbank is seen as an important resource. It has also been recognised that promotion of a greater linkage between commercial development in the City Centre and access to the river would enhance the attractiveness and vitality of the City Centre and is consistent with the wider civic importance of the area. The development of an integrated riverbank promenade with continued improvements to the existing pedestrian network along the Waikato River will improve public access to and along the river and facilitate the integration of the river's amenity values with the remainder of the City Centre.

Protection of the riverbank is also necessary, to address problems relating to stability and geotechnical conditions as well as effects on natural values. Regard also needs to be given to cultural values particularly in relation to the importance of the river to Maori. All these factors are to be assessed when development proposals adjacent to the river are considered.

Objective 6.1.3 Central Area Amenity

To maintain and enhance amenity and heritage values of the Central Area.

Policies

- a) Ensure that activities are undertaken in a manner which avoids, remedies or mitigates adverse effects in the Central Area, including visual impact, noise, glare and odour.
- b) Encourage innovative building design and the provision of public spaces, facilities, and features in the City Centre.

- c) Ensure that high rise buildings in the City Centre are designed to avoid adverse effects, including wind and shadowing affecting pedestrian areas especially in Garden Place.
- d) Ensure that buildings are designed and located in a manner that enhances the safety, convenience, accessibility and amenity of pedestrian spaces and linkages within the City Centre.
- e) Recognise and protect buildings, sites or areas in the Central Area, particularly in the Southend, that have specific heritage or cultural value.

Reasons

The function and attractiveness of the City Centre is contributed to by its physical form, and by the careful provision of elements and features that cater for the large numbers of people who work, shop and recreate in the area. The amenity of the City Centre is fundamental to its role in the city. Activities that choose to operate within the environment will be expected to contribute to those amenity values particularly with regard to pedestrian convenience and comfort.

The enhancement of heritage values is important to maintaining the attractiveness of the Central Area. This involves not only the retention of historic buildings and protection of archaeological sites, but also recognition of cultural values and promoting a sense of place.

Objective 6.1.4 Access in the City Centre

To maintain and enhance convenient and safe access to and throughout the City Centre.

Policies

- a) Facilitate safe and convenient pedestrian access throughout the City Centre and to the Waikato River to cater for the large pedestrian flows which occur in the City Centre.
- b) Facilitate the development of the transport network and both on-street and off-street carparking to maximise the accessibility of the City Centre while accommodating safe and convenient pedestrian linkages throughout the area.
- c) Ensure that on-site carparking, servicing, manoeuvring and access for all sites within the City Centre, avoids adverse effects on both traffic safety and efficiency, and on pedestrian safety and convenience.
- d) Ensure that the road network is able to accommodate the traffic generation and access impacts of new activities establishing in the City Centre.

Reasons

Business activity within the City Centre requires good access provision both for pedestrians and vehicle-based users. The integration of the transport network with vehicle parking and the inner city pedestrian network is essential for the effective functioning of the City Centre. The provision of carparking needs to ensure that supply is both adequate and well located to provide the widest benefit to all users.

The plan also recognises that large individual developments can have adverse effects on accessibility and pedestrian convenience and safety. Accordingly, where the effect of such activities is beyond the capacity of facilities in the City Centre to accommodate them, Council intervention including financial contributions may be needed.

Methods

The Central Area objectives and policies will be implemented through the following methods.

District Plan

- **City Centre Zone Rules** - will provide for a wide range of business, residential, and community activities.
- **Commercial Service Zone Rules** - will provide for a wide range of commercial service and related activities within the peripheral central area.
- **Other Zones and Rules** - will provide for the protection of inner city residential neighbourhood amenities, the riverbank environment and for the heritage and open space values of the south end.
- **Indicative Structure Plan - Central Area** - will identify shopping frontages and key pedestrian linkages to be developed to support the pedestrian network in the area.
- **Heritage Items Overlay** - will identify heritage buildings in the Central Area, and provide for the maintenance and retention of specific buildings where these contribute significantly to the civic amenity and identity of the city.
- **City-Wide Standards** - will be used to ensure impacts including vehicle provision, site layout, visual amenities, noise and pollution associated with the Central Area are adequately dealt with.
- **Financial and Reserves Contributions** - will be used to help provide facilities and features to enhance commercial amenity values.
- **Subdivision Design Guidance** - will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in so far as they relate to the subdivision of land.

Other Methods

- **Council Guidelines and other Educational Material** - including guidelines can be used to encourage appropriate forms of development.
- **Council Works Programmes** - including the Transport Centre, parking areas, pedestrian facilities and community buildings, can help enhance accessibility and amenity values in the Central Area.
- **Proposed Riverbank Promenade** - will establish a new pedestrian linkage along the riverbank to encourage improved connection between the river and the remainder of the City Centre.
- **Other Plans and Programmes** - including central city traffic and parking management plans and Access Hamilton. Access Hamilton is a transport strategy and infrastructure works programmes

which promotes a wide range of transport options. It will encourage people to use alternative modes of transport to manage traffic growth rates and to assist in achieving environmental sustainability. Collectively, these plans and programmes will help provide an effective balance between different transport modes, parking demand and pedestrian convenience.

- **CityScope** - the Council's Urban Design Strategy encapsulates a variety of mechanisms to improve design of the City's built environment based on sound urban design principles. The Strategy seeks to enhance the design contribution that the Central Area makes by recognising its distinctive character as a central place. It is important to note that scale and configuration of these buildings and open spaces make a positive contribution to the visual amenity of the City and its overall urban identity.

Anticipated Environmental Results

The following environmental results are anticipated:

- A Central Area that offers a wide and diverse range of commercial and business activity.
- A City Centre that is attractive to the community for the purposes of recreation, relaxation, entertainment, culture and business.
- Improved interconnection between the Waikato River and the remainder of the City Centre.
- Adequate levels of shopper parking that are well integrated with both the pedestrian and vehicle network in the City Centre.

6.2 Suburban Business

Introduction and Issues

The provision of suburban business opportunities enables the community access to a wide range of goods, services and employment in their local area. A range of centres throughout the city exists to meet this demand, ranging from corner shops to major concentrations of retail and other commercial and community activities.

Suburban centres make an important contribution to the community, but their presence in residential areas can adversely affect the amenity and environmental qualities of these localities.

The principal issues for suburban business in Hamilton are:

- **Changing commercial investment can give rise to significant adverse effects on neighbourhood amenity values.** Suburban centres distributed throughout residential areas provide local access to a range of goods and services while also providing a community focus and thereby contribute significantly to maintaining and enhancing neighbourhood amenity values. Current commercial trends favour larger centralised facilities in key locations. This intensifies the effects of these activities on adjoining sites and localities. It also has the potential to make some centres less viable or even redundant which can create other negative amenity effects, particularly if there is not a range of economically viable activities that these can be used for.
- **Suburban commercial activity can adversely affect surrounding residential amenity.** Commercial centres generate considerable activity giving rise to traffic, noise, glare and other negative effects. The scale of buildings and the amount of advertising can also conflict with surrounding residential areas and lead to the degradation of local community amenity.
- **Vehicle and pedestrian conflict can compromise the safety and amenity of suburban centres.** Suburban centres generate significant concentrations of both pedestrians and vehicles particularly as they increase in size. This raises issues concerning shopper amenity, convenience and safety, particularly if adequate provision is not made in the design and development of any centre to accommodate the needs of both pedestrians and vehicles in a compatible manner.
- **Suburban centres can give rise to traffic and parking impacts on both the roading network and the local neighbourhood.** Traffic movements and parking generated by commercial centres can detract from efficient traffic movement, particularly on the arterial roading network with consequent impacts on the environment and on people's convenience. Larger suburban centres can have significant traffic and parking impacts on surrounding residential streets to the detriment of neighbourhood amenity values.
- **Poorly designed suburban centres can detract from the quality and functionality of the public domain and are less likely to function as a focal point for the local community.** Suburban centres which do not have a positive relationship with the adjoining public space can become disassociated from the environment that surrounds them. The quality of the public space is then reduced

through a loss of amenity, attractiveness and general functioning which can affect the safety and well being for the surrounding community.

Objective 6.2.1 Suburban Business Opportunities

To facilitate a wide range of suburban business opportunities throughout the city in association with residential neighbourhoods in an environmentally acceptable manner.

Policies

- a) Enable a wide range of commercial and related activities to be established within suburban centres.
- b) Facilitate the wide distribution of suburban centres throughout the city including the new growth areas, which enables convenient access to a wide range of goods and services, provided the adverse effects of any development on adjoining areas can be minimised.
- c) Ensure that the scale of suburban centres is compatible with the amenity values of the surrounding residential neighbourhood.
- d) Enable the expansion of existing suburban centres in established residential areas in circumstances where the scale and location of development would not impact significantly on the wider residential neighbourhood.
- e) Minimise the adverse effects associated with suburban centres on the traffic safety and efficiency of the city's transport network.

Reasons

The wide distribution of suburban centres is desirable to facilitate convenient access to goods and services. However, the development, growth and composition of suburban centres reflects rapidly changing market principles. The plan facilitates opportunities for change, provided the impact on adjoining residential areas and on the capacity of the transport network to accommodate additional demand is fully addressed.

Flexibility in the plan is reflected in the wide range of activities that can establish in suburban centres, provided that the scale and nature of the effects of such activities are consistent with the amenity values anticipated in these areas.

The city includes three major growth areas, Rototuna, Rotokauri and Peacocke. The development of these areas should accommodate the appropriate provision of local suburban business opportunities to serve the day-to-day needs of their residential populations.

Objective 6.2.2 Suburban Commercial Development

To ensure suburban centres maintain accepted commercial amenity values while minimising impacts on the surrounding residential neighbourhoods.

Policies

- a) Ensure that adequate provision is made to accommodate car access and parking in suburban centres without compromising pedestrian safety and convenience.
- b) Encourage a configuration of buildings, a development and layout of sites, and a distribution of activities within suburban centres, which maintains pedestrian shopping convenience and commercial amenity values.
- c) Ensure that commercial activities adjacent to residential zones are developed and operated in a manner which avoids adverse effects on residential amenity values.
- d) Ensure that the scale of buildings in suburban centres is compatible with surrounding development and does not unduly detract from local residential amenity values.
- e) Ensure that drive-through service facilities are integrated into suburban centres in terms of scale, amenity and safety.
- f) Encourage the design of new suburban commercial development in the new growth areas to have regard to the amenity of the residential areas developing around them.

Reasons

Suburban centres are dependent upon convenient access and parking as well as a safe and convenient shopping environment. This requires the provision and maintenance of basic shopping amenities and well developed carparking and access. Traffic and parking in residential streets adjacent to suburban centres does have a detrimental effect on local residential amenity values and these spill over effects need to be avoided

Intensive vehicle based activities (Drive-Through Services) need to be carefully integrated to protect pedestrian safety and the functionality of the suburban centres themselves.

The principal effects associated with the operation of suburban centres relate to noise and odour, often associated with storage yards and to lengthening hours of operation. Management of these effects at the residential interface is important to protect adjoining values.

Objective 6.2.3 Design of Suburban Centres in New Growth Areas

To manage development within new suburban centres to ensure that development acts as a community focal point and achieves an integrated and pedestrian friendly environment that maintains an interactive relationship with the street and surrounding area.

Policies

- a) Enable physical and visual integration of development through building form, site layout and connectivity.
- b) Ensure that development within suburban centres encourages the informal surveillance of streets, shopping frontages and other areas of public open space through the provision of active frontages.
- c) Ensure that activities establishing at ground floor level within any defined primary frontage will encourage strong pedestrian interaction between buildings and the main shopping street.
- d) Utilise building height and form of development within any defined primary frontage to provide definition and enclosure of the principal shopping streets and contribute to a high quality integrated pedestrian environment.
- e) Ensure that the form of development within any defined primary frontage contributes to interest and variety in the shopping frontage through building articulation and finer grain tenancy widths.
- f) Ensure that any defined primary frontages are edged by built development rather than large parking areas, loading and service areas.
- g) Facilitate the inclusion of legible, accessible and safe pedestrian and cycling connections with surrounding land uses.
- h) Facilitate a vibrant commercial area through mixed use development, including the use of upper floors for business, entertainment and residential activity.

Reasons

Suburban Centres are an essential component of the urban fabric, providing essential goods and services to communities, and helping create a community identity and focal point. Good urban design seeks to ensure that these centres develop as attractive employment, living and community nodes which is important to create successful and sustainable centres that are vibrant and distinctive and an environment that is high quality, safe and accessible to the surrounding community.

Development of new growth areas provides opportunities for new suburban centres to establish where quality outcomes can be achieved through appropriate site layout and building design. New suburban centres should be outward facing and well integrated with the surrounding environment through appropriate building scale, use of active frontages, well located parking areas that do not dominate the street frontage and inclusion of pedestrian and cycling linkages. Development which has a strong relationship to the street contributes to safety and CPTED principles by enabling passive surveillance of the street and ensuring shop entrances are visible to passers by.

Primary frontage areas are identified where appropriate, to facilitate the development of retail focused principal shopping streets where buildings have a close relationship with adjoining streets and public spaces through a minimum two storey enclosure of the space and by adding variety and activity to the shopping frontage.

Mixed use development is encouraged within the suburban centre which will benefit the community by enabling more activity in the area contributing to greater urban vitality, and more variation in the external fabrication of buildings through the provision for a wide range of living and employment opportunities to locate above ground floor activities. Whilst residential activities are encouraged, they are not provided for at ground level in order to ensure continuous active retail and commercial activity street frontages.

Safe and accessible environments contributed to by well designed suburban centres encourages walking and cycling, thereby reducing dependence on the motor vehicle and promoting more sustainable use of land and infrastructure.

Methods

The Suburban Business objectives and policies will be implemented through the following methods:

District Plan

- **Suburban Centre Zone Rules** - will accommodate commercial development in association with residential neighbourhoods and help facilitate an appropriate distribution of commercial activities.
- **Residential Zone Rules** — provide for the development of commercial activities in new growth areas, subject to a range of development criteria.
- **Vehicle Service Areas** - will be used to facilitate drive-through service facilities in suitable locations
- **City-Wide Standards** - will be used to ensure impacts including vehicle provision, site layout, visual amenities, noise and pollution associated with suburban centres are adequately dealt with.
- **Structure Plans** - will be used to provide a development framework for the new growth areas which will help identify preferred locations for new suburban centres in new growth areas of the city. Refer to [Residential 4.1.1 e](#)), Section 9.0 Structure Plans and [Appendix 1A](#).

Other Methods

- **Council Guidelines and other Educational Material** - including guidelines illustrating best practice can be used to encourage appropriate forms of development
- **Economic Instruments** - such as incentives could help encourage development in appropriate locations.
- **Council Works Programmes** - can help enhance accessibility and commercial amenity values.

Anticipated Environmental Results

The following environmental results are anticipated:

- A high degree of accessibility to commercial facilities and services in suburban areas.
- A wide distribution of suburban business opportunities.
- Commercial amenity values of suburban centres enhanced.
- Impact of commercial activities on residential neighbourhoods minimised.
- Traffic impacts of suburban centres adequately managed.
- A pedestrian friendly urban form that facilitates a strong sense of community for new suburban centres within new growth areas.
- Development of Suburban Centres in new growth areas that addresses and engages the street and public spaces through the provision of active frontages and definition/enclosure of spaces at the public/ private interface, contributing to safe and vibrant public spaces.

6.2A Rototuna Suburban Centre

Introduction and Issues

The establishment of the Rototuna Suburban Centre will enable community access to a range of goods and services in their local area. The Rototuna Suburban Centre is a mixed use centre comprising residential, retail, community, recreational and employment activities. The provisions of the Rototuna Suburban Centre Zone seek to achieve a comprehensively developed and well designed Centre, with high levels of amenity and quality living, working and playing environments.

The principal issues for the Rototuna Suburban Centre are:

- **Ongoing population growth has created the need to establish a complementary local suburban centre in stage 3 of Rototuna.** Careful management and integration of land use and infrastructure is required in order to accommodate growth in a sustainable manner and to ensure that the new suburban centre provides a community focus. The Rototuna Suburban Centre provides an opportunity for establishing a new commercial/community node that is comprehensively designed, has a distinctive positive local identity and high levels of amenity. The Rototuna Suburban Centre Zone must give effect to the Waikato Regional Policy Statement and be consistent with the principles of Future Proof and the Hamilton Urban Growth Strategy. It must also deliver high quality urban design as required by CityScope and Vista.
- **Poor connectivity and low residential densities have the potential to undermine the viability of suburban centres.** The viability of the suburban centres can be adversely affected if there are insufficient numbers of people living close by to support the centre or their journey to a particular centre is too difficult. The facilities and services that suburban centres provide are an important element in the promotion of sustainable communities. Facilities and services that are readily accessible to local people serve both as focal points for community interaction, and promote the use of more sustainable (and healthy) transportation nodes. It is therefore important that residential development forms an integral part of the Rototuna Suburban Centre.
- **The need to create a vibrant centre.** The Main Street will function as the core of the Rototuna Suburban Centre. It is a key element in ensuring the vibrancy of the Centre and in achieving street based, mixed-use, pedestrian orientated development.
- **The need for comprehensive and integrated design.** An ad hoc approach to the development of the Suburban Centre increases the risk of creating a built form that lacks integration, does not deliver a coherent development pattern and does not achieve the efficient use of resources. This will limit the ability for developers to work together to create shared facilities such as car parking and will increase the risk of incompatible uses establishing in close proximity to each other. A comprehensive approach to development can ensure that developments integrate successfully and avoid reverse sensitivity effects.

- **Poorly designed suburban centres can detract from the quality and functionality of public spaces and are less likely to function as a focal point for the local community.** Suburban centres that do not have strong connection and integration with the adjoining public space can become disconnected from the environment that surrounds them. The quality of the public space is then reduced through a loss of amenity, attractiveness and general functioning which can affect the safety and well being of the surrounding community.
- **Lack of visual connectivity between buildings and public spaces detracts from the safety and vitality of those areas.** High fences and side-facing development block the line of sight from residential areas to public spaces, increasing opportunities for crime and discouraging social interaction. Low fences and active frontages create passive surveillance opportunities and assists in improving public safety and the vitality of an area. Increasing the intensity of development, through height and density, in close proximity to public spaces can also increase opportunities for passive surveillance.
- **The need to ensure the Centre functions as a local centre with its own special character and identity.** It is fundamental that the Centre's size and scale reflects its function as a local centre that services the day to day requirements of the surrounding community. It is important the local community is provided with a range of services and community facilities in a safe, attractive environment that facilitates social interaction.
- **The liveability of residential areas can be compromised by poor design.** Higher density development if not well designed can compromise amenity levels and the quality of living environments. It is critical that high and medium density residential developments are designed to avoid adverse effects on other residents and meet the living requirements of residents in terms of privacy, sunlight, outdoor living space and storage, service and parking areas.
- **The need to provide for the effective movement for all transport modes.** The creation of attractive, safe streets which enable walking and cycling is an important outcome. The Suburban Centre is designed to facilitate pedestrian and cycle movements due to the number of people able to live within a 10 minute walk (800 metres) of the core of the Centre and the number of schools surrounding the Centre. The transport network must be designed to safely accommodate all transport modes with no particular mode having dominance over others.
- **The opportunity to develop an attractive, efficient employment area with high internal and external amenity values.** In some areas, particularly on high profile greenfield employment land located in proximity to sensitive activities in adjoining zones, higher amenity levels may be appropriate in order to provide integrated, cohesive development and enable people to live closer to employment opportunities. Higher amenity levels also enable efficient land use and provide choice and variety in the city's employment land supply.
- **Lack of strategic integration of land use and infrastructure.** The lack of coordination between development and the provision of infrastructure can lead to increased costs and the inefficient use of resources. It is important that there is coordination between the design, timing and sequencing of land use activities and the funding, installation and operation of infrastructure. It is also important that efficiencies are optimised through integrated approaches in three waters management (wastewater, stormwater and water supply) and the use of green technologies.

Objective 6.2A.1 Suburban Centre Function

The Suburban Centre becomes the focal point for the Rototuna area by providing for the local community's retail, employment, service, entertainment, and recreation needs and a range of residential living opportunities.

Policies

- a) Ensure development contributes to the overall form and function of the Rototuna Suburban Centre by being in general accordance with the Rototuna Structure Plan, Rototuna Suburban Centre Concept Plan and Rototuna Urban Design Guide.
- b) Provide for a range of activity types in appropriate locations within the Suburban Centre through the use of land use precincts as identified on the Rototuna Suburban Centre Concept Plan.
- c) Create a vibrant heart for the Suburban Centre through the development of community and commercial facilities of a high design standard focussed on a Main Street and Public Square.
- d) Ensure sufficient land is available for the establishment of service and light industries to provide local employment opportunities and meet the requirements of the Rototuna community.
- e) Promote a street based, pedestrian orientated shopping environment with a range of small shops in the Retail 1 Precinct by limiting retail floor areas.
- f) Promote the establishment of larger format retail activities in the Retail 2 Precinct to service the local community.

Reasons

The role of the Rototuna Suburban Centre is primarily to serve local needs. The scale of retail, office and other commercial development will be controlled through floor area limits to ensure that the Centre functions as a local centre and to complement other large centres such as the City Centre, Chartwell and The Base that have city-wide and sub-regional commercial functions. This approach is entirely consistent with that of the Waikato Regional Policy statement policy requiring Hamilton City Council to achieve compact urban environments that allow people to live, work and play within their local area.

Objective 6.2A.2 Suburban Centre Comprehensive Development

Develop the Suburban Centre in a comprehensive manner to ensure integrated approaches to land development and provision of infrastructure, the efficient use of the land resource, and the management of adverse effects of activities.

Policies

- a) Require that urban development within the Suburban Centre cannot proceed without an approved Comprehensive Development Plan.
- b) Ensure the initial establishment of key infrastructure and activities along with critical design components to support future development through development staging requirements.
- c) Ensure the comprehensive development of the Suburban Centre is not compromised by the effects of sporadic development which does not integrate with adjacent activities and the wider area.
- d) Promote opportunities for developers to work together and to work with Council to enable the sharing of resources and facilities to achieve an integrated built form.
- e) Ensure that the mix of activities is considered in a comprehensive manner so that uses are integrated and potential and actual adverse effects of incompatible activities can be managed or mitigated.

Reasons

A comprehensive approach to the design, layout and physical form of urban development enables agreed urban design policy approaches to be consistently applied. Such an approach also enables the complex relationships between different land uses to be effectively managed. A comprehensive approach requires consideration of developments in the wider context of the area, including relationships to key features such as the Main Street and Public Square.

Objective 6.2A.3 Suburban Centre Design

Ensure development incorporates quality urban design to achieve a functional, attractive, safe and vibrant Suburban Centre.

Policies

- a) Require land use activities and subdivisions to be designed and developed in general accordance with the Rototuna Urban Design Guide and Rototuna Suburban Centre Concept Plan and Rototuna Structure Plan.
- b) Ensure that buildings, sites and activities are located and designed in a manner that enhances the safety, convenience, accessibility and amenity for pedestrians and provide strong linkages within the Suburban Centre.

- c) Utilise building height and form of development in primary frontages to provide definition of streets and public spaces and contribute to a high quality integrated pedestrian environment.
- d) Facilitate a vibrant Retail Precinct by providing for a range of activities, including the use of upper floors for business, entertainment and residential activities.
- e) Require the establishment of retail and restaurant activities at ground floor level in the Primary Frontage area identified on the Rototuna Suburban Centre Concept Plan.
- f) Encourage the informal surveillance of streets, shopping frontages and public open space through the provision of active frontages and the establishment of residential activities overlooking these areas.
- g) Ensure that activities establishing at ground floor level within any defined primary and secondary frontage have customer entrances facing the street or Public Square to encourage strong pedestrian interaction between buildings and the street or public space.
- h) Ensure that off street car parking does not dominate the street frontage, in particular ensure that any defined primary or secondary frontages are edged by built development rather than large parking, loading and service areas.

Reasons

Suburban Centres are an essential component of the urban fabric, providing essential goods and services to communities, and helping create a community identity and focal point. Good urban design seeks to ensure that these centres develop as attractive employment, living and community nodes. These outcomes are important in creating successful and sustainable centres that are vibrant and distinctive and in creating an environment that is high quality, safe and accessible to the surrounding community.

Development of new growth areas provides opportunities for new suburban centres to establish where quality outcomes can be achieved through appropriate site layout and building design. New suburban centres should be outward facing and well integrated with the surrounding environment through appropriate building scale, use of active frontages, well located parking areas that do not dominate the street frontage and inclusion of pedestrian and cycling linkages. Development which has a strong relationship to the street contributes to safety and Crime Prevention Through Environmental Design (CPTED) principles by enabling passive surveillance of the street and ensuring shop entrances are visible to passersby.

Primary frontage areas are identified on the Rototuna Suburban Centre Concept Plan (Appendix 1C) to facilitate the development of retail focused principal shopping streets where buildings have a close relationship with adjoining streets and public spaces through a minimum two storey enclosure of the space and by adding variety and activity to the shopping frontage.

Mixed use development is encouraged within the Suburban Centre. This will benefit the community by enabling more activity in the area and contributing to greater urban vitality. Whilst residential activities

are encouraged, they are not provided for at ground level in order to ensure continuous active retail and commercial activity street frontages.

Well designed suburban centres encourages walking and cycling, thereby reducing dependence on the motor vehicle and promoting more sustainable use of land and infrastructure.

Objective 6.2A.4 Accessibility and Parking

Development of a Suburban Centre that is well connected and safely accessible by a range of transport modes.

Policies

- a) Ensure streets, cycle ways, walkways and public transport facilities are designed and developed in general accordance with the Rototuna Structure Plan, Rototuna Suburban Centre Concept Plan and the Rototuna Urban Design Guide.
- b) Use the Rototuna Suburban Centre Concept Plan to guide development to achieve safe and efficient access to the Suburban Centre and within the Suburban Centre.
- c) Require a Traffic Impact Assessment to be included as part of any Comprehensive Development Plan application.
- d) Minimise the impact of development on the traffic safety and efficiency of the City's transport network.
- e) Ensure adequate provision is made for vehicle parking, and in particular encourage opportunities for shared and centralised car parking provision.
- f) Ensure that adequate provision is made to accommodate vehicle access, parking, loading and storage without compromising pedestrian safety and convenience.
- g) Encourage activities and an urban form that reduces dependence on cars and facilitates walking, cycling and the use of public transport.
- h) Enhance the vitality and functioning of the Suburban Centre area, by managing traffic to ensure safe and efficient access for vehicle drivers, cyclists and pedestrians.
- i) Ensure that street design including carriageway widths, cycleways and footpaths, traffic management measures, recognises the importance of such spaces as part of the public realm.
- j) Require where practicable provision of convenient access between carparking areas and the activities they are intended to serve.

Reasons

The Rototuna Suburban Centre Concept Plan has been designed to create an urban form that facilitates greater use of public transport, and encourages walking and cycling. It is therefore critical that the walking and cycling linkages shown on the Rototuna Structure Plan and the Concept Plan are developed and the necessary facilities and infrastructure to support public transport are established.

The vitality and vibrancy of the Suburban Centre can be enhanced by incorporating urban design principles into the design of roading infrastructure and by recognising that these are shared public spaces that contribute to the Centre's identity. An integrated transport network helps to avoid, remedy or mitigate the adverse effects of the roading network on the environment and on the community's amenity values by reducing travel distances to facilities, minimising car usage and pollution.

The provision of adequate and convenient parking and loading facilities is part of Council's transport planning throughout the City. The ability of roads to carry traffic efficiently and safely depends to a large extent on the provision of vehicle parking, loading, manoeuvring, and access to and from properties. Parking and loading space needs to be provided in a manner that will minimise conflict with traffic, minimise any adverse effects on amenity values, and be convenient for residents, visitors, employees and other users of the site. It is also important to achieve wherever practicable shared and centralised parking provision.

Objective 6.2A.5 Adverse Effects of Development

Adverse effects of activities on other activities in the Suburban Centre and adverse effects of the Suburban Centre on the surrounding area are avoided, remedied or mitigated.

Policies

- a) Ensure that commercial and employment activities adjacent to residential precincts and zones are developed and operated in a manner that avoid, remedies or mitigates adverse effects on residential amenity values.
- b) Identify activity precincts within the Suburban Centre as a means of separating incompatible activities and managing adverse effects of activities.
- c) Avoid the establishment of incompatible activities, such as heavy industry and noxious or offensive trades in the Employment Precinct which may adversely affect the amenity of the Precinct and adjoining Precincts by not providing for these activities in the Precinct.
- d) Ensure buildings intended for mixed use activities are designed to protect residents from the adverse effects of noise.
- e) Use building setbacks, separation and height controls and amenity planting where buildings adjoin residential precincts and zones
- f) Require buildings to be set back from the Expressway and arterial roads.
- g) Require the provision of landscaping or landscape screening to mitigate potential adverse effects of activities and to contribute to the overall amenity of the Suburban Centre.

Reasons

One of the cornerstones of the Resource Management Act is the requirement to avoid, remedy or mitigate effects of activities on the environment. It is critical to ensure that incompatible uses such as industrial activities and residential activities do not establish in the same location as this can cause nuisance effects such as noise, odour, and movement of heavy vehicles on the residential activities and can place constraints on the operation of the industrial activities. An effective planning mechanism to avoid the establishment of incompatible uses is zoning or in the case of the Rototuna Suburban Centre the establishment of Land Use Precincts. These precincts are shown on the Rototuna Suburban Centre Concept Plan and enable activities that have similar effects to be grouped together.

Another important planning mechanism for mitigating effects is requiring activities to meet specified standards such as height controls, provision of service areas, outdoor open space and landscaping. These standards are especially important in locations where a precinct adjoins another precinct or zone and where sites adjoin arterial roads or the Waikato Expressway.

Objective 6.2A.6 Residential

Development of compact, well designed, energy efficient, and functional residential developments with high levels of amenity.

Policies

- a) Ensure that high, medium and mixed use residential development establish in the locations shown on the Rototuna Suburban Centre Concept Plan.
- b) Use the Rototuna Urban Design Guide to implement quality residential design and living environments.
- c) Ensure that residential development in the Suburban Centre delivers densities consistent with those promoted by Future Proof and the Waikato Regional Policy Statement.
- d) Ensure that residential developments are designed to achieve quality on-site amenity in terms of privacy, outdoor living areas and access to sunlight and daylight throughout the year
- e) Ensure each residential unit is provided with adequate storage space and service areas to accommodate typical residential living requirements.
- f) Ensure development is designed to avoid adverse noise effects occurring between residential units or from non residential activities.
- g) Ensure development that is adjacent to public space achieves visual and physical connectivity to these areas.
- h) Ensure that the design and location of buildings do not compromise the privacy of adjoining development.
- i) Ensure that sufficient, convenient off-street parking and manoeuvring areas are provided to meet the needs of residents and that the siting of garages, carports and vehicle access ensures the safety of traffic and pedestrian movement.

- j) Ensure that buildings and activities associated with communal or care facilities do not overly dominate the amenity values of any residential precinct.
- k) Encourage the siting of buildings to take advantage of aspect, topography and site conditions.
- l) Encourage the use of energy efficient and sustainable design characteristics and technologies, where compatible with the scale and form of residential development.
- m) Require the provision of landscaping or landscape screening to mitigate potential adverse effects of activities and to contribute to the overall amenity of residential areas in the Rototuna Suburban Centre area.

Reasons

The layout of residential developments particularly in terms of privacy, setbacks, sunlight/daylight open space and service needs are important to the quality and desirability of medium to high density residential development. However, there needs to be flexibility in how these aspects are addressed to ensure a good quality design outcomes and an efficient use of the site. Buildings and structures also need to be of a size and scale that might be expected as part of a suburban centre and that are compatible with surrounding residential areas.

The design and quality of higher density housing is a concern of the community. Concerns about the effects of high density housing on amenity values often relates to the design of the development rather than the density. Good design can overcome many of the issues commonly raised about high density housing.

The way in which buildings interface with public spaces can have a major bearing on how these spaces are used and their overall amenity value. Encouraging strong visual connections between public spaces and adjoining residential activities can lead to a greater sense of personal safety for the users of these spaces. This in turn promotes greater use and enjoyment of the spaces themselves.

The Rototuna Suburban Centre Zone must give effect to the Waikato Regional Policy Statement and be consistent with the principles of Future Proof and the Hamilton Urban Growth Strategy. The Future Proof Strategy requires an average dwelling yield of 16 dwelling units per developable hectare be applied to all new greenfield urban growth areas. This is to ensure an efficient use of the remaining physical land resource of the Waikato sub-region. These densities will be achieved by providing for a range of residential densities through the Rototuna Suburban Centre Concept Plan and Rototuna Structure Plan.

Minimising energy demand and making efficient use of energy will be encouraged through the layout, siting and design details of buildings.

Objective 6.2A.7 Infrastructure

Infrastructure is provided in a timely, integrated and efficient manner to support the establishment of land use activities.

Policies

- a) Ensure infrastructure is provided in general accordance with the Rototuna Structure Plan and Rototuna Suburban Centre Concept Plan.
- b) Encourage integrated approaches to the provision and management of the principal three urban waters — stormwater, wastewater and water supply, and where applicable greywater and other reuse.
- c) Promote wherever practicable at source and/or on-site management and disposal of stormwater to minimise the volume of stormwater entering the piped drainage system.
- d) Protect and enhance existing green infrastructure assets.
- e) Promote low impact design approaches including the use of green infrastructure wherever practicable.
- f) Overland flow paths are to be identified during subdivision or development and retained free of obstruction with a capacity to pass stormwater flows safely without causing damage to any property.

Reasons

The Waikato Regional Policy Statement includes policy relating to the coordination of growth and infrastructure, the need to optimise the efficient and affordable provision of development and infrastructure and to ensure new development does not occur until appropriate infrastructure is in place. The Regional Policy Statement identifies as a method for implementing this policy that Hamilton City Council shall provide policies and rules in its district plan to give effect to this policy.

Encouraging integrated approaches to the three urban waters, the use of green infrastructure and the adoption of low impact design approaches are all mechanisms to assist in the efficient and coordinated provision of infrastructure and development.

The Regional Policy Statement also introduces policy that specifies development principles, these include the requirement to direct development away from hazard areas and avoiding, remedying and mitigating adverse effects of development on soil stability, water quality, aquatic ecosystems and flooding. The above mechanisms along with the identifying and protecting overland flow paths all assist in giving effect the this policy.

Objective 6.2A.8 Open Space and Biodiversity

Provision of open space and protection of natural features to support biodiversity, enhance amenity levels and promote community health and well being.

Policies

- a) Ensure open space, active recreation reserves and drainage reserves are provided and designed in general accordance with the Rototuna Structure Plan, Rototuna Suburban Centre Concept Plan and the Rototuna Urban Design Guide.
- b) Ensure natural features are protected in general accordance with the Rototuna Structure Plan, and the Rototuna Suburban Centre Concept Plan
- c) Ensure open space and active recreation reserves are readily accessible to residents and assist in enhancing amenity levels.
- d) Ensure the creation of an ecological, and cycling and walking corridor in association with the drainage reserve and water course.
- e) Ensure that the development of open space is consistent with any relevant operative Reserve Management Plan.
- f) Ensure that recreational facilities and activities (including ancillary activities) are designed, located and operated in a manner that will ensure that any adverse effects on the amenity of recreation land or its surrounding environment are minimised.
- g) Ensure that any building and parking facilities are integrated into the site and do not compromise the character thereof.

Reasons

Open space and natural features make a significant contribution to the characteristics of an area and contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. It is therefore important to ensure that sufficient open space and recreation areas are provided for the Rototuna community and that these areas meet the varying requirements of the community.

It is also important to recognise and provide for the multiple functions that open space and reserves provide. These functions include areas for active recreation such as sports fields and playgrounds, corridors for moving pedestrians and cyclists, corridors to facilitate biodiversity and drainage and areas that enhance amenity and provide pleasant outlooks.

Methods

The Rototuna Suburban Centre objectives and policies will be implemented through the following methods:

District Plan

- **Rototuna Suburban Centre Zone** —will provide opportunities for a range of land uses through the provision of a number of land use precincts.

- **Rototuna Structure Plan** - will be used to guide the location and form of development.
- **Rototuna Suburban Centre Concept Plan** - will be used to guide the location and form of development.
- **Rototuna Urban Design Guide** - will be used as a basis to assess applications for comprehensive development plans (land use consent).
- **Subdivision and Development Rules** - will be used to control the subdivision of sites eg. allotment sizes and dimensions.
- **City wide standards** - will be used to ensure that impacts including provisions for vehicles, site layout, visual amenities, noise and pollution are avoided, remedied or mitigated.
- **Financial Contributions** - will be required by the Council to contribute to the costs of new infrastructure and upgrading and the provision of reserves and other facilities.

Other Methods

- **CityScope** - Council's Urban Design Strategy has been developed to foster a design-led approach to development in the City. It also provides an umbrella policy framework to promote and encourage quality urban design in the City's built and natural environments.
- **Council Works Programmes** - could include amenity improvement works (eg. tree planting and traffic management schemes) and the co-ordination of infrastructure provision such as the development of public open space, water supply, drainage, and roading.
- **Council Guidelines and Other Educational Material** - including design guidelines could be developed to promote better landscape and building outcomes, site layout and good practice and to provide guidance for developers and property owners.
- **Building Act 1991** - will be used to ensure that building work and buildings are safe and sanitary and occupants have means of escape from fire.
- **Reserve Management Plans** - will be prepared in consultation with stakeholders and the local community to define development and management consistent with the District Plan.

Anticipated Environmental Results

The following environmental results are anticipated:

- The creation of a well designed, attractive, vibrant, popular and functional Suburban Centre
- A Suburban Centre that is a local shopping, employment, entertainment, education and recreation destination for the Rototuna community and surrounding areas.
- A Suburban Centre that integrates an attractive, functional, compact and quality living environment with a range of shopping, employment, entertainment, education and recreation activities.

- A Suburban Centre that is easily accessed from the Rototuna area and wider city by a range of transport types, including cycling, walking, cars, buses and delivery vehicles.
- A Suburban Centre within which pedestrians and cyclists can move around with ease and safety.
- The protection of open space and integration of natural features to promote biodiversity and amenity values.
- Adverse effects of activities on other activities in the Suburban Centre are appropriately managed, as well as any adverse effects of the Suburban Centre on the surrounding area.
- Urban development proceeds in an integrated and comprehensive manner in general accordance with the Rototuna Urban Design Guide and the Suburban Centre Concept Plan.
- Recreational open space that provides for the needs of the community and provides local amenity.

6.3 General Business Activities

Introduction and Issues

There is ongoing growth in car oriented commercial development, a greater diversity of activities within commercial areas and increasing development of large format retail outlets operating either singularly or in commercial parks. The development of this diverse range of business activities has the potential to lower amenity levels both within commercial areas and at their interface with other areas. It also has implications for the safe and efficient operation of the City's transport network.

The principal issues regarding general business activities in Hamilton are:

- **Rapidly developing changes in the nature of commercial activity impact on established commercial areas.** The commercial sector of the City's economy and land use pattern is constantly changing. This can often generate demand for additional land to accommodate such changes and may affect the viability of established commercial areas. Competition has also generated demand for highly visible sites with large amounts of available carparking, convenient access and high impact buildings. If located in established commercial centres such development can conflict with their amenity values. The effects of these trends need to be addressed while enabling the commercial sector to accommodate change and not inhibiting competition.
- **Changes in commercial patterns can generate adverse effects on the amenity values of adjoining activities.** The growing diversity of commercial activity in established commercial nodes is being paralleled by changing hours of operation, increased retail catchments and changes to the character and scale of retail developments. This can significantly alter the amenity of these areas and their impact on adjoining activities, particularly in established localities which may be unable to effectively mitigate these changes.
- **Vehicular activity associated with commercial service activities can have impacts on the roading network and amenity values.** High vehicle dependency and increased vehicular ingress and egress movements can adversely affect the safety and efficiency of the transport network particularly where commercial activities seek to locate on high profile sites adjacent to the City's arterial road network. Increased traffic volumes particularly where associated with longer hours of operation can impact negatively on a locality's amenity values in terms of noise and safety. There are also ongoing issues of pedestrian safety associated with higher levels of on-site vehicle provision and the concentration of crossing points in some localities.
- **The visual dominance of commercial service activities can adversely affect the amenity values of adjoining activities.** The scale and visibility of many commercial service activities can have an impact on the visual amenity of the city. This is significant where such areas are situated close to residential areas and on the principal vehicular entranceways to the City. The use of dominant coloured or illuminated buildings, the large amounts of advertising and the extensive areas of carparking and yard areas, is likely to compound these adverse effects.

- **Established amenity, heritage or open space values can be detrimentally affected by the intensification of business activity in specific localities.** The ongoing intensification of commercial activities in localities close to inner city residential areas or in areas of significant heritage value such as the Southend of the Central Area can detrimentally affect the amenity of such areas. This can occur through the conversion of existing buildings or new developments, which are of an inconsistent scale, intensity or form to the identified values of the locality.

Objective 6.3.1 Provision for Activities

To enable a wide range of commercial service activities to occur where the impacts of their development can be effectively avoided, remedied or mitigated.

Policies

- a) Enable the development of commercial service activities that allow a wide range of commercial and business services to be supplied to the community.
- b) Encourage commercial service development in localities adjacent to the arterial roading network to maintain accessibility and to minimise traffic impacts in surrounding areas.
- c) Accommodate the development of new commercial service areas where these can enable the effective establishment of business activities, where integration with the arterial roading network can be achieved and where the potential conflicts with activities in adjoining areas can be identified and mitigated.
- d) Ensure that the scale, form and visual intrusion of commercial service development and the effects of commercial service activities is controlled where it adjoins residential areas to minimise the potential degradation of the amenity values of adjoining residential properties.
- e) Ensure that residential development in commercial service areas does not compromise the effective development and operation of commercial service activities.

Reasons

Changes in the business sector means that car-oriented development needs to be appropriately accommodated. While car-oriented developments can locate within traditional commercial centres, the generated effects (noise, vehicle and visual) suggest that specific provision for such activities is desirable and that the interrelationship with the City's transport network needs to be recognised.

The development of commercial service areas, particularly any new areas, must focus on minimising the effect of the activities beyond the immediate site. In that regard commercial service developments have the potential to generate negative amenity impacts on surrounding activities. The interface with residential and other areas is therefore controlled to minimise the effects.

Objective 6.3.2 Commercial Service Development

To accommodate commercial service development, while mitigating the impacts on the City's transport network.

Policies

- a) Control ingress and egress to commercial service sites where the volume of vehicles using the site or the location of the site is likely to significantly affect the safety and efficiency of the adjoining transport network.
- b) Ensure that adequate provision is made to accommodate vehicles associated with any commercial service activity to avoid, remedy or mitigate any negative impact on the surrounding neighbourhood and on the transport network.
- c) Ensure that any pedestrian oriented retail activities are developed in a manner that minimises conflicts with vehicles to reduce potential risks to the safety of users.

Reasons

Commercial Service developments are often located adjacent to the arterial roading network to maximise commercial visibility and access. Such activities need to be controlled to maintain the safety and efficiency of the network. Because of the car-oriented nature of many commercial service activities, there are also potential safety conflicts that need to be resolved where individual developments have a pedestrian focus.

Objective 6.3.3 Maintaining Special Values

To maintain and enhance the heritage and open space values of those parts of the City's commercial areas which enjoy a special character.

Policies

- a) Control the scale and intensity of commercial development at the interface with inner city residential areas, to provide a transition between the amenity values of each.
- b) Ensure that in areas where identified environmental, heritage or special character values are present, the character, scale and intensity of commercial development remains compatible with and is integrated with the surroundings.

Reasons

Commercial service activities do occur in areas that have identified values and adjoin areas of high amenity. The policies therefore reflect the need to control development to ensure an appropriate transition of amenity takes place. In particular the historic associations and the extent of green space are seen as imparting a special character and importance to the Southend of the Central Area. In that regard a degree of control over the nature and intensity of development and activities is appropriate to protect the specific amenity values of the locality.

Methods

The General Business Activities objectives and policies will be implemented through the following methods:

District Plan

- **Commercial Service Zone Rules** - will be used to enable development of commercial service areas throughout the city and to manage the effects of development in such areas.
- **City-Wide Standards** - will be used to ensure impacts including vehicle provision, site development, visual amenities, noise, pollution associated with commercial service areas are adequately avoided, remedied or mitigated.
- **Financial and Reserves Contributions** - will be used to help support infrastructural development needed to address impacts on the environment traffic and amenity values.

Other Methods

- **Council Guidelines and other Educational Material** - can be used to encourage appropriate forms of development.
- **Council Works** - can help enhance accessibility and streetscape.

Anticipated Environmental Results

The following environmental results are anticipated:

- Impact of service commercial activities on residential neighbourhoods and high amenity locations minimised.
- Traffic impacts of commercial service activities particularly on the arterial road network adequately managed.
- Changes in the nature of commercial development accommodated without undue conflict or environmental impact.

6.4 Drive-Through Services

Introduction and Issues

Car based retail services are a growing sector of the business market. The traditional service station has increasingly become the hub of a range of convenience services that are specifically geared to vehicle based trips. Their development reflects the continued importance of the car as the basic means of travel and the continued move to fewer, but larger more centralised outlets.

These drive-through services therefore have the potential to generate significant effects on the community. They are major vehicle attractors and have an impact on the safety and efficiency of the transport network. These effects need to be addressed.

Hamilton also has a large number of traditional service stations scattered throughout the city, often in residential environments. The changing nature of the uses associated with these, which can include expansion, intensification or redundancy, can generate a wide range of environmental effects on adjoining properties which need to be addressed.

The principal issues regarding drive-through services in Hamilton are:

- **The increasing diversity of activities in relation to drive-through services on single sites can result in conflicts.** Sites catering for drive-through services are increasingly developing as multi purpose operations, often with a series of stand alone operators on the site. This increases the potential for a range of adverse effects to be generated between different activities and can also impact on the safety of pedestrians.
- **The location of drive-through services in relation to major and minor arterial roads can cause adverse impacts on the transport network and peoples' safety.** Service stations and other similar convenience services are reliant on passing traffic. Ready access to the arterial road network is needed in convenient locations throughout the city to meet people's needs. However, this can conflict with the amenity values associated with such routes and ingress and egress can compromise traffic safety and efficiency.
- **The nature of drive-through services is likely to result in significant impacts on neighbourhood amenity values.** The various activities involved in drive-through service facilities can give rise to a range of nuisances including noise, glare and odour which can detract from neighbourhood amenity values particularly in residential areas. The attraction of vehicles in significant numbers onto the site results in increased noise and other disturbances for neighbours, particularly where extended hours are involved. The scale, design and advertising associated with these activities also has the ability to impact negatively on the visual amenity of adjoining sites.
- **Drive-through services involve activities which give rise to adverse environmental impacts particularly in relation to hazardous substances.** Drive-through services can incorporate the on-site storage and supply of a range of hazardous substances. The use and management of these

substances requires particular attention because of the inherent risks associated with them and the possible scale of effect, to the site, adjoining activities and the environment should failure or an accident occur.

Objective 6.4.1 Siting of Drive-Through Services

To facilitate drive-through services where they are able to avoid or mitigate adverse effects on the environment, including established amenity values, and the safe and efficient functioning of the roading network.

Policies

- a) Ensure that the location of drive-through services does not unreasonably affect the safe and efficient operation of the transport network.
- b) Encourage drive-through services to locate in those areas where compatibility with established amenity values can be maintained.
- c) Encourage drive-through services to locate on large sites peripheral to suburban centres to minimise conflicts with other commercial activities particularly in relation to pedestrian safety, shopping convenience, possible risks from hazardous substances, and traffic safety and efficiency.
- d) Discourage drive-through services in residential areas to avoid impacts on the environment, traffic safety and local amenity values.
- e) Ensure that service stations are located to reduce the risks from motor fuels and other hazardous substances on the neighbourhood, and the wider environment including ecological systems and that any potentially adverse effects are mitigated.

Reasons

Drive-through services attract and generate high volumes of traffic. The arterial roading network is best placed to manage both the volume of traffic and amenity impacts associated with them. However the high movement of vehicles to and from the site, particularly close to major intersections may still negatively impact on the arterial roading network.

Drive-through services in residential areas have severe amenity impact, even on major traffic routes and are recognised as being inherently incompatible with residential environments. Council monitoring has shown noise, disturbance and smell to be persistent sources of complaint in relation to many drive-through services. Accordingly, such activities may have difficulty achieving high enough levels of mitigation to be accommodated in a residential locality. There is opportunity for drive-through services to locate in commercial and industrial areas where amenity expectations are more consistent with the effects arising from these activities. Even within these areas the effect of high vehicle movements to and from sites needs to be addressed to avoid adverse effects on adjoining commercial or industrial activities.

For service stations, the quantities of motor fuels involved pose a potential risk both to the surrounding locality in terms of fire and explosion, and to the environment in terms of ecotoxic discharges. The mature nature of the industry means that generally these risks are adequately managed and district plan controls can be based on best practice. Nevertheless the degree of risk is still seen as high in residential areas and in environmentally sensitive locations (Refer Policy 6.6 Hazardous Substances).

Objective 6.4.2 Drive-Through Services Management

To ensure that the development and operation of drive-through services minimises adverse effects on the environment, including amenity values, traffic and pedestrian safety, and hazardous substance use.

Policies

- a) Encourage the coordinated development of the site to enable drive-through services and associated commercial activities to be accommodated in a compatible manner and to minimise potential on-site conflicts.
- b) Control the location and design of vehicular access to and from any drive-through service to ensure traffic safety and efficiency especially on arterial roads.
- c) Minimise potential on-site conflicts between cars, pedestrians, cyclists and heavy vehicles and subsequent impacts on safety and convenience.
- d) Ensure that adverse effects arising from drive-through service on the local environment and amenity values in particular are adequately mitigated especially on sites within residential areas.

Reasons

With a greater diversification of activities there is a need to ensure that the development of any drive-through service is carried out in an integrated manner to help minimise on-site conflicts between activities. The greater variety of customers being attracted also needs to be considered in relation to parking needs and pedestrian access.

Frequent access/egress movements associated with drive-through service can adversely affect the safety and free flow of traffic particularly on arterial roads, unless the location and design of access/egress is adequately addressed.

Where drive-through services need to be located in residential areas then suitable additional mitigation measures and other controls need to be applied to reduce the impact on neighbours and on residential amenity values.

Methods

The Drive-Through Services objectives and policies will be implemented through the following methods:

District Plan

- **Activity Based Rules under Zoning** - will be used to facilitate drive-through services in acceptable locations where impacts can be easily minimised, principally within the Commercial Service and Industrial zones.
- **Vehicle Service Area** - will be applied to specific sites within the Suburban Centre Zone to facilitate the establishment of drive-through services.
- **City-Wide Standards** - will be used to ensure impacts including vehicle provision, site development, visual amenities, noise and pollution associated with drive-through services are adequately dealt with.
- **Hazardous Facilities Rules** - will control the use of hazardous substances including the dispensing and associated storage of motor fuels.

Other Methods

- **Codes of Practice and Guidelines** - prepared by industry and other regulatory authorities will be used to help in assessing proposals and imposing conditions of consent.

Anticipated Environmental Results

The following environmental results are anticipated:

- Potential risks from hazardous substances kept to a level acceptable to the local situation.
- Traffic generated specifically by drive-through services passing through local residential streets avoided.
- Safer vehicular and pedestrian movement within and near drive-through service facilities.
- Free flow of traffic on arterial roads maintained.
- Appearance of drive-through service facilities in keeping with local amenity values.
- Environmental impacts due to establishment and operation of drive-through services minimised.

6.5 Industrial Activities

Introduction and Issues

Hamilton's industrial base makes a substantial contribution to the City's economy, providing for business opportunities and employment generation. However, industrial activities also raise significant environmental issues which need to be addressed. The management of industrial effects, such as noise emissions, discharge of contaminants, heavy vehicle generation, and the use and storage of potentially hazardous substances and processes can be achieved by congregating such effects into defined areas.

Industrial activities generally prefer strong connections to arterial road networks and where available, rail systems. Industrial land availability within the City is in short supply. While there are areas of vacant industrial land within the city, some areas have not been suitable and attractive for businesses to establish/expand their operations. For the continued economic development of the City it is important that sufficient industrial land is provided to cater for differing employment requirements.

Other activities can be accommodated within the industrial areas provided that they are compatible with the level of amenity accepted in an industrial area. Industrial activities should be able to develop with a level of certainty that they can generate a reasonable level of effect without being unreasonably constrained by other activities. There is potential for resource inefficiency related to the use and development of land and infrastructure for non-industrial related activities in the Industrial Zone.

The principal issues regarding industrial areas in Hamilton are:

- **Industrial activities can have a significant potential for impacts on the receiving environment.** Industrial activities can have an adverse effect on the receiving environment in terms of air, water and soil contamination or damage to ecosystems. This is magnified where activities involve the use of hazardous substances. It is necessary to manage the risk associated with both uncontrolled and controlled discharges particularly close to living environments and near fragile ecosystems and the City's gully systems river and lakes.
- **Adverse effects arising from activities within industrial areas can impact on industrial amenity levels.** Industrial activity can generate a range of potential adverse effects, some of which may affect the operation of adjacent industrial activities even though lower environmental standards are accepted in industrial areas. Such effects can include noise, dust, odour, fumes and smoke. Enabling a wide range of industrial activity increases the potential for such conflicts to occur.
- **The opportunity to develop an attractive, efficient employment area with high internal and external amenity values.** In some areas, particularly on high profile greenfield employment land located on major roads or intersections and in proximity to sensitive activities in adjoining zones, higher amenity levels may be appropriate in order to provide integrated, cohesive development and enable people to live closer to employment opportunities. Higher amenity levels also enable efficient land use and provide choice and variety in the city's employment land supply.

- **The adverse effects of industrial activities can affect activities in adjoining areas.** Industrial activities give rise to a number of adverse effects including visual impact, noise, fumes, smoke, odor and dust. Where an industrial area is situated in close proximity to residential neighbourhoods or other areas which enjoy higher environmental amenity standards then the generation of such effects can have adverse cross boundary impacts.
- **Traffic generated by industrial development can impact on accessibility and on traffic safety and efficiency.** The City's industrial areas are clustered along major transportation routes notably Te Rapa Road and the western bypass (Avalon Drive, Lincoln Street, Greenwood Street, and Kahikatea Drive) which provide convenient access. Industrial activities are also more tolerant of the effects of high traffic volumes than are other types of activities. Movement to and from industrial sites can impede the efficiency of the transport network (particularly the arterial roading system) especially where large heavy vehicles are frequently involved.
- **Accommodation of other activities within industrial areas can give rise to conflicts.** A significant number of non-industrial activities utilise industrial sites, either because it allows them to generate higher adverse effects or enable them to utilise existing industrial buildings or plant. Such activities are also exposed to a range of other effects commonly accepted in industrial areas. The existence of a wide range of activities in industrial areas can place pressure on legitimate activities to raise their amenity standards, which can undermine their legitimate operation. There is also potential for inefficient use and development of the physical resources and associated infrastructure of the industrial area by non-industrial activities.
- **Activities in the industrial areas may detract from the viability and vibrancy of Neighbourhood Centres and Hamilton City Centre and the ability for people to provide for their economic and social well being.** In particular, the scale, location and environmental attributes of the Rotokauri Industrial area, could adversely affect the vibrancy and viability of the Rotokauri Suburban Centre and Hamilton City Centre through the significant dispersal of offices, entertainment facilities and retail, reducing their accessibility to workers, shoppers and residents.
- **The shortage of suitable industrial land for development.** The amount of vacant industrial land in Hamilton has reduced dramatically in recent years, however a significant proportion of this land has been developed for retail activities rather than industrial activities. This has resulted in increased pressure on the existing vacant industrial supply. Additionally, increased traffic from non-industrial uses can constrain the operation of industrial uses. Considering the rate of development of industrial land in recent years and trends influencing Hamilton's industrial market it is necessary to provide additional industrial land and seek to protect the use of such land for industrial uses.

Objective 6.5.1 Activities in Industrial Areas

To accommodate a wide range of industrial development and associated activities together with appropriate non-industrial activities in an environmentally sustainable manner.

Policies

- a) Enable a wide range of activities generating a range of negative effects to establish in locations where the impacts of these effects can be effectively controlled.
- b) Control the generation of hazardous, noxious or offensive effects from industrial activities particularly where the effects may have an impact on activity areas of the city that have higher established amenity levels.
- c) Ensure that non-industrial activities make adequate on-site provision to avoid or mitigate any adverse impacts of surrounding activities on themselves.
- d) Ensure that non-industrial activities are of a scale, character and intensity, which is consistent with an industrial environment.
- e) Control the adverse effects of non-industrial activity in Greenfield areas to ensure a wide variety and choice of sites for new employment uses.

Reasons

The general nature of industry-generated effects is such that they are often incompatible in other activity areas, for example residential or recreational. For this reason separate areas have been provided to accommodate a wide range of industrial activities and those activities which can tolerate lower amenity standards. These areas have lower environmental standards for effects such as noise, dust and odour emissions and hazardous substances thresholds. It can also enable more efficient management of such effects, through for example, provision of trade waste sewers.

The accommodation of non-industrial activities that are appropriate in the industrial area should be controlled to avoid or mitigate conflicts with industrial development. Reverse sensitivity is to be managed to avoid restrictions on both existing and future industrial development created by accommodating non-industrial activities.

Where necessary, restrictions on non-industrial activities in the Industrial Zone may be required in order to ensure that sufficient industrial land is available for industrial uses, to avoid where possible reverse sensitivity issues between industrial and non-industrial activities, and to ensure the most efficient use of physical resources such as infrastructure and land.

Objective 6.5.2 Management of Environmental Impacts

To avoid or mitigate adverse environmental effects generated by industrial activities on the receiving environment, adjacent sites, the local community, public places and non-industrial areas.

Policies

- a) Ensure that building and site development in industrial areas is carried out in a manner which minimises the risk of adverse effects on the environment due to cumulative contamination of, or accidental discharges to air, water or soil.
- b) Ensure that hazardous facilities are located so that they do not pose a risk to human health and do not give rise to levels of risk that are incompatible with the levels associated with the adjacent land use activities.
- c) Ensure that the location, design, construction, and operation of hazardous facilities, in industrial areas avoids or mitigates adverse effects on the receiving environment particularly in relation to any Environmental Protection Overlay.
- d) Ensure potential risks to the environment and the community, associated with industrial activities of a noxious or offensive nature are avoided, remedied, or mitigated.
- e) Ensure that the cost of any infrastructural services and facilities needed to avoid, remedy, or mitigate adverse effects on the environment arising from activities in industrial areas is met by those activities.

Reasons

It is necessary to manage adverse effects of activities on the receiving environment in industrial areas so as to maintain and enhance the quality of the environment for both present and future generations. The protection of the environment from harm or irreversible damage is important for the quality of land, air and water, and the natural functioning of ecological systems.

The control of discharges to the ground, air and water is the responsibility of the Regional Council. However, impermeable surfaces and stormwater infrastructure should be designed and managed in a way that avoids adverse impacts on water quality arising from the discharge of stormwater from industrial areas into the City's watercourses while the location of activities with a significant potential for adverse noxious or offensive impacts need to be managed under the District Plan.

All activities involving the use, storage, transportation and disposal of hazardous substances have the potential to cause adverse effects on human safety and the receiving environment. This potential risk will be managed through the use of the Hazardous Facilities Section of the District Plan.

Objective 6.5.3 Industrial Amenity Values

To enhance the amenity values of industrial areas in public places, along major arterial roads and at the interface with non-industrial areas.

Policies

- a) Encourage an appropriate standard of design, landscaping and screening measures to create a pleasant environment for people working in industrial areas.
- b) Ensure that the nature of development and the effects generated at the industrial interface with residential areas are reasonably compatible with residential amenity values and avoid adverse effects impacting beyond the boundary of the industrial area.
- c) Encourage a scale, form and quality of development along major arterial roads which enhances amenity values and contributes to the City image.

Reasons

Amenity standards within industrial areas are generally lower than throughout the remainder of the city. Minimum amenity levels between activities and within activities need to be maintained for the health and safety of people on the site and on adjoining sites.

The impact of industrial effects needs to be more explicitly controlled where this can potentially affect adjoining areas which have higher amenity expectations. Activities which locate close to such areas will be subject to more stringent control to ensure that the transmission of effects is minimised.

Where activities are located along the major arterial roads that serve as the City's principal entranceways, control will be exercised to enhance the visual appearance of these routes.

Objective 6.5.4 Access and Safety

To ensure that safe, convenient, and efficient access is maintained for each site and through industrial areas.

Policies

- a) Ensure that vehicle access onto arterial roads is located and designed to maintain the traffic safety and efficiency of the transport network.
- b) Ensure that the provision of on-site carparking, servicing, manoeuvring, and access for each site avoids adverse effects on the safety and efficiency of the adjacent transport network.
- c) Ensure that where roading improvements are needed to address traffic generated effects of new developments and to maintain safe, convenient, and efficient access provision to the transport network a reasonable share of the cost of providing these are met by developers.

Reasons

The provision of access to the transport network is necessary for each industrial site. However, poor access provision has the potential to adversely affect both the safety and efficiency of the transport network. Control of the design and location of access points should enable the safe and efficient ingress and egress of vehicle while maintaining the efficient functioning of the transport network. The management of on-site vehicle parking and manoeuvring also contributes to this in a way that ensures all ingress and egress movements minimise conflict with traffic flows.

Where new development is of an intensive nature and generates significant numbers of traffic movements, upgrading of the roading network may be needed to maintain safe, convenient and efficient access and to mitigate impacts on traffic safety and efficiency.

Objective 6.5.5 Rotokauri Employment Area

To enable the development of a high quality and efficient employment area with high internal and external amenity values, that establishes a positive relationship with the street, green corridor and surrounding area, that is accessible and complementary to the Rotokauri Suburban Centre and does not compromise the function of the City Centre as a retail, office and entertainment centre.

Policies

- a) Control subdivision and development to achieve a less intense built form than the rest of the Rotokauri Industrial environment.
- b) Require any activity involving construction, addition or alteration of buildings to enhance visual and other amenity values of the Rotokauri Employment Area.
- c) Ensure development within the Rotokauri Employment Area responds positively to the interfaces with State Highway 1, green corridor, arterial roading, WINTEC, Rotokauri Suburban Centre and residential areas.
- d) Ensure development achieves quality urban design outcomes, is coherent and contributes positively to a sense of place and identity.
- e) Avoid the establishment of activities, such as heavy industry and noxious or offensive trades, which may adversely affect the amenity of the Rotokauri Employment Area and adjoining activities or compromise the Rotokauri Employment Area's role as a transitional interface/area.
- f) Ensure that the scale and range of activities do not adversely affect the strategic role of Hamilton City Centre as an office, retail and entertainment centre or the role of Rotokauri Suburban Centre as a local retail and entertainment focal point.
- g) Adverse effects on the transportation network should be avoided, remedied or mitigated.
- h) Ensure a high level of amenity through controls on development intensity, building and site configuration and layout, and landscaping.

- i) Ensure high levels of accessibility including the provision for roading, parking, public transport, walking and cycling facilities and linkages to the green corridor.

Reasons

The Rotokauri Employment Area lends itself to amenity levels that are higher than that of the Industrial Zone as this area has several important functions and features which contribute to its overall unique context. Firstly, the Rotokauri Employment Area has a high profile location which is established by its proximity to the Te Rapa Bypass and arterial roads that connect to the Rotokauri Suburban Centre, the wider Rotokauri Structure Plan Area and the rest of the city. This location establishes the Rotokauri Employment Area as a gateway to Rotokauri and will play a key role in drawing people and investment into the area. Secondly, the Rotokauri Employment Area provides an additional dimension to the city's employment land supply and business environment, providing a market niche in which business can locate and contribute to the economic growth of the city. Thirdly, establishing a high amenity Employment Area in this location has the added benefit of acting as a vibrant and productive transitional interface between the Industrial Zone and Te Rapa Bypass to the east and the more sensitive uses of the Residential area and Rotokauri Suburban Centre to the west. Fourthly, the amenities of a higher amenity employment area are of value to business, assisting to segment industrial activities with associated lower amenity standards from lighter industrial, office, and some distribution type activities which seek higher amenity work areas. Higher amenity areas better suit the needs of the client base and staff of certain businesses. This segmentation assists to minimise conflicts in land use activities arising from reverse sensitivity issues and broadens the appeal of the City's employment land supply.

A higher amenity setting is sought which will provide a coherent, attractive and well-designed employment area, with a strong relationship and linkages to adjacent land uses. A higher level of amenity will be achieved through quality urban design outcomes, a lower intensity style of development, the provision of appropriate landscaping, and avoiding heavy, noxious or offensive industry locating there.

The role of the Rotokauri Suburban Centre is primarily to serve local needs. The City Centre has a wider role which includes retail, entertainment, commercial and civic functions serving a larger catchment and drawing people in from the surrounding districts. The Rotokauri Employment Area should complement the Rotokauri Suburban Centre and City Centre rather than detract from them and therefore some degree of control is necessary to achieve this.

Methods

The Industrial Activities objectives and policies will be implemented through the following methods:

District Plan

- **Industrial Zone Rules** - will provide for a wide range of industrial activities and a mix of non-industrial activities which are compatible in the Industrial Zone. Performance measures will be used to control adverse effects on environmental values, public safety and amenity values within the Industrial Zone.
- **Amenity Protection Area** - will be used at the Residential Zone interface to maintain residential amenity values and to minimise adverse impacts.

- **City-Wide Standards**- will be used to ensure impacts including vehicle provision, site layout, visual amenities, noise and pollution associated with industrial areas are avoided, remedied and mitigated.
- **Hazardous Facilities Rules** - will be used to manage hazardous facilities involved with storage, handling, use, transportation and disposal of hazardous substances.
- **Financial and Reserves Contributions** - will be used to support measures such as stormwater disposal facilities, roading improvements and landscaped frontage reserves needed to address impacts on the environment, traffic and amenity values.
- **Rotokauri Structure Plan and Rotokauri Neighbourhood Centre Concept Plan** - Identify key natural resources, key interfaces, transport and infrastructure requirements, and any potential constraints to development including the need for staging.

Other Methods

- **Codes of Practice** - from industry and other regulatory authorities will be used as a means of compliance, where appropriate, for certain hazardous facilities.
- **Waikato Regional Plan** - will control discharges to the ground, water and air to safeguard the life supporting capacity of the receiving environment.
- **Design Guidance (such as CityScope and the City Design Guide "VISTA")** - will be used to identify best practice for building design and layout, to assist with the interpretation of assessment criteria and performance outcomes.
- **Council Guidelines and other Educational Material** - can be used to encourage appropriate forms of development.
- **Council Works Programmes** - can help enhance accessibility and streetscape.
- **Stormwater Catchment Management Plans** - will be used to provide a technical evaluation of the effects of land use changes on stormwater, and provide direction on infrastructure needed to mitigate adverse effects on receiving environments. Catchment Management Plans will be prepared for city growth areas as part of the City's comprehensive stormwater discharge consent. The operation aspects of ongoing environmental mitigation are covered in the City's Stormwater Management Plan (education, riparian planting, street cleaning, spill management, etc).

Anticipated Environmental Results

The following environmental results are anticipated:

- A wide range of industrial activities and a mix of non-industrial activities accommodated in a compatible manner.
- Safe and efficient movement of people and goods on the transport network through and within the industrial areas of the city.

- Environmental values, public safety and amenity values within the industrial areas in adjacent non-industrial zones and along major transport corridors protected and enhanced.
- Residential character and amenity protected and enhanced at the interface area.
- The life supporting capacity of the receiving environment maintained, in terms of air, water, and soil contamination.
- Damage to ecosystems minimised including protection from effects arising from hazardous substances.
- A high amenity employment area in Rotokauri which provides for industrial and employment uses, contributes positively to its surroundings, and acts as a gateway to the Rotokauri Suburban Centre without detracting from the Rotokauri Suburban Centre as a key retail/commercial centre or the City Centre as the main focus of retail, entertainment, and commercial uses in the City.

6.6 Hazardous Substances

Introduction and Issues

The use, storage and manufacture of potentially hazardous substances is an integral part of the normal activities of the city. These substances whether singularly or in combination have the potential to affect the health and safety of the community, and the sustainability and well-being of the local natural and physical environment.

Hazardous substance use, both in terms of quantity and range of substances, varies from the purely domestic level, research and laboratory use up to industrial scale uses. Risks to public safety, amenity and the environment therefore vary widely from use to use. As a consequence of this, the risk that the public perceive hazardous substances pose to the environment or to public health and safety may not correspond with expert evidence available as to the scale of that risk in relation to particular activities/uses of hazardous substances. Conflict can arise in such circumstances over the appropriate level of control to be exercised over such activities/uses.

Council has responsibility under the RMA to control any actual or potential effects of the use, development or protection of land including the prevention and mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances. In addition to this, hazardous substances are generally controlled by specific legislation. The purpose of this is often to regulate the use of any substance; the District Plan in contrast manages such substances in the context of the environment in which they occur.

The principal issues regarding hazardous substances in Hamilton are:

- **Hazardous substance use and storage involves a potential risk to public safety and can have adverse effects on amenity and the environment.** The potential threats to safety and amenity generally caused by hazardous substances are fire, explosion, liquid or airborne toxicity, or the caustic nature of the substance. In addition hazardous substances potential hazard can arise not only from the substance itself but from the quantity of the substance in any one place, proximity to other hazardous substances, air and water and the way the substance is handled, transported or stored.
- **Transportation of hazardous substances adds to the level of risk posed by the substances.** Additional risks are associated with transportation of hazardous substances. Where these pass through heavily populated areas potential adverse effects in the event of an incident are increased.
- **Contaminated sites can pose both an immediate and long-term threat to human health and the environment.** Land contamination in Hamilton has occurred over many years and is due to a variety of causes including industrial uses and commercial uses involving hazardous substances. The presence of some contaminants can affect human health, plants, animals and ecosystems. Certain contaminants may also have a detrimental impact on the integrity of buildings and service structures and place constraints on current and future land uses.

There is the potential for further contamination of adjoining sites; groundwater and receiving waters if existing contaminated sites are disturbed. In dealing with contaminated sites reference needs to be made to the Resource Management (National Environmental Standards on Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011.

Objective 6.6.1 Hazardous Substances

To allow for the continued use of hazardous substances while ensuring the adverse environmental effects of the use, storage, disposal or transportation of hazardous substances are avoided, remedied or mitigated.

Policies

- a) Control activities involving the use or storage of single or multiple hazardous substances in a manner which reflects the level of risk posed by the substances to the community and the environment.
- b) Control the establishment of facilities and activities which use or store hazardous substances in a manner which reflects the level of risk they pose relative to the sensitivity of the surrounding population and environment.
- c) Control the design, construction and operation of facilities employing significant quantities or types of hazardous substances in order to minimise the risk of adverse effects on the environment and on people's health and safety.
- d) Ensure that appropriate facilities are in place to avoid the pollution of soil, groundwater, watercourses and air in the event of accidents (such as spills, gas escapes, etc) involving hazardous substances.
- e) Streamline the management of hazardous substances for activities where the scope, scale and management of the hazardous material is clearly known and managed by appropriate industry, or legislative standards.
- f) Allow for the integrated management of sites which may utilise a wide range of hazardous substances over a series of dispersed localities or sub-facilities (eg. Waikato Hospital, University of Waikato, Waikato Polytechnic).
- g) Allow the continued use and storage of hazardous substances at a domestic scale and in circumstances where the level of activity and risk is minimal.
- h) Restrict activities involving nuclear materials and facilities to those of small scale, where the adverse effects can be shown to be minimised or avoided.
- i) Encourage transportation of hazardous substances by modes and transport routes which minimise the risk of adverse effects on residents, on the natural and physical environment, and on other transport users.

- j) Encourage the use and redevelopment of contaminated and suspected contaminated sites in a manner that avoids, remedies or mitigates potential adverse environmental effects, including effects on human health.

Reasons

The storage and use of hazardous substances is spread throughout the community. Any management regime must endeavour to match the level of control to the magnitude, and likelihood of any risk and the consequences of any unintended release. The plan focuses on protecting residential areas and environmentally sensitive areas in particular.

The plan recognises that there are domestic concentrations of chemicals which are impractical to control, circumstances such as the University where a wide range of hazardous substances are maintained over a range of sites that warrant an integrated control regime, and particular activities such as service stations where the nature of the risk is well defined, documented, and effectively managed by the industry itself. Different management regimes can be clearly justified for these circumstances, and are to be encouraged so that the District Plan can continue to provide for and accommodate the most effective available method of control for these substances.

Under the RMA both regional councils and territorial authorities have a role to play in the management of hazardous substances, but no explicit roles in the management of contaminated sites. Council does however recognise the potential adverse effects posed by contaminated sites and has resolved to address the matter in co-ordination with the regional council through its own Contaminated Sites Strategy outside of the District Plan provisions.

Methods

The Hazardous Substances objective and policies will be implemented through the following methods:

District Plan

- **Hazardous Facilities Rules** - which ensure that the level of control of hazardous substances and facilities using them is commensurate with the scale of the likely environmental effects.

Other Methods

- **Hazardous Substances and New Organisms Act** - sets out technical standards for the use, storage, inspection, identification and regulation of hazardous substances.
- **Transport Act 1962** - imposes extra controls on the transportation of hazardous substances.
- **Land Information and Project Information Memoranda** - will identify where sites are 'potentially contaminated' to encourage their investigation and, where necessary, remediation.
- **Education** - will be used to encourage resource users to take responsibility for their own health and safety, and for management of the effects of their activities on the public and the environment.
- **Codes of Practice and Guidelines** - will be used in managing risks associated with hazardous facilities.

- **Industry Codes** - will be utilised in some circumstances to provide the basis for controls on the use of hazardous substances.
- **Liaison with parties involved with hazardous substance use** - such as the regional council and adjoining territorial authorities, Ministry of Health, Ministry for the Environment, the Environmental Risk Management Authority (ERMA), the New Zealand Police and owner/operators who use hazardous substances, will allow more effective risk management coordination.
- **Resource Management (National Environmental Standards on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011** - will be used in managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health.

Anticipated Environmental Results

The following environmental results are anticipated:

- Activities involving hazardous substances will take place free from significant risk to the community and the environment.
- Existing contaminated sites in the city will be identified and progressively assessed and managed.
- Improved soil, water and air quality in the vicinity of confirmed contaminated sites.

7.1 Built Heritage

Introduction and Issues

Built heritage includes structures, buildings or objects which have been built after the arrival of Europeans in New Zealand. There are a wide range of individual heritage items in the city, including churches, bridges, schools, monuments, houses and commercial buildings. There are also heritage values which are derived from intact areas or precincts.

Built heritage reflects the city's origins and provides links to successive generations. It contributes to the city not only in terms of diversity, aesthetics and sense of place, but also by providing historical evidence, enhancing tourism and recreation, and improving business image. CityScope- the Council's Urban Design Strategy encapsulates a variety of mechanisms to improve the City's built environment based on sound urban design principles. This Strategy aims to recognise and enhance the contribution of the City's urban heritage in terms of their distinctive character as landmark buildings and their overall contribution to the City's history.

As the city has grown, its built heritage has been placed under increasing pressure and many important heritage resources have been demolished, while others are under threat. Through the RMA, the District Plan has an important role recognising and protecting heritage values.

The principal issues regarding built heritage in Hamilton are:

- **As the city grows, many of the city's heritage items have been demolished or are under threat.** Rapid growth over the last decade has resulted in redevelopment and intensification of development on both residential and commercial sites. The most significant effect of the city's growth is the loss of heritage values resulting from the demolition of heritage items. Demolition often results because a viable use has not been, or cannot be, identified, or because of the high cost of maintenance, restoration or adaptation. However heritage items are a finite resource which cannot be replaced.

Unsympathetic alterations, additions, or detrimental uses can damage an item's heritage values. Modifications to an item's exterior and interior are often needed to make a heritage item usable (eg. air conditioning and conforming with fire, earthquake and access standards). Removing items from their original setting can change their context and diminish their historical validity. The loss of an item's setting can also reduce its heritage value.

- **Unsympathetic activities and development can detract from the unique character of heritage precincts.** In parts of the city, heritage values arise from the collection of buildings and elements linked by a common historic theme or physical proximity. Development such as subdivision into small sections and infill housing can have major effects on the heritage values of precincts (areas with special heritage character). New unsympathetic buildings, additions or alterations can also erode the heritage character. The loss of trees and traditional front yards, fences and gardens also have a similar effect.

Objective 7.1.1 Heritage Items

To retain and enhance heritage items that contribute to the character, heritage or visual amenity of Hamilton.

Policies

- a) Ensure that the protection and management of heritage items reflects their significance and overall heritage values.
- b) Avoid the demolition or relocation of all heritage items listed within the Heritage Items Schedule in Appendix 2.3-II to retain heritage values in the city.
- c) Ensure that alterations and additions to the exterior of any identified heritage item are consistent with the scale, detailing, style and character of the item to ensure the retention of heritage values in the city.
- c) Ensure that lighting, fencing, signage and other structures attached to or within the site do not detract from the appearance and integrity of outstanding and highly significant heritage items.
- d) Encourage the retention of recognised heritage items to ensure that heritage values are maintained.
- e) Encourage heritage items to be used for a range of activities where this promotes the retention and reuse of the item.

Reasons

Heritage items make a significant contribution to the sense of identity and well-being of the city's residents. A wide range of heritage items need to be protected, including buildings and sites with historical and social significance, cultural significance, architectural significance or technological significance. The plan matches levels of protection with the classification of the item so that the city's most significant items are protected.

Heritage resources are vulnerable to change, and once lost cannot be replaced. It is therefore important to seek means to avoid or mitigate effects on heritage items. The plan controls activities recognised as having an adverse effect on the heritage values of identified heritage items.

The demolition of heritage items results in complete loss of associated heritage values. The aim of the plan is to minimise the loss of any heritage items listed within the Heritage Items Schedule in Appendix 2.3-II. Demolition of outstanding and highly significant items will only be justified in exceptional circumstances (eg. where the item is unsafe or the owner will suffer unreasonable hardship). The plan also aims to retain the heritage value of items of significant and recognised heritage value and discourages demolition of these items without sound justification.

Inappropriate additions or major alterations to heritage items also have the potential to destroy or degrade the heritage values of heritage items. Because of this, the plan manages major additions and alterations on a case by case basis. However the plan allows minor or routine maintenance and repair

as of right to enable items to be maintained. The plan also only deals with protecting the exterior of heritage items from unsympathetic changes. Changes to the interior are not controlled as they are considered necessary to make buildings workable.

Removal of a building from its original site or changes to a building's setting (like destruction of gardens, trees and other heritage buildings) can affect heritage values and reduce its significance. However in some circumstances, relocating the item off-site may be the only way to protect an item. Other structures on the site of a heritage item can impact on the heritage values of an item. Similarly, signage, or lighting placed on or adjacent to a heritage item can also affect heritage values. The plan focuses on controlling these activities for the most significant items where the effects are considered greatest.

The plan also encourages activities that will facilitate the retention and or enhancement of heritage items. Greater flexibility in what heritage items can be used for can help to preserve the building by finding an ongoing use.

Objective 7.1.2 Frankton Railway Village Heritage Precinct

To ensure that development within the Frankton Railway Village Heritage Precinct maintains and enhances the special heritage characteristics of the area.

Policies

- a) Ensure that development on Railway Park is compatible in terms of scale and form with the precinct's heritage characteristics.
- b) Control subdivision and development within the heritage precinct to maintain the low intensity character and quality of spaciousness of the area.
- c) Ensure the design of new buildings and structures are compatible with the form, materials, scale and character of the precinct.
- d) Ensure that buildings are located to maintain the characteristic setback of railway houses from the road.
- e) Ensure that structures such as fences and walls within the front yard of residential sites allow houses to be seen from the road.
- f) Ensure that additions, alterations and renovations to railway houses are undertaken in a way that maintains the form and style of the railway houses and maintains the appearance of the streetscape.

Reasons

Frankton Railway Village has been identified as a heritage precinct for the city. Its heritage values are derived from the combination of a number of built elements (rather than individual items) and the spatial pattern between these items. This area is one of the last and largest remaining railway settlements in the country and is considered nationally significant. Adjoining the precinct is the one of

the city's most significant heritage items, the Frankton Railway House Factory, where the railway houses were manufactured. The area makes a significant contribution to the history, sense of identity and well-being of the city's residents.

The intention of the precinct is to maintain the special character of the area, in particular the streetscape appearance. The plan recognises the potential effects that the demolition, removal or unsympathetic alterations to the railway houses will have.

The Frankton Railway Village heritage precinct is essentially a residential area, but the area also incorporates playing fields and a sports club, Railway Park. Railway Park contributes to the character of the precinct by providing green space. However, activities on this site could have adverse effects on the character of the area (eg. large signs and out of scale buildings). The plan aims to ensure that non-residential activities are sympathetic to the precinct's heritage character.

A significant characteristic of the precinct is its distinctive subdivision pattern, particularly as this relates to the streetscape. Careful management of subdivision is required to ensure that the effects and cumulative effects of intensification of activities and increased density are taken into account. Specifically, the plan focuses on preserving the front yard and the streetscape by ensuring that buildings are set back from the road. This ensures that the building line is preserved and there are opportunities for front yard gardens and tree planting.

There is also a need to ensure that any new buildings in the area are compatible with the scale and style of the railway houses. New unsympathetic buildings can erode the character. It is also important in preserving the character of the area that where the railway houses have additions or alterations, this is done so in a way which enhances the character of the area and retains the heritage values of the houses and the precinct.

Objective 7.1.2a Hayes Paddock Heritage Precinct

To ensure that development within the Hayes Paddock Heritage Precinct maintains and enhances the special heritage characteristics of the area.

Policies

- a) Ensure that development within Hayes Paddock is compatible in terms of scale, form and design with the precinct's heritage characteristics.
- b) Control subdivision and development within the heritage precinct to maintain the low intensity residential character of the area.
- c) Control development to ensure that the design of new buildings and structures are sensitive to original dwellings in terms of form, height, bulk, design and materials.
- d) Ensure that new development complements the original subdivision design concept, including the characteristic front yard setbacks.

- e) Control structures such as fences and walls within the front yard of residential sites to allow the open space aspect to the streetscene to be retained.
- f) Ensure that, unless exceptional circumstances exist, the original dwellings and commercial buildings are retained.
- g) Control additions, alterations and renovations to original dwellings to ensure that they will maintain and enhance the form, style and appearance of the historic streetscene.

Reasons

Hayes Paddock has been identified as a heritage precinct for the city. Its heritage values are derived from the combination of a number of built elements (rather than individual items) and the spatial pattern between these items. The original design concept for Hayes Paddock is of a subdivision and dwellings planned according to the philosophies and ideals of the first Labour Government and Garden City Movement, and includes curved street patterns, open plan garden layouts, low density development, and provision of walkways and reserves. The original design concept sought to provide variety in building design, with the arrangement and siting of dwellings around a well planned road and pedestrian network providing a sense of unity. Whilst some change has taken place the area still displays a strong sense of architectural unity and residential character. The District Plan provides for the continuation of this concept through the protection of key elements whilst making provision for the sensitive new development and adaptation of the existing stock. Restrictions on the demolition or removal of original dwellings recognises the contribution that individual dwellings make to the overall unity of the area.

The area makes a significant contribution to the history, sense of identity and well-being of the city's residents.

The policies aim to control the unnecessary removal and demolition of original dwellings and protect the area from inappropriate forms of development and subdivision to ensure that the historic heritage values of the area are recognised and provided for. Retaining the low density housing pattern is an important part of maintaining historic heritage within the area. The policies also focus on maintaining the special relationship between the original dwellings and the streetscene by controlling changes to the dwellings themselves and ensuring that new development will not erode their strong architectural features or compromise the open aspect of the streetscene. Where new development will contribute to the streetscene, design controls will ensure that it will be consistent with heritage values within the neighbourhood. Design guidelines are available which provide advice on a range of detailed design matters including ways in which change to buildings can be undertaken sympathetically to maintain and enhance heritage values.

Objective 7.1.2b Hamilton East Villa Heritage Precinct

To ensure that development within the Villa Heritage Precinct maintains and enhances the special characteristics of the area.

Policies

- a) Ensure that development within the Villa Heritage Precinct is compatible in terms of scale, form and design with the precinct's heritage characteristics.
- b) Control subdivision and development within the heritage precinct to maintain the low density residential character of the area.
- c) Control development to ensure that the design of new buildings and structures are sensitive to original dwellings in terms of location, form, height, bulk, design, and materials.
- d) Control the demolition and relocation of villa styled buildings within the Villa Heritage Precinct.
- e) Control additions and alterations to buildings to ensure that they will maintain and enhance the form, style and appearance of the existing buildings.

Reasons

The Villa precinct in Hamilton East has been identified as a heritage precinct for the city. The precinct comprises villa styled houses on Firth Street between Albert Street and Naylor Street, three houses to the west of Firth Street on Albert Street and two houses on Naylor Street. Its heritage values are derived from it being a largely intact grouping of villas built on original town acres, reflecting both the popular house style of the time and the pattern of subdivision and settlement at the turn of the century in Hamilton East. The houses are now approximately 100 years old and the group forms a stylistically consistent, largely coherent and authentic precinct. The houses individually are representative of the villa style common throughout New Zealand in the period and the group is a relatively rare large grouping of such houses in Hamilton. The area makes a significant contribution to the history, sense of identity and well-being of the city's residents.

The villa was the predominant housing style at the turn of the century throughout the whole of New Zealand. It was the favoured style of timber companies who produced catalogues of house plans along with their catalogues of timber mouldings, weatherboard profiles, gates, fences, and turned interior fittings.

In addition to the architectural values of the precinct the area is characterised by its low density and the relationship of the buildings to the streetscape. Careful management is required to ensure that the effects and cumulative effects of intensification or activities and increased density are taken into account. The District Plan provides for the retention of the key character and amenity values of the precinct and the surrounding area through Objective 5.1.7 and the Hamilton East Residential Character Zone (Rule 4.1B).

The policies aim to control the unnecessary removal and demolition of original villas and protect the area from inappropriate development and subdivision to ensure that the historic heritage values of the area are recognized and provided for.

Objective 7.1.2c Temple Heritage Precinct

To ensure that development within the Temple Heritage Precinct maintains and enhances the special heritage characteristics of the area.

Policies

- a) Provide for the continued use of the Precinct as a focus for the Church of Jesus Christ of Latter-day Saints.
- b) Ensure that development within the Temple Heritage Precinct is compatible in terms of scale, form and design with the precinct's heritage characteristics.
- c) Prevent the fragmentation of the Precinct through subdivision.
- d) Control development to ensure that the siting and design of new buildings and structures are sensitive to the significance of the Temple as a spiritual and physical landmark.
- e) Enable the continued maintenance and repair of buildings, curtilage wall, landscapes, roads, tracks and car parking areas, having regard to the distinctive character of the Precinct and the pre-eminence of the Temple building.
- f) Enable additions and alterations to be made to buildings and curtilage wall where they will be consistent with the character of the Precinct and the pre-eminence of the Temple building.
- g) Control demolition to ensure that it will not adversely impact on the landscape significance of the Temple.
- h) Control works that would adversely affect the strong relationship between the Temple, Visitor Centre and Temple President's house.
- i) Ensure that any re-contouring or modification of the landscape recognises the high visibility and prominence of the Precinct and provides for the management of effects on archaeological deposits or features.
- j) Ensure the preservation and retention of the landscape characteristics and qualities of the Precinct including open and structured spaces, in particular the formal front entry staircases, lawns, walls and planting boxes.

Reasons

The Temple precinct has been identified as a Heritage Precinct for the City. Its heritage values are derived from the combination of the built and landscaped environment immediately surrounding the Temple of the Church of Jesus Christ of Latter-day Saints, and the significant role that the Church has played in the physical, spiritual and social development of the local community and further afield. The Temple itself was the first in the southern hemisphere and is the focal point of the Church of Jesus Christ of Latter-day Saints in New Zealand. The siting, design and landscape treatment of the Temple

emphasise the vertical proportions of the building and create an impression of the Temple as a monument.

Other buildings within the Precinct include the Visitor Centre, which has a strong visual relationship with the north elevation of the Temple and the central parking area, the Temple President's house which is directly linked to the operation of the Temple and is visually connected by the walled car parking area to the south of the Temple, and dormitory accommodation associated with the Temple on the eastern side. Landscaping and tree planting emphasises the dramatic and dominant position of the Temple in the local landscape and also includes trees that mark periods of occupation prior to development of the site by the Church.

The Precinct is contiguous with the Church College Character Area which was built of the same locally manufactured concrete blocks by the same Labour Missionary Programme and retains a strong visual relationship with this area, particularly through the continuous curtilage walling to the road frontage.

Some of the features within the Precinct are separately identified and protected through specific Plan Rules. The Precinct recognises the group value of these features and their associated environment.

The policies aim to enable the ongoing use of the Precinct by the Church or other organisations for a wide range of activities subject to controls that ensure that the overall coherence and integrity of the Precinct, the pre-eminence of the Temple itself and the key characteristic elements of the Precinct are properly recognised and provided for. As a building in active use for religious purposes, it is recognised that proposals may be made for the erection of religious symbolism and effigies in the future in addition to works needed to ensure compliance with building design standards and the functionality and appearance of the Temple.

Objective 7.1.3 Public Awareness

To facilitate greater public awareness and appreciation of heritage items and heritage precincts in the city.

Policies

- a) Inform and raise awareness of building owners and occupiers in relation to the heritage values associated with their building or heritage precinct.
- b) Inform and encourage the public on methods to protect and conserve heritage items.
- c) Pursue a range of non-regulatory methods that encourage the recognition and protection of heritage resources.

Reasons

The identification of heritage items also needs to be accompanied by the promotion of information and advice on heritage values. The ability to protect heritage values by regulatory control needs to be complemented by incentives and improved public awareness and information to be successful.

As the majority of the city's heritage resources are in private ownership, the protection and conservation of heritage values is dependent on the goodwill of individuals and the community's understanding of heritage values and the means of their protection. The establishment of a heritage inventory, design guidelines and other information packages will provide the owners and occupiers of heritage items with a greater understanding of the characteristics of heritage value and encourage and advise them on how they might maintain, enhance or restore their buildings and sites.

Methods

The Built Heritage objectives and policies will be implemented through the following methods:

District Plan

- **Heritage Items Overlay** - will identify significant sites and control activities which have the potential to damage them. Items have been assessed according to their geographic significance and heritage characteristics. Where new sites are identified they will be ranked and added to the Schedule. Rankings include:
 - A+ - Buildings, Structures and Sites of Outstanding Heritage Value
 - A - Buildings, Structures and Sites of Highly Significant Heritage Value
 - B - Buildings, Structures and Sites of Significant Heritage Value
 - C - Buildings, Structures and Sites of Recognised Heritage Value
 - D - Buildings, Structures and Sites of Heritage Value
- **Heritage Precinct Overlay** - will be developed to ensure that development is compatible with the identified heritage character of key areas within the city.
- **Claudelands West Special Character Area** - will be used to protect the identified character of this area from incompatible development.
- **Subdivision and Development Rules** - will be used to control the subdivision of sites associated with heritage items and within heritage precincts.

Other Methods

- **A Heritage Inventory** - will be developed and held by the Council to provide a source of information and a guide to the city's heritage values.
- **Access Hamilton** - is a transport strategy and infrastructure programme which promotes a wide range of transport options. It will encourage people to use alternative modes of transport to reduce traffic growth rates to assist in achieving environmental sustainability.
- **Voluntary Protection Measures** - could be encouraged through covenants, where voluntary legal agreements are made between the owner of a site and a third party (e.g. the Council or Historic Places Trust).
- **Land Information Memorandum (LIM)** - will be used to identify the existence of items of heritage significance on a site.

- **Heritage Orders under the RMA** - may be issued by the Council where such action is considered necessary or desirable to protect a heritage feature.
- **CityScope** - the Council's Urban Design Strategy encapsulates a variety of mechanisms to improve the design of the City's built environment based on sound urban design principles. Areas of focus for consideration may include special character zones, Heritage Precincts, protection of (or acquisition of) selected heritage buildings, development of heritage trails and support of heritage institutions.
- **Council Works Programmes** - could be undertaken, especially amenity improvement work, including street planting, traffic calming, and provision of street furniture (including signage) to promote heritage values.
- **Council Guidelines and other Educational Material** - could be used to increase public awareness of heritage values in the form of pamphlets, heritage trails, plaques, awards, and the provisions of professional advice and information to assist with heritage preservation projects.
- **Council-Owned Heritage Properties** - will be maintained and enhanced as examples of "good practice".
- **Financial Incentives** - may be developed subject to funding being available and may include transferable development rights, rates relief, subsidies, professional advice, remission of financial or reserve contributions, grants and waiving of resource consent fees.
- **Building Conservation and Management Plans** - will be encouraged to guide the conservation and preservation work for specific buildings.

Anticipated Environmental Results

The following environmental results are anticipated:

- The protection and enhancement of diverse heritage qualities of the city's built environment.
- Maintenance and enhancement of heritage items to enable their continued use and enjoyment while not detracting from their heritage value.
- On-going development with the heritage precincts that is consistent and sympathetic with the character of the area.
- Increased knowledge and awareness by the public and property owners of the heritage values of items, precincts and areas.

7.2 Sites of Archaeological, Historic and Cultural Significance

Introduction and Issues

Hamilton City has a rich history and contains a substantial number of sites of archaeological, historic and cultural significance. Some of these are associated with European settlement, however many of these sites are especially significant to Waikato iwi and local hapu. Sites may also be located in Hamilton City which are associated with other cultures and their settlement, but as yet, none have been identified.

While many of these sites have been destroyed or damaged by urban development and are not easily recognisable, this does not diminish their historical or cultural importance. Sites of archaeological, historic and cultural significance form an important part of the cultural history of the city and should be protected, where practicable, for the benefit of the whole community.

Tangata Whenua Historical and Cultural Sites

The recognition and protection of tangata whenua historical and cultural sites is a matter of national importance under Section 6 of the RMA. Examples of sites of significance to Waikato Iwi and local hapu are listed below, this list however is not exhaustive and does not directly reflect the sites protected by regulatory methods in this District Plan, but does however reflect knowledge shared by tangata whenua with the community.

Historical Sites and Natural Features

Historical sites and natural features include settlements, sites used for food resources or ceremonial rituals, and a variety of landscape features of importance. They include:

- Pa tuwhatawhata (pallisaded pa without defense ditches and only a singular defense stockade)
- Kainga (isolated villages, generally undefended)
- Mahinga kai (traditional food gathering sites, including selected cultivation areas)
- Taunga waka (canoe landing sites)
- Hiwi (hills or ridgelines)
- Awa (rivers/waterways)
- Repo (swamps and wetlands)
- Mara (gardens)
- Mission station, churches, flour mills, flax mills, redoubts (before 1865)

(NB — These terms date from the 1840's and before and may not be in current usage).

Waahi Tapu

Waahi tapu is defined in the Historic Places Act as “place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense”.

In the Waikato context, Waahi tapu are “sacred sites” which have had a tapu placed on them. Waikato Iwi and local hapu state that the tapu associated with these sites has been removed. The removal of tapu does not mean that the site is less significant to tangata whenua, but it does remove the sacredness associated with the site. The degree of “tapu” or significance of these sites will be determined by the local hapu and Waikato Iwi, in conjunction with archaeological research and survey. Examples of these sites include:

- Anuanu (umu or ovens used for kumara planting ceremonies)
- Whaangai hau (place associated with human sacrifice and ritual)
- Nga Pou Niu (religious poles used for ceremonial and religious rituals)
- Tuuahu (shrines or altars for religious ceremonies)
- Urupa (burial grounds)

Archaeological Sites Associated with European Settlement

Archaeological Site is defined by the Historic Places Act 1993 as “any place in New Zealand that-

- (a) Either-
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand”...

Archaeological sites that are associated with the European settlement of the city include military redoubts, objects and locations associated with industry (eg. flour mills and a lime kiln) as well as locations of early settlement.

The principal issues regarding sites of archaeological, historical and cultural significance in Hamilton are:

- **Many archaeological, historic and cultural sites in Hamilton have been modified or destroyed as development has occurred, while others (especially in greenfields areas) may be under threat.** The original features of many sites can be lost through earthworks, vegetation clearance and stormwater discharges. Sites can be affected by inappropriate use and some have been covered with buildings or impermeable surfaces like roads. Changes to the setting and planting of vegetation can also have effects on the heritage and cultural values of a site. Sites in the new growth areas of the city are especially at risk of damage or destruction because of the rate of development.

The destruction and loss of sites has also been contributed to by a lack of information on the extent, condition and location of sites. Many sites in the city have not been examined since the early 1980's and their current condition is unknown. There are also inaccuracies with information, especially regarding the location and definition of the extent of sites.

- **Many natural features which hold great historical, spiritual and cultural significance to local hapu have been destroyed by development.** Natural features, like awa (river/waterways), repo (wetlands) and hiwi (mountains/hills) identify tribal boundaries and indicate where important resources were located. For example, gullies provided rich food resources like tuna (eels), koura (freshwater crayfish), inanga (whitebait), and kaeo (freshwater mussels). Many of these natural features have been destroyed or changed when hills have been levelled, gullies filled, and lakes and wetlands drained.
- **Many historical sites in the city, where there is no above-ground evidence, may have underground features and artefacts which could be disturbed or damaged through earthworks.** Many sites in the city now have houses, buildings, and impermeable surfaces covering them. Activities like digging foundations and other earthworks can damage historical sites, especially if people are unaware of their existence. Important features of the site (like filled-in trenches of a pa or kumara pits) may still exist under the ground. A particular concern to Waikato Iwi is that earthworks have led to the recovery and removal of artefacts and human remains without their involvement.
- **The relationship of Maori with their culture and traditions with their ancestral lands, water, waahi tapu and other taonga may be destroyed or compromised through inappropriate development.** Kaitiakitanga or guardianship and protection by tangata whenua of the land, water, waahi tapu and other taonga is an important issue for Waikato Iwi and local hapu. The RMA requires that regard is had to the exercise of Kaitiakitanga to protect the physical and spiritual health of the whole environment, including air, water, land and its Mauri or life-force. Activities such as removing indigenous vegetation, draining wetlands and contaminating water bodies not only affect the air, water, land and cultural sites physically, but can also affect the spiritual significance associated with these elements.

Objective 7.2.1 Protection of Significant Sites

To protect significant European archaeological sites and tangata whenua historical and cultural sites from damage, destruction and desecration.

Policies

- a) Ensure that the protection and management of sites of archaeological, historic and cultural significance reflects their significance and overall heritage values.
- b) Ensure that major development within the new growth areas of the city are examined for sites of archaeological, historic and cultural significance before substantial changes take place.
- c) Notify and consult with tangata whenua and the New Zealand Historic Places Trust where developments occur on scheduled sites.
- d) Ensure that activities or development, including planting, the removal of vegetation where it effects the stability of the site and the removal, addition, excavation or compaction of any soil,

rock or other materials do not adversely effect the physical structure and integrity of scheduled sites.

- e) Ensure that activities, including subdivision and placement of structures, avoid adverse effects on the cultural and spiritual values of any tangata whenua historical and cultural site.
- f) Encourage the permanent protection of sites where they are an outstanding example of a particular type of site or are highly significant to the community.
- g) Encourage the recognition and on-site marking of scheduled sites where features have been destroyed or damaged.
- h) Encourage tangata whenua, Council, developers, property owners, other agencies and the community to work towards the increased awareness and recognition of scheduled sites.

Reasons

The identification of sites allows appropriate provision to be made for their protection. It also assists developers and other agencies by providing a level of certainty regarding the use of the resources. If the general location of sites can be signalled then developers and landowners will be able to plan development that minimises or avoids disturbance to sites. Identification of sites before development occurs will be particularly important, especially in the new growth areas of the city (eg. Rototuna, Rotokauri, and Peacocke).

An important concern for tangata whenua is the need to protect sites from accidental or intentional interference. The District Plan will only record and protect sites which Iwi are happy to make known. The location of other sites are known only to Waikato Iwi and local hapu. The policies also recognise the importance of these sites to Maori. The policies ensure that consultation takes place with Waikato Iwi and local hapu to help determine what methods could be used to ensure that proposed activities or structures do not damage or destroy tangata whenua historical and cultural sites.

The policies also require that the New Zealand Historic Places Trust is notified when there are developments affecting scheduled sites. The Historic Places Trust has the primary responsibility for the regulation of activities relating to archaeological sites under the Historic Places Act 1993 and is also required to be notified under the RMA.

The policies recognise that activities that disturb the ground pose a significant threat to sites and aims to control these activities. In some cases, the original features of a site may be lost or damaged through exposure to weather, earthworks, damage from tree roots and coverage of a site by buildings or impermeable surfaces. However sub-surface features may still survive. The aim of the policies is to protect the physical integrity and features of the site.

For some sites in the city, it may be appropriate to protect them permanently as a community asset. Identified sites could be acquired as part of a reserve contribution when subdivision occurs, especially in the new growth areas of the city or along the riverbank. This would be appropriate where sites are highly significant or are an outstanding example of a particular type of site. For other sites where development has already taken place and the site's features have been destroyed or damaged,

recognition of the site's existence is desirable through signage, planting or some other method. Even where these sites no longer exist physically they still hold cultural significance particularly to Waikato Iwi and local hapu.

The effective protection of sites of archaeological, historical and cultural significance is dependent on the mutual goodwill of tangata whenua, landowners, developers, Council, other agencies and the wider community. Partnerships and increased public awareness will be an important way of preserving sites in the city.

Methods

The Sites of Archaeological, Historic and Cultural Significance objectives and policies will be implemented through the following methods:

District Plan

- **Significant Archaeological, Historic and Cultural Sites Overlay** - will identify significant sites and will control activities which have the potential to damage or destroy them. Where new sites are identified they will be ranked and added to the schedule. The rankings of known sites may also alter as more information is uncovered about them.

SCHEDULE A - Tangata Whenua Historical and Cultural Sites

In consultation with Waikato iwi and hapu, sites have been identified and classified into three groups reflecting their historical significance and potential management techniques as follows:

1. Outstanding Tangata Whenua Historical and Cultural Sites
2. Significant Tangata Whenua Historical and Cultural Sites
3. Noteworthy Tangata Whenua Historical and Cultural Sites

SCHEDULE B - Archaeological Sites Associated with European Settlement

These sites are sites are associated with European settlement of the city.

- **Environmental Protection Overlay** - will identify and protect areas of environmental significance and natural features.
- **Subdivision and Development Rules** - will ensure that when major developments occur in new growth areas they are examined to identify the presence of any significant archaeological, historic or cultural sites before development begins.
- **Reserve Contributions** - may include securing identified significant archaeological, historic or cultural sites to ensure their protection and on-going security for the benefit of the community as historic reserves.

Other Methods

- **Appointed Iwi Representatives** - will be identified in consultation with Waikato Iwi to facilitate consultation between tangata whenua, landowners, developers, the Council and the wider community.

- **Protocols** - could be developed in consultation with tangata whenua to provide processes for landowners, developers and the wider community when artefacts or human remains are uncovered.
- **Practise of Traditional Waikato Iwi Customary Values** - could be encouraged by tangata whenua eg. Rahui or embargos on selected areas and waterways.
- **Reserve Act Management Plans** - will be developed for significant archaeological, historic or cultural sites which are held as Council reserves. The management plans could detail preservation works, landscape treatments, signage and maintenance.
- **Land Information Memoranda (LIM)** - will be used to alert property owners and developers that a significant archaeological, historic or cultural site is present on their land.
- **On-going Heritage Assessments** - could be carried out to assist in increasing the knowledge base about sites, their significance and their extent and location.
- **Known Archaeological, Historic and Cultural Sites Inventory** — could be developed in conjunction with a range of heritage agencies and held by the Council to provide a source of information and a guide to the city's cultural heritage values.
- **Public Acquisition of Sites by Council and Other Agencies** - will be considered as a means of protecting archaeological, historic or cultural sites.
- **Council Guidelines and other Educational Material** - could be developed including design guidelines, historical information and planting advice to provide information to property owners, developers and to the wider community.
- **Financial Incentives** — may be developed subject to funding being available and may include grants, free advice and archaeological and cultural assessments, and waiving of resource consent fees.
- **Archaeological Consent under the Historic Places Act 1993** - will be required from the New Zealand Historic Places Trust before any damage or modification is made to any archaeological site.

Anticipated Environmental Results

The following environmental results are anticipated:

- Archaeological sites will be identified prior to development taking place.
- The protection of identified sites of significance to tangata whenua.
- Participation of tangata whenua in processes set up to protect significant sites.
- Increased awareness and recognition of sites which contribute to the city's heritage values.

7.3 Glare and Lighting

Introduction and Issues

Artificial light used for the purposes of security, display or general illumination, can generate unwanted light spill. Where this uncontrolled light affects the amenity of adjoining landowners it generates a nuisance and is generally termed as glare. In addition to being a nuisance, glare can also generate health and safety hazards especially where inappropriately directed onto roads. Glare can also be generated by reflective building materials with similar nuisance, health and safety effects.

The principal issues regarding glare and lighting in Hamilton are:

- **Inappropriate use or placement of security/operational lighting can generate unwanted glare.** The use of artificial lighting to meet private security and operational needs within properties is recognised. There is, however, potential for this lighting to create adverse effects on adjoining properties which may be more sensitive to glare effects such as residential areas. Glare can distract road users and may reduce the safety and efficiency of the roading network. Public lighting such as street lighting, traffic signals and navigation lights can also cause a glare nuisance for neighbouring properties.
- **Inappropriate building design or materials and the placement of advertising on buildings can create adverse effects on public safety and amenity.** The use of highly reflective building surfaces, such as mirror glass and the placement of floodlit signage can generate considerable glare nuisance to adjoining land uses or to road users.
- **The upward spill of light from the urban area, particularly from street lights, has the effect of lighting the night sky to the extent that stars and other astronomical phenomena are obscured with a subsequent loss of night-time amenity for residents.** In particular this form of light pollution creates difficulties for those carrying out astronomical research and observation at the Brymer Road observatory.

Objective 7.3.1 Glare and Lighting

To avoid adverse effects of glare from lighting and reflected glare from buildings or building materials.

Policies

- a) Ensure that artificial lighting is installed and utilised so as not to generate adverse light effects on adjoining properties, particularly those that are glare sensitive, and roads.
- b) Control the illumination and lighting of advertising to avoid adverse effects on the amenity of the surrounding area and the roading network.
- c) Mitigate reflective glare from buildings and building materials.

Reasons

Controls on glare are important to assist the maintenance of accepted levels of amenity particularly in glare sensitive environments such as residential, community and recreational areas. The plan, therefore, provides for the control of glare derived from lighting, particularly within or adjacent to these glare sensitive environments, so that adverse effects are mitigated and amenity of residents is ensured. Control of light spill onto roads is also important to avoid adverse effects on road users' vision. Illuminated and floodlit advertising will also be managed to ensure the preservation of amenity and to minimise distraction to road users.

Consideration has been given to the control of reflective light, but it has been concluded that it is impractical to set a quantifiable standard. Accordingly reflective light effects, if serious, will be addressed through the enforcement provisions under Part XII of the Act.

Methods

The Glare and Lighting objective and policies will be implemented through the following methods:

District Plan

- **Lighting and Glare Rules** - based on a lux measurement standard will stipulate the acceptable levels of light at the boundary of sites. The standards are increased or decreased depending on the sensitivity to light effects of adjoining sites.
- **Sign Rules** - will control the illumination of signs, including number of illuminated signs, their visibility and the intensity of the lights utilised.

Other Methods

- **Enforcement Powers under Section 17 of the RMA** - will be used to deal with any nuisance of a reflective nature.
- **Hamilton City Council Environmental Action Plan** - will review the city's street lighting policy evaluating lighting options according to resource use, costs and environmental effects including light pollution.
- **Hamilton City Development Manual** - sets out street lighting standards acceptable in the city.

Anticipated Environmental Results

The following environmental results are anticipated:

- Glare from various sources will be controlled to a level that will minimise any nuisance.

7.4 Noise

Introduction and Issues

The emission of noise is an intrinsic part of most activities. While some noise is inevitable, the effects can vary dramatically depending on the volume and type (frequency) and on the nature of the receiving environment.

Noise is recognised as both a health and environmental issue. It can impact on health causing annoyance, sleep interference, stress and the disruption of concentration. Noise can also impact on the amenity of individual properties and the wider city.

Ambient noise levels vary throughout the city. Generally, low background noise levels are recorded in residential areas, while commercial and industrial areas and properties adjoining arterial roads all have higher ambient noise levels. While all occupiers of land have a duty to keep noise emissions from their site to reasonable levels, conflicts tend to occur at the interface between different areas, or where activities within an area generate levels of noise which are significantly above the background levels.

Nuisance noise is often associated with intermittent activities (eg. someone using a chainsaw), particularly in residential areas. The RMA provides specifically for the management of this noise through the excessive noise provisions.

The principal issues regarding noise in Hamilton are:

- **Noise from recreation, industrial, and commercial activities can adversely affect the amenity values of residential environments.** Residential areas have low ambient noise levels. Intrusive noise from activities within the area or from commercial, industrial or recreation activities adjoining residential areas can have a detrimental impact on the amenity values of the residential neighbourhood.

The growth of commercial activities in residential areas also has the potential to adversely affect residential amenity values through car noise, people visiting the site and operational noise.

Noise from construction work is a temporary but unavoidable part of development. However, it has the potential to adversely affect residential environments, particularly if intrusive noise is generated for long periods, especially at disruptive hours.

- **Within industrial and commercial areas, loud noise from adjoining activities can affect the health and safety of occupants in neighbouring buildings and the overall amenity values of the area.** Industrial activities have the potential to impact on adjoining activities. There is potential for industrial noise to pass into other buildings, thereby exposing workers to excess noise. This also has the potential to affect amenity values in industrial areas.

Conflicts between adjoining activities also occur in commercial areas. For example, trends towards inner city living means that the central commercial area is becoming increasingly popular for housing. This can lead to conflicts as the noise environment is greater than people anticipate and is not the same as traditional residential areas. As a result of this reverse sensitivity, activities in the central commercial area could be placed under pressure to achieve high standards of amenity by changing their operations to make less noise.

- **Noise of a temporary nature from adjoining residential activities can adversely impact on the low ambient noise levels in residential areas.** Usually, residential noise has minimal effects and consists of temporary disturbances such as lawn mowing, domestic appliances, parties or stereos. There has also been an increase in the spread of noise over time, for example at night and on weekends. These noise nuisances can affect the low ambient noise levels expected in residential areas and disturb people's enjoyment of their property.
- **Noise from transport can have an adverse effect on the amenity values of residents living close to the source.** Road traffic noise affects a large proportion of the community. Traffic noise is an increasing noise nuisance due to the growing numbers of vehicles on the roads. All city residents are exposed to some degree of traffic noise. However, a significant proportion may be exposed to levels which affect their health and enjoyment of their properties.

Objective 7.4.1 Noise from Non-Residential Activities

To protect the accepted ambient noise environment of residential areas from the adverse effects of noise arising from non-residential activities.

Policies

- a) Ensure that noise emissions from commercial, industrial and community activities received at the boundary of residential properties are consistent with the existing ambient noise environment.
- b) Control the noise emissions of non-residential activities, including home occupations, in residential areas to protect residential amenity values.
- c) Ensure that temporary large-scale recreation events which are held close to residential areas are organised and operated to minimise noise impacts on adjoining residential activities.

Reasons

Different land use activities generate different levels of noise. Management of the interface of the different areas is important to ensure that noise does not intrude into quieter areas and noise levels meet accepted minimum standards for the receiving environment.

Recreation facilities, licensed premises and places of assembly can cause high levels of noise. As many of these facilities are located next to residential areas, the overall effect is to reduce the amenity of the area. Similarly, non-residential activities such as home occupations in residential areas have the

potential to cause a noise nuisance and are sometimes incompatible with the residential environment. The policies aim to ensure that these activities do not exceed accepted noise levels.

Large-scale recreation events also have the potential to cause noise nuisance. These events are inherently noisy, but because they are of a temporary nature they are more tolerable to the community. The policies encourage large recreational events to be planned in advance to minimise noise.

Objective 7.4.2 Inter-Activity Noise

To minimise adverse noise effects between different activities and properties to protect the amenity values of people in neighbouring properties.

Policies

- a) Ensure that activities in commercial and industrial areas do not produce excessive or unreasonable noise emissions that adversely affect adjoining activities.
- b) Require residential activities in commercial and industrial areas to provide sufficient acoustic treatment to ensure they achieve an acceptable internal noise environment.
- c) Discourage the adverse effects of temporary noise from residential activities to protect the existing ambient noise environment in residential areas.
- d) Encourage the mitigation of noise emanating from construction, maintenance or demolition work to reduce the adverse effects on the surrounding neighbourhood and adjoining activities.

Reasons

Industrial and commercial activities have the potential to impact on adjoining activities. There is a potential for noise to pass into other buildings exposing workers and occupants to excess noise. Within industrial and commercial areas, higher noise levels are accepted, but will be controlled to prevent unreasonable or excessive noise from transferring between sites.

An increasingly diverse number of activities has increased the potential for conflict in commercial areas, especially in the central commercial area. Noise from commercial activities not only affect neighbouring commercial activities, but also affects the growing number of residential activities. The policy recognises that higher levels of noise occur in commercial areas and therefore residential activities will require acoustic insulation to achieve an acceptable internal noise environment.

Noise from other residential activities also has the potential to impact on neighbouring residences. The temporary nature of this noise (eg stereos, chainsaws, car repairs) make controlling it through standards in the District Plan difficult and will be dealt with through methods outside the District Plan.

Many construction activities are inherently noisy but methods are available which can minimise the emission and impact of this noise. Noise experienced during construction work is usually of a temporary nature and provided that noise at inconvenient times can be mitigated or avoided, reasonable levels of construction noise can be accommodated.

Objective 7.4.3 Transport Noise

To protect residential activities from the adverse effects of transport noise.

Policies

- a) Minimise the potential effects of traffic noise on adjacent residential development from the operation of new arterial roads.
- b) Encourage the reduction of the adverse effects of traffic noise on adjacent residential development when existing arterial roads are being reconstructed or redeveloped.
- c) Ensure that new residential development adjacent to an existing arterial road and any habitable rooms above the first floor of residential developments adjacent to a new arterial road provide sufficient acoustic treatment to protect their residential noise environment.
- d) Ensure that habitable residential development within the Rototuna North East Residential Area, adjacent to the section of the future Waikato Expressway (Designation 90) that transverses the Rototuna Structure Plan area, which is within the habitable building setback, provides sufficient acoustic treatment to protect its residential noise environment.
- e) Ensure that the principle outdoor living areas of residential development within the Rototuna North East Residential Area, adjacent to the section of the future Waikato Expressway (Designation 90) that traverses the Rototuna Structure Plan area, which are within the habitable building setback, are located to the north of the dwelling to protect their outdoor amenity.

Reasons

Road traffic is a predominant source of noise in the community. A significant proportion of the community may be exposed to levels which affect their health and enjoyment of their properties. The policies aim to limit people's exposure to traffic noise from arterial roads by reducing noise at the source.

The policies ensure that noise mitigation techniques are included during the construction of new arterial roads. Section 16 of the RMA places the onus of responsibility on the persons causing the noise to contain the noise at source or to limit its effects. However, this is not always possible, for example traffic noise on existing roads is difficult to completely contain at the source. For existing arterial roads, the policies seek to encourage the installation of noise mitigation measures, such as barriers or quiet road surfaces when existing roads are being redeveloped or reconstructed.

The policies also recognise that noise mitigation of noise from the road itself is not always possible and where road traffic noise cannot be addressed, adjacent houses will require acoustic treatment to ensure that internal noise levels protect the residential environment.

The policies also require that the upper storey of any dwellings adjacent to new arterial roads should have acoustic treatment. Under the policies, the road builder has a responsibility to mitigate against

noise where it affects the ground storey, however where upper storeys are to be constructed, the responsibility lies with the receiver. The protection of the upper storeys through the design and construction of the road would mean costly and tall barriers.

The use of the specific building setbacks (or alternative 55dba contour line once the carriageway location is known) from the Waikato Expressway (Designation 90) shall negate the need for additional acoustic mitigation of dwellings beyond the setback and provide protection for the outdoor amenity of residential properties within the setback.

Methods

The Noise objectives and policies will be implemented through the following methods:

District Plan

- **Noise Rules** - will be developed which relate to existing background noise levels in each zone and zone interface to control noise emissions.

Other methods

- **Council Works Programmes** - particularly in relation to roading works could be used to minimise traffic noise (eg. roading design and improvements).
- **Access Hamilton** — is a transport strategy and infrastructure works programme which promotes a wide range of transport options. It will encourage people to use alternative modes of transport to the motor vehicle so as to manage the rate of traffic growth and to assist in achieving environmental sustainability in the future.
- **Facilitation and Negotiation** - will be used to control 'unreasonable' noise at the source to ensure the 'best practicable option'.
- **Council Guidelines and other Educational Material** - could be developed for the community and businesses.
- **Enforcement** - will be used to control excessive and unreasonable noise, when necessary.
- **Hamilton City Council By-Laws** - will be developed and enforced to control noise nuisances such as the noise impacts of heavy vehicles.
- **New Zealand Standards** - will be followed for assessing noise emissions.

Anticipated Environmental Results

The following environmental results are anticipated:

- Overall number of noise complaints reduced.

- Existing ambient noise levels in residential areas maintained, especially at night.
- Noise levels from adjacent areas measured at the boundary of residential activities do not affect exceed the standards set.
- Traffic noise from both existing and future arterial roads will be mitigated to reduce disturbance to residents and to occupants of adjacent properties.
- Acceptable noise levels achieved inside dwellings adjacent to arterial roads and within commercial areas.

7.5 Signage

Introduction and Issues

Signs and other outdoor advertising displays are important for communicating information to the public. In particular they provide directions, identify premises, assist businesses in selling goods and services, and promote events and activities.

Signs can have either a positive or negative effect dependent upon their locality and the nature of the sign or display. Signs can be attractive and add vibrancy to an area or they can impact negatively on visual amenity values, or traffic and pedestrian safety. The location and the type of sign influences the extent of the negative effects as people have expectations regarding amenity levels in particular areas. For example, it is generally accepted that business activities need advertising signage, while residential areas should be relatively free from them.

Public perceptions of what is considered a sign can create management difficulties. Signs can take many forms including building design, free-standing structures, blimps, and flags. Conflicts arise because there are different interpretations over whether a display is considered a sign, and therefore should be managed in the District Plan because of its effects, or whether something is considered artwork or part of the building façade and is not controlled under the District Plan. Clear definitions of what is considered a sign are needed to enable effective management and enforcement of District Plan rules.

The principal issues regarding signage in Hamilton are:

- **Signs have the potential to create adverse effects, which is increased in areas where a higher visual amenity standard is expected.** Signage is a key form of communication and is readily accepted as a means of advertising and directing people. The amount and type of signage that is accepted by the community in different areas of the city varies according to the predominant amenity levels in that area. Therefore, signs can generate adverse effects in areas where visual amenity values are high, such as in residential and recreation environments.
- **Signs positioned on or adjacent to roads have the potential to create pedestrian and traffic hazards.** Signs positioned on or adjacent to roads have potential safety implications as they can distract drivers, obstruct traffic vision, and impede pedestrian flow in high pedestrian commercial locations. Signage can also compete with traffic control and directional signs, which generates a considerable hazard to motorists and other road users.
- **The quality of signs can have adverse effects on amenity values.** The quality of signs can be reduced due to a lack of maintenance. This is an important consideration as graffiti or damage to signs detracts from local amenity values and from the effectiveness of the advertising.
- **Poorly designed and positioned signs can adversely affect the amenity and heritage values of heritage buildings, places and structures.** Buildings of a particular heritage quality or definable

period can use signs to enhance or detract from their heritage value. Inappropriate styles, sizes, and location can have a significant impact on the quality of the heritage item.

Objective 7.5.1 Provision for Signs

To ensure that signs do not have an adverse impact on the amenity values of their location or affect public safety.

Policies

- a) Restrict the location, size and number of signs within residential, community and future urban areas to avoid adverse effects on the amenity values of the surrounding environment.
- b) Enable the establishment of signs in commercial and industrial areas which minimise impacts on motorists and pedestrians, and the visual amenity values of the surrounding area.
- c) Enable the establishment of signs on recreational land which are associated with the use and functioning of that land, and which minimise negative impacts on recreational amenity values.
- d) Control the establishment of signs throughout the city which are illuminated, moving, or flashing, or which are likely to create a visual hazard, or interfere with the safe and efficient use of roads and pedestrian ways.
- e) Ensure that signs established on major arterial roads do not create hazardous situations for motorists or detract from the amenity values of the area.
- f) Control the location, size, number and type of temporary signs to minimise short-term impacts, and to avoid adverse effects on local amenity values and public safety.
- g) Restrict the establishment of signs when they are not associated with an on-site activity to avoid unnecessary visual clutter and impacts on amenity values.
- h) Control signage on scheduled heritage buildings to ensure they are compatible with the heritage values being protected.
- i) Encourage quality design of signage and ensure the on-going maintenance of signs throughout the city to minimise impacts on visual amenity values.

Reasons

Competitive advertising tends to ensure that signage competes for recognition, often by the use of size, distribution, graphics, shapes, and lighting. Inappropriate signage can generate a loss of amenity, be a safety hazard, and can effectively reduce the principal role of the signs themselves. The management of signage throughout the city is therefore aimed at ensuring the effective use of signage without creating hazards or significantly impacting upon the established amenity values of the area.

The management of signs in residential and recreation environments reflects a greater concern with the maintenance of amenity in these areas. Signs are an integral part of many activities occurring in both zones. In residential areas the significant function is to locate and inform rather than advertise, and signage in this zone will reflect the dominant residential amenity. Changing recreation activities has increased the demand for commercial advertising associated with sporting fixtures. There is then a need to manage the effects of signage within residential and recreation environments to maintain their accepted amenity values.

Moving, flashing and illuminated signs are an effective way of gaining attention for advertising purposes but they can have significant negative impacts on safety and amenity values. The visual impacts of these high intensity signs can distract motorists and intrude on the expected visual amenity values in living and business environments.

Signs can have significant negative impacts on motorists, pedestrians and the safe functioning of roads in general. Distracting signs on major arterial roads increases safety hazards for motorists because of the higher traffic speed levels. On local roads signage does not create such a significant hazard because their numbers and dimensions are controlled to avoid impacts on amenity values in residential areas.

Hamilton City has many events that require temporary signage and off-site advertising for promotional reasons. These signage requirements need to be managed so that the adverse visual effects created are minimised and only experienced for a short period of time.

Inappropriate signs on identified heritage items can have a major impact on buildings, particularly where signs are used to cover features, or are applied with little sensitivity to scale or style of the building. The Heritage Items Overlay rules will stipulate rules relating to signs dependent on the heritage ranking of individual items, where the signs may affect the heritage values of identified buildings.

The quality of signage impacts upon the visual pleasantness of an environment and the effectiveness of advertising. Sign quality can be reduced due to a lack of maintenance when signs age, or are damaged or vandalised. The on-going maintenance of signs is difficult to manage through rules, therefore encouraging good design and using enforcement procedures under Section 17 of the RMA are the most effective forms of management.

Methods

The Signage objective and policies will be implemented through the following methods:

District Plan

- **Signs Rules** - contain general signage standards and signage controls for various zones throughout the City.
- **Heritage Items Overlay** - will modify the type and placement of signs in relation to identified heritage buildings.

Other Methods

- **Hamilton City Council By-Laws** - will control some signage on footpaths and streets according to a licencing framework.
- **Transit New Zealand By-Laws** - will control signage on State highways
- **Business Groups Signage Programmes** - aim to enhance advertising standards in commercial centres and along industrial frontages.
- **CityScope** - Council's Urban Design Strategy encapsulates a variety of mechanisms to improve the design of the City's built environment based on sound urban design principles. Urban design policies will address activities such as signage to ensure that their design, scale and configuration, does not detract from neighbourhood amenity values.
- **Access Hamilton** - is a transport strategy and infrastructure works programme which promotes and encourages a wide range of transport options. It includes various initiatives designed to accommodate future traffic growth in an environmentally sustainable manner. The strategy will also detail Council's approach to signage in terms of encouraging and facilitating public transport usage.

Anticipated Environmental Results

The following environmental results are anticipated:

- Reduced impacts of signage on the visual amenity values in residential and recreation areas.
- Improved quality of signs and reduced visual clutter in commercial and industrial areas and along arterial roads.
- Safe and uncluttered transport corridors for both traffic and pedestrians.

7.6 Church College Character Area

Introduction and Issues

The Church College Character Area is an area where, as a result of site planning, development and subsequent management by the Church of Jesus Christ of Latter-day Saints, elements of the built and landscaped environment have combined to produce a distinctive character. The Area contains the now closed Church College and associated buildings and open facilities, the majority of which were constructed by Labour Missionaries using concrete blocks manufactured on site. The Character Area establishes an enabling framework within which decisions regarding the future use or development of the area can be made, having regard to those physical aspects which are important reminders of past activity and valued by the local community. The extent of the Character Area is shown in Appendix 2.7-1E.

The Character Area straddles Tuhikaramea Road and extends over land that is zoned as both Residential and Community Facilities. It includes a number of Heritage Items and Significant Trees that are individually protected through Plan provisions but the Character Area values extend beyond these individual items. The character of the area emanates from the widespread use of certain key elements such as colour, materials, landscape treatment and internal roading. The siting, design and proportions of specific buildings using these same elements emphasises the grouping and the positioning of the buildings and affords them significances in the local setting on the top of a shallow hill and at the entrance to the Temple View Village. The treatment of curtilage walling to the Teacher Housing area on Tuhikaramea Road is reflected in the treatment of the more extensive walling to walkways surrounding the college buildings. Consequently there is considerable unity between different areas of activity. This unity is carried through into the treatment of buildings, boundary walls, landscaping and roadways within the adjoining Temple Heritage Precinct. The Character Area provisions ensure that the effects of future proposals that could significantly erode this contribution and the overall character of the area are properly addressed.

In relation to the former Teacher Housing area, the arrangement of dwellings on either side of Tuhikaramea Road creates a distinctive gateway on approach to the Temple. The corridor displays a unique spatial pattern which is articulated through uniformity in the height, bulk, architecture, materials and vernacular style of its buildings and other structures. In addition, the spacing between buildings, set back from the road and open campus-style setting, all contribute to the character of the area. New development, which is compatible in scale, materials, form and design, will enhance and maintain this special character.

Objective 7.6.1 Church College Character Area

To ensure development within the Church College Character Area maintains and enhances its special character.

Policies

- a) Control development to maintain its character and appearance and relationship to Tuhikaramea Road and the Temple View Village.
- b) Ensure the design of new buildings and structures in terms of their height, materials, scale and form are in keeping with the scale and character of the area.
- c) Ensure that new buildings and structures within the Teacher Housing area are located to retain the existing set back from Tuhikaramea Road.
- d) Ensure that new buildings and structures are located to retain the pattern of spacing between dwellings within the Tuhikaramea Road corridor.
- e) Ensure that new structures such as fences and walls within the setback of the Teacher Housing fronting Tuhikaramea Road are consistent with the original colour and materials used throughout the Character Area.
- f) Ensure that the existing low brick walls in the front yard of houses fronting Tuhikaramea Road are retained.
- g) Ensure that additions, alterations and renovations of the Teacher Housing are undertaken in a sensitive and sympathetic manner that retains the form and style of existing buildings and the appearance of the streetscape.
- h) Control the demolition, removal and alteration of buildings and structures that contribute significantly to the overall cohesion and character of the area.
- i) Control works that could affect the treatment of open spaces and boundaries.
- j) Ensure that new development uses materials and colour that are consistent with the predominant themes of the Character Area.
- k) Provide for the continued use and development of the Church College buildings and grounds in a manner that is consistent with their distinctive character.

Reasons

Church College and its associated buildings were planned by the Church of Jesus Christ of Latter-day Saints and constructed by the Labour Missionary programme in the 1950's, largely from locally produced materials. In association with the adjoining Temple Heritage Precinct the built environment has a distinctive character that is unique within the City and New Zealand.

Within the Church College campus itself, the buildings were constructed to designs produced by the Church Architects and, whilst, not all warranting protection as specific Heritage Items, they nevertheless contribute significantly to the overall cohesion and value of the Character Area. Similarly, the special arrangement of these key buildings, the treatment of spaces between them and the absence of clear boundary definition ensures that they are appreciated as a group.

A significant characteristic of the corridor along Tuhikaramea Road is the distinctive low key and simple architectural style of the early missionary houses, used latterly as Teacher Housing. These buildings are set within an open, campus-style landscape. The corridor forms an important gateway to the Temple of the Latter Day Saints and the adjoining Church College Campus.

The prevailing built form is one of minimalist ranch style houses, which have a defined linear pattern and the separation distance between houses along Tuhikaramea Road. These separation distances form regular and important visual gaps between the built elements, and give a soft and loose-knit urban grain to the locality. This together with the standardised set back, creates a rhythm and unity of form so that no one house stands out in the group.

The buildings are standardised in mass and scale; they are single storey height, and display wide facade and deep open garden frontages onto Tuhikaramea Road. Part of this open frontage character is maintained by the rear access to the houses. The houses on the western side of Tuhikaramea Road back onto Goodwin Terrace and although split level, still retain a single storey frontage onto Tuhikaramea Road. The houses have a shallow pitch roofs with boxed eaves detailing and a stepped ridgeline denoting the former attached garages, which have now largely been converted to accommodation.

The uniformity in scale and space is reinforced by the extensive use of the standardised cream coloured brickwork throughout Temple View and the low cement brick wall, which encloses the front yards of the houses on both sides of Tuhikaramea Road.

In providing for future use and development of the Church College campus and Teacher Housing area, it is important to recognise the significant contribution that they make to the diversity and appeal of the City's built environment. The Character Area approach ensures that such an holistic approach is taken.

Therefore, although the school has closed, the Church College campus provides an opportunity to open a new chapter in the development of the local community and its environment. This opportunity may require changes to the District Plan depending on the proposed future use of the campus

8.0 Monitoring

Introduction and Issues

The Council is required under Section 75 of the RMA to state in its District Plan the procedures to be used to monitor the effectiveness of the Plan, and procedures for reviewing the issues, objectives, policies and methods outlined in the Plan. Section 35 of the RMA also outlines monitoring requirements that territorial authorities must undertake, including:

- the State of the Environment;
- the suitability and effectiveness of the District Plan;
- the exercise of Council functions, powers or duties delegated to it under the RMA; and
- the exercise of resource consents in the district.

Information obtained from monitoring the state of the environment, resource consent conditions, and procedural matters contributes to the review and on-going monitoring of the District Plan.

Monitoring is an important stage in the 'resource management process' as it completes the policy cycle (between policy development and implementation) and provides many additional benefits beyond fulfilling Council's statutory requirements. These benefits include providing data to facilitate improved policies and methods, better informed decision making, increased awareness of environmental issues within the district, and the establishment of comprehensive baseline and trend information systems. In addition, analysis of monitoring information provides an opportunity for Council to act and make improvements concerning the District Plan and other planning tools.

The principal issues regarding monitoring in Hamilton are:

- **A lack of 'State of the Environment' monitoring means that there is a limited amount of information against which environmental changes can be compared.** Currently there is a limited amount of environmental information for Hamilton City therefore monitoring needs to be undertaken to establish a baseline for future comparison. Baseline information about the state of the environment is vital for assessing what changes are occurring so that comparisons can be made between past and present, and Council policy directions can be reviewed.
- **There is a lack of integration within Hamilton City Council and between Waikato Regional Council and other Local Authorities, government agencies and other research organisations causing a duplication of and limited access to monitoring information.** Many units within Council and other external agencies have monitoring responsibilities and gather information on elements of the environment, but there is little integration between them to co-ordinate strategies and methods, share information, and utilise results. Information gathered through monitoring also needs to be collated and integrated so that it is readily accessible and can be utilised by different organisations and the public.

- **The minimum amount of monitoring that has been undertaken on permitted activity performance standards limits the ability to monitor the effectiveness of the District Plan.** Much of the monitoring being undertaken by Council is in response to complaints, while little monitoring is focussed upon permitted activity performance standards. Compliance monitoring of resource consents and performance standards under the District Plan is needed so that the effectiveness of the Plan can be ascertained and policy changes made to enhance the practical implementation of the Plan.

Objective 8.0.1 District Plan Monitoring

To monitor the suitability and effectiveness of the District Plan, and provide an information base to ensure that the issues, objectives, policies and methods contained in the Plan are relevant.

Policies

- a) Develop monitoring programmes which include baseline monitoring and information on the changes occurring in Hamilton City's environment.
- b) Undertake regular liaison with other monitoring agencies within the region and the Council and promote the sharing of information, monitoring methodologies and results.
- c) Undertake the collection, analysis and reporting on information related to the anticipated environmental results and key issues contained within the District Plan.
- d) Report regularly to the community on the State of the Environment, District Plan performance, compliance information, and procedural performance.
- e) Undertake regular reviews of the administrative procedures of the District Plan.

Reasons

Information is a key requirement for effective resource management, and monitoring is one technique used to gather this information. Monitoring the state of the environment will provide valuable information which can be used in the development of future resource strategies, and provide indications of the effectiveness of current Council strategies and policies by comparing results against baseline information. This information will aid in the review and refinement of provisions established within the District Plan, and also reveal resource issues that have arisen since the preparation of the Plan.

The sharing of information and monitoring methods between authorities creates an integrated approach. This is advantageous because of increased efficiency, due to the utilisation of information already gathered, and the improvement of methods and techniques used. The public also needs to be regularly informed of environmental issues, changes, and results, so that they can be involved in the development of new policies and initiatives, and understand the effectiveness of current strategies.

The outcomes of the District Plan, particularly through the resource consent process, need to be monitored, reviewed, and communicated, so that changes can be made when objectives, policies, or methods are not appropriate in achieving Council's goal of sustainable management.

Methods

The Monitoring objective and policies will be implemented through the following methods:

- **Hamilton City Council Monitoring Reports** - outline District Plan consent statistics and highlight key issues relating to the implementation of Plan provisions.
- **Responding to Complaints and Enforcement Procedures** - including response to breaches of the District Plan and resource consent conditions, the carrying out of investigations of incidents, and undertaking enforcement action when appropriate.
- **Monitoring Programmes for the Anticipated Environmental Results of this District Plan** - will be developed, to enable regular reviews of the provisions and procedures of the District Plan, and the provision of publicly available reports on Plan performance.
- **State of the Environment Reporting** - will result in a compilation of information on the health of and changes in Hamilton City's environment.
- **Integrated State of the Environment Monitoring and Reporting Project** - has established an integrated response from agencies in the Waikato region to monitoring issues and future planning.
- **Internal Databases and Information Systems** - will allow information to be easily identified and accessible.
- **Hamilton City Sustainability Indicators** - encompass environmental, social, and economic elements which can be used to measure the city's progress towards the visions, goals and outcomes in Hamilton's Strategic Plan.
- **Monitoring of Ambient and Nuisance Noise Levels in the City** - will determine adverse noise levels and provide a framework for future noise reduction research.

Anticipated Environmental Results

The following environmental results are anticipated:

- A comprehensive and widely accessible information base on the state of Hamilton City's environment.
- Increased understanding of the environmental issues in Hamilton City.
- Effective objectives, policies, and methods within the District Plan.
- An integrated approach to environmental monitoring.
- Efficient and effective administrative procedures.

Rule 1.0 Administration Provisions

Rule Statement

This Rule sets out those general, procedural and information provisions needed to facilitate the administration of the District Plan and to achieve the purpose of the RMA. It also includes advisory notes outlining notification procedures and additional powers of Council in respect of duties established under the RMA.

Where appropriate, the provisions of the RMA have been paraphrased to assist in the ease of use of this District Plan. However such clauses must not be relied upon in terms of formal legal advice and in such cases reference should be made to the full provisions of the relevant sections of the RMA.

1.1 District Plan Structure

1.1.1 Sections Comprising the District Plan

These Rules, the Introduction, Statement of Integrated Management, Resource Management Polices, Design Guides and Planning Maps comprise the City of Hamilton District Plan prepared in accordance with the requirements of the RMA and apply to the whole of the city.

1.1.2 The Rules

a) Effect of Rules

Any rule shall have the effect of a regulation under the RMA.

b) Relationship Between Rules

The rules in the District Plan cannot be read in isolation. All activities shall be assessed against the relevant rules specified under:

- This rule
- [Rule Section 2.0](#) Overlays
- [Rule Section 3.0](#) City-Wide Activities
- [Rule Section 4.0](#) Zones
- [Rule Section 5.0](#) City-Wide Standards
- [Rule Section 6.0](#) Subdivision and Land Development
- [Rule Section 7.0](#) Designations
- [Rule Section 8.0](#) Definitions
- [Rule Section 9.0](#) Structure Plans.
- [Rule Section 10.0](#) Design Guides

c) Duty to Comply

No person may use any land in a manner that contravenes a rule in the District Plan or may subdivide any land except as provided for in the District Plan unless the activity is expressly allowed by a resource consent, is an existing use allowed by Sections 10 or 10A of the RMA, or is a subdivision provided for under Section 11 of the RMA.

1.1.3 Interpretation**a) Definitions**

In this District Plan the Definitions (Rule Section 8.0) forming part of these rules or in the RMA shall apply, unless the context otherwise requires. Where any term is not so defined, then the normal dictionary meaning appropriate to the context shall be used.

b) Provision for Activities

Subject to Section 310 of the RMA, where any activity is not expressly mentioned in this District Plan and that activity falls naturally into a general class of authorised activities and the environmental effects are essentially identical, then that activity may be deemed to be included in that class of activities. But where any activity is specifically defined, then notwithstanding its inclusion in a general class of activities, provision for that activity may not be extended to authorise the other activities in that class.

1.2 Information Requirements**1.2.1 Information to Accompany all Applications**

The following information is to be supplied, where relevant, with any application, including resource consents, certificates of compliance and project information memoranda, to enable Council to fully assess compliance with the District Plan.

a) Background information

An introductory background providing a clear description of:

- the proposed activity and how it is intended to operate
- the proposed use of all existing and proposed buildings on the site
- the current use of the site
- resource consents applied for.

b) Information to be shown on plans

Plans submitted with any application will show site layout, site development, existing and proposed buildings, topographical information and any other features relevant to the application in sufficient detail and accuracy to readily enable compliance to be assessed or environmental effects to be evaluated with respect to:

- bulk and location of buildings
- floor area requirements

- maximum height and building control planes
- provision of outdoor spaces for living, service or storage
- distance from site boundaries to buildings
- access, manoeuvring, parking and loading of vehicles
- existing vegetation to be retained and proposed planting and landscaping
- screening and privacy
- utility services
- nature and extent of earthworks
- signs
- natural, heritage, and waahi tapu features
- any other information Council considers relevant to the application.

c) Adverse environmental effects

Reports and management plans demonstrating how adverse environmental effects associated with the proposed activity are to be avoided, remedied or mitigated with respect to:

- nuisances such as noise, dust, odour, glare, and vibration
- stormwater disposal
- hazardous facilities and substances
- discharges of contaminants.

d) Contaminants in Soils

Details about previous uses of the site and an assessment on whether the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health applies.

e) Certificate of Title

Certificates of Title are to be provided with all applications when requested by Council to help identify any restricted areas or easements.

f) Other information

Any other information describing the proposed activity which could be relevant in evaluating the proposal.

1.2.2 Additional Information to Accompany all Resource Consent Applications

a) Information Required

In addition to the information specified in [Rule 1.2.1](#) above, any other relevant plans, reports, or information are to be provided with any application for a resource consent, to enable Council to fully assess and determine the proposal, including:

- details and outcomes of any consultation undertaken
- design and appearance of buildings
- planting plans and site design/layout plans
- potential future subdivision of site
- any other relevant rules or provisions in the District Plan, such as overlay provisions and bonus provisions.

ADVISORY NOTE — Consultation with Waikato Iwi and Local Hapu

Natural Features and Tangata Whenua Historical and Cultural Sites

Tangata Whenua Historical and Cultural Sites and natural features are of significance to Waikato Iwi and local hapu. In respect of any developments or activities requiring a resource consent, or for plan changes it is advisable that Waikato Iwi representatives are notified at the earliest stages of planning. This will assist with the identification and mitigation of any potential adverse effects that may impact on Waikato Iwi cultural values. It is also advisable that before any archaeological surveys or investigations are undertaken that Waikato Iwi representatives are consulted.

It is recognised that traditional Iwi/hapu customary processes are a complementary method of control outside the District Plan for activities that can adversely affect cultural values associated with natural features (such as the pollution of waterways that are used as important food gathering sites). Customary processes may vary in different situations and could include:

- *Mauri — the notion of respect towards the health and well-being of significant sites*
- *Rahui — an embargo or restriction on access to a site until it is lifted (usually in relation to a polluted or hazardous site).*

Consultation with Waikato Iwi can assist in identifying any appropriate customary processes to be followed where special tangata whenua values are identified.

b) Subdivision Applications

In addition to the matters specified in [Rule 1.2.2 a\)](#) above, any subdivision application shall include plans, reports, and other information to show how the proposed allotments and access can adequately accommodate the development potential of the site.

A checklist is provided by Council outlining all the information required with a subdivision application. In particular, details of the following matters should be provided:

- area, dimensions, shape factor circles, building platforms, and access/frontage for each allotment
- existing vegetation proposed for retention or removal
- location of proposed roads, reserves, easements, and essential services
- land to be vested in the Crown, Council, or network utility operator
- nature and standard of existing and proposed roads and network utility services such as sewage disposal, stormwater management, water supply, telecommunications, and electricity supply
- proposed final legal status (eg. freehold, cross-lease, unit title)
- any additional information specified in Section 219 of the RMA.

c) Assessment of Environmental Effects

An assessment of the environmental effects of a proposal shall be provided with applications for resource consents. Any such assessment shall be prepared in accordance with the Fourth Schedule of the RMA and shall describe how any adverse environmental effects are to be avoided, remedied, or mitigated, and shall also ensure that the following matters are addressed:

- consultation undertaken with affected parties
- effects of the proposal on the natural environment(including existing vegetation and natural land form), neighbourhood amenity, and infrastructure
- heritage issues (such as waahi tapu)
- site constraints (such as flooding)
- external impacts (such as discharges)
- construction impacts (such as noise)
- other matters associated with the proposal.

In the case of Controlled and Restricted Discretionary Activities the assessment of environmental effects need only address those matters which Council has retained control over or restricted their discretion to in the District Plan.

1.2.3 Further Information

Where Council considers that the information submitted with an application for the resource consent is inadequate in terms of the requirements of the RMA or the provisions of this Plan, it may request further information from the applicant.

Where Council is of the opinion that any significant adverse effect on the environment may result from an activity to which an application for a resource consent relates, Council may also, in accordance with Section 92 of the RMA, require: an explanation of any possible alternative locations or methods for undertaking the activity and the applicant's reasons for making the proposed choice; an explanation of the consultation undertaken by the applicant; and

commission a report on any matters raised in relation to the application, including a review of any information provided in an application under Section 88(4). The cost of a commissioned report may be recovered from the applicant pursuant to Section 36 of the RMA.

Further information may be required under Section 92 only if the information is necessary to enable the consent authority to better understand the nature of the activity in respect of which the application for a resource consent is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated.

1.3 Advisory Information

The following advisory notes are included to clarify the relationships between the District Plan and other planning documents, and to outline some of the procedures required by the RMA to assist in the use of this District Plan. A number of provisions of the RMA have been paraphrased in this section but should not be relied upon in terms of legal advice.

NOTE A: RELATIONSHIP TO OTHER DOCUMENTS

By-Laws, Code of Practice and Reserve Management Plans

In the event of any inconsistency with the provisions of any Bylaw, Code of Practice or Reserve Management Plan, the provisions of this District Plan shall prevail. Where reference is made to the provisions of any Code of Practice or Reserves Management Plan in any rule in this District Plan, such reference shall only be for the purpose of providing guidance in the setting of conditions with respect to a resource consent.

Effect of Regional Plans

In carrying out its functions under the RMA, Council must have regard to the Regional Policy Statement as adopted by Environment Waikato (the Regional Council) and the provisions of this District Plan must not be inconsistent with the provisions of any Regional Plan adopted by that Council.

Activities to Comply with Regional Plans

Notwithstanding compliance with the provisions of this District Plan any activity involving:

- *the taking, diverting or damming of any natural water*
- *the discharge of any contaminant into air, into natural water or onto land*
- *the clearance of vegetation in high risk erosion areas or within 5m of a waterbody*

shall only be allowed in accordance with any rule in a Regional Plan unless expressly allowed by a resource consent granted by or on behalf of Environment Waikato.

Transfer of Powers

Pursuant to Section 33, a local authority that has functions, powers or duties under the RMA may transfer any one or more of those functions, powers or duties to another public authority (ie. any local authority, iwi authority, Government department, statutory authority, or joint committee set up for the purposes of Section 80).

NOTE B: PROVISION FOR ACTIVITIES**TYPES OF ACTIVITIES*****Permitted Activities***

Any activity classified as Permitted is allowed as of right subject to full compliance with the standards, terms, restrictions and prohibitions specified in this District Plan.

Controlled Activities

Any activity classified as Controlled shall require a Resource Consent, however a Resource Consent must be granted, subject to full compliance with the standards, terms, and restrictions specified in this District Plan and with any conditions imposed in respect of those matters over which Council has specifically reserved control.

Restricted Discretionary Activities

Any activity classified as Restricted Discretionary shall require a resource consent but only in respect of those matters over which Council has reserved discretion, which may be granted subject to suitable conditions or refused. The activity shall otherwise be allowed subject to compliance with all the other standards, terms, restrictions and prohibitions specified in this District Plan.

Discretionary Activities

Any activity classified as Discretionary shall require a resource consent and, in accordance with the provisions of this District Plan, may be granted subject to suitable conditions or refused.

Non-Complying Activities

Any activity classified as Non Complying on the basis of contravening any rule specified in this District Plan shall require a resource consent which may, in accordance with the provisions of Sections 104 and 105(2)(A) of the RMA, be granted subject to suitable conditions or refused.

Prohibited Activities

No activity classified as Prohibited may be undertaken or a resource consent applied for. (There are no Prohibited Activities specified in the District Plan).

Existing Lawful Activities

In accordance with Sections 10 and 10A of the RMA, any use of land contravening a rule in the District Plan, but lawfully established prior to that rule coming into effect, is permitted to continue in specified circumstances.

DETERMINATION OF CONSENTS***Types of Consent***

Council has responsibility to administer two types of resource consent under Part IV of the RMA:

- land use consent
- subdivision consent.

Consideration of Consents

In considering any application for a resource consent, Council shall have regard to Part II of the RMA, the need to avoid, remedy or mitigate effects on the environment and the relevant matters contained in this District Plan, in particular with respect to:

- *Controlled Activities - the expected outcome and the related performance assessment*
- *Restricted Discretionary Activities - the related objectives and policies, expected outcome, means of compliance, and performance assessment but only where relevant to the matter for which discretion is restricted*
- *Discretionary Activities - the relevant objectives and policies, the expected outcome, the relevant means of compliance, performance assessment and other rules*
- *Non-Complying Activities - the objectives and policies and the related expected outcomes.*

OTHER PROVISIONS FOR APPLICATIONS IN THE RMA***Certificate Of Compliance***

A Certificate of Compliance in accordance with Section 139 of the RMA may be obtained with respect to any permitted activity or existing activity and is similar in effect to a resource consent.

Change, Cancellation and Review of Conditions

A consent holder may apply to Council pursuant to Section 127 of the RMA for a change or cancellation of any condition of consent where provided for in that consent or where circumstances change.

Council may review the conditions of consent pursuant to Sections 128 and 129 of the RMA where provided for in that consent or where inaccuracies in the application are subsequently found.

Lapsing of Consents

Pursuant to Section 125 of the RMA, any resource consent shall lapse if after two years, (or any shorter or longer period specified in the approval) substantial progress is not being made to giving effect to the consent.

Declarations

Pursuant to Section 310 of the RMA, persons may apply to the Environment Court for a declaration on a number of matters including the status of activities.

Requirements and Designations

Pursuant to Section 168 of the RMA, the Crown, local authorities and authorised network utility operators may issue a requirement that provision be made in the District Plan for certain works, such as by designation.

Pursuant to Section 189 of the RMA, the Crown, local authorities, the Historic Places Trust and authorised heritage protection authorities may issue a requirement that provision be made in the District Plan for the protection of a specified heritage feature.

Requests for Plan Changes

Pursuant to Section 73 of the RMA, persons may request the Council to introduce a change to the District Plan.

Appeals

Pursuant to Section 120 of the RMA, any party to a resource consent dissatisfied with the Council's decision may appeal the matter to the Environment Court.

Objections

Pursuant to Section 357 of the RMA, any person who has made an application under Section 10(2), 124(b), 125, 126, 139, 182, or Section 184 shall have the right of objection to the consent authority's decision on that application, with the exception of those circumstances outlined in Section 357(2).

NOTE C: NOTIFICATION OF APPLICATIONS***APPLICATIONS THAT NEED NOT BE NOTIFIED***

Section 94 of the RMA sets out situations when applications need not be publicly notified.

Controlled Activities

- *Subdivision consent for a Controlled Activity.*
- *Resource consent for a Controlled Activity.*

Restricted Discretionary Activities

- *Resource consent or subdivision consent for a Restricted Discretionary Activity (where the District Plan expressly permits consideration without the need to obtain the written approval of affected persons).*
- *Any other resource consent for a Restricted Discretionary Activity (for which written approval is required and has been obtained from affected persons).*

Discretionary and Non-Complying Activities

- *Resource consent or subdivision consent for Discretionary or Non-Complying Activities (if the adverse effects of the proposal are minor and written approval has been obtained from affected persons).*

APPLICATIONS WHICH SHALL BE NOTIFIED

In any case where affected persons' approvals are required but have not been obtained, or in any case where Council considers that the effects are more than minor, the application shall be notified.

Council may in special circumstances require any application for a resource consent or subdivision consent to be notified in accordance with Section 93 of the RMA.

CONSENT OF AFFECTED PERSONS

Written approval must be obtained from every person whom Council is satisfied may be adversely affected unless the District Plan provides otherwise or unless Council considers it is unreasonable in the circumstances to require every such approval.

When consent is given by an affected person, Section 94 of the RMA provides that Council shall take no account of the environmental effects of the proposal on that person.

INFORMATION TO BE GIVEN TO AFFECTED PERSONS

Any information necessary to obtain the written approval of affected persons shall contain sufficient detail to ensure that the affected person understands the general nature of the application and whether it will affect them. This may include plans, elevations and supporting reports, where appropriate.

CONSIDERATION OF NOTIFICATION OF APPLICATIONS***Whether to notify***

Council will determine whether an application requires notification based on who is affected, if they have consented, and the extent of the effects. Notwithstanding that the approval of all affected persons considered to be directly affected has been obtained, where the effects are more than minor, or the wider community may be adversely affected, the application shall be publicly notified.

Consent applications for relocation of buildings as a controlled activity in the Residential zone and the Future Urban zone shall be processed without public notification and without the need for consent of potentially affected persons, subject to Section 94(5) of the Resource Management Act 1991, and except in locations covered by the Heritage Items Overlay or the Heritage Precinct Overlay, where additional requirements may apply.

Affected Persons

In determining whether persons may be adversely affected, Council will amongst other things have regard to whether:

- the neighbouring landowners and/or occupiers would have reasonable expectations as to the likely activities on the site based on the provisions of the District Plan
- the activity may have potential to affect any neighbouring landowners and /or occupiers enjoyment of their property due to shading, privacy, traffic, disturbance or other concerns
- there are natural, heritage, waahi tapu or other features of the site in which a responsible organisation, including tangata whenua, may have an interest.

General Matters to be Considered

In determining whether the effects of an activity are minor such that an application need not be notified, Council will amongst other matters have regard to:

- the relevant objectives, policies and expected outcomes specified in the District Plan
- what extent it departs from the means of compliance or other standards, terms or restrictions specified in the District Plan

- *whether due to its character, scale and intensity, the effects are the same or similar to those of permitted activities in the zone*
- *the extent to which the effects can be avoided, remedied, or mitigated*
- *the cumulative effects of the proposal related to the presence of activities and buildings already located in the area or on the site.*

Specific Matters to be Considered

Council will also have regard to specific matters such as:

- *the effects of traffic generation (including increases in vehicle movement, parking in adjacent streets, and road capacity) on safety, and neighbourhood amenity and character*
- *whether the proposal will exacerbate or contribute to the potential for natural hazards such as flooding, erosion or instability of land*
- *whether there is potential for the discharge of contaminants, wastes, or use, storage or transportation of hazardous substances to adversely affect the environment (especially soils, water and air) and/or affect people's health and safety*
- *whether it may cause the disturbance, alteration, removal or destruction of heritage sites and waahi tapu, and loss or degradation of protected trees*
- *whether it will result in the significant degradation or loss of valued areas of natural environment (including vegetation, habitats, wildlife, watercourses, gullies, and outstanding landscape features)*
- *whether there will be adverse effects on amenity of the neighbourhood including loss of neighbourhood character, physical domination of adjacent sites, the visual impact from other sites, loss of privacy for adjacent residential sites and loss of neighbourhood green space*
- *whether there are effects on neighbourhood amenity through disturbances such as noise, glare, dust, vibration, or odour*
- *whether public access to and along the Waikato River, lakes and other water bodies is adversely affected.*

NOTIFICATION PROCEDURE

The notification of any application is to be carried out in accordance with the requirements of Section 93 of the RMA. Council must publish notified applications in a local newspaper, ensure notices are erected on the affected site and send details to the following persons, as appropriate:

- *Owners and occupiers of the land*
- *Other persons likely to be directly affected*
- *Minister of Conservation*
- *Iwi authorities*
- *Other persons and authorities who in the opinion of Council may be adversely affected.*

Any person may make a submission and be heard on a notified application.

NOTE D: HEARINGS**JOINT HEARINGS BY 2 OR MORE CONSENT AUTHORITIES**

Pursuant to Section 102 of the RMA, where applications for resource consents in relation to the same proposal have been made to 2 or more consent authorities, and those consent authorities have decided to hear the applications, the consent authorities shall jointly hear and consider those applications;

Unless — all the consent authorities agree that the applications are sufficiently unrelated that a joint hearing is unnecessary and the applicant agrees that a joint hearing need not be held.

NOTE E: OTHER POWERS OF COUNCIL**DUTY TO AVOID REMEDY OR MITIGATE ADVERSE EFFECTS****General Duty**

Pursuant to Section 17 of the RMA, every person carrying out an activity has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from that activity regardless of whether it is in accordance with the District Plan or a resource consent, or is an existing activity.

Abatement Notices and Enforcement Orders

Council may issue an abatement notice pursuant to Section 322 of the RMA, or an enforcement order may be sought pursuant to Section 314 of the RMA, with respect to an activity that is likely to be noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment requiring that action be taken to avoid, remedy or mitigate any adverse environmental effect.

Matters to be Considered

In taking any action under this rule, Council shall in addition to the circumstances specified elsewhere in this District Plan have regard to the need to avoid, remedy or mitigate:

- any discharge of contaminants, dust or odour which is a danger to people, property or the environment or is a substantial nuisance
- any property or structure being developed in a manner or maintained in a state which significantly detracts from the amenity of the neighbourhood or represents a hazard
- any emission of noise, movement of vehicles or behaviour of people associated with an activity which significantly diminishes the enjoyment of persons in the vicinity.

Modification or Refusal of Adverse Proposals

Notwithstanding that any activity may be specified in this District Plan as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity, in order to avoid remedy or mitigate any adverse environmental effect or minimise the risk of hazard, Council may, pursuant to its powers under the RMA and other legislation, refuse or require modification or special treatment of any proposal to undertake an activity if:

- *the site is or would be subject to, or the activity will give rise to, flooding, erosion, landslip or instability*
- *network utility services, waste disposal facilities or access roading have insufficient capacity to accommodate that activity and it would be beyond the reasonable resources of Council or other authorities to provide additional capacity*
- *the activity would result in a discharge of contaminants, dust or odour, or an emission of noise, or the generation of traffic, or the presence of hazardous substances such as to be a danger to people, property or the environment or is a substantial nuisance*

Cross References Matrix: Relationship between objectives, policies and rules

To assist understanding of the Plan the following table indicates the key relationship between objectives, policies and rules. It is not exhaustive but it does assist users in understanding the purpose and intention of the specific rules.

R= The Rule that addresses the specific objective and any accompanying policies.

P= The Performance Assessment criteria that addresses the specific objective and any associated policies.

	OBJECTIVES	RULES																			Designations	Structure Plan																	
		Overlays					City Wide Activities					Zones					City Wide Standards						Subdivision and Development																
		2.1	2.2	2.3	2.4	2.5	2.6	3.1	3.2	3.3	3.4	3.5	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8			4.9	4.10	4.11	5.1	5.2	5.3	5.4	5.5	5.6	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8
3.0 Natural Environment																																							
Natural Values	3.1.1	R				R					P				R								P						R	P			P	R	P				
	3.1.2	R								P	P																		R	P	P				R	P	P		
	3.1.3	R								P																			P						P		R		
Natural Hazards	3.2.1	R								P				R						P								R	R	P				R	P				
Surface Water Activities	3.3.1									R																													
Air Quality	3.4.1							R	P						P	P	P	P		P								R											
Urban Trees	3.5.1	R	R	P						P		P	P	P	P	P	P								P				R	P				P	P	P			
4.0 Development Environment																																							
Future Urban Areas	4.1.1						R		R	R	R	R												R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	4.1.2								R															R						R	P	R	R	R	R	R	R	R	
	4.1.3	R	R				R																	R							P				P	P			R
Transport and Accessibility	4.2.1								R	P			P	R	R	R	P	P					P	R			R			R	P	R	P				R	P	
	4.2.2								P				P	P	R	P	R	P	R	R	R	P			P		R	R	R	P	P			P	P				
	4.2.3										P	P	R	R	P	P	R	R	R	P				P		R	R	P									P		
	4.2.4								R	P			P	P	R	P	P	P					P	R			R	P		P						P			
	4.2.5						R																																
Network Utilities	4.3.1	R	P						R	P														R	P												R	P	
Subdivision and Development of Land	4.4.1																							R					R	R	P	R	P	R	P				R
	4.4.2	R	P																						R	P			R	R	P	R	P	R	P				R
	4.4.3								R																				R	R	P	R	P	R	P			R	R
5.0 Community Environment																																							
Residential Areas	5.1.1	R		R	P							R	P	R	P	R	P	R	R					P					R		R	P						R	
	5.1.2	R	R	R	P	R						R	P	R	P	R	P	R	R					R	P			R		R	P								
	5.1.3												R	P	R									R				R											
	5.1.4												R	P															R										
Recreation	5.2.1																											R	R	P				R	R			R	R
	5.2.2	R	P		R	R																							R	P					P	P			

Rule 2.1 Environmental Protection Overlay

Rule Statement

This overlay identifies restrictions on development in areas that are adjacent to the Waikato River, are identified as areas susceptible to flooding in Temple View, or are a part of, or adjacent to the gully systems, peat lakes and wetlands. The Environmental Protection Overlay will not preclude developments that can meet the performance standards and assessment criteria. The boundary of the overlay may not necessarily coincide with land ownership boundaries or the boundaries of other land use zones.

The purpose of the Environmental Protection Overlay (EPO) is to encourage the protection and enhancement of ecosystems, the habitats of plants, birds and other wildlife and ecological corridors. As a direct result, the natural, and amenity values associated with these habitats will also be protected.

The EPO closely coincides with and has been adjusted to incorporate identified potential natural hazard areas, particularly in terms of flooding and land instability (accelerated erosion). The EPO will help to identify these natural hazards and minimise the exposure of activities to these hazards through rules and standards.

The overlay will provide controls over earthworks (including filling), vegetation removal, impermeable surfaces, and buildings (particularly minimum floor levels, and setbacks from waterways).

Expected Outcome

Development does not adversely affect identified ecological corridors, habitats of flora and fauna and their associated natural and amenity values and does not increase exposure to natural hazards.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the underlying zone, and all other rules in the Plan.

The Environmental Protection Overlay rules shall be complied with first, then the relevant underlying zone or city-wide rules shall apply. The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status, see [Rule 2.1.3](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to, Policy Sections 3.1 Natural Values and 3.2 Natural Hazards.

2.1.1 Activities

a) Permitted Activities

Any Permitted or Controlled Activity in an underlying zoning and any City-Wide Activity shall comply with the standards in [Rule 2.1.2](#).

The following activities are Permitted Activities provided they comply with the relevant standards in [Rule 2.1.2](#):

- Trimming and Maintenance of Existing Vegetative Cover
- Vegetation Removal
- Earthworks (including those involving the use of clean fill)
- Activities undertaken by or at the direction of a local authority for the purpose of management or eradication of plant pest species.

b) Discretionary Activities

Discretionary Activities in an underlying zone shall be Discretionary Activities within the EPO and additionally measured against the General Criteria and Specific Criteria of [Rule 2.1.4](#). Applications for a Discretionary Activity shall include a Proposed Site Management Plan (see [Rule 2.1.3 c\)](#)).

The following activities are Discretionary Activities:

- The placing of any culvert along any stream (provided that this shall not apply to the construction of any road across a gully as part of an approved subdivision or designation).
- The erection and alteration of buildings, including accessory buildings, in the Temple View Flood Hazard Layer of the EPO.

c) Non-Complying Activities

The following activities are Non-Complying Activities:

- Earthworks involving the use of unclean fill.

ADVISORY NOTE

In addition to the District Plan controls, Reserve Management Plans prepared under the Reserves Act 1977 guide and control the day to day management and use of land that is held as Council reserve land. The following specific management plans have relevance to the Waikato River corridor and gullies:

- *Riverside Reserve Management Plan*
- *Hamilton Gardens Management Plan*
- *Miropiko Reserve Management Plan*
- *Nga Tapuwae O Hotumaea — Maori land marks on Riverside Reserves Management Plan*

- Donny Park Reserve Management Plan
- Gully Reserves Management Plan

2.1.2 Specific Standards

The following standards apply to the activities specified below.

These standards shall only apply to that part of the site within the relevant layer of the EPO, with the exception of Rule 2.1.2 a) v), Rule 2.1.2 b) v) and Rule 2.1.2 c) v).

ADVISORY NOTE

Any replanting of vegetation within the EPO should have regard to the Regional Pest Management Strategy 1998, and should not include plant pest species as identified within the strategy.

a) Peat Lakes and Peat Lake Catchments Layer of the EPO

- i) Building Setback
 - The minimum building setback from the margin of any peat lake or wetland shall be 50m plus the relevant setback requirement for the relevant zone.
- ii) Impermeable Surfaces
 - The maximum area of impermeable surfaces of that part of the site within the peat lakes and peat lake catchments layer of the EPO, shall not exceed 40%.
- iii) Vegetation Removal
 - Any area of vegetation removed within 5m of the margin of any peat lake/wetland shall be replanted with an equivalent area of appropriate wetland species within one calendar month.
- iv) Earthworks (Including Clean Fill)
 - The maximum volume of earthworks shall not exceed 40m³ per site per calendar year.
 - Earthworks shall not take place within 5m of the margin of any peat lake or wetland.
- v) Stormwater Disposal
 - Stormwater run-off from any new building on any site that is wholly or partly covered by the Peat Lakes and Peat Lake Catchments layer of the EPO and adjacent to any peat lake or wetland, shall be disposed of directly to the ground.
 - The design and implementation of any stormwater disposal system shall be in accordance with the Hamilton City Council Development Manual — February 2000.

b) Gully Layer (Gully Soil and Slopes > 25°) of the EPO

- i) Building Setback
 - The minimum building setback from the edge of the banks of the Waikato River or any natural watercourse shall be 6m.

- ii) Impermeable Surfaces
 - The maximum area of impermeable surfaces of that part of the site within the gully layer of the EPO, shall not exceed 40%.
 - iii) Vegetation Removal
 - Any area of vegetation removed within 5m of the banks of the Waikato River, or any natural watercourse, shall be replanted with an equivalent area within one calendar month of removal.
 - Any area of vegetation removed, beyond 5m from the banks of the Waikato River or any natural watercourse, and/or on any land with a slope > 25° shall be replanted with an equivalent area or covered with an impermeable surface in accordance with Rule 2.1.2 b) ii) within one calendar month of removal.
 - iv) Earthworks (Including Clean Fill)
 - The maximum volume of earthworks shall not exceed 40m³ per site per calendar year.
 - Earthworks shall not take place within 5m of the edge of the banks of the Waikato River or any natural watercourse, or on slopes > 25°.
 - The maximum length of any culvert shall be 6m.
 - The maximum diameter of any culvert shall be 300 mm.
 - v) Stormwater Disposal
 - Stormwater run-off from any new building on any site which is wholly or partly covered by the Gully Layer of the EPO and adjacent to the river-bank or any gully bank shall be disposed of directly to a reticulated system, or to a reticulated system via the kerb and channel.
 - The design and implementation of any stormwater disposal system shall be in accordance with the Hamilton City Council Development Manual — February 2000.
- c) Gully Layer (Gully Soil and Slopes < 25°) of the EPO**
- i) Building Setback
 - The minimum building setback from the edge of the banks of the Waikato River or any natural watercourse shall be 6m.
 - ii) Impermeable Surfaces
 - The maximum area of impermeable surfaces of that part of the site within the gully layer of the EPO, shall not exceed 40%.
 - iii) Vegetation Removal
 - Any area of vegetation removed within 5m of the banks of the Waikato River or any natural watercourse, shall be replanted with an equivalent area within one calendar month of removal.
 - iv) Earthworks (Including Clean Fill)
 - The maximum volume of earthworks shall not exceed 40m³ per site per calendar year.
 - Earthworks shall not take place within 5m of the edge of the banks of the Waikato River or any natural watercourse.

- The maximum length of any culvert shall be 6m.
 - The maximum diameter of any culvert shall be 300 mm.
- v) Stormwater Disposal
- Stormwater run-off from any new building on any site which is wholly or partly covered by the Gully Layer of the EPO and adjacent to the river-bank or any gully bank shall be disposed of directly to a reticulated system, or to a reticulated system via the kerb and channel.
 - The design and implementation of any stormwater disposal system shall be in accordance with the Hamilton City Council Development Manual — February 2000.
- d) Significant Remnant or Regenerated Indigenous Vegetation Layer of the EPO**
- i) Vegetation Removal
- No remnant or regenerated indigenous vegetation shall be removed.
- e) Culvert Flood Layer of the EPO**
- i) Erection and alteration of buildings
- The minimum floor level for any new building and alterations to existing buildings (excluding accessory buildings) shall be above the flood level shown on the planning maps.
- f) River Flood Layer of the EPO**
- i) Erection and alteration of buildings
- The minimum floor level for any new building (excluding accessory buildings) shall be located at least 0.3m above the relevant River Flood Level shown on the planning maps.
- g) Temple View Flood Hazard Layer of the EPO**
- i. Development to be setback 6 metres from the edge of the identified main Flood Channel.

2.1.3 Failure to Meet Standards

- a) Activities which do not comply with one or two of the performance standards of Rule 2.1.2 are **Restricted Discretionary Activities**, with discretion limited to the subject matter of the standard that can not be met. Applications for a **Restricted Discretionary Activity** will not require the notification of affected parties.
- b) Activities which do not comply with three or more standards in Rule 2.1.2 are **Discretionary Activities**.
- c) Any application for a **Restricted Discretionary** or a **Discretionary Activity** shall be accompanied by a Site Management Plan. For **Restricted Discretionary Activities** the information required as part of the Site Management Plan shall only relate to those matters of non-compliance. A Site Management Plan shall detail the following matters:
- Location of all existing buildings
 - The siting of all proposed buildings and structures (including retaining walls)

- Existing and proposed site contours at 1m intervals
- All existing vegetation (including details of species) and landscaping
- Location and extent of areas of vegetation being retained
- Location of new landscaping including details of species and impermeable surface areas
- The location of vehicle access, manoeuvring and parking areas
- Drainage disposal methods from any existing or proposed building and all sealed and impermeable ground surfaces
- Any spring or groundwater seepage
- A description of the measures to be undertaken to help prevent or reduce effects on:
 - Ecosystems, plants and animals and any disturbance of habitats
 - Any natural watercourse including any discharge of sediment to the waterway and any effect on water quality, water clarity, and in-stream habitats
 - Land stability, erosion or any other natural hazard including any modification to landforms and removal of vegetation.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

2.1.4 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply and with the specific criteria below.

Discretionary activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The extent to which the proposal is necessary or desirable:
 - to ensure the safety or integrity of existing development on the site
 - to provide adequate sunlight
 - to preserve public views.

b) Specific Criteria

Peat Lakes and Peat Lake Catchments

- i) The extent to which impermeable surfaces adversely affect water quality, and the surrounding water table.
- ii) Whether vegetation removal adversely affects the natural character or landscape value of any lake or wetland and the ability to offset such effects through restoration or enhancement.
- iii) Whether any earthworks will adversely affect the surrounding water table and water

- quality and the opportunity to mitigate the loss of water from the site.
- iv) The extent to which earthworks exacerbate or contribute to flooding, both on-site and off-site.
 - v) Whether the removal of peat soils can be minimised to protect the surrounding water table.
 - vi) Where it is clearly impractical to dispose of stormwater to ground the provision of other mitigation measures to maintain the water table and protect water quality.
 - vii) Whether undertaking the activity will enable replacement or enhancement of existing vegetation, natural values, or the improvement of riparian margins.

Gullies

- i) Any potential for increased erosion or instability of land that may be caused by the activity.
- ii) The opportunity for screening, planting or landscaping to reduce the potential for erosion or instability.
- iii) Any effects on natural character, landforms or habitats within the site and measures to mitigate these effects.
- iv) The ability to manage disturbance caused to vegetation, habitats or natural features on the site.
- v) Any effects on the overall resilience, biodiversity and health of the Green Network particularly in terms of reducing impacts on, and retaining linkages between, significant natural areas.
- vi) Whether undertaking the activity will enable replacement or enhancement of existing vegetation, natural values, or the improvement of riparian margins.
- vii) Any effects on existing water quality, clarity, flow and in-stream habitat in any adjoining stream or river and the effectiveness of any measures proposed to mitigate such effects.
- viii) Any effect of the activity on stormwater flooding problems on-site or in any other part of the stream catchment, with particular regard to impacts in flood-prone areas.
- ix) Any potential for the loss of amenity values including the open space character, vegetation, visual relief from buildings, and opportunities for privacy and quiet.

Significant Remnant or Regenerated Indigenous Vegetation

- i) Any effects on natural character or habitats within the site and measures to mitigate these effects.
- ii) The ability to manage disturbance caused to vegetation and habitats on the site.
- iii) Any effects on the overall resilience, biodiversity and health of the Green network particularly in terms of reducing impacts on, and retaining linkages between, significant natural areas.
- iv) The opportunity for screening, planting, or landscaping to reduce the visual impact of buildings or structures.
- v) Whether undertaking the activity will enable replacement or enhancement of existing vegetation, natural values, or the improvement of riparian margins.
- vi) Any potential for increased erosion or instability of land that may be caused by the activity, particularly along gully and riverbanks.

Culvert Flood

- i) The ability to establish the activity elsewhere on the site beyond the area covered by the EPO.

River Flood

- i) The ability to establish the activity elsewhere on the site beyond the area covered by the EPO.

Temple View Flood Hazard Layer

- i. The extent to which the proposal impedes water/flood flow
- ii. The extent to which the proposal is susceptible to flooding events
- iii. Whether undertaking the proposal will alter the volumes and flow rate of runoff from the site increasing the frequency and severity of flood events
- iv. Whether modifications associated with the proposal affect the effectiveness and efficiency of the flood channel
- v. Whether designs avoid the risk of inundation
- vi. Ability to site the proposal outside the EPO — Flood Hazard Area
- vii. The cumulative effect of activities
- viii. The impact on soil and bank stability

Rule 2.2 Significant Trees Overlay

Rule Statement

The plan recognises the value of significant trees for their ecological, botanical, and amenity contribution to the community. Trees may also have a particular heritage value, especially where they have been planted to commemorate significant events or people.

Trees achieving the required standard will be protected as Significant Trees and included within a schedule as Appendix 2.2-I. The assessment is based on the Royal New Zealand Institute of Horticulture (RNZIH) method and criteria listed in Appendix 2.2-II. There are two categories of protected trees. Trees achieving a score of 1000 points or more are Category 1 trees, while trees achieving a score of between 500 and 999 points are Category 2 trees.

The rule will protect significant trees in the city, but will allow for their continued maintenance and the development of the sites on which they are located. It will only apply to any tree scheduled in Appendix 2.2-I.

Expected Outcome

The protection of identified significant individual trees and groups of trees and the ongoing maintenance of their values.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the zone, and all other rules in the Plan.

The Significant Trees Overlay rules shall be complied with first, then the relevant zone or city-wide rules shall apply. The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 2.2.3](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to, Policy Section 3.5 Urban Trees.

2.2.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the relevant standards in [Rule 2.2.2](#):

- Emergency removal of protected trees

- Trimming and maintenance of listed trees provided they comply with the standards in Rule 2.2.2 a) i).

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in Rule 2.2.2 and will be controlled in respect of the matters identified.

- Trimming and maintenance of listed trees provided they comply with the standard in Rule 2.2.2 a) ii)
 - with respect to the extent of the work, the materials used and the method used.
- Any work affecting a Category 2 tree (listed in Appendix 2.2-1)
 - with respect to the extent of the work, and the method to be employed.

c) Discretionary Activities

The following are Discretionary Activities:

- Any work affecting a Category 1 tree listed in Appendix 2.2-1
- Removal or transplanting of any tree listed in Appendix 2.2-1.

2.2.2 Specific Standards

The following standards apply to the activities specified below.

a) Trimming and Maintenance

	Rule 2.2.2 a) i)	Rule 2.2.2 a) ii)
Maximum amount of foliage to be removed in a single Calendar year.	≤ 15%	≤ 30%
Maximum thickness (cross-section) of any branch or root that may be cut.	≤ 25mm	≤ 50mm

2.2.3 Failure to Meet Standards

Activities which do not comply with one or more standards in Rule 2.2.2 a) ii) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following:

2.2.4 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council may impose conditions on the following matters.

a) Extent of Any Work

Any work carried out directly on the tree, or within the dripline of the tree shall not be of a scale which reduces any of the value scores against which the tree was assessed.

b) Materials Used

Any materials used within the dripline of a tree shall not prevent or affect the ability of air or moisture reaching the roots to the extent that it would damage the tree.

c) Method of Any Work

Any work shall be carried out in a manner that conserves the values of the tree and ensures the protection of the roots, the canopy of the tree, and does not endanger the health of the tree.

2.2.5 Assessment Criteria – Discretionary Activities

Discretionary activities will be assessed against, but not limited to, the assessment criteria below.

a) Any Proposed Work on a Significant Tree

- i) The extent to which the work will enhance or reduce the overall value of the tree by altering its assessment criteria values.
- ii) The extent to which the work will enhance or reduce the value of other protected trees in the vicinity.
- iii) The extent to which the condition of the tree constitutes a hazard unless the work is done.
- iv) The extent to which the work will result in the tree becoming a hazard (particularly in relation to any proposed structures).
- v) Possible alternative developments, avoiding the need for work to be done on the tree.
- vi) Whether means of mitigation of potential damage to the tree(s) values have been incorporated into the planned works.
- vii) Whether incentives, or mitigation of costs will result in the owner not carrying out the work on the tree(s).

b) Removal or Transplanting of a Significant Tree

- i) Whether the tree is causing serious structural damage to adjacent structures.
- ii) Whether the tree's chance of survival, in the case of transplanting, can be assured.
- iii) Whether the tree's chance of survival, in the case of transplanting, is better than in its existing location.
- iv) Possible alternative developments avoiding the need to remove the tree(s).

Appendix 2.2-I Significant Trees Register

<i>ID# (as per planning maps)</i>	<i>Significant Tree Common Name</i>	<i>Significant Tree Botanical Name</i>	<i>Address/Legal Description</i>	<i>R.N.Z.I.H Score</i>	<i>Category</i>
T2 Map 11	English Oak	Quercus robur	31a Beale St, Lot 2 DP 35288	972	2
T3 Map 16	Bunya Bunya	Araucaria bidwillii	Cobham Drive (Hamilton Gardens), Lot 26 SO 2217	3456	1
T4 Map 16		Mixed Group			
4.1	Redwood	Sequoia sempervirens	322 Cobham Drive, Lot 5 DPS 1485	2592	1
4.2	Atlantic Cedar	Cedrus atlantica glauca	Cobham Drive Reserve, Lot 3 DPS 23750	2592	1
4.3	Redwood	Sequoia sempervirens	Cobham Drive Reserve, Lot 3 DPS 23750	1152	1
4.4	Holm Oak	Quercus ilex	Cobham Drive Reserve, Lot 3 DPS 23750	2592	1
4.5	Atlantic Cedar	Cedrus atlantica glauca	Cobham Drive Reserve, Lot 3 DPS 23750	2592	1
4.6	Redwood	Sequoia sempervirens	334 Cobham Drive, Lot 2 DPS 13020	2592	1
4.7	Atlantic Cedar	Cedrus atlantica glauca	330 Cobham Drive, Lot 2 DPS 23750	1728	1
4.8	Holm Oak	Quercus ilex	332 Cobham Drive, Lot 1 DPS 23750	3456	1
T5 Map 16	English Oak	Quercus robur	61 Flynn Rd, Lot 1 DPS 24621	1296	1
T6 Map 11a	Tupelo	Nyssa sylvatica	12 George St, Lot 1 DPS 4394	1296	1
T7 Map 11a	Ferrybank Plantation	Mixed Group	Grantham St - Ferrybank Reserve, Allotment 443A Town of West Hamilton, Lot 2 DPS 257.		1 (Stand) Av.10 best
7.1	English Oak	Quercus robur	Grantham St — Ferrybank Reserve	3456	
7.2	English Oak	Quercus robur	Grantham St — Ferrybank Reserve	1152	
7.3	English Oak	Quercus robur	Grantham St — Ferrybank Reserve	1296	
7.4	Japanese Cedar	Cryptomeria japonica	Grantham St — Ferrybank Reserve	576	
7.5	English Beech	Fagus sylvatica	Grantham St — Ferrybank Reserve	2592	
7.6	English Beech	Fagus sylvatica	Grantham St — Ferrybank Reserve	3456	
7.7	Pin Oak	Quercus palustris	Grantham St — Ferrybank Reserve	1152	
7.8	London Plane	Platanus acerifolia	Grantham St — Ferrybank Reserve	2304	
7.9	Japanese Cedar	Cryptomeria japonica	Grantham St — Ferrybank Reserve	576	
7.10	London Plane	Platanus acerifolia	Grantham St — Ferrybank Reserve	2304	
7.11	Japanese Cedar	Cryptomeria japonica	Grantham St — Ferrybank Reserve	864	
7.12	London Plane	Platanus acerifolia	Grantham St — Ferrybank Reserve	3456	
7.13	London Plane	Platanus acerifolia	Grantham St — Ferrybank Reserve	2304	
7.16	California Big Tree	Sequoiadendron giganteum	Grantham St — Ferrybank Reserve	1296	

<i>ID# (as per planning maps)</i>	<i>Significant Tree Common Name</i>	<i>Significant Tree Botanical Name</i>	<i>Address/Legal Description</i>	<i>R.N.Z.I.H Score</i>	<i>Category</i>
T8 Map 12	Grey St Avenue		Grey St, Hamilton East, Road Reserve		1 (stand) Av. 10 best
8.1	London Plane	Platanus acerifolia	By 142 Grey St	2916	
8.2	Elm	Ulmus procera	Grey St (by Steele Park Toilets)	1296	
8.3	Sweet Spanish Chestnut	Castanea sativa	Opposite 291 Grey St	1296	
8.5	English Oak	Quercus robur	By 146 Grey St	5148	
8.6	London Plane	Platanus acerifolia	By 315 Grey St	1944	
8.7	London Plane	Platanus acerifolia	Cnr Cook and Grey St	6912	
8.8	London Plane	Platanus acerifolia	Cnr Cook and Grey St	5184	
8.9	Common Elm	Ulmus procera	By 191 Grey St	5832	
8.10	London Plane	Platanus acerifolia	By 242 Grey St	2916	
8.11	London Plane	Platanus acerifolia	By 209 Grey St	2916	
8.12	London Plane	Platanus acerifolia	By 208 Grey St	2916	
8.13	London Plane	Platanus acerifolia	By 180 Grey St	2916	
8.14	London Plane	Platanus acerifolia	Cnr of Wellington and Grey St	3888	
8.15	London Plane	Platanus acerifolia	By 150 Grey St	3888	
T9 Map 12	Steele Park Memorial Trees		Steele Park, Grey St, Allotment 410 Town of Hamilton East		1 (stand) Av 10 best
9.1	Silver Birch	Betula pendula	Cook St (opposite 300 Grey St)	432	
9.2	Sycamore Maple	Acer pseudoplatanus	Cook St	864	
9.3	London Plane	Platanus acerifolia	Cook St	1728	
9.4	English Oak	Quercus robur	Cook St	2592	
9.5	English Oak	Quercus robur	Cook St	2592	
9.6	London Plane	Platanus acerifolia	Cook St	864	
9.7	English Oak	Quercus robur	Cook St	2916	
9.8	English Oak	Quercus robur	Cook St	648	
9.9	English Oak	Quercus robur	Cook St	1944	
9.10	English Oak	Quercus robur	Cook St	1296	
9.11	English Oak	Quercus robur	Cook St	648	
9.12	English Oak	Quercus robur	Firth St	576	
9.13	English Oak	Quercus robur	Firth St	972	
9.14	English Oak	Quercus robur	Firth St	1944	

<i>ID# (as per planning maps)</i>	<i>Significant Tree Common Name</i>	<i>Significant Tree Botanical Name</i>	<i>Address/Legal Description</i>	<i>R.N.Z.I.H Score</i>	<i>Category</i>
9.15	English Oak	Quercus robur	Firth St	1944	
9.16	English Oak	Quercus robur	Firth St	4374	
9.17	English Oak	Quercus robur	Firth St	864	
9.18	English Oak	Quercus robur	Firth St	1944	
9.19	English Oak	Quercus robur	Firth St	972	
9.20	English Oak	Quercus robur	Firth St	2592	
9.21	Elm	Ulmus glabra	Firth St	2916	
9.22	English Oak	Quercus robur	Firth St	2592	
9.23	California Big Tree	Sequoiadendron giganteum	Wellington St	1728	
9.24	English Oak	Quercus robur	Wellington St	648	
9.25	English Oak	Quercus robur	Wellington St	1944	
9.26	English Oak	Quercus robur	Wellington St	1944	
9.27	English Oak	Quercus robur	Wellington St	3888	
9.28	English Oak	Quercus robur	Wellington St	3888	
9.29	English Oak	Quercus robur	Wellington St	1944	
9.30	English Oak	Quercus robur	Wellington St	2916	
9.31	English Oak	Quercus robur	Wellington St	1944	
9.32	Sycamore Maple	Acer pseudoplatanus	Wellington St	864	
9.33	English Oak	Quercus robur	Wellington St	1944	
9.34	English Oak	Quercus robur	Wellington St	3888	
9.35	Common Elm	Ulmus procera	Wellington St	432	
9.36	English Oak	Quercus robur	Wellington St	576	
9.37	English Oak	Quercus robur	Wellington St	1944	
9.38	Douglas Fir	Pseudotsuga menziesii	Wellington St	2592	
9.39	English Oak	Quercus robur	Wellington St	2592	
9.40	Indian Cedar	Cedrus deodora	Cnr Wellington & Grey St	1728	
9.41	English Oak	Quercus robur	Grey St	1944	
9.42	Sweet Spanish Chestnut	Castanea sativa	Grey St	864	
9.43	English Oak	Quercus robur	Grey St	1296	
9.44	English Oak	Quercus robur	Grey St	1728	
9.45	English Oak	Quercus robur	Grey St	2592	
9.46	Sycamore Maple	Acer pseudoplatanus	Grey St	576	

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9.47	English Oak	Quercus robur	Grey St	1296	
9.48	English Oak	Quercus robur	Grey St	1944	
9.49	English Oak	Quercus robur	Grey St	648	
9.50	English Oak	Quercus robur	Grey St	1296	
9.51	English Oak	Quercus robur	Grey St	1944	
T10 Map 11a		Oak Stand	Hamilton Parade by Alma St, Road Reserve		
10.1	Mossy Cup Oak	Quercus acutissima	Hamilton Parade	1536	1
10.2	Mossy Cup Oak	Quercus acutissima	Hamilton Parade	1536	1
10.3	Mossy Cup Oak	Quercus acutissima	Hamilton Parade	1536	1
10.4	Mossy Cup Oak	Quercus acutissima	Hamilton Parade	6144	1
10.5	Tulip Poplar	Liriodendron tulipifera	Hamilton Parade	576	2
10.6	Pohutukawa	Metrosideros excelsa	Hamilton Parade	2592	1
T11 Map 11a			Hamilton Parade by London St, Road Reserve		
11.1	Swamp Cypress	Taxodium distichum	Hamilton Parade by London St	1152	1
11.2	Kauri	Agathis australis	Hamilton Parade by London St	1024	1
T12 Map 7	Blue Atlantic Cedar	Cedrus atlantica glauca	2 Insoll Ave, Lot 4 DPS 71909	1728	1
T13 Map 15	California Big Tree	Sequoiadendron giganteum	82 Lake Crescent, Lot 2 DP 34122	1944	1
T14 Map 11a			2 London St		
14.1	Indian Cedar	Cedrus deodara	2 London St, Lot 1 DP 8468	1296	1
14.2	English Beech	Fagus sylvatica	2 London St, Lot 2 DP 8467	3888	1
T15 Map 11a	Weeping Elm	Ulmus glabra pendula	4 London St, Lot 1 DPS 75770	1152	1
T16 Map 11a	Hamilton Hotel Riverside Planting	Stand	Marlborough Place, Lot 1 DPS 32477		
16.1	Norfolk Pine	Araucaria heterophylla	Hamilton Hotel, 170 Victoria St	1728	1
16.2	Norfolk Pine	Araucaria heterophylla	Hamilton Hotel, 170 Victoria St	1728	1
16.3	Bunya Bunya	Araucaria bidwillii	Hamilton Hotel, 170 Victoria St	6912	1
16.4	Southern Magnolia	Magnolia grandiflora	Hamilton Hotel, 170 Victoria St	512	2
16.5	Southern Magnolia	Magnolia grandiflora	Hamilton Hotel, 170 Victoria St	864	2
T17 Map 11a	Soldiers Memorial Trees	Stand	Memorial Park, Allotment 417 Town of Hamilton East, Lots 1-3 SO 56166, Lots 1-2 DP 1233.		1 (Stand) Av. 10 best
17.1	Titoki	Alectryon excelsus	Memorial Park, Memorial Dr	1152	1

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17.2	Kauri	Agathis australis	Memorial Park, Memorial Dr	1536	1
17.3	Kauri	Agathis australis	Memorial Park, Memorial Dr	1152	1
17.4	Caucasion Fir	Abies nordmanniana	Memorial Park, Memorial Dr	1728	1
17.5	Caucasion Fir	Abies nordmanniana	Memorial Park, Memorial Dr	3456	1
17.6	Horse Chestnut	Aesculus hippocastanum	Memorial Park, Memorial Dr	1728	2
17.7	Horse Chestnut	Aesculus hippocastanum	Memorial Park, Memorial Dr	576	2
17.8	Norfolk Pine	Araucaria heterophylla	Memorial Park, Memorial Dr	3456	1
17.9	Norfolk Pine	Araucaria heterophylla	Memorial Park, Memorial Dr	3456	1
17.10	Caucasion Fir	Abies nordmanniana	Memorial Park, Memorial Dr	1728	1
17.11	Japanese Cedar	Cryptomeria japonica	Memorial Park, Memorial Dr	1728	1
17.12	Indian Cedar	Cedrus deodara	Memorial Park, Memorial Dr	3456	1
17.13	Silver Birch	Betula pendula	Memorial Park, Memorial Dr	768	2
17.14	Silver Birch	Betula pendula	Memorial Park, Memorial Dr	768	2
17.15	Rimu	Dacrydium cupressinum	Memorial Park, Memorial Dr	1728	1
17.16	Rimu	Dacrydium cupressinum	Memorial Park, Memorial Dr	1728	1
17.17	Rimu	Dacrydium cupressinum	Memorial Park, Memorial Dr	2304	1
17.18	Rimu	Dacrydium cupressinum	Memorial Park, Memorial Dr	1152	1
17.19	English Beech	Fagus sylvatica	Memorial Park, Memorial Dr	1536	1
17.20	Common Ash	Fraxinus excelsior	Memorial Park, Memorial Dr	384	*
17.21	Common Ash	Fraxinus excelsior	Memorial Park, Memorial Dr	1152	1
17.22	Maidenhair Tree	Ginkgo biloba	Memorial Park, Memorial Dr	1152	1
17.23	Rewarewa	Knightia excelsa	Memorial Park, Memorial Dr	760	2
17.24	Sweetgum	Liquidamber styraciflua	Memorial Park, Memorial Dr	1296	1
17.25	Southern Magnolia	Magnolia grandiflora	Memorial Park, Memorial Dr	576	2
17.26	Totara	Podocarpus totara	Memorial Park, Memorial Dr	1152	1
17.27	Cherry	Prunus serrulata cv.	Memorial Park, Memorial Dr	864	2
17.28	Scarlet Oak	Quercus coccinea	Memorial Park, Memorial Dr	3456	1
17.29	Scarlet Oak	Quercus coccinea	Memorial Park, Memorial Dr	2304	1
17.30	English Oak	Quercus robur	Memorial Park, Memorial Dr	1152	1
17.31	English Oak	Quercus robur	Memorial Park, Memorial Dr	1296	1
17.32	English Oak	Quercus robur	Memorial Park, Memorial Dr	1296	1
17.33	English Oak	Quercus robur	Memorial Park, Memorial Dr	1152	1

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17.34	English Oak	Quercus robur	Memorial Park, Memorial Dr	864	2
17.35	English Oak	Quercus robur	Memorial Park, Memorial Dr	1296	1
17.36	English Oak	Quercus robur	Memorial Park, Memorial Dr	1296	1
17.37	Japanese Cedar	Cryptomeria japonica	Memorial Park, Memorial Dr	576	2
17.38	Redwood	Sequoia sempervirens	Memorial Park, Memorial Dr	864	2
T18 Map 11			20 Mill St (Whitiora Primary School), Allotment 197 Town of Hamilton West		
18.1	Common Ash	Fraxinus excelsior	20 Mill St	1296	1
18.3	Sweet Gum	Liquidamber styraciflua	20 Mill St	648	2
18.4	Common Elm	Ulmus procera	20 Mill St	576	2
T19 Map 12		Mixed Group - Informal Avenue	86-120 Peachgrove Rd		2 (Stand) Av. 10 best
19.1	Red Oak	Quercus rubra	86 Peachgrove Rd, Lot 9 DPS 63009	576	2
19.2	Sweetgum	Liquidamber styraciflua	88 Peachgrove Rd, Lot 8 DPS 63009	432	*
19.3	Copper Beech	Fagus sylvatica 'Purpurea'	90 Peachgrove Rd, Lot 8 DPS 63009	384	*
19.4	Tulip Poplar	Liriodendron tulipifera	96 Peachgrove Rd, Lot 6 DPS 63009	1152	1
19.5	Tulip Poplar	Liriodendron tulipifera	98 Peachgrove Rd, Lot 6 DPS 63009	432	*
19.6	Copper Beech	Fagus sylvatica 'Purpurea'	100 Peachgrove Rd, Lot 5 DPS 63009	576	2
19.7	Scarlet Oak	Quercus coccinea	104 Peachgrove Rd, Lot 4 DPS 63009	432	*
19.8	Tulip Poplar	Liriodendron tulipifera	104 Peachgrove Rd, Lot 4 DPS 63009	384	*
19.9	Red Oak	Quercus rubra	114 Peachgrove Rd, Lot 2 DPS 63009	864	2
19.10	Kahikatea x2	Dacrycarpus dacrydioides	4 Ruakura Rd,	648	2
T20 Map 12	Silky Oak	Grevillea robusta	200 Peachgrove Rd (Southwell School), Lot 12 DP 4213	972	2
T22 Map 11a	Red Flowering Gum	Eucalyptus ficifolia	Road Reserve by 2 Princes St, Road Reserve	3888	1
T23 Map 11	California Big Tree	Sequoiadendron giganteum	Esplanade opposite 390 River Rd, Lot 76 DP 6695	1728	1
T24 Map 11		Mixed Stand	339 River Rd (Miropiko Reserve), Lot 215 DP 449		
24.1	NA	Poliiothisis sinensis	339 River Rd (Miropiko Reserve)	4608	1
24.2	Copper Beech	Fagus sylvatica 'Purpurea'	339 River Rd (Miropiko Reserve)	864	2

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24.3	Maidenhair Tree	Ginkgo biloba	339 River Rd (Miropiko Reserve)	1728	1
24.4	Three Toothed Maple	Acer buergerianum	339 River Rd (Miropiko Reserve)	576	2
24.5	Maidenhair Tree	Ginkgo biloba	339 River Rd (Miropiko Reserve)	768	2
24.6	Kashmir Cypress	Cupressus darjeelingensis	339 River Rd (Miropiko Reserve)	768	2
24.7	Tupelo	Nyssa sylvatica	339 River Rd (Miropiko Reserve)	576	2
24.8	Black Oak	Quercus velutina	339 River Rd (Miropiko Reserve)	1296	1
T25 Map 7	Diocesan High School Entry	Mixed Group	660 River Rd (Diocesan School)		1 (Stand) Av. 10 best
25.1	London Plane	Platanus acerifolia	Road Reserve by 660 River Rd	2592	1
25.2	California Big Tree	Sequoiadendron giganteum	660 River Rd, Lot 3 DPS 54638	3888	1
25.3	London Plane	Platanus acerifolia	660 River Rd, bdry of road reserve & Lot 3 DPS 54638	3456	1
25.4	London Plane	Platanus acerifolia	660 River Rd, bdry of road reserve & Lot 3 DPS 54638	3456	1
25.5	London Plane	Platanus acerifolia	660 River Rd, Lot 3 DPS 54638	1152	1
25.6	London Plane	Platanus acerifolia	660 River Rd, Lot 3 DPS 54638	3456	1
25.7	London Plane	Platanus acerifolia	Adjacent to 660 River Rd, Road Reserve	864	2
25.8	California Big Tree	Sequoiadendron giganteum	660 River Rd, Lot 2 DPS 54638	10368	1
25.9	London Plane	Platanus acerifolia	660 River Rd, Lot 3 DPS 54638	1152	1
25.10	Linden	Tilia europaea	660 River Rd, Lot 1 DP 4296	2592	1
25.11	Pin Oak	Quercus palustris	660 River Rd, Lot 1 DP 24135	1728	1
25.12	London Plane	Platanus acerifolia	660 River Rd, Lot 3 DPS 54638	768	2
25.13	Tulip Poplar	Liriodendron tulipifera	660 River Rd, Lot 3 DPS 54638	1296	1
T26 Map 11a	Washingtonia Palm	Washingtonia filifera robusta	3 New St, Lot 1 DP 26008	2048	1
T27 Map 11a	Camphor Tree	Cinnamomum camphora	Cnr Thackeray/Pembroke St, bdry of Lot 2 SO 58630 & Road reserve	648	2
T28 Map 11a	Canary Island Palms	Phoenix canariensis	479 Victoria St, Lot 2 DPS 44218		
28.1	Canary Island Palm	Phoenix canariensis	479 Victoria St	3027	1
28.2	Canary Island Palm	Phoenix canariensis	479 Victoria St	768	2
T29 Maps 7,11	Olive	Olea europea	1340 Victoria St (Trevellyn Home), Lot 1 DPS 26562	2592	1
T30 Map 11,	Claudelands Oaks	Mixed Group	Claudelands Rd, bdry Road Reserve & Lot 1 DPS		

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11a			57386		
30.4	English Oak	Quercus robur	Claudelands Rd (opposite No 16), <i>Road Reserve</i>	768	2
30.5	Sycamore Maple	Acer pseudoplatanus	Claudelands Rd (opposite No 14), <i>Road reserve</i>	512	2
T31 Map 7	Hukanui Oaks	Mixed Group	Hukanui Rd Amenity Reserve, Lots 57 & 58 DPS 13851		1 (Stand) Av. 10 best
31.1	English Oak	Quercus robur	Hukanui Rd	972	2
31.2	English Oak	Quercus robur	Hukanui Rd	648	2
31.3	English Oak	Quercus robur	Hukanui Rd	648	2
31.4	English Oak	Quercus robur	Hukanui Rd	648	2
31.5	English Oak	Quercus robur	Hukanui Rd	1944	1
31.6	English Oak	Quercus robur	Hukanui Rd	648	2
31.7	English Oak	Quercus robur	Hukanui Rd	648	2
31.8	English Oak	Quercus robur	Hukanui Rd	972	2
31.9	English Oak	Quercus robur	Hukanui Rd	648	2
31.10	English Oak	Quercus robur	Hukanui Rd	972	2
31.11	English Oak	Quercus robur	Hukanui Rd	972	2
31.12	English Oak	Quercus robur	Hukanui Rd	648	2
31.13	English Oak	Quercus robur	Hukanui Rd	972	2
31.14	California Big Tree	Sequoiadendron giganteum	Hukanui Rd	1944	1
31.15	Italian Cypress	Cupressus sempervirens	Hukanui Rd	432	*
31.16	English Oak	Quercus robur	Hukanui Rd	972	2
31.17	English Oak	Quercus robur	Hukanui Rd	648	2
T33 Map 6	Pink Flowering Yellow Gum	Eucalyptus leucoxylon 'Rosea'	951 Te Rapa Rd, Allotment 215 Pukete Parish	2592	1
T34 Map 5		Mixed Group	Lee Road, Lot 1 DPS 14410		
34.1	Norfolk Pine	Araucaria heterophylla	Lee road	1728	1
34.2	English Oak	Quercus robur	Lee road	384	*
34.3	Holm Oak	Quercus ilex	Lee Road	1296	1
34.4	Redwood	Sequoia sempervirens	Lee Road	576	2
34.5	Elm	Ulmus glabra	Lee Road	864	2
T35 Map 16		Mixed Group	217 Peacocke Road, Glenview Club, Lot 1 DPS 12490		1 (Stand) Av 10 best

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35.1	English Oak	Quercus robur	Peacocke Road, Glenview Club (riverbank)	1152	1
35.2	English Oak	Quercus robur	Peacocke Road, Glenview Club (riverbank)	1296	1
35.3	London Plane	Platanus acerifolia	Peacocke Road, Glenview Club (riverbank)	1728	1
35.4	London Plane	Platanus acerifolia	Peacocke Road, Glenview Club (riverbank)	1728	1
35.5	London Plane	Platanus acerifolia	Peacocke Road, Glenview Club (riverbank)	1728	1
35.6	English Oak	Quercus robur	Peacocke Road, Glenview Club (riverbank)	1152	1
35.7	English Oak	Quercus robur	Peacocke Road, Glenview Club (riverbank)	648	2
35.8	London Plane	Platanus acerifolia	Peacocke Road, Glenview Club (riverbank)	2304	1
35.9	English Oak	Quercus robur	Peacocke Road, Glenview Club (riverbank)	1296	1
35.10	London Plane	Platanus acerifolia	Peacocke Road, Glenview Club (riverbank)	1296	1
35.11	London Plane	Platanus acerifolia	Peacocke Road, Glenview Club (riverbank)	2304	1
35.12	English Oak	Quercus robur	Peacocke Road, Glenview Club (riverbank)	1296	1
T36 Map 16		Stand plus two others	Northview Farm — Ohaupo Rd, Lot 1 SO 57582		1 (Stand)
36.1	English Oak	Quercus robur	Northview Farm — Ohaupo Rd	1296	1
36.2	Pin Oak	Quercus palustris	Northview Farm — Ohaupo Rd	1296	1
36.3	Pin Oak	Quercus palustris	Northview Farm — Ohaupo Rd	1296	1
36.4	Pine	Pinus sp.	Northview Farm — Ohaupo Rd	768	2
36.5	Pin Oak	Quercus palustris	Northview Farm — Ohaupo Rd	864	2
36.6	Fir	Abies sp.	Northview Farm — Ohaupo Rd	1296	1
36.7	London Plane	Platanus acerifolia	Northview Farm — Ohaupo Rd	864	2
36.8	Pin Oak	Quercus palustris	Northview Farm — Ohaupo Rd	1052	1
36.9	Eucalyptus	Eucalyptus sp.	Northview Farm — Ohaupo Rd	1536	1
36.10	Elm	Ulmus	Northview Farm — Ohaupo Rd	1296	1
T37 Map 11a	Linden	Tilia europaea	1 Rostrevor St, Allotment 28 Town of Hamilton West	864	2
T38 Map 12	Tulip Poplar	Liriodendron tulipifera	93 Peachgrove Rd, Lot 2 DPS 334	972	2
T39 Map 7	Kapuka Papauma	Griselinia littoralis	Fairfield Primary School, Clarkin Rd, Lot 1 DPS 2417 (or Lot 3?)	648	2
T40 Map 11	Maidenhair Tree	Ginkgo biloba	104 Lake Rd, Lots 1&2 DPS 62186	864	2
T42 Map 11			Hinemoa Park, SO 57622		
42.1	Cook Island Pine	Araucaria cookii	Hinemoa Park	2592	1
42.2	Tulip Poplar	Liriodendron tulipifera	Hinemoa Park	1728	1

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42.3	Himalayan Spruce	Picea smithiana	Hinemoa Park	972	2
T43 Map 11		Stand	Victoria and Ulster St Road Reserve		
43.1	Linden	Tilea europaea	Victoria and Ulster St Road Reserve	1728	1
43.2	Scarlet Oak	Quercus coccinea	Victoria and Ulster St Road Reserve	1152	1
T44 Map 11a		Stand	Jesmond Park, Road reserve (part of Claudelands Rd)		
44.1	Red Oak	Quercus rubra	Jesmond Park	2592	1
44.2	London Plane	Platanus acerifolia	Jesmond Park	768	2
44.3	London Plane	Platanus acerifolia	Jesmond Park	768	2
T45 Map 11a	Spanish Chestnut	Castanea sativa	659 Grey St, Lot 16 DP 13871	648	2
T46 Map 10		Stand	145 Newcastle Road, Lot 1 DPS 9015		2 (Stand)
46.1	Tanekaha	Phyllocladus trichomanoides	145 Newcastle Rd	648	2
46.2	Karaka	Corynocarpus laevigatus	145 Newcastle Rd	648	2
46.3	Kauri	Agathis australis	145 Newcastle Rd	1536	1
46.4	Black Beech	Nothofagus solandri	145 Newcastle rd	576	2
46.5	Taraire	Beilschmiedia taraire	145 Newcastle Rd	648	2
46.6	Pohutukawa	Metrosideros excelsa	145 Newcastle Rd	648	2
46.7	Miro	Prumnopitys ferruginea	145 Newcastle Rd	648	2
T47 Map 16			Peacocke Rd, Lot 2 DPS 12490		
47.1	English Oak (x4)	Quercus robur	Peacocke Rd	864	2
47.2	London Plane (x4)	Platanus acerifolia	Peacocke Rd	864	2
T49 Map 12	Rewarewa	Knightia excelsa	124 Grey St, Lot 4 DP 13011	864	2
T50 Map 3		Stand	Sexton Rd, Lot 1&2 DPS 13652		2 (Stand) Av. 10 best
50.1	Magnolia	Magnolia delaveyi	Sexton Rd	1152	1
50.2	Three Toothed Maple	Acer buergerianum	Sexton Rd	576	2
50.3	Black Oak	Quercus velutina	Sexton Rd	1536	1
50.4	Japanese Emperor Oak	Quercus dentata	Sexton Rd	768	2
50.5	Pyrenean Oak	Quercus pyrenaica	Sexton Rd	768	2
50.6	California Big Tree	Sequoiadendron giganteum	Sexton Rd	576	2
50.7	Linden	Tilia europaea	Sexton Rd	768	2

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50.8	Sweetgum	Liquidamber styraciflua	Sexton Rd	576	2
50.9	English Beech	Fagus sylvatica	Sexton Rd	864	2
50.10	Dawn Redwood	Metasequoia glyptostroboides	Sexton Rd	576	2
T51 Map 11	Copper Beech	Fagus sylvatica 'Purpurea'	15 Brooklyn Rd, Lot 16 DP 26208	576	2
T52 Map 7		Stand	951-990 River Road		
52.1	Pin Oak	Quercus palustris	951 River Road, Lot 1 DPS 13322	1152	1
52.2	Black Walnut	Juglans nigra	953 River Road, Lot 1 DPS 24147	648	2
52.3	Sweet Spanish Chestnut	Castanea sativa	Road Reserve by 955 River Rd	576	2
52.4	English Oak	Quercus robur	Road Reserve by 967 River Rd	648	2
52.5	English Oak (x5)	Quercus robur	975 River Rd, Lot 8 DPS 25186	648	2
52.6	Tulip Poplar	Liriodendron tulipifera	975 River Rd, Lot 8 DPS 25186	486	2
52.7	London Plane	Platanus acerifolia	Road Reserve by 983 River Rd	648	2
52.8	London Plane	Platanus acerifolia	Road Reserve by 985 River Rd	648	2
52.9	London Plane	Platanus acerifolia	Road Reserve by 987 River Rd	648	2
T54 Map 16			Hamilton Gardens, Cobham Drive (indoor bowls lawns), Allotment 28 Town of Hamilton East		
54.1	Kauri	Agathis australis	Hamilton Gardens, Cobham Drive (indoor bowls lawns)	768	2
54.2	Rimu	Dacrydium cupressinum	Hamilton Gardens, Cobham Drive (indoor bowls lawns)	768	2
T55 Map 10	Tasmanian Blue Gum	Eucalyptus globulus	Road Reserve on cnr Aberdeen/Lachlan Drive (adjacent to 2 Lachlan Dr)	648	2
T56 Map 7	London Plane	Platanus acerifolia	Road reserve by 655 River Rd	648	2
T57 Map 12	Dawn Redwood	Metasequoia glyptostroboides	Pensioner Housing Units — Sullivan Cres/Peachgrove Rd, Lot 18 DPS 4558	648	2
T60 Map 11	Kauri	Agathis Australis	19 Darley Street, Lot 3 DPS 19479	768	2
T61 Map 11	Totara	Podocarpus totara	422 Tristram Street, Lot 18 DP 20707	576	2
T62	Kahikatea x69 Titoki x1	Dacrycarpus Dacrydioides Alectryon Excelsus	465 Tuhikaramea Road, Lot 1 DPS 88403	864	2
T63	Kahikatea x9	Dacrycarpus Dacrydioides	509 Tuhikaramea Road, Lot 1 DPS 88403	576	2
T64	Kahikatea x14 Titoki x4	Dacrycarpus Dacrydioides Alectryon Excelsus	465 Tuhikaramea Road, Lot 1 DPS 88403	1152	1

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T65	Bunya Pine	Araucaria Bidwillii	509 Tuhikaramea Road, Pt Allot 371, Tuhikaramea Parish	576	2

* When assessed as part of a stand these trees reach the required threshold.
X3 — three trees assessed as one canopy.

Appendix 2.2-II Significant Tree Assessment Valuation Method and Criteria

The RNZIH Standard Method of Evaluation

A standard evaluation method has been developed by the Royal New Zealand Institute of Horticulture (RNZIH) for the assessment of all trees proposed for inclusion in District Plans.

In this adapted form there are 13 categories from A to M. Each category asks specific questions of the assessor. Each category must be answered without reference to the other categories. Each category must be regarded as a specific question.

The categories are given ratings of 1 to 4. Each rating requires a clear decision. Any expansion of the rating values 1 to 4 leads to subjectivity and fractional differences of opinion. The following assessment must be used in the context of what is the value of that tree or group of trees to the local community. The scoring is carried out using the form shown in Appendix 2.2-III.

i) Category A : Size of Tree

The **height** and the **width** of the tree are measured and the tree is then assessed for **size**. This is done by taking the larger dimension i.e. height or width, and doubling. The lesser dimension is subsequently added. This figure will give the visual area of the tree.

Small	1-25	1 point
Medium	26-60	2 points
Large	61-86	3 points
Exceptional	86	4 points

The terrain may slope or be level without affecting the measurement method.

ii) Category B : Importance of Position

This category is used for assessing the trees' visual importance or proximity to the public. There is a need to recognise trees that are adjacent to well used footpaths or walkways in urban situations. For ease of definition the rating of this category is divided as follows (with vehicle counts for types of routes as a guide):

Minor Significance (local road or private garden) < 3000 vpd.	1 Point
Significant (collector road or footpath) 3000 — 10000 vpd.	2 Points
Very Significant (minor arterial route or suburban centre) 10,000-20,000 vpd.	3 Points
Major Significance (Major Arterial or City Centre) > 20,000 vpd.	4 Points

iii) Category C : Presence of Other Trees

This category evaluates the **proximity** of other trees in the area. The rating is as follows:

Forest or woodland park (e.g. Cornwall Park, Auckland)	1 Point
Group or small park (10+ trees)	2 Points
Small group (2-9 trees)	3 Points
Solitary specimen	4 Points

iv) Category D : Occurrence of the Species

Trees of importance in this category are assessed according to the frequency of the species in the local area. This category makes allowance for regional geographic differences such as the occurrence of the species for climatic reasons.

Common	1 Point
Infrequent	2 Points
Rare locally	3 Points
Rare regionally	4 Points

v) Category E : Role in Location or Setting

This category assesses the **visual and spatial quality** surrounding the trees i.e. the visual or spatial role of the tree in the setting. Does it contribute to the scene in a special way? Would the removal of the tree detract from the scene? Is the tree complementary to its surrounds? Is the tree an intentional part of a composition? The rating is as follows:

Minor significance	1 Point
Significant	2 Points
Very Significant	3 Points
Major Significance	4 Points

vi) Category F : Useful Life Expectancy

The **health** and condition of a tree are indicators in this category of life expectancy. Simply put — does the tree look healthy in foliage, branch or bark? Are there any bad cuts or wounds liable to infection or rot? This category is divided into human life span generations, in broad terms, for ease of reference. The question to be asked is whether the tree will be expected to be there for the next generation or generations to enjoy.

0 — 30 years	1 Point
30 — 60 years	2 Points
60 — 90 years	3 Points
90 + years	4 Points

vii) Category G : Form

This is assessed by observing the **appearance** of the tree. Is it a well shaped tree with a well balanced branch system? A sturdy well developed trunk is also visually important in the overall appearance of the tree.

Poor Form	1 Point
Fair Form	2 Points
Good Form	3 Points
Excellent Form	4 Points

viii) Category H : Scientific Value

This category is for trees that have interest due to a genetic purity lost in the countries of origin, their value as a source of propagation material, or their uniqueness as rare cultivar or forms of a species. Trees without great stature or even a common species could be of great scientific interest. Specialist knowledge is required for the scientific evaluation and should be fully documented.

Minor Significance	1 Point
Significant	2 Points
Very Significant	3 Points
Major Significance	4 Points

ix) Category I : Historic Value

This category is used for awarding trees their own particular historic distinctions. These include trees that have historic associations with early pioneers of historic events or places. It is important that trees in this category are given documented reasons for the evaluation.

Minor Significance	1 Point
Significant (locally)	2 Points
Very Significant	3 Points
Major Significance	4 Points

x) Category J : Cultural Value

Trees of spiritual, tribal, or other cultural values that are well documented or widely recognised. This category includes trees that are very large (notable) or very old for the species, but not recognised in Category 1 or commemorative trees without historic associations.

Minor significance	1 Point
Significant (locally)	2 Points
Very Significant (locally)	3 Points
Major Significance (locally nationally)	4 Points

xi) Category K : Functional Value(s)

This assesses the values of protection of soil by stabilisation, noise amelioration, shelter and shade, and fruit production, where these values are primary functions of the tree(s) in their location, i.e. the tree(s) are there for that reason.

Minor Significance	1 Point
Significant	2 Points
Very Significant	3 Points
Major Significance	4 Points

xii) Category L : Ecological Value

This is assessed as distinct from scientific and botanical value. It is related to habitat values for flora and fauna (particularly native) and is assessed on a stand basis so that single or isolated trees would score 1 in all cases. The species diversity of a stand is also important in this respect. Stands that serve as links between natural features and other larger stands can also be assessed here.

Minor Significance	1 Point
Significant	2 Points
Very Significant	3 Points
Major Significance	4 Points

xiii) Category M : Stand Landscape Value

This is assessed as distinct from individual trees, importance of position (B), visual roles (E), or form (F), so that individual or isolated trees would score 1 in all cases. The essential aspect here is the overall significance of the stand in its environment. Is it visually significant? Does it screen or buffer development? Does it contribute to the city-wide tree framework or Green Network?

Minor Significance	1 Point
Significant	2 Points
Very Significant	3 Points
Major Significance	4 Points

The Method of Finding the Score for the Evaluation

The rating figures for each category entered on the registration form are then multiplied category by category. $A \times B \times C \times D \times E \times F \times G \times H \times I \times J \times K \times L \times M = \text{Total points for the assessment}$. Please note that in whatever order the individual category scores is multiplied — the final score remains the same. This represents the sum of the evaluation for amenity purposes and clarification for listing.

For individual trees or groups of up to nine trees, the qualifying score should be the average of individual scores. For groups of ten or more trees, the qualifying score should be the **average** score for the ten best typical trees of the group. (If required individual scores for other trees in the group could be assessed).

Thus for individual trees or groups of up to 9 trees, the score obtained shall achieve or exceed for:

- Category 1 — 1000 points
- Category 2 — 500 points
- For trees protected as a Condition of Consents — 250 points.

The Method of Applying a Monetary Value

A monetary value is obtained by multiplying the evaluation score by the unit value. A value of \$30 per unit has been adopted based on the 1998 cost of purchase and establishment of a tree scoring 1.

The value of an individual tree in a group or stand of more than ten trees shall be the unit value multiplied by the average score for ten typical trees as established in the registration procedure. The stand value will be the individual value multiplied by the number of trees.

Appendix 2.2-III Significant Tree Assessment Form District Plan & Tree Evaluation Form

Register No.: Registration Category:

Site Address: Map Ref:

Legal Description:

Site Owner:

Owner Address:

Site Occupier:

Registration Requested By: Date (First Registered):

HCC Resolution: File:

Tree Species: Tree Evaluation Score:

Common Name: Tree Monetary Value (\$30/unit):

Location On Site:

Evaluating Officer: Date:

Rating Categories	Points	1	2	3	4	Scores
A Size of tree 2 Height + Width (m)		Small 1-25	Medium 26-60	Large 61-85	Outstanding 86+	
	Points					
B Importance of position		Minor Significance	Significant	Very Significant	Major Significance	
	Points					
C Presence of other trees		Forest or wood- land park (many)	Group or park 10 + trees (some)	Small group 2-9 trees (few)	Solitary	
	Points					
D Occurrence of the species		Common	Infrequent (locally or regionally)	Rare (nationally)	Rare	
	Points					
E Role in location or setting, (Visual spatial composition in setting)		Minor Significance	Significant	Very Significant	Major Significance	
	Points					
F Useful life expectancy in years from now (vigour)		0-30	30-60	60-90	90+	
	Points					
G Form or shapeliness	Points	Poor	Fair	Good	Excellent	

Rating Categories	Points	1	2	3	4	Scores
H Scientific value		Minor Significance	Significant	Very Significant	Major Significance	
	Points					
I Historic value		Minor Significance	Significant	Very Significant (Regional)	Major Significance (National)	
	Points					
J Cultural value		Minor Significance	Significant	Very Significant	Major Significance	
	Points					
K Functional value		Minor Significance	Significant	Very Significant	Major Significance	
	Points					
L Ecological value		Minor Significance	Significant	Very Significant	Major Significance	
	Points					
M Stand landscape value		Minor Significance	Significant	Very Significant	Major Significance	
	Points					
TREE EVALUATION TOTAL						=

Rule 2.3 Heritage Items Overlay

Rule Statement

A wide range of individual heritage items in the city have been identified for their recognised heritage value, including churches, houses, monuments, commercial and public buildings, bridges, hotels and schools. The relative importance of each heritage item has been assessed and each item has been assigned a ranking from A+ to D. Items ranked A+ to C are contained in the Heritage Items Schedule (Appendix 2.3-II); D ranked items are listed in the Heritage Items List (Appendix 2.3-III). D ranked items are identified for information only and are not protected by this rule. D ranked items have only been included in the plan where the property owner has agreed.

The ranking of each item indicates the degree of protection afforded to it. The higher the ranking, the greater the protection. The purpose of this rule is control activities which will have an adverse effect on the heritage values of the scheduled heritage items.

Expected Outcome

Significant heritage items will be protected and conserved while encouraging their continued use and refurbishment to ensure their heritage values are maintained.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the zone in which the site is located, and all other rules in the plan.

The Heritage Items Overlay rules shall be complied with first, then the relevant underlying zone or city-wide rules shall apply. Where different standards or activity status apply the relevant provisions in the Overlay Rule shall take precedence.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to, Policy Section 7.1 Built Heritage.

ADVISORY NOTE — Consultation with the Historic Places Trust

A notified resource consent application will be served on the Historic Places Trust by Council if it relates to land subject to a Heritage Order or a Requirement for a Heritage Order, or is otherwise identified in the Plan as having heritage value or affects any item on the New Zealand Historic Places Trust Register.

For a non-notified resource consent application, Council requires that written approval be obtained from the Trust as a body that may be adversely affected where the item is the subject of a Heritage Order or a Requirement for a Heritage Order where the Trust is the Requiring Authority. For any resource consent application relating to a heritage item registered under the Historic Places Trust Act 1993 or for any items identified in the District Plan as having heritage value, consultation with the New

Zealand Historic Places Trust is recommended before an application is submitted to Council and Council may then require that written approval be obtained from the Trust.

For a fuller understanding of the notification requirements of the Resource Management Act 1991, reference should be made to the Act itself, in particular sections 93 and 94.

2.3.1 Activities

a) Permitted Activities

The following activities are Permitted Activities:

- Minor Works on any heritage item in Appendix 2.3-II
- Changes to the interior of any heritage item in Appendix 2.3-II

b) Controlled Activities

The following activities are Controlled Activities and will be controlled in respect of the matters identified.

- Accessory buildings or new buildings within the site of any heritage item ranked A, B and C in Appendix 2.3-II
 - *with respect to design and external appearance of buildings, and streetscape visibility.*
- Exterior lighting attached to any heritage item in the Heritage Items Schedule (Appendix 2.3-II)
 - *with respect to design and external appearance of buildings*

c) Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities:

- Demolition of B and C ranked heritage buildings in Appendix 2.3-II within the Church College Character Overlay area in accordance with Rule 2.7 Church College Character Overlay.
 - *With discretion restricted to loss of heritage value, visual amenity, streetscape, practical and cost implications of retaining the heritage item, structural safety of building*

d) Discretionary Activities

The following activities are Discretionary Activities:

- Erecting, constructing, painting or extending a sign in association with any heritage item ranked A+ or A in Appendix 2.3-II
- Relocation of any heritage item ranked A, B or C in Appendix 2.3-II
- Alterations or additions to the exterior of any heritage item in the Heritage Items Schedule in Appendix 2.3-II
- Accessory buildings or new buildings within the site of any heritage item ranked A+ in Appendix 2.3-II

- Demolition of any heritage item ranked B or C in Appendix 2.3-II (except heritage buildings within the Church College Character Overlay area in accordance with Rule 2.7 Church College Character Overlay).

d) Non-Complying Activities

The following activities are Non-Complying Activities:

- Demolition of any heritage item ranked A+ or A in Appendix 2.3-II
- Relocation of any heritage item ranked A+ in Appendix 2.3-II.

2.3.2 Application Requirements – demolition of buildings

Any application to demolish any heritage item listed in the Heritage Items Schedule in Appendix 2.3-II as a Restricted Discretionary or Discretionary activity shall be accompanied by a Heritage Record. The record shall include the following matters:

- A photographic record of the interior and exterior of the item; and
- Any land title records; and
- Any structural architectural plans; and
- Building or site survey plans which currently exist relating to the item

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

2.3.4 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Design and External Appearance of Buildings

- i) Signs should be compatible in terms of form, scale, materials and design with the cultural and heritage values associated with the heritage item.
- ii) Alterations, additions, accessory buildings or new buildings should be compatible with the original fabric of the heritage item and reflect the architectural style and character of the heritage item.
- iii) Alterations, additions, accessory buildings or new buildings should respect the scale of the heritage item and not be visually dominant.
- iv) Exterior lighting should be in keeping with the architectural style of the building to which they relate.

b) Streetscape Visibility

- i) The design of buildings and parking areas should maintain visual linkages between the heritage item and the street.

- ii) New buildings and accessory buildings should be consistent with the heritage item in terms of building bulk, height, materials and colours.
- iii) Landscaping or planting, fences and gates should compliment the visual appearance of the heritage item.
- iv) New buildings and accessory buildings should be compatible with adjoining heritage items in terms of scale and location.

2.3.5 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the matters discretion is restricted to as set out in Rule 2.3.1 c)

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Whether the proposal has adverse effects on the heritage item and whether measures have been taken to avoid, remedy or mitigate potential adverse effects.
- ii) Whether the proposed activity would wholly, or in part, nullify the effect of scheduling the heritage item.
- iii) Whether the proposed work is necessary. In the case of demolition of A+ or A ranked heritage items, it is expected that these reasons would be extraordinary, for example: for safety or if retaining the item would cause unreasonable financial hardship on the owner. In the case of demolition of B and C ranked heritage items, it is expected that there would be a compelling reason for demolishing the item.
- iv) Whether the heritage item can be relocated on or off the site and the impact that the relocation would have on the identified heritage values.
- v) The extent to which the proposed activity will have an irreversible effect on the heritage values or features of that heritage item and, in the case of 'A+' and 'A' sites, the extent to which this will effect the heritage fabric of the City.
- vi) Whether the relationship of the item with its setting is maintained.
- vii) The extent to which the proposed activity retains the style or character (eg. maintaining building form, building materials or design) of the item and/or the extent to which this could be achieved through any alternatives.
- viii) Whether the proposed activity will be visually dominant (eg. the proposed alteration, addition or modification should be compatible in form, colour, scale and/or materials of the heritage item).
- ix) Whether the proposed activity will significantly impact on the streetscape appearance.
- x) The extent to which the proposed activity will encourage the protection and ongoing maintenance of the heritage item.
- xi) The ability of applicant to economically develop the site without demolition, alteration or relocation of the item.

- xii) In the case of additional buildings, whether these would detract from the setting or quality of the item or whether additions are located so as not to impinge on the main elevation of the heritage item.
- xiii) Whether the proposed development has an adverse impact on the heritage values of a neighbouring heritage item.
- xiv) Any immediate or cumulative effects of the loss, alteration or removal of the heritage item on the number, range and quality of heritage features in either the neighbourhood, city, region or country (depending on the Item's 'geographic significance ranking).
- xv) Whether the heritage item is registered in the New Zealand Historic Places Trust Register under the Historic Places Act 1993, and the reasons for its registration.

Appendix 2.3–I Assessment of Heritage Items

Rankings of Significance

Ranking for heritage items in Hamilton City has been established as follows:

- A+:** Buildings and Structures of **Outstanding Heritage Value**
- A:** Buildings and Structures of **Highly Significant Heritage Value**
- B:** Buildings and Structures of **Significant Heritage Value**
- C:** Buildings and Structures of **Recognised Heritage Value**
- D:** Buildings and Structures of **Heritage Value** (these items are identified on Hamilton City's Heritage List).

Categories for Management

The ranking of the heritage items has been based on the heritage categories (see below) as well as an assessment of the integrity of the heritage item, its rarity (at a local, regional and national level) and its condition.

Geographic Significance

Geographic extent of a heritage item's significance. For this purpose, four categories have been identified:

- 1:** Those heritage items whose value is derived from their national significance
- 2:** Those heritage items which are significant to the region
- 3:** Those heritage items which have significance in terms of their relevance to the City
- 4:** Those heritage items which have local / neighbourhood significance.

Heritage Features / Characteristics

The assessment of each heritage item has identified its significance in terms of the following categories:

- a: Social / Historical:** The extent to which the building, structure or precinct reflects the history of Hamilton, the Waikato or New Zealand with either a strong association with a significant person or persons or reflective of social or economic patterns of its time.
- b: Traditional / Cultural / Spiritual:** The extent to which the spiritual importance. For example, the building, structure or area may have symbolic importance (eg. a naming place, sacred site or symbolic feature) or commemorative importance (eg. a memorial site).
- c: Technological:** The importance of the building, structure or precinct as a reflection or representation of significant technological development.
- d: Setting / Aesthetic / Landscape:** The extent to which the building, structure or precinct contributes to the identity of the neighbourhood or surrounding area, either as a component of the landscape or as an identity in its own right.

- e: **Architectural:** The importance of the building, structure or precinct as an example of a notable design style, architectural technique, or design feature or as an important example of the work of a notable architect, builder, designer.

Appendix 2.3–II Heritage Items Schedule

A+ Ranking Heritage Items

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H1	Beale House	11 Beale St	Lot 4 DPS 12448	A+	1	a d e	I	11
H2	Railway House Factory	Rifle Range Rd	Lot 2 DPS 70366	A+	1	a c d e	I	10
H3	Fairfield Bridge	Victoria St	Road reserve	A+	1	a c d e	I	11
H4	St Peter's Cathedral	51 Victoria St	Allotment 407 Town of Hamilton West Allotment 59A Town of Hamilton West	A+	1/2	a b d e	II	11a
H5	Former Bank of New Zealand **	117 Victoria St	Lot 1 DPS 65131	A+	1	a d e	I	11a
H6	Greenslade House	1 Wellington St	Lot 1 DP 27295	A+	1	a d e	I	11
H108	The Hamilton New Zealand Temple of the Church of Jesus Christ of Latter day Saints	509 Tuhikaramea Road, Temple View	Part of Allot 62 Tuhikaramea Parish	A+	2	a b c d e	-	14a

** The New Zealand Historic Places Trust is the Heritage Protection Authority in relation to a Heritage Order which exists on the Former Bank of New Zealand (Sections 187-198 RMA). Section 193 of the RMA outlines the Effect of a Heritage Order. The written consent of the New Zealand Historic Places Trust is required, regardless of the provisions of the District Plan, to undertake any use of land (described in Section 9(4) of the RMA), any subdivision of land, and any change of character, intensity, or scale of the use of any land that would wholly or partly nullify the effect of the heritage order.

A Ranking Heritage Items

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H7	Hamilton Courthouse	116 Anglesea St	Pt Allotment 407B Town of Hamilton West	A	2	a d e	II	11a
H8	Victoria Bridge	Bridge St	Road reserve	A	1	a c d e	I	11a
H9	Claudelands Bridge	Claudelands Rd	Road reserve	A	2	a c d e	II	11a
H10	St Mary's Convent Chapel	47 Clyde St	Lot 1 DP 313799; Lot 2 DP 316850 and part of Lot 1 DP 316850	A	2	a b d e	II	12
H11	Buffalo Hall	7 Cook St	Lot 4 DP 11858	A	1	a d e	II	12
H12	Band Rotunda	Grantham St	Pt Lot 443A Town of Hamilton West	A	2	a d e	II	11a
H13	Hamilton Club	Grantham St	Allotments 414-416 Town of Hamilton West	A	2	a d e	II	11a
H14	Former Police House	160 Grey St	Pt Allotments 301A Town of Hamilton East	A	2	a d e	II	12
H15	Masonic Hall (rear)	285 Grey St	Lots 1 and 2 DPS 80758, PT ALLT 78 Twn Hamilton East	A	2	a d e	-	11
H16	Claudelands Grandstand	800 Heaphy Tce	Pt 2 DP 15061	A	2	a d e	II	11
H17	Frankton Hotel	40 High St	Pt 1 DP 10368	A	2	a d e	II	11
H18	Petals Flower Shop	17 Hood St	Lot 1 DPS 80988	A	2	a c d e	II	11a
H19	Grand Central Hotel	27 Hood St	Pt 80 DP 11503 Lot 1 DP 8763	A	2	a d e	II	11a
H20	Stationmaster's House	Hungerford Cres	Sec 28 Hamilton East Town Belt	A	2	a d e	II	16
H21	Lake House	102 Lake Cres	Lot 3 DPS 6302	A	2	a d e	II	15

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H22	PS Rangiriri	Memorial Park	Riverbank adjacent to Allotment 417 Town of Hamilton East	A	1	a c d	-	11a
H23	Hawkins House	156 Nixon St	Lot 1 DPS 68819	A	2	a d e	II	12
H24	Jolly House	39 Queens Ave	Lots 1,2,3 & 5 DPS 8264	A	2	a d e	II	11
H25	Railway House Kiln	Rifle Range Rd	Lot 1 DPS 70366	A	1/2	a c d e	-	10
H26	Farrer Homestead	660 River Rd	Lot 3 DPS 54638	A	2	a d e	II	7
H27	Water Tower	Ruakiwi Rd	Lot 2 DP 16167	A	2	a c d	II	11
H28	Hockin House	15 Selwyn St	Lot 74 DP17643	A	2	a d e	II	15
H29	Landmark Home (Also known as Silverdale Homestead)	8 and 12 Sheridan St	Lots 14, 15 and 16 DPS 9205	A	2	a d e	II	13
H30	Riverlea	10 Silva Cres	Pt Lot 13 DPS 16455	A	2	a d e	II	16
H31	St Andrew's Church	2 Te Aroha St	Lot 3, Lot 4, Lot 5 DP 7767	A	2	a b d e	-	11a
H32	Frankton Signal Box	Tui Ave	Minogue Park PT LOT 1 DPS 17179	A	2	a c d e	II	6/10
H33	St Peter's Hall	55 Victoria St	Pt Allotment 451 Town of Hamilton West	A	2	a d e	II	11a
H34	Barton and Ross Building	131-141 Victoria St	Lot 1 DP 22325	A	2	a d e	-	11a
H35	Former Post Office./Social Welfare	132 Victoria St	Allotment 55 Town of Hamilton West	A	2	a d e	II	11a
H36	Former Hamilton Hotel	170-186 Victoria St	Lot 1 DPS 32477	A	2	a d e	II	11a
H37	Wesley Chambers	237 Victoria St	Pt Allotment 87 Town of Hamilton West	A	2	a c d e	II	11a
H38	Commercial Hotel	287 Victoria St	Lot 2 DP 25984	A	3	a d e	-	11a
H39	Central Post Office Dome	346 Victoria St	Lot 2 DPS 82097	A	2	a d e	-	11a
H40	Pascoe's Building	357 Victoria St	Lot 1 DPS 26347	A	2	a d e	II	11a

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H41	Cadman's Garage	596 Victoria St	Lot 5 DP 11019	A	2	a d e	II	11a
H42	Public Trust Building	610 Victoria St	Lot 6 DP 11019	A	2	a d e	II	11a
H43	Former NZ Dairy Co-op	661 Victoria St	Lot 1 DPS 81052	A	2	a d e	II	11a
H44	Railway Institute Hall	21 Weka St	Lot 1 DPS 37471	A	2	a c d e	II	10

B Ranking Heritage Items

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H45	House	32 Albert St	Pt Allotment 305 Town of Hamilton East	B	3	d e	II	11/12
H46	Knox Church Hall	50 Albert St	Allotment 301 Town of Hamilton East Lot 3 DP 35099	B	3	a b d e	-	12
H47	Old Hamilton Technical School — Block F	Anglesea St	Lot 1 SO59086	B	2	a d e	-	11a
H48	Former Waikato Brewery	14 Bridge St	Lot 2 DPS 68349	B	2	a d e	-	11a
H49	F.E Smith house	129 Cambridge Rd	Lot 2 DPS 1551	B	3	a e	-	12
H50	Notre Dames des Missions	47 Clyde St	Allotments 15 & 16 Town of Hamilton East	B	2	a b d e	-	12
H51	Frankton Cafe	119 Commerce St	Lot 1 DRO 191	B	4	a d e	-	11
H52	Hamilton East School Building (1)	7 Dawson St	Allotment 406 Town of Hamilton East	B	3	a d e	-	11a
H53	Hamilton East School Building (2)	7 Dawson St	Allotment 406 Town of Hamilton East	B	2	a d e	-	11a
H54	House	74 Firth St	PT ALLOT 260 Town of Hamilton East	B	3	d e	-	12
H55	House	102 Forest Lake Rd	Lot 1 DPS 74198	B	2	a d e	-	10
H56	House	104 Forest Lake Rd	Pt Lot 13 DP 7943	B	2	a d e	-	10
H57	House	126 Forest Lake Rd	Lot 22 DP 7943	B	2	a d e	-	10
H58	House	128 Forest Lake Rd	Lot 23 DP 7943	B	2	a d e	-	10
H59	Former Hamilton Railway Station	Hillcrest Rd	Pt Lot 10 DP 3733	B	2	a c d e	II	12
H60	Former Rogers House	2 London St	Lot 2 DPS 83224	B	3	a d e	-	11a
H61	St Paul's Methodist	62 London St	Lot 1 DPS 7437	B	2/3	a d e	-	11a

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H62	NZ Dairy Co Building (1)	130 Norton Rd	Lot 4 DPS 44975	B	2	a c d e	-	10
H63	Ingleholm house	11 O'Neill St	Lot 2 DP 11840 Lots 15 & Pt Lot 17 DP 4698	B	2	a d e	-	11a
H64	Southwell Chapel	200 Peachgrove Rd	PT Lot 12 DP 4213 Lot 1 DPS 1478	B	3	a c d e	-	12
H65	House	10 Radnor St	Lot 4 DPS 7703	B	3	d e	-	11a
H66	Diocesan Dining Room	660 River Rd	Lot 3 DPS 54638	B	3	a d e	-	7
H67	Diocesan Main Building	660 River Rd	Lot 3 DPS 54638	B	3	a d e	-	7
H68	Railway house	124 Tasman Rd	Lot 1 DPS 52379	B	3	a d e	-	6
H69	Reid's Studio	55 Victoria St	Allotments 449 & 450 Town of Hamilton West	B	3	a c e	-	11a
H70	George Smith House	65 Victoria St	Allotment 448 Town of Hamilton West	B	3	a d e	-	11a
H71	Howdens Jewellers	179 Victoria St	Allotment 84 Town of Hamilton West	B	3	a d e	-	11a
H72	Paul's Book Arcade	211 Victoria St	Allotment 86 Town of Hamilton West	B	2	a d e	l	11a
H73	Alexandra Building	221 Victoria St	Allotment 86 Town of Hamilton West	B	3	a d e	-	11a
H74	Victoria Buildings	260 Victoria St	Lot 2 DP 19882	B	3	a d e	-	11a
H75	House	1319 Victoria St	Lot 11 DP 27570	B	3	d e	-	11
H76	House	1331 Victoria St	Lot 9 DP 27570	B	4	d e	-	11
H107	GRB Hall	Church College, Temple View	Part of Lot 1 DPS 88403	B	3	a b d e	-	14a
H133	First House	Church College, Temple View	Part of Lot 1 DPS 88403	B	4	a c d e	-	14a

C Ranking Heritage Items

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H77	Council Chambers No. 3	18-20 Alma Street	Lot 1 DPS 74799	C	3	a c d e	-	11a
H78	Former Triangle Petrol Station	45 Waterloo Street	Lot 1 DPS 12053	C	3	a d e	-	11
H79	Former Frankton Junction Supply Store	245 Commerce St	Lot 1 DPS 78295	C	4	a d e	-	11
H80	Railway Signal	Commerce St	Road reserve adjacent to Lot 1 DPS 66749	C	3	a d c e	-	11
H81	Old Telegraph Pole	Commerce St	Road Reserve adjacent to Lot 1 DPS 14955	C	3	a c	-	11
H82	Former Waikato Hospital & Charitable Aid Society	17A and 17B Hood Street	Pt Allotment 81 Town of Hamilton West	C	2	a d e	-	11a
H83	Army Drill Hall	Knox St	SEC 1 SO 61293	C	2	a c d e	-	11a
H84	St James Church and Hall	159, 161 and 163 Massey St	Lots 4,5 & 6 DP 5031	C	3	a b d e	-	10
H85	NZ Dairy Co Building (2)	136 Norton Road	Lot 5 DPS 44974	C	3	a c d e	-	10
H86	Diocesan School Relocatable Classrooms	660 River Road	Lot 2 DP 22471	C	2	a c e	-	7
H87	Hamilton Transformer Building	88 Seddon St	Pt Allotment 5 A Hinemoa Park	C	3	a c	-	11
H88	Municipal Tepid Baths	26 Victoria St	Pt Allotment 445A Town of Hamilton West	C	3	a c d e	-	11a
H89	Hamilton Buildings	109 Victoria St	Pt Allotment 81 Town of Hamilton West	C	4	a d e	-	11a
H90	Harker's Building	191 Victoria St	Pt Allot 85 Town of Hamilton West	C	3	a d e	-	11a
H91	Former Guthrie Bowron	254 Victoria St	Lot 1 DP 19882	C	4	d e	-	11a

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H92	Grocotts Building	213-217 Victoria St	Allotment 86 Town of Hamilton West	C	4	a d e	-	11a
H93	H & J Court Ltd	303 Victoria St	Pt Lot 1 DPS 13296	C	4	a d e	-	11a
H94	Central Post Office	346 Victoria St	Lot 2 DPS 82097	C	2	a d e	-	11a
H95	Michael Hill Building	1-5 Ward Street	Lot 1 DPS 15240	C	4	a d e	-	11a
H96	Kings Building	456 Victoria St	Lot 2 DPS 33324	C	4	a d e	-	11a
H97	Irvine's Chemist	595-601 Victoria St	Lot 6 DP 13844	C	4	a d e	-	11a
H98	Housing NZ Building	803 Victoria St	Lot 2 DP 8153	C	4	a e	-	11a
H106	David O McKay Building	Church College, Temple View	Part of Lot 1 DPS 88403	C	3	a d e	-	14a
H109	Wendell B Mendenhall Library	Church College, Temple View	Part of Lot 1 DPS 88403	C	3	a d e	-	14a
H134	Kai Hall	Church College, Temple View	Part of Lot 1 DPS 88403	C	4	a b d	-	14a
H135	Block Plant	Church College, Temple View	Part of Lot 1 DPS 88403	C	3	a c	-	14a
H110	Star Flats	18 Frances Street (Units 1 -12)	Lots 4, 5, 6 and 7 DPS 334	C	2	a b c d e	-	12
H111	House	111 Peachgrove Road	Lot 3 DP 8657	C	2	a c d e	-	12
H113	Former Morris Stores and Motor Services	116 Grey Street	Lot 2 DP 13011 and Pt Lot 1 DP 13011	C	2	a b c d e	-	12
H114	House	33 Naylor Street	Pt Allot 295 Town of Hamilton East	C	2	a b c d e	-	12
H115	House	44 Brookfield Street	Lot 1 DPS 14092	C	2	a b c d e	-	12/16
H116	House	82 Grey Street	Lot 7 DP 24023	C	2	a b c d e	-	12
H117	House	121 Grey Street	Lot 1 DPS 34931	C	3	a c d e	-	12
H118	House	5 Albert Street	Lot 5 DPS 13070	C	3	a c d e	-	11

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H119	House	154 Galloway Street	Lot 3 DP 34992	C	3	a b c d e	-	12
H120	House	624 Grey Street	Lot 1 DPS 89454	C	2	a c d e	-	11
H127	House	98 McFarlane Street	Lot 11 DP 26824	C	2	a b c d e	-	11
H129	House	9 Armagh Street	Pt Lot 51 DP 11312	C	3	a b c d e	-	11
H130	House	5 Armagh Street	Lot 49 DP 11312	C	4	a b c d e	-	11/12
H131	House	3 Armagh Street	Lot 48 DP 11312	C	4	a b c d e	-	12
H132	House	104a Cook Street	Lot 2 DPS 3236	C	4	a c d e	-	12

Appendix 2.3–III Heritage Items List

D Ranking Heritage Items

ID#	Heritage Item	Address	Legal description	Ranking	Geographic Significance	Heritage features / characteristics	NZHPT Ranking	Planning Map No.
H99	Puna's Building	221—229 Commerce St	Lot 1 DPS 74774	D	4	a d e	-	11
H100	County Buildings	455 Grey St	Lots 1 and 2 DPS 86312	D	4	a d e	-	11
H101	House	2 Kotahi Ave	Lot 2 DP 14611	D	4	d e	-	11
H102	House	95 Pembroke St	Lot 1 DP 28890	D	4	d e	-	11
H103	House	7A, 7B and 7C Thames St	Lot 9 DPS 6695	D	4	d e	-	11
H104	House	31 Eton Drive	Lot 59 DP 7744	D	4	d e	-	13/17
H105	Oxford Chambers	530 Victoria St	Lot 8 DPS 10335	D	4	a d e	-	11a

Rule 2.4 Heritage Precincts Overlay

Rule Statement

Heritage Precincts are areas with consistent special heritage character. The District Plan has identified four Heritage Precincts, the Frankton Railway Village (see Appendix 2.4-I), Hayes Paddock (see Appendix 2.4-1a) the Hamilton East Villa Precinct (see Appendix 2.4-1c) and The Temple (see Appendix 2.4-1d). The heritage values associated with these precincts are derived from both the physical items within the built environment (eg. the dwellings, parks) and the spatial patterns (eg. subdivision patterns, building layout and streetscape) (see Appendix 2.4-II).

The purpose of the rule is to protect the identified historic heritage values of the area while allowing the on-going development. The rules control activities which may have an adverse effect on the identified heritage values of the precincts, including demolition and removal of buildings, alterations and additions and new buildings. The rule also imposes standards that control other important aspects such as density, setbacks from the road, and building heights to ensure that identified heritage values are maintained.

Expected Outcome

Protection of the unique characteristics of identified heritage precincts while encouraging development and activities which are sympathetic to the precincts' identified heritage values.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the zone in which the site is located, and all other rules in the plan.

The Heritage Precinct Overlay rules shall be complied with first, then the relevant zone or city-wide rules shall apply. Where an overlay also includes specific Heritage Items (Rule 2.3), or Significant Trees (Rule 2.2), the provisions of the Precinct Overlay must be complied with first, then the specific Overlay, provided that in all cases the most demanding provision shall apply. Where different activity status apply the relevant provisions in the overlay rule take precedence. The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 2.4.3](#) — Failure to Meet Standards or for the Hamilton East Villa Precinct see [Rule 4.1B.5](#) — Failure to meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 5.1 Residential Areas and 7.1 Built Heritage.

Advisory Note — Consultation with the Historic Places Trust

A notified resource consent application will be served on the Historic Places Trust by Council for any application which affects any historic area registered under the Historic Places Act 1993. The Frankton Junction Railway Settlement Historic Area is registered as an historic area.

For a non-notified resource consent application, for any development relating to a historic area registered under the Historic Places Trust Act 1993, consultation with the New Zealand Historic Places Trust is recommended before an application is submitted to Council and Council may then require that written approval be obtained from the Trust.

For a fuller understanding of the notification requirements of the Resource Management Act 1991, reference should be made to the Act itself, in particular sections 93 and 94.

Advisory Note — Hamilton East Villa Precinct

The provisions of the Villa Precinct apply to the Villa properties marked on Appendix 2.4.1c. For those unmarked properties located within the area of the Villa Precinct and for non-Villas (in respect of dwellings) situated on Villa properties, the provisions of the Hamilton East Residential Character Zone shall apply.

2.4.1A Activities in the Frankton Railway Village Heritage Precinct**a) Permitted Activities**

The following activities are Permitted Activities provided they comply with the standards in Rule 2.4.2.

- Minor work on railway houses
- Changes to the interior of a railway house
- Alterations or additions (other than minor work) to any area other than the streetscape exterior or any railway house

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in Rule 2.4.2, and will be controlled in respect of the matters identified.

- Accessory buildings
 - with respect to design and external appearance of buildings
- New detached dwellings and relocated buildings
 - with respect to design and external appearance of buildings.

c) Discretionary Activities

The following activities are Discretionary Activities.

- Demolition of any railway house

- Alterations or additions (other than minor work) to the streetscape exterior of any railway house
- Relocation of any railway house (unless relocated within the site or precinct)
- New buildings or additions or alteration to existing buildings within Railway Park - Lt 1 DPS 37471

d) Non-Complying Activities

The following activities are Non-Complying Activities.

- Apartment buildings
- Comprehensive Residential Developments
- Community Centres
- Education and Training Facilities
- Health Care Services
- Offices
- Visitor Accommodation
- Marae
- Papakainga
- Places of Assembly

2.4.1B Activities in the Hayes Paddock Heritage Precinct

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in Rule 2.4.2.

- Minor work on any building.
- Changes to the interior of any building.
- Alterations or additions (other than minor work) to any part of a building other than the streetscape exterior.
- Ancillary Flat.
- Accessory Buildings.

b) Discretionary Activities

The following activities are Discretionary Activities.

- One detached dwelling.
- Alteration, demolition or removal of any structure or building on Lot 228 DP S929.
- Any new building on a vacant site.

- Apartment Buildings.
- Comprehensive Residential Developments.
- Residential Centres.
- Second and subsequent detached dwellings on a site.
- Visitor Accommodation.

c) Non Complying Activities

The following are Non Complying activities.

- Demolition or removal of any original state house or part thereof.
- Demolition or removal of any building within the suburban centre zone.
- The creation of new lots through the amalgamation of land titles.

2.4.1 C Activities in the Hamilton East Villa Heritage Precinct

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in Rules 4.1B.2 and 4.1B.3.

- Minor work on any building.
- Changes to the interior of any building.
- Restoration or reconstruction of the exterior elevations provided the work is consistent with verifiable evidence of the original design.

b) Restricted Discretionary Activities

The following is a Restricted Discretionary Activities provided it complies with the standards in Rule 4.1B.2.

- New detached dwellings.
- with discretion restricted to siting, design and appearance

c) Discretionary Activities

The following activities are Discretionary Activities.

- Alterations and additions to a Villa
- Demolition and Removal of a Villa

2.4.1D Activities in The Temple Heritage Precinct

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in Rules 2.4.2a, 4.6.2 and 4.6.3:

- Any activity which is a Permitted Activity under Rule 4.6.1a
- Minor work on any building or curtilage wall and Temple Entrance Area elements.
- Repair and maintenance of any private road or car park area.
- Changes to the interior of any building.
- Alterations and additions to any building except the Temple and Visitor Centre.
- Painting and repainting of buildings, parts of buildings and other structures.
- Demolition or removal of an Accessory building.
- External illumination of buildings and grounds.
- Tree Planting and Removal except for in areas identified under Rule 2.4.1D b)

b) Restricted Discretionary Activities

The following are Restricted Discretionary Activities.

- Tree Planting in the Temple View Shafts area (As shown on Appendix 2.4-1E)
 - With discretion limited to siting
- Tree Removal in the Temple Entrance Area (As shown on Appendix 2.4-1E)
 - With discretion limited to siting and appearance
- Demolition or removal of any building except Accessory Buildings, the Temple, Visitor Centre and Temple President's house.
 - With discretion limited to the visual effects of the removal or demolition.
- Alterations, demolition or removal of the formal Temple Entrance Area elements including steps, planting boxes, retaining walls between the Visitor Centre, Temple Landing and Temple (As shown in Appendix 2.4-1E).
 - With discretion limited to the visual effects of the alteration, removal or demolition.
- Contouring and modification of the landform.
 - With discretion limited to siting, appearance and effects on archaeological deposits or features.

c) Discretionary Activities

The following activities are Discretionary Activities.

- Demolition or removal of the Visitor Centre or Temple President's house.
- The construction of additional private roads or car park areas.
- New buildings.
- Alterations and additions to the Temple or Visitor Centre.

d) Non-Complying Activities

The following activities are Non-Complying Activities.

- Demolition or removal of the Temple.
- Alteration, demolition or removal of the boundary wall to Tuhikaramea Road.
- Any activity not provided for as a Permitted, Restricted Discretionary or Discretionary Activity in [Rule 2.4.1D](#), or a Permitted Activity in [Rule 4.6.1 a](#)).

2.4.2 General Standards

The following general standards apply to all Permitted, Controlled and Restricted Discretionary Activities, except in the Temple Heritage Precinct, and in the Hamilton East Villa Precinct where the standards of the Hamilton East Residential Character Zone apply.

a) Density

Each residential unit shall be contained within a minimum net site area of 600m².

b) Site Coverage

Maximum amount of the site which can be covered by buildings is 35% of the net site area in the Frankton Railway Village Heritage Precinct.

c) Building Height

- i. Maximum height of buildings shall be 5m in the Frankton Railway Village Precinct.
- ii. Maximum height of buildings shall be 6m in the Hayes Paddock Heritage Precinct.

d) Building Stories

Buildings shall be of no more than one storey in the Frankton Railway Village Heritage Precinct.

e) Setback From Road Boundary

- i. Buildings shall be set back 5m from the road boundary in the Frankton Railway Village Heritage Precinct.
- ii. Within the Hayes Paddock Area no part of any new building, structure, alteration or extension shall extend forward of the principal rear wall of a dwelling as originally constructed (See figure 2.4-1b).

f) Fencing

- i) Maximum height of front yard fences shall be 1.2m.
- ii) Maximum height of 1.2m shall apply to fencing along the side boundary until a point in line with the front facade of the dwelling (See Figure 2.4-1).

2.4.2a Specific Standards

The following Specific Standards apply in the Temple Heritage Precinct, in addition to any standards within [Rules 4.6.2](#) and [4.6.3](#):

a) Colour

New buildings or alterations or the painting or repainting of any building or structure shall be in a colour that is in general accordance with the current characteristic cream colour used extensively throughout the Temple Heritage Precinct and adjoining Church College Character Area as referenced in the report for The Church of Jesus Christ of Latter-day Saints by Walker Group Architects titled 'The Church College of New Zealand Heritage Record' dated November 2009.

b) Repairs and Maintenance

- i) The redecoration, restoration or repair of fabric or detailing shall use materials which have similar general appearance in terms of texture and colour as those referenced in the report for The Church of Jesus Christ of Latter-day Saints by Walker Group Architects titled 'The Church College of New Zealand Heritage Record' dated November 2009.
- ii) The repair and maintenance of private roads and car parking areas shall retain the characteristic sealed surface and kerb edge.

c) Height

- i) No part of any new or extended building or structure shall be higher than the floor level of the Temple.

2.4.2b Public Notification

Resource consent applications for Restricted Discretionary Activities, or for activities that become Restricted Discretionary activities as a result of [Rule 2.4.3 c\)](#), will be processed without the need for public notification or service of notice in accordance with Section 95A(1) of the Act except in special circumstances referred to in Section 95A(2) and 95D of the Act.

2.4.3 Failure to Meet Standards

- a) Activities within the Frankton Railway Village Heritage Precinct which do not comply with one or two performance standards in [Rule 2.4.2](#) are **Restricted Discretionary Activities**, with discretion restricted to the subject matter of the standard that can not be met. Activities within the Hayes Paddock Heritage Precinct which do not comply with one or more performance standards in [Rules 2.4.2, 4.1.2 or 4.1.3](#) are **Discretionary Activities**.
- b) Activities within the Frankton Railway Village Heritage Precinct which do not comply with three or more standards in [Rule 2.4.2](#) are **Discretionary Activities**.
- c) Permitted Activities within the Temple Heritage Precinct which do not comply with one performance standard in [Rule 2.4.2a](#) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met. Activities which do not comply with two or more performance standards in [Rule 2.4.2a](#) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

In respect of the Hamilton East Villa Heritage Precinct, Council shall have regard to the provisions for the Hamilton East Residential Character Zone.

2.4.4 Performance Outcomes — Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Design and External Appearance of Buildings within the Frankton Railway Village Precinct

- i) The building should maintain the characteristic setback of buildings from the road.
- ii) The design of buildings should be compatible with the materials, form, height and bulk of the surrounding railway houses, generally being single storey with a low pitched gable roof.
- iii) The front door of a detached dwelling or main door of an accessory building should be orientated towards the street.
- iv) Coverage of the front setback by buildings should be minimised.

2.4.5 Assessment Criteria — Restricted Discretionary Activities and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Whether the proposal has adverse effects on the heritage precinct and whether measures have been taken to avoid, remedy or mitigate potential adverse effects.
- ii) Whether the proposed activity significantly detracts from the heritage values identified for the heritage precinct.
- iii) Whether the proposed work is necessary, considering available alternatives.
- iv) Whether the building can be relocated on or off the site, the impact that the relocation would have on the identified heritage values and/or whether the relocation of the building would mitigate potential adverse effects identified.
- v) The extent to which the proposed activity will detract from the heritage values or features of the precinct and the extent to which this will affect the heritage fabric of the city.

- vi) The extent to which the proposed activity retains or is compatible to the style or character (eg. maintaining building form, building materials or design) identified for the heritage precinct and/or the extent to which this could be achieved through any alternatives.
- vii) Whether the proposed activity will significantly impact on the streetscape appearance of the heritage precinct.
- viii) The extent to which the proposed activity will positively encourage the protection and ongoing maintenance of the heritage precinct.
- ix) Whether the proposed activity will require the removal of any vegetation in the Frankton Railway Village (particularly mature trees) and the extent to which this can be avoided, remedied or mitigated.
- x) Any immediate or cumulative effects resulting from the activity on the number, range and quality of heritage features and characteristics in the precinct.

b) Specific Criteria Relating to Frankton Railway Village

Whether any new building or addition or alteration to an existing building in Railway Park is compatible with the material, form and design of the surrounding residential development and existing buildings within Railway Park, in particular the Railway Institute Hall.

c) Specific Criteria Relation to Hayes Paddock

In relation to proposed demolition and removal:

- i) Whether it has been clearly demonstrated that demolition of a dwelling is necessary, considering available alternatives including renovation and refurbishment, limiting the extent of demolition works or relocation of the dwelling elsewhere on the site or within the Precinct.
- ii) Where demolition or removal from the site is demonstrated to be the only practicable option, whether a photographic and documentary heritage record of the property has been provided to Council.
- iii) Whether resource consent exists for the redevelopment of the site in a manner that will reflect historic heritage values in the Precinct.
- iv) The extent to which there is certainty regarding the timing of redevelopment of the site.
- v) The extent to which the opportunity is provided for the salvage and reuse of original materials.

In relation to proposed alterations and extensions:

- vi) Whether the proposed works will retain or reflect the architectural form of the original dwelling in terms of proportions, style, design detailing, fenestration, materials and finishes.
- vii) Whether works affecting the roof will retain the form, lines, materials and pitch of the roof of the original dwelling.

- viii) The extent to which the development either individually or cumulatively with other developments within the front and side yards of properties in the area will detract from the relationship between dwellings, or their relationship as a group with the streetscene.
- ix) The extent to which the proposed works will provide the opportunity for the restoration or re-introduction of original design features.
- x) The extent to which the design and scale of the proposed works will ensure that the original dwelling and its historic heritage values will remain the dominant feature in the streetscene.

In relation to proposed new activities, buildings and structures:

- xi) Whether the proposal will be in keeping with the historic heritage character of the Precinct in terms of size, scale, architectural form, design detailing and intensity of development and subsequent occupation.
- xii) The extent to which front and side elevation details including the roof, will be sympathetic to the design, fenestration, materials and finishes of neighbouring original dwellings.
- xiii) The extent to which new buildings or structures will reflect the characteristic separation of original dwellings including their open aspect to the streetscene.
- xiv) The extent to which the siting and design of development will enhance the historic heritage group value of properties and their relationship to the streetscene.
- xv) Whether the level of intensity of development or subsequent operation of a proposal will give rise to visual or operational effects that would significantly adversely affect the low density, residential character of the neighbourhood.
- xvi) The extent to which car parking, servicing, security lighting and signage requirements for an activity would adversely affect the visual relationship between a building, particularly an original dwelling, and the streetscene.

In relation to proposed subdivision:

- xvii) The extent to which the site design is consistent with those sites in Hayes Paddock initially developed during the late 1930's and early 1940's.
- xviii) The extent to which the spaciousness, low density character the original subdivision concept for the area is maintained.

d) Specific Criteria Relating to the Hamilton East Villa Precinct

In relation to proposed demolition and removal:

- i) Whether it has been clearly demonstrated that demolition of a Villa is necessary, considering available alternatives including renovation and refurbishment, limiting the extent of demolition works or relocation of the Villa elsewhere on the site or within the Precinct.

- ii) Where demolition or removal from the site is demonstrated to be the only practicable option, whether a photographic and documentary heritage record of the property has been provided to Council.
- iii) Whether resource consent exists for the redevelopment of the site in a manner that will reflect historic heritage values in the Precinct.
- iv) The extent to which there is certainty regarding the timing of redevelopment of the site.
- v) The extent to which the opportunity is provided for the salvage and reuse of original materials.

In relation to proposed alterations and extensions:

- i) Whether the proposed works will retain or reflect the architectural style of the original Villa in terms of building form, building elements, proportions, original design detailing, fenestration, materials and finishes.
- ii) Whether works affecting the roof will retain the gable facing the street, its form, lines, materials, original detailing and pitch of the roof of the original Villa.
- iii) The extent to which the proposed works will provide the opportunity for the retention, restoration or reconstruction of original design features.
- iv) The extent to which the design and scale of the proposed works will ensure that the original Villa and its historic heritage values will remain the dominant feature.

In relation to proposed new activities, buildings and structures (siting, design and appearance):

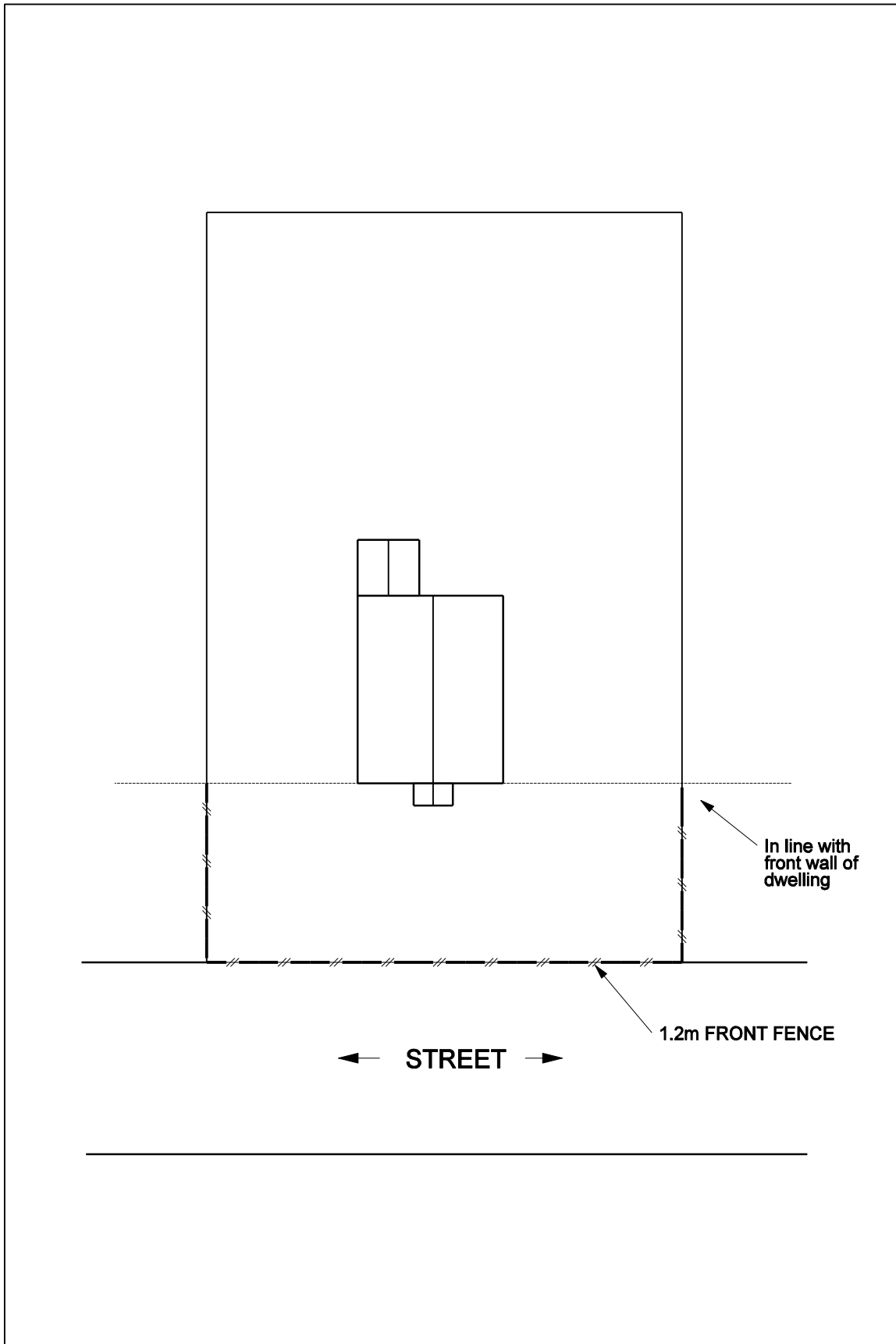
- i) Whether the proposal will be in keeping with the historic heritage character of the Precinct in terms of location, size, scale, architectural form, design detailing and intensity of development and subsequent occupation.
- ii) The extent to which new buildings or structures will reflect the characteristic separation of original dwellings including their open aspect to the street.
- iii) The extent to which the siting and design of development will enhance the historic heritage group value of properties.

e) Specific criteria relating to the Temple View Heritage Precinct

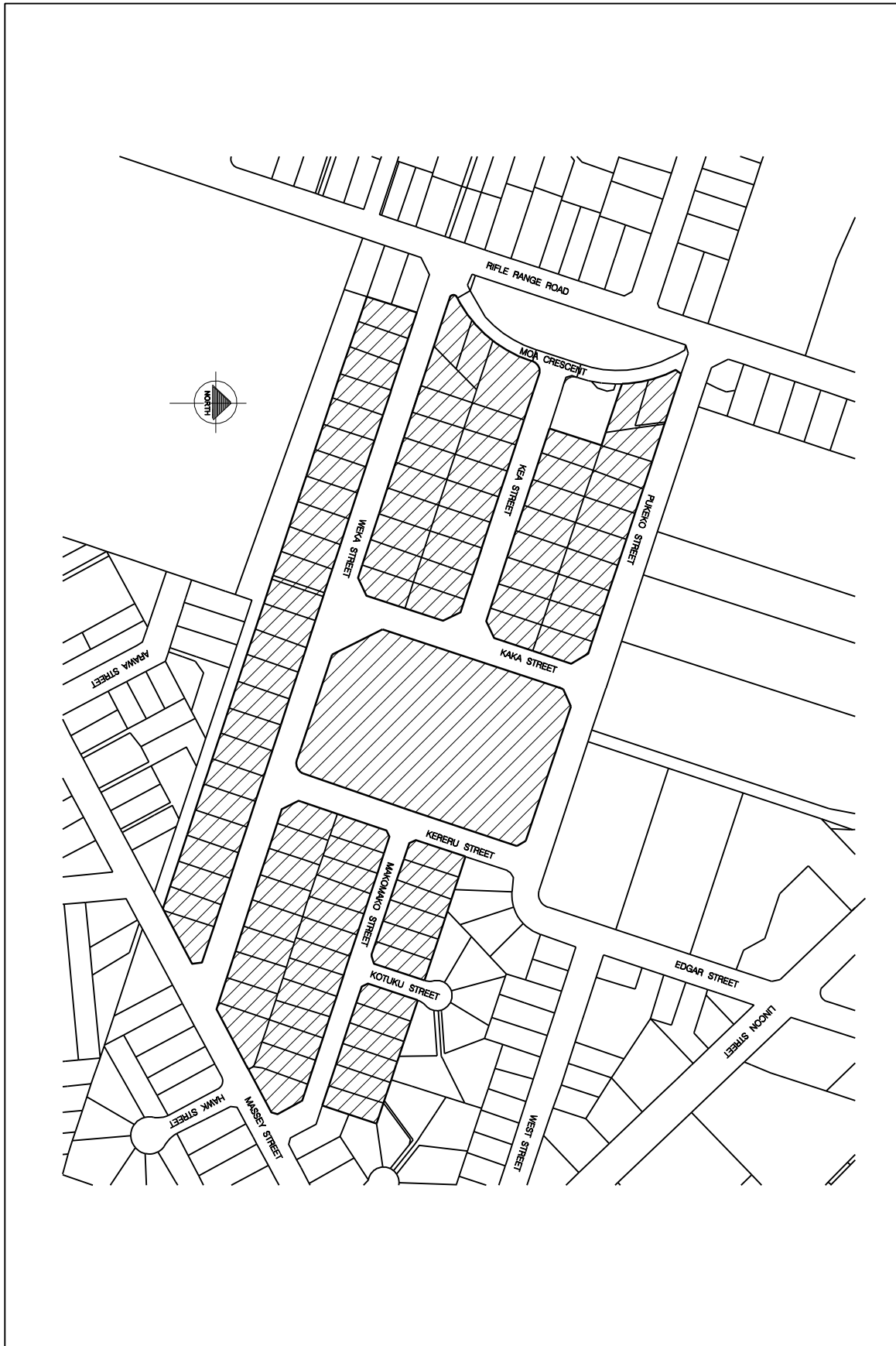
- i) Whether the removal of trees within the Temple Entrance Area would adversely affect the landscape setting of the Temple.
- ii) Whether the planting of trees within the view shaft area would adversely affect the views of the temple.

- iii) Whether the planting of additional tree areas would adversely affect the landscape setting of the Temple.
- iv) Whether the creation of additional private roads or car parking areas would adversely affect the planted landscape setting of the Temple.
- v) The extent to which new buildings and structures can be accommodated without interrupting the space between the Temple, Temple President's house, the internal east/west access road fronting the Visitor Centre and Tuhikaramea Road.
- vi) Whether new buildings would have significant adverse effects on views of the Temple.
- vii) In the case of demolition, whether it has been clearly demonstrated that there are no alternatives for the refurbishment or reuse of the building for activities that are compatible with the character and values of the Heritage Precinct.
- viii) Whether works to a building would adversely affect the consistency of colour and materials that are used extensively throughout the Precinct.
- ix) Whether works to a road or car park area continue the consistent use of materials and kerb edging used throughout the Precinct.
- x) The extent to which any excavation, modification or disturbance of the ground would have significant adverse effects on views of the Temple, including any consequential effects on existing tree stands.
- xi) The extent to which provision has been made for the investigation, recording or preservation of any archaeological deposits or features.

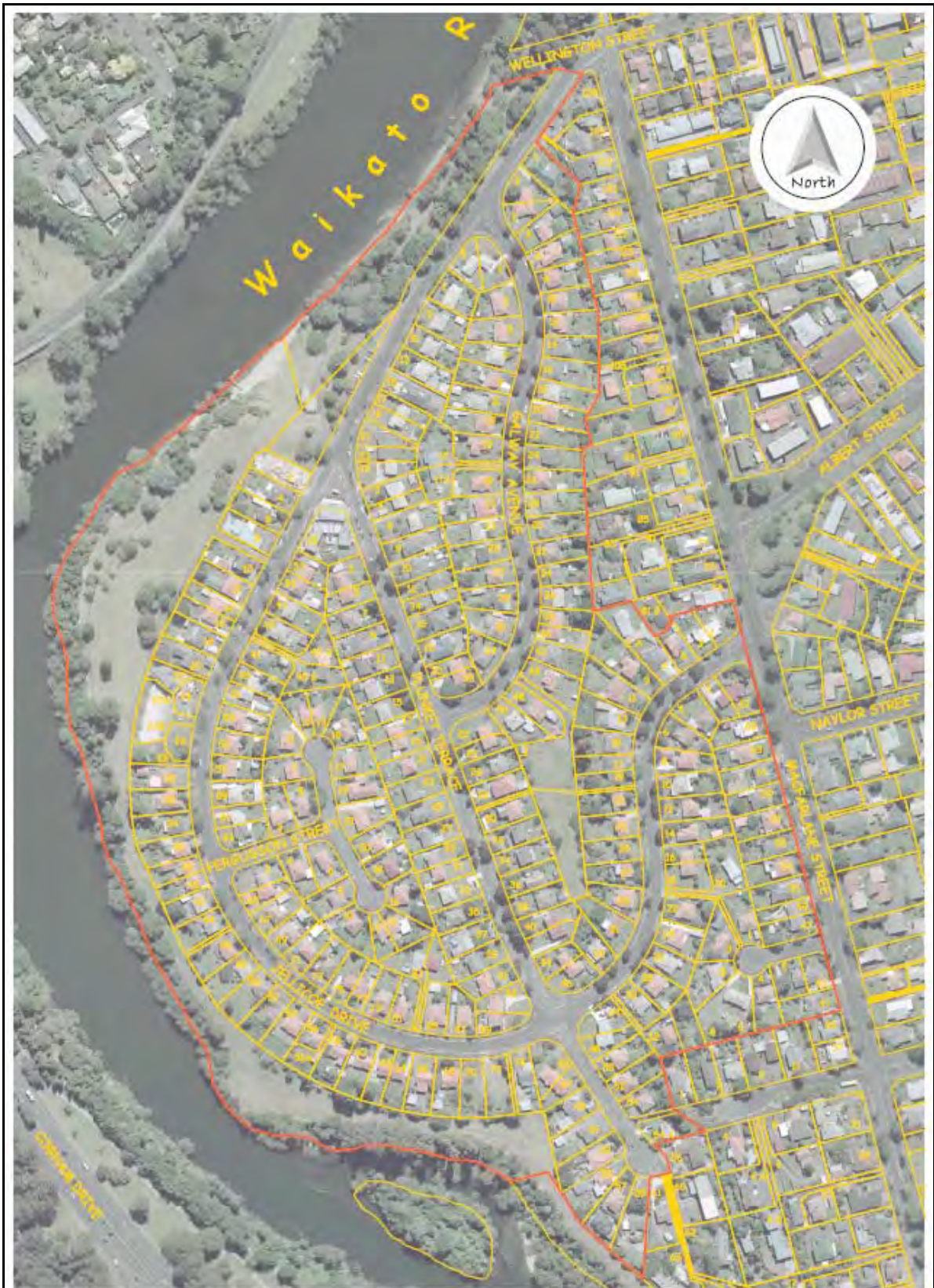
Figure 2.4-1 Front Yard Fencing



Appendix 2.4—I Frankton Railway Village Heritage Precinct



Appendix 2.4-1a Hayes paddock Heritage Precinct

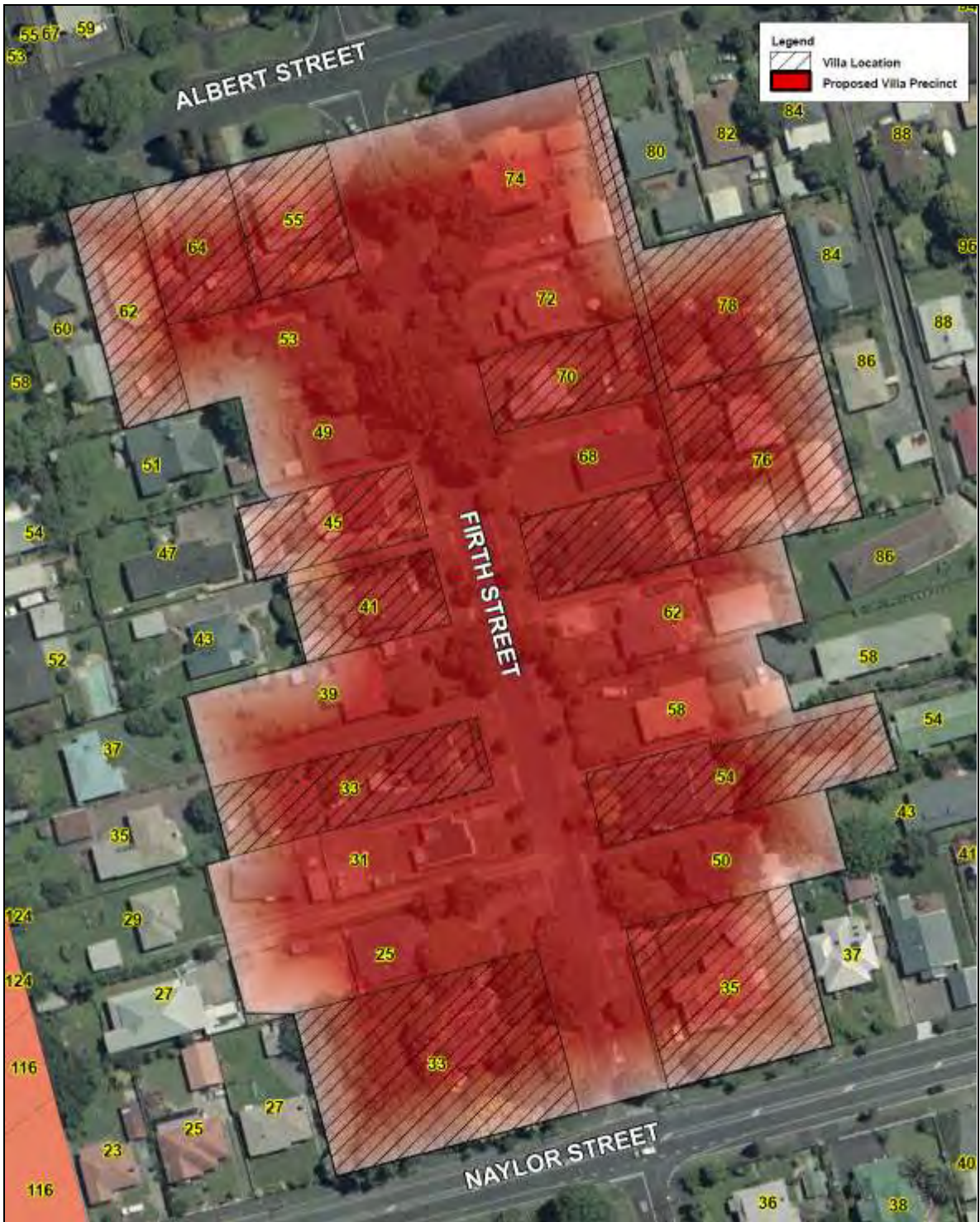


Appendix 2.4-1a
Hayes Paddock Heritage Precinct

Appendix 2.4-1b Set Back Lines within Hayes Paddock



Appendix 2.4-1c Hamilton East Villa Heritage Precinct






Appendix 2.4-1d The Temple Heritage Precinct



Appendix 2.4-1E Temple View Shafts and Temple Entrance



-  Temple Heritage Precinct
-  Temple View Shafts
-  Temple Entrance Area

 Hamilton City Council
Te kaitiaki o Kaitiaki

APPENDIX 2.4-1E
Temple View Shafts
& Temple Entrance
(as per Rule 2.4.1D)
TEMPLE HERITAGE
PRECINCT

Appendix 2.4—II Precinct Characteristics

The heritage values and characteristics of the Frankton Railway Village, Hayes Paddock and Hamilton East Villa Heritage Precincts are discussed in more detail below.

Frankton Railway Village Precinct

The Frankton Railway Village Precinct lies to the east of Rifle Range Road between Massey Street, Pukeko Street and Lincoln Street.

The Frankton Railway Village is one of the last and largest remaining railway settlements in the country and is considered nationally significant. It represents an historical reminder of one of the busiest railway junctions in New Zealand. The area has been identified as worthy of protection for the following heritage characteristics:

- The area provides a relatively unmodified example of a planned railway settlement, representing design elements of the 'garden suburb' movement, fashionable at that time (with the hall and central open space for workers);
- There are a number of examples of the different design variations on the railway house, which is a basic villa design, with front porch, horizontal weather boarding, and galvanised corrugated iron roofing;
- Predominantly separate single storey residential dwellings;
- Consistent building setback from the street frontage with houses orientated to the street.

Hayes Paddock

The Hayes Paddock Precinct is situated generally between the Waikato River and MacFarlane Street.

The Precinct is a surviving example of a former state housing area designed and built by the first Labour Government in the late 1930's-early 1940's following the design principles of the Garden Suburb movement. The layout of the neighbourhood and design of individual houses reflected the economic circumstances and social ideals of the time in terms of the provision of high quality worker housing. The area has been identified as worthy of protection for the following heritage characteristics:

- The area provides a relatively intact example of a planned state housing neighbourhood providing high quality worker housing constructed prior to 1945 and following contemporary design elements of the Garden City movement. These dwellings are described as "original dwellings" in the Overlay provisions.
- Dwellings exhibit a wide variety of design detailing but retain a high degree of visual unity through common use of a limited palette of materials and colours.
- Dwellings are typically but not exclusively single storey with solid hipped and tiled roofing.
- The relatively narrow curving street pattern with berms and street trees discourages through traffic and reinforces a distinct residential character.
- Services, including electricity supply and telephone lines are underground.
- Walkways provide connectivity between streets and the recreational reserve areas.

- The location of the existing café and access to the riverside reserve at Jellicoe Drive and Plunkett Terrace reflects the historical focal point of the Precinct, being the location of the original shop units.
- The area still displays the original characteristic setback and separation between dwellings.
- The design concept that the streetscene comprising the road, berms, gardens and dwellings should be viewed as a whole is still clearly evident.
- Section sizes are typically around 600m² creating a distinctly low density residential character.

Hamilton East Villa Precinct

The Villa Precinct is situated on Firth Street between Albert Street and Naylor Street and three houses to the west of Firth on Albert Street. The precinct has a high concentration of Villa styled houses and has historical significance as it reflects the popularity of the villa throughout Hamilton East in the late Victorian and Edwardian periods. The dates of the villas constructed in the precinct are between 1891 and 1916.

The area has been identified as worthy of protection for the following heritage characteristics:

- Consistency with the Villa style, including a main gable facing the street, with ornate decoration in and/or supporting the gable, under eaves and on verandahs.
- Main entrance facing the street to the side of the street front bay or gable.
- Buildings are predominantly single storey.
- Consistent building setback from the street frontage with houses orientated to the street.
- Buildings are constructed with a timber frame, weatherboards and joinery with predominantly corrugated iron roofs.
- Most buildings have double hung sash windows.
- Most buildings have bays or double bays.
- Most Villas have verandahs.

The Temple Precinct

The Temple Heritage Precinct is situated to the east of Tuhikaramea Road

The Site comprises a low hill on the edge of the Rukuhia swamp that was previously occupied as a papakainga, then developed as a farmstead, prior to the redevelopment of the site during the 1950's to establish the Temple. The Precinct is significant for its social history as well as the physical features that remain and continue in active use. The Temple, together with the adjoining Church College, was constructed entirely by Labour Missionaries from materials that were largely produced on the adjacent Church College site. The Temple itself is also identified as a Heritage Item in its own right. It was the first and is still the only Temple in New Zealand and is the focus for Church members throughout the country. The Precinct also includes Significant Trees and Archaeological features that are individually identified through the Plan. The Temple Precinct has been identified as worthy of protection for the following heritage characteristics:

- The buildings use locally produced materials by a Labour Missionary programme established by the Church in conjunction with the construction of the adjacent Church college. The buildings are a physical reminder of the contribution that the Church has made to the training and spiritual development, particularly of the Maori community. The Temple has an inseparable connection with the local community.
- The siting, design and colour of the Temple on the crest of the hill provides a dramatic feature that is evident in short and long distance views. It is a physical landmark within the City and a social landmark of the Church of Jesus Christ of Latter-day Saints within New Zealand.
- The buildings and surrounding curtilage walling have a consistency of materials and colour that retains a high degree of visual unity. The unity is reinforced through the consistent treatment of internal private roads and car parking areas.
- The landscaped grounds include trees that predate the development of the Temple, and others that are a reminder of previous European and Maori occupation of the site. Additional stands of trees add maturity and distinction to the site against the painted cream backdrop of the Temple itself, but despite their age, size and extent, they are secondary in significance to views of the Temple itself.
- The site has been the subject of long standing, though intermittent, occupation dating back to pre-European times.

Appendix 2.4-III Categories for Management

The following categories were used to assess the significance of heritage precincts.

Geographic Significance

Geographic extent of a heritage precinct's significance. For this purpose, four categories have been identified:

- 1: Heritage precinct whose value is derived from their national significance
- 2: Heritage precincts which is significant to the region
- 3: Heritage precincts which has significance in terms of their relevance to the City
- 4: Heritage precincts which have local / neighbourhood significance.

Heritage Features / Characteristics

The assessment of heritage precincts identifies its significance in terms of the following categories:

- a: **Social / Historical:** The extent to which the precinct reflects the history of Hamilton, the Waikato or New Zealand with either a strong association with a significant person or persons or reflective of social or economic patterns of its time.
- b: **Traditional / Cultural / Spiritual:** The extent to which the spiritual importance. For example, the area may have symbolic importance (eg. a naming place, sacred site or symbolic feature) or commemorative importance (eg. a memorial site).
- c: **Technological:** The importance of the precinct as a reflection or representation of significant technological development.
- d: **Setting / Aesthetic / Landscape:** The extent to which the precinct contributes to the identity of the neighbourhood or surrounding area, either as a component of the landscape or as an identity in its own right.
- e: **Architectural:** The importance of the precinct as an example of a notable design style, architectural technique, or design feature or as an important example of the work of a notable architect, builder, designer.
- f: **Consistency:** The extent to which the precinct is consistently reflects the significant heritage values identified. For example, the geographical extent to which the historical values are preserved (both in terms of the buildings and structures themselves and the spaces or surrounds between these structures) which adds to the significance of the individual heritage buildings or structures.

Appendix 2.4—IV Heritage Precincts Schedule

ID#	Heritage Precinct	Address	Geographic Significance	Heritage features / characteristics	New Zealand Historic Places Trust Registration	Planning Map No.
P1	Frankton Railway Village	See Appendix 2.4-1	1	a c d e f	Frankton Junction Railway Settlement Historic Area ¹	10
P2	Hayes Paddock	See Appendix 2.4-1a	1	a c d e f	=	11,15
P3	Hamilton East Villa Precinct	See Appendix 2.4-1b	3	a, c, d, e, f	-	12
P4	The Temple Precinct	See Appendix 2.4-1d	1	a b c d f	-	14a

¹ — NB. The NZHPT Historic Area is broader than the Frankton Railway Village Heritage Precinct.

Rule 2.5 Significant Archaeological, Historic and Cultural Sites Overlay

Rule Statement

A number of significant archaeological, historic and cultural sites have been identified in the city. Some of these are associated with early European settlement, however the majority of these sites are of significance to Waikato iwi and local hapu.

Sites have been ranked according to their scientific, historic, cultural and educational values and have been scheduled as Tangata Whenua Historical and Cultural Sites (Appendix 2.5-II) or Archaeological Sites Associated with European Settlement (Appendix 2.5-III). Each item has been assigned a ranking from Group 1 to Group 3. (Group 3 sites are noted for information only and are not protected under the plan). Sites are notated on the Planning Maps.

The ranking of each item indicates the degree of protection afforded to it. The higher the ranking, the greater the protection. The purpose of this rule is to control activities which will have an adverse effect on the heritage values of the scheduled sites. The rules associated with scheduled sites control any activity which involves excavation, modification or disturbance of the ground.

Expected Outcome

Scheduled tangata whenua historical and cultural sites and archaeological sites associated with European settlement identified throughout the city are protected against activities which have the potential to destroy, damage or modify them.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the zone in which the site is located, and all other rules in the plan.

The Significant Archaeological, Historic and Cultural Sites Overlay rules shall be complied with first, then the relevant zone or city-wide rules shall apply. Where different standards or activity status apply the relevant provisions in the overlay rule shall take precedence. The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 2.5.3 — Failure to Meet Standards](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 7.2 Sites of Archaeological, Historic and Cultural Significance.

ADVISORY NOTE — Historic Places Act 1993

Any disturbance of archaeological sites, regardless of their listing or otherwise in this District Plan, is not permitted under Section 10 of the Historic Places Act 1993. Consent of the New Zealand Historic Places Trust is required to modify or disturb an archaeological site under Section 11 of the Historic Places Act. For further information or to make an application, contact the nearest area office of the New Zealand Historic Places Trust.

An authority is required for such activity whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Regional or District Plan.

2.5.1 Activities**a) Permitted Activities**

- Minor work on sites in Group 1 and Group 2 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II and sites in Group 2 — Archaeological Sites Associated with European Settlement in Appendix 2.5-III
- Any activities or work associated with sites in Group 3 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II and sites in Group 3 — Archaeological Sites Associated with European Settlement in Appendix 2.5-III

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in [Rule 2.5.2](#), and will be controlled in respect of the matters identified.

- Any activity which involves excavation, modification or disturbance of the ground of any site in Group 2 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II
 - with respect to scale, design and location of the activity; and conservation/recognition of the site
- Any activity which involves excavation, modification or disturbance of the ground of any site in Group 2 - Archaeological Sites Associated with European Settlement in Appendix 2.5-III
 - with respect to scale, design and location of the activity; and conservation/recognition of the site.

c) Discretionary Activities

The following are discretionary activities:

- Any activity involving excavation, modification or disturbance of a site in Group 1 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II
- Any activity involving excavation, modification or disturbance of a site in Group 1 - Archaeological Sites Associated with European Settlement in Appendix 2.5-III.

2.5.2 General Standards

The following general standards apply to all Controlled Activities.

a) Excavation, Modification or Disturbance of the Ground

- i) Prior to any activity being undertaken, written advice shall be obtained from an appropriately qualified person or body concerning the effects of the proposed activity on the cultural and heritage values identified for the site and outlining possible mitigation measures.

In the case of the site having identified Tangata Whenua values, the relevant Iwi shall be requested to provide advice.

Where the site history indicates that there may be historical artefacts or other physical remains, advice shall be obtained from a suitably qualified and experienced archaeologist.

- ii) Advice is also required that the necessary authority to modify or damage an archaeological site has been obtained from the New Zealand Historic Places Trust under the Historic Places Act 1993.
- iii) All advice obtained shall be provided to Council with any resource consent application.

b) Exceptions to the General Standards

- i) An archaeological assessment, advice from the New Zealand Historic Places Trust, or consultation with iwi will not be required under this rule where there is documentary evidence held by Council that this has previously been carried out for the site, and that the proposed new work is covered by that documentary evidence.
- ii) This rule will not apply where a resource consent under this rule has been previously granted for the site.

- c) Excavation, Modification and Disturbance - means to dig into, or the removal of soil or other material from, the ground; or the movement of soil or other material on to or within the site which changes the existing profile of the landform; with the exception of those matters defined as Minor Work (in relation to the Significant Archaeological, Historic and Cultural Sites Overlay).

2.5.3 Failure to Meet Standards

Activities which do not comply with the performance standards in [Rule 2.5.2](#) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

2.5.4 Performance Outcome – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Scale and Design of the Activity

The design, layout or location of the activity, including associated building platforms, vehicle access and services on site, should be located in order to minimise disturbance of any site.

b) Conservation and Recognition of the Site

- i) Plans for on-going maintenance of the site should be developed so that the site is preserved and that damage does not occur.
- ii) Planting, fencing and identification (eg. signage) of any site should be developed to ensure the site is recognised.

2.5.5 Assessment Criteria – Discretionary Activities

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The extent to which any activity adversely affects the historical, cultural or spiritual significance of any site which is significant to Waikato Iwi and local hapu.
- ii) The necessity of any modification and any alternative methods and locations available to the applicant for carrying out the work or activities, including any recommendations from consultation with tangata whenua and the Historic Places Trust.
- iii) The extent to which activities on or in the vicinity of a scheduled site adversely affect the physical structure and integrity of any site by the removal, addition, excavation, or compaction of any soil, rock or other material.
- iv) The extent to which vegetation planted on or in the vicinity of the archaeological site is likely to cause damage or detract from the site's features.
- v) The extent to which more than minor adverse effects can be adequately remedied or mitigated on-site.
- vi) The need to address the impact of sites on the ability of the applicant to utilise the property.

Appendix 2.5–I Assessment of Significant Archaeological, Historic & Cultural Sites

Rankings of Significance

Ranking for significant archaeological, historic and cultural sites in Hamilton City has been established as follows:

Tangata Whenua Historical and Cultural Sites

Group 1: Outstanding Sites of Archaeological, Historic and Cultural Value

Group 2: Significant Sites of Archaeological, Historic and Cultural Value

Group 3: Noteworthy Sites of Archaeological, Historic and Cultural Value

Archaeological sites associated with European Settlement

Group 1: Outstanding Sites of Archaeological, Historic and Cultural Value

Group 2: Significant Sites of Archaeological, Historic and Cultural Value

Group 3: Noteworthy Sites of Archaeological, Historic and Cultural Value

The ranking of significant archaeological, historic and cultural sites has been based on the archaeological categories (see below) as well as an assessment of the integrity of the site, its rarity and its condition.

Rankings	Description of Sites
Group 1 Sites	Sites with some surface features preserved. Sites worth preservation at all costs. a - currently in a good state of preservation b - historically and scientifically important c - traditionally important d - suitably located for permanent preservation
Group 2 Sites	Sites where all surface evidence has been destroyed but subsurface evidence may still be present.
Group 3 Sites	Sites of minor importance (mostly findspots). Locations of sites now almost entirely destroyed.

Appendix 2.5–II Tangata Whenua Historical and Cultural Sites Schedule

Group 1 Sites - Outstanding Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A19	Pa/pits (Okepo Pa)	Pukete Rd	Lot 1 DPS 55931	Group 1 (a & d)	2
A38	Miropiko Pa	339, 343, 345 River Rd	Lots 1 & 2 DP 31703 Lot 215 DP 449	Group 1 (a & d)	11
A46	Kairokiroki Pa	217 Peacockes Rd (Glenview Club)	Lot 1 DPS 12490	Group 1	16
A59	Pa (Te Kourahi Pa)	Cobham Dve	Lot 514 DPS 9477	Group 1	15
A77	Pa	Malcolm St	Lot 1 DPS 16456 Lot 48 DPS 13635	Group 1 (a & d)	16
A165a	Borrow pits	River Rd	Lot 13 DPS 85254	Group 1	2
A176	Borrow pits	337 Peacockes Rd	Lot 1 DPS 46395	Group 1	16
A201	Borrow pits	R1 Arterial route (west of Hukanui Rd)	Road Reserve adjacent to Lots 10, 14, 15,18, 19, 26 DPS 20417 & Lots 31, 40 & 41 DPS 2100	Group 1	7
A208	Borrow pits	789 River Rd	Lot 33 DPS 6071	Group 1 (a, b & d)	7
A209	Borrow pits	60-70 St Andrews Tce	Lot 31 & Lot 32 DP 10964	Group 1	6/7
A220	Te Totara (Papakainga)	Featherstone Park, River Road	Lot 2 DPS 62544	Group 1	2
A47	Pa	103 Peacockes Road	Lot 1 DPS 90309	Group 1	16

Group 2 Sites - Significant Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A3	Fortified Pa (Tupari Pa)	27 Pollock Dve & 677 River Rd	Lot 8 DPS 10486 Lots 2 & 3 DPS 28101 Lots 1 & 10 DPS 9657	Group 2	7
A23	Findspot	16 Chartwell Cres	Lot 15 DPS 7313	Group 2	7
A25a	Pa (Owhango Pa)	1261 River Rd	Lot 3 DPS 9044 Lot 15 DPS 71459 Lot 2 DPS 9044 Lot 33 DPS 65265 Lot 25 DPS 64834	Group 2	6
A27	Pa (site of battle — Kukutaruhe)	Donny Ave and Conway Dve	Lots 4 & 5 DPS 16087 Lot 24 DPS 16087 Lots 6 & 7 DPS 16087	Group 2	7
A28	Pa (Te Inanga Pa)	1A, 3, 5, 7 Wymer Tce	Lots 1, 2, 3 & 4 DPS 5738	Group 2	7
A34	Te Rapa Pa	Cobham Dve	Lot 86 DP 17643	Group 2	11/15
A37	Pa (Waitewhiriwhiri)	Victoria St	Allotment 286 Pukete	Group 2	11

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A39	Kirikiroa Pa	Victoria St, 2, 4, 6 Bryce St, 3, 13 London St	Lot 1 DPS 736 Lot 1 DP 13133 Lot 1 DPS 65343 Lot 6 DP 13884 Lot 2 DPS 5279 Lots 1, 3, 4 & 5 DPS 5279 Lot 2 DPS 65343 Lots 2, 3 & 4 DP 10335 Lot 1 DPS 27882 Lot 3 DP 31762 Lots 10, 11 & 12 DP 11019	Group 2	11a
A41	Opoia Pa	179 River Rd, Jesmond Park	Lots 1, 2 & 3 DP 14636 Lot 3 DP 18921 Claudelands Road road reserve adjacent to Lot 1 DP 14636 & Lot 3 DP 18921	Group 2	11a
A44	Pa	10, 12, 14, 16, 29, 31, 33, 35, 37, 39, 41,43,45,47 Balfour Cres	Lot 1 DPS 34675 Lots 1 & 2 DPS 76159 Lots 3, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 & 44 DPS 9899	Group 2	16
A48	Pa	4 Cotebrook Lane	Lot 3 DPS 29232	Group 2	12
A60	Pa (Te Parapara Pa)	Hamilton Gardens	Allotment 225A Kirikiriroa	Group 2	16
A63	Pa (Puru Pa)	12, 14, 16 Kotahi Ave	Lots 6 & 7 DP 14611 Lot 1 DPS 63511	Group 2	11
A64	Pa/burial	Stubbs Rd and Nukuhau Stream	Allotment 87 Te Rapa	Group 2	16/17
A90	Whatanoa Pa	Willoughby St	Allotment 457 Town of Hamilton West	Group 2	11
A97	Pa/urupa	Pukete Rd	Allotment 4A Pukete	Group 2	1
A111	Oven	Between Pukete Road and the Waikato River	Allotment 4 Pukete	Group 2	1

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A165b	Borrow pits	River Rd	Lot 8 and Lot 9 DPS 85254	Group 2	2
A210	Urupa (burial grounds)	465 and 509 Tuhikaramea Road	Lot 1 DPS 88403 and Pt Allot 371 Tuhikaramea Parish	Group 2	14a

Group 3 sites - Noteworthy Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A4	Borrow Pits	7, 9, 11, 13, 15, 17, 19, 21,23,25, 27, 29 Mangakoea Pl, 67, 69, 71, 73, 75, 77 Sandwich Rd, 133, 137, 139, 141, 143, 150, 152, 154 Bryant Rd	Lots 36, 37, 38 DPS 11797 Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 DPS 58002 Lots 28, 29, 30, 31, 32 DPS 73457 Lots 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 & 96 DPS 76047 Lot 67 DPS 79722 Lot 1 DPS 73457 Lots 17 &18 DPS 58002	Group 3	6
A25b	Pa (Owhango Pa)	11 River Elm	Lot 6 DPS 71459	Group 3	6
A30	Pa	Pukete Rd	Lot 1 DPS 55931	Group 3	2
A40	Oven	Beale St	Lot 2 DP 17455	Group 3	11a
A66	Pa?	1 MacFarlane St & 1, 1A Sillary St	Lots 1 & 3 DPS 21107 Lot 2 DPS 3770 Allotment 23 Town of Hamilton East	Group 3	15
A79	Pa/borrow pits	Riverlea Rd	Lot 2 DPS 68608	Group 3	17
A86	Findspot	15 Tanekaha Pl	Lot 3 DPS 22187	Group 3	6
A116	Findspot	43 Dalglish Ave	Lot 2 DPS 6986	Group 3	6
A161	Findspot	Peacockes Rd	Lot 2 DPS 12490	Group 3	16

Appendix 2.5–III Sites Associated with European Settlement Schedule

Group 1 Sites - Outstanding Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A45	Narrows Military Redoubt	Cobham Dve and Waikato River	Allotment 483 Kirikiriroa	Group 1	16
A206	Lime kiln	London St & Waikato River	Hamilton Parade road reserve adjacent to Lot 2 DPS 65343	Group 1	11a

Group 2 Sites - Significant Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A57	Hamilton West Military Redoubt	51 Victoria St	Allotment 59A Town of Hamilton West	Group 2	11a
A95	Military redoubt	Between Galloway and Fox Sts	Allotment 412 Town of Hamilton East	Group 2	12
A102	Flour mill	147 Ohaupo Rd,	Lot 2 DPS 7832	Group 2	15

Group 3 Sites - Noteworthy Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A72	Moule's Redoubt	22, 24, 26 Bridge St	Lots 1 & 2 DP 35065 Lot 1 DPS 21732	Group 3	11/11a

Rule 2.6 Hamilton Airport Protection Overlay

Rule Statement

Hamilton Airport is located within Waipa District, but the airport's Horizontal and Conical Obstruction Limitation Surfaces extend into Hamilton City. A building height restriction is placed over land which lies under these surfaces (See Planning Map 20).

Expected Outcome

Uninterrupted air traffic approach paths across the city.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the underlying zone, and all other rules in the plan.

The Airport Protection Overlay rules shall be complied with first, then the relevant underlying zone or city-wide rules shall apply. The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 2.6.3 — Failure to Meet Standards](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.2 Transportation and Accessibility and 4.3 Network Utilities.

2.6.1 Activities

Any Permitted, Controlled, Restricted Discretionary or Discretionary Activity within an underlying zoning shall retain its status within the Hamilton Airport Protection Overlay, provided it meets the relevant standards of the zone and the standards in [Rule 2.6.2](#).

2.6.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Height of Structures - Horizontal and Conical Obstacle Limitation Surfaces

No building, mast, tree or other object shall penetrate any of the horizontal and conical obstruction limitation surfaces surrounding Hamilton Airport as shown on the Airport Overlay Planning Map 20.

ADVISORY NOTE

The Horizontal Obstacle Limitation Surface is a surface located in a horizontal plane above the main runway with an elevation of 102m Moturiki Datum having its outer limit at a locus of 4,000m measured from the periphery of the main strip.

The Conical Obstacle Limitation Surface is a surface sloping upwards and outwards from the periphery of the Horizontal Surface at a gradient of 1 vertical to 20 vertical horizontal to an elevation of 207m above Moturiki Datum.

Where any Resource Consent is required as a result of non-compliance with the standards in this Rule 2.6.2, the operator of Hamilton Airport will be a party potentially affected by the proposed activity and that operator should be consulted in relation to such a proposal.

2.6.3 Failure to Meet Standards

- a) Activities which do not comply with of the standards in [Rule 2.6.2 a\)](#) are **Restricted Discretionary Activities**, with discretion restricted to the subject matter of the standard that cannot be met.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following:

2.6.4 Assessment Criteria - Restricted Discretionary Activities and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) Height of Structures

The extent to which any structure creates a potential hazard to the flight paths of aircraft or any other operations associated with Hamilton Airport.

Rule 2.7 Church College Character Overlay

Rule Statement

This overlay identifies restrictions on development in the Church College Character Area. The purpose of the rule is to protect the visual unity and coherence of buildings and spaces established through the development of the Church College and associated buildings in the 1950s. The Character Area straddles Tuhikaramea Road and seeks to maintain the gateway appearance of the former Teacher Housing fronting onto Tuhikaramea Road that were constructed as part of Church College. The character values associated with the area are derived from both the physical items within the built environment and the spatial patterns between them. Collectively they are a physical reminder of the establishment and development of the Church College.

The Character Area will not preclude developments that maintains and enhances the special character of the area and that can meet the performance standards and assessment criteria. The overlay provides an enabling framework for the re-use or redevelopment of the area and its buildings, while having regard to important character elements. It should be noted that the boundary of the overlay does not coincide with land ownership boundaries (see Appendix 2.7-1E). Together with the adjoining Temple Heritage Precinct, the Church College buildings tell the story of the spiritual and social development of the Church of Jesus Christ of Latter-day Saints in New Zealand. The closure of the Church College provides an opportunity to open a new chapter in the development of the local community and its environment. This opportunity may require changes to the District Plan depending on the proposed future use of the site.

Expected Outcome

The distinctive character of Church College will be maintained and enhanced.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the zone, and all other rules in the Plan.

The Character Area Overlay rules shall be complied with first, then the relevant zone or city-wide rules shall apply. Where the Overlay also includes specific Heritage Items (Rule 2.3) or Significant Trees (Rule 2.2), those specific provisions must be complied with first, then the Overlay, provided that in all cases the most demanding provisions shall apply. The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 2.7.3](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to, Policy Section 5.1 Residential Areas, Policy Section 5.3 Community Facilities and Policy 7.6 Church College Character Area.

2.7.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the relevant standards in Rule 2.7.2:

- Minor work to any building or curtilage wall.
- Changes to the interior of any building
- Home occupations
- Repair and maintenance of any private road or car park area.
- Painting and re-painting of buildings, parts of buildings and other structures.
- Demolition or removal of an accessory building.
- Alterations and additions to the exterior of any building except:
 - The First House
 - Teacher Housing fronting Tuhikaramea Road
 - The David O McKay building
 - The Wendell B Mendenhall Library
 - The GRB Hall
 - Walling separating the covered walkways from Tuhikaramea Road

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in Rule 2.7.2 and will be controlled in respect of the matters identified.

- Alterations or additions to the exterior of the Teacher Housing except the First House.
 - with respect to site and building layout, design and appearance.
- Accessory buildings
 - with respect to site and building layout, design and appearance.
- Relocated Buildings
 - with respect to site and building layout, design and appearance.
- New Buildings
 - with respect to site and building layout, design and appearance

c) Restricted Discretionary Activities

The following are Restricted Discretionary Activities provided they comply with the standards in Rule 2.7.2, with discretion restricted to the effect on character and amenity values and additional matters where specified:

- Demolition or removal of any building other than an Accessory Building.
- Alterations or additions to the exterior of:
 - The First House
 - The David O McKay building
 - The Wendell B Mendenhall Library
 - The GRB Hall
 - Privacy walling separating the covered walkways from Tuhikaramea Road
- Erection of any boundary structure along the Tuhikaramea Road frontage.
- The siting of any building or structure between Tuhikaramea Road and the privacy walling enclosing the covered walkways.
- Construction of additional private roads or car park areas.
- Contouring and modification of the landform
 - With discretion also limited to archaeological discovery.

d) Discretionary Activities

The following are Discretionary Activities:

- Erecting, constructing, painting or extending a sign visible from a public place.
- Any activity not listed above which is permitted, controlled or discretionary in the Residential Zone.

d) Non Complying Activities

The following are Non Complying Activities:

- Individual vehicular accessways to the Teacher Housing directly from Tuhikaramea Road
- Any activity not provided for above.

2.7.2 Specific Standards

The following standards apply to the areas within the Church College Character Area, as defined in Appendix 2.7-1E:

- i) Building Height within the Teacher Housing Area

The maximum height of any buildings shall be 5.0 metres and single storey along the frontage with Tuhikaramea Road.

ii) Setbacks

Buildings in the Teacher Housing Area shall retain the original setback distance set by the existing dwellings along Tuhikaramea road.

iii) Separation Distances

The minimum distance between detached dwellings within the Teacher Housing Area shall be 7 metres.

iv) Curtilage Wall

Any works to the curtilage wall along Tuhikaramea Road shall ensure that it is reinstated to its present height, and closely match as possible to the colour, and design as referenced in the report for The Church of Jesus Christ of Latter-day Saints by Walker Group Architects titled 'The Church College of New Zealand Heritage Record' dated November 2009.

v) Privacy walling separating the covered walkways from Tuhikaramea Road.

Any works to the privacy wall along Tuhikaramea Road shall ensure that it is reinstated to its present height, and closely match as possible to the colour, and design as referenced in the report for The Church of Jesus Christ of Latter-day Saints by Walker Group Architects titled 'The Church College of New Zealand Heritage Record' dated November 2009.

vi) Home Occupations in the Teacher Housing Area

Activities shall comply with Rule 4.1.3 f).

vii) Colour

New buildings or alterations of the painting or repainting of any building or structure shall be in general accordance with the colour scheme used extensively throughout the Church College Character Area and adjoining Temple Heritage Precinct as referenced in the report for The Church of Jesus Christ of Latter-day Saints by Walker Group Architects titled 'The Church College of New Zealand Heritage Record' dated November 2009.

viii) Repairs and Maintenance

- The redecoration, restoration or repair of fabric or detailing shall use materials which have similar appearance in terms of texture and colour as those referenced in the report for The Church of Jesus Christ of Latter-day Saints by Walker Group Architects titled 'The Church College of New Zealand Heritage Record' dated November 2009.
- The repair and maintenance of private roads and car parking areas shall retain the characteristic sealed surface and kerb edge.

ix) New Buildings

Materials used in the construction of any new building shall be required to have a similar or complementary appearance in terms of texture and colour as those found on the adjacent buildings.

2.7.3 Failure to Meet Standards

Permitted or Controlled Activities which do not comply with one of the standards in Rule 2.7.2 are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that cannot be complied with. Activities which do not comply with two or more performance standards in Rule 2.7.2 are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following:

2.7.4 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council may impose conditions on the following matters.

a) **Site and Building Layout, Design and Appearance**

- i) Developments should be of a compatible scale, form and design to surrounding developments.
- ii) The development should be designed to mitigate, avoid or remedy any adverse effects on adjoining residential activities.
- iii) Development should maintain the characteristic setback of buildings from the road and maintain the high levels of permeable area within the front setback.
- iv) The design of alterations and additions should be compatible with the materials, form, height and bulk of any surrounding buildings.
- v) Vegetation within the front setback should maintain the high level of visibility between the dwellings and road.

2.7.5 Assessment Criteria – Restricted Discretionary and Discretionary Activities

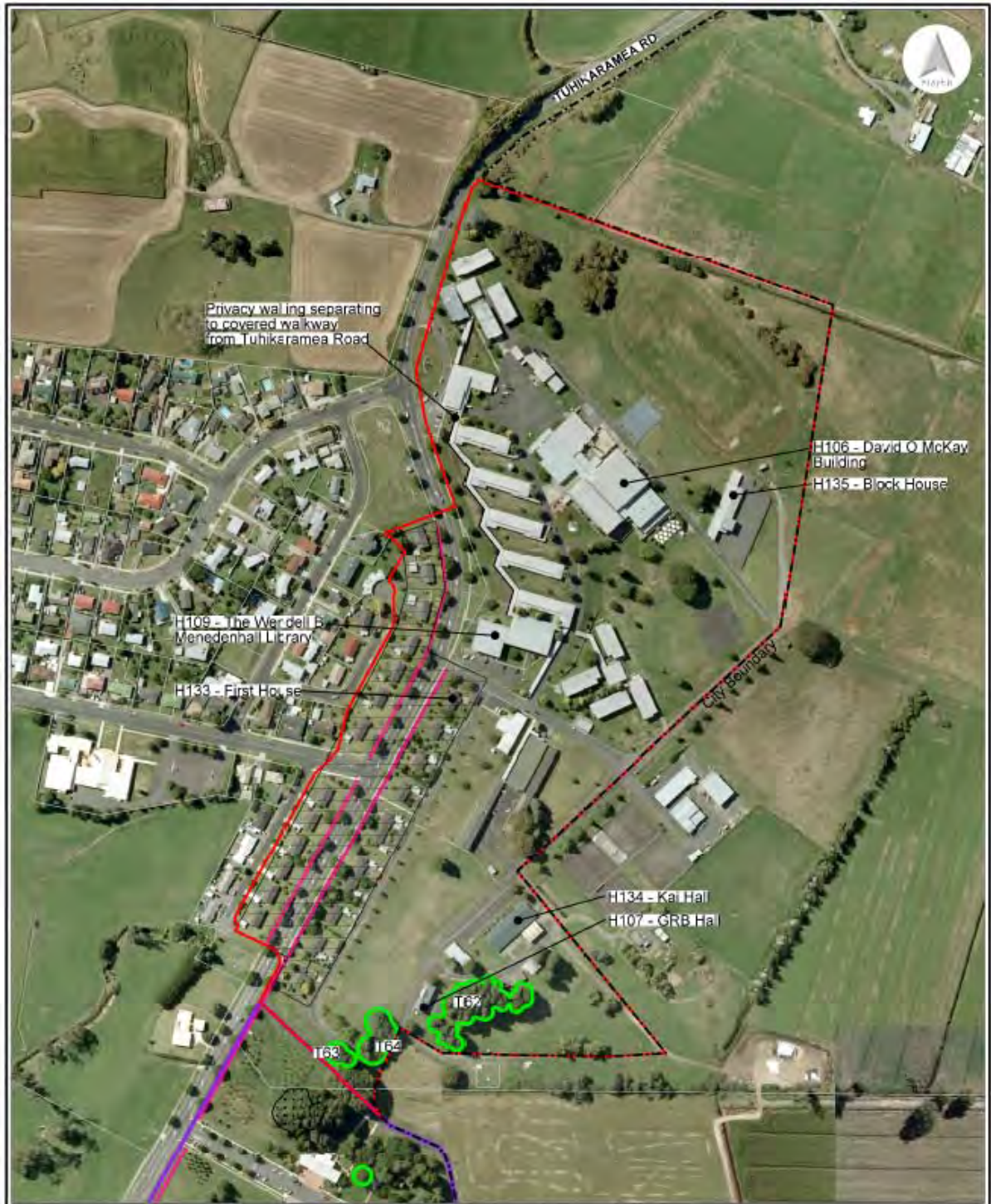
Restricted Discretionary Activities will be assessed only in respect of the subject matter identified in Rule 2.7.1c) or the standard with which the activity was unable to comply.








Discretionary activities will be assessed against, but not limited to, the assessment criteria below:

- i) Regard shall be had to any relevant Performance Assessment for a Controlled Activity and for general rules.

- ii) The extent to which the proposed building or structure is compatible with the scale, form, style, bulk, height and materials of surrounding buildings.
- iii) Whether building intrusion into the front setback of the Teacher Housing fronting Tuhikaramea Road affects the streetscape character of the area.
- iv) Whether removal of any building and/or structure within the Character Area will affect the gateway appearance of the Character Area.
- v) The extent to which the generous spacing between detached dwellings is maintained.
- vi) The extent to which an even setback from the Tuhikaramea Road boundary is maintained.
- vii) Whether the creation of additional private roads or car parking areas would adversely affect the consistency of design or the open, landscaped character of the Church College Character Area.
- viii) The extent to which the consistency and continuity of treatment and design can be maintained in any works affecting the walling separating the covered walkways from Tuhikaramea Road.
- ix) Whether the development would adversely affect the spatial relationship between the privacy wall and Tuhikaramea Road.
- x) Whether it has been clearly demonstrated that demolition of any building is necessary, considering alternatives for the refurbishment or re-use of the building.
- xi) Any immediate or cumulative effects of the loss, alteration or removal of any buildings on the overall coherence of the Character Area.
- xii) Whether works to a building would adversely affect the consistency of colour and materials that are used extensively throughout the Character Area.
- xiii) The extent to which any excavation, modification or disturbance of the ground would adversely affect views of buildings and their intervening spaces within the Church College Character Area and its overall coherence.
- xiv) The extent to which provision has been made for the investigation, recording or preservation of any archaeological deposit or feature.
- xv) The ability of the applicant to economically develop the site without demolition or alteration of any building.

Appendix 2.7-1E Church College Character Area



 Church College Character Area	 Significant Trees Overlay
 Temple Heritage Precinct	 Environmental Protection Overlay
H1-- Heritage Item	 Teacher Housing Area
 Hamilton City Council <small>Te Kaunhera o Kiriitiira</small>	 Curtilage Wall

**APPENDIX 2.7-1E.
CHURCH COLLEGE
CHARACTER AREA**

Rule 2.8 Rototuna High Voltage Electricity Transmission Corridor Overlay

Rule Statement

The High Voltage Electricity Transmission Network is a physical resource of national importance. The purpose of the Rototuna High Voltage Electricity Transmission Corridor Overlay is to ensure that inappropriate development near to the high voltage transmission lines does not adversely affect the transmission network.

The Rototuna High Voltage Electricity Transmission Corridor Overlay identifies corridors around existing high voltage electricity transmission lines and sets out rules and standards to control development within the corridors. The boundary of the overlay may not necessarily coincide with land ownership boundaries or the boundaries of other land use zones.

The Rototuna High Voltage Electricity Transmission Corridor Overlay applies only to the area within the Rototuna Structure Plan as set out in Rule 9.0 and as shown on the Planning Maps.

Expected Outcome

That subdivision, use and development in close proximity to high voltage electricity transmission lines in Rototuna are managed to ensure reverse sensitivity effects are avoided, sensitive activities are generally not provided for, and that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.

Means of Compliance

The following rules shall be read in conjunction with the National Policy Statement on Electricity Transmission and the National Environmental Standard for Electricity Transmission Activities, standards and performance assessments in the underlying zone, and all other rules in the Plan.

The Rototuna High Voltage Electricity Transmission Corridor Overlay rules shall be complied with first, then the relevant underlying zone or city-wide rules shall apply. The activity status may be altered from the activity list below where the activity cannot meet the standards in this rule. Where the relevant underlying zone has a more restrictive activity status, the more restrictive status shall apply. Where an activity is not identified below, it shall be controlled by the relevant zone rules.

Regard must be had to all relevant Objectives and Policies and District Planning maps. This includes Policy Section 4.3 High Voltage Electricity Transmission Corridors.

The rules within the Rototuna High Voltage Electricity Transmission Corridors do not apply to sections of a line which have subsequently been placed underground, or removed. In such cases the relevant zone rules will apply.

ADVISORY NOTE — Consultation with Transpower New Zealand Limited

Consultation with Transpower New Zealand Limited (or its successor) is advised when considering development within Rototuna High Voltage Electricity Transmission Corridors A or B. Transpower New Zealand Limited will be an affected party for any development requiring resource consent under or adjacent to high voltage transmission lines.

ADVISORY NOTE: National Environment Standard and other regulations

The operation, maintenance, upgrading, relocation or removal of an existing electricity transmission line and structures, is largely controlled by the National Environmental Standards for Electricity Transmission Activities (2009), separate to this District Plan.

Works in close proximity to all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for any construction, buildings, excavation or other work on or near an electric line.

All trees/vegetation planted in the high voltage electricity transmission corridor must achieve compliance with the Electricity (Hazards from Trees) Regulations 2003.

2.8.1 Activities

- a) Roads and Network Utilities within the Rototuna High Voltage Electricity Transmission Corridors are subject to the provisions of Rule 3.3 and not to the provisions below.

Permitted Activities

The following activities are Permitted Activities:

- Maintenance, repair and internal alterations to existing buildings that do not result in an alteration to the building envelope within Rototuna High Voltage Electricity Transmission Corridor A or B.
- Any building less than 2.5m high and 10m² in area, and any fence less than 2.5m high.
- New buildings or additions to the building envelope of existing buildings within Rototuna High Voltage Electricity Transmission Corridor B.
- Establishment of a sensitive land use and changes of an activity to a sensitive land use within Rototuna High Voltage Electricity Transmission Corridor B.
- Earthworks/excavation within Rototuna High Voltage Electricity Transmission Corridors A or B.

c) Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities:

- Subdivision involving any allotment within Rototuna High Voltage Electricity Transmission Corridors A or B.

d) Non-Complying Activities

The following activities are Non-Complying Activities:

- New buildings (not provided for as a permitted activity) or additions to the building envelope of existing buildings within Rototuna High Voltage Electricity Transmission Corridor A.
- Establishment of a sensitive land use and changes of an activity to a sensitive land use in Rototuna High Voltage Electricity Transmission Corridor A.
- New buildings, additions to the building envelope of existing buildings, or establishment of or change of activity to a sensitive land use within 8 metres of the outer visible edge of a pole support structure or within 12 metres of the outer visible edge of a tower support structure.

2.8.2 Specific Standards

The following standards apply to the activities specified below.

- a) **Subdivision in the Rototuna High Voltage Electricity Transmission Corridor**
- i) Any subdivision which creates new allotments within Transmission Corridors A or B shall identify a suitable building envelope, compliant with the relevant zone standards and the standards of this Chapter, clear of Transmission Corridor A.
- b) **Earthworks within Rototuna High Voltage Electricity Transmission Corridor A shall be:**
- i) No deeper than 300mm within 2.2m of a transmission pole support structure or stay wire
 - ii) No deeper than 750mm between 2.2m and 5m from a transmission pole support structure or stay wire
 - iii) Except that vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a pole support structure or stay wire are exempt from (i) and (ii).
- c) **Earthworks within Rototuna High Voltage Electricity Transmission Corridor A around towers shall be:**
- i) No deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure.
 - ii) No deeper than 3m between 6m and 12m from the outer visible edge of a transmission tower support structure.
- d) **Earthworks within Rototuna High Voltage Electricity Transmission Corridors A and B shall not:**
- i) Create an unstable batter that will affect a transmission support structure
 - ii) Result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001

Note: Earthworks undertaken by a Network Utility Operator are exempt from Rules 2.8.2 (c) and (d). Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a transport corridor, footpath or driveway are exempt from Rule 2.8.2 (c) and (d).

2.8.3 Failure to Meet Standards

- a) Activities that do not comply with any of the standards in Rule 2.8.2 are **Non complying**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following:

2.8.4 Assessment Criteria — Restricted Discretionary Activities

Restricted Discretionary Activities will be assessed in respect of the specific subject matter identified or the standard with which the activity was unable to comply.

a) Specific Criteria

- i) The location, height, scale, orientation and use of buildings and structures to ensure the following effects are addressed:
 - a) The risk to the structural integrity of the transmission line;
 - b) The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network;
 - c) The risk of electrical hazards affecting public or individual safety, and risk of property damage;
 - d) The extent of earthworks required, and use of mobile machinery near transmission lines which may put the line at risk;
 - e) Minimising the visual and other reverse sensitivity effects from transmission lines on the development;
- ii) The degree to which subdivision design, including the location of roads and reserves, recognises and provides for existing electricity lines.
- iii) The extent of separation between specified building envelopes and existing transmission lines.
- iv) The extent of separation between the location of any proposed trees and existing lines, taking into account:
 - a) The likely mature height of the trees,
 - b) Whether they have potential to interfere with the lines, and
 - c) Whether an alternative location would be more suitable to meet the operational requirements of the lines' owner to prune or remove trees which have the potential to interfere with the lines, taking into account the Electricity (Hazards from Trees) Regulations 2003.
- v) Whether appropriate safeguards are in place to avoid contact or flashovers from lines, and effects on the stability of support structures.
- vi) Whether the proposal will adversely affect the amenity values of the site and locality, and the extent or impacts of such effects including cumulative effects.
- vii) The extent to which the proposal is consistent with objectives and policies of the relevant underlying zone.
- viii) The effects of not complying with any relevant standard, including:
 - a) any cumulative or consequential effects of not complying with multiple standards;
 - b) any cumulative effects that will occur as a consequence of other activities that are permitted activities or already have resource consent within the site and adjacent sites;
 - c) the extent to which any adverse effects would be offset by benefits to the community.

Rule 3.1 Signs

Rule Statement

Signs play an important role in facilitating communication to the public not only in relation to business advertising but also in terms of community information and safety. Signs can contribute to the vitality of a locality, especially in commercial centres. Conversely, signs also have the potential to detract from the visual amenities of streetscapes, residential neighbourhoods, commercial areas, and can contribute to traffic hazards.

Control is exercised over the size, number and location of signs in the community environment. In the business environment only limited control can be justified, with the main concerns being to minimise visual clutter from a proliferation of free-standing signs and to minimise unsafe and poorly maintained signs.

Expected Outcome

Signage that is effective, compatible with the amenity values of the surrounding environment and which has minimal impact on traffic and pedestrian safety.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the relevant zone, and all other rules within the Plan.

The activity status and standards in this rule may be modified by Overlays rules in [Rule Section 2.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 3.1.4](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 7.5 Signage.

ADVISORY NOTE — Safety, Offensiveness and Deterioration

No sign shall:

- *compromise traffic safety through visual obstruction, physical obstruction, distraction of drivers, confusion with traffic signals or illegibility*
- *contain language, images or messages which in the circumstances are offensive*
- *be established in, or allowed to deteriorate to, a state which constitutes a significant detraction from the amenity values of the neighbourhood.*

Hamilton City Council may take action under Section 17 of the RMA (Duty to avoid, remedy or mitigate) requiring any such sign to be removed, modified or upgraded.

ADVISORY NOTE — Signs on land vested as Road or designated for roading purposes

The erection of any signs on land vested as road or designated for road is controlled under Hamilton City Council and the Transit New Zealand Act 1989. The erection of such signs is not managed through the District Plan.

ADVISORY NOTE — Hamilton City Council Signs Policy and Bylaw

The erection of signage on Hamilton City Council land is controlled under Hamilton City Council policy and bylaw.

ADVISORY NOTE — Waikato Stadium and Seddon Park

Controls and assessment criteria for the placement of signs at Waikato Stadium and Seddon Park are set out in Rule 4.7.

3.1.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 3.1.2](#) and the relevant standards in [Rule 3.1.3](#):

- Low intensity signs associated with an activity on any site in a City Centre, Commercial Service, Suburban Centre or Industrial Zone
- Low intensity signs associated with an activity on any site in a Residential, Future Urban, Community Facility, Recreation Environment, Recreation General, Recreation Major, or Major Facilities Zone
- Any sign which is not visible from any public place or nearby site.
- Temporary Signs

b) Controlled Activities

The following activities shall be Controlled Activities provided they comply with the standards in [Rule 3.1.2](#) and the relevant standards in [Rule 3.1.3](#) and will be controlled in respect of matters identified:

- High intensity signs associated with an activity on a site in the City Centre Zone
 - with respect to size, design, location, and number.
- Naming or directional signs in the Major Facilities Zone
 - with respect to size, design, location and number.
- Signs not associated with an activity on the site in a Commercial Service, City Centre, Suburban Centre, or Industrial Zone (excluding temporary signs)
 - with respect to size, design, location and number.

c) Discretionary Activities

The following activities shall be Discretionary Activities:

- Any high intensity sign associated with an activity on any site in the Commercial Service, Suburban Centre, or Industrial Zone, and Recreation Major Zone if not visible from outside the site.

d) Non-Complying Activities

The following activities shall be Non-Complying Activities:

- Any high intensity sign in a Residential, Recreation Environment, Recreation General, Community Facilities, Major Facilities or Future Urban Zone and Recreation Major Zone if visible from outside the site
- Any sign not associated with an activity on the site in a Residential, Recreation Environment, Recreation General, Recreation Major, Community Facilities, Major Facilities or Future Urban Zone (excluding temporary signs)
- Any sign not provided for as a Permitted, Controlled, or Discretionary Activity.

3.1.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

- a) Where a maximum permitted area is specified for a sign (see [Rule 3.1.3](#)) then it shall apply to each face of the sign and where any V shaped sign contains an interior angle of greater than 90°, then the sign area shall be deemed to have a single face (see Figure 3.1-1).
- b) Where a maximum permitted area is specified for a sign the area of the sign shall be calculated by measuring the rectangular area which encloses all symbols or letters which make up the sign surface (see Figure 3.1-1).
- c) Signs not visible from any public place or nearby site are not required to comply with any of the standards in [Rule 3.1.3 b\)](#), [Rule 3.1.3 c\)](#), [Rule 3.1.4](#) or [Rule 3.1.5](#).
- d) Signs are not required to meet the setback requirements specified in the underlying zone rules.

3.1.3 Specific Standards

The following standards apply to the activities specified below.

a) Temporary Signs in any Zone

- i) A maximum of two signs per site or two signs per frontage in the case of a corner site.
- ii) - The total area of signage on any site in the Residential, Future Urban and Community Facilities Zones shall not exceed 3.6 m²
- The total area of signage on any site in the Commercial Service, City Centre, Suburban Centre and Industrial Zones shall not exceed 6 m².
- iii) - In the Commercial Service, City Centre, Suburban Centre and Industrial Zones, the maximum size of any individual sign shall be 3 m².
- In the Residential, Future Urban and Community Facilities Zones, the maximum size of any individual sign shall be 1.8 m².

- In the Recreation Environment, Recreation General, Recreation Major and Major Facilities Zones the maximum size of any individual sign shall be 6 m².
- iv) Temporary Signs may be displayed for the following time periods:
- Signs that advertise that the property is for sale must be removed not later than two weeks after the property has been sold;
 - Signs that advertise of any construction project must be located on the site to which they relate and must be removed not later than two weeks after construction has been completed;
 - Signs that inform of a public election may be displayed up to 3 months before an election, and must be removed prior to polling;
 - Signs for the purpose of public notification are only displayed while required to do so; or
 - Signs that advertise an event associated with any recreational or community activity is displayed within a period of up to four weeks before to three days after the event.
- b) Signs in a Commercial Service, City Centre, Suburban Centre or Industrial Zone**
- i) No limits on the size of a sign where the sign is affixed to, painted on, or otherwise incorporated into the face of the building (subject to [Rule 3.1.3 a\) iii\)](#)).
- ii) One directional sign can be displayed at each vehicular entrance to the site provided that it does not exceed 1.2m² in area and it has no part higher than 2m above the adjacent ground level (see Figure 3.1-1).
- iii) Any sign associated with an activity on the site which projects from the face of the building shall be restricted to:
- One double sided sign for each road frontage subject to the area of each face of the sign not exceeding 1m² for every metre of site frontage and the sign being not more than 3m in width
 - A maximum sign height equal to the building height associated with the underlying zone.
- iv) Any sign associated with an activity on the site which is free standing from the building, shall be restricted to:
- One double sided sign for each road frontage subject to the area of each face of the sign not exceeding 1m² for every metre of site frontage.
 - A maximum sign height equal to the building height associated with the underlying zone.
- c) Signs in a Residential, Future Urban, Recreation Environment, Recreation General, Recreation Major, Community Facilities, or Major Facilities Zone**
- i) Only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level (see Figure 3.1-1) may be displayed per site (also see [Rule 3.1.3 c\) viii\)](#)).
- ii) Where the net site area is greater than 4000m² and the sign is associated with a residential, recreational, or community activity which is permitted or has obtained resource consent on that site, then:

- one directional sign not exceeding 0.6m² in area and having no part higher than 1.5m above the adjacent ground level (see Figure 3.1-1) may be displayed at each entrance
 - one sign with a maximum area of 0.6m², a maximum dimension of 1m, and having no part higher than 2m above the adjacent ground level (see Figure 3.1-1) may be displayed at each entrance to the site, or one single sided sign with a maximum area of 3m², having no part higher than 2m above the adjacent ground level, and with a maximum dimension of 2.5m may be displayed on the site.
- iii) In any Recreation Environment, Recreation General, Recreation Major, or Community Facilities, where the site area is greater than 1ha, one single sided sign not exceeding 3m² in area, with a maximum dimension of 2.5m, and having no part higher than 2m above the adjacent ground level (see Figure 3.1-1) may be displayed at each entrance to the site.
- iv) In any Major Facilities Zone one double sided sign not exceeding 3m² in area, with a maximum dimension of 2.5m, and having no part higher than 2m above the adjacent ground level (see Figure 3.1-1) may be displayed at each entrance to the site.
- v) Any naming or directional signs in the Major Facilities Zone must be associated with the on-site activity and must be on the road frontage of the site.
- vi) In any Recreation General Zone, advertising or sponsorship signs or hoardings shall only be displayed for a maximum time equalling the duration of the sporting or recreation activity taking place on that site.
- vii) In any Recreation Environment, Recreation General and Recreation Major Zone where the site area is less than one hectare, one directional sign and one sign showing the name of the park or reserve, with a maximum area of 0.6m² each, may be displayed at each entrance to the site.
- viii) For any visitor accommodation within the Visitor Facilities Area of the Residential Zone any sign associated with an activity on that site and not otherwise permitted in terms of Rule 3.1.3 c) i) above may be displayed subject to:
- the maximum total area of signs on the site being 5m² and the maximum height not exceeding the height of that part of the building adjacent to the site frontage
 - any illuminated sign being of low intensity and any device or symbol being static in nature.

3.1.4 Failure To Meet Standards

- a) Signs which do not comply with one or two of the performance standards in Rule 3.1.2 and the relevant standards in Rule 3.1.3 are **Restricted Discretionary Activities**, with discretion restricted to the subject matter of the standard that can not be met.
- b) Signs which do not comply with three or more of the performance standards in Rule 3.1.2 and the relevant standards in Rule 3.1.3 are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

3.1.5 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Size, Design, Location and Number

- i) High intensity signs should not create a distraction to motorists and pedestrians, or create situations which are hazardous to road users.
- ii) Naming and directional signs should not create a concentration of signs in one confined location which would detract from surrounding amenity values.
- iii) Signs not associated with an on-site activity should not create a distraction to motorists, inhibit the visibility of road users or pedestrians, create situations which are hazardous to road users, or adversely effect the amenity values of the surrounding environment.

3.1.6 Assessment Criteria – Restricted Discretionary and Discretionary Activities

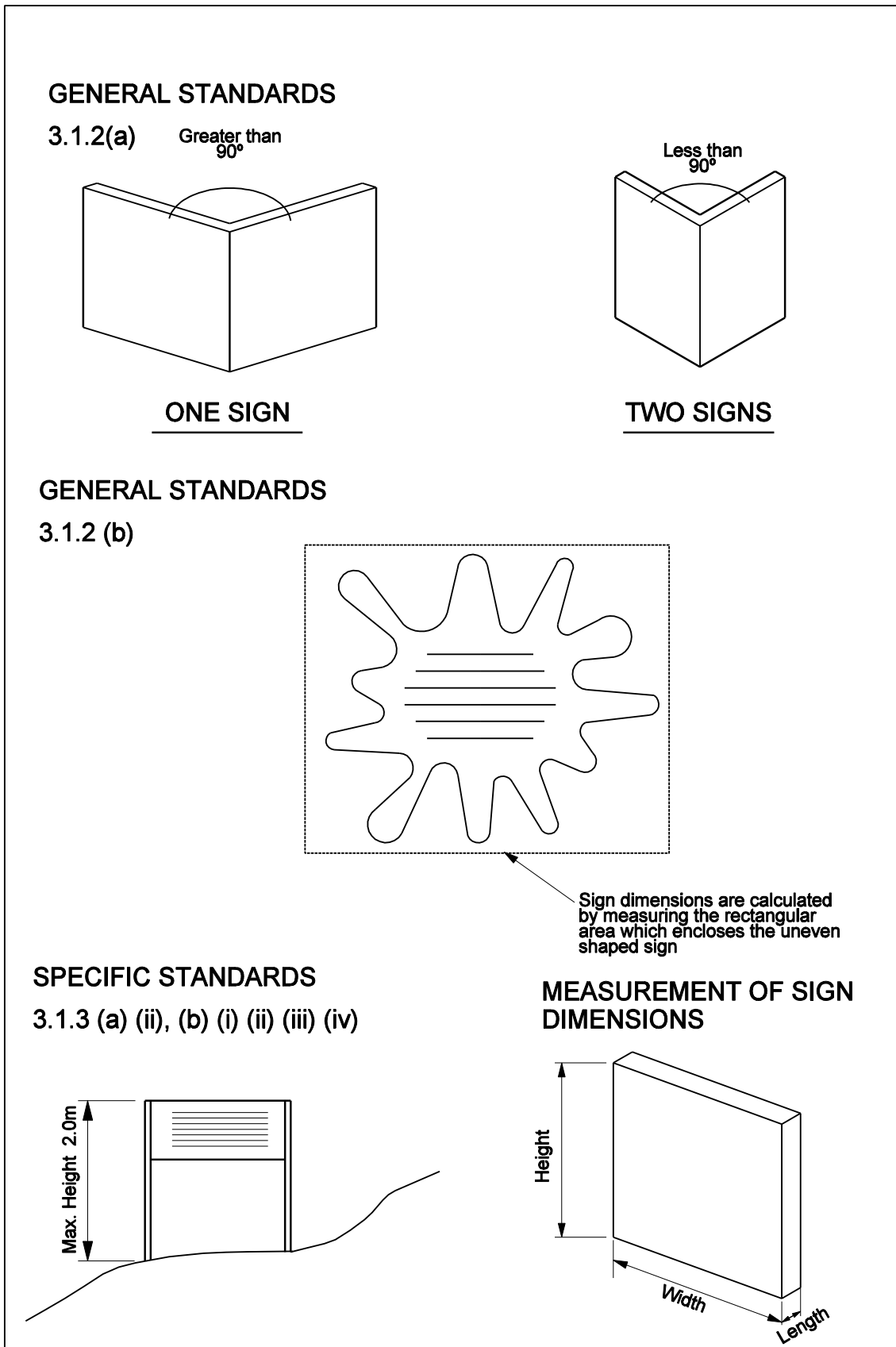
Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The extent to which the scale and nature of the signage is compatible with the surrounding environment.
- ii) The impact of the signage on the amenity values of adjoining residentially zoned land and the surrounding environment.
- iii) The effect of the signage on the open space character of recreation land.
- iv) The extent to which the signage is obtrusively visible from outside the site or zone.
- v) The extent to which signage is likely to give rise to a distraction to motorists and pedestrians, or create situations which are hazardous or dangerous to road users.
- vi) The effect of any illuminated signage on motorists and adjoining properties.
- vii) The extent to which the signage creates visual clutter, particularly along major arterial roads.
- viii) The opportunity for signage to enhance local amenity values and character.
- ix) The extent to which signage is compatible with the scale and style of an identified heritage building.

Figure 3.1-1 Sign Diagrams



Rule 3.2 Hazardous Facilities

Rule Statement

Rules for hazardous facilities are based on controlling the location, design, construction, operation and management of hazardous facilities and sub-facilities in a manner that avoids, remedies or mitigates risks and adverse effects to human health, property and sensitive environments. The Plan achieves this through the use of the Hazardous Facility Screening Procedure (HFSP), which determines the necessary level of scrutiny based on the risk and potential environmental effects presented by hazardous facilities, and through rules based on a series of Minimum Performance Standards.

Rules for radioactive substances are based on controlling the location, design and construction of activities involving radioactive substances in a manner that avoids, remedies or mitigates risks and adverse effects to human health, property and sensitive environments. The Plan achieves this through the use of rules based on the Radiation Protection Regulations 1982 to determine the necessary level of scrutiny based on the risk and potential environmental effects presented by radioactive substances.

Expected Outcome

That people, property and sensitive environments are protected from the potential adverse effects of the use, handling, storage, transport and disposal of hazardous, including radioactive, substances and that hazardous facilities and sub-facilities are developed and operated in a manner which minimises the risk of an accidental release, or loss of control of hazardous substances.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the relevant zone, and all other rules within the Plan.

The activity status and standards in this rule may be modified by Overlay Rules in [Rule Section 2.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status, see [Rule 3.2.4](#) - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 6.6 Hazardous Substances.

3.2.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 3.2.2](#) and the relevant standards in [Rule 3.2.3](#):

- Any hazardous facility or sub-facility which has been assessed as having a Quantity Ratio which is below or equal to the Consent Status Indices for Permitted Activities in the Consent Status Matrix (Refer Appendix 3.2-1)
- Any use or storage of radioactive materials with an activity below that specified as an exempt activity in the Radiation Protection Regulations 1982
- Radioactivity arising from smoke detectors.

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in [Rule 3.2.2](#) and the relevant standards of [Rule 3.2.3](#) and will be controlled in respect of the matters identified:

- Retailing of petrol (up to 100,000 litres in underground tanks) and diesel (up to 50,000 litres in underground tanks), and LPG gas (up to 6 tonnes/single vessel per site) unless otherwise stated in the respective zones
 - with respect to the design, installation and operation of underground storage facilities for petroleum products; LPG gas storage and handling; transport of hazardous materials; emergency and spill contingency plans
- Teaching and research laboratories and the associated use, handling, storage and disposal of hazardous substances unless otherwise stated in the respective zones
 - with respect to construction of laboratories; safety in laboratories; procedures to minimise the use and storage of hazardous substances (especially flammables) inside laboratories to quantities which are reasonably required to undertake teaching and research activities; procedures to store excess hazardous substances in purpose-built facilities; a management plan for hazardous wastes; an emergency plan which systematically outlines the hazards in the laboratory and the action to be taken in emergencies; a register of incidents and accidents.

c) Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities.

- Any hazardous facility or sub-facility which has been assessed as having a Quantity Ratio which is within the Consent Status Indices for Restricted Discretionary Activities in the Consent Status Matrix (Refer Appendix 3.2-1) with discretion restricted to:
 - the extent to which the activity meets relevant zone performance standards under this Plan; the extent to which the activity complies with the objectives and policies of this Section and the relevant zone in this Plan; whether the activity complies with the Standards of [Rule 3.2.2](#) and [Rule 3.2.3](#); the extent to which the risks presented by the

proposal to humans, the environment and property are able to be avoided, remedied or mitigated.

d) Discretionary Activities

The following activities are Discretionary Activities.

- Any hazardous facility or sub-facility which has been assessed as having a Quantity Ratio which is above the Consent Status Indices for Discretionary Activities in the Consent Status Matrix (Refer Appendix 3.2-I)
- Any use or storage of radioactive materials with an activity in excess of that specified as an exempt activity in the Radiation Protection Regulations 1982 and below or equal to 1,000 terabecquerel (1×10^{15}).

e) Non-Complying Activities

The following activities are Non-Complying Activities.

- Any facility using radioactive material with an activity in excess of 1,000 terabecquerel (1×10^{15}).

3.2.2 Standards

a) Quantity Ratios and Exemptions

The Quantity Ratios for any hazardous facility or sub-facility shall be assessed under the Hazardous Facility Screening Procedure as set out in Appendix 3.2-II. The following activities will be exempt from this requirement but not from any other requirements relating to hazardous substances:

- The storage of fuels for retail sale purposes (up to 100,000 litres of petrol and 50,000 litres of diesel in underground storage tanks and up to 6 tonnes of LPG in an above ground tank)
- Teaching and research laboratories provided that the exemption for teaching and research laboratories shall not apply to any other activities involving hazardous substances undertaken by teaching and research institutions.

b) Assessment of Environmental Effects

Applications for Restricted Discretionary and Discretionary Activities shall be accompanied by an Assessment of Environmental Effects (AEE) pursuant to the Fourth Schedule of the RMA. The AEE must be appropriate to the nature and the scale of the proposed facility or sub-facility and its associated actual or potential environmental effects, and must address the matters listed in Appendix 3.2-III.

For any Discretionary Activity the AEE must also contain a risk assessment that systematically addresses site hazards, likely accident scenarios, exposure pathways, receiving environments and potential environmental effects.

ADVISORY NOTE:

In addition to the provisions of this Plan's rules for hazardous substances, the following provisions for hazardous substances must also be adhered to:

- *Relevant rules and provisions of a Regional Plan or the Regional Policy Statement*
- *Transitional and future regulations for hazardous substances under the Hazardous Substances and New Organisms Act 1996*
- *The Radiation Protection Act 1965 and associated regulations*
- *The Land Transport Act 1962 and the relevant NZ Standard for the land transport of hazardous substances.*

3.2.3 Standards

The following general standards apply to all activities.

a) Hazardous Facilities Site Design

Any part of a hazardous facility or sub-facility which is involved in the manufacture, mixing, packaging, storage, loading, unloading, transfer, usage or handling of hazardous substances shall be designed, constructed and operated in a manner that prevents:

- i) Any adverse effects of the intended activity from occurring outside of the site unless permitted by a resource consent
- ii) The entry or discharge of the hazardous substance into the stormwater drainage or a municipal sewerage system unless permitted by a network utility operator
- iii) The contamination of air, land and/or water (including groundwater and potable water supplies and surface waters) in the event of a spill or other unintentional release of hazardous substances.

b) Hazardous Facilities Spill Containment Systems

Any spill containment system shall be:

- i) Constructed from impervious materials resistant to the hazardous substances concerned
- ii) Able to contain the maximum volume of the largest tank used, or where drums or other containers are used, able to contain half of the maximum volume of substances stored
- iii) Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from entering the stormwater drainage system
- iv) Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from discharging into or onto land and/or water (including groundwater and potable water supplies) unless permitted by a resource consent
- v) Managed so that all stormwater grates on the site are clearly labelled "Stormwater Only".

c) Hazardous Facilities Wash-Down Areas

Any part of the hazardous facility or sub-facility where vehicles, equipment or containers that are or may have become contaminated with hazardous substances are washed shall be designed, constructed and managed to prevent the effluent from the wash-down area from:

- i) Entry or discharge into the stormwater drainage system
- ii) Entry or discharge into the sewerage system unless permitted by the sewerage utility operator
- iii) Discharge into or onto land and/or water (including groundwater and potable water supplies) unless permitted by a resource consent.

d) Hazardous Facilities Underground Storage Tanks

Underground tanks used for hazardous substances, unless permitted by a resource consent, shall be designed, installed and managed to prevent leakage and spills. Underground storage tanks shall be:

- i) Constructed from impervious materials resistant to the hazardous substances to be stored
- ii) Equipped with secondary containment facilities in areas of environmental sensitivity
- iii) Serviced by a leak detection or monitoring system which is capable of detecting a failure or breach in the structural integrity in the primary containment vessel.

e) Hazardous Facilities Signage

Hazardous facilities and sub-facilities shall be adequately signposted to indicate the nature of hazardous substances stored or used or otherwise handled.

ADVISORY NOTE:

Compliance can be achieved by adherence to the Code of Practice for "Warning Signs for Premises Storing Hazardous Substances" of the New Zealand Chemical Industry Council (1988), HAZCHEM signage system, or any other Code of Practice approved by the New Zealand Fire Service.

f) Hazardous Facilities Waste Management

Any process waste or waste containing hazardous substances shall be managed in accordance with Rule 3.2.3 a) and Rule 3.2.3 b). The storage of any waste containing hazardous substances shall be in a manner that prevents:

- i) Exposure to ignition sources
- ii) the corrosion or alteration of containment facilities and materials used for the storage of the waste
- iii) the unintentional release of the waste
- iv) Any hazardous facility or sub-facility generating waste containing hazardous substances shall dispose of these wastes to authorised facilities, or be serviced by an acceptable waste contractor.

ADVISORY NOTE:

In the evaluation of the above matters, Council will deem the following documents or any subsequent amendment to these documents, an acceptable means of compliance:

- *Code of Practice for 'Warning Signs for Premises Storing Hazardous Substances' of the New Zealand Chemical Industry Council (1988), HAZCHEM signage system, or any other Code of Practice approved by the New Zealand Fire Service.*
- *Code of Practice for the 'Operation of Underground Petroleum Storage Systems' by the New Zealand Department of Labour.*

3.2.4 Failure to Meet Standards

Activities which do not comply with one or more standards in [Rule 3.2.2](#) or [Rule 3.2.3](#) are **Restricted Discretionary Activities**, with discretion restricted to the subject matter of the standard that can not be met.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

3.2.5 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Retailing of Petrol, Diesel and LPG

- i) Activities shall be in compliance with Performance Standards in [Rule 3.2.3](#)
- ii) Activities shall comply with acceptable Codes of Practice for the design, installation and operation of storage facilities for petrol and LPG.
- iii) Activities shall demonstrate safe routes have been selected and will be utilised for the transportation of hazardous materials to and from the site.
- iv) Emergency and contingency plans shall be prepared for the site.

ADVISORY NOTE:

The following standards and codes of practice and any subsequent amendments to these documents will be deemed to constitute an acceptable means of compliance with matters over which the Council reserves its controls:

- *The Code of Practice for the 'Design, Installation and Operation of Underground Petroleum Systems' (Department of Labour, OSH, 1992)*
- *The Australian/New Zealand Standard AS 1596:1997 — Storage and Handling of LP Gas*

b) Teaching and Research Laboratories

- i) Activities shall be in compliance with Performance Standards in Rule 3.2.3
- ii) Activities shall comply with acceptable Codes of Practice for the design and operation of teaching and research laboratories and for the storage and handling of hazardous substances.
- iii) Emergency and contingency plans shall be prepared for the site.
- iv) The management of waste hazardous substances shall be undertaken in a manner which avoids, remedies or mitigates adverse effects on people, property and sensitive environments.

ADVISORY NOTE:

The following standards and codes of practice and any subsequent amendments to these documents, will be deemed to constitute an acceptable means of compliance with matters over which Council reserves its controls:

<i>AS 2982.1: 1997</i>	<i>Laboratory Design and Construction</i>
<i>AS 2243.1: 1997</i>	<i>Safety in Laboratories — General</i>
<i>AS 2243.2: 1997</i>	<i>Safety in Laboratories — Chemical Aspects</i>
<i>AS 2243.3: 1995</i>	<i>Safety in Laboratories — Microbiology</i>
<i>S 2243.5: 1993</i>	<i>Safety in Laboratories — Non-ionising radiation</i>
<i>AS 2243.6: 1990</i>	<i>Safety in Laboratories — Mechanical Aspects</i>
<i>AS 2243.8: 2001</i>	<i>Safety in Laboratories — Fume Cupboards</i>
<i>AS 2243.9: 1991</i>	<i>Safety in Laboratories — Recirculating Fume Cabinets</i>
<i>AS 2243.10: 1993</i>	<i>Safety in Laboratories — Storage of Chemicals.</i>

3.2.6 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities, as defined by Rule 3.2.4 will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Restricted Discretionary Activities, as defined by the Consent Status Matrix (Appendix 3.2 —I) will be assessed only in respect of the subject matter specified in Rule 3.2.1 c).

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) Assessment of Environmental Effects

Any proposal will be assessed in respect of the Assessment of Environmental Effects prepared under Appendix 3.2-III.

b) Hazardous Facilities

In assessing Discretionary Activities Council will evaluate the following additional matters:

- i) Whether the proposal complies with the Performance Standards outlined in Rule 3.2.3
- ii) The extent to which the proposed site design, construction and operation of hazardous facilities and sub-facilities are appropriate to prevent the accidental release, or loss of control, of hazardous substances.
- iii) The extent to which the proposed site design, construction and operation of hazardous facilities and sub-facilities are appropriate to prevent and mitigate any adverse effects resulting from activities on the site involving hazardous substances on people, property and environmentally sensitive areas.
- iv) The preparation of waste management plans for significant quantities of wastes containing hazardous substances, including procedures for disposal practices and use of waste contractors.
- v) Whether other alternatives have been considered.
- vi) Whether the risks presented by the hazardous facility or sub-facility to humans, the environment and property have been assessed fully and systematically, and whether they are able to be avoided, remedied and mitigated satisfactorily.
- vii) Whether a suitable site management system has been proposed.

ADVISORY NOTE:

The Council will accept the use of a national or international site management standard and any subsequent amendments to these standards, such as the New Zealand Chemical Industry Council (NZCIC) Responsible Care Programme, the ISO 9000 and ISO 14001 systems.

c) Radioactive Substances

Any proposal involving the use of radioactive materials will be assessed against the following:

- i) The extent to which site design and construction are appropriate to prevent the accidental release, or loss of control, of radioactive substances.
- ii) The extent to which risks presented by activities on the site involving radioactive substances and associated potential adverse effects on people, property and environmentally sensitive areas resulting from an accidental release, or loss of control, of radioactive substances have been adequately considered.
- iii) Whether adequate emergency and contingency measures are proposed which are able to remedy or mitigate any adverse environmental effects associated with accidental release, or loss of control, of radioactive substances.

Appendix 3.2-I Hazardous Facilities – Consent Status Matrix

ZONE/OVERLAY	ACTIVITY STATUS / CONSENTS STATUS INDICES		
	Permitted	Restricted Discretionary	Discretionary
RESIDENTIAL Environmental Protection Overlay (all zones)	≤ 0.02	-	> 0.02
RESIDENTIAL Visitor Facilities Area	≤ 0.05	-	> 0.05
RECREATION ENVIRONMENT			
SUBURBAN CENTRE	≤ 0.1	>0.1 - 0.2	>0.2
CITY CENTRE			
COMMERCIAL SERVICE Special Amenity Area			
RECREATION GENERAL	≤ 0.2	> 0.2 - 0.4	> 0.4
RECREATION MAJOR			
COMMUNITY FACILITY			
INDUSTRIAL Amenity Protection Area			
SUBURBAN CENTRE Vehicle Service Area	≤ 0.4 ≤ 0.2 (if within 30 m of a Residential Zone)	> 0.4 - 0.8 > 0.2 - 0.4 (if within 30 m of a Residential Zone)	> 0.8 > 0.4 (if within 30 m of a Residential Zone)
COMMERCIAL SERVICE			
INDUSTRIAL	≤ 0.75	> 0.75 - 1.5	> 1.5
FUTURE URBAN	≤ 1.0 (if >100 m from zone boundary)	>1 - 2 (if >100 m from zone boundary)	>2.0 (if >100 m from zone boundary)
MAJOR FACILITY	≤ 0.2 (if within 30 m of a Residential Zone)	>0.2 - 0.4 (if within 30 m of a Residential Zone)	> 0.4 (if within 30 m of a Residential Zone)
Heritage Precinct Overlay (as per zones)			
Designations (as per zones unless specified)			

Appendix 3.2-II Hazardous Facilities Screening Procedure

1. Background

The HFSP is applied to hazardous facilities in all land use zones and in addition to other zone-specific land use controls. The procedure is applied to all new hazardous facilities, irrelevant of their type and size. The HFSP should also be applied to existing hazardous facilities if a significant change occurs in the character, nature and scale of effects.

Fundamentally, the HFSP is used to screen hazardous facilities and their sites. However, where hazardous facilities on the same site are separated more than 30 metres from each other, they may be dealt with as separate facilities and the HFSP is applied to each of them separately.

2. Terminology

The HFSP uses a number of terms. These are listed and explained below.

Term	Explanation
Hazard Rating	The level of hazard (high, medium or low) applied to a hazardous substance for the purpose of an HFSP calculation, based on its HSNO classification.
Proposed Quantity (P)	The quantity of a hazardous substances proposed to be used or stored on a site.
Base Quantity (B)	Pre-calibrated quantity of a hazardous substance that is deemed to be acceptable on a heavy industrial site without causing any significant off-site effects.
Adjustment Factor	Pre-calibrated factors that take into account substance, storage and site-specific circumstances.
Adjusted Quantity (A)	Equivalent to the Base Quantity that has been adjusted using Adjustment Factors.
Effect Type	Three Effect Types are used by the HFSP: <ul style="list-style-type: none"> • Fire/explosion • Effects on human health • Effects on the environment.
Quantity Ratio (Q)	The ratio of the proposed quantity of a substance over the applicable Base Quantity.
Consent Status Index	Numerical values in the district plan that are used to determine the consent status of a facility.

3. Overview

The HFSP is designed to assess the environmental effects of hazardous substances proposed to be stored or used on a site, taking into account their quantities, characteristics, location, type of activity and local environmental conditions. This assessment is carried out for three defined Effect Types:

- fire/explosion
- human health
- environment.

Basically, the HFSP compares proposed quantities of hazardous substances with maximum allowable quantities (Adjusted Quantities) which depend on the type of substances, how they are used and stored, and the location of the facility. A Quantity Ratio is calculated by dividing the proposed quantity of each hazardous substance with the Adjusted Quantity. The Quantity Ratios of individual substances are added up for each of the Effect Types. Cumulative Quantity Ratios are then compared with defined limits called Consent Status Indices which are listed in the rules of the District Plan. If any of the Quantity Ratios exceed specified Consent Status Indices, the hazardous facility in question requires a resource consent.

Some information needs to be assembled at the outset about the hazards of the substances concerned. This includes site layout and location, types of activities as well as the sensitivity of the surrounding environment. In most cases, only a limited number of substances needs to be assessed to determine the resource consent status of an activity. This applies in particular if one, two or three substances are either very hazardous or stored/used in large quantities.

An overview of the HFSP is presented in Figure 1.

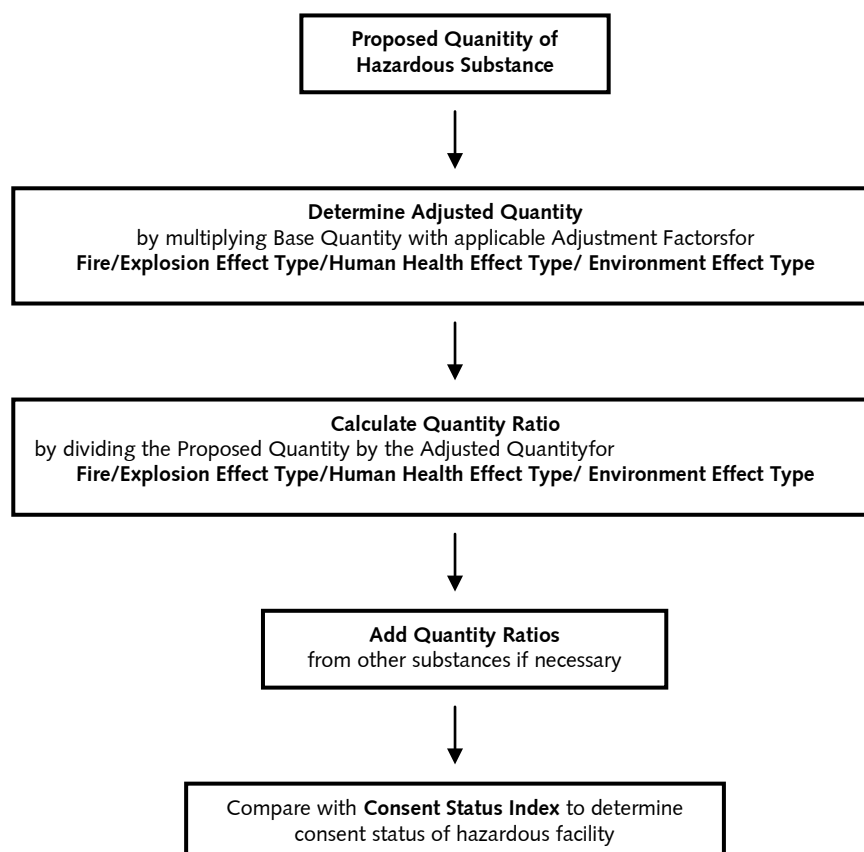


Figure 1 Overview of HFSP (process for single substance)

4. Rating hazardous substances for the HFSP

To be able to assess hazardous substances under the HFSP, they must be rated first. These rating criteria are based on the classification system specified by regulations under the Hazardous Substances and New Organisms Act 1996 (HSNO) and are specified in Appendix A.

For the purposes of the HFSP, each substance is rated based on three Effect Types:

- ◆ Fire/Explosion Effects: concerned with damage to property, the built environment and safety of people;
- ◆ Human Health Effects: concerned with the well-being, health and safety of people;
- ◆ Environmental Effects: concerned with damage to ecosystems and natural resources.

Each Effect Type is divided into a maximum of three hazard levels:

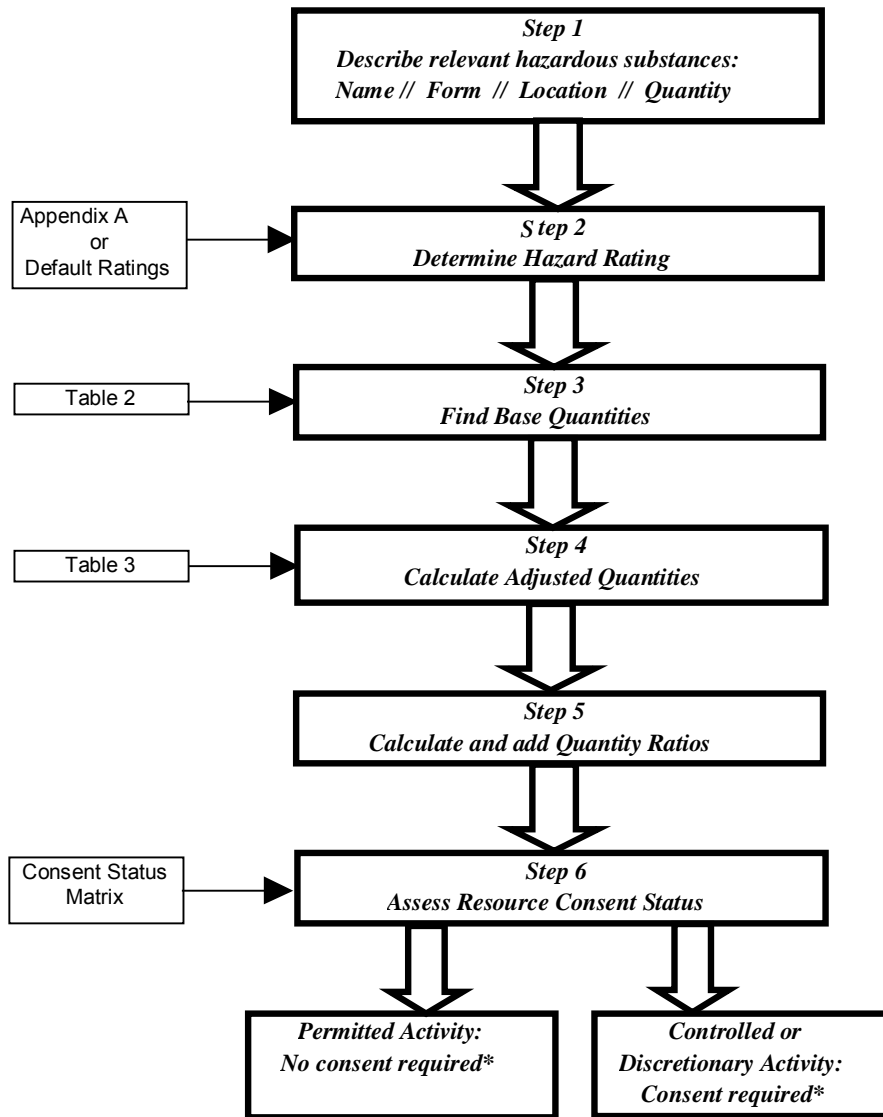
- ◆ high; ◆ medium; ◆ low.

The rating of a hazardous substance for the HFSP requires each substance to be assessed in terms of every hazard category listed in Appendix A. Hazard ratings may be obtained as follows:

- i) Some commonly used hazardous substances in New Zealand have already been assessed and pre-rated for the HFSP. This information is available from the council desk or from the Ministry for the Environment website.
- ii) Under HSNO, all substances previously controlled by repealed legislation (such as the Dangerous Goods and Toxic Substances Acts) will be classified using HSNO classification criteria. Once a substance is classified under HSNO, it can be easily rated for the HFSP based on Appendix A. Information on the classification of hazardous substances under HSNO will be available from ERMA New Zealand (the Environmental Risk Management Authority) and be accessible through the MfE/ERMA websites.
- iii) Where information for the rating of a hazardous substance for the HFSP is not or only partially available from the above discussed sources, a precautionary default rating of 'Medium' for the Fire/Explosion and Human Health Effect Types, and 'High' for the Environmental Effect Type should be applied to the hazardous substance in question.
- iv) Where no HFSP rating is available through Options i) or ii) above and the default ratings given in Option iii) are not considered suitable, the Rating Guide in Appendix C of the "Land Use Planning Guide for Hazardous Facilities" may be used to research and assign HFSP ratings to hazardous substances.

5. Step-by-step guide to the HFSP

This section works through a step-by-step guide on how to use the Hazardous Facility Screening Procedure, following the steps shown in Figure 2 and Table 1 (A spreadsheet for calculations can be found in Appendix B).



*NOTE: Compliance with minimum performance standards is always required

Figure 2 Step-by-step guide to the HFSP

Table 1: HFSP — Step-by-Step Guide

Steps	HFSP calculations				Explanation
<p>1 Describe the hazardous facility</p> <p>Prior to using the HFSP, it is necessary to compile a full description of the hazardous facility in question. This includes the creation of an inventory of hazardous substances held on the site, including:</p> <ul style="list-style-type: none"> names of the hazardous substances quantities of the hazardous substances the physical form of the substances at 20°C and 101.3 kPa the location of use or storage on the site, including separation distances from the site boundary and neighbouring hazardous facilities (on-site and off-site). <p>The description should also include site-specific details, including neighbouring land uses and the surrounding environment, with a focus on sensitive land uses and receptors (e.g. retirement accommodation, aquifers or wetlands).</p>	<p>Substance name</p> <p>Substance 1 Substance 2 ... Substance 10</p>	<p>Substance form</p> <p>(liquid, solid, gas)</p>	<p>Location of substances on site</p>	<p>Proposed quantity (P)</p> <p>(tonnes or m³)</p>	<p>The HFSP uses standard units of tonnes (t) (for solids, liquids and liquefied gases) and cubic metres (m³) (for compressed gases). In some cases, it may therefore be necessary to convert substance quantities to these units. In the case of liquids, specific gravity (or density) must be taken into consideration when converting litres or m³ to tonnes (i.e.</p> $\frac{\text{volume of liquid (litres)} \times \text{specific gravity}}{1000} = \text{tonnes}.$ <p>Adjustments to quantities are also necessary where a substance is diluted with water or mixed with another substance. In this instance, only the percentage quantity of the hazardous substance or product in the dilution or mixture is assessed for the purposes of HFSP calculations (unless a mixture is more hazardous than its components, in which case data on the mixture need to be used).</p> <p>An exception to this are products or brands that already constitute dilutions or mixtures of hazardous substances and which have been classified in terms of their hazardous properties as the 'whole' dilution or mixture for life cycle management purposes. Examples of this are corrosives, oxidising substances and pesticides, which are often sold commercially as standard solutions or strengths. In these cases, quantity adjustments are only applied when these commercially supplied concentrations are further diluted or mixed.</p>
<p>2 Determine hazard rating</p> <p>For the purposes of the HFSP, the effects of substances are categorised into three Effect Types:</p> <ul style="list-style-type: none"> Fire/Explosion Effect Type: addressing damage to the built environment and safety of people Human Health Effect Type: addressing adverse effects on the well-being, health and safety of people Environmental Effect Type: addressing adverse effects on ecosystems and natural resources. <p>Each Effect Type is divided into three Hazard Rating Levels:</p> <ul style="list-style-type: none"> High • Medium • Low <p>The rating levels are based predominantly on the HSNO classification system.</p>	<p>Substance name</p> <p>Substance 1 Substance 2 ... Substance 10</p>	<p>Hazard rating</p> <p>Fire/Explosion High (H) or Medium (M) or Low (L)</p> <p>Human Health High (H) or Medium (M) or Low (L)</p> <p>Environment High (H) or Medium (M) or Low (L)</p>			<p>The HFSP rates hazardous substances in terms of each of the three Effect Types as having a high, medium or low hazard. The Hazard Rating of a substance is derived from:</p> <ol style="list-style-type: none"> The list of HFSP-rated hazardous substances in Appendix B¹. The HSNO classification (refer Appendix A). Once a substance has been classified under HSNO, Hazard Ratings can be assigned for each Effect Type as shown in Appendix A. Where a substance is neither found in Appendix B¹ nor the HSNO database on the ERMA website, the following default ratings should be used: <ul style="list-style-type: none"> Fire/Explosion Effect Type: Medium Human Health Effect Type: Medium Environment Effect Type: High The substance may be rated using Appendix C² as a guide.
<p>3 Find base quantities</p> <p>The Base Quantity (B) is pre-calibrated. It is the amount of a substance that has been assessed as generating no significant off-site effects in a heavy industrial area before site- and substance-specific considerations have been taken into account (refer Step 4). Base Quantities for different hazardous properties and hazard ratings in each Effect Type are listed in Table 2.</p>	<p>Substance name</p> <p>Substance 1 Substance 2 ... Substance 10</p>	<p>Base quantities (B)</p> <p>Fire/Explosion B₁, B₂, ..., B₁₀</p> <p>Human Health B₁, B₂, ..., B₁₀</p> <p>Environment B₁, B₂, ..., B₁₀</p>			<p>For example, in the Fire/Explosion Effect Type (Sub-category Flammables), non-significant off-site effects in a heavy industrial area are represented by a Base Quantity of:</p> <ul style="list-style-type: none"> 100 tonnes of a HSNO Category D flammable liquid which has a low hazard level for the Fire/Explosion Effect Type. 30 tonnes of a HSNO Category C flammable liquid which has a medium hazard level for the Fire/Explosion Effect Type.
	<p>Example</p> <p>Petrol</p>	<p>High</p>	<p>Low</p>	<p>Medium</p>	
	<p>Example</p> <p>Petrol</p>	<p>10 t</p>	<p>30 t</p>	<p>30 t</p>	

1 Refers to Appendix B Hazardous Substance Hazard Ratings of the "Land Use Planning Guide for Hazardous Facilities" by the Hazardous Facilities Screening Procedure Review Group in conjunction with the Ministry for the Environment, February 2002.

2 Refers to Appendix C Rating Guide of the "Land Use Planning Guide for Hazardous Facilities" by the Hazardous Facilities Screening Procedure Review Group in conjunction with the Ministry for the Environment, February 2002.

Steps	HFSP calculations				Explanation																		
<p>4 Calculate Adjusted Quantity (A)</p> <p>The precalibrated Adjustment Factors (FF, HF, EF) are multiplied with the Base Quantities (B) to account for substance properties and site-specific environmental circumstances. This multiplication yields the Adjusted Quantity (A).</p> <p>Adjustment Factors differ for each of the Effect Types, and take into account the following considerations:</p> <ul style="list-style-type: none"> the physical state of the substance the type of storage the type of activity or use separation distances to the site boundary the environmental sensitivity of the site location. <p>The Adjustment Factors are listed in Table 3.</p>	<p>Substance name</p> <p>Substance 1</p> <p>Substance 2</p> <p>...</p> <p>Substance 10</p>	<p>Adjusted quantities (A)</p> <table border="1"> <tr> <td>Fire/Explosion</td> <td>Human Health</td> <td>Environment</td> </tr> <tr> <td>A₁</td> <td>A₁</td> <td>A₁</td> </tr> <tr> <td>A₂</td> <td>A₂</td> <td>A₂</td> </tr> <tr> <td>....</td> <td>....</td> <td>....</td> </tr> <tr> <td>A₁₀</td> <td>A₁₀</td> <td>A₁₀</td> </tr> </table>			Fire/Explosion	Human Health	Environment	A ₁	A ₁	A ₁	A ₂	A ₂	A ₂	A ₁₀	A ₁₀	A ₁₀	<p>Different Adjustment Factors are applied for each Effect Type. For example, for the Fire/Explosion Effect Type, the temperature is relevant, while for the Human Health Effect Type, proximity to a potable water resource is important.</p> <p>In some instances, more than one Adjustment Factor within each Effect Type must be applied, which then need to be multiplied with each other to yield the total Adjustment Factor for the Effect Type. When the Adjustment Factors for each Effect Type have been calculated, they in turn are multiplied with the Base Quantity to yield the Adjusted Quantity).</p> <p>In the example given, the following parameters have been assumed:</p> <ul style="list-style-type: none"> <30m to site boundary not adjacent to water body underground storage. 			
Fire/Explosion	Human Health	Environment																					
A ₁	A ₁	A ₁																					
A ₂	A ₂	A ₂																					
....																					
A ₁₀	A ₁₀	A ₁₀																					
<p>5 Calculate and add Quantity Ratios (FQ, HQ, EQ)</p> <p>This step requires the calculation of the Quantity Ratio for each hazardous substance in question. The Quantity Ratio is a dimensionless number. It is obtained by dividing the quantity of a substance that is proposed to be used or stored on a site, i.e. the Proposed Quantity (P) by the Adjusted Quantity (A).</p> <p>If several hazardous substances are used or stored on a site, the Quantity Ratios calculated for each of these substances are added up for each Effect Type.</p> <p>Note that FQ/HQ/EQ_{Total} stands for the total sum of Quantity Ratio values from all assessed hazardous substances, within each Effect Type.</p>	<p>Substance name</p> <p>Substance 1</p> <p>Substance 2</p> <p>...</p> <p>Substance 10</p>	<p>Quantity ratios (FQ, HQ, EQ)</p> <table border="1"> <tr> <td>Fire/Explosion</td> <td>Human Health</td> <td>Environment</td> </tr> <tr> <td>FQ₁</td> <td>FQ₁</td> <td>FQ₁</td> </tr> <tr> <td>FQ₂</td> <td>FQ₂</td> <td>FQ₂</td> </tr> <tr> <td>....</td> <td>....</td> <td>....</td> </tr> <tr> <td>FQ₁₀</td> <td>FQ₁₀</td> <td>FQ₁₀</td> </tr> <tr> <td>FQ_{Total}</td> <td>HQ_{Total}</td> <td>EQ_{Total}</td> </tr> </table>			Fire/Explosion	Human Health	Environment	FQ ₁	FQ ₁	FQ ₁	FQ ₂	FQ ₂	FQ ₂	FQ ₁₀	FQ ₁₀	FQ ₁₀	FQ _{Total}	HQ _{Total}	EQ _{Total}	<p>By using the dimensionless ratio of the Proposed Quantity of a hazardous substance over the Adjusted Quantity, it is possible to aggregate the effects presented by multiple substances held on the same site. Hence, it becomes possible to assess the cumulative potential effects which may be created by several substances present on the same site.</p>
Fire/Explosion	Human Health	Environment																					
FQ ₁	FQ ₁	FQ ₁																					
FQ ₂	FQ ₂	FQ ₂																					
....																					
FQ ₁₀	FQ ₁₀	FQ ₁₀																					
FQ _{Total}	HQ _{Total}	EQ _{Total}																					
<p>6 Assess resource consent status of hazardous facility</p> <p>When assessing the resource consent status of a particular hazardous facility, the added Quantity Ratios for each Effect Type are compared with relevant Consent Status Indices in the Resource Consent Matrix in the district plan. If they are exceeded, a resource consent is required.</p>	<p>Substance name</p> <p>Substance 1</p> <p>Substance 2</p> <p>...</p> <p>Substance 10</p>	<p>Does quantity ratio exceed consent status index?</p> <table border="1"> <tr> <td>Fire/Explosion</td> <td>Human Health</td> <td>Environment</td> </tr> <tr> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> </tr> </table>			Fire/Explosion	Human Health	Environment	Yes/No	Yes/No	Yes/No	<p>When examining total Quantity Ratios against applicable Consent Status Indices, one or several substances may trigger a resource consent. This highlights the fact that when assessing hazardous facilities, it is often sufficient to assess just a few hazardous substances to start off with, mainly those that are either highly hazardous or are used/stored in high quantities.</p>												
Fire/Explosion	Human Health	Environment																					
Yes/No	Yes/No	Yes/No																					
	<p>Example</p> <p>In a typical industrial zone:</p> <table border="1"> <tr> <td>Petrol</td> <td>No</td> <td>No</td> <td>No</td> </tr> </table>				Petrol	No	No	No															
Petrol	No	No	No																				

Table 2: Base Quantities (B) for all Effect Types and Hazard Ratings

HSNO category	UN class equivalent	Hazard level	Unit tonnes or cubic metres	Base Quantity (B)		
				Fire/explosion	Human health	Environment
Explosive substances						
1.1	1.1	High	tonnes	0.1	–	–
1.2	1.2	Medium	tonnes	1	–	–
1.3	1.3	Low	tonnes	3	–	–
1.5	1.5	Low	tonnes	3	–	–
Flammable gases						
2.1.1A	2.1	High	m ³	10,000*	–	–
2.1.2A	2.1	High	tonnes	10	–	–
			m ³	10,000*		
	LPG	Medium	tonnes	30	–	–
Flammable liquids						
3.1 A	3PGI	High	tonnes	10	–	–
3.1 B	3PGII	High	tonnes	10	–	–
3.1 C	3PGIII	Medium	tonnes	30	–	–
3.1 D	Combustible liquids	Low	tonnes	100	–	–
Liquid desensitized explosives						
3.2 A	3 PGI	High	tonnes	1		
3.2 B	3 PGII					
3.2 C	3 PGIII					
Flammable solids						
4.1.1.A	4.1 (a) PGII	Medium	tonnes	10	–	–
4.1.1 B	4.1 (a) PGIII	Low	tonnes	30	–	–
4.1.2 A	4.1 (b) PGII	High	tonnes	1	–	–
4.1.2 B						
4.1.2 C	4.1 (b) PGII	Medium	tonnes	10	–	–
4.1.2 D						
4.1.2 E	4.1 (b) PGII	Low	tonnes	30	–	–
4.1.2 F						
4.1.2 G						
4.1.3 A	4.1 (c) PGI	High	tonnes	1	–	–
4.1.3 B	4.1 (c) PGII	High	tonnes	1	–	–
4.1.3 C	4.1 (c) PGIII	High	tonnes	1	–	–
4.2 A	4.2 PGI	High	tonnes	1	–	–
4.2 B	4.2 PGII	High	tonnes	1	–	–
4.2 C	4.2 PGIII	Medium	tonnes	10	–	–
4.3 A	4.3 PGI	High	tonnes	1	–	–
4.3 B	4.3 PGII	High	tonnes	1	–	–
4.3 C	4.3 PGIII	Medium	tonnes	10	–	–
Oxidising substances						
5.1.1 A	5.1 PGI	High	tonnes	1		
5.1.1 B	5.1 PGII	High	tonnes	1		
5.1.1 C	5.1 PGIII	Medium	tonnes	10		
5.1.2 A	2.2	High	m ³	10,000		
			tonnes	10		
5.2 A	5.2	High	tonnes	1		
5.2 B	Types A & B					
5.2 C	5.2	Medium	tonnes	10		
5.2 D	Types C & D					

5.2 E 5.2 F 5.2 G	5.2 Types E, F & G	Low	tonnes	30		
Toxic substances						
6.1 A	6.1 PGI 2.3	High	tonnes m ³	– 50	1 50	– –
6.1 B	6.1 PGII 2.3	High	tonnes m ³	– 50	1 50	– –
6.1 C	6.1 PGIII 2.3	Medium	tonnes m ³	– 150	10 150	– –
6.1 D	Standard poison	Low	tonnes m ³	– 500	30 500	– –
Corrosive substances						
8.2 A	8 PGI	High	tonnes	–	1	–
8.2 B	8 PGII	Medium	tonnes	–	10	–
8.2 C	8 PGIII	Low	tonnes	–	30	–
Ecotoxic substances						
9.1 A	GHS	High	tonnes	–	–	3
9.1 B	GHS	Medium	tonnes	–	–	30
9.1 C	GHS	Low	tonnes	–	–	100
9.1 D	GHS	Low	tonnes	–	–	100

* Base threshold in m³ at 101.3 kPa and 20°C for permanent or compressed gases.

Table 3: Adjustment Factors for All Effect Types

Fire/explosion	Human health	Environment
FF1: Substance form	FH1: Substance form	FE1: Substance form
Solid = 1	Solid = 3	Solid = 3
Liquid, powder = 1	Liquid, powder = 1	Liquid, powder = 1
Gas (101.3kPa & 20°C) = 0.1 Solid	Gas (101.3 kPa and 20°C) = 0.1	Gas (101.3 kPa and 20°C) = 0.1
FF2: Separation distance from site boundary (sub-facility)	FH2: Separation distance from site boundary (sub-facility) (gases only)	FE2: Environmental sensitivity
< 30 m = 1	< 30 m = 1	Normal = 1
> 30 m (>60 m) ¹ = 3	> 30 m (>60 m) ² = 3	Adjacent to water resource ² = 0.3
FF3: Type of activity	FH3: Type of activity	FE3: Type of activity
Use = 0.3	Use = 0.3	Use = 0.3
Above ground storage = 1	Above ground storage = 1	Above ground storage = 1
Underground storage ³ = 10	Underground storage ³ = 10	[Underground storage ³ = 3]
Final fire/explosion adjustment factor FF = FF1 x FF2 x FF3	Final human health adjustment factor FH = FH1 x FH2 x FH3	Final environment adjustment factor FE = FE1 x FE2 x FE3

- 1 If the facility is assessed as a sub-facility, the distance to the neighbouring sub-facility must be more than 60 metres (ie. 2 x 30 metres) to qualify for an Adjustment Factor of 3 (refer Section 5.5.4 of the "Land Use Planning Guide for Hazardous Facilities" by the Hazardous Facilities Screening Procedure Review Group in conjunction with the Ministry for the Environment, February 2002).

- 2 Water resources include aquifers and water supplies, streams, springs, lakes, wetlands, estuaries and the sea, but do not include entry points to the stormwater drainage network.
- 3 Applicable to UN Class 3 substances (flammable liquids) only.

Appendix A: HFSP Rating for Hazardous Substances

The full description of HSNO classes, sub-classes and categories as well as explanations of terms used is contained in the Regulations to the Hazardous Substances and New Organisms Act 1996. Further details on their use may also be found in the ERMA "Users Guide to the HSNO Thresholds and Classifications of Hazardous Substances."

It is important to note that:

- HSNO classes and categories do not always correspond perfectly with the UN Classification. The list provided in this Appendix should therefore only be used for HFSP purposes.
- A number of HSNO classes or sub-classes do not have an HFSP rating in the land use planning context as the potential for off-site effect of these substances is low.

Hazard	HSNO Class and Category	(UN Division)	Description	Effect type	Hazard rating
Explosive substances	1.1	1.1	Substances and articles that have a mass explosion hazard.	Fire/ explosion	High
	1.2	1.2	Substances and articles that have a projection hazard but not a mass explosion hazard.	Fire/ explosion	Medium
	1.3	1.3	Substances and articles that have a fire hazard and either a minor blast hazard or a minor projection hazard or both.	Fire/ explosion	Low
	1.5	1.5	Very insensitive substances that have a mass explosion hazard.	Fire/ explosion	Low
Flammable gases	2.1.1A High hazard	2.1	a) Ignitable when in a mixture of 13% or less by volume with air; or b) Has a flammable range with air of at least 12%, regardless of the lower flammability limit.	Fire/ explosion	High
	2.1.2A Flammable aerosols	2.1	An aerosol comprising 45% or more by mass of flammable ingredients.	Fire/ explosion	High
		LPG		Fire/ explosion	Medium
Flammable liquids	3.1.A Very high hazard	3 PGI	A flash point of less than 23°C and an initial boiling point of less than or equal to 35°C.	Fire/ explosion	High
	3.1B High hazard	3 PGII	A flash point of less than 23°C and an initial boiling point of greater than 35°C.	Fire/ explosion	High
	3.1C Medium hazard	3 PGIII	A flash point of greater than or equal to 23°C but less than or equal to 60°C.	Fire/ explosion	Medium
	3.1D Low hazard	Combustible liquids	A flash point of greater than 60°C but less than or equal to 93°C.	Fire/ explosion	Low

Liquid desensitised explosives	3.2A 3.2B 3.2C	3 PGI 3 PGII 3 PG III	a) A substance that: (i) is listed as a liquid desensitised explosive and is assigned Packing Group I, II or III in the UN Model Regulations; or b) A liquid desensitised explosive that: (i) is formed from an explosive of Class I by adding a desensitising agent to form a liquid that no longer meets the threshold for Class I; and (ii) is not listed in the UN Model Regulations and is not assigned a Packing Group.	Fire/ explosion	High
Flammable solids – readily combustible solids and solids that may cause fire through friction	4.1.1A Medium hazard	4.1(a) PG II	A substance that burns rapidly or the reaction spreads rapidly or may cause fire through low friction in the relevant tests of the UN Manual of Tests and Criteria.	Fire/ explosion	Medium
	4.1.1B Low hazard	4.1(a) PG III	A substance that has lower ratings than 4.1.1A in the relevant tests of the UN Manual of Tests and Criteria.	Fire/ explosion	Low
Self-reactive substances	4.1.2A	4.1(b)	A thermally unstable substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/ explosion	High
	4.1.2B	Type A Type B			
	4.1.2C	4.1(b)	A substance with lower ratings than the above two categories in the relevant tests.	Fire/ explosion	Medium
	4.1.2D	Type C Type D			
	4.1.2E	4.1(b)			
4.1.2F	Type E	A substance with even lower ratings than the above two categories in the relevant tests.	Fire/ explosion	Low	
4.1.2G	Type F				
Solid desensitised explosives	4.1.3A 4.1.3B 4.1.3C	4.1(c) PG I PG II PG III	a) A substance with one of the specified UN serial numbers listed in the UN Model Regulations; or b) A solid desensitised explosive that is formed from an explosive of Class I by adding a desensitising agent to form a solid substance that no longer meets the threshold for Class I.	Fire/ explosion	High
Spontaneously combustible substances	4.2A Spontaneously combustible and pyrophoric substances High hazard	4.2 PG I	a) A solid substance that does not meet the criteria for subclass 4.1.2, but ignites within 5 minutes on contact with air under the relevant test conditions in the UN Manual of Tests and Criteria; or b) A substance that does not meet the criteria for subclass 4.1.2, but is a liquid which ignites or chars the filter paper under the relevant test conditions.	Fire/ explosion	High
	4.2B Spontaneously combustible and self-heating substances Medium hazard	4.2 PG II	A substance that does not meet the criteria for subclass 4.1.2 but meets specified criteria under the relevant test conditions.	Fire/ explosion	High

	4.2C Spontaneously combustible and self-heating substances Low hazard	4.2 PG III	A substance that does not meet the criteria for subclass 4.1.2, which, depending on quantity, meets specified criteria under the relevant test conditions.	Fire/ explosion	Medium
Solids that emit flammable gas when in contact with water	4.3A High hazard	4.3 PG I	a) A substance that emits a gas that ignites when a small quantity of the substance is brought into contact with water; or b) A substance that reacts readily with water at ambient temperatures such that the rate of evolution of flammable gas is > 10 litres/kg over any 1 minute.	Fire/ explosion	High
	4.3B Medium hazard	4.3 PG II	A substance that reacts readily with water at ambient temperatures such that the maximum rate of evolution is > 20 litres/ kg per hour.	Fire/ explosion	High
	4.3C Low hazard	4.3 PG III	A substance that reacts slowly with water at ambient temperatures so that the maximum rate of evolution of flammable gas is > 1 litre /kg per hour.	Fire/ explosion	Medium
Oxidising substances – liquids or solids	5.1.1A High hazard	5.1 PG I	a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group I; or b) A solid that when mixed with dry cellulose either spontaneously ignites or exhibits a mean burning time less than that of a specified reference material; or c) A liquid that when mixed with dry cellulose forms a mixture that either spontaneously ignites or exhibits a mean pressure rise time less than that of a specified reference material.	Fire/ explosion	High
	5.1.1B Medium hazard	5.1 PG II	a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group II; or b) A solid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than a specified reference material; or c) A liquid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than or equal to that of a specified reference material.	Fire/ explosion	High
	5.1.1C Low hazard	5.1 PG III	a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group III; or b) A solid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than that of a specific reference material; or c) A liquid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than	Fire/ explosion	Medium

			or equal to that of a specified reference material.		
Gases	5.1.2A	2.2	a) A gas that is listed as 5.1 in the UN model Regulations; or b) A gas that causes or contributes to combustion of other material at a faster rate than air.	Fire/ explosion	High
Organic peroxides	5.2A	5.2 Type A Type B	A substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/ explosion	High
	5.2B				
	5.2C	5.2 Type C Type D	A substance with lower ratings than 5.2A or B in the relevant tests.	Fire/ explosion	Medium
	5.2D				
5.2E 5.2F 5.2G	5.2 Type E Type F Type G	A substance with even lower ratings than 5.2A or B in the relevant tests.	Fire/ explosion	Low	
Toxic substances	6.1A	6.1 PGI 2.3 (gases)	Oral toxicity: LD ₅₀ of less than or equal to 5 mg/kg Dermal toxicity: LD ₅₀ of less than or equal to 50 mg/kg Inhalation toxicity (gas): LC ₅₀ of less than or equal to 100 ppm Inhalation toxicity (vapour): LC ₅₀ of less than or equal to 0.5 mg/l Inhalation toxicity (dust/mist): LC ₅₀ of less than or equal to 0.05 mg/l	Human health	High
	6.1B				
	6.1C	6.1 PGII 2.3 (gases)	Oral toxicity: LD ₅₀ of greater than 5 mg/kg but less than or equal to 50 mg/kg Dermal toxicity: LD ₅₀ of greater than 50 mg/kg but less than or equal to 200 mg/kg Inhalation toxicity (gas): LC ₅₀ of greater than 100 ppm but less than or equal to 500 ppm Inhalation toxicity (vapour) LC ₅₀ of greater than 0.5 mg/l but less than or equal to 2.0 mg/l Inhalation toxicity (dust/mist) LC ₅₀ of greater than 0.05 mg/l but less than or equal to 0.5 mg/l	Human health	High
		6.1 PGIII	Oral toxicity: LD ₅₀ of greater than 50 mg/kg but less than or equal to 300 mg/kg Dermal toxicity: LD ₅₀ of greater than 200 mg/kg but less than or equal to 1000 mg/kg	Human health	Medium

	6.1D	Toxic Substances Regulations: Standard Poison	<p>Inhalation toxicity (gas): LC₅₀ of greater than 500 ppm but less than or equal to 2500 ppm</p> <p>Inhalation toxicity (vapour) LC₅₀ of greater than 2.0 mg/l but less than or equal to 10.0 mg/l</p> <p>Inhalation toxicity (dust/mist) LC₅₀ of greater than 0.5 mg/l but less than or equal to 1.0 mg/l</p> <p>Oral toxicity: LD₅₀ of greater than 300 mg/kg but less than or equal to 2000 mg/kg</p> <p>Dermal toxicity: LD₅₀ of greater than 1000 mg/kg but less than or equal to 2000 mg/kg</p> <p>Inhalation toxicity (gas): LC₅₀ of greater than 2500 ppm but less than or equal to 5000 ppm</p> <p>Inhalation toxicity (vapour) LC₅₀ of greater than 10 mg/l but less than or equal to 20 mg/l</p> <p>Inhalation toxicity (dust/mist) LC₅₀ of greater than 1.0 mg/l but less than or equal to 5.0 mg/l</p>	Human health	Low
Corrosive substances	8.2A	8 PG I	Data indicate irreversible destruction of dermal tissue following brief exposure	Human health	High
	8.2B	8 PG II	Data indicate irreversible destruction at dermal tissue following moderate exposure	Human health	Medium
	8.2C	8 PG III	Data indicate irreversible destruction at dermal tissue following lengthy exposure (up to four hours)	Human health	Low
Ecotoxic substances	9.1A Substances that are very ecotoxic in the aquatic environment	GHS	Acute aquatic toxicity value ¹ of less than or equal to 1 mg/l	Environment	High
	9.1B Substances that are ecotoxic in the aquatic environment	GHS	Chronic aquatic toxicity ² of less than or equal to 1 mg/l and a) acute aquatic toxicity value of greater than 1 mg/l but less than 10 mg/l; and b) not rapidly degradable or is bioaccumulative, or is not rapidly degradable and is bioaccumulative.	Environment	Medium
	9.1C Substances that are harmful in the aquatic environment	GHS	Chronic aquatic toxicity of less than or equal to 1 mg/l and: a) acute aquatic toxicity value of greater than 10 mg/l but less than 100 mg/l; and b) not rapidly degradable or is bioaccumulative or, is not rapidly degradable and is bioaccumulative.	Environment	Low
	9.1D Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action	GHS	a) Acute aquatic toxicity value of greater than 1 mg/l but less than 100 mg/l, but does not meet classification criteria for 9.1A, 9.1B or 9.1C; or b) Chronic aquatic toxicity value is less than or equal to 1 mg/l but does not meet classification criteria for 9.1B or 9.1C; or c) Not rapidly degradable and is	Environment	Low

			bioaccumulative but does not meet classification criteria for 9.1A, 9.1B or 9.1C.		
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- 1 'Acute aquatic toxicity value' means the lowest value expressed in units of milligrams of a substance per litre of water from:
 - (a) fish LC₅₀ data after a 96-hour exposure period; or
 - (b) crustacean EC₅₀ data after a 48-hour exposure period; or
 - (c) algal, or other aquatic plant EC₅₀ data after a 72-hour exposure period.

- 2 'Chronic aquatic toxicity' means the lowest value expressed in units of milligrams of a substances per litre of water from chronic fish, crustacean, algal, or other aquatic plant NOEC (no observed effect concentration) data.

Appendix B: Spreadsheet for HFSP Calculations

Applicant number																		
Applicant																		
Contact name																		
Postal address																		
Site address																		
Phone number																		
Fax number																		
E-mail																		
Comment																		
Ref No.	Substances on this site	CAS no.	Effect type	Hazard rating	Base quantity	Form	Distance to boundary less than 30 m? Yes/No	Adjacent to water? Yes/No	Type of activity A/Ground B/Ground use	FF	FH	FE	Product of adjustment factors	Adjusted quantity A	Proposed quantity	Fire/explosion quantity ratio FQ	Human health quantity ratio HQ	Environment quantity ratio EQ
1			Fire/explosion Human health Environment															
2			Fire/explosion Human health Environment															
3			Fire/explosion Human health Environment															
4			Fire/explosion Human health Environment															
5			Fire/explosion Human health Environment															
6			Fire/explosion Human health Environment															
7			Fire/explosion Human health Environment															

8			Fire/explosion														
			Human health														
			Environment														
9			Fire/explosion														
			Human health														
			Environment														

Appendix 3.2-III Assessment of Environmental Effects

The Assessment of Environmental Effects should address the following matters:

- i) The proposed site operation and layout.
- ii) Quantities of hazardous substances used and stored, and proposed facilities.
- iii) Site drainage and off-site infra-structure.
- iv) Transfer/transport of hazardous substances on and off the site and selection of least risk routes.
- v) The sensitivity of the surrounding human, natural and physical environment and proposed measures to protect them.
- vi) Separation distances from neighbouring activities and people potentially at risk from the hazardous facility.
- vii) Identification of on-site hazards and exposure pathways from the proposed facility.
- viii) Potential cumulative effects with neighbouring facilities.
- ix) Fire safety and fire water management.
- x) Proposed contingency measures and emergency plans.
- xi) Proposed monitoring and maintenance schedules.

Rule 3.3 Roads and Network Utilities

Rule Statement

Roads and Network Utilities are those services which provide the infrastructure and communications networks for the community. They play an important role in enabling the community to function. The plan facilitates the installation, operation and maintenance of these services where the effects of their development can be adequately mitigated or controlled.

Structures associated with generation, storage or transmission of any Network Utility which exceed the rule's size threshold will be assessed against the relevant standards of the underlying zone to ensure that they are integrated into the locality in which they are established.

The Plan recognises that roads are an essential network element in the city. Roads are provided for as a permitted activity together with walkways and cycleways. The Plan classifies roads by reference to a defined hierarchy which will control both the road function and manage activities occurring on land adjacent to them.

The Council's Access Hamilton Strategy and Infrastructure Programme promotes and encourages a wide range of options to meet the city's growing transport needs. It will encourage people to use alternative modes of transport (to motor vehicles) e.g. public transport, walking and cycling to enable the City's growth rates to be sustainable into the future. The Access Hamilton Map identifies key features of the City's arterial road network, principally, the City's Ring Road and Cross-City Connector. Connections to the Ring Road will be controlled from a traffic management perspective to ensure that its strategic function is not compromised.

Expected Outcome

The establishment and operation of Network Utilities throughout the city in a manner that meets the needs of the community while minimising the adverse effects of their operation.

Means of Compliance

The Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 shall apply to the operation, maintenance, upgrading, relocation or removal of existing high voltage transmission lines (exceeding 33kV) that forms part of the National Grid operated by Transpower New Zealand.

For all other activities the following rules shall be read in conjunction with the standards and performance assessments in the relevant zone (where the standards in this Rule cannot be met), and all other rules in the Plan unless stated otherwise.

The activity status and standards in this rule may be modified by Overlays Rules in [Rule Section 2.0](#). The activity status of a Permitted Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 3.3.3](#) - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.2 Transportation and Accessibility and 4.3 Roads and Network Utilities.

3.3.1 Activities

Activity status relating to any operation, maintenance, upgrading, relocation or removal of existing high voltage transmission lines as of 14 January 2010 (refer to NESETA), identified on the District Plan maps and forming part of the National Grid, are set out and determined within the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009.

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the relevant standards in [Rule 3.3.2](#). These permitted activities are exempt from the standards and performance assessments in the relevant zone.

- Network Utilities located **below ground**.
- Network Utilities complying with the specific standard in [Rule 3.3.2 a\) i\)](#) relating to Radiofrequency Emissions.
- Any Structure associated with the generation, storage or transmission of any Network Utility (see [Rule 3.3.2 a\) ii\)](#)).
- Any Structure associated with the generation, storage or transmission of any Network Utility provided by a person not authorised as a Network Utility Operator (see [Rule 3.3.2 a\) ii\)](#)).
- The repair, maintenance and upgrading of any existing Network Utility **above ground**, including those which exceed threshold capacities under [Rule 3.3.2 a\)](#), provided the requirements of [Rule 3.3.2 c\)](#) are met.
- Network utilities located above ground in the circumstances provided for in [Rule 3.3.2 d\)](#).
- Minor works to an existing road, including partial stopping.
- The construction of any new road or realignment or widening of any existing road where
 - It is in accordance with an operative designation
 - It is provided for in the plan as a building line restriction
 - It is proposed as part of an approved subdivision
 - It is in accordance with any other approved resource consent.
- Cycleways and walkways.

ADVISORY NOTE - Road Hierarchy and Zoning of Roads

All roads are classified according to the Hamilton City Council Road Hierarchy. The roads shall be classified as Major Arterial, Minor Arterial, Collector or Local (Appendix 3.3-1) according to the function of each road type. The classification of each existing road and designated route is shown on the Road Hierarchy Map. Proposed road alterations are shown in Appendices 7.0-II, 7.0-III, 7.0-IV, 7.0-V and 7.0-VI.

Where any activity is to be undertaken on, below or above the surface of a road, accessway or service lane, or on a stopped road, accessway or service lane, then for the purpose of accommodating the activity the land shall carry the zoning of the adjoining land. Where the land on either side carries different zonings, the following shall apply:

- Where the road adjoins any site(s) zoned residential, community facilities or recreation, the land shall be zoned residential
- A commercial zone or major facilities zone takes preference over an industrial zone.

District Plan provisions for the appropriate zone shall apply to the road unless the Plan makes specific provision for activities on, below or above the surface of the road.

b) Discretionary Activities

The following activities are Discretionary Activities.

- Any Network Utility **above ground** (which is not provided for as a permitted activity) which **does not** exceed the threshold capacities in Rule 3.3.2 a)
- Any Network Utility which **does not** exceed the threshold capacities in Rule 3.3.2 a) provided by a person not authorised as a Network Utility Operator
- Any Railway line, Marshalling Yard, or Railway Station located within the Industrial Zone
- The construction of any road not provided for in Rule 3.3.1.
- The transmission or conveyance of electricity at a voltage exceeding 33kV located **below ground** that does not exceed a voltage of 220kV.

c) Non-Complying Activities

The following activities are Non-Complying Activities:

- Any Railway line, Marshalling yard, or Railway Station located in any zone other than the Industrial Zone
- Any Network Utility that exceeds the threshold capacities in Rule 3.3.2 a) i) **except** in respect of the existing high voltage transmission lines (exceeding 33kV) as shown on the District Plan maps.

3.3.2 Specific Standards

The following standards apply to the activities specified below.

a) Network Utilities

- i) Any Network Utility shall not exceed the following threshold capacities:
- the generation of electricity exceeding 500 MW
 - the transmission or conveyance of electricity at a voltage exceeding 33 Kv and the storage or treatment of water or sewage exceeding 50m³ per day
 - the transmission, storage or distribution of natural gas at a gauge pressure exceeding 2000 kilopascals
 - The recommended non-occupational exposure levels in NZS 2772.1:1999 *Radiofrequency Fields Part 1: Maximum exposure levels 3 kHz — 300 GHz* ('the New Zealand Standard') where any member of the public can lawfully approach the facility.

Advisory Note — *Monitoring*

As part of its monitoring undertaken pursuant to Section 35 of the Resource Management Act 1991 Council may annually request the following information from operators of facilities emitting radio frequency fields:

- a) *written notice of the location of the facility; and*
- b) *a report prepared by a radio engineer/technician or physical scientist confirming that the New Zealand Standard is met.*

If the report provided to Council under b) above predicts that the emissions exceed 25 percent of the exposure limit set for the general public in the New Zealand Standard, the Council may commission a report from the National Radiation Laboratory or other appropriately qualified person/organisation to determine compliance with the New Zealand Standard.

- ii) Any Structure associated with the generation, storage or transmission of any Network Utility shall comply with the following threshold standards:

Structure	Zone	Standard
Pole or Mast		
Maximum Height	In the Residential Zone, Suburban Centre Zone, Commercial Service Zone (excluding the High Rise Area), Industrial Amenity Protection Area, Community Facilities Zone, Recreation Environment Zone, Recreation General Zone and Future Urban Zone	15m
Maximum Height	Recreation Major Zone for Hamilton Gardens	12 m
Maximum Height	In the Industrial Zone (excluding the Amenity Protection Area), Commercial Service Zone (in the High Rise Area),	20m

	Major Facilities Zone, Recreation Major Zone (except Hamilton Gardens) and City Centre Zone*	
Maximum Cross-Section	In the Residential Zone, Suburban Centre Zone, Commercial Service Zone (excluding the High Rise Area), Industrial Amenity Protection Area, Community Facilities Zone, Major Facilities Zone, Recreation Environment Zone, Recreation General Zone, Recreation Major Zone and Future Urban Zone	700mm
Maximum Cross-Section	In the Industrial Zone (excluding the Amenity Protection Area), Commercial Service Zone (in the High Rise Area) and City Centre Zone*	1,300mm
Minimum Separation Distance between individual poles and masts	In all Zones	15m
Minimum Separation Distance between individual poles and masts at the intersection of two or more roads	In all Zones	5m
Aerial or Dish		
Maximum Boom Length	In all Zones	6m
Maximum Area of any Panel or Element	In any Industrial or Commercial Zone	10.75m ²
Maximum Area of any Panel or Element	In any other Zone	1.77m ²
Maximum Diameter of any Dish	In any Industrial or Commercial Zone	4m
Maximum Diameter of any Dish	In any other Zone	1.2m
Maximum Height at which the Dish, Panel or Element is attached to a pole or mast	In the Residential Zone, Suburban Centre Zone, Commercial Service Zone (excluding the High Rise Area), Industrial Amenity Protection Area, Community Facilities Zone, Major Facilities Zone, Recreation Environment Zone, Recreation General Zone, Recreation Major Zone and Future Urban Zone	15m
Maximum Height at which the Dish, Panel or Element is attached to a pole or mast	In the Industrial Zone (excluding the Amenity Protection Area), Commercial Service Zone (in the High Rise Area) and City Centre Zone*	20m
Maximum Height above a building that a Dish, Panel or Element can protrude	In all Zones	5m

Maximum Cross-Section of an associated Pole	In the Residential Zone, Suburban Centre Zone, Commercial Service Zone (excluding the High Rise Area), Industrial Amenity Protection Area, Community Facilities Zone, Major Facilities Zone, Recreation Environment Zone, Recreation General Zone, Recreation Major Zone, and Future Urban Zone	700mm
Maximum Cross-Section of any associated Pole	In the Industrial Zone (excluding the Amenity Protection Area), Commercial Service Zone (in the High Rise Area) and City Centre Zone*	1,300mm
Structures Located Above Ground		
Maximum Volume	In the Industrial Zone (excluding the Amenity Protection Area), Commercial Service Zone (in the High Rise Area) and City Centre Zone*	25m ³
Maximum Volume	In all other Zones	6.5m ³
Maximum Volume	On all road reserves	6.5m ³
Maximum Dimension	In all Zones	3m
Structures Located Below Ground		
Maximum Volume		40m ³ per site

Note: *Subject to compliance with [Rule 4.3.2 b\) ii\)](#) and [Rule 4.3.2 b\) iii\)](#)

b) Roads

- i) Major and Minor Arterial roads shall comply with noise standards in [Rule 5.1.1](#).
- ii) Any road constructed or reconstructed after the operative date of this plan shall be constructed to standards appropriate to the road's classification in the Road Hierarchy (see Appendix 3.3-1).

c) Repair, Maintenance and Upgrading

The repair, maintenance and upgrading of a Network Utility **above ground** shall include:

- i) Increases in the carrying capacity of stand alone telecommunication lines provided that there is:
 - No increase in the level of non-compliance with the standards in [Rule 3.3.2 a\)](#)
- ii) Increases in the carrying capacity, efficiency or security of electricity and associated telecommunication lines, utilizing the existing support structures or structures of a similar scale or character, including: the addition of circuits and/or conductors; the reconducting of the line with higher capacity conductors; resagging of conductors; the addition of longer and more efficient insulators; the addition of earthwires (which may contain telecommunication lines, earthpeaks and lightning rods) provided that there is:
 - No increase in the height of the support structure (excluding earthwires, earthpeaks, and lightning rods); and

- No increase in the voltage capacity of any line; and
 - Any increase in amperage does not result in magnetic field levels exceeding international guidelines for 24-hour public exposure of 100 microtesla (International Commission on Non-ionising Radiation Protection).
- iii) The repair and maintenance of existing poles and masts, and replacement of poles and masts in the same location, provided that there is:
- No increase in the level of non-compliance with the standards in Rule 3.3.2 a), including minimum separation distances.
- d) **Circumstances where Network Utilities may be located above ground**
- i) Where they are required to be carried along a bridge or similar structure
 - ii) Where they are required to be attached to the exterior wall or roof of an existing building for the purposes of supplying a utility service to that building
 - iii) Where they are located within a structure associated with the generation, storage or transmission of any network utility which complies with the standards in Rule 3.3.2 a) ii) provided that the network utility does not exceed the threshold capacities in Rule 3.3.2 a) i).

3.3.3 Failure to Meet Standards

- a) Activities that do not comply with one or two standards in Rule 3.3.2 a) ii) are **Restricted Discretionary Activities**, with discretion restricted to the subject matter of the standard that can not be met.
- b) Activities that do not comply with three or more standards in Rule 3.3.2 a) ii) are **Discretionary Activities**.
- c) Activities that do not comply with the threshold capacities in Rule 3.3.2 a) i) are **Non-Complying Activities**, unless otherwise provided for by Rule 3.3.1 a) and 3.3.1 b).
- d) Activities that do not comply with Rule 3.3.2 b) i) are **Restricted Discretionary Activities**, with the discretion restricted to the subject matter of the standard that cannot be met.
- e) Activities that do not comply with Rule 3.3.2 b) ii) are **Discretionary Activities**.
- f) Activities that do not comply with Rule 3.3.2 c) are **Restricted Discretionary Activities**, with discretion restricted to the subject matter of the standard that can not be met.
- g) Activities that do not comply with Rule 3.3.2 d) shall be a **Discretionary Activity**, or where they exceed the threshold capacities in Rule 3.3.2 a) i) they shall be a **Non-Complying Activity**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, and to any related objectives and policies, and to the following.

3.3.4 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The ability of the proposed activity to comply with all relevant standards for the zone it is located within.
- ii) Whether the proposed activity will have detrimental impact on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impact.
- iii) The impact of the proposed activity on any natural ecosystem, cultural site, or significant landscape feature.
- iv) Whether in the case of any above ground Network Utility, the service could reasonably be located below ground.
- v) The extent to which demand for traffic to and from the site can be accommodated while ensuring adequate and safe access to and from the site.

b) Roads

- i) The effect of noise and air emissions from any road on surrounding activities and on landscape and visual amenity of the neighbourhood.
- ii) Any implications for traffic, cyclist and pedestrian safety, particularly arising from excessive traffic flows, speed, or access arrangements.
- iii) Whether a road meets the traffic needs of the area, taking into account the functions of the road network.
- iv) Whether any construction or use of roads may cause adverse noise or air quality effects and the extent to which such effects can be adequately mitigated by treatment of the road, surrounding environment or receiving sites, including amenity planting, landscaping, noise bunding, fencing, road surfacing and acoustic treatment of buildings used for residential activities.

Appendix 3.3-I Road Hierarchy Classifications

The road hierarchy classifications are as follows:

Major Arterial Roads: Major arterial roads connect the city to the region and include state highways and significant national and regional routes passing through the city. They also include strategic links within the city's roading system. Major arterial roads are designed to carry large numbers of vehicles and tend to carry higher proportions of heavy traffic. The through traffic function predominates and control is exercised over frontage development and access. Limited access arterial roads prohibit access or access is rigidly controlled to ensure effective functioning of the road.

Minor Arterial Roads: Minor arterial roads connect major arterial roads through the industrial, residential and commercial sectors of the city, and provide connections between collector roads and major arterial roads. They combine a through-traffic function with access to properties although the through-traffic function predominates. Heavy vehicle traffic may be restricted and controls may be placed relating to access and amenity.

Collector Roads: Collector roads link the local and arterial road networks and are designed to collect traffic from local roads for distribution on to arterial roads. They also provide for traffic distribution within and between residential, industrial and rural communities. Collector road networks should be designed for bus route connectivity and directness. The through traffic function needs to be balanced against the property access function which collector roads provide.

Local Roads: Local roads primarily give access to property and generally have low traffic volumes. Local amenity values and neighbourhood character may influence their traffic function. Local roads include cul de sacs and may provide areas of open space for use by pedestrians and cyclists where safety may be an issue. Local roads also provide land for public landscaping. In some situations local roads are designed to accommodate buses and service vehicles but they are not intended to act as through roads for large numbers of vehicles.

The classification of each existing road and designated route is shown on the **Road Hierarchy Map**.

Appendix 3.3-II ACCESS HAMILTON MAP: Proposed Ring-Road and Cross City Connector



Rule 3.4 Activities on the Surface of Water

Rule Statement

This rule controls the effects of activities occurring on the surface water of the Waikato River and Lake Rotoroa (Hamilton Lake) while facilitating a range of recreational opportunities. This rule also applies to Lake Rotokaeo (Forest Lake) and Horseshoe Lake (Rotongahere).

Structures such as jetties and pontoons can also have impacts on the surface of water and their effects on natural character, water flows, and as potential navigation hazards needs to be controlled through the District Plan. Some of these structures are attached to the bed of the Waikato River or Lake Rotoroa and are therefore controlled through the Proposed Waikato Regional Plan.

Managing activities on the surface of water is complicated by the infrequent use of the river by large numbers of individuals, for whom it is a recreational resource. However the effects from such use on the waterbody, its adjoining banks, and neighbours can be adverse and the plan does have a role in creatively managing these effects.

Expected Outcome

Activities on the surface of water are undertaken in a manner that avoids, remedies or mitigates adverse effects on the natural values of the waterbody, and on the amenity of adjoining land uses.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the underlying zone, and all other rules in the Plan.

The activity status and standards in this rule may be modified by Overlay Rules in [Rule Section 2.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status, see [Rule 3.4.3](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 3.3 Activities on the Surface of Water.

3.4.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 3.4.2](#):

- Non-motorised water activities

- Motorised water activities on the Waikato River only (except Events and residential activities on boats).

b) Controlled Activities

The following activities shall be Controlled Activities provided they comply with the standards in Rule 3.4.2 and will be controlled in respect of the matters identified:

- Events for motorised water activities on the Waikato River
 - with respect to the speed, size and frequency of motorised craft; hours of operation of surface water activities relating to an event, including associated activities carried out on adjacent land; timing of the event with respect to the water level of the river.

c) Discretionary Activities

The following activities are Discretionary Activities:

- Any event not provided for as a controlled activity for motorised water activities on the Waikato River
- Jetties and Pontoons
- Residential use of boats.

d) Non-Complying Activities

The following activities are Non-Complying Activities:

- Any motorised water activity on any lake
- Any activity not provided for above.

3.4.2 Specific Standards

The following standards apply to the activities specified below.

a) Events for Motorised Water Activities on the Waikato River

- i) Any event shall have a maximum duration of two days.
- ii) A maximum of three events in order of consent granted on the Waikato River shall be allowed to take place per year.

3.4.3 Failure to Meet Standards

- a) Activities which do not comply with one or two standards in Rule 3.4.2 are **Discretionary Activities**.

Performance Assessment

In determining any resource consent Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

3.4.4 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Size, Speed and Frequency of Motorised Craft

- i) The operation of any motorised craft shall not result in any reduction in the stability of river banks.
- ii) The operation of any motorised craft shall not impact on any identified significant habitat along river margins.

b) Hours of Operation

Adjoining residents shall be protected from unreasonable levels of noise and disturbance particularly outside of daylight hours.

c) Flow Levels

Events should not take place when the Waikato River is in flood, or low flow condition.

3.4.5 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The extent to which any disturbance to residents in or adjoining the waterbody may be mitigated.
- ii) Any effects on the natural values of the waterways, especially banks and vegetation along the river.
- iii) Any effects on wildlife caused by disturbance to nesting or feeding sites.
- iv) The cumulative effect of events on natural values, bank stability, and erosion.
- v) The need for associated land-based activities for the operation of any activity and the impact on natural values that may be caused.
- vi) The speed and size of any vessels to be used on surface waterways, and any likelihood of bank erosion.
- vii) Any impediment to water flows and the potential to snag debris and flotsam.
- viii) The ability to retain navigable waters at all times.

Rule 3.5 Temporary Activities

Rule Statement

This rule provides for temporary buildings and activities that might not be otherwise provided for within this District Plan. The rule clarifies the status of temporary buildings, structures, tents etc which may be required for temporary activities or for construction purposes, and also the status of other temporary activities like fairs and concerts. It is intended to provide for these uses in a flexible manner while mitigating and remedying any adverse effects on the environment.

Expected Outcome

Reasonable allowance made for temporary and transitory activities without significant adverse effects on the environment.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the relevant zone, and all other rules in the plan.

The activity status and standards in this rule may be modified by Overlay Rules in [Rule Section 2.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status, see [Rule 3.5.4](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 7.4 Noise.

3.5.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 3.5.2](#) and the relevant standards in [Rule 3.5.3](#) and where they are not otherwise provided for as a Permitted or Controlled Activity under this District Plan. Where otherwise provided for as a Permitted or Controlled Activity, the other District Plan provisions shall apply to the exclusion of these provisions.

- Temporary Structures and Works accessory to a event
- Temporary Structures and Works; incidental to a construction project
- Events
- Temporary landing/takeoff points for helicopters.

3.5.2 General Standards

The following general standards apply to all Permitted Activities.

a) Temporary Structures and Works Accessory to an Event

- i) All structures and other works, shall be removed and the site returned to its original condition 5 working days after the activity has ceased.
- ii) All structures and works shall be setback from the boundary in accordance with the relevant setbacks for the zone in which they are located.

3.5.3 Specific Standards

The following standards apply to the activities specified below.

a) Structures and Storage Incidental to a Construction Project

- i) Where the structures and storage are incidental to a construction project, the construction project shall be for an activity permitted by the plan or for an activity which has an approved resource consent.
- ii) Where structures and storage are incidental to a construction project all facilities shall be removed 6 months after the end of the project or after 12 months, whichever is earlier.

All other relevant building standards for the zone in which they are located shall be complied with.

b) Events

The following specific standards apply to events, excluding events on the Waikato River (refer to Rule 3.4 Activities on the Surface of Water).

- i) The total duration of all events on the site (excluding preparation time) shall not exceed 48 hours in any calendar year.
- ii) Total number of persons attending the event at any one time shall not exceed 1,000.
- iii) Events shall take place within the following hours:
0700hr — 2230hr Sunday to Thursday
0700hr — 2400hr Friday and Saturday

c) Temporary Landing/Takeoff Points for Helicopters

- i) Temporary landing/takeoff points for a helicopter for emergency purposes is permitted without being subject to further controls.
- ii) Temporary landing/takeoff points for helicopters for construction work is permitted, as required, for the duration of the construction work.
- iii) Temporary landing/takeoff points for helicopters on a site for any other activity shall not exceed a total of 5 days in any twelve month period, with a maximum consecutive use of 48 hours duration.

3.5.4 Failure to Meet Standards

- a) Activities which do not comply with any performance standard in Rule 3.5.2 or Rules 3.5.3 a) or b) are **Discretionary Activities**.
- b) Activities which do not comply with Rule 3.5.3 c) are **Non-Complying Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

3.5.5 Assessment Criteria – Discretionary Activities

Discretionary activities will be assessed against, but not limited to, the assessment criteria below.

- a) **Events**
 - i) The extent to which the proposed hours of operation for the event would detrimentally affect the amenity of surrounding areas.
 - ii) The extent to which an extension of the permitted duration of the event will have an adverse effect on the amenity of the surrounding area.
 - iii) Whether the scheduling of events and the time elapsed between them adequately avoids or mitigates possible cumulative adverse effects on the amenity of the surrounding area.
 - iv) The extent to which vehicular traffic and related parking generated by the activity is accommodated without loss of amenity, safety or causing traffic congestion.
 - v) The extent to which the siting of structures would result in adverse effects on adjoining properties.
- b) **Scale, Siting and Design of Facilities Incidental to a Construction Project.**
 - i) The extent to which the scale and design of any facilities is compatible with the amenity of the surrounding area.
 - ii) The extent to which the siting of any facility mitigates any adverse effect on the amenity of the surrounding area.
 - iii) The extent to which an extension of the permitted duration of any facilities will have an adverse effect on the amenity of the surrounding area.
 - iv) The extent to which any adverse amenity effect created by any facilities can be mitigated by landscaping and screening.

Rule 4.1 Residential Zone

Rule Statement

The Residential Zone provides for a variety of residential and non-residential activities. All activities are subject to standards, including height, setbacks from the boundary and outdoor living areas, to ensure that the character and amenity of residential areas is protected.

Within the Residential Zone, three distinctive areas have also been identified for their different amenity values. These are the High Density Area, Visitor Facilities Area, and Claudelands West Special Character Area. Within these areas the standards differ from the general Residential Zone to protect levels of amenity or to enable certain forms of development.

The High Density Area will be located near suburban commercial and neighbourhood centres, the central city, tertiary education facilities and the hospital to provide for a wider range of residential activities at higher densities to meet housing choice. Higher density development, particularly where high rise apartment buildings are proposed, has the potential to impact adversely on the visual horizon of the city. Specific attention will need to be given to building and on-site amenity, and its integration with surrounding development.

The Visitor Facilities Area recognises an area already developed for visitor accommodation. The overlay allows for visitor accommodation and associated activities like conference centres, bars and restaurants to continue to develop in this area.

The Claudelands West Special Character Area recognises the special character and aims to protect the area from further inappropriate development to ensure that the amenity and special character enjoyed by residents is maintained and enhanced.

The residential zoning provisions for the Rotokauri Structure Plan Area are set out in [Rule 4.1A](#).

Expected Outcome

A wide range of residential development and associated community, education, health and recreational activities that meet the diverse and changing needs of the community are facilitated within the Residential Zone, while maintaining the residential character and a high standard of amenity.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- The activity status and standards for this zone may be modified in accordance with rules in Rule Section 2.0 where the land is within an Overlay.
- The rules for city-wide activities in Rule Section 3.0 apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in Rule Section 6.0.
- Any activity involving the subdivision and development of land in the Rotokauri Structure Plan Area shall be subject to Rule Sections 6.0 and 4.1A.

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in Rule Section 5.0. For clarification of activity status see Rule 4.1.4 — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 5.1 Residential Areas and 5.3 Community Facilities.

4.1.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in Rule 4.1.2 and the relevant standards in Rule 4.1.3

- One detached dwelling per site (*other than in the Claudelands West Special Character Area*)
- Ancillary Flat (*other than in the Claudelands West Special Character Area*)
- Accessory Buildings
- Home Occupations
- Informal Recreation and Ancillary Buildings
- Managed Care Facilities for no more than nine residents (calculated in accordance with the definition of Managed Care Facilities) outside of the High Density Area, and ten residents in the High Density Area with exception of emergency housing where the maximum number of residents is no more than ten for all parts of the residential zone.
- Rest Homes
- Visitor Accommodation (*in the Visitor Facilities Area*).

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in Rule 4.1.2 and the relevant standards in Rule 4.1.3, and will be controlled in respect of the matters identified.

- Second and subsequent detached dwellings on a site (*other than in the Claudelands West Special Character Area*)
 - with respect to site and building layout and design; parking, loading and access
- Detached dwellings (*in the Claudelands West Special Character Area*)
 - with respect to site and building layout, design and appearance; parking, loading and access.
- Ancillary Flat (*in the Claudelands West Special Character Area*)
 - with respect to building design and appearance
- Apartment Buildings (*in the High Density Area the Visitor Facilities Area, and on Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II*)
 - with respect to site and building layout and design; parking, loading and access
- Community Centres
 - with respect to site and building layout and design; parking, loading and access; hours of operation
- Comprehensive Residential Development (*other than in the Claudelands West Special Character Area*)
 - with respect to site and building layout and design; parking and access
- Education and Training Facilities
 - with respect to site and building layout and design; parking, loading and access; hours of operation
- Garden Centre and Café (*On Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II*)
 - With respect to visual effects, the interface with the streetscape, landscaping, building siting and design, site layout, parking, loading and access, signage and hours of operation
- Health Care Services
 - with respect to site and building layout and design; parking, loading and access; hours of operation
- Offices (Except on Lot 1 DPS 32102 *within area 'A' as shown on Appendix 4.1-II*)
 - with respect to site and building layout and design; parking, loading and access; hours of operation
- Places of Assembly (*in the Visitor Facilities Area*)
 - with respect to site and building layout and design; parking, loading and access; hours of operation
- Relocated Buildings
 - with respect to the reinstatement of the building
- Restaurants (*in the Visitor Facilities Area*)

- with respect to site and building layout and design; parking, loading and access; hours of operation
- Visitor accommodation (*other than in the Visitor Facilities Area*)
 - with respect to site and building layout and design; parking and access; hours of operation.

c) Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities provided they comply with the specific standards in Rule 4.1.3 and 4.1.2 j), l), m), n), o):

- Dairies
 - with discretion restricted to cumulative effects, building siting and design, site layout, vehicular provision and signage.

d) Discretionary Activities

The following activities are Discretionary Activities:

- Apartment buildings (*other than in the High Density Area, the Visitor Facilities Area and on Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II*)
- Comprehensive Residential Developments (*in the Claudelands West Special Character Area*)
- Residential Centres
- Managed Care Facilities (including Emergency Housing)
 - Within the residential zone managed care facilities for 10 or more residential (calculated in accordance with the definition of Managed Care Facilities)
 - Within the high density area of the residential zone managed care facilities for 11 or more residents (calculated in accordance with the definition of Managed Care Facilities); or
 - Emergency Housing with 11 or more residents in all residential areas.
- Marae
- Papakainga
- Places of Assembly (*other than in the Visitor Facilities Area*)
- Any Permitted or Controlled Activity provided for in the Suburban Centre Zone but only where the site is contiguous with land in that zone. (Except on Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II)
- On the land described as Lots 1, 2, 3, 4 and 5 DPS 16910 apartment buildings exceeding 12.5 metres in height, where such buildings comply with the standards in Rule 4.1.3 h).

e) Non-Complying Activities

The following activities are Non-Complying Activities:

- Any activity not provided for above.

4.1.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Density

The minimum area of land required in respect of each residential unit shall be as follows:

Activity	Residential Zone	Residential Zone — Claudelands West Special Character Area	Residential Zone — High Density Area & Visitor Facilities Area	On Lot 1 DPS 32102 <i>within area 'A'</i> as shown on Appendix 4.1-II
Detached dwellings Detached dwellings with an Ancillary Flat Relocated dwellings	400m ² per unit 600m ² in total for both dwelling and ancillary flat 400m ² per unit (net site area)	600m ² per unit (net site area)	350m ² per unit (net site area)	400m ² per unit (net site area)
Comprehensive residential development (Refer to Rule 4.1.3 a)	300m ² per unit (unit site area)	Discretionary Activity - See Rule 4.1.1 d)	300m ² per unit (unit site area)	300m ² per unit (unit site area)
Apartment buildings	Discretionary Activity - See Rule 4.1.1 d)	Discretionary Activity - See Rule 4.1.1 d)	150m ² per unit (average site area)	150m ² per unit (average site area)

b) Site Coverage

Maximum amount of the site which can be covered by buildings is as follows:

Residential Zone - *Claudelands West Special Character Area* 35% of net site area

Residential Zone 40% of net site area

Residential Zone - High Density Area, 50% of net site area

Residential Zone - Visitor Facilities Area and
for Lot 1 DPS 32102 within area 'A' as
shown on Appendix 4.1-II

c) Building Height

- i) Maximum height of buildings (except in the Residential High Density Area and on Lot 1 DPS 32102 *within area 'A'* as shown on Appendix 4.1-II) shall be 10m. (See Figure 4.1-1).
- ii) Maximum height of buildings in the Residential High Density Area and on Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II shall be 12.5m. (See Figure 4.1-1).

d) Height in Relation to Boundary

No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and a angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary (See Figure 4.1-2a & b)

Except that:

- For sites within the High Density Area and Visitor Facilities Area, an angle of 28° between northwest (315°) and northeast (45°) commencing at a height of 3m above the boundary, shall only apply where any boundary meets the boundary of the Residential Zone.
- Where there are two or more dwellings on the same site, the height control plane shall be measured at a line midway between the two dwellings rising at an angle of 45° and commencing at a height of 3m above ground level at the midway line.
- Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 3m above the boundary shall apply to the affected boundary.

e) Setback from Road Boundary

- i) Buildings (except accessory buildings and within the Claudelands West Special Character Area) shall be set back from the road boundary as follows (see Figure 4.1-3):

Frontage to local and collector roads 3m

Frontage to arterial roads 5m

- ii) Within the Claudelands West Special Character Area, all buildings (including accessory buildings) shall be set back 5m from the road boundary.
- iii) Buildings located within the front setback shall not extend more than 6m or 33% of the length of that boundary, whichever is greater.
- iv) Provided that no part, either fixed or moving, of any accessory building shall project over any part of the road reserve, accessory buildings shall be set back from the road boundary as follows:

<i>Garages and carports with the vehicle door facing the street</i>	8m	(arterial and collector roads)
	0m	(other roads)
Garages and carports with the vehicle door at right angles to the street	0m	
Other accessory buildings	3m	

f) Other Setbacks

- i) Minimum building setback from side and rear boundaries is 1.5m (See Figure 4.1-3) except on Lot 1 DPS 32102 within area 'A' (as shown on Appendix 4.1-II).
- ii) Setbacks may be reduced where:
- buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or

- the written consent of the owners and occupiers adjoining the relevant setback or setbacks is obtained.
- iii) On Lot 1 DPS 32102 *within area 'A'* (as shown on Appendix 4.1-II) the minimum building setback from the side and rear boundaries shall be as follows:
- From rear and side boundaries other than when adjoining area AA as shown on Appendix 4.1-II) is 1.5m;
 - rear and side boundaries adjoining area 'AA' as shown on Appendix 4.1-II) is a minimum of 5 metres unless otherwise specified in Rule 4.1.3(l)(iv)(v).
- g) Separation Distances and Privacy**
- i) Where two or more buildings, excluding accessory buildings, are located on the one site, no eave of a building shall be located closer than 3m from the eave of another building.
- ii) A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary, excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 meters or less, or any right of way, private way or access lot (See Figure 4.1-4).
- iii) Where buildings are attached, no setback is required between those buildings.
- iv) Separation distances may be reduced where:
- windows are at an angle of 60° or greater to the boundary; or
 - window sill height from the finished upper-floor level is 1.7m; or
 - opaque or obscure glazing is provided; or
 - written consent from the owners and occupiers of the adjoining property is obtained.
- h) Outdoor Living Area**
- i) Each residential unit shall be provided with an outdoor living area which:
- shall be for the exclusive use of the residential unit
 - shall be readily accessible from a living area of a unit
 - shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- ii) Each residential unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

Activities	Residential Zone & Residential Zone — Claudelands West Special Character Area		Residential Zone - High Density Area & Residential Zone — Visitor Facilities Area		Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II	
	Minimum area (per unit)	Minimum dimensions	Minimum area (per unit)	Minimum dimensions	Minimum area (per unit)	Minimum dimensions
Detached dwellings, Relocated dwellings and Comprehensive residential development	60m ²	Capable of containing a 6m diameter circle	40m ²	Capable of containing a 6m diameter circle	60m ²	Capable of containing a 6m diameter circle
Ancillary flats	12m ²	2.5m width	12m ²	2.5m width	12m ²	2.5m width
Apartment buildings	-	-	12m ²	2.5m width	12m ²	2.5m width

- iii) Where there are four or more residential units on a site, the outdoor living space may be combined to provide a communal outdoor living area. The communal area:
- shall be accessible to all units
 - shall have a minimum dimension of not less than 4m
 - shall be capable of containing a circle of not less than 8m in diameter.
- iv) The Communal Outdoor Living Area shall have a minimum area which shall be equal to the required area of outdoor living areas as follows: (eg. 4 x 60m² = 240m²)

Activity	4-10 units	11-20 units	21+ units
Detached dwellings; Relocated dwellings and Comprehensive Residential development (In Residential Zone and any Residential Zone — Area and Lot 1 DPS 32102 <i>within area 'A' as shown on Appendix 4.1-II</i>)	60m ² per unit	40m ² per unit	25m ² per unit
Apartment buildings (In Residential Zone & Residential Zone — Claudelands West Special Character Area)	Discretionary Activity - See Rule 4.1.1c)	Discretionary Activity - See Rule 4.1.1c)	Discretionary Activity - See Rule 4.1.1c)
Apartment buildings (In Residential Zone - High Density Area & Residential Zone - Visitor	12m ² per unit	12m ² per unit	12m ² per unit

Facilities Area and Lot 1 DPS 32102 <i>within area</i> 'A' as shown on Appendix 4.1-II)			
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- v) Communal Outdoor Living on Lot 1 DPS 32102 *within area* 'A' as shown on Appendix 4.1-II is optional and shall be provided in addition to the provisions for an outdoor living area for each residential unit in accordance with Rule 4.1.2 h) i) and ii).

i) Service Areas

- i) Each residential unit shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum area (per unit)	Minimum dimension
Detached dwellings and Comprehensive residential development	20m ²	3m
Apartment buildings and ancillary flats	10m ²	<u>2.5m</u>

- ii) Any building housing an activity below shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum Area (per building)	Minimum Dimension
Community Centres <i>Education and Training Facilities</i> Health Care Services and Offices	10 m ²	2.5m

j) Noise

Activities shall comply with Rule 5.1.

k) Parking, Loading and Access

Activities shall comply with Rule 5.2.

l) Planting and Screening

Activities shall comply with Rule 5.3.

m) Lighting and Glare

Activities shall comply with Rule 5.4.

n) Smoke, Fumes, Dust and Odour

Activities shall comply with Rule 5.5.

o) Building Restrictions along Roads

Activities shall comply with Rule 5.6.

4.1.3 Specific Standards

The following standards apply to the activities specified below.

a) Comprehensive Residential Development

Minimum site size shall be 2000m².

b) Ancillary Flat

- i) There shall be no more than one ancillary flat on a site.
- ii) Maximum gross floor area shall be 60m².
- iii) The outdoor living area for an ancillary flat shall not be included as part of the outdoor living area provided for the principal residential building on site.

c) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

d) Rest Homes

- i) Maximum occupancy shall be 10 people, inclusive of staff per site.
- ii) The maximum density for Rest Homes shall be:
 - One person per 75m² of net site area in the Residential Zone; or
 - One person per 50m² of net site area in the Residential Zone (High Density Area).
- iii) An Outdoor Living Area shall be provided which:
 - Shall be for the exclusive use of the occupiers; and
 - Shall be readily accessible for all occupiers; and
 - Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas; and
 - Shall have a maximum area of impermeable surfaces not exceeding 60% of the Outdoor Living Area.

Each Rest Home shall be provided with an Outdoor Living Area which shall be provided communally with a minimum area and dimensions as follows:

- 12m² per person; and
- A minimum dimension of not less than 4 metres; and
- Capable of containing a 6 metre diameter circle.

Upper floor decks wider than 1,000mm can be included in the calculation of the Outdoor Living Area, but not less than 60% of the Outdoor Living Area shall be provided at ground level.

iv) A service area shall be provided with a minimum area and dimensions as follows:

- A minimum area of 20m²; and
- Minimum dimensions of 3 metres.

Except where a fully equipped laundry (both washing and drying machines) are provided in the Rest Homes, then the minimum area can be reduced to 16m² and minimum dimension reduced to 2 metres.

e) Visitor Accommodation

- i) Maximum occupancy for visitor accommodation outside the Visitor Facilities Area and on Lot 1 DPS 32102 *within area 'A'* as shown on Appendix 4.1-II shall be 12 guests.
- ii) Visitor accommodation outside the Visitor Facilities Area shall not provide for the sale of liquor through an ancillary facility such as a bar or restaurant.

f) Home Occupations

- i) The gross floor area of the principal or accessory building used for a home occupation shall not exceed 30% of the total gross floor area.
- ii) At least one person, including the principal operator of the home occupation, shall reside on the site.
- iii) Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr the following day.
- iv) Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity.
- v) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage.
- vi) Retailing from the site shall be limited to goods produced or substantially produced on the site.

g) Community Centres, Education and Training Facilities, Health Care Services, Offices

- i) Maximum gross floor area for Community Centres, Education and Training Facilities, Health Care Services, Offices shall be 250m².
- ii) Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr, the following day.
- iii) Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity.
- iv) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage.
- v) Education and Training Facilities shall not have their vehicular access to or from a major arterial road.

h) Apartment Buildings higher than 12.5 metres on Lots 1, 2, 3, 4 and 5 DPS 16910 where pursuant to Rule 4.1.1 c)

- i) The maximum height of development shall not exceed 30 metres.
- ii) The maximum density of development shall not exceed one household per 150 m² of net site area.
- iii) The maximum site coverage of all buildings over the site shall not exceed 50% of the net site area.
- iv) Each Residential Unit in an Apartment Building shall be provided with an outdoor living area which:
 - Shall be for the exclusive use of the Residential Unit;
 - Shall be readily accessible from a living area of a unit;
 - Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas;
 - Shall have a minimum area per unit of 12 m² and a minimum dimension of 1.5 m in width; and
 - Each building containing residential accommodation shall be provided with service areas as follows:
 - a minimum service area of 10 m² with a minimum depth of 2.5 m located at ground floor level and readily accessible to that residential accommodation.
 - the service area shall be maintained with an all weather dust free surface.

i) Dairies

- i) Where there is a residential element included as part of the development the relevant provisions of 4.1.2 General Standards and 4.1.3 Specific Standards shall apply.
- ii) Maximum gross floor area to be used for retail 100m²
- iii) Minimum building setback from side or rear boundaries is 5m
- iv) Service Area

Any building shall be provided with a service area as follows:

- The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greatest with a minimum dimension of 2.5m
- A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles

- Any outdoor storage area shall be maintained with an all-weather dust free surface
 - No outdoor display of goods
- v) Hours of operation 0700hr — 2200hr
- vi) Dairies must locate on corner sites, bounded by roads along two boundaries.

j) Managed Care Facilities

- i) Within one calendar month of its occupancy, the Agency/Person(s) responsible for the Managed care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within this Managed Care Facility and shall include the following:
- Proposed Number of residents;
 - The anticipated number of visitors to the site per week and the daily visiting hours;
 - Anticipated full time equivalent staff at the facility;
 - Regular and emergency contact details to enable prompt and effective contact if necessary;
 - The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- ii) The maximum density for a Managed Care Facility shall be:
- One resident per 100m² of net site area in the Residential Zone or
 - One resident per 50m² of net site area in the Residential Zone (High Density Area)
- iii) An Outdoor Living Area shall be provided which:
- Shall be for the exclusive use of the occupiers; and
 - Shall be readily accessible for all occupiers; and
 - Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas; and
 - Shall have a maximum area of impermeable surface not exceeding 35% of the Outdoor Living Area.
 - Shall be provided with a screen, wall or fence along that part of any site boundary adjoining the outdoor living area in order to screen the area from abutting properties

Each Managed Care Facility shall be provided with an Outdoor Living Area which shall be provided communally with a minimum area and dimensions as follows:

- 15m² per resident in Residential zone;
- 12m² per resident in the Residential High Density Area;
- A minimum dimension of not less than 4 metres; and
- Capable of containing a 6 metre diameter circle.

Upper floor decks wider than 1,000mm can be included in the calculation of the Outdoor Living Area, but not less than 60% of the Outdoor Living Area shall be provided at ground level.

- iv) A service area shall be provided with a minimum area and dimensions as follows:
- A minimum area of 20m²; and
 - Minimum dimensions of 3 metres.
- Except where a fully equipped laundry (both washing and drying machines) are provided in the Managed Care Facility, then the minimum area can be reduced to 16m² and minimum dimension reduced to 2 metres.
- (v) Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.
- vi) No part of any site to be used as a Managed Care Facility shall be located within 150m radius of an existing Managed Care Facility for which a resource consent was required for its establishment or operation unless the facilities are separated by the Waikato River, an arterial road or proposed arterial road, railway lines, or a gully system that is subject to Rule 2.1 Environmental Protection Overlay (refer to Figure 4.1-6).
- vii) No part of any site or premises to be used as a Managed Care Facility shall contain a secure unit.

k) Information For managed Care Facilities Requiring Resource Consent

A written information pack shall be provided to the Council Planning Department for Discretionary Managed Care Facilities which addresses the following aspects:

The information pack shall be prepared by the Agency/Person(s) responsible for the Managed Care Facility and include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within this Managed Care Facility and shall include the following:

- Proposed Number of residents;
- The anticipated number of visitors to the site per week and the daily visiting hours;
- Anticipated full time equivalent staff at the facility;
- Regular and emergency contact details to enable prompt and effective contact if necessary;
- The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.

Upon obtaining consent to establish the Managed Care facility, the Agency/Person(s) responsible for the facility shall, within one calendar month of its occupancy, provide the written information pack to residents of the properties adjoining the site.

l) Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II

- i) Where there is a residential element included as part of the development the relevant provisions of 4.1.2 General Standards and 4.1.3 Specific Standards shall apply.
- ii) Acoustic Controls

- In addition to activities complying with all relevant standards set out in Rule 5.1 all habitable rooms in Apartment Building, Managed Care Facilities, Residential Centres, Rest Homes, and Visitor Accommodation shall comply with Rules 5.1.1f) and g).
- iii) Road Network and Access
- Access to the site shall be located in accordance with Appendix 4.1-II;
- iv) Garden Centre and Café
- i) Site Area
- Total site area to be used for the garden centre and café (excluding car parking and access requirements) shall not exceed 5000m²
 - Total gross floor area on site shall not exceed 2000m²
 - Maximum area of the site to be used for the outdoor display of goods for sale and outdoor seating for café shall not exceed 3000m²
 - Maximum amount of the site which can be covered by buildings (including all weather cover over the outdoor yard and cafe) shall not exceed 40% of the total site area
- ii) Hours of operation 0700hr — 2000hr
- iii) Service Area
- Any building shall be provided with a service area as follows:
- The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greatest with a minimum dimension of 2.5m
 - A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles
 - Any outdoor storage area shall be maintained with an all-weather dust free surface
- iv) Frontages
- The main customer entrance shall face the street
 - A minimum of 75% of the ground floor wall facing the street or public space shall consist of clear glazing and capable of being used for displaying goods and services to passing pedestrians, with no blank walls facing the street.
 - There shall be no parking or service areas between any building on site and the road.
 - Where any part of a building faces the front boundary of the site on a major arterial road, there shall be no parking between that part of the buildings and that road.
- v) Building setbacks:
- Minimum set back from front boundaries is 5m
 - Maximum setback where site fronts arterial road is 10m
 - side or rear boundaries is 1.5m unless, adjoining a residentially zoned boundary where the setback is 5m

- boundaries adjoining area 'AA' as shown on Appendix 4.1-II minimum set back is 5 metres and the maximum setback is 10m
- vi) Garden Centre Component
- Total area to be used for the garden centre component shall not exceed 4500m²
 - Maximum gross floor area to be used for the garden centre component shall not exceed 1800m²
 - Maximum area of the site to be used for the outdoor display of goods for sale (excluding outdoor café seating) shall not exceed 2700m²
 - Maximum all weather covered area over the outdoor yard shall not exceed 1700m²
 - Retailing shall be limited to the following:
 - Principal sales of plants, seeds and associated home garden supplies such as pots, non mechanical garden tools, irrigation systems and water features, plant supports (i.e. stakes, frames), pest/weed control, and other pre-packaged landscaping supplies (i.e. fertilisers, compost, potting mix, aggregates, bark);
 - Ancillary sales of items like ornaments, giftware, literature, clothing (i.e. wet-weather gear, gumboots, gardening gloves, safety wear) and garden furniture (i.e. tables, chairs) that are directly associated with domestic gardening, not constituting more than 10% of the total site area to be used for the garden centre component
 - No retailing of outdoor ovens, BBQs, mechanical garden tools; and large garden items such as fence and paving materials or buildings; and general hardware and home improvement type supplies.
 - No bulk supplying or stock piling of fertilisers, compost, potting mix, aggregates, bark in a loose form is permitted.
- vii) Café Component
- Total area to be used for the café component shall not exceed 500m²
 - Maximum gross floor area for the café component shall not exceed 200m²
 - Maximum all weather covered area over outdoor seating associated with the café shall not exceed 300m²
 - The café shall be operated in conjunction with the garden centre and shall not open outside the opening hours for the garden centre

4.1.4 Failure to Meet Standards

- a) For activities (other than Managed Care Facilities which are subject to Rules 4.1.4(b) and (c) below) which do not comply with one or two standards in Rule 4.1.2 and Rule 4.1.3 are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that cannot be met; provided that where any Apartment Building on Lots 1, 2, 3, 4 & 5 DPS 16910 fails to meet the standards in Rule 4.1.2 c) ii) it shall be a **Discretionary Activity**.

- b) Managed Care Facilities which do not comply with one or two of the standards in Rule 4.1.2, 5.2, 4.1.3j) (i), (ii), (iii) or (iv) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- c) Managed Care Facilities which do not comply with any standard in Rule 4.1.3 j) (v), or (vi) are **Discretionary Activities** and will be assessed in accordance with Rule 4.1.6 a) and g).
- d) Activities (excluding Managed Care Facilities) which do not comply with three or more of the standards in Rule 4.1.2 and Rule 4.1.3 are **Discretionary Activities**.
- e) Dairies that do not comply with one or more standards in Rule 4.1.3 i) are a **Discretionary Activity**.
- f) Managed Care Facilities which do not comply with the standard in Rule 4.1.3 j) (vii) are **Non Complying Activities**.
- g) Activities that do not comply with one or more standards in Rule 4.1.3 l) are a **Discretionary Activity**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.1.5 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Site and Building Layout and Design

- i) Developments should be of a compatible scale, form and design to surrounding residential developments.
- ii) The development should be designed to minimise any adverse effects on adjoining residential activities, especially visual privacy, access to sunlight and daylight.
- iii) Residential developments should create a high standard of amenity and privacy for residents through the design and location of outdoor living areas on the site or communal outdoor living areas.
- iv) Buildings and activities should be designed and located to minimise any adverse effects, including noise, dust, fumes and glare.
- v) Parking and outdoor storage areas associated with any non-residential activity should be screened to protect the residential amenity of the locality.
- vi) The site should have the ability to provide for gardens and tree planting around the buildings and retain on-site mature vegetation.
- vii) The site should be of an adequate size and frontage to accommodate the activity, off-street parking and planting.

- viii) The location and design of outdoor activity areas (such as children's playgrounds) should mitigate adverse effects (eg. noise, disturbance and privacy) for neighbouring residential properties.

b) Parking, Loading and Access

- i) Vehicular traffic generated by any activity should be accommodated without loss of amenity, safety or causing traffic congestion.
- ii) Entrance and exit points and drop off zones shall be designed and located to allow safe and efficient movement on to and off the road.
- iii) The location and design of parking, loading spaces and driveways are to be located to protect the aural and visual amenity of adjoining sites.

c) Hours of Operation

- i) The activity should not affect the amenity of neighbouring residents, especially the ability to sleep at night.
- ii) Vehicle and pedestrian movements to and from the site should be compatible with the amenity of the surrounding residential area.

d) Reinstatement of Relocated Buildings

The reinstated exterior of any relocated building shall be such that it is not likely to detract from the amenity of the residential neighbourhood.

Consent applications for relocation of buildings as a controlled activity in the residential zone shall be processed without public notification and without the need for consent of potentially affected persons or service of notice of the application on those persons.

e) Building Design and Appearance within the Claudelands West Special Character Area

- i) Development should maintain the characteristic setback of buildings from the road and maintain the high levels of permeable area within the front setback.
- ii) The design of new buildings should be compatible with the materials, form, height and bulk of any surrounding housing constructed before 1939.
- iii) Structures such as fences and walls within the front setback of sites should maintain the high level of visibility between the dwellings and road.
- v) Mature trees and vegetation should be maintained in the front yard to enhance the streetscape.

f) Noise

- i) The scale of the activity, in particular the number of people on site should be controlled to ensure that noise levels do not affect residential neighbours.

- ii) The extent to which the proximity of outdoor living areas and the main living areas on adjoining properties will result in noise levels which are unreasonable in the residential environment.
- g) Garden Centre and Café** on Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II
- i) The building is designed to complement the residential character of the area, with particular regard to streetscape and views from adjoining neighbours and maintaining residential amenity
 - ii) The main active frontage of the building(s) is orientated towards the street rather than to the parking area(s) on site.
 - iii) The design and form of the building(s) reflects its intended use.
 - iv) The landscaping for the site creates a pleasant environment for occupants and enhances the visual amenity of the immediate area
 - v) The site layout avoids large open parking areas
 - vi) The location of car parking and service areas should not conflict with the safe operation of the road network and avoid disturbance to adjoining residential properties.
 - vii) The number, location and intensity of any signage provided is complementary to a residential environment
 - viii) The location and operation of access from the site area does not conflict with or hinder the safe operation of the road network.

4.1.6 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed in respect of the specific subject matter identified or the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant Performance Assessment for a Controlled Activity and for general rules.
- ii) The extent to which the development is compatible with the size of the site.
- iii) The extent to which site size would have any adverse effects on neighbouring properties, having regard to the intended character of the area.
- iv) The extent to which a reasonable degree of amenity is achieved on the site being developed.
- v) The extent to which the amenity and appearance of an existing building would be compromised by the proposed development.
- vi) The extent to which a development could have an adverse effect on the consistency and amenity of the area and or the presence of mature vegetation.

- vii) The relationship between the scale of any buildings on the site and existing residential development.
- viii) The impact of the development on the scale, character and open space of the surrounding residential area.
- ix) The extent to which the proposal would result in the loss of sunlight and daylight to adjoining sites.
- x) Any adverse effects on adjoining sites of the proximity of buildings, window, balcony in terms of reduced privacy.
- xi) The effects on heritage items, protected significant trees or sites of archaeological, historic and cultural significance on the site.
- xii) The extent to which proposed parking or outdoor storage area will detract from the pleasantness and attractiveness of the site when viewed from an adjoining site.
- xiii) The ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of planting or screening.
- xiv) The extent to which vehicular traffic generated by any activity can be accommodated without a loss of safety or efficiency of the road network or without loss of residential amenity.
- xv) The adequacy of car parking on the site and its location in relation to the neighbouring residential activities.
- xvi) The ability of the activity to mitigate noise, dust, glare, vibration, fumes, smoke, odours or other discharges or pollutants.
- xvii) Any positive impacts to the neighbourhood or the wider community, including the extent to which the activity might enhance the amenity of the area.
- xviii) Any cumulative effects from the activity, whether on its own or in combination with other activities in the area; in particular other Residential Centres on a site adjacent to the proposed activity, or already established in the neighbourhood.
- xix) The extent to which the intensity of occupancy of the site has an adverse effect on the character and amenity of the residential environment.

b) Extension of Activities from the Suburban Centre Zone

- i) Regard shall be had to the relevant assessment criteria in [Rule 4.2](#).
- ii) The extent to which additional commercial development is integrated into the suburban centre and its amenity values.
- iii) Whether the impacts on residential amenity values in the surrounding area can be minimised.

c) Activities in the Claudelands West Special Character Area

- i) The extent to which the proposed building will be of a scale, form, and style which are in keeping with or sympathetic to the detached dwellings in the area constructed before 1939.
- ii) Whether building intrusion into the front setback affects the streetscape character of the area and maintains the characteristic setback.
- iii) The ability to provide opportunities for garden and tree planting within the front setback.
- iv) The extent to which the site layout of detached dwellings is consistent with those dwellings and sites initially developed before 1939.

d) Apartment Buildings higher than 12.5 metres

- i) The ability to provide residential accommodation close to major employment or education facilities.
- ii) The extent to which the design of the proposed building avoids a “box” like structure with a blank façade.
- iii) The extent to which the proposed development provides suitable balconies, landscaping and on-site amenities for the use of occupants.
- iv) The extent to which the development avoids or mitigates any adverse effects on the amenity of the local area in terms of overshadowing, wind funnelling and the obstruction of daylight and sunlight to existing property.
- v) The extent to which the development is compatible with the amenity, heritage or open space values of the area.
- vi) Whether the site, given its size, shape, frontage, topography and existing use can adequately accommodate the development and its associated parking, servicing and landscaping.
- vii) Whether the development would be an intrusive feature in terms of the street scene, local neighbourhood and city skyline.
- viii) The form, mass, proportion and materials should reflect the fact that the building will be an important element in the landscape.

e) Dairies

- i) Whether the building is designed to complement the residential character of the area, with particular regard to streetscape and views from adjoining neighbours and maintaining residential amenity
- ii) The location of car parking and service areas to ensure safe operation of the road network and avoid disturbance to adjoining residential properties.
- iii) Whether the cumulative effects of the dairy together with other non-residential activities would result in a change to the residential character of the neighbourhood
- iv) The number, location and intensity of any signage provided and whether this is complementary to a residential environment

- v) Whether the site can adequately accommodate the dairy, any associated residential activity, parking, planting, service areas and signage whilst ensuring that the building would not dominate the streetscene.

f) Residential Centres

- i) The extent to which the scale, form, proportion and materials to be used in the construction of the building is compatible with the design and external appearance of residences in the neighbourhood.
- ii) The extent to which the density of persons on the site is compatible with that of the surrounding neighbourhood.
- iii) The extent to which a cluster of residential centres in the one street or within the immediate area is avoided.
- iv) The extent to which the site is landscaped with trees and shrubs. In general one third of the net site area should be landscaped.
- v) The extent to which the setback from the front boundary is landscaped with trees and shrubs.

g) Managed Care Facilities

- i) The Consent application shall include the Information Pack to be provided in accordance with Rule 4.1.3 k).
- ii) Whether the area of the site and its shape, frontage and topography can adequately accommodate the facility and its associated parking, landscaping and outdoor living areas.
- iii) The extent to which the facility has a scale, form and external appearance which is in keeping with the surrounding residential area. Features such as car parking which may differ from the normal residential context have been suitably landscaped or located away from the street frontage.
- iv) Whether adequate provision has been made for a grassed/permeable outdoor living area. The size of the outdoor living area will be determined by the number of residents on the site and, the amenity available to residents of the facility. The suitability of the layout of the area shall be taken into consideration including the methods adopted to minimise noise, privacy intrusion and other disturbances to neighbours.
- v) Whether the cumulative effects of clustering of Managed Care Facilities would result in changing the residential character of the neighbourhood.
- vi) The extent to which vehicular traffic associated with the Managed Care Facility can be accommodated without adversely affecting the road network and the amenity values of adjoining properties.
- vii) Provides detail of the relevant legislative framework and/or appropriate industry guidelines that apply to the services that are provided by the Managed Care Facility.
- viii) Whether consultation has been undertaken within the immediate residential area where the managed care facility is to be located.

h) Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.1-II

- i) The extent to which the activity would be consistent with the relevant objectives and policies for the Residential Areas and Business Environment
- ii) Whether the increase of the gross floor area for a specific activity or group of activities on the site would compromise the sustainability of or affect the vibrancy and vitality of other retail centres within the City.
- iii) The extent to which the needs of the activity could not be appropriately met within the existing retail centres in the city.
- iv) Any potential adverse effects on the function and amenity of the City Centre through the dispersal of major employment or travel generating development, the diversion of traffic and the accessibility and convenience of service and facilities of citywide and sub-regional importance
- v) The extent to which individual or cumulative effects of the retail activity would weaken the vibrancy of the City Centre zone as the focal point
- vi) Whether the cumulative effects of non-residential activities established on Lot 1 DP 32102 (CT:SA55D/915) as area 'A' as shown on Appendix 4.1-II would result in more than minor adverse effects on the residential character of the neighbourhood over and above that anticipated and provided for as a permitted or controlled activity on the subject and adjacent land parcels.
- vii) Whether the design and form of the building(s) reflects its intended use and the extent to which it enhances its immediate environment.
- viii) Whether the location and use of the vehicle access points onto the site would result in more than minor adverse effect on the safe operation of the surrounding road network.
- ix) Whether the solution for acoustic insulation of the habitable rooms within the residential development will result in adequate noise protection.

Figure 4.1-1 Height

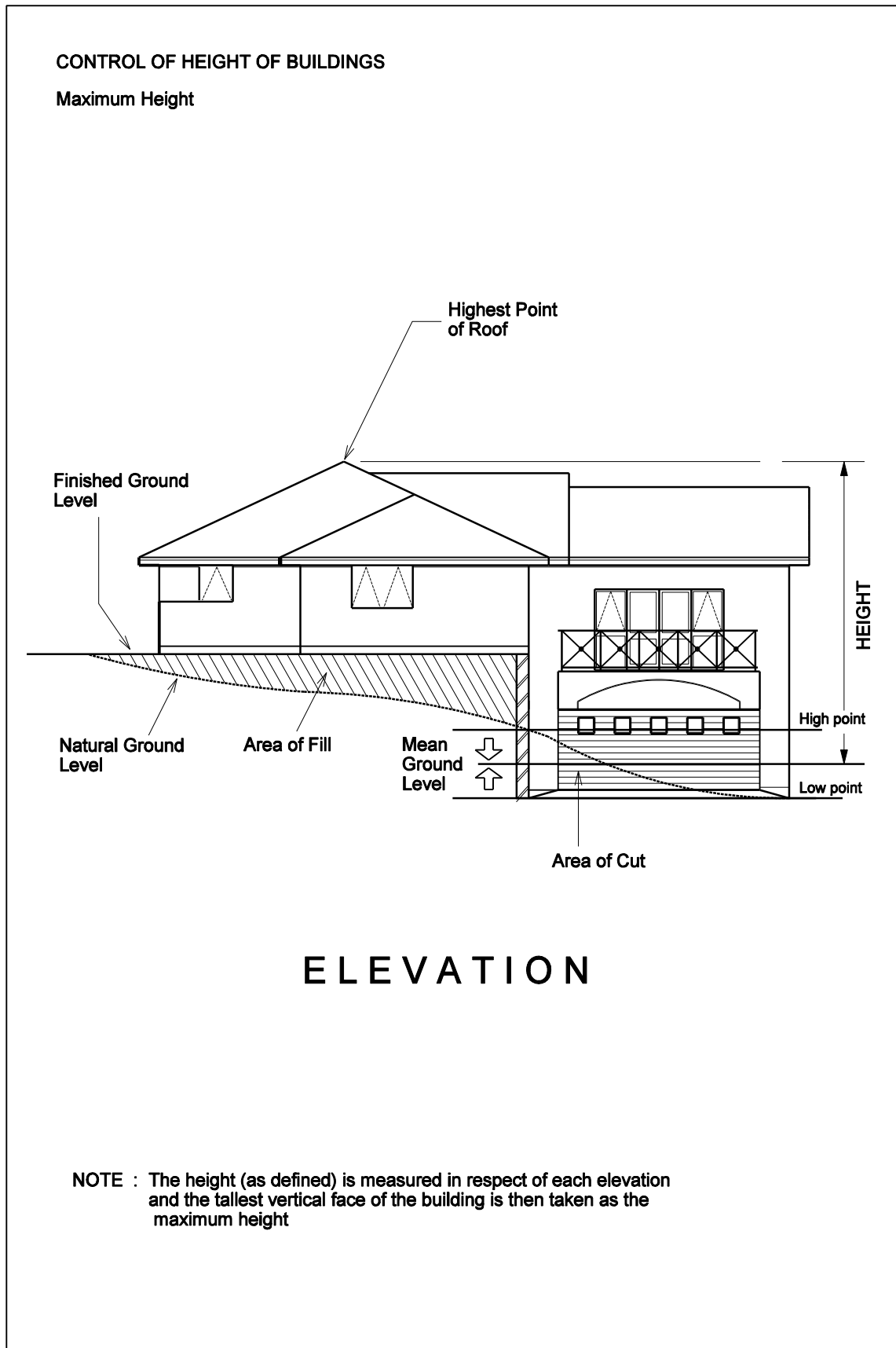


Figure 4.1-2a Height in Relation to Boundaries

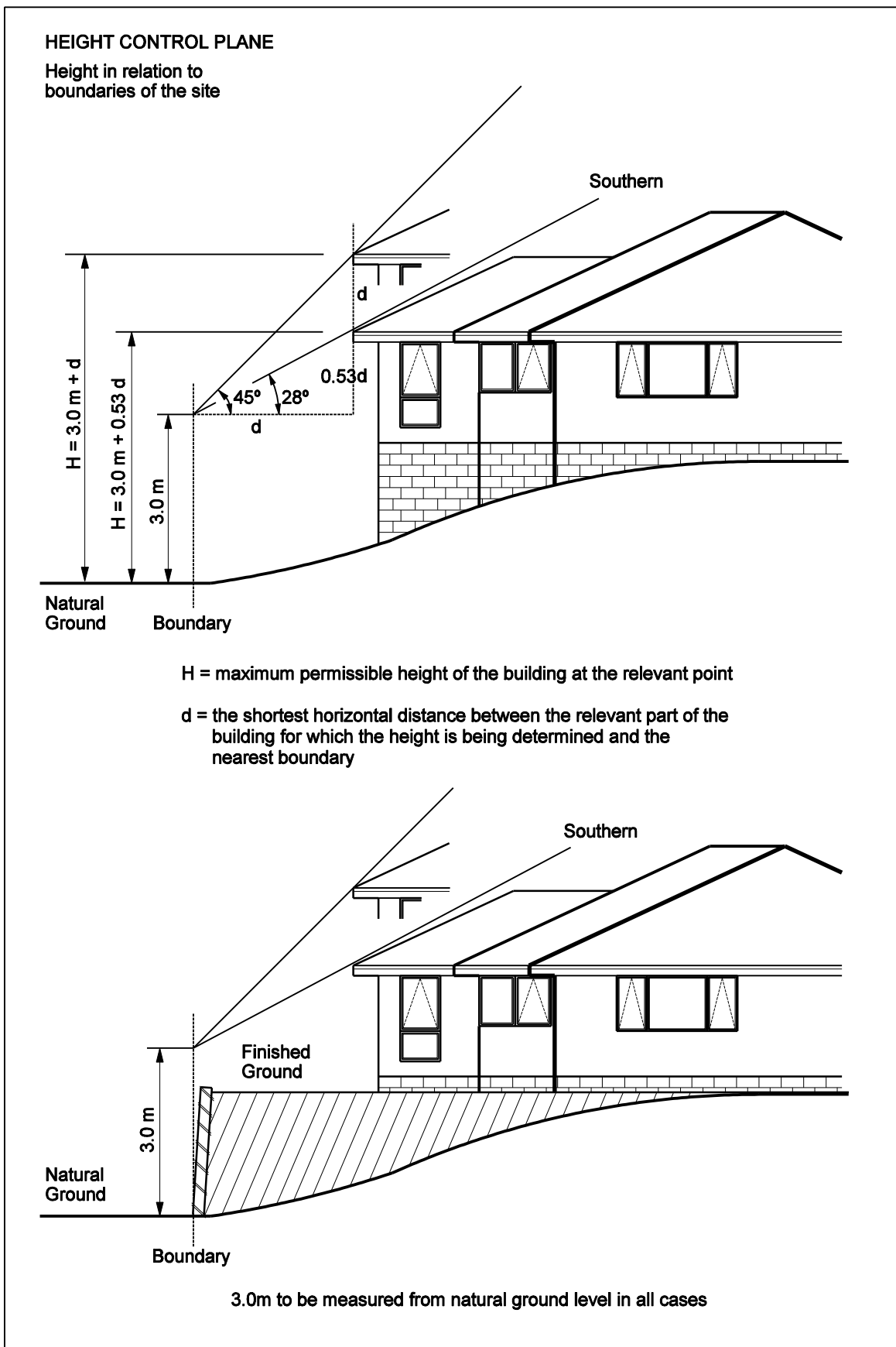


Figure 4.1-2b Height Control Plane

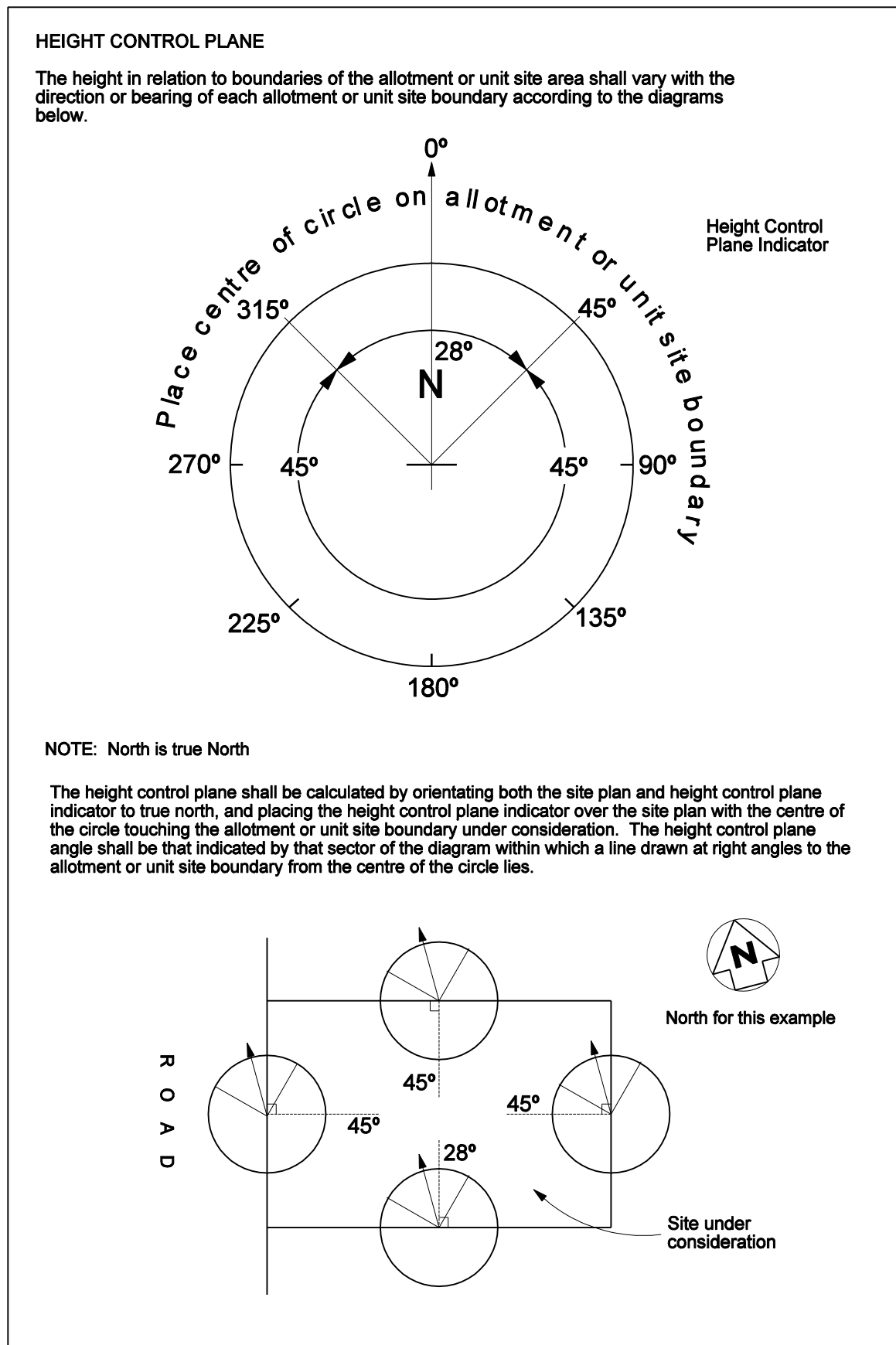


Figure 4.1-3 Measurement of Setbacks

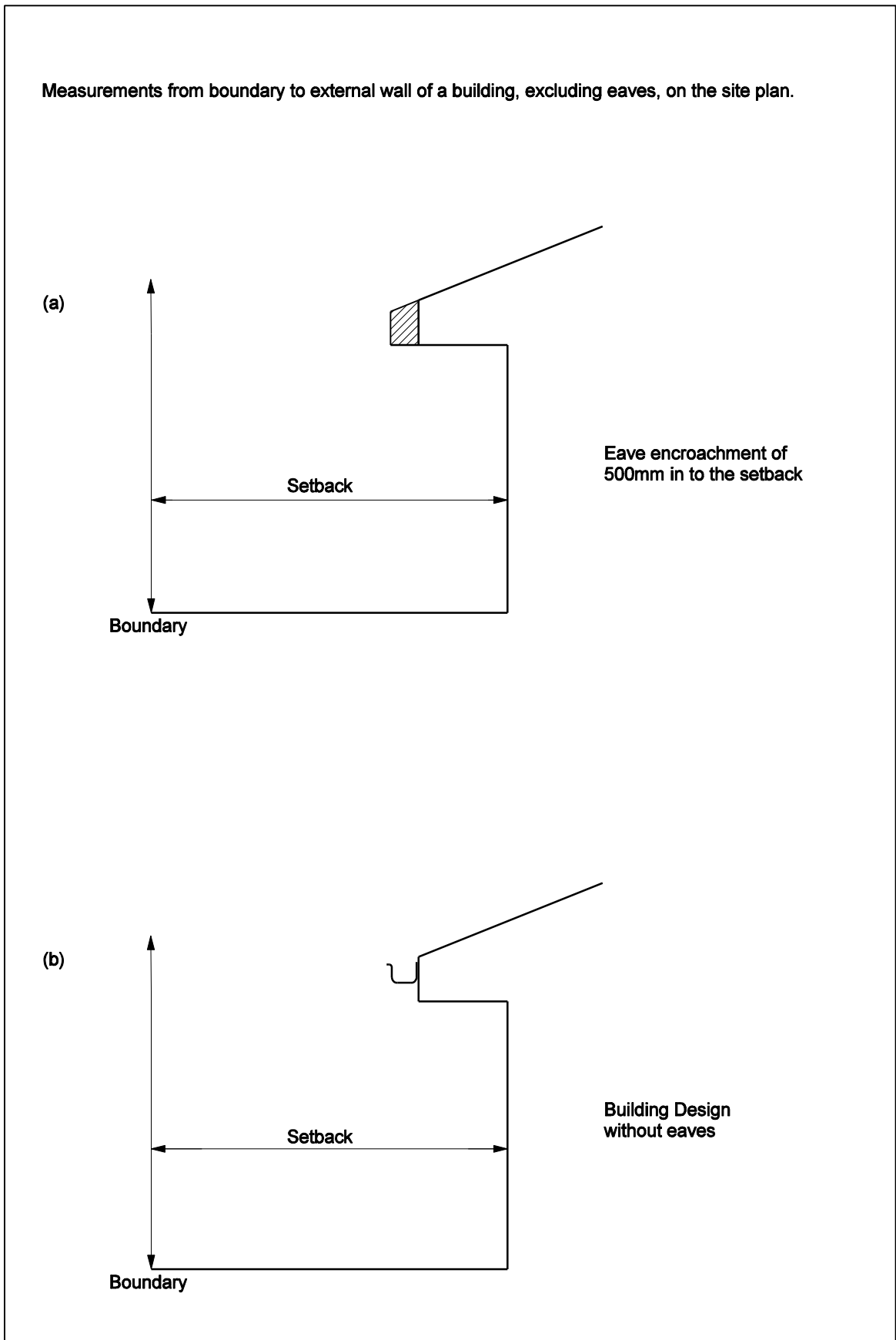


Figure 4.1-4 Privacy and Separation Distances

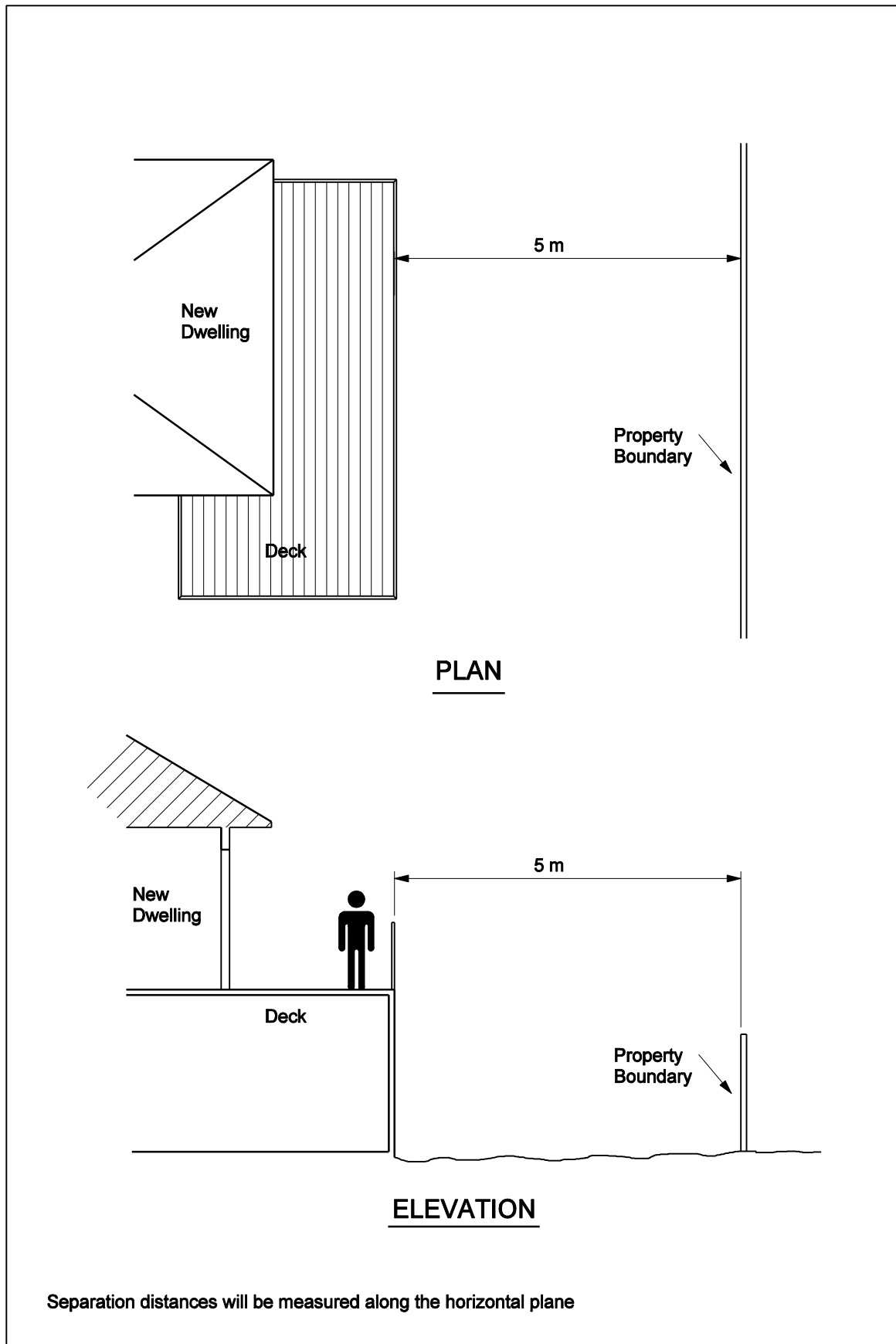


Figure 4.1-5 Privacy and Separation Distances – Windows at an Angle of 60° or greater to the Boundary

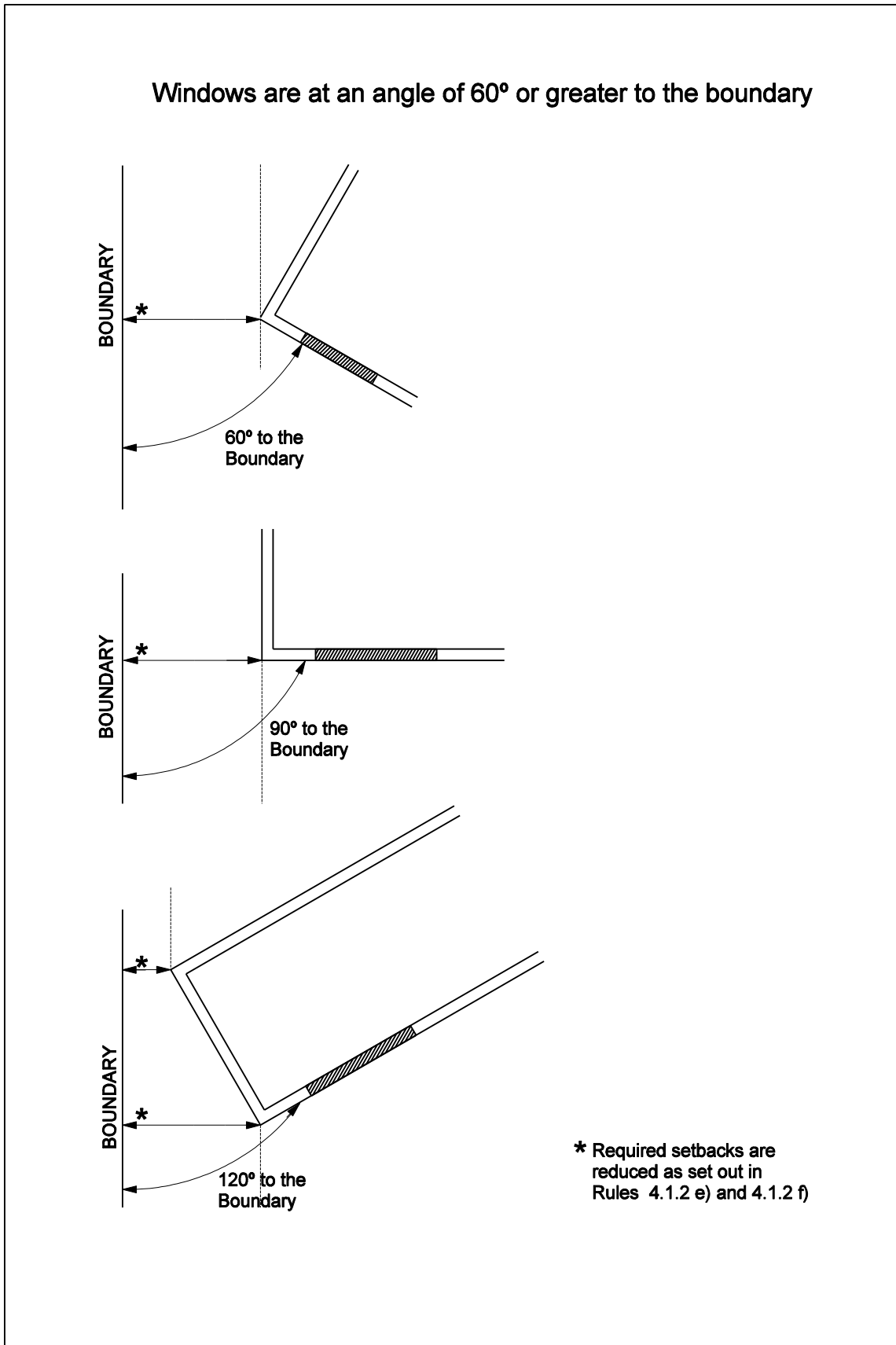


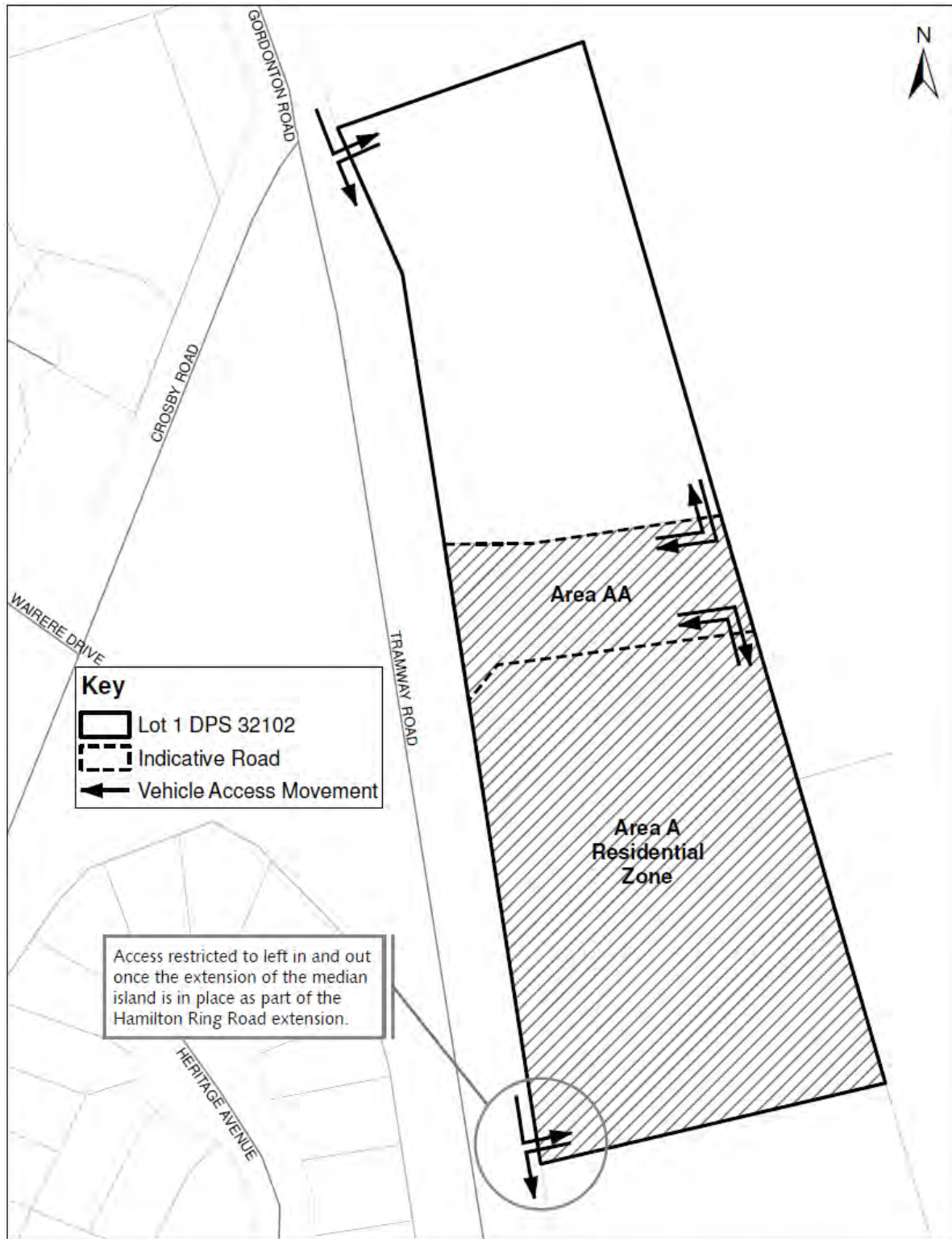
Figure 4.1-6 Clustering Radius Diagrams – Managed Care Facilities



Appendix 4.1 – I Claudelands West Special Character Area



Appendix 4.1-II Lot 1 DPS 32102 at Tramway Road



Rule 4.1A Rotokauri Residential Zone

Rule Statement

The Rotokauri Structure Plan (See Rule Section 9.0) describes the strategic, comprehensive and integrated planning approach that is being taken to development within this major growth area. The Plan aims to establish a coherent urban form, make the most efficient and effective use of new infrastructure and facilities and establish a distinct focus on the needs of a growing community.

The Rotokauri Residential Zone is based on the general residential provisions set out in [Rule 4.1](#), but is supplemented by four distinctive areas that are identified for their different amenity and character values and are described in more detail in the Rotokauri Structure Plan (Rule Section 9.0) . These are as follows:

- General Residential
- Lake Waiwhakareke Landscape Character Area
- Ridgeline Character Area
- Rotokauri High Density Area

Throughout Rotokauri the standards differ from those set out in [Rule 4.1](#) in order to create more distinctive environments that respond to social, environmental, economic, cultural and urban design elements. Recognising the significant role that new infrastructure and facilities will take in providing a context for development the Rotokauri Residential Zone contains controls that seek to regulate the relationship of buildings to public spaces

The Lake Waiwhakareke Landscape Character Area recognises the unique character that is derived from the surrounding landscape character elements and their relationship to the Lake and surrounding Natural Heritage Park. Controls aim to enhance this relationship and protect this special character from incompatible development.

The Rotokauri High Density Area is located within the Rotokauri Neighbourhood Centre Concept Plan Area, shown in detail in the Rotokauri Structure Plan (see [Rule 9.0](#)). Its control mechanisms are intended to facilitate more compact and integrated forms of development such as apartments, townhouses and comprehensive residential developments. This is based on a five minute walking distance measured from the main intersection of the Neighbourhood Centre and will assist in establishing a population catchment immediately around the Neighbourhood Centre, close to retail, employment and educational opportunities and well served by public transport.

Within the High Density Area there are specific standards relating to development which faces the neighbourhood green or suburban centre primary frontage. This area is identified in the Rotokauri Structure Plan text, Rotokauri Neighbourhood Centre Concept Plan and Appendix 4.1A-I as the Rotokauri High Density Interface Area. These areas have specific interface standards that promote particular design outcomes, which are intended to create a sense of enclosure and surveillance of public spaces, increasing public safety and promoting commercial viability.

The Ridgeline Character Area has specific controls that aim to recognise the local significance of the landscape and retain their legibility in the eventual form and density of development.

Expected Outcome

A sustainable, coherent and integrated Residential Area that provides variety and choice, responds to the natural landscape, helps underpin the viability and vitality of the Neighbourhood Centre and maintains a high level of amenity.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The Rotokauri Residential Zone is based on Rule 4.1 Residential Zone.

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- The activity status and standards for this zone may be modified in accordance with [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- All activities involving the subdivision and development of land shall be subject to [Rule Section 6.0](#).

Activity Status

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.1A.4](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 3.1 Natural Values, 5.1 Residential Areas and 5.3 Community Facilities, the Rotokauri Structure Plan set out in [Rule Section 9.0](#) and the Lake Waiwhakareke Landscape Character Area Design Guide in [Rule Section 10.0](#).

4.1A.1 Activities

a) Permitted Activities

The following are Permitted Activities provided they comply with the standards in [Rule 4.1A.2](#) and [Rule 4.1A.3](#):

Rotokauri General Residential

- One detached dwelling per site
- Ancillary Flat
- Accessory Buildings
- Home Occupations
- Informal Recreation and Ancillary Buildings
- Managed Care Facilities
- Rest Homes

Lake Waiwhakareke Landscape Character Area

- Home Occupations

Ridgeline Character Area

- One detached dwelling per site
- Home Occupations
- Informal Recreation and Ancillary Buildings

Rotokauri High Density Area

- Home Occupations
- Informal Recreation and Ancillary Buildings

b) Controlled Activities

The following are controlled activities provided they comply with the standards in [Rule 4.1A.2](#) and [Rule 4.1A.3](#):

Rotokauri General Residential

- Second and subsequent detached dwellings on a site
 - with respect to site layout, building orientation and design; parking, loading and access
- Community Centres
 - with respect to site layout, building orientation and design; parking, loading and access; hours of operation

- Comprehensive Residential Development
 - with respect to site layout, building orientation and design; parking, loading and access; planting; earthworks and glare and lighting.

- Education and Training Facilities
 - with respect to site layout, building orientation and design; parking, loading and access; hours of operation

- Health Care Services
 - with respect to site layout, building orientation and design; parking, loading and access; hours of operation

- Offices
 - with respect to site layout, building orientation and design; parking, loading and access; hours of operation

- Relocated Buildings
 - with respect to the reinstatement of relocated buildings

- Visitor accommodation
 - with respect to site layout, building orientation and design; parking and access; hours of operation.

Lake Waiwhakareke Landscape Character Area

- One detached dwelling per site
 - with respect to site layout and building orientation in the Lake Waiwhakareke Landscape Character Area; planting and glare and lighting

- Ancillary Flat
 - with respect to site layout and building orientation in the Lake Waiwhakareke Landscape Character Area; planting and glare and lighting

- Accessory Buildings
 - with respect to site layout and building orientation in the Lake Waiwhakareke Landscape Character Area; planting and glare and lighting

- Comprehensive Residential Development
 - with respect to site layout, building orientation and design; parking, loading and access; planting; earthworks and glare and lighting.
- Relocated Buildings
 - with respect to site layout and building orientation in the Waiwhakareke Landscape Character Area and the reinstatement of relocated buildings; and glare and lighting
- Informal recreation and ancillary buildings
 - with respect to site layout and building orientation in the Waiwhakareke Landscape Character Area; planting; and glare and lighting

Ridgeline Character Area

- Ancillary Flat
 - with respect to earthworks; planting; and lighting and glare
- Comprehensive Development
 - with discretion restricted to site layout, building orientation and design; parking and access; connectivity; planting; earthworks and building mass
- Community Centres
 - with respect to earthworks; planting; parking, loading and access; and hours of operation
- Relocated Buildings
 - with respect to earthworks; planting; reinstatement of relocated buildings; and lighting and glare
- Accessory buildings
 - with respect to earthworks; planting; and lighting and glare
- Managed Care Facilities
 - with respect to earthworks; planting; and lighting and glare
- Rest Homes
 - with respect to earthworks, planting; and lighting and glare

Rotokauri High Density Area

- Apartment Buildings
 - with respect to site and building layout and design; parking, loading and access
- Comprehensive Residential Development
 - with respect to site layout, building orientation and design; parking, loading and access; planting; earthworks and glare and lighting.
- Places of Assembly
 - with respect to site and building layout and design; parking, loading and access; hours of operation
- Managed Care Facilities
 - with respect to site and building layout, design, parking , loading and access
- Rest Homes
 - with respect to site and building layout, design, parking , loading and access

c) Restricted Discretionary Activities

The following are restricted discretionary activities provided they comply with all the standards in [Rule 4.1A.2](#) and [4.1A.3](#)

Rotokauri General Residential

- Dairies
 - with discretion restricted to cumulative effects, building siting and design, site layout, vehicular provision and signage.

Lake Waiwhakareke Landscape Character Area

- 2nd and subsequent dwellings on a site
 - with discretion restricted to site layout and building orientation
- Community Centres
 - with discretion restricted to site layout and building orientation
- Education and Training Facilities
 - with discretion restricted to site layout and building orientation

- Health care facilities
 - with discretion restricted to site layout and building orientation
- Offices
 - with discretion restricted to site layout and building orientation
- Visitor accommodation
 - with discretion restricted to site layout and building orientation
- Managed Care Facilities
 - with discretion restricted to site layout and building orientation
- Rest Homes
 - with discretion restricted to site layout and building orientation
- Dairies
 - with discretion restricted to cumulative effects, building siting and design, site layout, vehicular provision and signage.

Ridgeline Character Area

- Community Centres
 - with discretion restricted to site and building layout
- Comprehensive Residential Development
 - with discretion restricted to site layout, building orientation and design; parking and access; connectivity; planting; earthworks and building mass.
- Education and Training Facilities
 - with discretion restricted to site and building layout
- Health care facilities
 - with discretion restricted to site and building layout
- Offices
 - with discretion restricted to site and building layout

- Dairies
 - with discretion restricted to cumulative effects, building siting and design, site layout, vehicular provision and signage.

Rotokauri High Density Area

- One detached dwelling per site
 - with discretion restricted to site and building layout and design

- Ancillary flats
 - with discretion restricted to site and building layout and design

- Accessory buildings
 - with discretion restricted to site and building layout and design

- Dairies
 - with discretion restricted to cumulative effects, building siting and design, site layout, vehicular provision and signage.

d) Discretionary Activities

The following are discretionary activities:

Rotokauri General Residential

- Apartment buildings
- Residential Centres
- Marae
- Papakainga
- Places of Assembly

Lake Waiwhakareke Landscape Character Area

- Apartment buildings
- Residential Centres
- Marae
- Papakainga
- Places of Assembly

Ridgeline Character Area

- Apartment buildings

- Residential Centres
- Second and subsequent detached dwellings on a site
- Visitor Accommodation
- Marae
- Papakainga
- Places of Assembly

Rotokauri High Density Area

- Residential Centres
- Second and subsequent detached dwellings on a site
- Visitor Accommodation
- Relocated Buildings
- Community Centres
- Education and Training Facilities
- Health care Facilities
- Marae
- Papakainga

e) Non-Complying Activities

- Any activity not provided for above.

4.1A.2 General Standards

The following general standards apply to all Permitted, Controlled and Restricted Discretionary Activities.

a) Interface Standards for All Rotokauri Residential Area

- i. All dwellings facing onto a public space (including publicly accessible roads) shall have a primary entrance and at least one principal room on each floor with a clear-glazed window facing the public space.
- ii. All accessory buildings, including carports and garages, shall be located at least one metre behind the building line established by the dwelling unless the building is an integral part of the design and construction of the dwelling in which case it shall be recessed at least 0.5m behind the building line established by the dwelling. Except within the Rotokauri High Density Interface Area.
- iii. Where a dwelling unit is located in the Rotokauri High Density Interface Area all accessory buildings, including carports and garages, and carparking are to be located at the rear of the site behind the building.

- iv. Front and side boundary fences or walls, located forward of the building line established by the dwelling shall not exceed 1.2m in height.
- v. The amount of hard surfacing, located forward of the building line established by the dwelling, shall not exceed 50% of this area.
- vi. Front yard landscaping and planting shall enable visibility between the dwelling and public space.

b) Density

The minimum area of land required in respect of each residential unit shall be as follows:

Activity	Rotokauri General Residential	Lake Waiwhakareke Landscape Character Area	Rotokauri High Density Area	Ridgeline Character Area
Detached Dwellings	400m ²	350m ²	350m ² per unit (net site area)	800m ²
Detached dwellings with an ancillary flat	600m ²	435m ² (net site area)	435m ² (net site area)	800m ²
Comprehensive Residential Development (refer to Rule 4.1.A3a)	300m ² per unit (average site area)	300m ² per unit (average site area)	300m ² per unit (average site area)	800m ² per unit (average site area)
Apartment buildings	Discretionary	Discretionary	150m ² per unit (average site area)	Discretionary

c) Site Coverage

Maximum amount of the site which can be covered by buildings (including Accessory Buildings) is as follows:

- Rotokauri General Residential 40% of net site area
- Lake Waiwhakareke Landscape Character Area 40% of the net site area
- Ridgeline Character Area 25% of net site area
- Rotokauri High Density Area 50% of net site area

d) Building Height

Maximum height of buildings (See Figure 4.1-1):

- | | |
|--|---|
| • Rotokauri General Residential | Maximum height of buildings 10m |
| • Lake Waiwhakareke Landscape Character Area | Maximum height of buildings 10m |
| • Ridgeline Character Area | Maximum height of buildings 8m |
| • Rotokauri High Density Area | Maximum height of buildings 12.5m |
| • Rotokauri High Density Interface Area | Minimum height of buildings 8m
Maximum height of buildings 12.5m |

e) Minimum Storeys

- | | |
|--|---|
| • Rotokauri High Density Interface Area | 2 |
| • Lake Waiwhakareke Landscape Character Area | 2 |

(where a boundary to an allotment is adjoining the Natural Heritage Park or separated only by a road reserve).

f) Height in Relation to Boundary

No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary (See Figure 4.1-2a and b)

Except that:

- For sites within the Rotokauri High Density Area, an angle of 28° between northwest (315°) and northeast (45°) commencing at a height of 3m above the boundary, shall only apply where any boundary meets the boundary of all other Residential areas of the Rotokauri Residential Zone.
- Where there are two or more dwellings on the same site, the height control plane shall be measured at a line midway between the two dwellings rising at an angle of 45° and commencing at a height of 3m above ground level at the midway line.
- Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 3m above the boundary shall apply to the affected boundary.

g) Setback from Road Boundary

Buildings (excluding accessory buildings) within the Rotokauri General Residential Area, Lake Waiwhakareke Landscape Character Area and Rotokauri High Density Area shall be set back from the road boundary as follows (see Figure 4.1-3):

Frontage to local and collector roads	3m
Frontage to arterial roads	5m

- i) Buildings within the Ridgeline Character Area shall be set back from the road boundary a minimum of 5m.

- ii) Buildings within the Rotokauri High Density Interface Area shall be set back a minimum of 2m and a maximum of 5m from the road boundary

h) Other Setbacks

- i) Minimum building setback from side and rear boundaries (See Figure 4.1-3) shall be 1.5m, except in the Ridgeline Character Area where the minimum side and rear setback shall be 3m
- ii) Setbacks may be reduced where (*excluding Ridgeline Character Area*):
 - buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or
 - the written consent of the owners and occupiers adjoining the relevant setback or setbacks is obtained.

i) Separation Distances and Privacy

- i) Where two or more buildings, excluding accessory buildings, are located on the one site, no eave of a building shall be located closer than 3m from the eave of another building.
- ii) A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary, excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 metres or less, or any right of way, private way or access lot (See Figure 4.1-4)
- iii) Where buildings are attached, no setback is required between those buildings
- iv) Except in the Ridgeline Character Area, separation distances may be reduced where:
 - Windows are at an angle of 60° or greater to the boundary; or
 - Window sill height from the finished upper-floor level is 1.7m ; or
 - Opaque or obscure glazing is provided; or
 - Written consent from the owners and occupiers of the adjoining property is obtained

k) Outdoor Living Area

- i) Each residential unit shall be provided with an outdoor living area which:
 - Shall be for the exclusive use of the residential unit
 - Shall be readily accessible from a living area of a unit
 - Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- ii) Each residential unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

Activities	Rotokauri Residential Zone — General Residential, Lake Waiwhakareke Landscape Character Area, Ridgeline Character Area		Rotokauri Residential Zone — High Density Area	
	Minimum area (per unit)	Minimum dimensions	Minimum area (per unit)	Minimum dimensions
Detached dwellings, Relocated dwellings and Comprehensive residential development	60m ²	Capable of containing a 6m diameter circle	40m ²	Capable of containing a 6m diameter circle
Ancillary Flats	12m ²	2.5m width	12m ²	2.5m width
Apartment buildings	-	-	12m ²	2.5m width

iii) Where there are four or more residential units on a site, the outdoor living space may be combined to provide a communal outdoor living area. The communal area:

- Shall be accessible to all units
- Shall have a minimum dimension of not less than 4m
- Shall be capable of containing a circle of not less than 8m in diameter

iv) The Communal Outdoor Living Area shall have a minimum area which shall be equal to the required area of outdoor living areas as follows: (eg 4 x 60m² = 240m²)

Activity	4-10 units	11-20 units	21+ units
Detached dwellings; Relocated dwellings and Comprehensive Residential Development (In General Residential, and any Rotokauri Residential Area)	60m ² per unit	40m ² per unit	25m ² per unit
Apartment buildings (in General Residential, Lake Waiwhakareke Landscape Character Area, Ridgeline Character Area)	Discretionary Activity — See Rule 4.1A.1d)	Discretionary Activity — See Rule 4.1A.1d)	Discretionary Activity — see Rule 4.1A.1d)

Apartment buildings (in High Density Area)	12m ² per unit	12m ² per unit	12m ² per unit
---	---------------------------	---------------------------	---------------------------

l) Service Areas

i) Each residential unit shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum area (per unit)	Minimum Dimension
Detached dwellings and Comprehensive residential development	20m ²	3m
Apartment buildings and ancillary flats	10m ²	2.5m

iii) Any building housing an activity below shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum Area (per building)	Minimum Dimension
Community Centres Education and Training Facilities Health Care Services and Offices	10m ²	2.5m

m) Noise

Activities shall comply with [Rule 5.1](#).

n) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

o) Planting and Screening

Activities shall comply with [Rule 5.3](#).

p) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

q) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

r) **Building Restrictions along Roads**

Activities shall comply with Rule 5.6.

4.1A.3 Specific Standards

a) **Comprehensive Residential Development**

- i) Minimum site size shall be 2000m²
- ii) Rule 4.1A.2 f), h) and i) shall only apply at external boundaries of the site.
- iii) Within the Ridgeline Character Area there shall be a separation distance between buildings of 6m.

b) **Ancillary Flat**

- i) There shall be no more than one ancillary flat on a site
- ii) Maximum gross floor area shall be 60m²
- iii) The outdoor living area for an ancillary flat shall not be included as part of the outdoor living area for the principal residential building on site

c) **Relocated Buildings**

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site

d) **Rest Homes**

- i) Maximum occupancy shall be 10 people, inclusive of staff per site.
- ii) The maximum density for Rest Homes shall be:
 - One person per 75m² of net site area in the Rotokauri General Residential Zone; or
 - One person per 50m² of net site area in the Rotokauri General Residential Zone (Rotokauri High Density and Rotokauri High Density Interface Areas).
- iii) An Outdoor Living Area shall be provided which:
 - Shall be for the exclusive use of the occupiers; and
 - Shall be readily accessible for all occupiers; and
 - Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas; and
 - Shall have a maximum area of impermeable surfaces not exceeding 60% of the Outdoor Living Area

Each Rest Home shall be provided with an Outdoor Living Area which shall be provided communally with a minimum area and dimensions as follows:

- 12m² per person; and
- A minimum dimension of not less than 4 metres; and
- Capable of containing a 6 metre diameter circle.

Upper floor decks wider than 1,000mm can be included in the calculation of the Outdoor Living Area, but not less than 60% of the Outdoor Living Area shall be provided at ground level.

iv) A service area shall be provided with a minimum area and dimensions as follows:

- A minimum area of 20m²; and
- Minimum dimensions of 3 metres

Except where a fully equipped laundry (both washing and drying machines) are provided in the Rest Homes, then the minimum area can be reduced to 16m² and minimum dimensions reduced to 2 metres.

e) Visitor Accommodation

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

f) Home Occupations

- The gross floor area of the principal or accessory building used for a home occupation shall not exceed 30% of the total gross floor area
- At least one person, including the principal operator of the home occupation, shall reside on the site
- Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr the following day
- Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity
- No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage
- Retailing from the site shall be limited to goods produced or substantially produced on the site

g) Community Centres, Education and Training Facilities, Health Care Services, Offices

- Maximum gross floor area for Community Centres, Education and Training Facilities, Health Care Services, Offices shall be 250m².
- Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr, the following day.

- iii) Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity.
- iv) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage.
- v) Education and Training Facilities shall not have their vehicular access to or from a major arterial road.

h) Managed Care Facilities

- i) Maximum occupancy shall be 7 people (excluding staff who do not live on the premises) per site
- ii) The maximum density for a Managed Care Facility shall be:
 - One person per 120m² of net site area in the Rotokauri General Residential Zone; or
 - One person per 50m² in the Rotokauri General Residential Zone (Rotokauri High Density Area and Rotokauri High Density Interface Area)
- iii) An Outdoor Living Area shall be provided which:
 - Shall be for the exclusive use of the occupiers; and
 - Shall be readily accessible for all occupiers; and
 - Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas; and
 - Shall have a maximum area of impermeable surface not exceeding 35% of the Outdoor Living Area
 - Shall be provided with a 1.8m high screen, wall or fence along that part of any site boundary adjoining the outdoor living area in order to screen the area from abutting properties

The Outdoor Living Area which shall be provided communally with a minimum area and dimensions as follows:

- 25m² per person; and
- a minimum dimension of not less than 4 meters; and
- capable of containing a 6 metre diameter circle

Upper floor decks wider than 1,000mm can be included in the calculation of the Outdoor Living Area, but not less than 60% of the Outdoor Living Area shall be provided at ground level.

- iv) A service area shall be provided with a minimum area and dimensions as follows:
 - A minimum area of 20m²; and
 - Minimum dimensions of 3 metres.Except where a fully equipped laundry (both washing and drying machines) are provided in the Managed Care Facility, then the minimum area can be reduced to 16m² and minimum dimension reduced to 2 metres.

- v) Suitably qualified staff shall be present onsite at all times
- vi) The site shall be a front or corner site
- vii) No part of any site to be used as a Managed Care Facility shall be located within a 250m radius of an existing Managed Care Facility for which a resource consent was required for its establishment or operation.
- viii) No part of any site or premises to be used as a Managed Care Facility (MCF) shall contain a secure facility, work, structure or room for the detention or confinement of any person and/or no resident of a MCF shall be subject to a Court Order requiring their detention or confinement on the site. This does not apply to residents subject to home detention under the Parole Act 2002.

i) Dairies

- i) Where there is a residential element included as part of the development the relevant provisions of 4.1A.2 General Standards and 4.1A.3 Specific Standards shall apply.
- i) Maximum gross floor area to be used for retail 100m²
- ii) Minimum building setback from side or rear boundaries is 5m
- iii) Service Area
Any building shall be provided with a service area as follows:
 - The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greatest with a minimum dimension of 2.5m
 - A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles
 - Any outdoor storage area shall be maintained with an all-weather dust free surface
 - No outdoor display of goods
- iv) Hours of operation 0700hr — 2200hr
- vi) Dairies must locate on corner sites, bounded by roads along two boundaries.

4.1A.4 Failure to Meet Standards

- a) Activities (other than Managed Care Facilities which are subject to 4.1A.4c and d) below) which do not comply with one or two standards in Rule 4.1A.2 or 4.1A.3 are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that cannot be met.
- b) Activities (excluding Managed Care Facilities) which do not comply with three or more standards in Rule 4.1A.2 or 4.1A.3 are **Discretionary Activities**.
- c) Managed Care Facilities which do not comply with one or two of the standards in Rule 4.1A.3(h)(ii), (iii), (iv) or (vi) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met. Where a Managed Care Facility in the Lake Waiwhakareke Landscape Character Area can not comply with one or more standards in Rule 4.1A.2 or 4.1A.3 it is to become a **Discretionary Activity**.

- d) Managed Care Facilities which do not comply with the standards in Rule 4.1A.2 or with any standard in 4.1A.3(h)(i), (v) or (viii) are **Discretionary Activities** and will be assessed in accordance with Rule 4.1A.6(h).

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, to the Rotokauri Structure Plan in Rule Section 9.0, relevant design guidance in Rule Section 10.0 and to the following.

4.1A.5 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Site Layout, Building Orientation and Design

- i) Developments should be of a compatible scale, form and design to surrounding residential developments.
- ii) The development should be designed to minimise any adverse effects on adjoining residential activities, especially visual privacy, access to sunlight and daylight.
- iii) Residential developments should create a high standard of amenity and privacy for residents through the design and location of outdoor living areas on the site or communal outdoor living areas.
- iv) Buildings and activities should be designed and located to minimise any adverse effects, including noise, dust, fumes and glare.
- v) Parking and outdoor storage areas associated with any non-residential activity should be screened to protect the residential amenity of the locality.
- vi) The site should have the ability to provide for gardens and tree planting around the buildings and retain on-site mature vegetation.
- vii) The site should be of an adequate size and frontage to accommodate the activity, off-street parking and planting.
- viii) The location and design of outdoor activity areas (such as children's playgrounds) should mitigate adverse effects (eg. noise, disturbance and privacy) for neighbouring residential properties.
- ix) Buildings adjacent to public space should be designed to create definition and enclosure in terms of height and setback
- x) Buildings and fences adjacent to public open space should contribute to the safety of public space users by enabling passive surveillance of the street and public space.

- x) Carports and garages on sites adjacent to public open space should be located to minimise their visual prominence in relation to the main dwelling when viewed from a public space.
- xii) Where the clustering of buildings within a comprehensive residential development is proposed, the extent and location of open space elsewhere within the site should adequately ensure that the amenity and appearance of the site contributes to the overall amenity and quality of the residential environment.
- xiii) Comprehensive residential developments should achieve connectivity and permeability of roads, pedestrian accessways, cycleways, public reserves and green corridors.
- xiv) Comprehensive residential developments should provide for a variety of housing styles and forms in terms of footprint, design and height.

b) Site Layout and Building Orientation in the Lake Waiwhakareke Landscape Character Area

- i) The layout of buildings on site should reflect the design considerations of Section Five 'Layout of Development' of the Lake Waiwhakareke Landscape Character Area Design Guide in Rule Section 10.0.
- ii) The layout of development on the elevated areas and ridgelines should enable long distance views of the Natural Heritage Park from public spaces.
- iii) The orientation and height of buildings facing onto the northern edge of the Natural Heritage Park should reflect the design considerations of Section Three 'Reinforcing Local Character' of the Lake Waiwhakareke Landscape Character Area Design Guide in Rule Section 10.0.

c) Site Layout and Building Orientation in the Rotokauri High Density Interface Area

- i) The site layout and building orientation should enable a strong visual and physical connection with the Neighbourhood Green and/or Rotokauri Suburban Centre Primary Frontage.
- ii) The orientation and location of buildings on the site should allow adequate access, parking and manoeuvring space at the rear of the site.
- iii) Vehicle entry and exit points should be shared where possible and should not compromise the visual and physical connectivity of the dwelling with the Neighbourhood Green and/or Rotokauri Suburban Centre Primary Frontage.
- iv) As many household units as possible should face onto the Neighbourhood Green and/or Suburban Centre Primary Frontage.

d) Planting

- i) The site should provide for gardens and tree planting around the buildings and retain on-site mature vegetation

e) Earthworks

- i) Earthworks should be no more than the minimum necessary to provide a suitable building platform and access to the site;
- ii) In the Rotokauri Ridgeline Character Area development should enable a sense of the underlying landform to be retained.

f) Parking, Loading and Access

- i) Vehicular traffic generated by any activity should be accommodated without loss of amenity, safety or causing traffic congestion.
- ii) Entrance and exit points and drop off zones shall be designed and located to allow safe and efficient movement on to and off the road.
- iii) The location and design of parking, loading spaces and driveways are to be located to protect the aural and visual amenity of adjoining sites.
- iv) Parking provided within a comprehensive residential development should be associated with individual units or located in communal parking areas provided that they are conveniently accessible to the occupants of the units.

g) Hours of Operation

- i) The activity should not affect the amenity of neighbouring residents, especially the ability to sleep at night.
- ii) Vehicle and pedestrian movements to and from the site should be compatible with the amenity of the surrounding residential area

h) Reinstatement of Relocated Buildings

- i) The reinstated exterior of any relocated building shall be such that it is not likely to detract from the amenity of the residential neighbourhood
- ii) Consent applications for relocation of buildings as a controlled activity in the Rotokauri Residential Zone shall be processed without public notification and without the need for consent of potentially affected persons or service of notice of the application on those persons.

i) Noise

- i) The scale of the activity, in particular the number of people on site should be controlled to ensure that noise levels do not effect residential neighbours.
- ii) The extent to which the proximity of outdoor living areas and the main living areas on adjoining properties will result in noise levels which are unreasonable in the residential environment.

j) Glare and Lighting

- i) The extent to which proposals for artificial lighting interfere with the operation of the Hamilton Observatory located at Part Lot 2 DPS 23608.

4.1A.6 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed in respect of the specific subject matter identified and the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

Restricted Discretionary and Discretionary Activities within the Lake Waiwhakareke Landscape Character Area will also be assessed against the Lake Waiwhakareke Landscape Area Design Guide in Rule Section 10.0.

a) General Criteria

- i) Regard shall be had to any relevant Performance Assessment for a Controlled Activity and for general rules.
- ii) The extent to which the development is compatible with the size of the site.
- iii) The extent to which site size would have any adverse effects on neighbouring properties, having regard to the intended character of the area.
- iv) The extent to which a reasonable degree of amenity is achieved on the site being developed.
- v) The extent to which the amenity and appearance of an existing building would be compromised by the proposed development.
- vi) The extent to which a development could have an adverse effect on the consistency and amenity of the area and or the presence of mature vegetation.
- vii) The relationship between the scale of any buildings on the site and existing residential development.
- viii) The impact of the development on the scale, character and open space of the surrounding residential area.
- ix) The extent to which the proposal would result in the loss of sunlight and daylight to adjoining sites.
- x) Any adverse effects on adjoining sites of the proximity of buildings, windows, balcony in terms of reduced privacy.
- xi) The effects on heritage items, protected significant trees or sites of archaeological, historic and cultural significance on the site.

- xii) The extent to which proposed parking or outdoor storage area will detract from the pleasantness and attractiveness of the site when viewed from an adjoining site.
 - xiii) The ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of planting or screening.
 - xiv) The extent to which vehicular traffic generated by any activity can be accommodated without a loss of safety or efficiency of the road network or without loss of residential amenity.
 - xv) The adequacy of car parking on the site and its location in relation to the neighbouring residential activities.
 - xvi) The ability of the activity to mitigate noise, dust, glare, vibration, fumes, smoke, odours or other discharges or pollutants.
 - xvii) Any positive impacts to the neighbourhood or the wider community, including the extent to which the activity might enhance the amenity of the area.
 - xviii) Any cumulative effects from the activity, whether on its own or in combination with other activities in the area; in particular other Residential Centres on a site adjacent to the proposed activity, or already established in the neighbourhood.
 - xix) The extent to which the intensity of occupancy of the site has an adverse effect on the character and amenity of the residential environment.
 - xx) The extent to which the proposal is consistent with the provisions of the Rotokauri Structure Plan.
 - xxi) The extent to which proposals for artificial lighting interfere with the operation of the Hamilton Observatory (Part Lot 2 DPS 23608).
 - xxii) The extent to which the development achieves a high degree of visual and physical connectivity with public space.
 - xxiii) The extent to which surveillance of the street and public space is enabled.
 - xxiv) The ability of vehicles to enter and exit the site safely.
 - xxv) The extent to which the building avoids blank façades.
 - xxvi) Whether the dwelling contributes to creating enclosure and definition to a public space through the use of height and setbacks.
- b) Lake Waiwhakareke Landscape Character Area - Site Layout and Building Orientation**
- i) The extent to which the development achieves the outcomes of the Lake Waiwhakareke Landscape Character Area Design Guide, with particular regard to:

- The extent to which the proposal achieves strong visual and physical relationships with the Heritage Park.
- The extent to which the existing landform is retained.
- The extent to which any planting scheme complements the Heritage Park's proposals and enables the protection of native vegetation.

c) Ridgeline Character Area — Site Layout and Building Orientation

- i) The extent to which the development would compromise the underlying landform and legibility of the ridgeline features, having regard to both immediate and cumulative effects

d) Rotokauri High Density and High Density Interface Area — Site Layout and Building Orientation

- i) The extent to which the proposal would provide definition and surveillance of public spaces.
- ii) The extent to which the intensity of development would complement the vitality and viability of the commercial elements of the Neighbourhood Centre
- iii) The extent to which the proposal would avoid a fragmented appearance to the streetscene.
- iv) The extent to which the proposal would complement the built form of the commercial elements within the Neighbourhood Centre.

e) Apartment Buildings Higher than 12.5m

- i) The ability to provide residential accommodation close to major employment or education facilities.
- ii) The extent to which the design of the building avoids a 'box' like structure with a blank facade
- iii) The extent to which the proposed development provides suitable balconies, landscaping and on-site amenities for the use of occupants
- iv) The extent to which the development avoids or mitigates any adverse effects on the amenity of the local area in terms of overshadowing, wind funnelling and the obstruction of daylight and sunlight to existing property
- v) The extent to which the development is compatible with the amenity, heritage or open space values of the area
- vi) Whether the site, given its size, shape, frontage, topography and existing use can adequately accommodate the development and its associated parking, servicing and landscaping.

- vii) Whether the development would be an intrusive feature in terms of the street scene, local neighbourhood and city skyline
- viii) The form, mass, proportion and materials should reflect the fact that the building will be an important element in the landscape.

f) Dairies — Cumulative effects, building siting and design, site layout, vehicular provision and signage

- i) Whether the building is designed to complement the residential character of the area, with particular regard to streetscape and views from adjoining neighbours and maintaining residential amenity
- ii) Whether the location of car parking and service areas will ensure safe operation of the road network and avoid disturbance to adjoining residential properties
- iii) Whether the cumulative effects of the dairy together with other non-residential activities would result in a change to the residential character of the neighbourhood
- iv) The number, location and intensity of any signage provided and whether this is complementary to a residential environment
- v) Whether the site can adequately accommodate the dairy, any associated residential activity, parking, planting, service areas and signage whilst ensuring that the building will not dominate the streetscene.

g) Residential Centres

- i) The extent to which the development conforms to the Residential Centre Design Guide in Rule 10.
- ii) The extent to which the scale, form, proportion and materials to be used in the construction of the building is compatible with design and external appearance of residences in the neighbourhood.
- iii) The extent to which the density of persons on the site is compatible with that of the surrounding neighbourhood.
- iv) The extent to which a cluster of residential centres in the one street or within the immediate area is avoided.
- v) The extent to which the site is landscaped with trees and shrubs. In general one third of the net site area should be landscaped.
- vi) The extent to which the setback from the front boundary is landscaped with trees and shrubs.

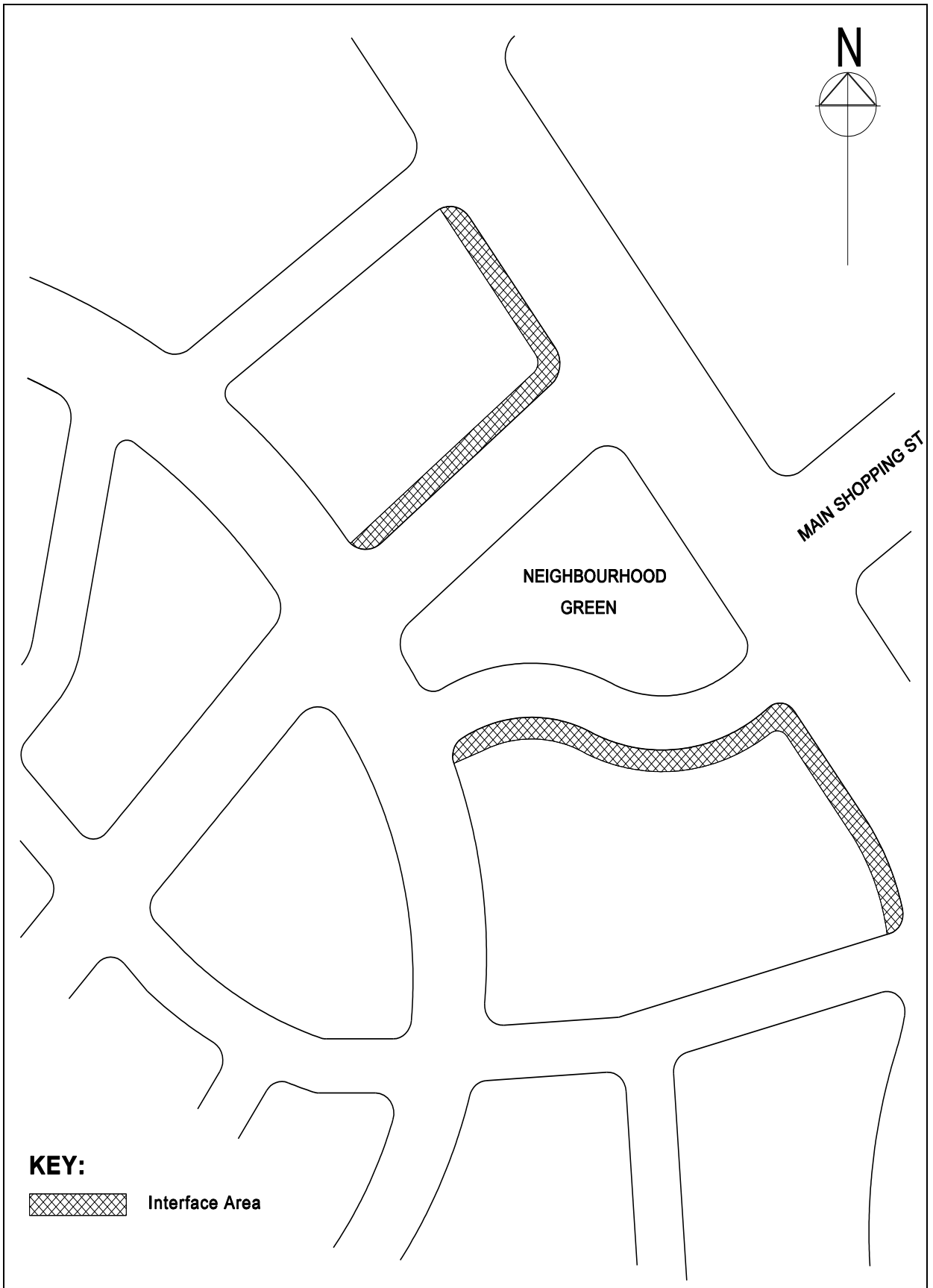
h) Managed Care Facilities

A comprehensive management plan will be required that addresses the following:

- i) the mitigation of any adverse effects from:
 - The density, intensity and scale of the development through the provision of increased yard distances and screening and landscaping.
 - The location of vehicular access, egress and parking areas

- The protection of the visual and acoustic privacy of the outdoor living areas of adjacent sites
 - ii) the avoidance of a cluster of managed care facilities and residential centres within a residential neighbourhood
 - iii) the number of staff employed and their hours of work
 - iv) arrangements for live-in staff
 - v) the anticipated number of visitors per week
 - vi) the means by which the applicant proposes to avoid, remedy or mitigate any detrimental effects on the pleasantness and general character of adjoining residential sites likely to be generated by accommodating more than 7 residents on the site.
 - vii) The name of a person who can be contacted in the event of any disturbance
- i) Comprehensive Residential Development in the Ridgeline Character Area**
- i) The extent to which the layout or clustering of buildings provide a sufficient area of open space to enable a sense of the underlying landform to be retained.
 - ii) The extent to which the development compliments and retains the underlying landform and the legibility of the ridgeline features, having regard to both immediate and cumulative effects.
 - iii) The extent to which buildings avoid the top of the ridgeline and allow for views to and from the ridgelines to be maintained.
 - iv) The extent to which the development achieves connectivity and permeability of roads, pedestrian accessways, cycleways, public reserves and green corridors.
 - v) The extent to which the development provides a variety of housing styles and forms in terms of footprint, design and height.
 - vi) The extent to which communal parking or parking associated with individual units is conveniently accessible to the occupants of the units.
 - vii) The extent to which large scale earthworks, which could compromise the underlying landform, have been avoided.
 - viii) The extent to which large building mass, that may compromise the legibility of the ridgelines, is avoided.
 - ix) The extent to which the site provides for gardens and tree planting around the buildings, along the top of the ridgeline and retains on-site mature vegetation.
 - x) The extent to which the development recognises and responds to the site and wider context.

Appendix 4.1A-I Rotokauri High Density Interface Areas



Rule 4.1B Hamilton East Residential Character Zone

Rule Statement

The Hamilton East Residential Character Zone recognises the special character of the area, and sets out standards different to those in [Rule 4.1](#) in order to ensure that the distinctive character elements of the Hamilton East area are maintained and enhanced as new development occurs.

The aim of the Hamilton East Residential Character Zone is to protect the area from further inappropriate development to ensure that the amenity and special character enjoyed by residents is maintained and enhanced. The zone adjoins two other areas of significance in terms of their visual or historic importance; the Claudelands West Special Character Area situated to the north of Hamilton East, and the Hayes Paddock Heritage Precinct situated to the south west. Both areas are subject to specific plan provisions that distinguish them from residential areas elsewhere in the City. The Hamilton East neighbourhood includes some of the elements that are also found in these areas but it has its own distinctive character that requires specific recognition and protection. The Hamilton East Residential Character Zone promotes new development provided it is appropriately located and designed to ensure that it contributes to and reinforces local character and amenity. The zone contains controls that seek to protect the streetscapes of Hamilton East through additional standards for street front sites.

Features and Elements that Contribute to Character

The features and elements of an area that contribute to its character are influenced by the physical components of the built environment, architectural styles, the layout of streets and residential lots (and their size), land use, the trees, landscaped areas and open space and the heritage and cultural values that together create the “sense of place” people identify with. Both public and private spaces contribute to defining the character of an area.

Valued Residential Character Elements

The Hamilton East neighbourhood contains the City's oldest suburb. The original framework of streets laid out on a grid pattern in the 1860's provided the basis for early subdivision into regularly shaped 1 acre lots. The area continued to develop over successive generations and now contains a wide variety of building styles that have occurred within the city over that time.

The wider neighbourhood has retained the original, regular configuration of allotments and most streets display an arrangement of buildings that generally face the street. Sites typically have generous front and side yard setbacks resulting in relatively low building coverage and most garages and accessory buildings are situated at the rear of properties. The variety of building styles, predominantly single storied, avoids a uniform or regimented appearance but the unifying feature is a distinct character created by buildings sitting comfortably back from a heavily vegetated streetscape, and from each other.

There is significant planting within private properties and major reserves such as Steele Park and Galloway Park. The generally low intensity of development throughout the neighbourhood is emphasised by vegetation and planting on both public and private land and trees contribute

significantly to the streetscape. These features combine to create a strong visual relationship with the street and public open spaces.

Housing styles are mixed with representation of building styles from every decade of the area's development. These elements combine to create a distinctive character and streetscape with high residential amenity values. The character elements derive particularly from the strong visual relationship that exists between properties, their neighbours, the street and other public spaces through matters such as siting, scale, height, building design and orientation, and vegetation. The variety in housing style and age also contribute to the character of the area.

Within the Hamilton East Residential Character Zone there are two distinctive areas that have been identified for their different amenity values. These are the Hamilton East High Density Area and the Villa Heritage Precinct.

It is not intended that the elements that contribute to the character and amenity values of the neighbourhood are "frozen in time" and that new development mimic existing building styles. What is intended is that development as a whole is sympathetic to and respects the neighbourhood's special qualities.

Hamilton East High Density Area (HDA)

The proximity of Hamilton East to the CBD and the University has underpinned market interest in redeveloping residential sections for more intensive forms of development, particularly where properties have the added convenience of local amenities such as reserves or shopping facilities. This form of development characterises the High Density Area and distinguishes it from the wider Hamilton East neighbourhood. The High Density Area includes a significant concentration of 2 storey and multi unit accommodation in the "sausage block" format typical of the 1970's. Whilst the range of building styles is less appealing than elsewhere in Hamilton East, the streetscape still shares some character elements of the wider neighbourhood. Setbacks and separation distances are less pronounced but they are still an important feature and front yard planting contributes to the strongly vegetated character of the wider area. In this area, the focus of the Plan is on the protection of amenity values rather than the character of the existing buildings.

As an exception, however, the Plan also recognises the local significance of a group of properties known locally as the "Soldiers Cottages" situated on Cook Street. This enclave of 5 properties is unusual even within Hamilton East although its points of difference are more of local interest rather than historic heritage value. These Californian Bungalow style properties were all constructed between 1922 and 1935 to a more intensive pattern of development than elsewhere in Hamilton East. The building style is similar to other examples in Hamilton East but the section sizes and characteristic setbacks found elsewhere are significantly reduced to create a distinctly more intimate relationship between buildings and with the street. Although some have been substantially modified over the years they still retain a strong element of visual and architectural unity. As such, control over proposals for their demolition or removal, or alteration of their streetscape elevation will ensure that the contribution they make to local character can be properly assessed.

Hamilton East Villa Heritage Precinct

The Hamilton East Villa Heritage Precinct as well as a significant number of individual Heritage Items reflect the historical value of Hamilton East as being part of the original borough of the City. Controls aim to protect the heritage values of the area through encouraging developments to recognise and appreciate heritage buildings. Specific provisions for the Hamilton East Villa Heritage Precinct and Heritage Items are covered in Policy Section 7.1 and [Rule Sections 2.3 and 2.4](#).

Expected Outcome

That development maintains and enhances the distinctive character and amenity values of the Hamilton East neighbourhood

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- The activity status and standards for this zone may be modified in accordance with rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted, Controlled or listed Restricted Discretionary Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.1B.5](#) - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 5.1.7 Hamilton East Residential Character Zone.

ADVISORY NOTE —Historic Places Act

Any disturbance of archaeological sites, regardless of their listing or otherwise in the District plan, is not permitted under Section 10 of the Historic Places Act 1993. An authority from the New Zealand Historic Places Trust is required to modify or disturb an archaeological site under Section 11 of the Historic Places Act. For further information or to make an application, contact the nearest office of the New Zealand Historic Places Trust.

An authority is required for such activity whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Regional or District Plan.

ADVISORY NOTE — Pre 1940 Dwellings

Figure 4.1B-7 identifies all dwellings Council considers were constructed prior to 1 January 1940 within the dwelling control area. This Figure provides the basis for the determination of the activity status of specific development proposals affecting identified dwellings. Where documentary evidence is produced to Council that demonstrates that an identified dwelling was constructed after 1 January 1940, Council shall regard the dwelling as if it had not been identified on Figure 4.1B-7 and Council will determine the activity status of development proposals accordingly.

4.1B.1 Activities**a) Permitted Activities**

The following activities are Permitted Activities provided they comply with the standards in [Rule 4.1B.2](#) and the relevant standards in [Rule 4.1B.3](#):

General Residential Area and High Density Area

- Minor work on any building
- One detached dwelling per site
- Ancillary Flat
- Accessory Buildings
- Home Occupations
- Informal Recreation and Ancillary Buildings
- Demolition or removal of any building on street front sites constructed on or after 1 January 1940 within the dwelling control area (Figure 4.1B-7)
- Demolition or removal of any building of any age on street front sites outside the dwelling control area (Figure 4.1B-7)
- Demolition or removal of any building of any age on rear sites

General Residential Area

- Demolition of any building, except dwellings, on street front sites constructed prior to 1 January 1940 within the dwelling control area (Figure 4.1B-7)
- Alterations and additions to the exterior of any dwelling constructed on or after 1 January 1940 within the dwelling control area (Figure 4.1B-7)
- Alterations and additions to the exterior of any dwelling of any age outside the dwelling control area (Figure 4.1B-7)
- Alterations and additions to the exterior, other than the streetscape exterior, of any dwelling on a street front site constructed prior to 1 January 1940 within the dwelling control area (Figure 4.1B-7)
- Demolition and removal of a dwelling constructed prior to 1 January 1940 within the dwelling control area (Figure 4.1B-7) where Council has granted consent for one new dwelling in replacement pursuant to Rule 4.1B.1(c).

High Density Area

- Demolition or removal of any building of any age (except dwellings on Lots 4,5,6,7 and 8, Pt 4 of Sec 41, DPS 10778 (Figure 4.1B-7))
- Alterations and additions to the exterior of any building of any age (except dwellings on Lots 4,5,6,7 and 8, Pt 4 of Sec 41, DPS 10778 (Figure 4.1B-7))
- Alterations and additions to the exterior (other than the streetscape exterior) of any dwelling on Lots 4,5,6,7 and 8, Pt 4 of Sec 41, DPS 10778 (Figure 4.1B-7)

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in Rule 4.1B.2 and the relevant standards in Rule 4.1B.3, and will be controlled in respect of the matters identified.

General Residential Area and High Density Area

- Relocated Buildings
 - with respect to the reinstatement of the building

c) Restricted Discretionary Activities

The following are Restricted Discretionary activities provided they comply with the standards in Rule 4.1B.2 and the relevant standards in Rule 4.1B.3.

General Residential Area

- Second and subsequent dwelling on a site
 - with discretion restricted to site layout, building orientation and design, parking loading and access
- Alterations and additions (other than minor work) to the streetscape exterior of any dwelling on a street front site constructed prior to 1 January 1940 within the dwelling control area (Figure 4.1B-7)
 - with discretion restricted to design of streetscape exterior
- One new dwelling in replacement of a dwelling constructed prior to 1 January 1940 within the dwelling control area (Figure 4.1B-7) with discretion restricted to:
 - the effects of the absence of the existing dwelling, and
 - the effects of the site layout, orientation, and design of the streetscape exterior on the maintenance or enhancement of character values within the street.
- Demolition and removal of a dwelling constructed prior to 1 January 1940 within the dwelling control area (Figure 4.1B-7) with discretion restricted to:
 - the effects of the absence of the dwelling on the maintenance or enhancement of character values within the street.

High Density Area

- Alterations and additions (other than minor work) to the streetscape exterior of any dwelling on Lots 4,5,6,7 and 8, Pt 4 of Sec 41, DPS 10778 (Figure 4.1B-7)
 - with discretion restricted to design of streetscape exterior
- Second and subsequent dwelling on a site
 - with discretion restricted to site layout, building orientation and design, parking loading and access
- Apartment Buildings
 - with discretion restricted to site layout, building orientation and design, parking, loading and access.
- Comprehensive Residential Development
 - with discretion restricted to site layout, building orientation and design, parking, loading and access.

d) Discretionary Activities

The following are Discretionary Activities:

General Residential Area

- Community Centres
- Apartment buildings other than on a street front site
- Comprehensive Residential Development other than on a street front site

- Education and Training Facilities
- Health Care Services
- Offices
- Visitor Accommodation
- Residential Centres
- Marae
- Papakainga
- Places of Assembly

High Density Area

- Demolition or removal of any dwelling on Lots 4,5,6,7 and 8, Pt 4 of Sec 41, DPS 10778 (Figure 4.1B-7)
- Community Centres
- Education and Training Facilities
- Health Care Services
- Offices
- Visitor Accommodation
- Residential Centres
- Marae
- Papakainga
- Places of Assembly

e) Non-Complying Activities

The following activities are Non-Complying Activities:

General Residential Area

- Apartment buildings on a street front site
- Comprehensive Residential Development on a street front site
- Any activity not provided for above.

High Density Area

- Any activity not provided for above.

4.1B.2 General Standards

The following general standards apply to all Permitted, Controlled and listed Restricted Discretionary Activities.

a) Density

The minimum area of land required in respect of each residential unit shall be as follows:

Activity	General Residential Area — Rear Site	General Residential Area — Street Front Site	High Density Area
Detached dwellings Detached dwellings with an Ancillary Flat Relocated dwellings	400m ² per unit 600m ² in total for both dwelling and ancillary flat 400m ² per unit (net site area)	600m ² per unit (net site area) 600m ² in total for both dwelling and ancillary flat For second and subsequent dwellings on a site 600m ² for the front unit and 400m ² for the rear unit	350m ² per unit (net site area)
Comprehensive residential development (Refer to Rule 4.1B.3 a)	Discretionary Activity - See Rule 4.1B.1 d)	Non Complying Activity - See Rule 4.1B.1 e)	300m ² per unit (unit site area)
Apartment buildings	Discretionary Activity - See Rule 4.1B.1 d)	Non Complying Activity - See Rule 4.1B.1 e)	150m ² per unit (average site area)

For (re)development of existing street front sites created prior to 12 September 2009 the density standard is not required to be met.

b) Site Coverage

Maximum amount of the site which can be covered by buildings is as follows:

High Density Area	45% of net site area
Outside of the High Density Area	
Street front site	35% of net site area
Rear site	40% of net site area

c) Permeable Surface

Minimum amount of permeable surface is as follows:

20% of net site area in the High Density Area

40% of net site area outside of the High Density Area

d) Building Height**High Density Area:**

- Maximum height of buildings shall be 10m (See Figure 4.1B - 1).

General Residential Area:

- Street front site: Maximum height of buildings shall be 7m (See Figure 4.1B - 1).
- Rear site: Maximum height of buildings shall be 8m (See Figure 4.1B - 1).

e) Height in Relation to Boundary**High Density Area:**

- No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary. (See Figure 4.1B-2a & c)

General Residential Area:

- No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 2m above ground level at any boundary. (See Figure 4.1B-2b & c)

Except that:

- For sites within the **High Density Area** no part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 2m above ground level at any boundary with the General Residential Area, unless that boundary is defined by a road or access.
- In the **General Residential Area**, where there are two or more dwellings on the same site, the height control plane shall be measured at a line midway between the two dwellings rising at an angle of 45° and commencing at a height of 2m above ground level at the midway line.
- In the **High Density Area**, where there are two or more dwellings on the same site, the height control plane shall be measured at a line midway between the two dwellings rising at an angle of 45° and commencing at a height of 3m above ground level at the midway line.
- Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 2m above the boundary shall apply to the affected boundary except in the **High Density Area** where a height of 3m above the boundary shall apply.

f) Setback from Road Boundary

i) Buildings shall be set back from the road boundary as follows (Figure 4.1B-3):

High Density Area.

- where a garage or carport has a vehicle entrance facing an arterial or collector road, it shall be set back a minimum of 8m.
- buildings (other than accessory buildings) shall be set back a minimum of 5m from any arterial road.
- all other buildings shall be set back a minimum of 3m.

General Residential Area

- Where a garage or car port has a vehicle entrance facing an arterial or collector road, it shall be set back a minimum of 8m.

All other buildings shall be set back the greater of:

- 5m, or:
 - The average of the front setback of buildings on street front sites on adjoining sites, provided that :
 - where an adjoining site is vacant the setback shall be taken as being 5m,
 - for corner sites the setback of the adjacent site shall be taken as the average.
- ii) All accessory buildings, including carports and garages, shall be located at least one metre behind the building line established by the foremost dwelling on a site unless the building is an integral part of the design and construction of the dwelling in which case it shall be recessed at least 0.5m behind the building line established by the dwelling.
- iii) All ancillary flats shall be located at least one metre behind the building line established by the foremost dwelling on a site.

g) Other Setbacks**a) High Density Area**

i) Minimum setback from any boundary is 1.5m (Figure 4.1B-3).

b) General Residential Area

i) Street front sites: Minimum side building setback (for one side boundary only) is 3.0m (Figure 4.1B-3)

ii) Street front sites: Minimum side building setback (for other side boundary and rear boundary) is 1.5m (Figure 4.1B-3)

iii) Rear sites: Minimum building setback from any boundary is 1.5m (Figure 4.1B-3)

c) For street front sites (in the High Density Area and General Residential Area) setbacks may be reduced where:

- buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or

- for Accessory buildings and Ancillary flats the written consent of owners and occupiers adjoining the relevant rear and/or side setbacks is obtained, provided that such a building is located behind the rear building line established by the foremost dwelling on a site (Figure 4.1B-4), or
- d) For rear sites (in the High Density Area and General Residential Area) setbacks may be reduced where:
- buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or
 - the written consent of owners and occupiers adjoining the relevant rear and/or side setbacks is obtained.

h) Separation Distances and Privacy

- i) Where two or more buildings, excluding accessory buildings, are located on the one site, no eave of a building shall be located closer than 3m from the eave of another building.
- ii) A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary, excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 meters or less, or any right of way, private way or access lot (Figure 4.1-5) provided that this distance may be reduced where;
- Window sill height from the finished upper-floor level is 1.7m; or
 - opaque or obscure glazing is provided; or
 - written consent from the owners and occupiers of the adjoining property is obtained.
- iii) Where buildings are attached, no setback is required between those buildings.

i) Planting and Screening

All buildings with a street front site are required to provide a minimum of 50% planting of the front yard setback.

The area is required:

- to be planted in the first planting season following completion of the building;
- be of a permeable nature with planting consisting of a combination of groundcover, shrubs and trees; and
- provide vegetative coverage of the specified area within two years from the time of planting.

j) Built form

No wall of any building parallel to or up to an angle of 30° to any external boundary except the road frontage shall exceed 15m in length without there being a step in (or out) plan of at least 2m depth and 5m length (Figure 4.1B-6).

k) Fence height

Front or side boundary fences or walls located forward of the building line established by the dwelling or building on street front sites shall not exceed 1.2m in height,

Except where;

- Street front sites are located along Dey Street (Wairere Drive) or Cobham Drive where this standard does not apply.

l) Orientation

All dwellings on street front sites shall have a primary entrance on the ground floor facing the street, and at least one principal room on each floor with a clear glazed window facing the street. In respect of corner sites, this standard shall apply to the road from which vehicular access is taken.

m) Outdoor Living Area

- i) Each residential unit shall be provided with an outdoor living area which:
 - shall be for the exclusive use of the residential unit
 - shall be readily accessible from a living area of a unit
 - shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- ii) Each residential unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

Activities	General Residential Area		High Density Area	
	Minimum area (per unit)	Minimum dimensions	Minimum area (per unit)	Minimum dimensions
Detached dwellings and Relocated dwellings.	60m ²	Capable of containing a 6m diameter circle	40m ²	Capable of containing a 6m diameter circle
Comprehensive Residential Development	-	-	40m ²	Capable of containing a 6m diameter circle
Ancillary flats	12m ²	2.5m width	12m ²	2.5m width
Apartment buildings	-	-	12m ²	2.5m width

- iii) Where there are four or more residential units on a site, the outdoor living space may be combined to provide a communal outdoor living area. The communal area:
 - shall be accessible to all units
 - shall have a minimum dimension of not less than 4m
 - shall be capable of containing a circle of not less than 8m in diameter.

- iv) The Communal Outdoor Living Area shall have a minimum area which shall be equal to the required area of outdoor living areas as follows: (eg. 4 x 60m² = 240m²)

Activity	4-10 units	11-20 units	21+ units
Detached dwellings and Relocated dwellings	60m ² per unit	40m ² per unit	25m ² per unit
Comprehensive Residential development (In High Density Area)	60m ² per unit	40m ² per unit	25m ² per unit
Apartment buildings (In High Density Area)	12m ² per unit	12m ² per unit	12m ² per unit

n) Service Areas

Each residential unit shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum area (per unit)	Minimum dimension
Detached dwellings	20m ²	3m
Ancillary flats	10m ²	2.5m
Comprehensive Residential Development (in the High Density Area)	20m ²	3m
Apartment buildings (in the High Density Area)	10m ²	2.5m

o) Noise

Activities shall comply with [Rule 5.1](#).

p) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

q) Planting and Screening

Activities shall comply with [Rule 5.3](#).

r) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

s) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

t) Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.1B.3 Specific Standards

The following standards apply to the activities specified below.

a) Comprehensive Residential Development

Minimum site size shall be 2000m².

b) Ancillary Flat

- i) There shall be no more than one ancillary flat on a site.
- ii) Maximum gross floor area shall be 60m².
- iii) The outdoor living area for an ancillary flat shall not be included as part of the outdoor living area provided for the principal residential building on site.

c) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

d) Home Occupations

- i) The gross floor area of the principal or accessory building used for a home occupation shall not exceed 30% of the total gross floor area.
- ii) At least one person, including the principal operator of the home occupation, shall reside on the site.
- iii) Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr the following day.
- iv) Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity.
- v) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage.
- vi) Retailing from the site shall be limited to goods produced or substantially produced on the site.

4.1B.4 Notification of Resource Consent Applications

- i) Resource consent applications for Controlled or listed Restricted Discretionary Activities that comply with all relevant standards shall be processed without public notification and without the need for consent of potentially affected persons or service of notice of the application on those persons in accordance with Section 94D of the Act, except in special circumstances referred to in Section 94C of the Act.

4.1B.5 Failure to Meet Standards

- i) Permitted and Controlled Activities which do not comply with one or two standards in [Rule 4.1B.2](#) or [Rule 4.1B.3](#) are Restricted Discretionary Activities with discretion restricted to the subject matter of the standard that cannot be met.

- ii) Listed Restricted Discretionary Activities which do not comply with one or more standards in Rule 4.1B.2 or Rule 4.1B.3 are Discretionary Activities.
- iii) Any Activity which does not comply with three or more standards in Rule 4.1B.2 or Rule 4.1B.3 is a Discretionary Activity.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council may impose conditions on the following matters.

a) Reinstatement of Relocated Buildings

- i) The reinstated exterior of any relocated building shall be such that it is not likely to detract from the amenity of the residential neighbourhood.

Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary activities will be assessed in respect of the specific subject matter identified or the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General criteria

- i) The extent to which the degree of amenity achieved on the site is consistent with that of the surrounding area.
- ii) The extent to which the proposal is consistent with the valued character and appearance of the surrounding area, including existing vegetation.
- iii) The extent to which the development is consistent with the general scale of development in the surrounding area.
- iv) The extent to which the development is consistent with the general intensity of development in the surrounding area.
- v) The effect that development could have on recognition and appreciation of values of heritage items, protected significant trees or sites of archaeological, historic and cultural significance in the vicinity or on the site.
- vi) The extent to which the cumulative effects of the development, together with other development, would adversely affect the character and amenity of the surrounding area.

b) Site Layout, Building Orientation and Design

- i) Whether any reduction in set backs from boundaries would erode the consistency of development patterns in the surrounding area or adversely affect the amenity of adjoining property.
- ii) The extent to which the development provides space for tree and landscape planting on boundaries with public spaces.
- iii) The effectiveness of any tree and planting proposals in enhancing the streetscape.
- iv) The extent to which the development would reduce the privacy of adjoining property through the positioning of buildings, doors, windows and balconies to enable passive surveillance.
- v) The extent to which the development would affect the aural privacy of an adjoining property.
- vi) The extent to which siting, design and landscape of development would promote the safety of public spaces through the positioning of buildings, doors, windows and balconies.
- vii) The extent to which the design of the building avoids a 'box' like structure with a blank facade.
- viii) Development should be designed and sited to ensure that it will not have significant adverse effects on any identified heritage items, significant trees or sites of archaeological, historic or cultural significance on the site or in the vicinity.
- ix) The extent to which the proposal would result in the loss of sunlight and daylight to adjoining sites.
- x) The extent to which site size would have any adverse effects on neighbouring properties, having regard to the intended character of the area..
- xi) The extent to which a development could have an adverse effect on the consistency and amenity of the area and or the presence of mature vegetation.
- xii) The ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of planting or screening.
- xiii) The extent to which the design of any replacement dwelling is shown, through architectural and design analysis, to reflect the key pre 1940 architectural design elements of the dwelling that is to be replaced.
- xiv) The extent to which an alternative design of any replacement dwelling referred to in xiii above can be shown through architectural and design analysis, to maintain or enhance the character of the streetscape.

c) Parking, Loading and Access

- i) The extent to which vehicular traffic generated by any activity can be accommodated without a loss of safety or efficiency of the road network or without loss of residential amenity.
- ii) The extent to which proposed parking or outdoor storage area will detract from the pleasantness and attractiveness of the site when viewed from an adjoining site.
- iii) The adequacy of car parking on the site and its location in relation to the neighbouring residential activities.
- iv) The extent to which the design and configuration of car parking on site will minimise the likelihood of off-site parking.

d) Accessory buildings and Ancillary flats located within the front setback

- i) The extent to which a building located within the front setback impacts upon the streetscape of the surrounding area.
- ii) The ability to remedy or mitigate any adverse effects of the building by the provision of planting and screening.
- iii) The extent to which the building is located to minimise its visual prominence in relation to the main dwelling when viewed from a public space.
- iv) The extent to which it has been demonstrated that options for the siting of the development to the rear of the front setback have been investigated and would be impracticable.

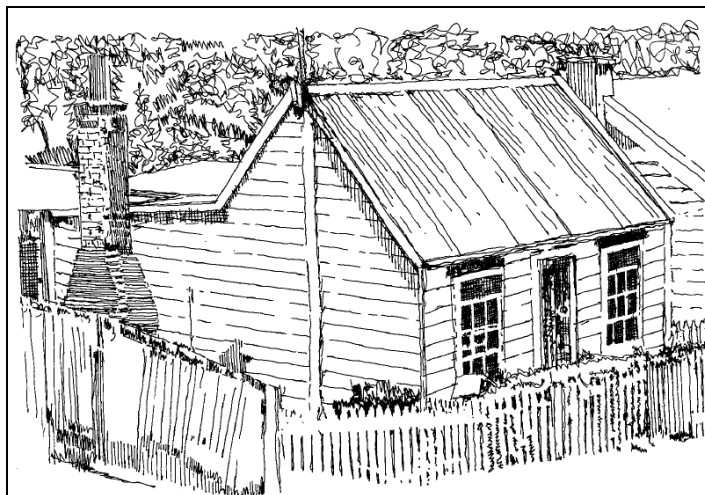
e) Non-residential activities (including visitor accommodation)

- i) The extent to which a non-residential activity within a residential area would affect residential amenity in terms of noise, vibration, glare, dust, fumes or traffic generation.
- ii) The extent to which the development would support the role of the Hamilton East commercial centre as a focal point for services, facilities and employment.
- iii) The extent to which the development would strengthen connections between the Hamilton East commercial centre and surrounding residential areas.
- iv) The ability of the activity to mitigate noise, dust, glare, vibration, fumes, smoke, odours or other discharges or pollutants.
- v) Any positive impacts to the neighbourhood or the wider community, including the extent to which the activity might enhance the amenity of the area.
- vi) The extent to which the intensity of occupancy of the site has an adverse effect on the character and amenity of the residential environment.
- vii) Any adverse impacts of ancillary facilities.

f) Alterations and Additions to the Streetscape Exterior of Pre 1940 Buildings (within the Dwelling Control Area (Figure 4.1B-7))

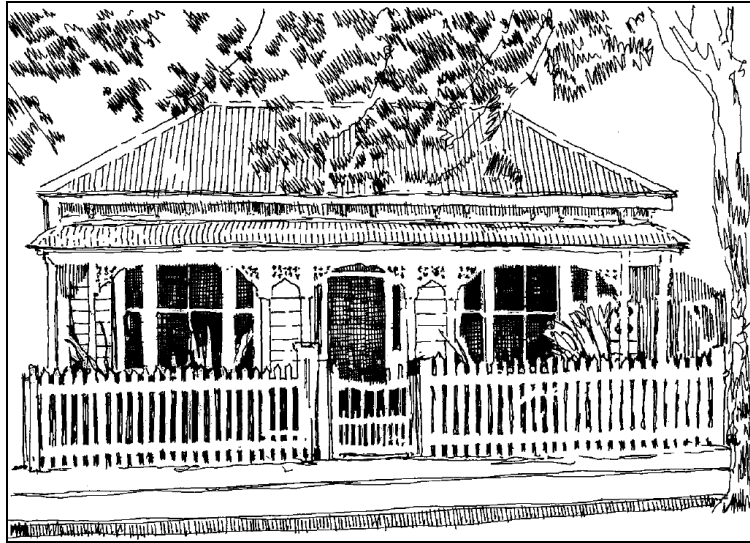
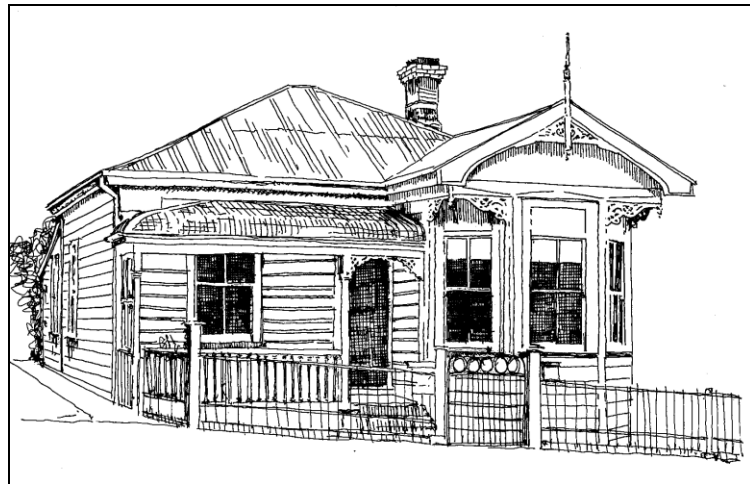
- i) The extent to which the design and scale of the proposed works will ensure that the original dwelling and its character values will remain the dominant feature in the streetscape.
- ii) The extent to which any alterations or additions impact on the character of the surrounding streetscape.
- iii) The extent to which roof form, slope and detail reflect those of the original dwelling.
- iv) The extent to which roof lines will match or be lower than the roofline of the original dwelling.
- v) The extent to which window size, design and location within a wall reflect those of the original dwelling.
- vi) The extent to which cladding materials and colour reflect the appearance of the original dwelling when viewed from the street.

Georgian Box Cottages



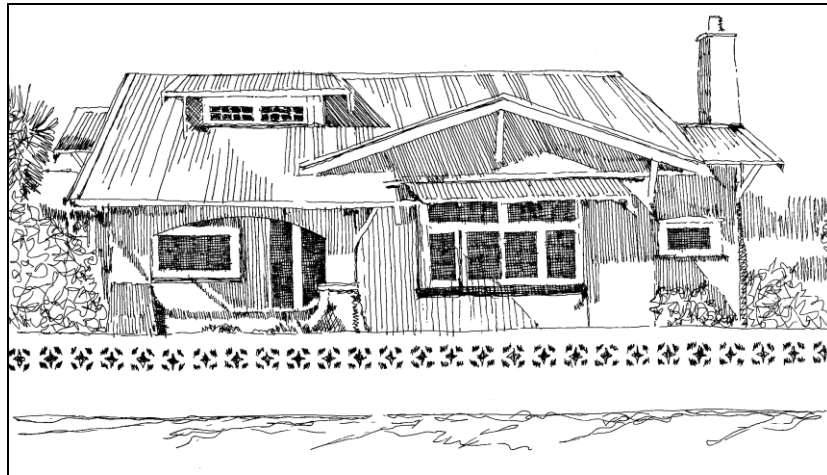
- i) The extent to which dormer windows are avoided on the street front elevation.
- ii) The extent to which any addition retain the dominance of the original dwelling by appearing smaller when viewed from the street .
- iii) The extent to which alterations enable the removal of discordant and non-original features and structures.
- iv) The extent to which the building materials used have a similar appearance to those of the original dwelling when viewed from the street.
- v) The extent to which any alterations and additions retain the simplicity and symmetry of the dwelling when viewed from the street.
- vi) The extent to which the glazing pattern reflects the appearance of the traditional double hung two, four or sixpane design.
- vii) The extent to which any alteration retains the open character and roofing design of any verandah visible from the street.

Villas

*Cottage Villa**Bay Villa*

- i) The extent to which any alteration or addition to a single bay villa retains the asymmetry of the original dwelling when viewed from the street.
- ii) The extent to which any alteration or addition to a double bay villa detracts from the dominance of the bays as the principle design element in the street front elevation.
- iii) The extent to which new or extended rooflines retain the characteristic hip or gable design of the original dwelling.
- iv) The extent to which dormer windows are avoided on the street front elevation.
- v) The extent to which the glazing pattern reflects the appearance of the traditional double hung, large, two-pane design.
- vi) The extent to which any alteration retains the open character and roofing design of any verandah visible from the street.
- vii) The extent to which any new verandah includes roofing and fretwork to match the appearance of existing features when viewed from the street.
- viii) The extent to which any new chimney stack reflects the brickwork design on any existing chimney stack.

Californian Bungalows



- i) The extent to which any new roofing addition incorporates barge boards to match the existing design.
- ii) The extent to which rooflines retain the characteristic shallow gable to the street front elevation.
- iii) The extent to which any existing roof space ventilator located on the street front elevation is retained or replicated in any alteration.
- iv) The extent to which any existing pattern of exposed rafters is reflected in any new addition
- v) The extent to which glazing patterns reflect the pattern of existing box or bow casement windows with fanlights above.
- vi) The extent to which any alteration retains the proportions, column design and open character of the front porch.

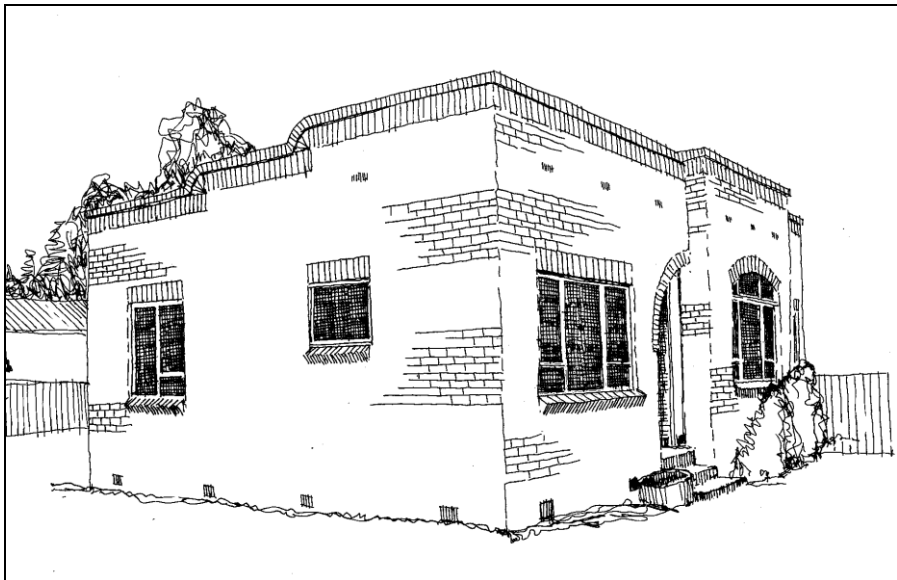
English Domestic Revival Style



- i) The extent to which any alteration or addition retains the characteristic asymmetrical roof.

- ii) The extent to which glazing patterns reflect the appearance of traditional casement hung small panel designs.
- iii) The extent to which verandahs and porches are avoided on the street front elevation.
- iv) The extent to which dormer windows are set below the level of the existing roof ridge and retain the appearance of the roof as the dominant character element.
- v) The extent to which any new chimney on the street front elevation reflects the characteristic tapering brickwork design.

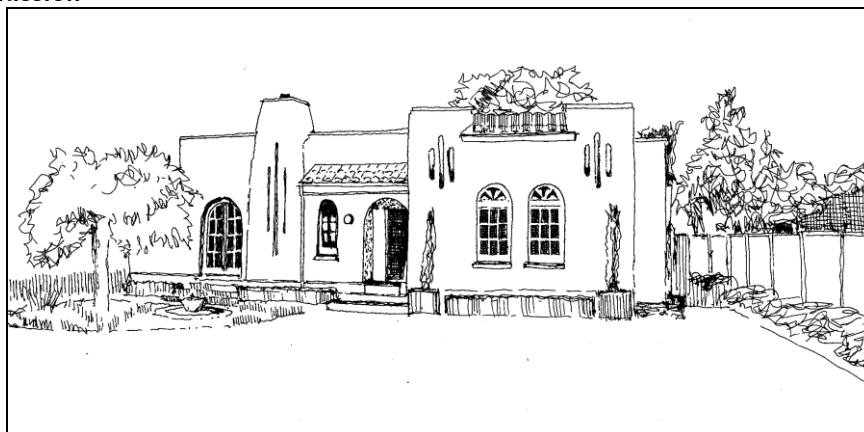
Moderne



- i) The extent to which the pitch of any roof is hidden behind a parapet to match the height of existing parapets.
- ii) The extent to which the curve of any existing walling is continued into any alteration or addition.
- iii) The extent to which glazing patterns reflect the appearance of traditional horizontal bands flush with the wall surface.

- iv) The extent to which any existing walling motif is repeated in any additional walling.

Spanish Mission



- i) The extent to which the pitch of any roof is hidden behind a parapet to match the height of existing parapets.
- ii) The extent to which the parapet design and tiling caps of the original dwelling is carried through into any new parapet.
- iii) The extent to which glazing patterns reflect the appearance of traditional small panes, with side hung shutters and arched heads to match existing.

g) Demolition and Removal of Pre 1940 Buildings (within the Dwelling Control Area (Figure 4.1B-7))

- i) Resource consent applications are to be assessed against criteria which require the evaluation of the contribution the existing building makes to the character and amenity of the street, the neighbourhood and the local area as an example of architectural styling predating 1940.
- ii) Whether the existing building makes a significant contribution to the character of the streetscape in terms of its design, form, detailing or positioning on site, and in relation to other buildings in the street.
- iii) The extent to which demolition or removal would adversely affect the visual character and amenity of the street, particularly in terms of effects on the cohesion of buildings predating 1940 and the contribution they make to local character. (Cohesion means the shared contribution that this building makes to the local character and amenity).
- iv) The extent to which the building contributes to heritage values of the Villa Precinct.
- v) The extent to which the building is beyond economic restoration or repair, or poses a risk to public health and safety.
- vi) Whether it has been clearly demonstrated that demolition of a building is necessary having considered available alternatives including renovation and refurbishment,

limiting the extent of demolition works or relocation of the building elsewhere on the site.

h) Residential Centres

- i) The extent to which the development conforms to the Residential Centre Design Guide in Rule 10.
- ii) The extent to which the scale, form, proportion and materials to be used in the construction of the building is compatible with design and external appearance of residences in the neighbourhood.
- iii) The extent to which the density of persons on the site is compatible with that of the surrounding neighbourhood.
- iv) The extent to which a cluster of residential centres in the one street or within the immediate area is avoided.
- v) The extent to which the site is landscaped with trees and shrubs. In general one third of the net site area should be landscaped.
- vi) The extent to which the setback from the front boundary is landscaped with trees and shrubs.

i) Community Centres, Education and Training Facilities, Health Care Services, Offices

- i) The extent to which the hours of operation maintain the residential amenity of the area.
- ii) The ability of the activity to mitigate smoke, noise, dust, vibration, glare or other noxiousness or danger that is associated with the operation of that activity.
- iii) The extent to which exterior indication of the activity, including display or storage of materials, is screened from outside of the site.

j) Front Yard Fencing

- i) The extent to which the design and scale of the proposed fence or wall enables visibility between the dwelling and the street.
- ii) The extent to which the materials and finish reflect those of the dwelling or of other fences and walls in close proximity.
- iii) The extent to which any adverse visual effects are mitigated by the positioning of the fence relative to the boundary, the inclusion of planting bays, or the modulation of elements to provide visual interest.
- iv) The extent to which a fence or wall is required for noise attenuation purposes having regard to permissible noise within the zone.
- v) The extent to which a street is already characterised by street front fences or walling.

Figure 4.1B – I Height

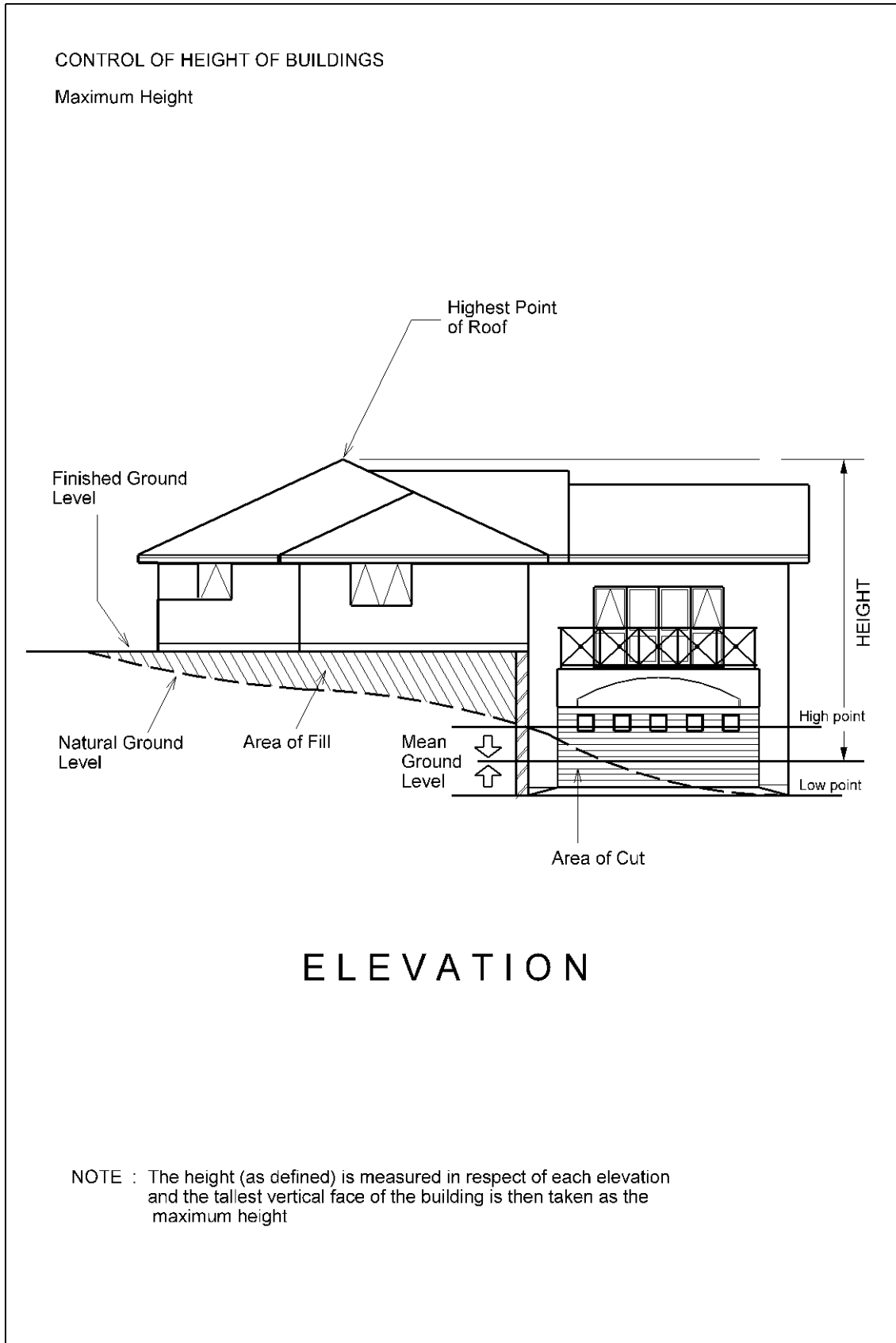


Figure 4.1B – 2a Height in relation to boundaries

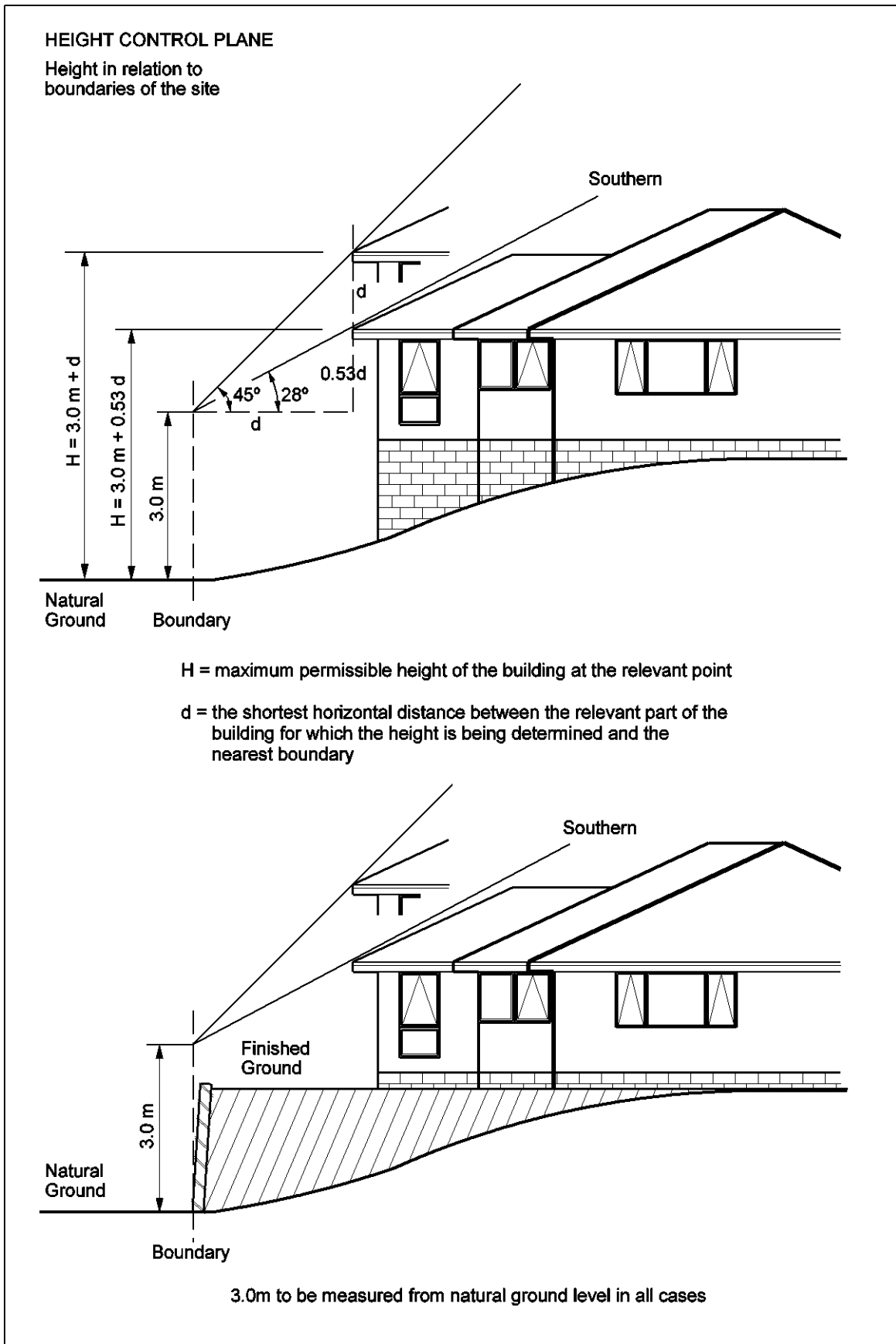


Figure 4.1B – 2b Height in relation to boundaries

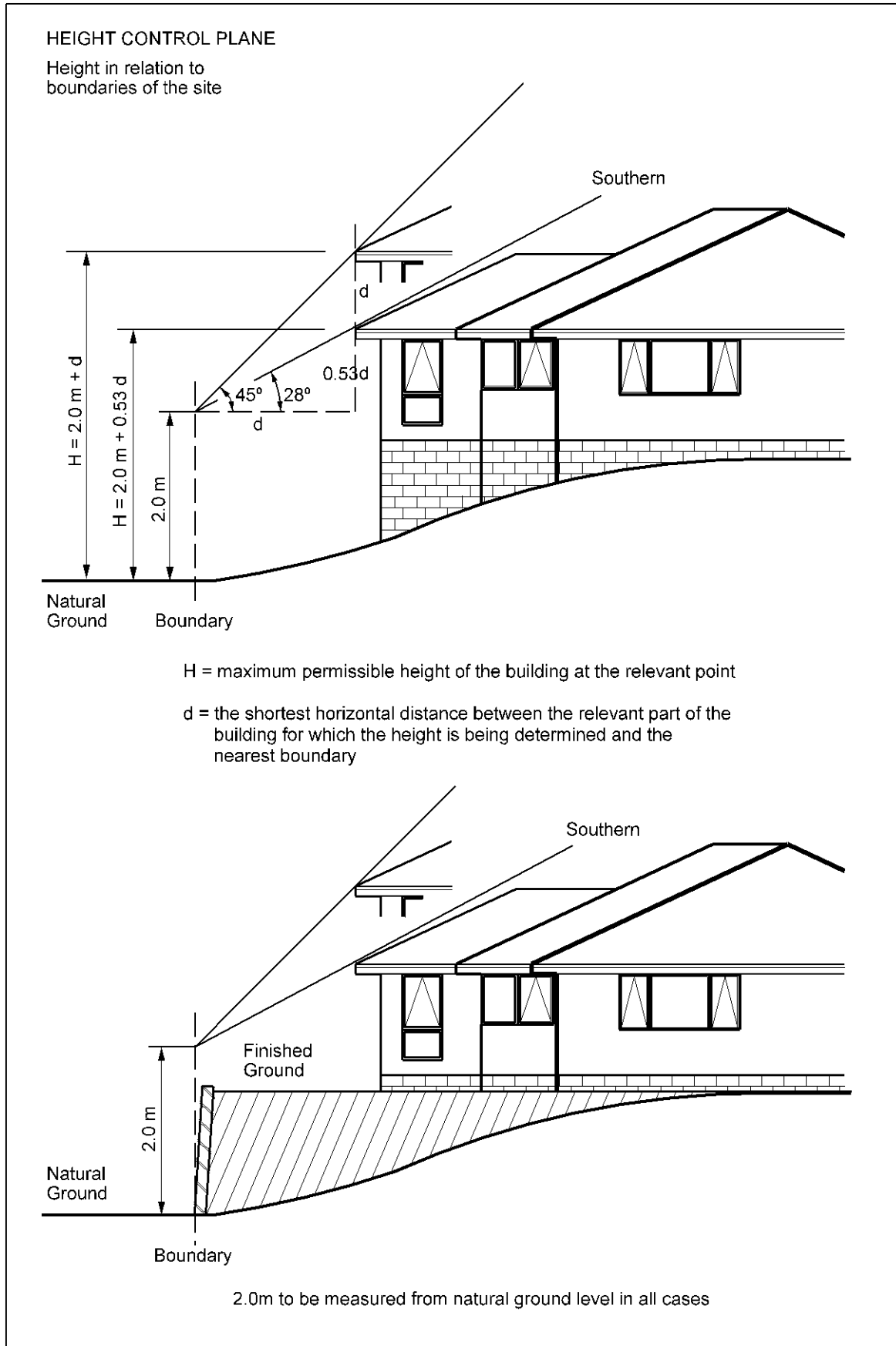


Figure 4.1B – 2c Height Control Plane

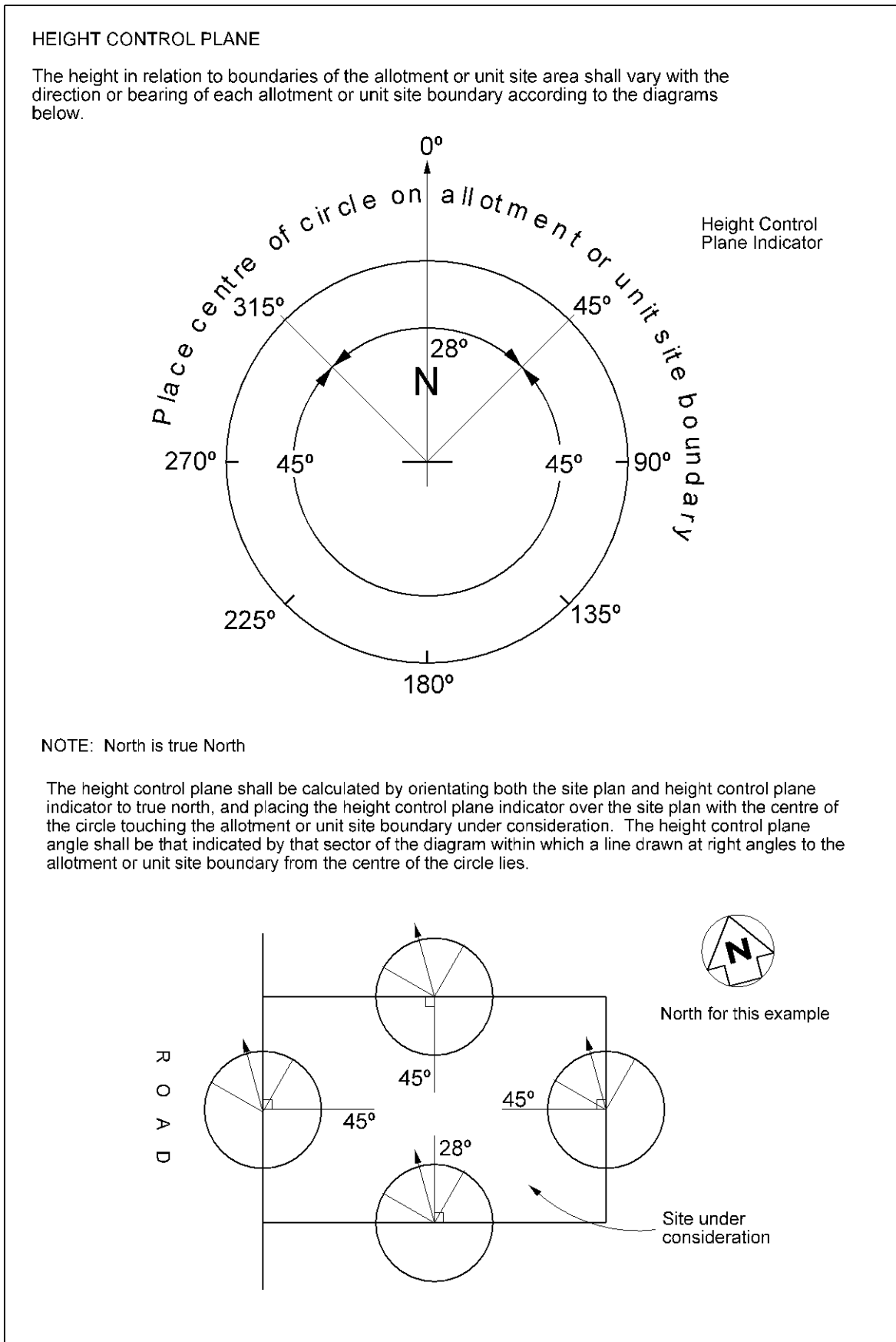


Figure 4.1B – 3 Measurement of Setbacks

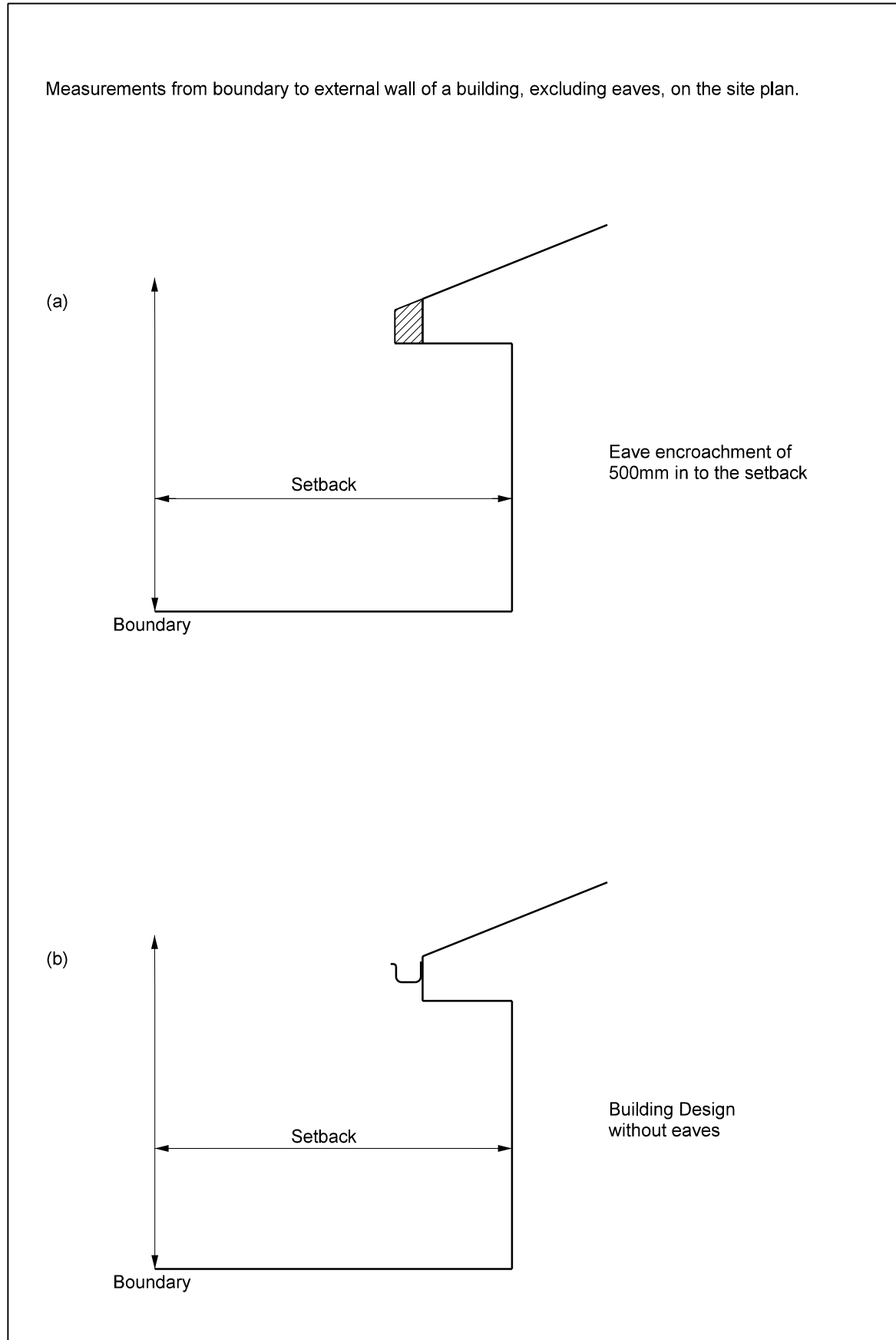


Figure 4.1B – 4 Area behind Rear Building Line

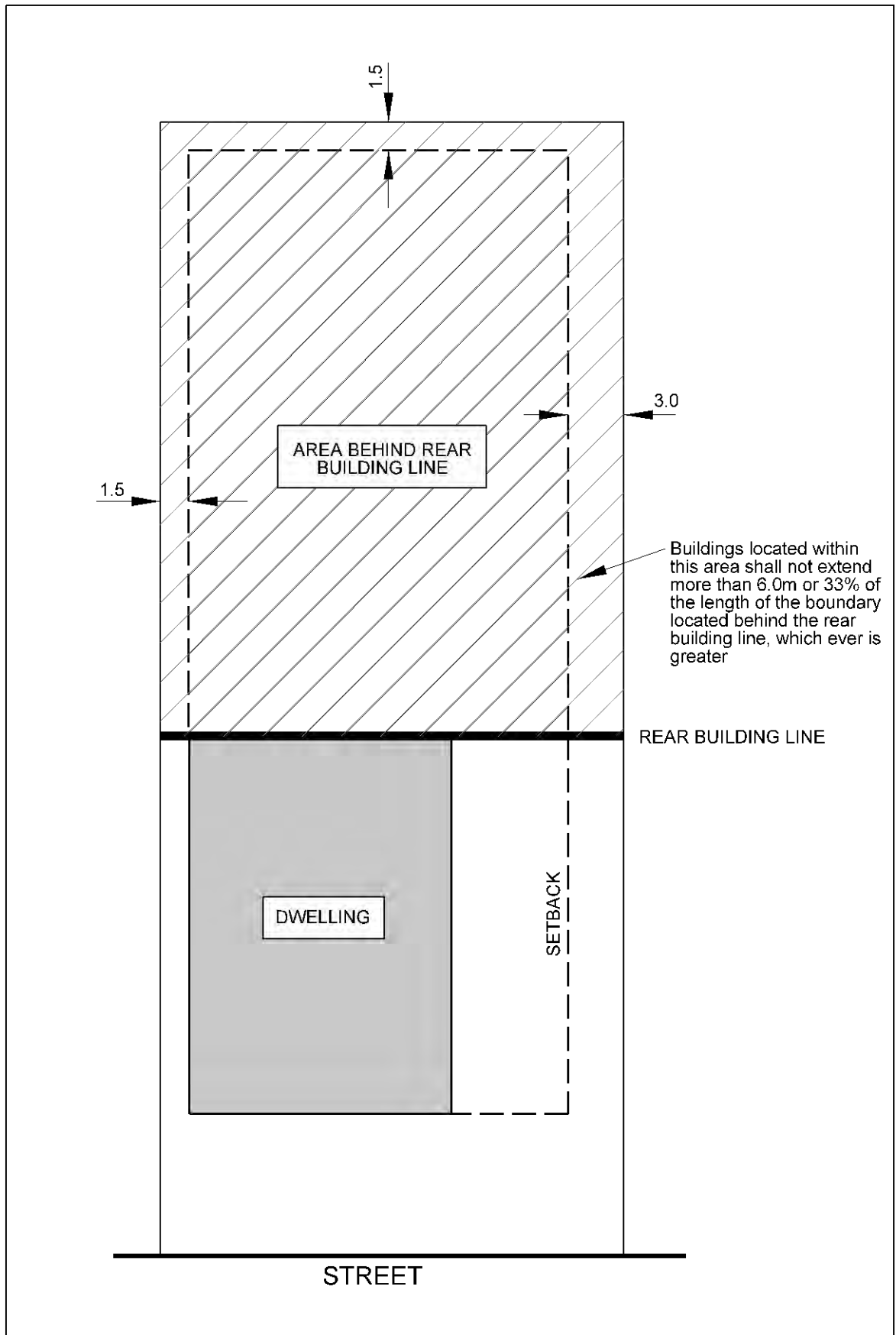


Figure 4.1B – 5 Separation Distances and Privacy

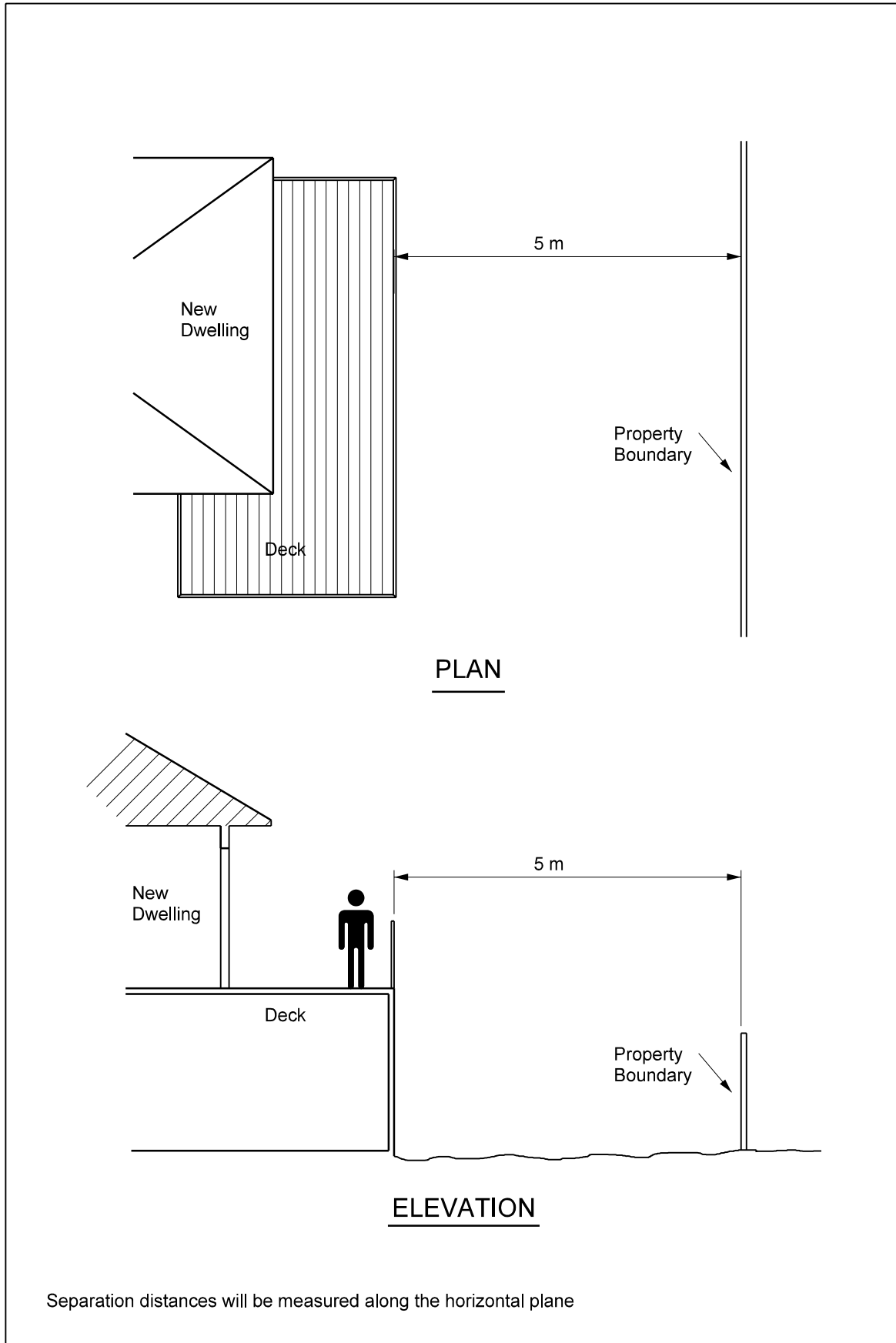


Figure 4.1B – 6 Built Form

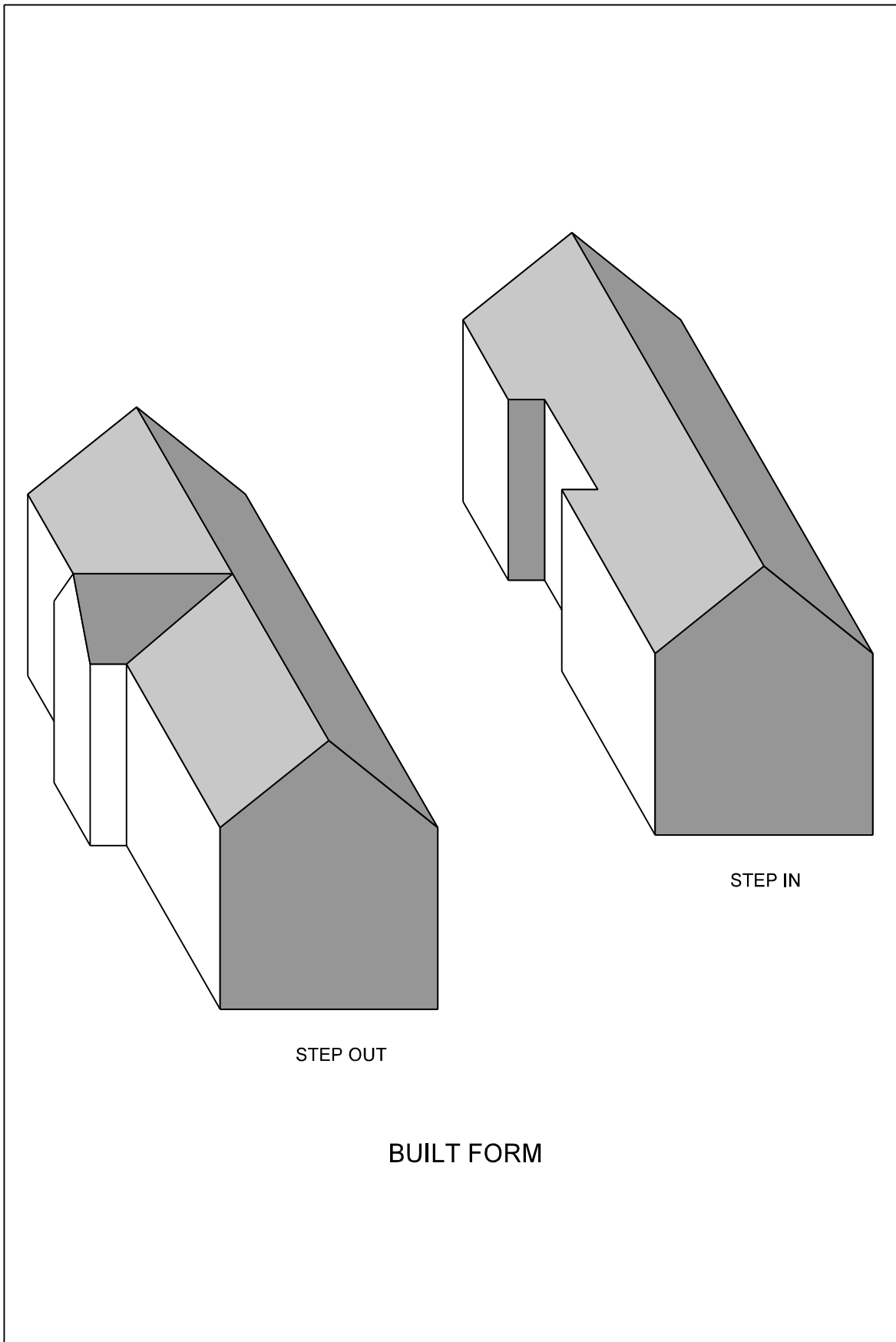
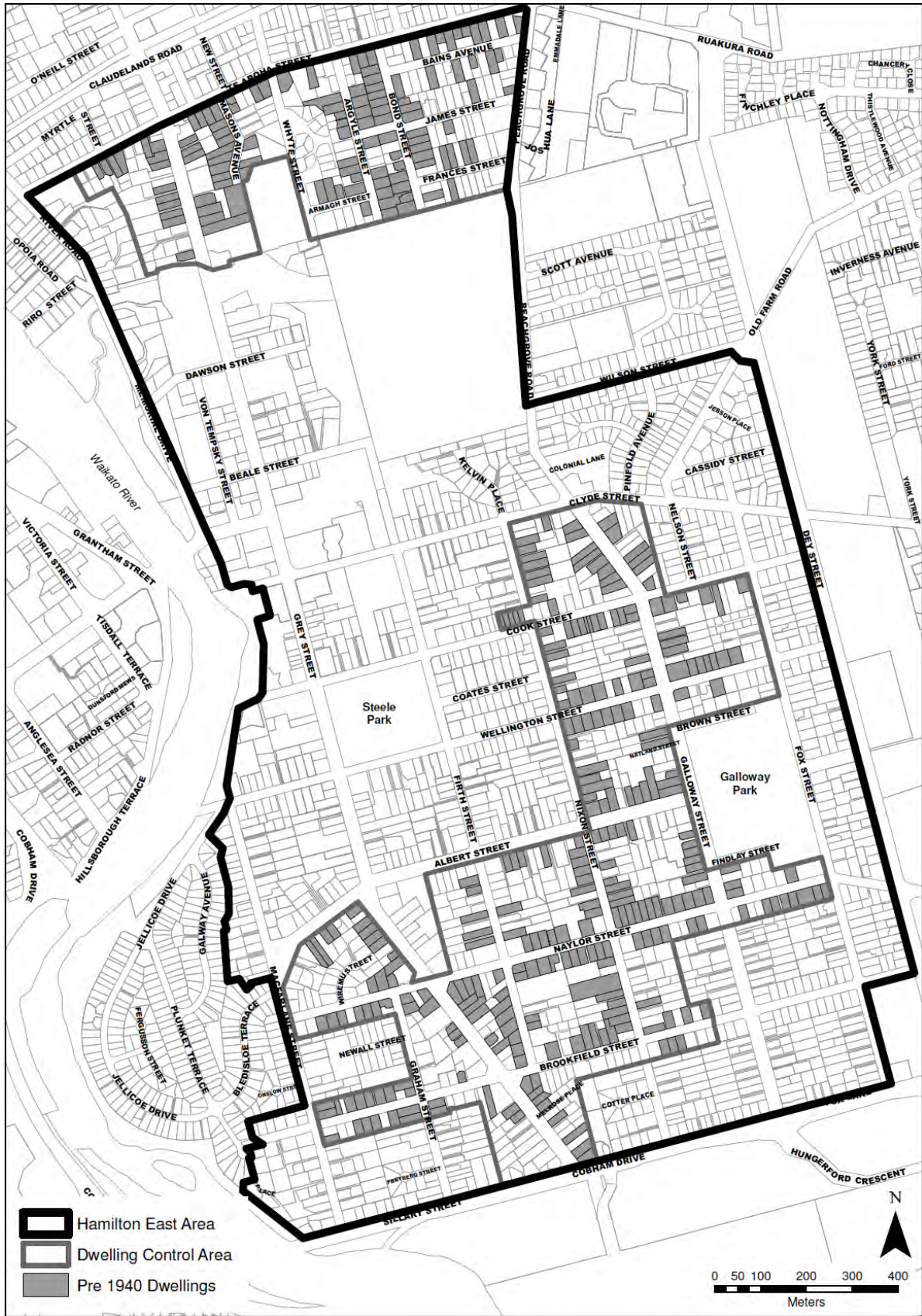


Figure 4.1B – 7 Dwelling Control Area



Rule 4.1C Rototuna Residential Zone

Rule Statement

The Rototuna Residential Zone provides for a variety of residential and non-residential activities within an area that forms part of the Rototuna Structure Plan. The Zone comprises three areas — the General Residential Area, North East Rototuna Residential Area and the Medium Density Residential Area.

The General Residential Area provisions are based on the District Plan's existing residential provisions set out in [Rule 4.1](#) and are designed to provide for the traditional lower density development patterns already established in many of the residential suburbs of the City.

The North East Residential Area provisions are designed to provide for a mix of densities that are sympathetic to the specific rolling topography of the area along with recognising the relationship of the area to both the Waikato Expressway designation and Hamilton City. The North East Residential Area is the northern most point of the city which is elevated and has a prominent landscape. It is also an area that is linked to the General Residential Area and the Rototuna Suburban Centre.

The Medium Density Residential Area provisions have been designed to enable the development of a more compact residential form to assist in meeting Council's commitment to the density requirements of Future Proof and to give effect to the Waikato Regional Policy Statement. The Medium Density Residential Area provisions are consistent with the Residential Medium Density Precinct provisions for the Rototuna Suburban Centre which also forms part of the Rototuna Structure Plan.

To ensure quality design outcomes and developments that meet residents' living requirements, development in the Medium Density Residential Area can only take place once Council has approved a Comprehensive Development Plan for a specified Area. These Plans need to be in general accordance with the Rototuna Structure Plan and the Rototuna Urban Design Guide. Where these requirements and all relevant standards can be met Comprehensive Development Plans will be assessed Discretionary Activities and should not be subject to public notification.

The Rototuna Residential Zone rules in [Rule 4.1C](#) relate to development in the Rototuna Residential Zone only. Where development is situated within the Rototuna Suburban Centre, refer to Rule 4.12 for rules relating to Medium Density Residential development within the Suburban Centre concept plan area.

Expected Outcome

Well designed, quality living environments with a mixture of housing types and densities in close proximity to public open space and with easy access of shopping, community, employment, entertainment, education and recreation activities.

Means of Compliance

The rules for the Rototuna Residential Zone shall be read in conjunction with all other rules in the plan, and in particular:

- a) The activity status and standards for this Zone may be modified in accordance with rules in Rule Section 2.0 where the land is within an Overlay.
- b) The rules for city-wide activities in Rule Section 3.0 apply in parallel to these rules.
- c) Any activity involving the subdivision and development of land shall be subject to the rules in Rule Section 6.0.
- d) Rototuna Structure Plan in Appendix 1A.
- e) For the Medium Density Residential Area the applicable section of the Rototuna Urban Design Guide in Appendix 1C.
- f) Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.2 Transportation and Accessibility, 5.1 Residential Areas 5.3 Community Facilities and 7.4 Noise.

4.1C.1 Area Approach

- a) The Rototuna Residential Zone is divided into three areas, the General Residential Area, North East Residential Area and the Medium Density Residential Area. The General Residential and North East Residential Areas are not subject to the requirements for the preparation of a Comprehensive Development Plan.
- b) Development in the Medium Density Residential Area shall be subject to the requirements for the preparation and approval of a Comprehensive Development Plan.
- c) Development in the North East Residential Area shall be subject to the requirements for the overall development yield.

4.1C.2 Activities

4.1C.2.1 General Residential Area and North East Residential Area

4.1C.2.1.1 Status of Activities

- a) Activities listed as permitted or controlled in Table 4.1C.1 (other than Managed Care Facilities which are subject to c) and f) below or the North East Residential Area which are subject to g), h) and i) below) which do not comply with one or two standards in Rule 4.1C.3.1 or Rule 4.1C.3.2 are Restricted Discretionary Activities with discretion restricted to the subject matter of the standard that cannot be met.
- b) Activities listed as permitted or controlled in Table 4.1C.1 (excluding Managed Care Facilities or North East Residential Area) which do not comply with three or more standards in Rule 4.1C.3.1 or Rule 4.1C.3.2 are Discretionary Activities.
- c) Managed Care Facilities which do not comply with Rule 4.1C.3.2.5.a) are Discretionary activities where the number of residents are 10 or more , or 11 or more for emergency housing (calculated in accordance with the definition of Managed Care Facilities).
- d) Managed Care Facilities which do not comply with one or two of the standards in Rule 4.1C.3.1, Rule 5.2 and Rule 4.1C.3.2.5.b) to g) are Restricted Discretionary Activities with discretion restricted to the subject matter of the standard that cannot be met.
- e) Managed Care Facilities which do not comply with the standards in Rule 4.1C.3.2.5.h) and-i) are Discretionary Activities.

- f) Managed Care Facilities which do not comply with the standard in Rule 4.1C.3.2.5.j) are Non Complying Activities.
- g) Activities in the North East Residential Area listed as permitted or controlled in Table 4.1C.1 which do not comply with one or one two standards in 4.1C.3.1 (excluding 4.1C3.1.1b) and 4.1C.3.2.10) and 4.1C.3.2 are Restricted Discretionary Activities.
- h) Activities listed as permitted or controlled in Table 4.1C.1 in the North East Residential Area, which do not comply with the requirements of Rule 4.1C.3.1.1b are Discretionary Activities. All activities in the North East Residential Area which do not comply with Rule 4.1C.3.2.10 or 5.1.1j)iv are Non Complying Activities.
- i) Activities in the North East Residential Area listed as permitted or controlled in Table 4.1C.1 which do not comply three or more standards in 4.1C.3.1 (excluding 4.1C3.1.1b) and 4.1C.3.2.10) and 4.1C.3.2 are Discretionary Activities.
- j) Dairies that do not comply with one or more standards in Rule 4.1C.3.2.9 are Discretionary Activities.

4.1C.2.2 Medium Density Residential Area

4.1C.2.2.1 Comprehensive Development Plan Process

- a) The Medium Density Residential Area is divided into a number of Comprehensive Development Plan Areas (Appendix 4.1C.II). Development can only occur in the Medium Density Residential Area once a Comprehensive Development Plan application for the subject Area has been granted by Council.
- b) Activities that can be carried out prior to the approval of a Comprehensive Development Plan subject to 4.1C.2.2.2.e) are:
 - i) Maintenance, repair and minor alterations to existing buildings;
 - ii) Informal Recreation and Ancillary Buildings
 - iii) Roads and network utilities in accordance with Rule 3.3;
 - iv) Temporary Activities in accordance with Rule 3.5.
- c) Applications for a Comprehensive Development Plan must be for a whole Comprehensive Development Plan Area as identified in Appendix 4.1C-III, however development within the Area can proceed in stages.
- d) All development in an area that is subject to a consented Comprehensive Development Plan must comply with the terms of that consent unless a further resource consent is obtained or consent has been granted to change or cancel consent conditions.
- e) Any changes to an approved Comprehensive Development Plan other than changes provided for as permitted activities will be treated as a resource consent application and will be assessed as a discretionary activity.

4.1C.2.2.2 Status of Activities

- a) Table 4.1C.1 sets out the status of activities in the Medium Density Residential Area when part of a Comprehensive Development Plan application and once a Comprehensive Development Plan has been approved.

- b) Any Comprehensive Development Plan required in respect of the Comprehensive Development Plan Areas identified in Appendix 4.1C.III requires a discretionary activity consent. The activity status of a Comprehensive Development Plan application will be classified as non-complying if an activity that forms part of the application is non-complying.
- c) Applications for Comprehensive Development Plans that fail to meet one or more of the standards in Rule 4.1C.3.4 shall be deemed a discretionary activity; with particular regard to the effects arising from the failure to meet the relevant standard or standards.
- d) Any activity listed as a Permitted Activity 'P' in the Medium Density Residential Area in Table 4.1C.1 is permitted provided it is in accordance with an approved Comprehensive Development Plan (if relevant) and Rule 4.1C.3.3.
- e) Activities that are Permitted 'P' in accordance with Table 4.1C.2, that do not comply with one or two of the Standards listed in Rule 4.1C.3.3 are restricted discretionary activities. The Council's discretion in such cases will be restricted to matters that are directly affected by such non-compliance.
- f) All activities listed in Table 4.1C.1 are non-complying in the absence of an approved Comprehensive Development Plan unless the activity is listed as in the Table 'P' 'Prior to Comprehensive Development Plan approval' and then it is a permitted activity irrespective of the existence of a Comprehensive Development Plan, subject to compliance with relevant standards.

4.1C.2.2.3 Notification of Discretionary Activities

- a) Council will consider an application for a Discretionary Activity for a Comprehensive Development Plan, without notification, provided all the land owners in the area subject to the Comprehensive Development Plan have given their written approval and provided that the Comprehensive Development Plan is in general accordance with the Rototuna Structure Plan (Appendix 1A) and Rototuna Urban Design Guide (Appendix 1C) unless special circumstances exist in relation to the application.
- b) Where the written approval of all land owners in the area subject to the Comprehensive Development Plan cannot be obtained the application will be subject to limited notification and be notified only to land owners within the Comprehensive Development Area subject to the Comprehensive Development Plan provided that the Comprehensive Development Plan is in general accordance with the Rototuna Structure Plan (Appendix 1A) and Rototuna Urban Design Guide (Appendix 1C) unless special circumstances exist in relation to the application.
- c) Where an application is for a discretionary activity and the land concerned is subject to an approved Comprehensive Development Plan the application may be considered without public notification or the need for written approval of potentially affected parties provided the application is in general accordance with the approved Comprehensive Development Plan and the relevant General and Specific Standards unless special circumstances exist in relation to the application.

Table 4.1C.1: Status of Activities in the Rototuna Residential Zone

Activities	General Residential	Medium Density Residential	North East Residential
Maintenance, repair and minor alterations to existing buildings	P	P	P
Accessory Buildings	P	D	P
Ancillary Flat	P	D	P
Apartment Buildings	D	D	D
Community Centres	C	NC	NC
Comprehensive Residential Development	C	D	NC
Dairies	RD	D	D
Education and Training Facilities	C	NC	NC
General Recreation	D	NC	<u>NC</u>
Health Care Services	C	NC	<u>NC</u>
Home Occupation	P	D	<u>P</u>
Informal Recreation and Ancillary Buildings	P	P	<u>P</u>
Managed Care Facilities	Refer Rule 4.1C.2.1.1	D	<u>D</u>
Marae	D	NC	<u>NC</u>
Offices	D	NC	<u>NC</u>
One detached dwelling per site	P	D	<u>P</u>
Papakainga	D	D	<u>D</u>
Places of Assembly	D	NC	<u>NC</u>
Relocated Buildings	C	D	<u>C</u>
Rest Homes	P	D	<u>D</u>
Second and subsequent detached dwellings on a site	C	D	<u>D</u>
Visitor accommodation	C	D	<u>D</u>
Any other activity not provided for above	NC	NC	<u>NC</u>

P = Permitted Activity

C = Controlled Activity
 RD = Restricted Discretionary Activity
 D = Discretionary Activity
 NC = Non-complying Activity

Note: The above table lists the status of activities in the Rototuna Residential Zone that are subject to a Comprehensive Development Plan. For the status of activities after a comprehensive development plan that has been approved, refer to Rule 4.1C.2.4 and Table 4.1C.2. The activity status for the North East Residential Area are reflective of the need to maintain the topography characteristics of the area.

4.1C.2.2.4 Status of Activities after a Comprehensive Development Plan has been approved

After a Comprehensive Development Plan has been approved:

- a) Table 4.1C.2 sets out the status of activities provided that permitted activities shall be subject to compliance with the standards set out in Rule 4.1C.3.3.
- b) Activities that are Permitted 'P' in accordance with Table 4.1C.2, that do not comply with one or two of the Standards listed in Rule 4.1C.3.3 are restricted discretionary activities. The Council's discretion in such cases will be restricted to matters that are directly affected by such non-compliance.
- c) Activities that are Permitted 'P' in accordance with Table 4.1C.2, that do not comply with more than two of the Standards listed in Rule 4.1C.3.3 are discretionary activities.
- d) Applications for Comprehensive Development Plans that fail to meet one or more of the standards in Rule 4.1C.3.4 shall be deemed a non-complying activity.

Table 4.1C.2 Status of Activities in the Rototuna Residential Zone after a Comprehensive Development Plan has been approved

Activities	Medium Density Residential
Maintenance, repair and minor alterations to existing buildings	P
Accessory Buildings	D
Ancillary Flat	D
Apartment Buildings	D
Community Centres	NC
Comprehensive Residential Development	D
Dairies	D
Education and Training Facilities	NC
General Recreation	NC
Health Care Services	NC

Activities	Medium Density Residential
Home Occupation	D
Informal Recreation and Ancillary Buildings	P
Managed Care Facilities	D
Marae	NC
Offices	NC
One detached dwelling per site	D
Papakainga	D
Places of Assembly	NC
Relocated Buildings	D
Rest Homes	D
Second and subsequent detached dwellings on a site	D
Visitor accommodation	D
Any other activity not provided for above	NC

4.1C.3 Standards

4.1C.3.1 General Standards for the General Residential Area and North East Residential Area — Permitted and Controlled Activities

The following general standards apply to any activity listed as a Permitted Activity or Controlled Activity in the General Residential Area and the North East Residential Area in Table 4.1C.1.

4.1C.3.1.1 Density

- a) The minimum area of land required in respect of each residential unit (except in North East Residential Area) shall be as follows:

Activity	Minimum Area
Detached dwellings	400m ² per unit (net site area)
Detached dwellings with an Ancillary Flat	600m ² in total for both dwelling and ancillary flat (net site area)
Relocated dwellings	400m ² per unit (net site area)
Comprehensive residential development	300m ² per unit (unit site area)
Lots adjoining the southern side of the Waikato Expressway (Designation 90)	Minimum lot size/site area shall be 1,000m ²

- b) The minimum area of land required in respect of each residential unit in the North East Residential Area shall be as follows:

Activity	Minimum Area
Detached dwellings	500m ² per unit (net site area)
Detached dwellings with an Ancillary Flat	700m ² in total for both dwelling and ancillary flat (net site area)
Relocated dwellings	500m ² per unit (net site area)

4.1C.3.1.2 Site Coverage

- a) Maximum amount of the site which can be covered by buildings is 40% of net site area (except for the North East Residential Area).
- b) Within the North East Residential Area
- i. For sites less than 750m² in area, the maximum amount of the site which can be covered by buildings is 40% of net site area.
 - ii. For sites greater than 750m² in area, the maximum amount of the site which can be covered in buildings is 20% of net site area. Provided that this can be increased to 30% net site area in the instances where the rolling height method for calculating building height can be applied under Rule 4.1C.3.1.3 Building Height.

Note: The use of 20% for the sites greater than 750m² will encourage smaller footprints and ensure developments minimise the extent of land form modification necessary.

4.1C.3.1.3 Building Height

- a) Maximum height of buildings shall be 10m. (See Figure 4.1 in Rule 4.1) (except for the North East Residential Area)
- b) Within the North East Residential Area

The maximum height of buildings shall be 10m (See Figure 4.1 in Rule 4.1), provided that for all sites greater than 750m² in area where the dwelling adopts a stepped design to follow a land contour the maximum height shall be 8m calculated using the 'rolling height' method, which is defined as the vertical distance between ground level at any point and the highest part of the building immediately above that point. (See Appendix 4.1C-VI 'Rolling height' method)

4.1C.3.1.4 Height in Relation to Boundary

- a) No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and a angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary (See Figure 4.1-2a & b 1 in Rule 4.1).

Except that:

- i) Where there are two or more dwellings on the same site, the height control plane shall be measured at a line midway between the two dwellings rising at an angle of 45° and commencing at a height of 3m above ground level at the midway line.
- ii) Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 3m above the boundary shall apply to the affected boundary.

4.1C.3.1.5 Setback from Road Boundary

- a) Buildings shall be set back from the road boundary as follows (see Figure 4.1-3 1 in Rule 4.1).

- | | |
|---|---|
| i. Frontage to local and collector roads | 3m |
| ii. Frontage to arterial roads | 5m |
| iii. Fronting the southern side of the Waikato Expressway (Designation (90) | 35m; except that, if the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or construction is underway or completed; the setback shall be 40m measured from the actual carriageway edge of the Waikato Expressway (see Appendix 4.1C-IV). |
| iv. Fronting the northern side of the Waikato Expressway (Designation (90) | 65m for habitable buildings (to be applied as shown within Appendix 4.1C-V); except that, if the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an OPW approval under s176A of the Act; or construction is underway or completed the setback shall be at the 55dBL _{Aeq(24hr)} contour line from the Waikato Expressway determined at the time of subdivision in accordance with Rule 6.3.1i). |

5m for Non-habitable buildings; except that if the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or construction is underway or completed; the setback shall be 10m from the actual carriageway edge of the Waikato Expressway (see Appendix 4.1C-V).

4.1C.3.1.6 Other Setbacks

- a) Minimum building setback from side and rear boundaries is 1.5m (See Figure 4.1-3 in Rule 4.1).
- b) Setbacks may be reduced where:
 - i) buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or
 - ii) the written consent of the owners and occupiers adjoining the relevant setback or setbacks is obtained

4.1C.3.1.7 Interface Standards

- a) All accessory buildings, including carports and garages, shall be located at least one metre behind the building line established by the dwelling unless the accessory building is an integral part of the design and construction of the dwelling in which case it shall be recessed at least 0.5m behind the building line established by the dwelling.
- b) Front and side boundary fences or walls, located forward of the building line established by the dwelling shall not exceed 1.2m in height.
- c) The amount of hard surfacing, located forward of the building line established by the dwelling, shall not exceed 50% of this area.
- d) Front yard landscaping and planting shall enable visibility between the dwelling and public space.

4.1C.3.1.8 Separation Distances and Privacy

- a) Where two or more buildings, excluding accessory buildings, are located on the one site, no eaves of a building shall be located closer than 3m from the eaves of another building.
- b) A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary of a Comprehensive Development Area, zone boundary or public open space,

excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 meters or less, or any right of way, private way or access lot (See Figure 4.1-41 and 4.1-5 in [Rule 4.1](#)).

- c) Where buildings are attached, no setback is required between those buildings.
- d) Separation distances may be reduced where:
 - i) windows are at an angle of 60° or greater to the boundary; or
 - ii) window sill height from the finished upper-floor level is 1.7m; or
 - iii) opaque or obscure glazing is provided; or
 - iv) written consent from the owners and occupiers of the adjoining property is obtained.

4.1C.3.1.9 Outdoor Living Area

- a) Each residential unit shall be provided with an outdoor living area which:
 - i) shall be for the exclusive use of the residential unit
 - ii) shall be readily accessible from a living area of a unit
 - iii) shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- b) Each residential unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

	Minimum area (per unit)	Minimum dimensions
Detached dwellings, Relocated dwellings and Comprehensive residential development	60m ²	Capable of containing a 6m diameter circle
Ancillary flats	12m ²	2.5m width

Note: Any communal outdoor living is optional and shall be provided in addition to the above provisions.

- c) Where the principal outdoor living area of a residential unit within the North East Residential Area is within the setback for habitable buildings prescribed by [Rule 4.1C.3.1.5\(a\)\(iv\)](#) the outdoor living area shall be located to the north of the dwelling.

4.1C.3.1.10 Minimum Floor Area

The minimum gross floor area of any Residential Unit shall be:

- a) 45m² for a studio unit
- b) 55m² for a 1 bedroom unit
- c) 80m² for a 2 or more bedroom unit
- d) In any one residential apartment building containing in excess of 20 residential units, the combined number of one bedroom units and studios shall not exceed 70% of the total number of apartments within the building

4.1C.3.1.11 Service Areas

- a) Each residential unit shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum area (per unit)	Minimum dimension
Detached dwellings and Comprehensive residential development	20m ²	3m
Ancillary flats	10m ²	2.5m

- b) Any building housing an activity below shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum Area (per building)	Minimum Dimension
Community Centres <i>Education and Training Facilities</i> Health Care Services and Offices	10m ²	2.5m

- c) A service area shall not be able to be viewed from a public space.

4.1C.3.1.12 Development Adjacent the Waikato River

- a) All development including the establishment of any building or swimming pool located on a site adjoining the Waikato River or an esplanade reserve associated with the River shall be setback an appropriate distance from the river bank, determined by a geotechnical investigation undertaken by an appropriately qualified and registered engineer.
- b) All development including the establishment of any building or swimming pool located on a site which adjoins the Waikato River or an esplanade reserve associated with the River shall be built in accordance with a geotechnical investigation undertaken by an appropriately qualified and registered engineer.
- c) Any new or additional surface water run-off from any building or paved area shall be collected and piped to an appropriate drainage system.
- d) This rule shall apply in addition to the building setback requirements in [Rule 2.1.2](#).
- e) On properties subject to the setback requirements under [Rule 2.1.2](#), where a setback determined by a geotechnical investigation is greater than 6m the setback determined by the geotechnical investigation setback shall apply.
- f) On properties subject to the setback requirements under [Rule 2.1.2](#), where a setback determined by a geotechnical investigation is less than 6m, the setback requirement under [Rule 2.1.2](#) of 6m shall apply.

4.1C.3.1.13 Noise

Activities shall comply with [Rule 5.1](#).

4.1C.3.1.14 Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

4.1C.3.1.15 Planting and Screening

Activities shall comply with [Rule 5.3](#).

4.1C.3.1.16 Lighting and Glare

Activities shall comply with [Rule 5.4](#).

4.1C.3.1.17 Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

4.1C.3.1.18 Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.1C.3.2 Specific Standards for the General Residential Area and North East Residential Area

The following standards apply to the activities specified below where these activities are listed as a Permitted Activity, Controlled Activity, Restricted Discretionary Activity or Discretionary in the General Residential Area and North East Residential Area in Table 4.1C.1.

4.1C.3.2.1 Comprehensive Residential Development

In the General Residential Area the minimum site size shall be 2000m².

4.1C.3.2.2 Ancillary Flat

- a) There shall be no more than one ancillary flat on a site.
- b) Maximum gross floor area shall be 60m².
- c) The outdoor living area for an ancillary flat shall not be included as part of the outdoor living area provided for the principal residential building on site.

4.1C.3.2.3 Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.1C.3.2.4 Rest Homes

- a) Maximum occupancy shall be 10 people, inclusive of staff.
- b) The maximum density for Rest Homes shall be:
 - i) One person per 75m² of net site area in the General Residential Area and North East Residential Area; or
 - ii) One person per 50m² of net site area in the Medium Density Residential Area.
- c) An Outdoor Living Area shall be provided which:

- i) Shall be for the exclusive use of the occupiers; and
 - ii) Shall be readily accessible for all occupiers; and
 - iii) Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas; and
 - iv) Shall have a maximum area of impermeable surfaces not exceeding 60% of the Outdoor Living Area.
- d) Each Rest Home shall be provided with an Outdoor Living Area which shall be provided communally with a minimum area and dimensions as follows:
- i) 12m² per person; and
 - ii) A minimum dimension of not less than 4 metres; and
 - iii) Capable of containing a 6 metre diameter circle.
- e) Upper floor decks wider than 1,000mm can be included in the calculation of the Outdoor Living Area, but not less than 60% of the Outdoor Living Area shall be provided at ground level.
- f) A service area shall be provided with a minimum area and dimensions as follows:
- i) A minimum area of 20m²; and
 - ii) Minimum dimensions of 3 metres.
- g) Except where a fully equipped laundry (both washing and drying machines) are provided in the Rest Homes, then the minimum area can be reduced to 16m² and minimum dimension reduced to 2 metres.
- h) The above standards shall be applied as guidelines when assessing applications in the Medium Density Residential Area for Comprehensive Development Plans that are to be treated as restricted discretionary activities.

4.1C.3.2.5 Managed Care Facilities

- a) Managed Care Facilities for no more than nine residents (calculated in accordance with the definition of Managed Care Facilities) with the exception of emergency housing where the maximum number of residents is no more than ten for all parts of the residential zone.
- b) Within one calendar month of its occupancy, the Agency/Person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and the Council Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following:
 - Proposed number of residents;
 - The anticipated number of visitors to the site per week and the daily visiting hours;
 - Anticipated full time equivalent staff at the facility;
 - Regular and emergency contact details to enable prompt and effective contact if necessary;

- The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- c) The maximum density for a Managed Care Facility shall be one resident per 100m² of net site area.
- d) An Outdoor Living Area shall be provided which:
- i) Shall be for the exclusive use of the occupiers; and
 - ii) Shall be readily accessible for all occupiers; and
 - iii) Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas; and
 - iv) Shall have a maximum area of impermeable surface not exceeding 35% of the Outdoor Living Area.
 - v) Shall be provided with a screen, wall or fence along that part of any site boundary adjoining the outdoor living area in order to screen the area from abutting properties.
- e) Each Managed Care Facility shall be provided with an Outdoor Living Area which shall be provided communally with a minimum area and dimensions as follows:
- i) 15m² per person; and
 - ii) A minimum dimension of not less than 4 metres; and
 - iii) Capable of containing a 6 metre diameter circle.
- f) Upper floor decks wider than 1,000mm can be included in the calculation of the Outdoor Living Area, but not less than 60% of the Outdoor Living Area shall be provided at ground level.
- g) A service area shall be provided with a minimum area and dimensions as follows:
- i) A minimum area of 20m²; and
 - ii) Minimum dimensions of 3 metres.
 - iii) Except where a fully equipped laundry (both washing and drying machines) are provided in the Managed Care Facility, then the minimum area can be reduced to 16m² and minimum dimension reduced to 2 metres.
- h) Staff providing supervision for managed care facilities accommodating 8 or more residents shall be present on site at all times that residents are in occupation.
- i) No part of any site to be used as a Managed Care Facility shall be located within 150m radius of an existing Managed Care Facility for which a resource consent was required for its establishment or operation unless the facilities are separated by the Waikato River, an arterial road or proposed arterial road, railway lines, or a gully system that is subject to Rule 2.1 Environmental Protection Overlay (refer to Figure 4.1-6).
- j) No part of any site or premises to be used as a Managed Care Facility shall contain a secure unit
- a) Information for Managed Care Facilities Requiring Resource Consent**

A written information pack shall be provided to the Council Planning Department for Discretionary Managed Care Facilities which addresses the following aspects:

The information pack shall be prepared by the Agency/Person(s) responsible for the Managed Care Facility and include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following:

- Proposed number of residents;
- The anticipated number of visitors to the site per week and the daily visiting hours;
- Anticipated full time equivalent staff at the facility;
- Regular and emergency contact details to enable prompt and effective contact if necessary;
- The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.

Upon obtaining consent to establish the Managed Care Facility, the Agency/Person(s) responsible for the facility shall, within one calendar month of its occupancy, provide the written information pack to residents of the properties adjoining the site.

4.1C.3.2.6 Visitor Accommodation

- a) Maximum occupancy for visitor accommodation shall be 12 guests.

4.1C.3.2.7 Home Occupations

- a) The gross floor area of the principal or accessory building used for a home occupation shall not exceed 30% of the total gross floor area.
- b) At least one person, including the principal operator of the home occupation, shall reside on the site.
- c) Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr the following day.
- d) Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity.
- e) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage.
- f) Retailing from the site shall be limited to goods produced or substantially produced on the site.

4.1C.3.2.8 Community Centres, Education and Training Facilities, Health Care Services, Offices

- a) Maximum gross floor area for Community Centres, Education and Training Facilities, Health Care Services, Offices shall be 250m².
- b) Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr, the following day.
- c) Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity.
- d) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage.

- e) Education and Training Facilities shall not have their vehicular access to or from a major arterial road.

4.1C.3.2.9 Dairies

- a) Where there is a residential element included as part of the development the relevant provisions of [4.1C.3.1](#) General Standards and [4.1C.3.2](#) Specific Standards shall apply.
- b) Maximum gross floor area to be used for retail 100m²
- c) Minimum building setback from side or rear boundaries is 5m
- d) Service Area

Any building shall be provided with a service area as follows:

- i) The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greatest with a minimum dimension of 2.5m
- ii) A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles
- iii) Any outdoor storage area shall be maintained with an all-weather dust free surface
- iv) No outdoor display of goods
- e) Hours of operation 0700hr — 2200hr
- f) Dairies must locate on corner sites, bounded by roads along two boundaries.

4.1C.3.2.10 Development Yield in the North East Residential Area

- a) The maximum development yield, spread over the entire area shall be 1100 residential units.

4.1C.3.3 Permitted Activity Standards for the Medium Density Residential Area

4.1C.3.3.1 Home Occupations

Activities shall comply with [Rule 4.1C.3.2.7](#).

4.1C.3.3.2 Noise

Activities shall comply with [Rule 5.1](#).

4.1C.3.3.3 Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

4.1C.3.3.4 Planting and Screening

Activities shall comply with [Rule 5.3](#).

4.1C.3.3.5 Lighting and Glare

Activities shall comply with Rule 5.4.

4.1C.3.3.6 Smoke, Fumes, Dust and Odour

Activities shall comply with Rule 5.5.

4.1C.3.3.7 Building Restrictions along Roads

Activities shall comply with Rule 5.6.

4.1C.3.4 Discretionary Activity Standards for the Medium Density Residential Area**4.1C.3.4.1 Development Yield**

Applications for Comprehensive Development Plans must demonstrate that the yield achieves within 10% of the Residential Unit total identified in Appendix 4.1C-II Comprehensive Development Area Residential Unit Yield.

4.1C.3.4.2 Height in Relation to Boundary

Where a building is on land that adjoins the General Residential Area or a Comprehensive Development Plan Area:

- a) No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary (See Figure 4.1-2a and b)

Except that:

- i) Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 3m above the boundary shall apply to the affected boundary.
- ii) Where buildings are attached, no setback is required between those buildings
- iii) Written consent from the owners and occupiers of the adjoining property and/or Comprehensive Development Plan area is obtained.

4.1C.3.4.3 Residential Activities Minimum Floor Areas

The minimum gross floor area of any Residential Unit shall be:

- a) 45m² for a studio unit;
- b) 55m² for a 1 bedroom unit;
- c) 80m² for a 2 or more bedroom unit;
- d) In any one residential apartment building containing in excess of 20 residential units, the combined number of one bedroom units and studios shall not exceed 70% of the total number of apartments within the building.

4.1C.3.4.4 Noise

Activities shall comply with [Rule 5.1](#).

4.1C.3.4.5 Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

4.1C.3.4.6 Planting and Screening

Activities shall comply with [Rule 5.3](#).

4.1C.3.4.7 Lighting and Glare

Activities shall comply with [Rule 5.4](#).

4.1C.3.4.8 Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

4.1C.3.4.9 Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.1C.4 Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.1C.4.1 Performance Outcomes for Controlled Activities in the General Residential Area and the North East Residential Area

In assessing a resource consent application for a Controlled Activity, Council can impose conditions on the following matters.

4.1C.4.1.1 Site and Building Layout and Design

- a) Developments should be of a compatible scale, form and design to surrounding residential developments.
- b) The development should be designed to minimise any adverse effects on adjoining residential activities, especially visual privacy, access to sunlight and daylight.
- c) Residential developments should create a high standard of amenity and privacy for residents through the design and location of outdoor living areas on the site or communal outdoor living areas.
- d) Buildings and activities should be designed and located to minimise any adverse effects, including noise, dust, fumes and glare.

- e) Parking and outdoor storage areas associated with any non-residential activity should be screened to protect the residential amenity of the locality.
- f) The site should have the ability to provide for gardens and tree planting around the buildings and retain on-site mature vegetation.
- g) The site should be of an adequate size and frontage to accommodate the activity, off-street parking and planting.
- h) The location and design of outdoor activity areas (such as children's playgrounds) should mitigate adverse effects (e.g. noise, disturbance and privacy) for neighbouring residential properties.
- i) Buildings adjacent to public space should be designed to create definition and enclosure in terms of height and setback.
- j) Buildings and fences adjacent to public open space should contribute to the safety of public space users by enabling passive surveillance of the street and public space.
- k) Carports and garages on sites adjacent to public open space should be located to minimise their visual prominence in relation to the main dwelling when viewed from a public space.
- l) Where the clustering of buildings within a comprehensive residential development is proposed, the extent and location of open space elsewhere within the site should adequately ensure that the amenity and appearance of the site contributes to the overall amenity and quality of the residential environment.
- m) Comprehensive residential developments should achieve connectivity and permeability of roads, pedestrian accessways, cycleways, public reserves and green corridors.
- n) Comprehensive residential developments should provide for a variety of housing styles and forms in terms of footprint, design and height.

4.1C.4.1.2 Parking, Loading and Access

- a) Vehicular traffic generated by any activity should be accommodated without loss of amenity, safety or causing traffic congestion.
- b) Entrance and exit points and drop off zones shall be designed and located to allow safe and efficient movement on to and off the road.
- c) The location and design of parking, loading spaces and driveways are to be located to protect the aural and visual amenity of adjoining sites.
- d) Parking provided within a comprehensive residential development should be associated with individual units or located in communal parking areas provided that they are conveniently accessible to the occupants of the units.

4.1C.4.1.3 Hours of Operation

- a) The activity should not affect the amenity of neighbouring residents, especially the ability to sleep at night.
- b) Vehicle and pedestrian movements to and from the site should be compatible with the amenity of the surrounding residential area.

4.1C.4.1.4 Reinstatement of Relocated Buildings

- a) The reinstated exterior of any relocated building shall be such that it is not likely to detract from the amenity of the residential neighbourhood.
- b) Consent applications for relocation of buildings as a controlled activity in the residential zone shall be processed without public notification and without the need for consent of potentially affected persons or service of notice of the application on those persons.

4.1C.4.1.5 Noise

- a) The scale of the activity, in particular the number of people on site should be controlled to ensure that noise levels do not affect residential neighbours.
- b) The extent to which the proximity of outdoor living areas and the main living areas on adjoining properties will result in noise levels which are unreasonable in the residential environment.
- c) The extent to which the acoustic mitigation of new residential buildings or additions to existing residential buildings for habitable uses will result in mitigating any noise issues generated from the operation of the future Waikato Expressway (Designation 90).

4.1C.4.2 Assessment Criteria for Restricted Discretionary Activities in the General Residential Area

- a) Restricted Discretionary Activities will be assessed in respect of the standards with which the activity was unable to comply.
- b) Dairies will be assessed using the criteria for discretionary activities in [Rule 4.1C.4.3.4](#).

4.1C.4.3 Assessment Criteria for Discretionary Activities in the General Residential Area and North East Residential Area

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

4.1C.4.3.1 General Criteria

- a) The extent to which any proposed development or buildings is consistent with the Rototuna Structure Plan in Appendix 1A.
- b) The extent to which any proposed development or building is consistent with the development controls for the North East Residential Area and responds to the existing landform, including the extent to which it avoids excessive earthworks and does not adversely affect the natural topography, the construction or operation of the Waikato Expressway (Designation 90), or Council infrastructure.
- c) Regard shall be had to any relevant Performance Assessment for a Controlled Activity and for general rules.
- d) The extent to which the development is compatible with the size of the site.
- e) The extent to which site size would have any adverse effects on neighbouring properties, having regard to the intended character of the area.
- f) The extent to which a reasonable degree of amenity is achieved on the site being developed.

- g) The extent to which the amenity and appearance of an existing building would be compromised by the proposed development.
- h) The extent to which a development could have an adverse effect on the consistency and amenity of the area and or the presence of mature vegetation.
- i) The relationship between the scale of any buildings on the site and existing residential development.
- j) The impact of the development on the scale, character and open space of the surrounding residential area.
- k) The extent to which the proposal would result in the loss of sunlight and daylight to adjoining sites.
- l) Any adverse effects on adjoining sites of the proximity of buildings, window, balcony in terms of reduced privacy.
- m) The effects on heritage items, protected significant trees or sites of archaeological, historic and cultural significance on the site.
- n) The extent to which proposed parking or outdoor storage area will detract from the pleasantness and attractiveness of the site when viewed from an adjoining site.
- o) The ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of planting or screening.
- p) The extent to which vehicular traffic generated by any activity can be accommodated without a loss of safety or efficiency of the road network or without loss of residential amenity.
- q) The adequacy of car parking on the site and its location in relation to the neighbouring residential activities.
- r) The ability of the activity to mitigate noise, dust, glare, vibration, fumes, smoke, odours or other discharges or pollutants.
- s) Any positive impacts to the neighbourhood or the wider community, including the extent to which the activity might enhance the amenity of the area.
- t) Any cumulative effects from the activity, whether on its own or in combination with other activities in the area; in particular other Residential Centres on a site adjacent to the proposed activity, or already established in the neighbourhood.
- u) The extent to which the intensity of occupancy of the site has an adverse effect on the character and amenity of the residential environment.
- v) The extent to which the development achieves a high degree of visual and physical connectivity with public space.
- w) The extent to which surveillance of the street and public space is enabled.
- x) The ability of vehicles to enter and exit the site safely.
- y) The extent to which the building avoids blank façades.
- z) Whether the dwelling contributes to creating enclosure and definition to a public space through the use of height and setbacks.

- aa) The extent to which the design of the dwellings or buildings for noise sensitive activities and their site development within the habitable building setback from the Waikato Expressway (Designation 90) ensure a reasonable internal noise environment.
- bb) The extent to which any principal outdoor living areas within the habitable building setback from the Waikato Expressway (Designation 90) in the North East Residential Area is sited to mitigate the traffic noise of the future Waikato Expressway, including whether it is located to the north of the dwelling to utilise noise attenuation provided by the building form.

4.1C.4.3.3 Comprehensive Residential Development

- a) The extent to which any proposed development or buildings is consistent with the Rototuna Structure Plan in Appendix 1A.
- b) The extent to which the layout or clustering of buildings provide a sufficient area of open space.
- c) The extent to which the development achieves connectivity and permeability of roads, pedestrian accessways, cycleways, public reserves and green corridors.
- d) The extent to which the development provides a variety of housing styles and forms in terms of footprint, design and height.
- e) The extent to which communal parking or parking associated with the individual units is conveniently accessible to the occupants of the units.
- f) The extent to which large scale earthworks have been avoided.
- g) The extent to which the site provides for gardens and tree planting around the buildings, and retains on-site mature vegetation.
- h) The extent to which the development recognises and responds to the site and the surrounding wider context.
- i) Each residential unit and any residential accommodation associated with non-residential activities shall be positioned to receive midwinter sun in at least one main living room for at least four hours at midwinter.

4.1C.4.3.4 Dairies

- a) Whether the building is designed to complement the residential character of the area, with particular regard to streetscape and views from adjoining neighbours and maintaining residential amenity
- b) The location of car parking and service areas to ensure safe operation of the road network and avoid disturbance to adjoining residential properties.
- c) Whether the cumulative effects of the dairy together with other non-residential activities would result in a change to the residential character of the neighbourhood
- d) The number, location and intensity of any signage provided and whether this is complementary to a residential environment
- e) Whether the site can adequately accommodate the dairy, any associated residential activity, parking, planting, service areas and signage whilst ensuring that the building would not dominate the streetscene.

4.1C.4.3.5 Residential Centres

- a) The extent to which the scale, form, proportion and materials to be used in the construction of the building is compatible with design and external appearance of residences in the neighbourhood.
- b) The extent to which the density of persons on the site is compatible with that of the surrounding neighbourhood.
- c) The extent to which a cluster of residential centres in the one street or within the immediate area is avoided.
- d) The extent to which the site is landscaped with trees and shrubs. In general one third of the net site area should be landscaped.
- e) The extent to which the setback from the front boundary is landscaped with trees and shrubs.

4.1C.4.3.6 Managed Care Facilities

- a) The Consent application shall include the Information pack to be provided in accordance with Rule 4.1C.3.2.5 k).
- b) Whether the area of the site and its shape, frontage and topography can adequately accommodate the facility and its associated parking, landscaping and outdoor living areas.
- c) The extent to which the facility has a scale, form and external appearance which is in keeping with the surrounding residential area. Features such as carparking which may differ from the normal residential context have been suitably landscaped or located away from the street frontage.
- d) Whether adequate provision has been made for a grassed/permeable outdoor living area. The size of the outdoor living area will be determined by the number of residents on the site, and the amenity available to residents of the facility. The suitability of the layout of the area shall be taken into consideration including the methods adopted to minimise noise, privacy intrusion and other disturbance to neighbours.
- e) Whether the cumulative effects of clustering of Managed Care Facilities would result in changing the residential character of the neighbourhood.
- f) The extent to which vehicular traffic associated with the Managed Care Facility can be accommodated without adversely affecting the road network and the amenity values of adjoining properties.

4.1C.4.4 Assessment Criteria for Discretionary Activities in the Medium Density Residential Area

Discretionary Activities shall be assessed against, but not limited to the following assessment criteria:

- a) The extent to which the proposed development is consistent with the Rototuna Structure Plan in Appendix 1A.
- b) The extent to which the proposed development is consistent with the Rototuna Urban Design Guide in Appendix 1C.
- c) The extent to which the proposed development is consistent with the Standards in Rule 4.1C.3.4.

- d) The extent to which the development is consistent with the Objectives and Policies in 5.1.
- e) If the activity is located in an area subject to an approved Comprehensive Development Plan the extent to which development is consistent with the Plan.
- f) For Managed Care Facilities, the extent of consistency with Rule 4.1C.3.2.5.b) to j) and Rule 4.1C.4.3.6.

Appendix 4.1C-I Information Requirements for Comprehensive Development Plan Applications

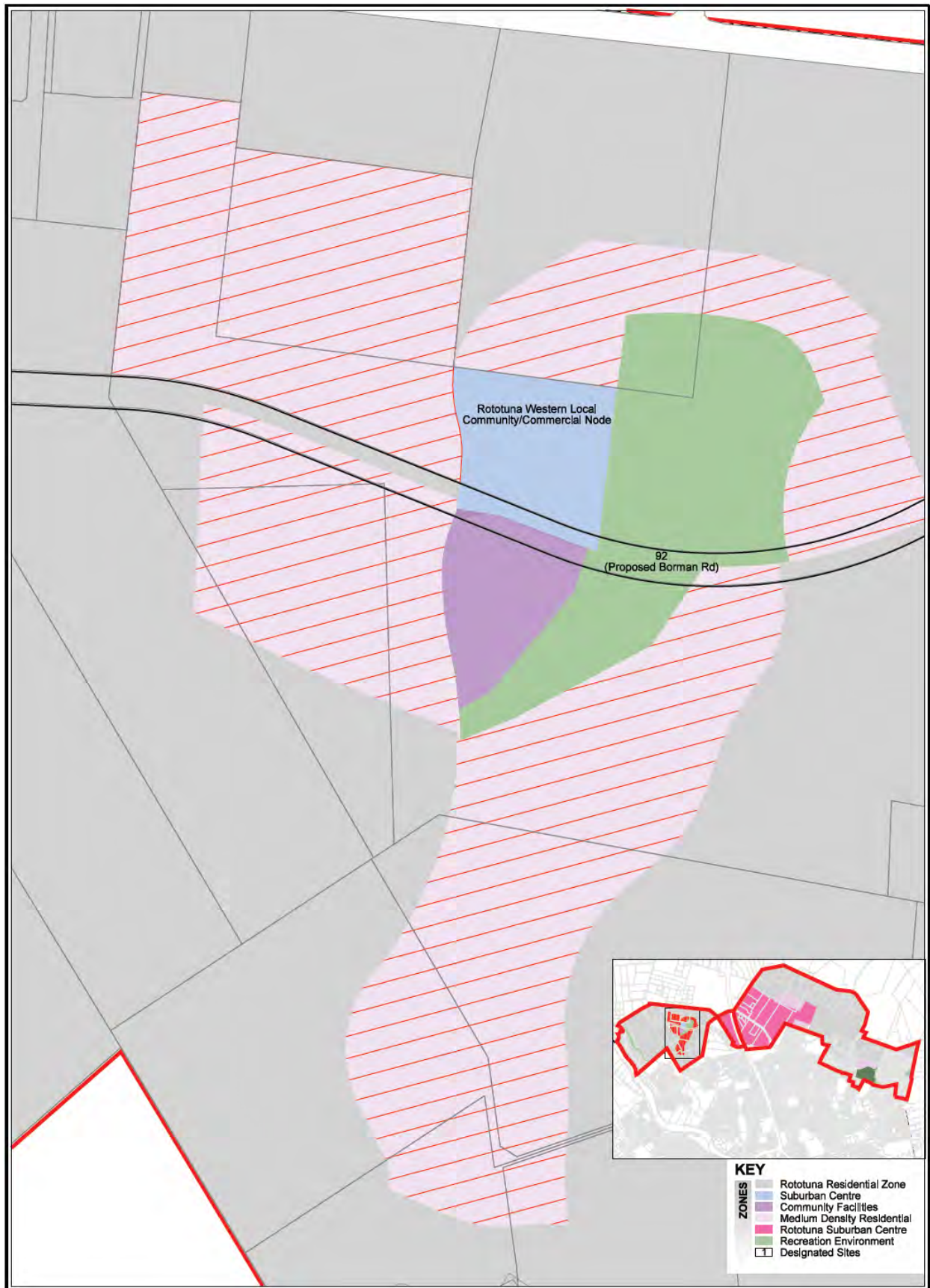
The Comprehensive Development Plan application shall show the total expected development for an identified Comprehensive Development Plan area (even if the development in that area is to proceed in stages) through plans and explanatory text which shall include, but not be limited to the following:

- a) Demonstrate how the land use pattern and features proposed in the Rototuna Structure Plan in Appendix 1A will be achieved.
- b) Demonstrate via an urban design assessment how the proposed development is in general accordance with the Rototuna Urban Design Guide in Appendix 1C.
- c) Demonstrate how the Standards in [Rule 4.1C.3.4](#) will be met and the extent to which the relevant assessment criteria is achieved.
- d) Define the exact boundaries between the Medium Density Residential Areas and the General Residential Area.
- e) The method by which the development of each Comprehensive Development Plan Area is to be managed, and how it will relate to surrounding land, and the wider Structure Plan area.
- f) How transportation and other infrastructure provision is to be provided to enable the efficient, effective, functional and sustainable delivery of infrastructure, taking into account the subject Comprehensive Development Plan Area and integration with the surrounding Comprehensive Development Plan Areas, and the wider Rototuna Structure Plan area.
- g) **Open Space** — Show the exact location and design of proposed areas of open space, ecological linkages and natural features which are to be retained and/or enhanced, and the areas to be developed for stormwater purposes.
- h) **Site Development** — Indicate activity types, building footprints, number, external layout and floor areas of residential units and demonstrate how the identified yield is to be met, pedestrian walkways, car parking areas and vehicular circulation, vehicular access points between the site and public roads, landscaping areas, service areas with appropriate screening, outdoor living courts, and the position of adjacent properties with any building(s) if they exist and how the proposal integrates with adjacent properties in terms of contributing to an overall urban design and streetscape character including treatment of building frontages, and relationship between internal boundaries of Comprehensive Development Areas (e.g. glazing and orientation).
- i) **Development Staging** — Explain if the development of the Comprehensive Development Area is to be staged, the manner and proposed timeframes for the staging and the means of managing any vacant land during the staging process.
- j) **Elevations** — Illustrate building height and orientation, building exterior design features, any balconies, any artificial lighting to exterior walls and features, and how the proposed development will integrate with adjacent properties in terms of overall urban design and streetscape character and amenity.
- k) **Signage** — Give details on number, dimensions, location, content, means of support and attachment. This includes signage of the names of the residential development.
- l) **Transportation** — Carry out a Transport Impact Assessment (TIA) which addresses the following matters: on-site provision of car parking, servicing and manoeuvring space; how car parking is to

be provided taking into account surrounding land uses and the opportunities for shared car parking; safe and efficient provision of ingress and egress; safe sight visibility distance for access points; safe separation of access points from intersections and other access points; impact of access on safe and efficient traffic flow on the roading network; impact on traffic volumes and capacity of the roading network; adequate provision for pedestrians, cyclists and passenger transport users. Traffic modeling may be required to assist in the preparation of the TIA. Applicants must also demonstrate whether a Travel Plan is required to mitigate any transport impacts from the development.

- m) **Servicing** — Explain the provision, staging, location and capacity of network utilities and integration with existing and planned network utilities, quantity and quality of stormwater and proposed stormwater treatment, management and disposal facilities. Prepare an infrastructure management plan.
- n) **Street Design** — Provide details of formation, function and design of internal streets including the integration with the existing transport network, safety measures, paving and surfacing materials, location of parking areas, planting and street furniture, traffic calming measures, provision for pedestrians and cyclists, and location of public transport facilities. The exact location and design of the roads (including streetscape typologies) is required.
- o) **Pedestrian Linkages** — Provide details of the position of walkways, linkages to adjacent sites and any artificial lighting to be used within these areas.
- p) **Planting and Screening** — Provide details of the type of landscaping to be established in yards, car parking areas, and other landscape areas including identification of the plant and tree species to be used, the size of the vegetation, number of plants to be planted, artificial lighting or screening used in these areas, and future maintenance provisions.

Appendix 4.1C-I Medium Density Residential Area



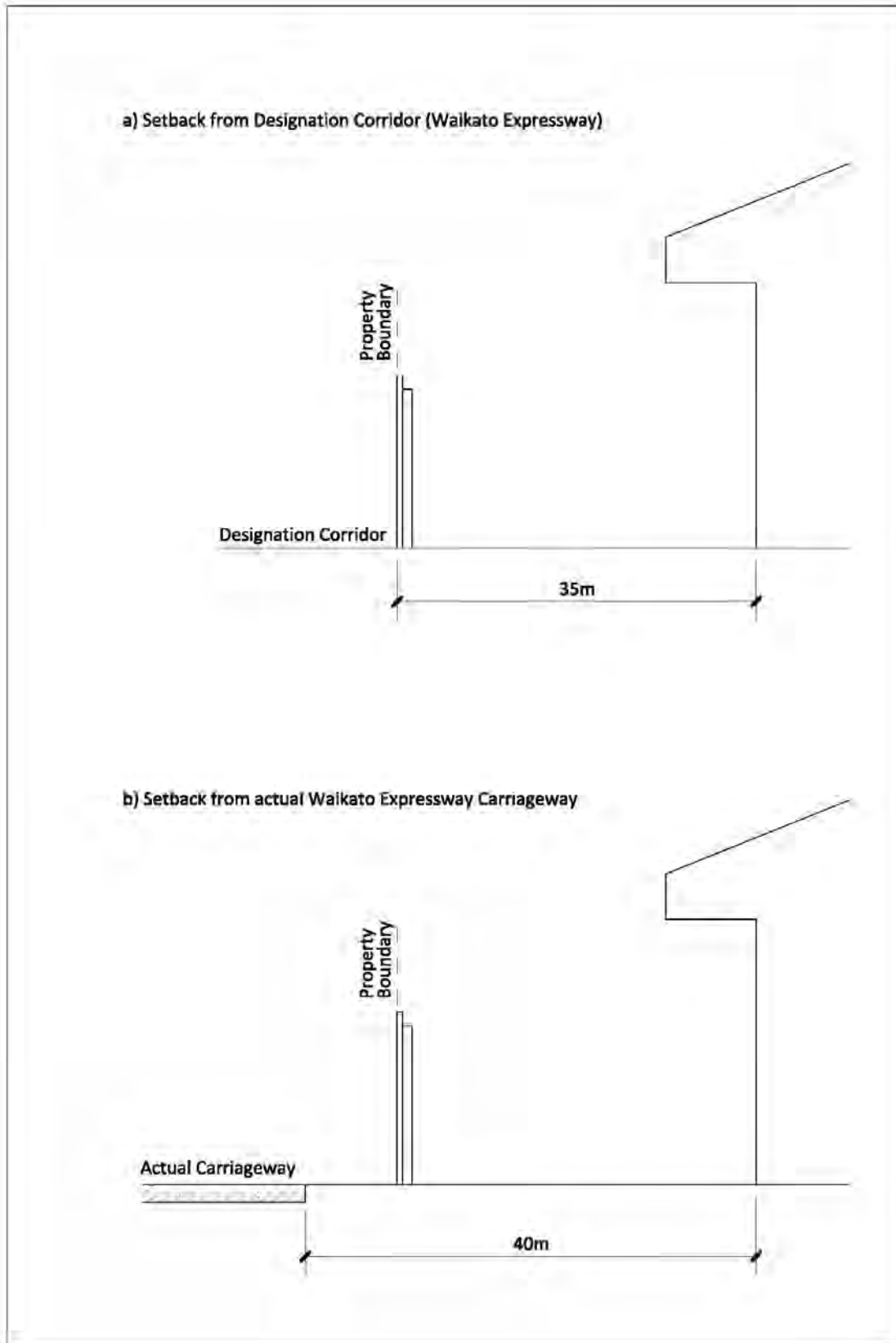
Appendix 4.1C-II Development Yields

Comprehensive Development Area	Residential Yield — Units per Comprehensive Development Area (+ or — 10%)
A	84
B	28
C	28
D	90
E	95
F	200

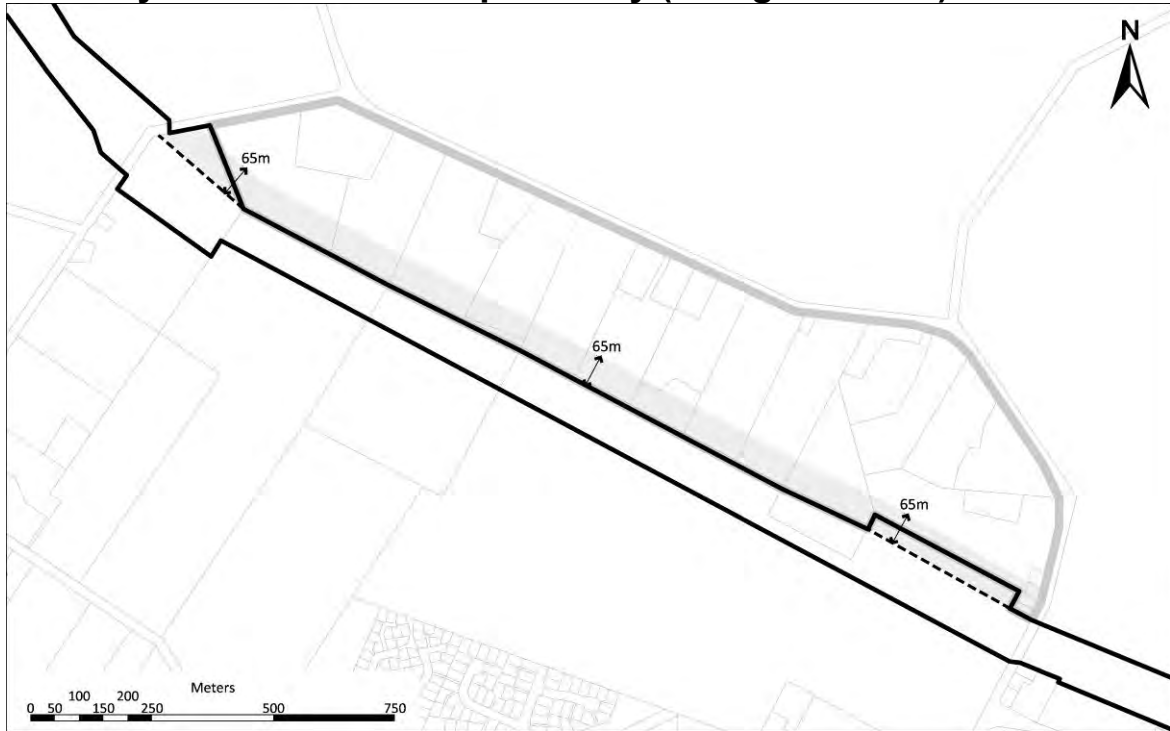
Appendix 4.1C-III Comprehensive Development Plan Areas – Medium Density Residential Area



Appendix 4.1C-IV Waikato Expressway Setback for properties adjoining the southern boundary of the Waikato Expressway (Designation 90)

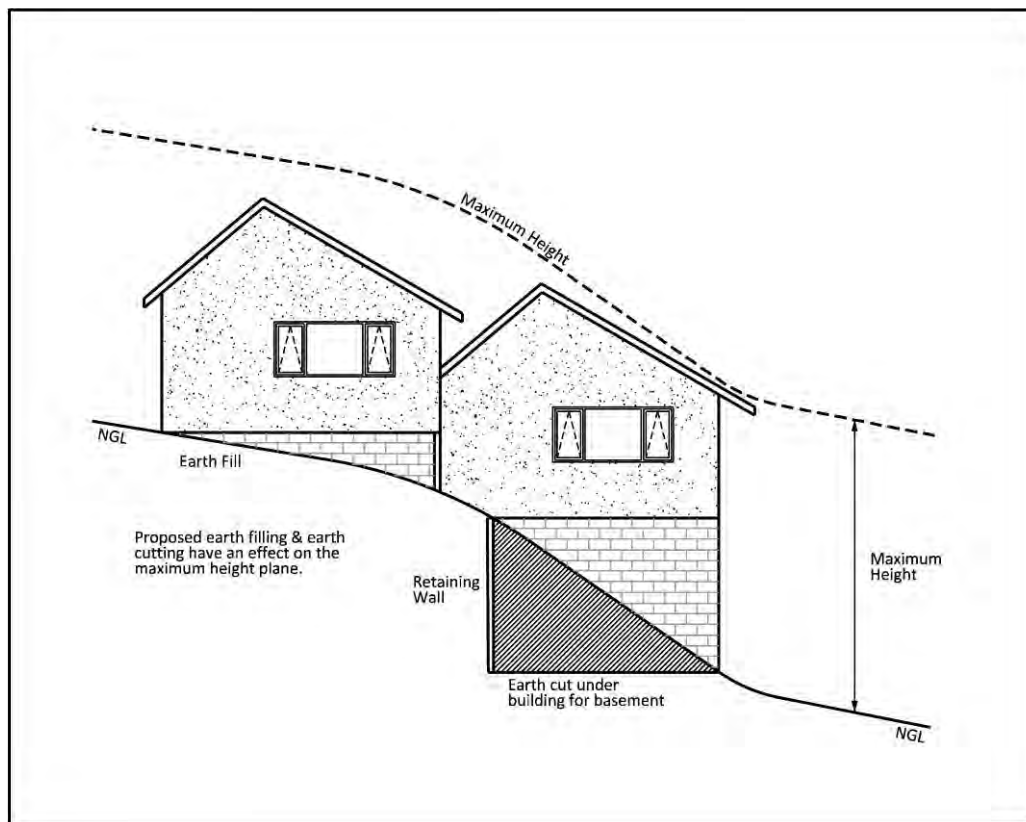


Appendix 4.1C-V Waikato Expressway Setback for properties within the North East Residential Area adjoining the northern boundary of the Waikato Expressway (Designation 90)



Appendix 4.1C- VI – ‘Rolling Height Method’ - North East Residential Area

Height in relation to any building in the North East Rototuna Residential Area only means the vertical distance between the natural ground level immediately below that part of the highest part of the building immediately above that point. Being, the highest part of the building means the highest part of the main structure of the building, including parapets, but without taking into account projections measuring not exceeding 2m in height and 1m² in area or an aerial as permitted in Rule 3.3 may protrude. The maximum height plane exactly mimics the ground plane over the whole site at the time of subdivision, but before any cut or filling occurs as a result of the construction of any building.



Rule 4.2 Suburban Centre Zone

Rule Statement

This zone facilitates the establishment and operation of a wide range of commercial and community activities in locations throughout the suburban areas of the city. It includes local corner shops, suburban shopping centres and large integrated shopping complexes in key locations. A Vehicle Service Area applies to commercial areas involving drive-through services, including service stations, with special provisions to address the implications of these developments.

Controls are aimed at maintaining pedestrian shopping amenities and a coherent commercial focus. The rules seek to minimise any adverse effects on the surrounding residential environment including neighbourhood amenity values.

Expected Outcome

Opportunities for a wide range of commercial and community services, while ensuring that any development maintains customer amenities, facilitates convenient access minimises traffic conflicts and mitigates any adverse impact on the environment and surrounding neighbourhood.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.2.4 - Failure to Meet Standards](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 6.2 Suburban Business and 6.4 Drive-Through Services.

4.2.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 4.2.2](#) and the relevant standards in [Rule 4.2.3](#):

- Any Retail Activity
- Offices
- Health Care Services
- Restaurants
- Licensed Premises
- Community Centres
- Places of Assembly
- Marae
- Education and Training Facilities
- Service Industry (except on Lot 1 DPS 32102 within area 'B' as shown on Appendix 4.2-1)
- Warehouses (except on Lot 1 DPS 32102 within area 'B' as shown on Appendix 4.2-1)
- Accessory Buildings
- Informal Recreation and Ancillary Buildings
- Relocated Buildings.

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in [Rule 4.2.2](#) and the relevant standards in [Rule 4.2.3](#), and will be controlled in respect of the matters identified:

- Apartment Buildings
- Residential Centres
- Managed Care Facilities
- Rest Homes
- Visitor Accommodation
 - all with respect to; design and configuration of buildings, site layout, vehicular provision

- Drive-Through Services (*in the Vehicle Service Area*)
 - with respect to; site layout, landscaping, vehicular provision.

c) Discretionary Activities

The following activities are Discretionary Activities:

- Drive-Through Services
- Parking Lots and Parking Buildings (*except on Lot 1 DPS 32102 within area 'B' as shown on Appendix 4.2-1*)
- Any other residential activity (*except on Lot 1 DPS 32102 within area 'B' as shown on Appendix 4.2-1*)
- Fire Stations

d) Non-Complying Activities

The following activities are Non-Complying Activities:

- Any activity not provided for.

4.2.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Development Intensity

- i) Maximum Floor Area Ratio (ratio of gross floor area to net site area) - 1 : 1
- ii) Maximum site coverage - 100%

b) Building Height

- i) Maximum Height of Buildings:
 - 10m where the net site area is 1ha or less
 - 15m where the net site area exceeds 1ha.
- ii) Where the site adjoins a Residential Zone, no part of any building shall penetrate a Height Control Plane rising at an angle of 45° commencing at an elevation of 3m above the boundary.

c) Building Setback

Minimum Setback:

- 5m from the front boundary with a major arterial road
- 5m from any adjoining Residential Zone boundary
- 5m from any boundary where the height of the building exceeds 10m.

- On Lot 1 DPS 32102 *within area 'B'* (as shown on Appendix 4.2-I) the minimum building setback adjoining area 'AA' as shown on Appendix 4.2-I) is 5m

d) Service Areas

Any building shall be provided with one or more service areas as follows:

- The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater provided that any individual service area shall be not less than 5m² with a minimum dimension of 2.5m
- A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
- Any outdoor service area shall be maintained with an all-weather dust free surface
- Any service area and vehicular access thereto may not be located within a shopping frontage.

e) Pedestrian Areas

- i) For any building (except a stand-alone enclosed shopping mall or stand-alone premise in excess of 1000m² gross floor area containing a single retail activity) which occupies a shopping frontage (except in a Vehicle Service Area):
 - a pedestrian area not less than 2.5m deep shall be provided along any part of the shopping frontage which does not adjoin a public footpath
 - a continuous verandah not less than 2.5m deep shall be provided which extends along the full shopping frontage except that no verandah over a footpath may encroach to within 300mm from the kerb.
- ii) For any stand-alone enclosed shopping mall or stand-alone premises in excess of 1000m² gross floor area containing a single retail activity and which has public entry points on or immediately adjacent to the street or adjoining a customer car parking area:
 - a pedestrian area not less than 2.5m deep shall be provided at each public entry point which does not adjoin a public footpath
 - a verandah not less than 2.5m deep shall be provided which extends over each public entry point except that no verandah over a footpath may encroach to within 300mm from the kerb.

f) Noise

Activities shall comply with [Rule 5.1](#).

g) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

h) Planting and Screening

Activities shall comply with [Rule 5.3](#).

i) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

j) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

k) Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.2.3 Specific Standards

The following standards apply to the activities specified below.

a) Retail Activities

Where any retail activity involves goods and services being offered or exposed to the public in the open, the total yard area used for such purposes (including any area under a canopy or similar structure and any outside area used for outside storage of goods) shall not exceed 400m² provided that this restriction shall not apply in the Vehicle Service Area.

b) Activities in the Vehicle Service Area

- i) Minimum Net Site Area: 1000m².
- ii) Minimum Site Frontage:
 - 20m
 - 30m where fronting a major arterial road.
- iii) The dispensing and associated storage of motor fuels and related products shall comply with [Rule 3.2](#).
- iv) The hours of operation for car washes, the delivery of motor fuels and car repairs and servicing shall be 0600hr to 2200 hr except for the site on the corner of Mill and Willoughby Streets, (namely Lots 19, 21, 22, and 23 DP 20707), where the hours of operation for car washes and delivery of motor fuels shall be 0630hr to 1930hr.

c) Residential Activities

Apartment Buildings, Residential Centres, Managed Care Facilities, Rest Homes and Visitor Accommodation shall be subject to the following standards:

- i) Maximum Density
 - The maximum density for Apartment Buildings shall be one Residential Unit per 150m² of net site area.

- The maximum density for Residential Centres and visitor accommodation shall be one person per 50m² of net site area.

ii) Outdoor Living Area

- Each Residential Unit in an Apartment Building shall be provided with an outdoor living area which:
 - shall be for the exclusive use of the residential unit
 - shall be readily accessible from a living area of a unit
 - shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas
 - shall have a minimum area per unit of 12m² and a minimum dimension of 1.5m width.

provided that where there are four or more Residential Units on a site, the outdoor living space may be combined to provide a communal outdoor living area as provided for below.

- Where the outdoor living areas for Residential Units are to be combined or where any Residential Accommodation does not constitute a Residential Unit (e.g. hostels and motels) a Communal Outdoor Living Area for each building shall be provided which:
 - has a minimum area which shall be equal to 12m² multiplied by the number of Residential Units or 12% of the gross leasable area of that part of any building occupied by residential accommodation whichever is the greater
 - has a minimum dimension of not less than 4m
 - is capable of containing a circle of not less than 8m in diameter
 - is readily accessible to those parts of any buildings occupied by Residential Activities.

iii) Each building containing residential accommodation shall be provided with service areas as follows:

- A minimum service area of 10m² with a minimum depth of 2.5m located at ground floor level and readily accessible to that residential accommodation.
- The service area shall be maintained with an all-weather dust free surface
- The service area and vehicular access associated with it may not be located within a Shopping Frontage
- The service area required under this rule shall be additional to the service area required under Rule 4.2.2 d).

d) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

e) Lot 1 DPS 32102 within area 'B' as shown on Appendix 4.2-1

The site is a key gateway location into the City, therefore any development needs to reflect this through the implementation of accepted urban design principles in site layout and building design.

The function of Area 'B' on Lot 1 DPS 32102 is to provide for local commercial and community needs of the surrounding residents. All Activities, in addition to complying with the Rule 4.2.2 shall comply with the following:

- i) No single activity shall occupy more than 40% of the total gross floor area on site.
- ii) No Apartment Building, Managed Care Facilities, Residential Centres, Rest Homes shall be located at ground floor level.
- iii) No activity shall include the sale any type of clothing, shoes or associated accessories,
- iv) Floor Area:
 - The total gross floor area on site shall not exceed 5000m²;
 - The combined total gross floor area for retail and office activities shall not exceed 2000m²;
 - Individual gross floor area for each retail and office activity shall not exceed 200m²; except one retail activity may have a gross floor area of up to 400m²; and
 - Individual gross floor area for any other permitted activities shall not exceed 400m².
- v) Setbacks:
 - Minimum Setback: 5m from the front, side or rear boundary
 - Maximum setback: 10m from the front boundary where fronting a major arterial Road
 - Minimum Setback adjoining area 'AA' as shown on Appendix 4.2-1) is 5m
 - Maximum Setback adjoining area 'AA' as shown on Appendix 4.2-1) is 10m
- vi) Road Network and Access:
 - Access to the site shall be located in accordance with Appendix 4.2-1;
- vii) Frontages:
 - Ground floor tenancies shall have the main customer entrance facing the street
 - A minimum of 75% of the individual ground floor shop-frontages for permitted activities within any building facing the street or public space shall consist of clear glazing,
 - A minimum of 50% of the ground floor frontages for controlled activities within any building facing the street or public space shall consist of clear glazing,
 - A continuous verandah (pedestrian cover) not less than 2.5m deep shall be provided and shall be continuous along the building frontages facing the street. In accordance with Rule 4.2.2 e) i).

viii) Parking and Pedestrian access:

- Where any part of a building faces the front boundary of the site on a major arterial road, there shall be no parking or service areas between that part of the building and that road
- Pedestrian access shall be provided from the car parking area(s) to the customer entrances facing the street through the design and layout of the buildings on site.
- Any enclosed pedestrian access areas provided through or within the building(s) shall not be used for any activity other than as a pedestrian access way.

ix) Signage

- Signage shall be incorporated into the verandahs, walls or other structural elements of the buildings.

x) Acoustic Controls

- In addition to activities complying with all relevant standards set out in Rule 5.1 all habitable rooms in Apartment Building, Managed Care Facilities, Residential Centres, Rest Homes, and Visitor Accommodation shall comply with Rules 5.1.1f) and g).

f) Rototuna Western Local Commercial/Community Node (Appendix 4.2-II)

Within the Rototuna Western Commercial/Community Node all Permitted and Controlled Activities shall comply with the following:

i) Floor Area:

- The total gross floor area of all retail activities within the Node shall not exceed 2000m² and;
- Individual gross floor area for each retail activity within the Node shall not exceed 200m²; except that one retail activity within the Node may have a gross floor area of up to 400m²;
- Individual gross floor area for each office activity shall not exceed 250m²;
- Individual gross floor area for each Education and Training Facility within the node shall not exceed 250m²;

ii) Setbacks:

- Maximum setback: 10 m from the front (road) boundary

iii) Frontages:

- Ground floor tenancies shall have the main customer entrance facing the street.
- A minimum of 50% of the ground floor wall facing the road or public space shall consist of clear glazing and be capable of being used for displaying goods and services to passing pedestrians.

- There shall be no service areas between any building and the road boundary.

iv) Signage:

- Signage shall be incorporated into the verandahs, walls or other structural elements of the buildings.

4.2.4 Failure to Meet Standards

- a) Activities which do not comply with one or two of the standards in Rule 4.2.2 and Rule 4.2.3 c) but subject to Rule 4.2.4 b) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- b) Activities which do not comply with the standards in Rule 4.2.2 a) or Rule 4.2.2 b) to the extent that the maximum floor area ratio specified exceeds 1 : 1.5 or the maximum height of buildings exceeds 15m are **Discretionary Activities**.
- c) Activities which do not comply with three or more of the standards in Rule 4.2.2 and Rule 4.2.3 c) are **Discretionary Activities**.
- d) Activities which do not comply with any standard in Rule 4.2.3 a), b) and e) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.2.5 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) **Design and Configuration of Buildings**

- i) External facades should be integrated with the form and style of adjoining commercial buildings maintaining continuity of shopping frontages.
- ii) Buildings should be complementary and sensitive in terms of scale and form to the surrounding residential neighbourhood.
- iii) Buildings should be designed and located to minimise any adverse effects, including noise, dust, fumes, glare and loss of privacy on adjoining residential activities.
- iv) In the Rototuna Western Local Commercial/Community Node, the site layout and building design should result in a continuous active frontage that is orientated towards the road.
- v) In the Rototuna Western Local Commercial/Community Node, signage should not dominate the shopfront or detract from the streetscape and should be designed to compliment the amenity of the surrounding neighbourhood.

b) Site Layout

- i) The location of buildings, parking areas and outside storage areas should have regard to the extent to which the development impacts on neighbourhood amenity values.
- ii) The development should make adequate provision for pedestrian convenience and minimise conflict with vehicles.
- iii) New developments should be integrated with existing developments in the zone to enhance customer convenience.
- iv) In the Rototuna Western Local Commercial/Community Node, service areas should not be located where they would be visually dominant when viewed from the street or a public space.

c) Vehicular Provision

- i) Customer car parking areas should be designed to ensure they are easily visible from the road, readily accessible, and convenient for users.
- ii) Access from the road should be designed and located to allow safe and efficient movement to and from the adjacent road network while minimising the number of accesses onto major arterial roads.
- iii) Parking, loading spaces and driveways adjacent to residential zones should be located and designed to protect the aural privacy and visual amenity of residents.
- iv) Pedestrian and vehicle access to the site should be separated to ensure the safety and convenience of pedestrians.
- v) Provision should be made where possible for shared service access to the rear of business premises.

d) Landscaping

- i) Planting including larger trees should be used to help mitigate the impacts of commercial development on the amenity values of the surrounding neighbourhood and major arterial roads.
- ii) Screening or softening in the form of planting should be provided where the nature and appearance of the activity building or site, makes it desirable.
- iii) Regard will be had to any relevant performance assessment in [Rule 5.3](#).

e) Residential Accommodation

- i) Outdoor living areas, service areas and car parking should be in close proximity to, and conveniently accessible from each residential unit. (Where such provision with respect to an existing building is impracticable, alternative locations shall be considered.)
- ii) Residents should have a reasonable degree of visual and aural privacy.
- iii) Regard will be had to any relevant performance assessment in [Rule 4.1](#).

f) Drive-Through Services

- i) The location and layout of service forecourts, public car parks and drive through service lanes should be designed in order to enhance public convenience, minimise vehicle congestion and avoid traffic and pedestrian conflicts.
- ii) Shared vehicle provision including ingress and egress where two or more such facilities adjoin should be encouraged.
- iii) Vehicular ingress and egress located on local residential streets should be avoided to minimise impacts on local amenity values and maintain safety.
- iv) Provision should be made for heavy vehicle movement on site in a manner which minimises conflicts with customers and impacts on neighbouring amenity.
- v) Regard will be had to any relevant Land Transport Safety Authority guidelines.

4.2.6 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) The extent to which the activity would be consistent with the relevant objectives and policies for the Business Environment
- iv) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- v) Whether any adverse effects or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- vi) Whether the site, given its size, shape frontage topography and existing development, can adequately accommodate the activity, plus off-street parking, planting and other requirements.
- vii) Whether the intensity and scale of the activity is compatible with neighbourhood amenity values taking into consideration the nature of the activity, building bulk, traffic generation, extent of outdoor space and concentrations of people.

b) Specific Criteria

- i) Whether the activity will adversely affect the traffic capacity of the adjacent road network and traffic safety.

- ii) Whether adequate provision is made for off street car parking and the extent to which on street carparking has been increased by road widening as part of the development.
- iii) Whether adequate and coordinated provision is made for convenient, safe and sheltered pedestrian areas in relation to shopping frontages.
- iv) The extent to which the activity provides for the protection and maintenance of the amenity values of adjoining residential areas including complimentary building scale, landscaped open space and visual and aural privacy.
- v) The degree of impact of the activity has on a heritage or cultural site or on natural features where the site is located in an Environmental Protection Overlay.
- vi) Whether residential development would conflict with the functioning of the shopping centre or disrupt shopping frontages.
- vii) Whether adequate and accessible provision has been made for goods handling and storage, and waste collection in a manner consistent with the centres' amenity values.

c) Drive-Through Services or Outdoor Retailing

- i) Whether the location and operation of the activity would compromise the overall functioning of any shopping centre.
- ii) Whether the activity would adversely affect surrounding residential properties and whether the activity can be satisfactorily accommodated on sites adjoining residential properties.
- iii) The degree of impact the activity has on the safety and efficiency of the roading system and whether vehicle access onto local residential or shopping streets can be avoided.
- iv) The extent to which the activity would give rise to conflicts between pedestrians and vehicles.
- v) The extent of compliance with the standards specified in [Rule 4.2.3 b\)](#)

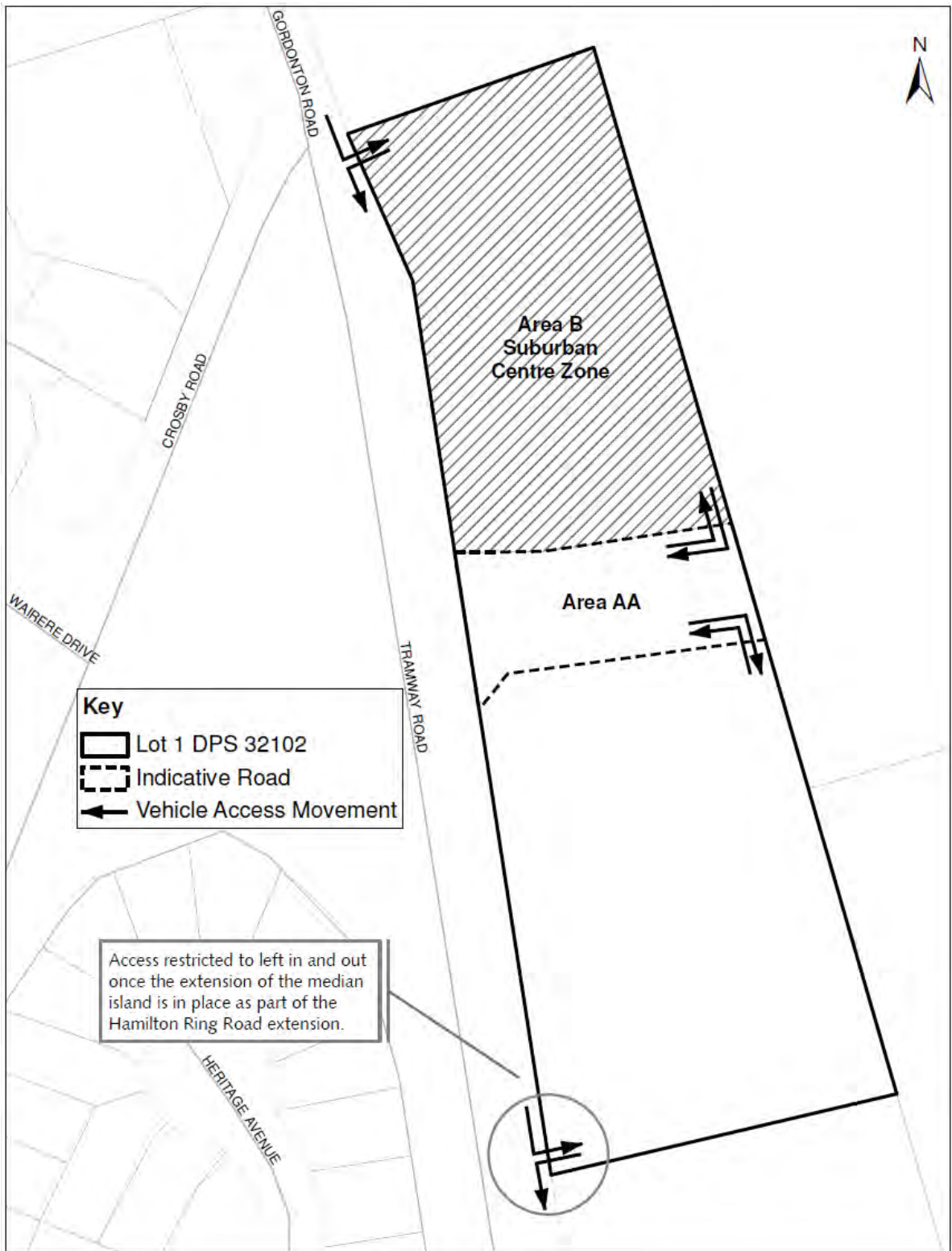
d) On Lot 1 DPS 32102 within area 'A' as shown on Appendix 4.2-1

- i) The extent to which the site functions as a local neighbourhood centre with a limited range of small shops providing everyday convenience for the local community
- ii) Whether the site layout and building design maintains an active frontage that is orientated towards the road.
- iii) Whether the extent of clear glazing and/or the placement of the main customer entrance would result in a reduction in the continuity of the active frontage.
- iv) The extent to which vehicle circulation, parking layout, access or loading conflicts with pedestrian movement into and around the site.
- v) Whether the location and use of the vehicle access points onto the site would result in more than minor adverse effects on the safe operation of the surrounding road network.

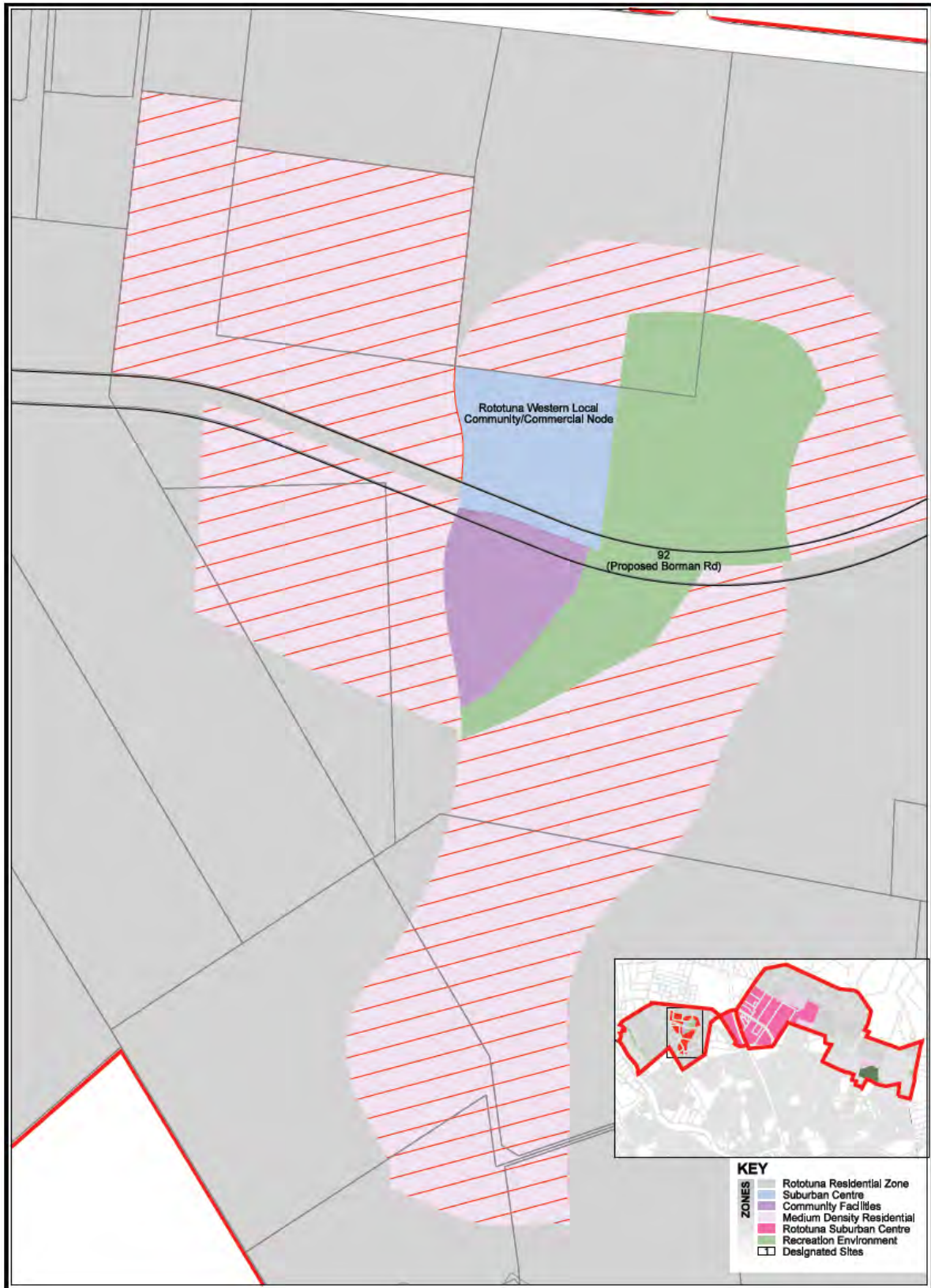
- vi) Whether the proposal by way of site layout and size and scale of buildings on site creates an adverse effect in the character or quality of the site's location as a gateway into the City.
 - vii) Whether signage is designed to complement the architecture through incorporation into the verandah or building structure and does not dominate the shop-front or detract from the streetscape
 - viii) Whether the number, location and intensity of any signage provided at the site is complementary to the surrounding environment and would not conflict with the safe operation of the road network.
 - ix) Whether the development is accessible for a multitude of transport modes, such as pedestrians, cyclists, public transport and vehicles
 - x) Whether any change in setback creates a useable and attractive space that remains open to pedestrian movement without being dominated by parking or traffic movements.
 - xi) The extent to which large car parking areas which dominate the appearance of the development when viewed from any street or other area of public space and detract from the streetscape or shopping frontage, are avoided.
 - xii) The extent to which the activity, alone or in conjunction with other activities in the site, may affect the vibrancy and vitality of other retail centres within the City
 - xiii) Whether the solution for acoustic insulation of the habitable rooms within the residential development will result in adequate noise protection.
- e) Rototuna Western Local Commercial/Community Node (Appendix 4.2-II)**
- i) The extent to which the site functions as a local neighbourhood centre with a limited range of small shops providing everyday convenience for the local community.
 - ii) Whether the site layout and building design maintains an active frontage that is orientated towards the road.
 - iii) Whether the extent of clear glazing and/or the placement of the main customer entrance would result in a reduction to the continuity of the active frontage.
 - iv) The extent to which vehicle circulation, parking layout, access or loading conflicts with pedestrian movement into and around the site.
 - v) Whether the location and use of the vehicle access points onto the site would result in more than minor adverse effects on the safe operation of the surrounding network.
 - vi) Whether signage is designed to complement the architecture through incorporation into the verandah or building structure and does not dominate the shop-front or detract from the streetscape.
 - vii) Whether the number, location and intensity of any signage provided at the site is complementary to the surrounding environment and would not conflict with the safe operation of the road network.

- viii) Whether the development is accessible for a multitude of transport modes, such as pedestrians, cyclists, public transport and vehicles.
- ix) Whether any change in setback creates a usable and attractive space that remains open to pedestrian movement without being dominated by service functions, parking or traffic movements.
- x) The extent to which large car parking areas that dominate the appearance of the development when viewed from any street or other area of public space and detract from the streetscape or shopping frontage, are avoided.
- xi) The extent to which the activity, along or in conjunction with other activities in the node, may affect the vibrancy and vitality of other retail centres within the City.

Appendix 4.2 – I Lot 1 DPS 32102 at Tramway Road



Appendix 4.2 – II Rototuna Western Local Commercial/Community Node



Rule 4.2A Rotokauri Suburban Centre

Rule Statement

This zone provides for the establishment of shopping and community oriented facilities to create a suburban centre that will provide for the everyday goods and services needs of the Rotokauri community, and enable the centre to function as a community focal point.

For the successful functioning of the suburban centre careful consideration of the site layout and the design and external appearance of buildings is required. Controls are centred around the scale, siting and form of buildings, and the layout of the site including provision for pedestrians, cyclists and vehicles. Rules seek to result in a suburban centre that has variation and character, with a positive relationship between development and public spaces and high commercial amenity. Rules also seek to minimise adverse effects on the surrounding residential environment including neighbourhood amenity values.

A primary frontage area is identified around the major and minor arterial roads to facilitate the development of this area as the principal shopping streets where retail is predominant and buildings closely relate to the street through building form and frontages, providing activity, interest and vitality. Buildings with ground floor active frontages are especially important in this area and rules facilitate interaction with the street through window visibility and pedestrian entrances.

Comprehensive Development Plans will be required so as to identify the potential integration of all parts of the proposed development to itself and with adjacent properties and land uses. Where Comprehensive Development Plans comply with all relevant General and Specific Standards these will be assessed as Restricted Discretionary Activities and will not be subject to public notification unless special circumstances exist in accordance with sections 94C and 94D of the Resource Management Act 1991 (as amended 2003).

Expected Outcome

Provision of a range of commercial and community oriented facilities within development that reflects principles of good urban design, maintains customer amenities, facilitates convenient access, minimises traffic conflicts and mitigates and adverse impacts on the environment and surrounding neighbourhood.

Means of Compliance

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- Rules for the Suburban Centre Zone shall apply to these rules, with the exception of [Rule Section 4.2](#).
- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules, with the exception of [Rule Section 5.2](#) which does not apply.

- Any activity involving the subdivision and development of land shall be subject to the rules in Rule Section 6.0.

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in Rule Section 5.0. For clarification of activity status see Rule 4.2A.5 - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 6.2 Suburban Business and 6.4 Drive-Through Services.

4.2A.1 Activities

a) Permitted Activities:

The following activities are Permitted Activities provided that they are in accordance with an approved Comprehensive Development Plan pursuant to Rule 4.2A.2, the General Standards in Rule 4.2A.3 and the relevant Specific Standards in Rule 4.2A.4:

- Any Retail Activity
- Offices (*subject to Rule 4.2A.4 a) i)*)
- Health Care Services (*subject to Rule 4.2A.4 a) i)*)
- Restaurants
- Licensed Premises
- Community Centres (*subject to Rule 4.2A.4 a) i)*)
- Places of Assembly (*subject to Rule 4.2A.4 a) i)*)
- Education and Training Facilities (*subject to Rule 4.2A.4 a) i)*)
- Informal Recreation and Ancillary Buildings (*subject to Rule 4.2A.4 a) i)*)
- Apartment Buildings (*subject to Rule 4.2A.4 c) i)*)
- Residential centres (*subject to Rule 4.2A.4 c) i)*)
- Visitor Accommodation (*subject to Rule 4.2A.4 c) i)*)

b) Discretionary Activities:

The following activities are Discretionary Activities subject to provision of a Comprehensive Development Plan pursuant to Rule 4.2A.2:

- Marae
- Service Industry
- Drive-Through Services
- Parking Lots and Parking Buildings
- Any other residential activity.
- Fire Stations

c) Non-Complying Activities:

The following activities are Non-Complying Activities:

- Any activity not provided for.

4.2A.2 Comprehensive Development Plans

The following standards apply to all activities.

a) Provision of Comprehensive Development Plans

- i) All buildings and their associated car parking areas shall be subject to a Comprehensive Development Plan.
- ii) The CDP application shall show the total expected development for stage 1 of the Suburban Centre (even if the development is to proceed in stages) through plans and explanatory text which shall include the following:
 - Site Development Information — activity types, building platforms, individual shop and business tenancy sizes, pedestrian walkways, cycleways, cycle parking areas, carparking areas and vehicular circulation, vehicular access points between the site and public roads, landscaping areas, service areas with appropriate screening, and the position of adjacent properties with any building(s) if they exist and how the proposal integrates with adjacent properties in terms of contributing to an overall urban design and streetscape character including treatment of building frontages (e.g. glazing and orientation).
 - Development Staging — addressing how development will provide for the primary frontages of the Rotokauri Suburban Centre as defined in the Rotokauri Suburban Centre Concept Plan set out in Appendix 4.2A-1, through current and/or future stages of the development.
 - Elevations — showing building exterior design features including roofs, facades, verandahs, any balconies, exterior building materials colours and finishes, any artificial lighting to exterior walls and features, and how the proposal integrates with adjacent properties in terms of contributing to an overall urban design and streetscape character.
 - Parking, Loading and Access — Transport Impact Study which addresses the following matters: on site provision of car parking, servicing and manoeuvring space; safe and efficient provision of ingress and egress; safe sight visibility distance for access points; safe separation of access points from intersections and other access points; impact of access on safe and efficient traffic flow on the roading network; impact on traffic volumes and capacity of the roading network; adequate provision for pedestrians, cyclists and passenger transport users.
 - Pedestrian Linkages — showing the position of walkways, linkages to adjacent sites, verandah cover, and any artificial lighting to be used in these areas.
 - Planting and Screening — showing the type of landscaping to be provided in yards, carpark areas, and other landscape areas including the identification of plant and tree species to be used, the number of plants to be planted, and any artificial lighting to be used in these areas.
- iii) The Comprehensive Development Plan shall be formulated in accordance with the standards in Rule 4.2A.3 and any relevant standard in Rule 4.2A.4.

b) Effect of Comprehensive Development Plans

- i) Where a development or activity is listed as Permitted and complies with all General Standards in Rule 4.2A.3 and all relevant Specific Standards in Rule 4.2A.4 the Comprehensive Development Plan shall be assessed as a **Restricted Discretionary Activity** with discretion restricted to design and external appearance; location of service areas; general transportation; parking; loading; access to sites, parking and loading spaces; formation; roading network; cycle and public transport; pedestrian accessibility.
- ii) Where a development or activity is listed as a Discretionary Activity or does not comply with any General Standard in Rule 4.2A.3 or any relevant Specific Standard in Rule 4.2A.4 the Comprehensive Development Plan shall be assessed as a **Discretionary Activity**.
- iii) Where a development or activity is listed as a Non-Complying Activity the Comprehensive Development Plan shall be assessed as a **Non-Complying Activity**.
- iv) Approval of the Comprehensive Development Plan shall constitute approval of any development and activity where it is provided in accordance with the provisions of the approved Comprehensive Development Plan.
- v) Where any development or activity is not in accordance with an approved Comprehensive Development Plan, an amendment to the Comprehensive Development Plan shall be required which shall be assessed as a **Discretionary Activity**.
- vi) Where the application is considered as a **Restricted Discretionary Activity** and complies with all relevant General and Specific Standards, the application may be considered without public notification or the need for written approval of or to serve notice on affected parties unless special circumstances exist.

4.2A.3 General Standards

The following general standards apply to all Permitted and Restricted Discretionary Activities.

a) Development Intensity

- i) Maximum Floor Area Ratio (ratio of gross floor area to net site area) — 2 : 1
- ii) Maximum site coverage - 100%

b) Building Height

- i) Maximum Height of Buildings — 15m
- ii) Minimum Height of Buildings - 8m within the primary frontages as defined on the Rotokauri Suburban Centre Concept Plan set out in Appendix 4.2A-I
- iii) Where the site adjoins a Residential Zone, no part of any building shall penetrate a Height Control Plane rising at an angle of 45° commencing at an elevation of 3m above the boundary (*other than in the primary frontages area as defined on the Rotokauri Suburban Centre Concept Plan set out in Appendix 4.2A-I*).

c) Building Setback

- i) 5m minimum from any boundary where the height of the building exceeds 10m (*other than in the primary frontages area as defined on the Rotokauri Suburban Centre Concept Plan set out in Appendix 4.2A-I*).
- ii) 0m from the road boundary within the primary frontages as defined on the Rotokauri Suburban Centre Concept Plan set out in Appendix 4.2A-I (notwithstanding [Rule 5.6.1 a\) ii\)](#)).

d) Service Areas

Any building shall be provided with one or more service areas as follows:

- The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater provided that any individual service area shall be not less than 5m² with a minimum dimension of 2.5m
- A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
- Any outdoor service area shall be maintained with an all-weather dust free surface
- Any service area and vehicular access thereto may not be located within a shopping frontage.

e) Noise

Activities shall comply with [Rule 5.1](#).

f) Planting and Screening

Activities shall comply with [Rule 5.3](#).

g) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

h) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

i) Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.2A.4 Specific Standards

The following standards apply to the activities specified below.

a) Primary Frontages

For buildings within the primary frontages as defined in the Rotokauri Suburban Centre Concept Plan set out in Appendix 4.2A-I:

- i) With the exception of retail activity all Activities identified in Rule 4.2A.1 a) shall not be located at ground floor level.
- ii) Buildings shall include a minimum of 2 stories of useable floorspace.
- iii) The width of any ground floor tenancy shall not exceed a maximum of 1.5 times the height of the building above that tenancy For the purposes of this standard, tenancy is defined as the gross floor area occupied by way of exclusive use by a tenant and includes both freehold and leasehold areas.
- iv) A minimum of 75% of the ground floor wall facing the main shopping street as defined in the Rotokauri Suburban Centre Concept Plan set out in Appendix 4.2A-1, for the length of the ground floor wall shall be of clear glass and capable of being used for displaying goods and services to passing pedestrians.
- v) Ground floor tenancies shall have the main customer entrance facing the street.
- vi) A continuous verandah not less than 2.5m deep shall be provided which extends along the full street frontage except that no verandah over a footpath may encroach to within 300mm from the kerb.
- vii) There shall be no vehicle access or parking within the primary frontage area.

b) Retail Activities

Where any retail activity involves goods and services being offered or exposed to the public in the open, the total yard area used for such purposes (including any area under a canopy or similar structure and any outside area used for outside storage of goods) shall not exceed 400m².

c) Residential Activities

Apartment Buildings, Residential Centres, Visitor Accommodation and Marae shall be subject to the following standards:

- i) No Apartment Buildings, Residential Centres, Visitor Accommodation or Marae shall be located at ground floor level.
- ii) Maximum Density
 - The maximum density for Apartment Buildings shall be one Residential Unit per 150m² of net site area.
 - The maximum density for Residential Centres and visitor accommodation shall be one person per 50m² of net site area.
- iii) Outdoor Living Area
 - Each Residential Unit in an Apartment Building shall be provided with an outdoor living area which:
 - shall be for the exclusive use of the residential unit
 - shall be readily accessible from a living area of a unit
 - shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas

- shall have a minimum area per unit of 12m² and a minimum dimension of 1.5m width.

Provided that where there are four or more Residential Units on a site, the outdoor living space may be combined to provide a communal outdoor living area as provided for below.

- Where the outdoor living areas for Residential Units are to be combined or where any Residential Accommodation does not constitute a Residential Unit (e.g. hostels and motels) a Communal Outdoor Living Area for each building shall be provided which:
 - has a minimum area which shall be equal to 12m² multiplied by the number of Residential Units or 12% of the gross leasable area of that part of any building occupied by residential accommodation whichever is the greater
 - has a minimum dimension of not less than 4m
 - is capable of containing a circle of not less than 8m in diameter
 - is readily accessible to those parts of any buildings occupied by Residential Activities.
- iv) Each building containing residential accommodation shall be provided with service areas as follows:
- A minimum service area of 10m² with a minimum depth of 2.5m located at ground floor level and readily accessible to that residential accommodation.
 - The service area shall be maintained with an all-weather dust free surface.
 - The service area and vehicular access associated with it may not be located within a shopping frontage.
 - The service area required under this rule shall be additional to the service area required under Rule 4.2A.3 d).

4.2A.5 Failure to Meet Standards

- a) Activities which do not comply with Rule 4.2A.2 are **Non-Complying Activities**.
- b) Activities which do not comply with any standard in Rules 4.2A.3 or 4.2A.4 are **Discretionary Activities**.

4.2A.6 Assessment Criteria - General Matters for Discretion: Restricted Discretionary Activities

Restricted Discretionary Activities will be assessed against the assessment criteria below.

- a) **Design and External Appearance**
- i) Whether the external facades use active frontages when facing streets, shopping frontages, carparking areas and public spaces through:
- Building facades at ground floor level that contain the main customer entrance facing the street.
 - Windows with clear glazing covering at least 75% of the building exterior on the street facade within primary frontages.
 - Pedestrian access points and arcades leading off frontages which contain display windows.

- Buildings with active frontages where facing any street, car parking area or public space (not withstanding [Rule 4.2A.4 a\) iv\)](#)).
- ii) Whether the building adds interest and vitality to the street, carparking area or area of public space and creates variation and character through:
- Repetitive bay widths on the street façade of the primary frontage which are broken up with variations in fenestration detailing and materials.
 - Articulation of the façade through features such as pilasters, balconies and variety of materials proposed, particularly on the street façade of the primary frontage.
 - Entrance design which is highlighted by changes in design such as porches, canopies, glazing and materials.
 - Verandah's which are subservient to the building frontage.
 - Buildings on site corners which are treated as a feature through height or façade articulation.
- iii) Whether adequate and coordinated provision is made for convenient, safe and sheltered pedestrian areas in relation to shopping frontages.
- iv) The ability of the building to be flexible and adaptable over time including use of high ground floor ceiling heights.
- v) The extent to which the amount of open space or gaps between buildings in the primary frontages dilutes the sense of enclosure and activity otherwise created by a continuous frontage.
- b) Location of Service Areas**
The extent to which any service area can be viewed from any road or other public space.
- c) General Transportation**
The extent to which the standards in [Rule 5.2](#) are taken into account.
- d) Parking**
- i) Whether the primary frontage buildings are designed and located to adopt a perimeter block layout where car parking is provided to the rear of buildings.
- ii) The extent to which large car parking areas dominate the appearance of the development when viewed from any street or other area of public space and detract from the streetscape or shopping frontage.
- iii) Whether any parking area is provided, landscaped, screened and maintained in a form which minimises nuisance to adjoining activities and does not detract from the streetscape or shopping frontage.
- iv) Any adverse effects from parking areas on the aural privacy and visual amenity of residential developments.
- v) The extent to which it can be demonstrated that the total parking demand generated by the proposed development is less than or equal to the number of spaces provided.

- vi) Whether any appropriate off-street public parking is available in the locality which is within easy and safe walking distance of the site.
 - vii) The extent to which the hours of operation relative to other uses on the site or on sites within walking distance provide opportunities for shared carparking and taking into account the following:
 - The extent to which the distance between the alternative parking site and the development is appropriate to the activity or service provided.
 - The extent to which the route is safe and legible including the ease of any road crossings.
 - The extent to which the alternative site can be clearly associated or identified with the activity.
 - The extent to which joint parking is acceptable, particularly where hours of operation are different.
 - The desirability of avoiding vehicular access to the subject site on traffic or pedestrian safety grounds.and provided that a legal agreement binds the alternative parking site to the development.
 - viii) The extent to which parking is associated with pick up or drop off activities.
 - ix) The extent to which the effects of not providing on-site parking are cumulative in conjunction with inadequate parking provision by other developments on the site.
- e) Loading**
- i) The extent to which loading and unloading can occur without:
 - conflict with traffic or pedestrians on adjoining streets, or giving rise to any traffic or pedestrian safety hazard.
 - detracting from the visual amenity of the shopping frontage or streetscape.
 - detrimental effects on the operation of any adjoining business.
- f) Access to Sites, Parking and Loading Spaces**
- i) The extent to which location, number and configuration of vehicular accesses adversely affects the provision of on street parking or the amenity values of the locality.
 - ii) The extent to which location, number and configuration of vehicular access points give rise to traffic hazards through inadequate visibility and safe stopping distances, or conflicts with the normal flow of traffic and movement of pedestrians and cyclists.
 - iii) The extent to which the location or number of crossings will inhibit the utilisation of the site or obstruct access to services, having regard to the scale of the activity and its operational needs.
 - iv) The extent to which the siting of the access on corner sites disrupts traffic or conflicts with the function of the road as classified in the Road Hierarchy.
 - v) The extent to which:
 - vehicular access disrupts pedestrian movements, safety, and shelter

- opportunities exist for shared access
- conflict with pedestrian shopping activity is minimised

g) Formation

- i) The extent to which the surfacing material used will avoid adverse effects on the amenities of neighbouring properties and the locality through dust, unsightliness, surface flooding and tracking of material on to the street.
- ii) The extent to which adequate markings, signs, kerbs and lighting facilitate the efficient and safe operation of any parking or loading area.

h) Rooding Network

- i) Whether the internal vehicle circulation network is safely and conveniently integrated with the surrounding road network.
- ii) Whether the traffic generated by the proposed activity will adversely affect the safe and efficient operation of the surrounding road network in terms of traffic volumes, traffic congestion and the safety of road users including cyclists and pedestrians.

i) Cycle and Public Transport

- i) Whether the development has adequate on-site provision for cycle parking.
- ii) Whether the development has provided adequate connections to the cycle network as identified in the Rotokauri Structure Plan.
- iii) The extent to which provision has been made for public transport facilities, including taxi stops and bus stops taking into account the scale of the development.

j) Pedestrian Accessibility

- i) The extent to which vehicle circulation, parking layout, access or loading conflicts with pedestrian movement into and around the Suburban Centre.
- ii) The extent to which the development makes adequate provision for pedestrian access between the primary shopping frontages and any parking area.
- iii) Whether development provides pedestrian linkages to surrounding land uses including the green corridor and residential areas.
- iv) The extent to which the development makes provision for pedestrian accessibility and convenience through:
 - Provision of at least one clearly defined and accessible pedestrian entrance to each tenancy directly from the main shopping street.
 - A clearly defined and accessible pedestrian entrance to each tenancy from any adjoining parking area.

4.2A.7 Assessment Criteria – Discretionary Activities

Discretionary activities will be assessed against all criteria in [Rule 4.2A.6](#) and the assessment criteria below.

a) General

- i) The extent to which other relevant standards are complied with.

b) Building Scale and Setbacks

- i) The extent to which the height of the building detracts from the sense of enclosure at street level within the main shopping street.
- ii) Whether any increase in setback reduces the definition of the public realm and detracts from the sense of enclosure at street level within the main shopping street.
- iii) Whether any increase in setback creates a useable and attractive space that remains open to pedestrian movement and does not involve walls or other structures of more than 1 metre in height.
- iv) Whether the building contributes to, and is sensitive to the streetscape and context for the primary frontage in terms of bulk, scale and form.
- v) The compatibility between the height of the building and its integration with surrounding development and public open space.
- vi) The extent to which the proposal would result in the loss of sunlight or daylight to adjoining residential zones or public open spaces.
- vii) The extent to which the scale of the building would create an adverse sense of enclosure for adjoining residential developments or public open spaces.
- viii) Whether the intensity of development is in keeping with surrounding land uses and appropriate to the operational needs of activities in the locality.

c) Location and Operation

- i) The extent to which developments and activities are contrary to the Rotokauri Suburban Centre Plan set out in Appendix 4.2A-I.
- ii) Whether the intensity and scale of the activity is compatible with the amenity values of a suburban centre taking into consideration the nature of the activity, building bulk, traffic generation, extent of outdoor space, and concentrations of people.
- iii) Whether the site, given its size, shape, frontage, topography and existing development, can adequately accommodate the activity, plus off-street parking, planting and other requirements.
- iv) Whether the proposal by way of site layout and size creates an adverse effect on the character or quality of the streetscape and reduces shopper amenity.
- v) Whether adequate and accessible provision for goods handling and storage, and waste collection in a manner consistent with the amenity values of the suburban centre.

d) Landscaping

- i) Whether planting including larger trees is used to help mitigate the impacts of commercial development on the amenity values of the surrounding neighbourhood and areas of public space.
- ii) The adequacy of screening or softening in the form of planting where the nature and appearance of the activity, building or site, makes it desirable.
- iii) Regard will be had to any relevant assessment criteria in [Rule 5.3](#).

e) Lighting

- i) Whether lighting for amenity and crime prevention purposes without causing nuisance to adjoining activities is included within the development.
- ii) The extent to which creative lighting design is used to stimulate and provide for exciting and safe public spaces.
- iii) Regard will be had to any relevant assessment criteria in [Rule 5.4](#).

f) Amenity Values

- i) The impact of buildings, outside storage areas, and parking and loading areas on amenity values.
- ii) Any adverse effects in terms of noise, dust, fumes, glare and loss of privacy on adjoining residential zones.

g) Cumulative Effects

- i) Whether any cumulative effects will occur from the activity and whether they can be avoided or mitigated.

h) Environmental Emissions

- i) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.

i) Primary Frontages

- i) Whether the width of the tenancy would reduce the vertical rhythm of the streetscene and erode the otherwise fine grain appearance of tenancies within the primary frontage.
- ii) Whether the placement of the main customer entrance or a reduction in the extent of glazing would result in a reduction in the continuity of active frontage and create a loss of visual articulation and pedestrian interaction with the development.
- iii) The extent to which any vehicle access dilutes the sense of enclosure and activity otherwise created by a continuous frontage.

j) Service Areas

- i) Whether adequate and accessible provision has been made for service areas and waste collection in a manner consistent with the amenity values of the suburban centre.

k) Residential Activities

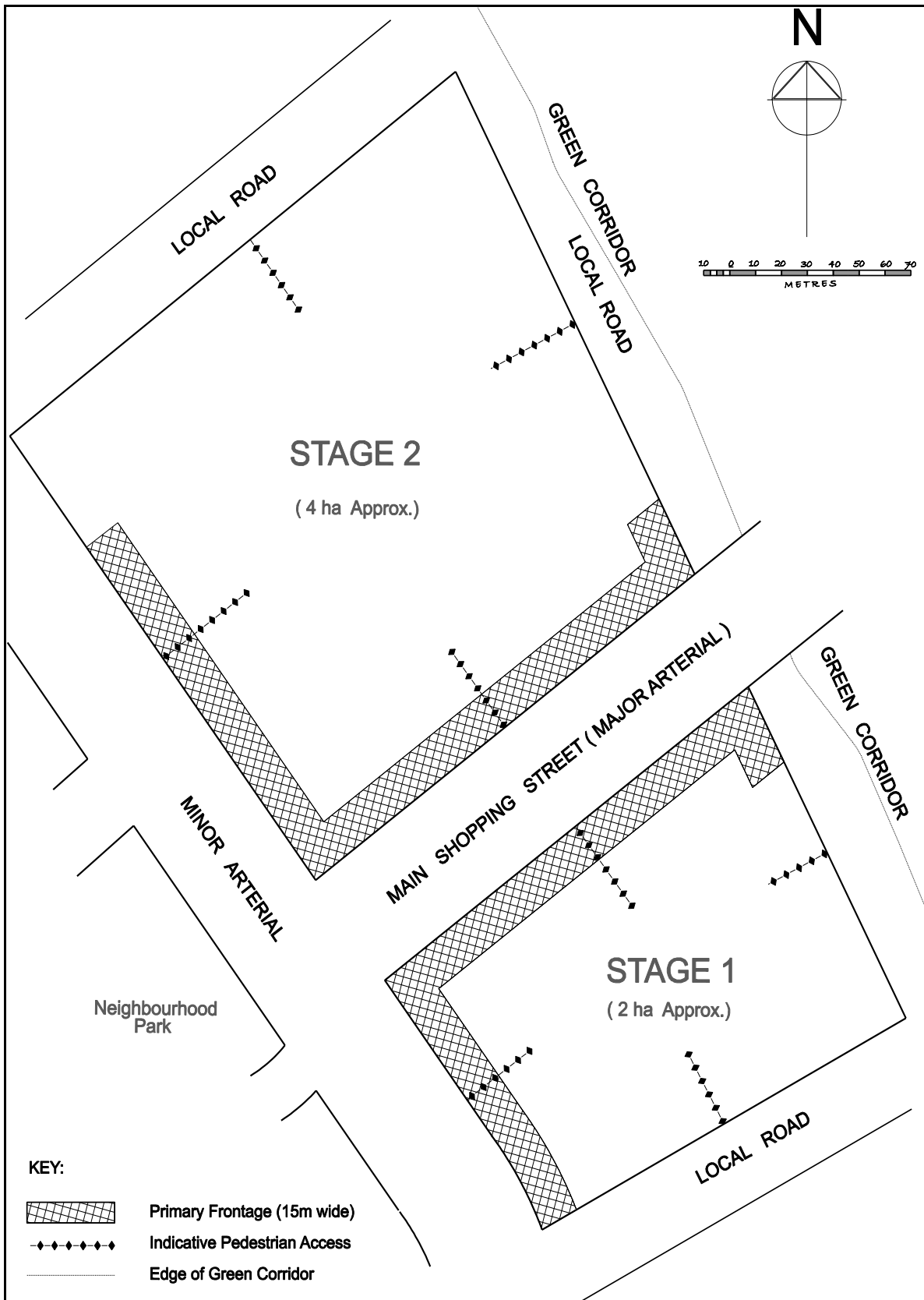
- i) Whether residential development would conflict with the functioning of the suburban centre or disrupt shopping frontages.

- ii) The extent to which residential development integrates with streets by providing visual interest and surveillance of public spaces.
- iii) The extent to which a reasonable degree of amenity is achieved on the site being developed including the amount of outdoor living space, the location of outdoor living areas in relation to indoor living areas, orientation to the sun, and visual and aural privacy.
- iv) The proximity of service areas and car parking in relation to each residential unit.
- v) Regard will be had to any relevant assessment criteria in Rule 4.1.

I) Drive Through Services and Outdoor Retailing

- i) Whether the location and operation of the activity would compromise the overall functioning of the suburban centre.
- ii) Whether the activity would adversely affect surrounding residential properties, and whether the activity can be satisfactorily accommodated on sites adjoining residential properties.
- iii) The degree of impact the activity has on the safety and efficiency of the roading system and whether vehicle access onto local residential or shopping streets can be avoided.
- iv) The extent to which the activity would give rise to conflicts between pedestrians and vehicles.
- v) Regard will be had to any relevant Land Transport Safety Authority guidelines.

Appendix 4.2A-I Rotokauri Suburban Centre Primary Frontages



Rule 4.3 City Centre Zone

Rule Statement

This zone recognises the development of the city centre as a significant entertainment, retailing, commercial and cultural hub for the city and the wider Waikato Region. The rule enables a range of activities to occur with an emphasis on maximising vehicle and pedestrian access to the core. This is reflected in increased provision for inner city living, visitor accommodation and educational/cultural facilities in the central area.

Controls are directed towards, protecting and enhancing existing levels of amenity and improving links between the Waikato River and the city centre. In some instances the protection of amenity, heritage and open space values necessitate additional controls over activities to ensure these values are not severely compromised.

Expected Outcome

Commercial, entertainment, community, cultural, government and accommodation activities with convenient pedestrian and vehicle access while maintaining existing pedestrian amenity, protecting the cultural, heritage and civic amenity of the city centre and enhancing links with the Waikato River.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards specified in this rule or the city-wide

standards in Rule Section 5.0. For clarification of activity status see Rule 4.3.4 - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 6.1 Central Area.

4.3.1 Activities

a) Permitted Activities

The following are Permitted Activities provided they comply with the standards in Rule 4.3.2 and the relevant standards in Rule 4.3.3:

- Any Retail Activity
- Offices
- Health Care Services
- Restaurants
- Licensed Premises
- Community Centres
- Places of Assembly
- Marae
- Education and Training Facilities
- Service Industry
- Warehouses
- Informal Recreation and Ancillary Buildings
- Visitor Accommodation
- Apartment Buildings
- Residential Centres
- Managed Care Facilities
- Rest Homes
- Accessory Buildings
- Relocated Buildings.

b) Controlled Activities

The following are Controlled Activities provided they comply with the standards in Rule 4.3.2 and the relevant standards in Rule 4.3.3, and will be controlled in respect of the matters identified:

- Any Activity involving development or redevelopment of sites within the Riverbank Area
 - with respect to building design and configuration, site layout, landscaping, provision for riverbank promenade, protection of riverbank, vehicular provision
- Parking Lots and Parking Buildings
 - with respect to building design and configuration, site layout, vehicular provision, shopping frontages and streetscape, pedestrian and traffic movements.

c) Discretionary Activities

The following activities are Discretionary Activities:

- Drive-Through Services
- Transport Depots
- Fire Stations
- Any other activity not provided for (*subject to Rule 4.3.1 d*).

d) Non-Complying Activities

The following activities are Non Complying Activities:

- Any Noxious or Offensive Activity (*Refer Appendix 4.5-1*).

4.3.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Development Intensity

- i) Maximum Floor Area Ratio (ratio of gross floor area to net site area): 4 :1.

Provided that in determining floor area ratio, floor space used for parking shall be excluded where such exclusion does not increase the maximum permitted floor area ratio with bonuses, by more than 50%.

- ii) Maximum Site Coverage: 100%

b) Building Height

- i) Maximum Height - No restriction subject to Rules 4.3.2 b) ii) and iii).

- ii) Sunlight Protection Garden Place: Except for elements such as flues, flag poles, open balustrades, aerials and other items which are normally placed above the roof line and which will not materially affect sunlight penetration, no part of any building shall penetrate the sunlight protection plane as illustrated in Appendix 4.3-1 between 1100hrs and 1400hrs from May 1st to August 10th.

- iii) Wind Protection:

- All buildings and structures over 12 metres in height shall be designed to minimise accelerated wind-speed effects that may cause damage to neighbouring buildings or structures, or ground-level discomfort to pedestrians using public spaces

- A report from a suitably qualified person experienced in the analysis of wind effects and demonstrating compliance with this standard shall be submitted with each development proposal where the height exceeds 12m.

c) Floor Area Bonuses

- i) Additional floor area in excess of the maximum floor area ratio specified in [Rule 4.3.2 a\)](#) may be granted in the circumstances set out below provided that the maximum floor area ratio with bonuses shall not exceed 5:1
 - Pedestrian arcades and plazas - Up to 10m² for each 1m² of arcade or plaza
 - Areas of tree planting, landscaping and/or seating for public use - 10m² for each 1m² of tree planting etc
 - Toilets available for public use and to be used by the disabled - 10m² for each 1m² of toilet area available for public use
 - Public art or sculpture associated with the building and displayed on public view at all times while the building is open - 10m² for sculpture or public art display.
- ii) Activities which involve a Floor Area Bonus are **Restricted Discretionary Activities** with discretion restricted to the scale, design and configuration of the building, the site layout and the subject matter of the standard to which the bonus applies.

d) Transfer of Development Rights

- i) For those historic and heritage items specifically identified in Schedules 2.3-I and 2.3-II and on the planning maps, Council may, subject to a registered agreement in which Council is satisfied that the development objectives for the site will be maintained in perpetuity, permit a transfer of development rights from that site for a floor area ratio of 2:1 in respect of that site, to any other site within the City Centre zone, provided the central area sunlight plane as specified in [Rule 4.3.2 b\) ii\)](#) is not penetrated.
- ii) In the case of any site affected by the sunlight plane in terms of [Rule 4.3.2 b\) ii\)](#) above, Council may permit the transfer from that site of those development rights which would otherwise be permitted in accordance with the provisions of this Plan to any other site or sites within the City Centre Zone, to the extent affected by the plane, provided that in agreeing to any transfer Council may impose such conditions as it thinks fit.
- iii) Activities which involve a Transfer Of Development rights are **Restricted Discretionary Activities** with discretion restricted to the scale, design and configuration of the building, the site layout and the subject matter of the standard to which the transfer applies.

e) Service Areas

- i) Any building shall be provided with service areas as follows:
 - The service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater and with a minimum dimension of 2.5m
 - A service area may be located within the building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.

- Any outdoor service area shall be maintained with an all-weather dust free surface
- Any service area and vehicular access associated with it may not be located within a Principal or Secondary Shopping Frontage as shown in the Indicative Structure Plan - Central Area Appendix 4.3-II.

f) Pedestrian Areas

- i) For buildings on sites which adjoin a public footpath or space along a Principal or Secondary Pedestrian frontage as shown in the Indicative Structure Plan - Central Area Appendix 4.3-II:
 - at least 75% of the length of the ground floor wall on the shopping frontage shall be of clear glass and be capable of being used for displaying goods and services to passing pedestrians
 - a pedestrian area not less than 2.5m deep shall be provided along any part of the shopping frontage which does not adjoin a public footpath
 - a continuous verandah not less than 2.5m deep shall be provided which extends along the full shopping frontage except that no verandah over a footpath may encroach to within 300mm from the kerb.
- ii) For any enclosed shopping mall, or any premises in excess of 1000m² gross floor area containing a single retail activity, Rule 4.3.2 f) i) only applies to any shopping frontage on or immediately adjacent to the street or (where facing a customer car parking area) to that part of the building which is occupied by a public entry.
- iii) Any development or redevelopment shall retain the existing (or provide new) pedestrian access routes as shown on the Indicative Structure Plan - Central Area (see Appendix 4.3-II).
- iv) Vehicular access across an identified Principal Shopping Frontage shall be limited to the specified vehicle crossings shown on the Indicative Structure Plan - Central Area (see Appendix 4.3-II).

g) Noise

Activities shall comply with Rule 5.1.

h) Parking, Loading and Access

Activities shall comply with Rule 5.2.

i) Planting and Screening

Activities shall comply with Rule 5.3.

j) Lighting and Glare

Activities shall comply with Rule 5.4.

k) Smoke, Fumes, Dust and Odour

Activities shall comply with Rule 5.5.

l) Building Restrictions along Roads

Activities shall comply with Rule 5.6.

4.3.3 Specific Standards

The following standards apply to the activities specified below.

a) Apartment Buildings, Residential Centres, Managed Care Facilities, Rest Homes and Visitor Accommodation

- i) All Residential Accommodation shall be above ground floor level.
- ii) Each building containing residential accommodation shall be provided with service areas as follows:
 - A minimum service area of 10m² with a minimum depth of 2.5m located on the ground floor and readily accessible to that residential accommodation unless such a service area, which meets these requirements, has already been provided for as part of the building.
 - The service area shall be maintained with an all-weather dust free surface
 - The service area and vehicular access associated with it shall not be located within a Principal or Secondary Shopping Frontage as shown in the Indicative Structure Plan - Central Area Appendix 4.3-II.

b) Retail Activities

Where any retail activity involves goods and services being offered or exposed to the public in the open, the total yard area used for purposes (including any area under a canopy or similar structure and any outside area used for outside storage of goods shall not exceed 400m²).

c) Riverbank Promenade

As part of the development or redevelopment of any site adjoining the Recreation Environment zone along the Waikato River between Claudelands Bridge and Marlborough Place provision shall be made for a pedestrian walkway (Riverbank Promenade) in accordance with the indicative proposal shown in Appendix 4.3-II (Indicative Structure Plan — Central Area) and Appendix 4.3-III (Riverbank Promenade Detail) and the promenade shall comply with the following:

- Minimum width of Promenade: 3m
- Maximum grade of Promenade: 1 in 12 and with no abrupt changes in alignment or grade
- The Promenade shall be located generally along the top of the riverbank, except between Lot 3 DPS 71126 and Marlborough Place, where it will generally be located along the lower secondary terrace.

ADVISORY NOTE - Outline of Council's Responsibilities

Council will purchase or take as reserve contribution, any land on the riverbank side of the promenade for vesting as recreation reserve in accordance with [Rule 6.5.3](#).

Where land is vested as recreation reserve in conjunction with the riverbank promenade, or public access is otherwise secured over part of the site, Council will compensate the owner for the land so vested or encumbered with the value being determined under the provisions of [Rule 6.5.3](#) and taking reserves contribution and betterment into account.

The riverbank promenade will be constructed as a Council responsibility to a basic standard at ground level with provision for adequate lighting.

d) Protection of the Riverbank

The development or redevelopment of any site adjacent to the Waikato River between the northern and southern boundary of the City Centre Zone shall comply with the following:

- i) Any work on that part of a site which is located within 15 metres of the river boundary of a site [except that from (and including) Lot 2 DPS 24594 to the northern boundary of Lot 3 DPS 71126, a distance of 20 metres from the river boundary applies] is carried out in a manner which ensures the protection of the riverbank.
- ii) Any such work will require an assessment by a qualified Geotechnical Engineer (to the Council's satisfaction) on the stability of the area and the measures required to ensure that the stability of the riverbank is maintained, with particular regard to the avoidance of damage to the adjoining riverbank reserve and the river itself.
- iii) All stormwater discharges shall be reticulated directly to the Council's stormwater system and no discharge to the riverbank shall be allowed.
- iv) The developer shall consult with the tangata whenua as to the possible implications of any work on waahi tapu.

e) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.3.4 Failure to Meet Standards

- a) Activities which do not comply with one or two standards in [Rule 4.3.2](#) (unless [Rules 4.2.2 c\) or d\)](#) apply) and in [Rule 4.3.3 a\)](#) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- b) Activities which do not comply with three or more standards in [Rule 4.3.2](#) (unless [Rules 4.3.2 c\) or d\)](#) apply) and in [Rule 4.3.3 a\)](#) are **Discretionary Activities**.
- c) Activities which do not comply with any standard in [Rule 4.3.3](#) (except [Rule 4.3.3 a\)](#)) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.3.5 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Design and Configuration of Buildings

- i) The overall form of any building together with its relationship to adjoining buildings and to the street should reflect the more intensive urban character of the city centre while making provision for and enhancing pedestrian access and amenity.
- ii) Buildings should be designed and located to minimise any adverse effects, including noise, dust, fumes, glare, and loss of privacy on adjoining activities.
- iii) Any development, which exceeds 12 metres in height, shall be designed in such a manner that it will not detract from the existing amenity of the central area through overshadowing, wind funnelling and the obstruction of air and light to adjoining properties.

b) Pedestrian Amenity

Development and redevelopment of sites within the city centre on a defined pedestrian frontage should maintain display windows and verandahs on all such frontages including any mall or arcade, which may lead off such a frontage. Where appropriate provision should also be made for pedestrian amenities such as seating, toilets etc.

c) Site Layout

- i) Where appropriate new development or redevelopment should provide or maintain through site pedestrian linkages as indicated on the Indicative Structure Plan - Central Area (see Appendix 4.3-II).
- ii) The location of buildings, parking areas and outside storage areas should have regard to the extent to which the development impacts on neighbourhood amenity values.

d) Interface with Waikato River

Development adjacent to the riverbank should be designed in a manner which will encourage pedestrian access to and facilitate public use and enjoyment of the promenade and the environs of the Waikato River as indicated on the Indicative Structure Plan - Central Area (see Appendix 4.3-II).

e) Vehicular Provision

- i) Activities generating a high number of traffic movements should be undertaken in a manner which minimises impacts, on the safe and efficient functioning of the adjacent road network and on the safety and convenience of pedestrians.
- ii) Access from the road should be designed and located to allow safe and efficient movement to and from the adjacent road network while minimising the number of access points onto the roading network.
- iii) The location and design of parking, loading spaces and driveways adjacent to shopping frontages should be such as to minimise disruption of pedestrian shopping amenities.
- iv) Provision should be made for minimising conflicts between pedestrian, car and service access and for ensuring the safety and convenience of pedestrians.

f) Landscaping

- i) Planting including larger trees should be used to help mitigate the impacts of commercial development on the amenity values of the surrounding neighbourhood and major arterial roads.
- ii) Screening or softening in the form of planting should be provided where the nature and appearance of the activity building or site, makes it desirable.
- iii) Regard will be had to any relevant performance assessment in [Rule 5.3](#).

g) Riverbank Promenade

- i) Provision should be made for a continuous riverbank promenade generally along the top of the riverbank adjacent to the Recreation Environment zone to provide pedestrian access from the city centre to the west bank of the Waikato River.
- ii) The promenade should be located and constructed so as to be generally on a level of one floor below Victoria Street.
- iii) Legal access for the riverbank promenade should be created through either granting of public rights of way over the strip of land in question or vesting the land as recreation reserve.
- iv) Where appropriate, adequate provision should be made for security of properties adjacent to the promenade.

h) Protection of Riverbank

- i) Any work within the Riverbank Area undertaken in the vicinity of the top of the riverbank should be carried out in a manner which ensures the protection of the riverbank and does not create any potential for ground instability.
- ii) Development proposals within the Riverbank Area should be designed to minimise any disturbance of the riverbank itself so that as far as possible the riverbank will be retained in its natural state.

4.3.6 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- iv) Whether any adverse effects or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- v) Whether the site, given its size, shape, frontage, topography and existing development, can adequately accommodate the activity, plus off-street parking, planting and other requirements.

b) Specific Criteria

- i) Whether the intensity of development is in keeping with surrounding land uses and appropriate to the operational needs of activities in the locality.
- ii) Whether adequate and coordinated provision is made for convenient, safe and sheltered pedestrian areas in relation to shopping frontages.
- iii) Whether any parking or service area is provided, landscaped, screened and maintained in a form which minimises any nuisance to adjoining activities and does not detract from the streetscape of arterial roads.
- iv) Whether the relationship of buildings to the street or reserve areas helps enhance open space amenity values especially on arterial roads and in sensitive areas such as the Waikato River bank area.
- v) Where vehicle access through any shopping frontage is unavoidable, the extent to which the volume of traffic is compatible with the location and the amount of pedestrian activity.
- vi) The degree of impact of the activity has on a heritage or cultural site or on natural features where the site is located in an Environmental Protection Overlay.
- vii) Whether adequate and accessible provision has been made for goods handling and storage, and waste collection in a manner consistent with the centres' amenity values.

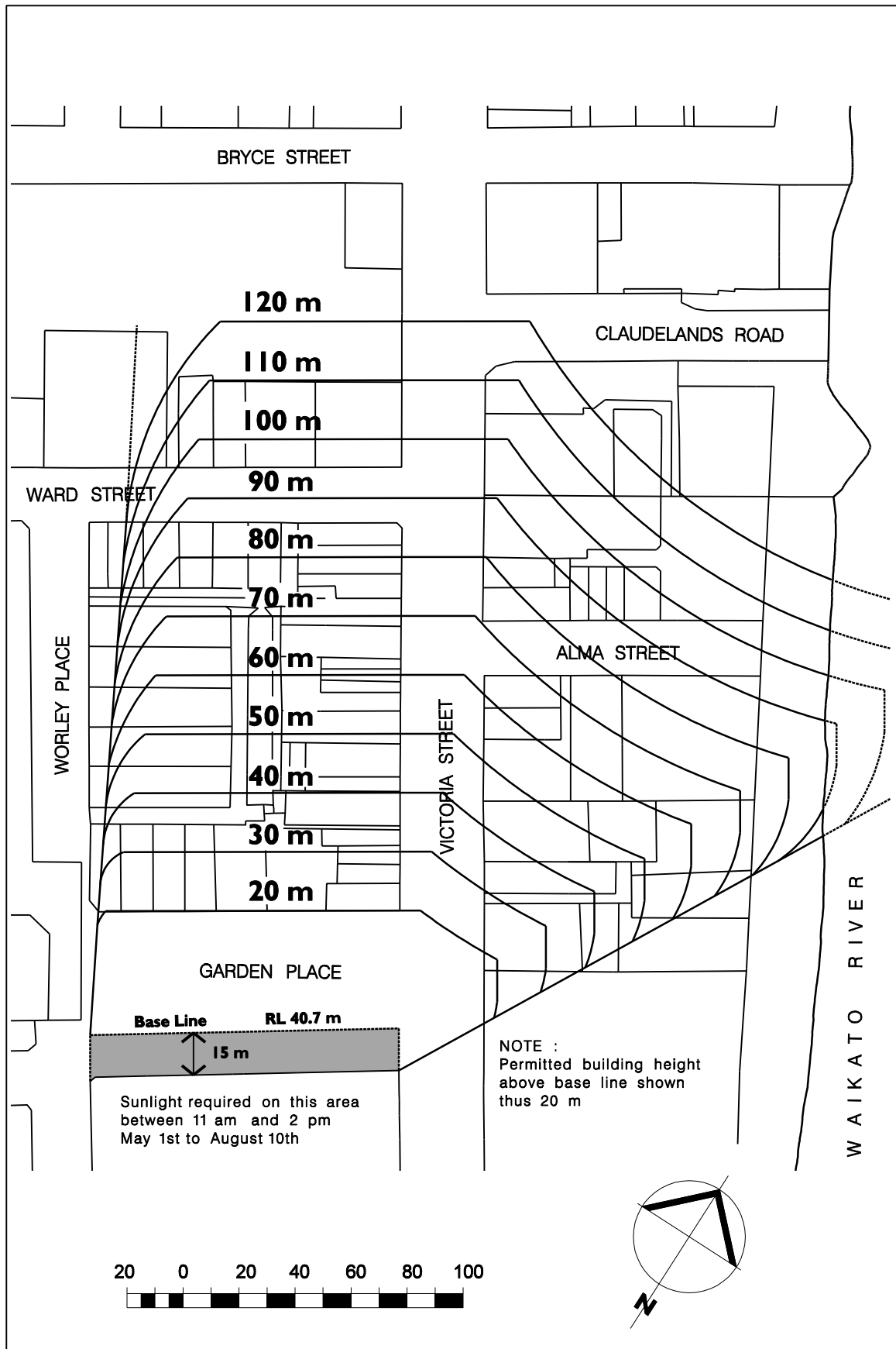
c) For Activities within the Riverbank Area

- i) Whether the impact of large developments and vehicular oriented activities on the amenity values of the riverbank environment and the potential to generate excessive traffic and other activity can be minimised.
- ii) Whether the scale and design of any building or structure is compatible with that of adjoining development and with the amenity, heritage or open space values of the riverbank environment.
- iii) The extent to which sites adjoining the riverbank are landscaped to effect a suitable transition between built and natural environments.

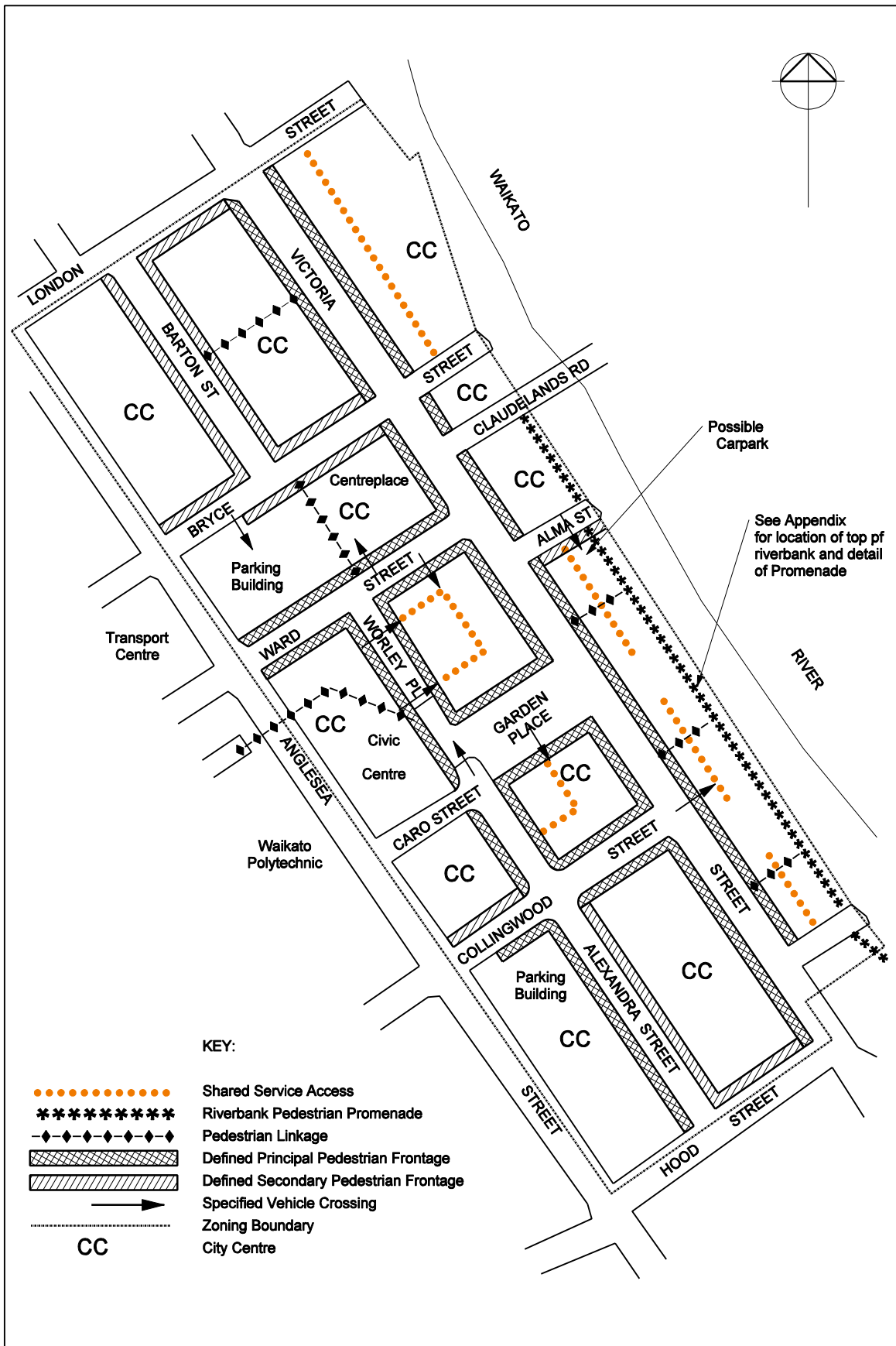
d) Drive-Through Services, Outdoor Retailing and Transport Depots

- i) Whether such activities can be located and undertaken in a manner which is compatible with the pedestrian oriented focus of the central area.
- ii) The degree of impact the activity has on the safety and efficiency of the roading system and whether vehicle access onto pedestrian shopping streets can be avoided.
- iii) Whether the location and layout of service forecourts, customer carparks and drive through service lanes will enhance public convenience, minimise vehicle congestion and avoid traffic conflicts.
- iv) The extent to which provision for heavy vehicle movements on site minimises conflicts with customers.
- v) The extent to which the activity would give rise to conflicts between pedestrians and vehicles.
- vi) Regard shall be had to any relevant Land Transport Safety Authority guidelines.

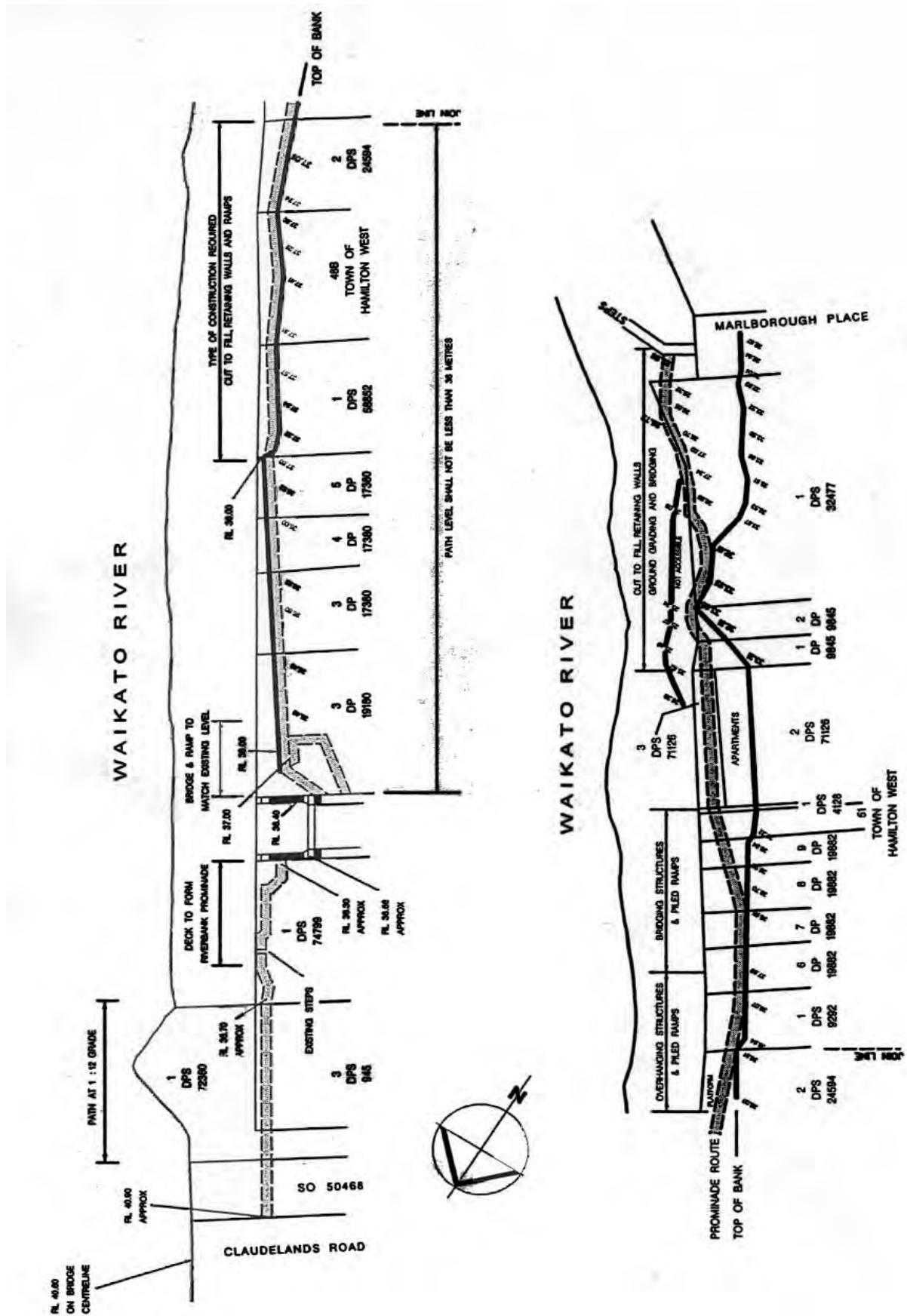
Appendix 4.3-I Sunlight Protection – Garden Place



Appendix 4.3-II Indicative Structure Plan – Central Area



Appendix 4.3-III Riverbank Promenade Detail



Rule 4.4 Commercial Service Zone

Rule Statement

This zone enables the establishment and operation of a wide range of moderate to low intensity commercial, community and service activities on the fringe of the central area and in a number of locations in other parts of the city. The emphasis is on vehicle oriented retail activities including large format shops, drive-through services and outdoor retailing. In some situations, amenity, heritage and open space values necessitate additional controls through a Special Amenity Area and a High Rise Area accommodates an area of established multi-storey office blocks adjoining the city centre.

The zone standards focus on managing the traffic impacts of activities especially on major arterial roads. The interface with residential development is also addressed, by controlling building scale and open space provision.

Expected Outcome

A wide range of commercial, service and community activities enabled while the effects associated with vehicular access pedestrian conflict and impacts on the amenity value of adjoining residential activities are avoided, remedied or mitigated.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards specified in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.4.4](#) - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 6.1 Central Area and 6.3 General Business Activities.

4.4.1 Activities

a) Permitted Activities

The following are Permitted Activities provided they comply with the standards in Rule 4.4.2 and the relevant standards in Rule 4.4.3:

- Offices
- Any Retail Activity (*subject to Rules 4.4.3 b and c*)
- Restaurants
- Licensed Premises
- Community Centres
- Places of Assembly
- Marae
- Education and Training Facilities
- Health Care Services
- Hospitals
- Accessory Buildings
- Informal Recreation and Ancillary Buildings
- General Recreation
- Warehouses (*subject to Rule 4.4.3 c*)
- Service Industry (*subject to Rule 4.4.3 c*)
- Light Industry (*except where located in a Special Amenity Area*)
- Transport Depots (*except where located in a Special Amenity Area*)
- Parking Lots, and Parking Buildings (*except where located in a Special Amenity Area*)
- Detached Dwellings and Accessory Buildings (*where located in a Special Amenity Area, and subject to Rule 4.1*)
- Relocated Buildings.
- Fire Stations (*except where located in a Special Amenity Area*)

b) Controlled Activities

The following are Controlled Activities provided they comply with the standards in Rule 4.4.2 and the relevant standards in Rule 4.4.3, and will be controlled in respect of the matters identified:

- Apartment Buildings
- Residential Centres
- Managed Care Facilities
- Rest Homes
- Visitor Accommodation
 - all with respect to: building design and configuration, site layout, vehicular provision
- Drive-Through Services (*except where located in a Special Amenity Area*)
 - with respect to: site layout, landscaping, vehicular provision
- Any Retail Activity being a controlled activity in accordance with [Rule 4.4.3 b\)](#)
 - with respect to building design and configuration, site layout, vehicular provision.
- Any Permitted Activity required to prepare a traffic impact study in accordance with [Rule 4.4.3 f\)](#)
 - with respect to site layout, and vehicular provision

c) Discretionary Activities

The following are Discretionary Activities:

- Any Retail Activity not being a Permitted or Controlled Activity (*where located in a Special Amenity Area*)
- Drive-Through Services (*where located in a Special Amenity Area*)
- Light Industry (*where located in a Special Amenity Area*)
- Parking Buildings (*where located in a Special Amenity Area*)
- Transport Depots (*where located in a Special Amenity Area*)
- Fire Stations (*where located in a Special Amenity Area*)
- Any other activity not provided for except in the Special Amenity Area (*subject to [Rule 4.4.1 d\)](#)*).

d) Non-Complying Activities

The following are Non-Complying Activities:

- Any Noxious or Offensive Activity (*Refer Appendix 4.5-1*)
- Any other activity not provided for (*where the site is located in a Special Amenity Area*).

4.4.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Development Intensity

- i) Maximum Floor Area Ratio (ratio of gross floor area to net site area):

- 1.5:1
 - 4:1 where the site is in the High Rise Overlay.
- ii) Minimum Site Area: 1000m²
- iii) Minimum Site Frontage: 20m
- iv) Maximum Site Coverage:
- 100%
 - 75% where located within any Special Amenity Area

b) Building Height

- i) Maximum Building Height:
- 10m where the site is within a Special Amenity Area
 - 20m where the site is not within a Special Amenity Area
 - No restriction where the site is located in the High Rise Area.
- ii) Height Control Plane - No part of a building may penetrate a Height Control Plane rising at an angle of 45° commencing at an elevation of 3m above the boundary of any adjoining Residential Zone.

c) Building Setback

- i) Minimum Setback from the front boundary:
- 5m where the site adjoins a major or minor arterial road (except Victoria Street between London and Liverpool Streets)
 - 5m where the site is located in a Special Amenity Area
 - 5m where the site frontage adjoins or faces a Residential Zone
 - nil in all other circumstances.
- ii) Minimum Setback from any other boundary:
- 5m where it adjoins a residential zone provided that this may be reduced to 3m where the site is in a Special Amenity Area and has a net site area of 1000m² or less
 - 5m where the building height exceeds 10m
 - nil in all other circumstances.

d) Service and Outdoor Storage Areas

- i) Any building shall be provided with a service area as follows:
- The service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater and with a minimum dimension of 2.5m
 - A service area may be located within the building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.

- Any outdoor service area shall be maintained with an all-weather dust free surface.
- ii) Where any area is used for the outdoor storage of goods it shall comply with the following:
 - All activities shall accommodate the storage of goods, materials, and waste products in a manner that does not conflict with vehicle access, manoeuvring, and parking
 - Any material stored outdoors shall be done in a manner that avoids adverse effects beyond the boundaries of the site, or impacts on the receiving environment
 - Any outdoor storage area shall be maintained with an all-weather dust free surface
 - No outdoor storage area shall encroach onto a required parking, loading or planting area.
- e) **Noise**

Activities shall comply with [Rule 5.1](#).
- f) **Parking, Loading and Access**

Activities shall comply with [Rule 5.2](#).
- g) **Planting and Screening**

Activities shall comply with [Rule 5.3](#).
- h) **Lighting and Glare**

Activities shall comply with [Rule 5.4](#).
- i) **Smoke, Fumes, Dust and Odour**

Activities shall comply with [Rule 5.5](#).
- j) **Building Restrictions along Roads**

Activities shall comply with [Rule 5.6](#).

4.4.3 Specific Standards

The following standards apply to the activities specified below.

a) Sites Fronting a Major Arterial Road

Where any site has frontage or access to a Major Arterial Road then activities shall comply with the following standards:

Any vehicular entry/exit onto a major arterial road may not serve 50 or more car parking spaces or be used by vehicles larger than a 90 percentile truck and involving more than four vehicle movements a day but subject to [Rule 5.2](#).

Provided that these standards do not apply where the site and adjoining land is segregated from the carriageway of the major arterial road by a service road along the frontage.

b) Retail Activities

- i) For any Retail Activity the gross leasable area of the individual building tenancy or ownership it occupies shall be not less than 400m².
- ii) Rule 4.4.3 b) i) shall not apply to:
 - Any Drive-Through Service
 - Any Retail Activity where goods and services are offered or exposed to the public in the open and the total yard area used for such purposes (including any area under a canopy or similar structure and any outside area used for outside storage of goods) exceeds 400m²
 - Any ancillary retail activity
- iii) Notwithstanding Rule 4.4.3 b) i) retail activities where the individual occupancy is less than 400m² and which comply with the following standards are **Controlled Activities**:
 - Any occupancy less than 400m² in area shall form part of an integrated development with a gross floor area in excess of 5000m² and occupied primarily by retail activities
 - The public entrance to any occupancy less than 400m² in area shall face onto an internal pedestrian or parking area and not onto a road.
- iv) In a Special Amenity Area, the above rules shall not apply.

c) Activities in Special Amenity Areas

- i) In a Special Amenity Area:
 - The gross leasable area of the individual building tenancy or ownership occupied by any retail activity shall be not more than 50m²
 - Not more than one retail activity shall be permitted on a site
 - The gross leasable area of the individual building tenancy or ownership occupied by any warehouse or service industry shall be not more than 250m².

d) Drive-Through Services

- i) Minimum Net Site Area: 1000m².
- ii) Minimum Site Frontage:
 - 20m
 - 30m where fronting a major arterial road.
- iii) The dispensing and associated storage of motor fuels and related products shall comply with Rule 3.2.

e) Residential Activities

Any residential accommodation shall be subject to compliance with the following standards:

i) Maximum Density

- The maximum density for Apartment Buildings shall be one residential unit per 150m² of net site area.
- The maximum density for Residential Centres, Managed Care Facilities, Rest Homes and Visitor Accommodation shall be one person per 50 m² of net site area.

ii) Outdoor Living Areas

- Each Residential Unit in an Apartment Building shall be provided with an outdoor living area which:
 - shall be for the exclusive use of the Residential Unit
 - shall be readily accessible from a living area of a unit
 - shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas
 - shall have a minimum area per unit of 12m² and a minimum dimension of 1.5m width

provided that where there are four or more Residential Units on a site, the outdoor living space may be combined to provide a communal outdoor living area as provided for below.

- Where the outdoor living areas for Residential Units are to be combined or where any Residential Accommodation does not constitute a Residential Unit (e.g. hostels and motels) a Communal Outdoor Living Area for each building shall be provided which:
 - has a minimum area which shall be equal to 12m² multiplied by the number of residential units or 12% of the gross leasable area of that part of any building occupied by residential accommodation whichever is the greater
 - has a minimum dimension of not less than 4m
 - is capable of containing a circle of not less than 8m in diameter
 - is readily accessible to those parts of any buildings occupied by Residential Activities.

iii) Each building containing Residential Accommodation shall be provided with service areas as follows:

- A minimum service area of 10m² with a minimum depth of 2.5m located at ground floor level and readily accessible to that Residential Accommodation.
- The service area shall be maintained with an all-weather dust free surface
- The service area required under this rule shall be additional to the service area required under [Rule 4.4.2 d\)](#)

iv) Where any Detached Dwelling and Ancillary Buildings is located in the Special Amenity Area then notwithstanding the provisions of [Rules 4.4.2](#) and [Rule 4.4.3](#), those standards

in Rule 4.1.2 which relate to a Detached Dwelling in the Residential High Density Area shall apply.

f) Traffic Impact Study

- i) A Traffic Impact Study shall be prepared for any activity which:
 - will provide 50 or more car parking spaces on site either to meet the requirements of this District Plan or to meet the demand generated by the activity; or
 - will have an average daily traffic generation/through put of 250 vehicle movements or more (ingress and egress is 2 movements) whichever is the lesser.
- ii) The Traffic Impact Study shall address the following matters:
 - On site provision of car parking, servicing and manoeuvring space
 - Safe and efficient provision of ingress and egress
 - Safe sight visibility distance for access points
 - Safe separation of access points from intersections and other access points
 - Impact of access on safe and efficient traffic flow on the roading network
 - Impact on traffic volumes and capacity of the roading network.
- iii) Where any activity required to prepare a traffic impact study is subject to a resource consent then the provisions of Rule 6.4.5 relating to roading contributions shall apply.

g) Special Buffer Te Kowhai Road

Where any site adjoins Te Kowhai Road between the North Island Main Trunk Railway and The Boulevard, then in addition to the requirements of Rule 4.4.2 g), a 10m wide planting strip closely planted in large trees shall be provided and maintained along the boundary with Te Kowhai Road.

h) The hours of operation for activities undertaken on Lot 1 DPS 12702: -

- i) Hamilton Cosmopolitan & Sports Club Inc: -
 - Monday to Wednesday (Inclusive) 0900hr-2300hr
 - Thursday 0900hr-2400hr
 - Friday 0900hr-0100hr
 - Saturday 0900hr-0100hr
 - Christmas Eve and New Years Eve to be treated as a Friday and Saturday.
 - Club operations restricted to 16 Sundays per year between the hours: 0900hr-1900hr
- ii) Hamilton Cosmopolitan Bowling Club Inc: -
 - Monday to Sunday (Inclusive) 0830hr-2200hr

- iii) Any new activity: -
- Monday to Saturday 0900hr-2300hr
 - Sunday 0900hr-1900hr

i) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.4.4 Failure to Meet Standards

- a) Activities which do not comply with any of the standards in Rule 4.4.3 a), are **Controlled Activities** subject to Rule 4.4.1 b) and to the relevant standards in Rule 4.4.2.
- b) Activities which do not comply with one or two standards in Rule 4.4.2 and Rule 4.4.3 e) but subject to Rule 4.4.4 c) are **Restricted Discretionary Activities**, with discretion restricted to the subject matter of the standard that can not be met.
- c) Activities which do not comply with the standards in Rule 4.4.2 a) i) to the extent that the maximum floor area ratio specified exceeds 2 : 1, are **Discretionary Activities**.
- d) Activities which do not comply with three or more standards in Rule 4.4.2 and Rule 4.4.3 e) are **Discretionary Activities**.
- e) Activities which do not comply with any standard in Rules 4.4.3 b), c), d) or h) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.4.5 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Design and Configuration of Buildings

- i) Where any activity involves buildings within 15m of the frontage with a major arterial road, then such buildings should present an attractive appearance to passing traffic and in particular:
- unpainted metal cladding should not be used for any façade facing the road
 - large featureless building facades facing the road should be avoided
 - any plant or machinery relating to the activity (except where displayed for sale) should not be placed at the front of the building or should be fully screened
 - activities of an industrial and service nature should be located away from the front of the building and preference given to offices and public entries.

- ii) Buildings in a Special Amenity Area should be complementary and sensitive in terms of scale and form to the surrounding residential neighbourhood.
- iii) Buildings should be designed and located to minimise any adverse effects, including noise, dust, fumes, glare and loss of privacy on adjoining activities.

b) Site Layout

- i) The location of buildings, parking areas and outdoor storage areas should have regard to their potential impact on the amenity of any adjoining residentially zoned land.

c) Vehicular Provision

- i) Car parking areas should be designed to ensure they are easily visible from the road, readily accessible, and convenient for users.
- ii) Access should be designed and located to allow safe and efficient movement to and from the adjacent road network.
- iii) Access onto major arterial roads should be minimised.
- iv) Internal vehicular layout should be designed in order to minimise conflicts between pedestrian, vehicular, and service access.
- v) Regard will be had to the Traffic Impact Study required under [Rule 4.4.3 f\)](#) in determining conditions.

d) Landscaping

- i) Landscaping should mitigate the impacts of development on the amenity values of the surrounding neighbourhood and on the arterial roading network.
- ii) Screening or softening in the form of planting should be provided where the nature and appearance of the activity building or site, makes it desirable.
- iii) Regard will be had to any relevant performance assessment in [Rule 5.3](#).

e) Residential and Visitor Accommodation

- i) Outdoor living areas, service areas and car parking should be in close proximity to, and conveniently accessible from each residential unit (Where such provision with respect to an existing building is impracticable, alternative locations shall be considered).
- ii) Residents should have a reasonable degree of visual and aural privacy.
- iii) Regard will be had to any relevant performance assessment in [Rule 4.1](#).

f) Drive-Through Services

- i) The location and layout of service forecourts, public carparks and drive through service lanes should be designed in order to enhance public convenience, minimise vehicle congestion and avoid traffic and pedestrian conflicts.

- ii) Shared vehicle provision including ingress and egress where two or more such facilities adjoin should be encouraged.
- iii) Provision should be made for heavy vehicle movement on site in a manner which minimises conflicts with customers.
- iv) Regard will be had to any relevant Land Transport Safety Authority guidelines.

4.4.6 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- iv) Whether any adverse effects or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- v) Whether the site, given its size, shape frontage topography and existing development of the site, can adequately accommodate the activity, plus off-street parking, landscaping and other requirements.

b) Specific Criteria

- i) Regard shall be had to any relevant performance assessment in [Rule 4.3](#) for any development in the High Rise Area.
- ii) Whether the potential conflicts between pedestrian and vehicular oriented activities occurring together on a single site can be minimised.
- iii) Whether the intensity of development complements adjoining residential amenities.
- iv) The extent to which any impact on adjoining residential properties and the streetscape of arterial roads, of any proposed carparking can be minimised.
- v) The extent to which open space amenity values, especially on arterial roads and where adjacent to residential areas can be protected.
- vi) Whether adequate and accessible provision has been made for goods handling and storage, and waste collection in a manner consistent with the areas' amenity values.

c) Activities Fronting Major Arterial Roads

- i) The extent to which intensive frontage oriented retail and associated development along major arterial roads can be avoided and larger vehicular oriented premises set back from the road with drive in facilities can be encouraged.
- ii) Whether any vehicular entry/exit onto major arterial roads can be located and designed to maintain or enhance traffic flow.
- iii) Whether any development fronting a major arterial road has any adverse effect on traffic safety, traffic capacity, or the visual amenity values of the route.
- iv) Whether the cumulative effects on traffic safety and efficiency from multiple vehicular access and retail frontage development on major arterial routes can be adequately addressed.
- v) Whether customer carparking is located where it is readily visible, and easily accessed from the principal access and egress points on the site.

d) Activities within the Special Amenity Area

- i) Whether the impact of large developments and vehicular oriented activities on the amenity values of sensitive areas can be minimised.
- ii) Whether the scale and design of any building or structure is compatible with that of adjoining residential development and with the amenity, heritage or open space values of the area.
- iii) The extent to which any adjoining residential, recreation, or community use zoned sites can be effectively buffered from the impact of the proposed activity.

Rule 4.5 Industrial Zone

Rule Statement

The Industrial Zone provides for a wide range of industrial activity and associated uses subject to performance standards designed to manage adverse environmental effects. These include effects of “reverse sensitivity” where non-industrial activities in the zone require higher standards of amenity than what is normally found in industrial areas. In such cases responsibility for the mitigation of adverse effects arising from industrial activities should be borne by those non-industrial activities desiring higher standards.

Within the Industrial Zone lower standards of amenity are accepted. However where industrial activities are close to the interface with Residentially zoned areas higher levels of on-site amenity are achieved through the Amenity Protection Area to protect the amenity of adjacent sites. Performance Standards are also used to enhance the visual appearance of city entrance routes where they pass through industrial areas.

The Rotokauri Structure Plan (See [Rule Section 9.0](#)) explains the importance of safeguarding industrial land in strategic locations for its employment potential. In the Rotokauri area, the proposed Te Rapa Bypass provides for the establishment of two locations; a general industrial zone to the east, and a Rotokauri Employment Area to the west where additional controls are necessary to reflect a more sensitive receiving environment. Appendix 4.5-II illustrates the extent of these areas.

The Rotokauri Employment Area provides for a wide range of light industrial activities, in a high amenity environment, while not detracting from the role of the Rotokauri Suburban Centre or Hamilton City Centre. Performance standards are used to achieve higher amenity levels in this area in response to its high profile location and the opportunity to provide choice and variety in the employment land supply.

Recognising that adequate roading capacity to serve the Rotokauri area is dependant on the completion of major new roading projects, the Plan needs to retain a measure of control over development within Rotokauri to ensure that the roading network continues to service the City’s transport needs and that effective use is made of the industrial land supply.

Expected Outcome

Industrial and related activities accommodated where their adverse effects on the environment can be controlled, particularly at the residential zone interface and along major arterial routes, and where the reverse sensitivity impacts of non-industrial activities in the zone can be managed.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay;
- The rules for citywide activities in [Rule Section 3.0](#) apply in parallel to these rules;
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards specified in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.5.4 - Failure to Meet Standards](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 6.3 General Business Activities and 6.5 Industrial Activities and to any relevant Structure Plan for the area set out in Rule Section 9.0.

4.5.1 Activities

a) Permitted Activities (except in the Rotokauri Industrial Zone See Appendix 4.5-II))

The following are Permitted Activities provided they comply with the standards in [Rules 4.5.2](#) and the relevant standards in [Rule 4.5.3](#):

- Any Industrial Activity
- Offices
- Transport Depots
- Parking Lots and Parking Buildings
- Any Retail Activity (*subject to [Rule 4.5.3 b](#)*)
- Licensed Premises
- Health Care Services
- Community Centres
- Places of Assembly
- Marae

- Education and Training Facilities
- Informal Recreation and Ancillary Buildings
- General Recreation
- Accessory Buildings
- One Detached Dwelling and ancillary buildings per allotment but only on lots 1 — 13 DPS 4106 and lots 1 — 4 DPS 3843 (Anne Michelle Street)
- Relocated Buildings.
- Fire Stations.

b) Controlled Activities (Except in the Rotokauri Industrial Zone See Appendix 4.5-II.)

The following are Controlled Activities provided they comply with the standards in [Rules 4.5.2](#) and the relevant standards in [Rule 4.5.3](#), and will be controlled in respect of the matters identified:

- Drive-Through Services
 - with respect to site layout, landscaping, vehicular provision
- Any permitted non-industrial activity required to prepare a traffic impact study in accordance with [Rule 4.5.3 f\)i\)](#)
 - with respect to building design and configuration, site layout, landscaping, vehicular provision
- Ancillary Flats
 - with respect to building design and configuration, site layout, vehicular provision
- Any Permitted Activity (*fronting a Major Arterial Road and being a controlled activity in accordance with [Rule 4.5.4 a\)](#)*)
 - with respect to the design and configuration of buildings, site layout, vehicular provision (subject to [Rule 5.2](#)) and landscaping.
- Any Activity located within Lot 7 DPS 66853 on Ruakura Road, or subsequent lots, but excluding the land subject to the designation for the Eastern Arterial Link, which would otherwise be permitted
 - With respect to vehicular provision, design and configuration of buildings, and landscaping.

c) Discretionary Activities (Except in the Rotokauri Industrial Zone See Appendix 4.5-II))

The following activities are Discretionary Activities:

- Any Noxious or Offensive Activity (see Appendix 4.5-I) (where located in the Amenity Protection Area or the Environmental Protection Overlay)
- Any other activity not provided for in this rule.

Activities within the Rotokauri Industrial Zone (See Appendix 4.5-II)**d) Permitted Activities within the Rotokauri Industrial Zone**

The following are Permitted Activities provided they comply with the standards in [Rule 4.5.2](#) and relevant standards in [Rule 4.5.3](#)

- Public Transport Facilities
- Accessory Buildings
- Activities that would otherwise be Controlled Activities in the Rotokauri Industrial Zone, provided that they are in accordance with an approved Comprehensive Development Plan pursuant to [Rule 4.5.1AA](#).

e) Controlled Activities within the Rotokauri Industrial Zone

The following are Controlled Activities provided they comply with the standards in [Rule 4.5.2](#) and the relevant standards in [Rule 4.5.3](#) and will be controlled in respect of the matters identified:

- Any activity involving the construction and external alteration of buildings (other than changes of colour) in the Rotokauri Employment Area
 - with respect to building design and configuration, site layout and landscaping.
- Any Industrial Activity (*except in the Rotokauri Employment Area*)
 - with respect to site layout, traffic generation, access and vehicular provision
- Light Industry in the Rotokauri Employment Area
 - with respect to site layout, traffic generation, access and vehicular provision
- Service Industry in the Rotokauri Employment Area
 - with respect to site layout, traffic generation, access and vehicular provision
- Offices (subject to [Rule 4.5.3 j](#) when in the Rotokauri Employment Area)
 - with respect to site layout, traffic generation, access and vehicular provision
- Transport Depots(*except in the Rotokauri Employment Area*)
 - with respect to site layout, traffic generation, access and vehicular provision
- Parking Lots and Parking Buildings (*except in the Rotokauri Employment Area*)
 - with respect to site layout, traffic generation, access and vehicular provision
- Any Retail Activity (*subject to [Rule 4.5.3 i](#)*)
 - with respect to site layout, traffic generation, access and vehicular provision
- Health Care Services
 - with respect to site layout, traffic generation, access and vehicular provision
- Marae
 - with respect to site layout, traffic generation, access and vehicular provision

- Education and Training Facilities
 - with respect to site layout, traffic generation, access and vehicular provision
 - Informal Recreation and Ancillary Buildings
 - with respect to site layout, traffic generation, access and vehicular provision
 - General Recreation
 - with respect to site layout, traffic generation, access and vehicular provision
 - Relocated Buildings (*except in the Rotokauri Employment Area*)
 - with respect to site layout, reinstatement of the building, access and vehicular provision
 - Fire Stations (*except in the Rotokauri Employment Area*)
 - with respect to site layout, access and vehicular provision
 - Drive-Through Services (*except in the Rotokauri Employment Area*).
 - with respect to site layout, traffic generation, landscaping, vehicular provision
 - Ancillary Flats
 - with respect to building design and configuration, site layout, vehicular provision
- f) Discretionary Activities within the Rotokauri Industrial Zone**
- Any other activity not provided for in this rule (subject to [4.5.1 \(g\)](#)).

g) Non-Complying Activities within the Rotokauri Industrial Zone

The following are Non-Complying Activities:

- Any Noxious or Offensive Activity where located in the Rotokauri Employment Area.
- Any Retail Activity, except where provided for in [Rule 4.5.3 i\)](#).
- Drive-Through Services in the Rotokauri Employment Area.

4.5.1AA Comprehensive Development Plan

Subject to [Rule 4.5.1](#) but as an alternative to lot by lot development, Comprehensive Development Plans may be prepared for all or part of the development cell illustrated on Appendix 4.5-III to enable development to proceed within the overall traffic generation thresholds provided by [Rule 4.5.2 l\)](#). For the purposes of the Comprehensive Development Plan, [Rule 4.5.2 l\)](#) shall apply to each individual movement into and out of the cell the subject of the Comprehensive Development Plan. The Comprehensive Development Plan shall be formulated in accordance with the standards in [Rule 4.5.2 a\)-l\)](#) and [4.5.3 a\)-j\)](#) and shall provide:

- i) An overall layout for the development cell the subject of the Comprehensive Development Plan;
- ii) Details of the proposed activities and staging of development;
- iii) Details of the anticipated traffic generation into and out of the cell based upon the activities provided for;
- iv) An implementation plan for the proposed network improvements as indicated on the Structure Plan, taking account of the Indicative Infrastructural Development Programme set out in Appendix 6.9-III to Rule 6.9.

4.5.1AB Effect of the Comprehensive Development Plan

- i) Application may be made for the approval of a Comprehensive Development Plan as a Restricted Discretionary Activity, with discretion restricted to site layout, access and vehicular provision, and infrastructure provision.
- ii) Where any development or activity otherwise provided for as a controlled activity within the Rotokauri Industrial Zone is in accordance with the provisions of an approved Comprehensive Development Plan, such development or activity shall be a permitted activity.
- iii) Where any development or activity is not in accordance with an approved Comprehensive Development Plan, an amendment to the Comprehensive Development Plan shall be required which shall be assessed as a discretionary activity.

Advisory Note

A Section 221 Consent Notice will be registered against the title of any land the subject of an approved Comprehensive Development Plan and account will be taken of the provisions of the Comprehensive Development Plan and any conditions attached thereto in the consideration of the activity status of future development proposals.

4.5.1BA Te Kowhai Road Comprehensive Development Plan

Subject to Rule 4.5.1, a Comprehensive Development Plan shall be prepared for the entirety of the development cell illustrated on Appendix 4.5-IV, in accordance with the standards in Rule 4.5.2 a) to l) and 4.5.3 a) to j) that provides for development and use according to the following requirements:

- i) An overall layout for the development cell shall be prepared in general accordance with the Structure Plan;
- ii) Provision for the staged development and use of the site in accordance with the following:

- (a) Stage 1 - Relocation of the existing activity consisting of
- i. Display, storage, sales and hire of heavy vehicles, machinery and equipment;
 - ii. Assembly, service and repair of heavy vehicles, machinery and equipment;
 - iii. Warehousing and sales of parts for heavy vehicles, machinery and equipment;
 - iv. Offices for the administration and management of the Porter Group of Companies; and
 - v. Buildings and ancillary uses related to the above.
- from the following land — 4.0469 hectares more or less described as Lot 3 Deeds Plan 346 being all that land in Identifier SA560/196; 3.6171 hectares more or less described as Part Lot 2 Deeds Plan 346 being all that land in Identifier SA998/50; 1065m² more or less described as Lot 1 Deposited Plan south Auckland 8028 being all that land in Identifier SA1D/698; 2.0206 hectares more or less described as Part Lot 1 Deposited Plan South Auckland 4044 being all that land in Identifier SA15D/1071; and 2.0191 hectares more or less described as Lot 2 Deposited Plan South Auckland 4044 being all that land in Identifier SA1D/730;
 - to a 17ha (approximately) site within the cell being 42.1609 hectares more or less described as Part Allotment 215 Parish of Pukete being all that land contained in Identifier SA6C/750 (being land to the east of the Te Rapa Bypass designation) and 20.8336 hectares more or less described as Part Allotment 215 Parish of Pukete being all that land contained in Identifier SA524/157 (being land to the east of the Te Rapa Bypass designation) as the sole activity within Stage 1.

Stage 1 business activities shall not commence prior to 1 January 2010.

- (b) The construction and availability for public use of a collector street between Ruffell Road and Te Kowhai Road generally in accordance with the Structure Plan prior to the commencement of business activities in Stage 1 described in (ii)(a) above;
- (c) Trip generation of Stage 1 land use and development shall not exceed 9.8 trips/ha/peak hour;
- (d) Buildings within Stage 1 to be subject to a 5m minimum set back from the western boundary with the Te Rapa Bypass designation;
- (e) Development and activities within Stage 1 to be exempt from the provisions of Rule 4.5.3(i)(iii)
- (f) Further stages of land development and use may follow after establishment of the Stage 1 activity at a cumulative annual rate not exceeding 5ha per annum up to a maximum of 20ha prior to the opening of the Te Rapa Bypass;
- (g) Total traffic generation from land uses within each stage under f) above to be capped at the rates set out in Rule 4.5.2 l);
- (h) Subdivision and development of land released under f) above shall provide for the construction of collector streets generally in accordance with the Structure Plan;

- (i) A service corridor shall be provided as identified on Appendix 4.5-IV to enable the extension of trunk water and waste services to serve future land releases in Rotokauri;
- (j) The preparation of a stormwater catchment management plan to facilitate the principles and proposals for the Rotokauri Structure Plan 2007.

4.5.1BB Effect of the Te Kowhai Road Comprehensive Development Plan

- (i) Application may be made for the approval of the Comprehensive Development Plan as a **Controlled Activity**, with the ability for Council to impose conditions in respect of site layout, access and vehicular provision, provided that all relevant standards in Rule 4.5.1BA are complied with.
- (ii) Subject to Rule (vii) below, where any development or activity otherwise provided for as a **Controlled Activity** within the Rotokauri Industrial Zone is in accordance with the provisions of the approved Comprehensive Development Plan, such development or activity shall be a **Permitted Activity**.
- (iii) Where any Comprehensive Development Plan is not in accordance with the terms and standards set out in Rule 4.5.1BA such application shall be assessed as a **Discretionary Activity**. The New Zealand Transport Agency would be an affected Party in respect of such proposals.
- (iv) Where development or activity is not in accordance with the approved Comprehensive Development Plan, an amendment to the Comprehensive Development Plan shall be required which shall be assessed as a **Discretionary Activity**. The New Zealand Transport Agency would be an affected Party in respect of such proposals.
- (v) Where an approved Comprehensive Development Plan is not in place, development proposals shall be assessed as a **Non-Complying Activity**. The New Zealand Transport Agency would be an affected Party in respect of such proposals.
- (vi) Upon the opening of the Te Rapa Bypass the limitations set out in Rule 4.5.1BA(ii) (a), (c), (f) and (g), and Rule 4.5.1BB (v) shall cease to have effect.
- (vii) Prior to the opening of the Te Rapa Bypass a consent notice or covenant will be registered at the first opportunity against the titles for any land that is the subject of an approved Comprehensive Development Plan, to record the way in which development or subdivision is controlled by the Comprehensive Development Plan.

4.5.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Extent of the Amenity Protection Area

- i) The extent of the Amenity Protection Area for sites adjoining a Residential Zone shall be as shown on the Planning Maps. Where the Amenity Protection Area does not coincide with cadastral boundaries it shall extend for a depth of 50m, measured at right angles, from the Industrial Zone boundary into the site.

- ii) The extent of the Amenity Protection Area for sites which are separated from the Residential Zone by a road or railway designation (where the underlying zoning of the railway designation is residential) shall be as shown on the Planning Maps. Where the Amenity Protection Area does not coincide with cadastral boundaries it shall extend for a depth of 30m, measured at right angles, from the Industrial Zone boundary into the site.

b) Development Intensity

- i) Maximum Floor Area Ratio (ratio of gross floor area to net site area): 1:1.
- ii) Minimum Site Area: 500m² (except in the Rotokauri Employment Area where the minimum site area shall be 1,000m²)
- iii) Minimum Site Frontage: 20m
- iv) Maximum Site Coverage:
 - 100%
 - 75% where the site is in the Amenity Protection Area or the Rotokauri Employment Area

c) Building Height

- i) Maximum Building Height:
 - 20m
 - 15m where the site is in the Rotokauri Employment Area.
 - 10m where the site is in the Amenity Protection Area.
- ii) Height Control Plane: No part of a building may penetrate a Height Control Plane rising at an angle of 45° commencing at an elevation of 3m above the boundary of any adjacent Residential Zone.

d) Building Setback (except in the Rotokauri Employment Area, see 4.5.3 h))

- i) Minimum Setback from the front boundary:
 - 5m where fronting an arterial road or in an Amenity Protection Area.
 - ii) Minimum Setback from any other boundary:
 - 8m in an Amenity Protection Area where adjoining the Residential Zone;
 - 8m for any non-industrial activity
 - 8m for any noxious or offensive activity
 - Nil for any other industrial activity except in the Amenity Protection Area
- (Refer to [Rule 4.5.3 c\) ii\)](#) in relation to buildings fronting Major Arterial Roads).

e) Service and Outdoor Storage Areas

- i) Any building shall be provided with a service area as follows:
- The service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater and with a minimum dimension of 2.5m
 - Any service area shall be maintained with an all-weather dust free surface.
- ii) Where any area is used for the outdoor storage of goods it shall comply with the following:
- All activities shall accommodate the storage of goods, materials, and waste products in a manner that does not conflict with vehicle access, manoeuvring, and parking
 - Any material stored outdoors shall be done in a manner that avoids adverse effects beyond the boundaries of the site, or impacts on the receiving environment
 - Any outdoor storage area shall be maintained with an all-weather dust free surface
 - No outdoor storage area shall encroach onto a required parking, loading or planting area.
- iii) Service and outdoor storage areas in the Rotokauri Employment Area shall also comply with the following:
- No outdoor storage area shall encroach into the front or side setback yards.
 - No service or outdoor storage area shall be greater than 10% of the gross ground floor area of the building.
 - No items stored outdoors shall exceed the height of any screen fence or screen planting or encroach into any buffer/planting strip required under [Rule 5.3](#) Planting and Screening.
 - No service or outdoor storage area shall be located between the principal building and the major arterial road (whether or not the site is separated from the road by a segregation strip or service lane).

f) Noise

Activities shall comply with [Rule 5.1](#).

g) Parking, Loading, and Access

Activities shall comply with [Rule 5.2](#).

h) Planting and Screening

Activities shall comply with [Rule 5.3](#).

i) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

j) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

k) Building Restrictions along Roads

Activities shall comply with Rule 5.6.

l) Traffic Generation in the Rotokauri Industrial Zone

A Traffic Assessment shall demonstrate that traffic generation from any activity on any site within any part of the Rotokauri Industrial Zone shall not exceed the following:

14.1 trips/hectare/AM peak hour

15.0 trips/hectare/PM peak hour

Provided that every inward or outward movement from the site shall be counted as an individual trip and the standard shall apply on a pro-rata basis according to gross site area being inclusive of any land to be vested as public road or open space, any entrance strip with a width of 6m or less, any right of way, any private way or access lot and any non-developable easements.

m) Notification of Resource Consent Applications

An activity which is a Controlled Activity as provided for in Rule 4.5.2 (l) shall not be notified in accordance with Section 93 of the Act except in special circumstances referred to in Section 94(5) of the Act.

4.5.3 Specific Standards

The following standards apply to the activities specified below.

a) Any Activity within the Amenity Protection Area

- i) Any items stored in the Amenity Protection Area shall not exceed the height of any screen fence or encroach into any buffer strip required under Rule 5.3 Planting and Screening.

b) Retail Activity (except in the Rotokauri Structure Plan Area — see 4.5.3i)

For any retail activity, the gross leasable floor area on any site which may be utilized for retail purposes including any ancillary retail activity shall either not be greater than 150 m² or not be less than 1000 m².

- i) For any retail activity other than an ancillary retail activity, not more than one retail activity shall be permitted on a site and the minimum net site area shall be 1000 m² with a minimum frontage of 15m, or 30m where frontage is to a Major Arterial Road.
- ii) Rule 4.5.3 b) i) shall not apply to:
 - Any Drive-Through Service
 - Any Retail Activity where goods and services are offered or exposed to the public in the open and the total yard area used for such purposes (including any area under a canopy or similar structure and any outside area used for outside storage of goods) exceeds 400m².

c) Sites Fronting a Major Arterial Road

Where any site has frontage or access to a Major Arterial Road then activities shall comply with the following standards:

- i) Minimum Site Frontage: 30m
- ii) No buildings shall be sited within 15m of the road frontage (*except in the Rotokauri Employment Area as provided for in [Rule 4.5.2d](#)*).
- iii) Any vehicular entry/exit onto a major arterial road may not serve 50 or more car parking spaces.

Provided that these standards do not apply where the site and adjoining land is segregated from the carriageway of the major arterial road by a service road along the frontage.

d) Drive-Through Services

- i) Minimum Net Site Area: 1000m²
- ii) Minimum Site Frontage:
 - 20m
 - 30m where fronting a major arterial road.
- iii) The dispensing and associated storage of motor fuels and related products shall comply with [Rule 3.2](#).

e) Residential Activities

- i) Not more than one Ancillary Flat shall be permitted per allotment.
- ii) Each Ancillary Flat shall be provided with a minimum outdoor living area of 12m² having a minimum dimension of 1.5m.
- iii) The outdoor living area shall be site adjacent to and easily accessible from the residential unit.
- iv) Where any detached dwelling and ancillary buildings is located on Lots 1 — 13 DPS 4106 and Lots 1 — 4 DPS 3843 (Anne Michelle Street) then notwithstanding the provisions of [Rule 4.5.2](#) and [Rule 4.5.3](#), those standards in [Rule 4.1.2](#) which relate to a detached dwelling shall apply.

f) Traffic Impact Study

- i) A Traffic Impact Study shall be prepared for any activity which:
 - will provide 50 or more car parking spaces on site either to meet the requirements of this District Plan or to meet the demand generated by the activity, or
 - will have an average daily traffic generation/throughput of 250 vehicle movements or more (ingress and egress is 2 movements) whichever is the lesser.
- ii) The Traffic Impact Study shall address the following matters:
 - On site provision of car parking, servicing and manoeuvring space;

- Safe and efficient provision of ingress and egress;
 - Safe sight visibility distance for access points;
 - Safe separation of access points from intersections and other access points;
 - Impact of access on safe and efficient traffic flow on the roading network;
 - Impact on traffic volumes and capacity of the roading network.
- iii) Where any activity required to prepare a traffic impact study is subject to a resource consent then the provisions of Rule 6.4.5 relating to roading contributions shall apply.

g) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

h) Buildings in the Rotokauri Employment Area

The construction and external alteration of buildings in the Rotokauri Employment Area will be subject to the following standards:

i. Building Setbacks:

- Minimum Setback from any boundary:
 - 5m
 - 8m for any non-industrial activity
- Maximum Setback from the front boundary and any boundary of the site adjacent to a major arterial road (except where that is a state highway) whether or not the site is separated from the major arterial road by a segregation strip or service lane:
 - 10 m

For the avoidance of doubt, this standard will be met if any part of the building is in compliance with the rule.

- ii) Any exterior wall of any building which faces a road or area of public space must contain doors or windows which cover a minimum of 30% of the façade. For the purpose of this standard the wall of a building is considered to face a road or area of public space if the outside face of the wall is parallel, or at an angle of 45 degrees or less, to the road or public space.
- iii) The main pedestrian entrance of the principal building on the site shall face towards the road to which the site has frontage. Where the site is adjacent to a major arterial road (except where that is a state highway), the main pedestrian entrance shall face that road whether or not the site is segregated from the road by a segregation strip or service lane. Where the site has a dual road frontage the main pedestrian entrance shall face the higher order road (except where that is a state highway), or in the case where both roads are of the same order, the developer shall nominate the street to which the main pedestrian entrance shall face. For the purpose of this standard the pedestrian entrance is considered

to face a road if the wall in which the entrance is located is parallel, or at an angle of 45 degrees or less, to the road.

- iv) Fences, walls and structures shall not exceed 1.2m in height in the front setback or where the site boundary adjoins a public space or where the site boundary is adjacent to a major arterial road (whether or not the site is separated from that road by a segregation strip or service lane).
- v) No loading spaces shall be located in the front setback or in the setback adjacent to a major arterial road (whether or not the site is separated from the road by a segregation strip or service lane).
- vi) Any plant or machinery (including air-conditioning units) relating to the activity is not to be placed in the front setback or on the front elevation, or in the setback or on the elevation adjacent to a major arterial road (whether or not the site is separated from the road by a segregation strip or service lane).

i) Retail Activities in the Rotokauri Structure Plan Area

- i) For any retail activity, the gross leasable floor area on any site which may be utilised for retail purposes including any ancillary retail activity shall not be greater than 150m².
- ii) Only one retail unit shall be allowed per site, and the minimum site area must be 1,000m² with a minimum frontage of 15m, or 30m where frontage is to a Major Arterial Road.
- iii) Where any retail activity involves goods and services being offered or exposed to the public in the open, the total yard area used for such purposes (including any area under a canopy or similar structure and any outside area used for outside storage of goods) shall not exceed 400m² per site.
- iv) Where the site is located within the Rotokauri Employment Area the retail use must be ancillary to the main use on the site.

j) Office Activities in the Rotokauri Employment Area

- i) The gross leasable floor area on any site which may be utilised for office activities shall not be greater than 1,000m².

k) Trip Generation Controls on Redevelopment of Te Rapa Road Property

Within the area defined in Appendix 4.5-V total peak hour traffic generation entering and leaving the area shall not exceed 115 peak hour trips, provided that this Rule shall cease to have effect upon the opening of the Te Rapa Bypass. The New Zealand Transport Agency shall be considered an affected party in respect of proposals in breach of this standard.

4.5.4 Failure to Meet Standards

- a) Activities which do not comply with any of the standards in Rule 4.5.3 c) are **Controlled Activities** subject to Rule 4.5.1 b) and to the relevant standards in Rule 4.5.2.
- b) Activities which do not comply with one or two standards in Rule 4.5.2 are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- c) Activities which do not comply with three or more standards in Rule 4.5.2 are **Discretionary Activities**.
- d) Activities which do not comply with any of the standards in Rule 4.5.3 except Rule 4.5.3 c) are **Discretionary Activities**, subject to Rule 4.5.1 g).

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.5.5 Performance Outcomes - Controlled Activities

In assessing a resource consent for a controlled activity, Council can impose conditions on the following matters.

a) Building Design and Configuration

- i) Regard should be had to the potential risk to the general public through the presence of hazardous substances and potentially dangerous industrial processes on adjacent sites.
- ii) Residential accommodation should be in a form which minimises conflict with other activities whether on the site or on adjacent sites, which ensures the convenience of the occupants and which gives residents a reasonable degree of visual and aural privacy.
- iii) Where any activity involves buildings within 15m of the frontage with a major arterial road then such buildings should present an attractive appearance to passing traffic and in particular:
 - unpainted metal cladding should not be used for any façade facing the road
 - large featureless building facades facing the road should be avoided
 - any plant or machinery relating to the activity (except where displayed for sale) should not be placed at the front of the building or should be fully screened
 - activities of an industrial and service nature should be located away from the front of the building and preference given to offices and public entries.
- iv) Buildings should be designed and located to minimise any adverse effects, including noise, dust, fumes, glare and loss of privacy on adjoining activities.

b) Site Layout

- i) The location of buildings, parking areas and outside storage areas should have regard to their potential impact on the amenity of any adjoining residentially zoned land.

- ii) For residential accommodation, outdoor living areas, service areas and car parking should be close to, and conveniently accessible from each household unit.
- iii) The potential effects of reverse sensitivity on industrial development and arterial roading and state highways and the provision of separation distances from adjacent industrial sites and arterial roading and state highways should be assessed in terms of safety and nuisances.
- iv) Parking, loading spaces and driveways adjacent to the Residential Zone should be located and designed to protect the aural privacy and visual amenity of residents.

c) Vehicular Provision

- i) Car parking areas should be designed to ensure they are easily visible from the road, readily accessible, and convenient for users.
- ii) Access should be designed and located to allow safe and efficient movement to and from the adjacent road network especially in relation to heavy vehicles.
- iii) Access onto major arterial roads should be minimised.
- iv) Internal vehicular layout should be designed in order to minimise conflicts between pedestrian, vehicular, and service access.
- v) Regard will be had to the Traffic Impact Study required under [Rule 4.5.3 f\)](#) in determining conditions.

d) Landscaping

- i) Landscaping should mitigate the impacts of development on the amenity values of the surrounding neighbourhood, on sensitive areas and on the primary roading network.
- ii) Screening or softening in the form of planting should be provided where the nature and appearance of the activity building or site, makes it desirable.
- iii) Open space adjacent to major arterial roads should be developed and maintained to help enhance the city entranceway image.
- iv) Regard will be had to any relevant performance assessment in [Rule 5.3](#).

e) Drive-Through Services

- i) The location and layout of service forecourts, public carparks and drive through service lanes should be designed in order to enhance public convenience, minimise vehicle congestion and avoid traffic and pedestrian conflicts.
- ii) Shared vehicle provision including ingress and egress where two or more such facilities adjoin should be encouraged.
- iii) Provision should be made for heavy vehicle movement on site in a manner which minimises conflicts with customers.
- iv) Regard will be had to any relevant Land Transport Safety Authority guidelines.

f) Vehicular and Access Provision in the Rotokauri Industrial Zone (in addition to the other relevant provisions of this Rule)

- i) Access arrangements should be located so as not to compromise the safe and efficient operation of the local and arterial road network.
- ii) Access arrangements should anticipate and accommodate the planned road network indicated in the Rotokauri Structure Plan (see [Rule Section 9.0](#))
- iii) The location of any buildings, parking areas and storage areas should have regard to and not compromise proposals for the eventual road network and layout shown in the Rotokauri Structure Plan (see [Rule Section 9.0](#))

g) Traffic Generation in the Rotokauri Industrial Area (in addition to the other relevant provisions of this Rule)

- i. Traffic generated by an individual activity should not be of a level that would compromise the safe and efficient functioning of the local and arterial roading network.
- ii. Traffic generated by an individual activity should not be of a level that would preclude the ability of the local and arterial network to support industrial development elsewhere in the Rotokauri Industrial Zone.

h) Site Layout, Building Design and Configuration and Landscaping in the Rotokauri Employment Area (in addition to the other relevant provisions of this Rule)

- i) Sites should be designed so that service and outdoor storage areas are not located within the front or side setback yards.
- ii) The location of service and outdoor storage areas should have regard to the potential impact on the amenity of adjoining sites, public spaces and the Rotokauri Employment Area overall.
- iii) Large featureless building facades facing the road, public space and green network should be avoided. Buildings should present an attractive appearance to passing traffic and when viewed from public space and contribute to the overall amenity of the Rotokauri Employment Area. Within an individual development activities of an industrial and service nature should be located away from the front setback and preference given to offices and public entries.
- iv) Pedestrian entrances to buildings should be easily recognisable and should face the street.
- v) Site layout and landscaping:
 - Regard will be had to any relevant performance assessment in [Rule 5.3](#).
 - Landscaping should contribute to the overall amenity of the Employment Area particularly at key interfaces such as State Highway 1, green corridor, arterial roading, WINTEC, and Rotokauri Suburban Centre.
 - Open space adjacent to major arterial roading should be developed and maintained to help enhance the Rotokauri gateway image.

- Front fences, walls and signs should be designed to enable an active visual and physical relationship between the site and the street.

4.5.6 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.

- i) The extent to which other relevant standards are complied with.
- ii) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- iii) Whether any adverse effects or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- iv) Whether the site, given its size, shape frontage topography and existing development, can adequately accommodate the activity, plus off-street parking, planting and other requirements.
- v) Whether the imposition of any financial contributions would offset any adverse effects attributable to the proposed activity.

b) Industrial Activities

- i) The extent to which potential risks to the environment and to the health and safety of people in the locality arising from industrial facilities and operations can be minimised.
- ii) Whether industrial activities giving rise to significant nuisances can be adequately managed or sited so as to reduce the impact on neighbouring sites.

c) Non-Industrial Activities

- i) The extent to which adequate measures are implemented as part of the activity to minimise adverse effects arising from neighbouring industrial activities.
- ii) Whether the activity is of a nature that is not unduly sensitive to potential impacts from neighbouring industrial activities.
- iii) The extent to which the activity attracts the general public to the site and the consequent potential for conflict with neighbouring industrial activities.
- iv) Whether the amount and type of traffic generated by the activity could compromise industrial access in the locality or impact on the traffic efficiency of major arterial roads.

- v) The extent to which the activity serves the needs of an industrial area, or is more appropriate to an industrial location than to other areas.
- d) Activities in the Amenity Protection Area**
- i) The extent to which setbacks, planting and the like can help reduce or mitigate the impact of activities on the neighbouring environment and on adjacent residential amenity values in particular.
 - ii) Whether the activity is of a nature which is likely to give rise to a potential risk of significant adverse impacts on the environment and the extent to which this can be minimised.
 - iii) Whether the intensity of development and the management of open space is compatible with the character of the locality and with neighbouring residential activity.
- e) Activities Fronting Major Arterial Roads**
- i) Whether any vehicular entry/exit onto major arterial roads can be located and designed to maintain or enhance traffic flow.
 - ii) Whether any development fronting a major arterial road has any adverse effect on traffic safety, traffic capacity, or the visual amenity values of the route.
 - iii) Whether the cumulative effects on traffic safety and efficiency from multiple vehicular access and retail frontage development on major arterial routes can be adequately addressed.
 - iv) Whether any vehicular entry/exit onto major arterial roads is located and designed so as not to compromise traffic management measures intended to facilitate traffic flows or whether alternative access is available.
 - v) The extent to which activities generating a high number of traffic movements, impact on the safe and efficient functioning of the adjacent road network.
- f) Activities within the Rotokauri Industrial Zone (in addition to the other relevant provisions of this Rule)**
- i) The extent to which the activity might adversely affect the safe and efficient functioning of the local and arterial roading network including state highway 1.
 - ii) The availability and adequacy of interim access arrangements pending the completion of the Rotokauri Structure Plan roading network.
 - iii) The extent to which the development might delay or otherwise compromise implementation of the planned Rotokauri Structure Plan roading network.
 - iv) The extent to which traffic generation from the development would constrain opportunities for further development within the Rotokauri Structure Plan road network

- v) Whether a non-industrial activity would generate effects of reverse sensitivity on existing industrial operations and other lawful activities permitted within the zone, including adjacent roading.

g) Activities in the Rotokauri Employment Area (in addition to the other relevant provisions of this Rule)

- i) The extent to which setbacks, landscaping and site design can help reduce or mitigate the impact of activities on neighbouring sites and the overall Rotokauri Employment Area environment.
- ii) The extent to which the front setback of the building maintains a strong visual and physical relationship with the street/ road, whether any increase in setback creates useable and attractive space, and whether any increased visual impact created from a reduced setback can be mitigated by landscaping.
- iii) The extent to which the potential adverse effects of the location and treatment of service and outdoor storage areas are avoided or mitigated.
- iv) The extent to which parking and loading areas dominate and detract from the overall amenity of the Rotokauri Employment Area and whether they detract from the positive relationship between the building and the street.
- v) The extent to which landscaping contributes to the overall amenity of the Rotokauri Employment Area and the surrounding area, and the gateway image where appropriate.
- vi) Whether fences and walls enable an active visual and physical relationship between the site and the street and other public spaces.
- vii) Whether the building contributes to, and is sensitive to the streetscape in terms of bulk, scale and form.
- viii) The compatibility between the height of the building and its integration with surrounding development and public space.
- ix) The extent to which the proposal would result in the loss of sunlight or daylight to adjoining zones or public spaces.
- x) Whether the intensity of development is in keeping with surrounding land uses and appropriate to the operational needs of activities in the locality.
- xi) The extent to which new development gives rise to an urban form characteristic of perimeter block development i.e. fronting the street with private backs.
- xii) The extent to which new development avoids blank, windowless facades and contributes to active frontages and passive surveillance.
- xiii) The extent to which pedestrian entrances to individual buildings are legible, clearly indicated, and safe.
- xiv) In relation to non-industrial activities consideration shall be given to:

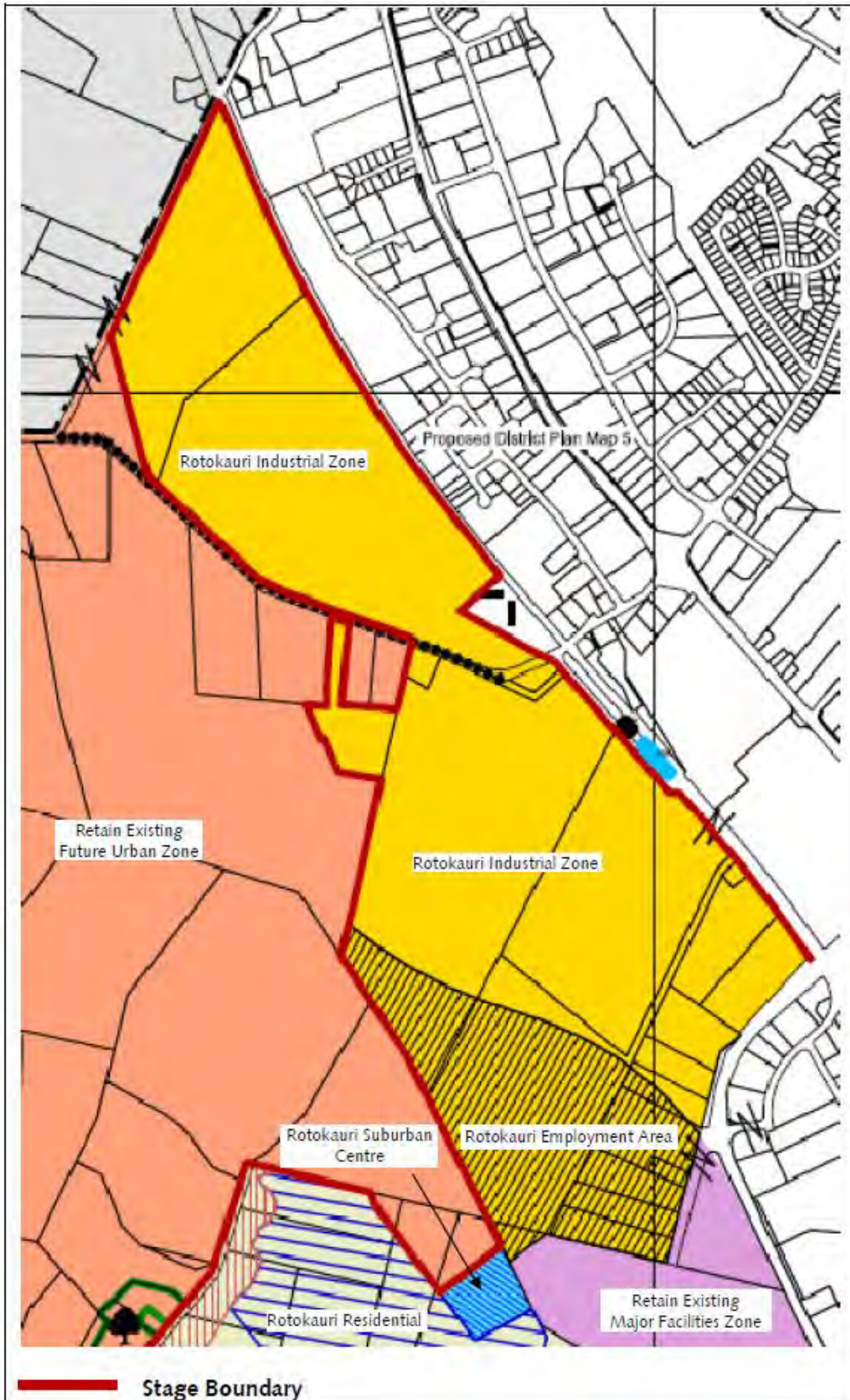
- the potential for adverse effects, including adverse cumulative effects on existing and future lawful activities permitted in the zone and including effects of reverse sensitivity.
- the extent to which the activity is unable to locate in or adjacent to an existing centre.
- the extent to which the activity (having regard to its proposed size, composition and characteristics) is likely to have an adverse effect upon the amenity values and functions of the city centre zone and its ongoing ability to provide for the future needs of the community.

Appendix 4.5-I Noxious or Offensive Activities

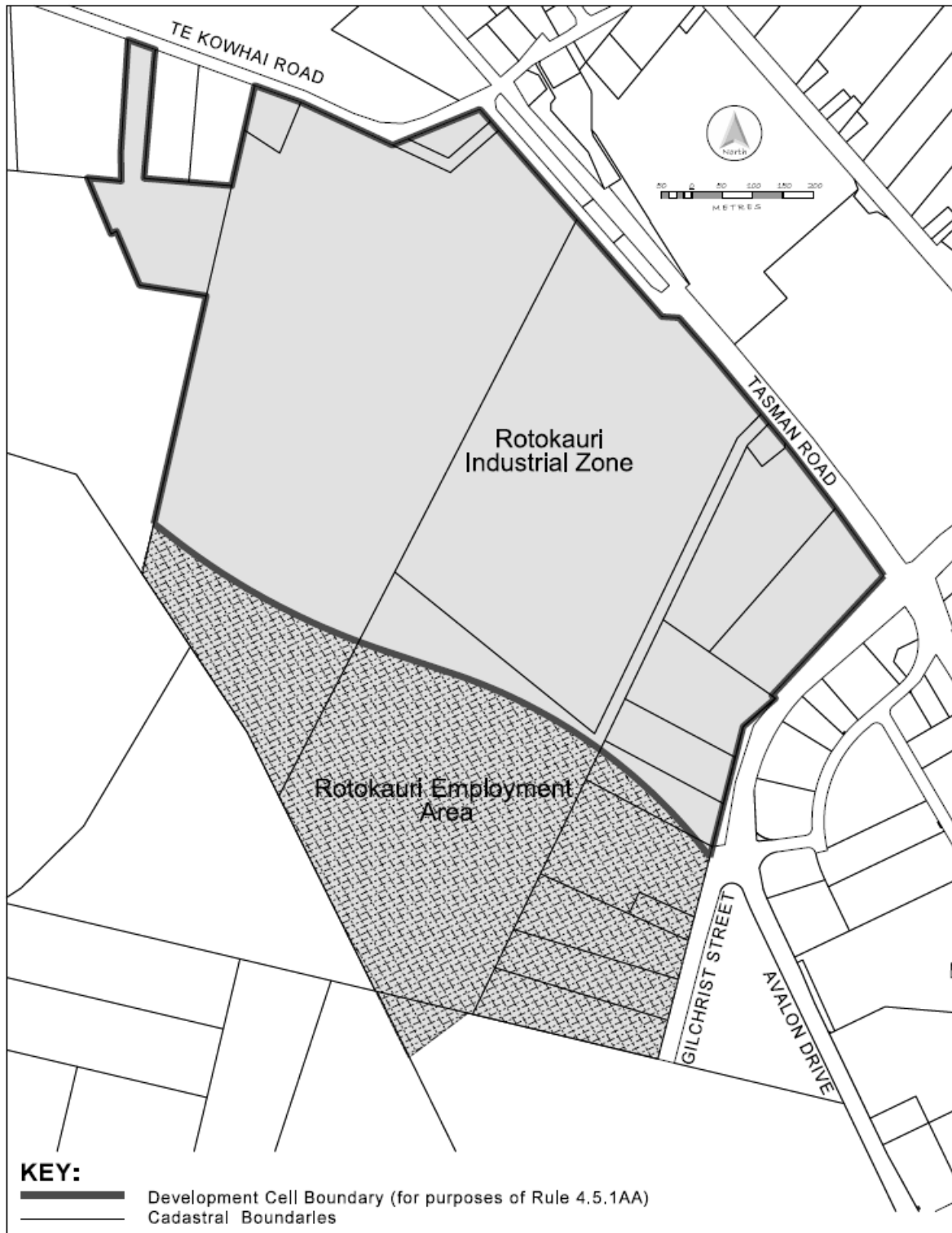
Noxious or offensive activities are those which emit or have the potential to emit odours, gases or other substances to air which would be so offensive as to impact on the amenity values of neighbouring sites or which could constitute a health risk for people in the vicinity and includes:

- a) Blood or offal treating, bone boiling or crushing, dag crushing, fellmongering, fish cleaning or curing, gut scraping and treating, tallow melting
- b) Flax pulping, flock manufacturing, or teasing of textile materials for any purpose, wood pulping
- c) Storage and disposal of nightsoil, septic tank sludge or refuse
- d) Slaughtering of animals for any purpose other than human consumption, storage, drying or preserving of bones, hides, hoofs or skins, tanning, wool scouring
- e) The burning of waste oil in the open air, or in any combustion processes involving fuel burning equipment, other than any combustion processes involving fuel burning equipment, if carried on primarily for the purposes of producing energy, which singly or together have a maximum fuel burning rate of 1000 kg/hr or more carbonaceous fuels or those containing hydrocarbons or sulphur
- f) The open burning of coated or covered metal cable or wire including metal coated with varnish or lacquers or covered with plastic or rubber
- g) Any activity with the potential to discharge asbestos to air including the removal or disposal of friable asbestos, except where it complies with the Health, Safety, and Employment Regulations for Asbestos and is supervised and monitored by OSH
- h) For burning out of the residual content of metal containers used for the transport or storage of chemicals
- i) The open burning of municipal, commercial or industrial wastes or the use of single chamber incinerators for disposal of waste
- j) Any industrial wood pulp process in which wood or other cellulose material is cooked with chemical solutions to dissolve lining and the associated processes of bleaching and chemical and by-product recovery.

Appendix 4.5-II Rotokauri Stage 1 Industrial / Employment Area



Appendix 4.5-III Rotokauri Stage 1 Comprehensive Development Plan Cell (Rule 4.5.1AA)



Appendix 4.5-IV Te Kowhai Road Comprehensive Development Plan Cell (Rule 4.5.1BA)

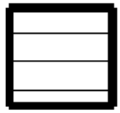


----- Indicative Service Corridor



Comprehensive Development Plan Cell

Appendix 4.5-V Te Rapa Road Redevelopment Cell (Rule 4.5.3k)



Te Rapa Road
Redevelopment Cell

Rule 4.6 Community Facilities Zone

Rule Statement

This zone provides for the development and operation of a range of activities that support the social and economic wellbeing of local communities and which can also contribute to the amenity of neighbourhoods. The intensity of activities associated with community activities can generate significant impacts on the locality. Control is exercised to ensure that the effects of their development and operation are mitigated and such facilities are integrated into their local community.

Expected Outcome

A range of community facilities accommodated, which are well integrated with the scale, character and amenity of their localities.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards specified in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.6.4](#) - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 5.3 Community Facilities.

4.6.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 4.6.2](#) and the relevant standards in [Rule 4.6.3](#):

- Community Centres
- Education and Training Facilities (except where specified in [Rule 4.6.1c](#))
- Health Care Services
- Hospitals
- Marae
- Residential Centres
- Managed Care Facilities
- Rest Homes
- Informal Recreation and Ancillary Buildings
- General Recreation
- Ancillary Retail Activity
- Accessory Buildings
- Residential Accommodation for persons required to live on the premises
- Relocated Buildings.

b) Controlled Activities

The following activities are **Controlled Activities** provided they comply with the standards in [Rule 4.6.2](#) and the relevant standards in [Rule 4.6.3](#) and will be controlled in respect of the matters identified:

- Any Permitted Activity being a Controlled Activity in accordance with [Rule 4.6.4 a](#))
 - site layout, building size and configuration, vehicular provision, on-site open space, landscaping
- Any Light Industry, Warehouse, Transport Depot, Outdoor Storage Area or Administrative Offices but only on Lot 8 DP 14655 (WEL Depot 44-48 Peachgrove Road)
 - with respect to building design and configuration, site layout, landscaping, vehicular access.

c) Discretionary Activities

The following activities are Discretionary Activities:

- The ancillary sale of liquor in association with any community facility
- Fire Stations
- Education and Training Facilities on the Rototuna Secondary School Site (Appendix 4.6-1)

- Any activity specified as a permitted, controlled or discretionary activity in the Residential Zone, and not provided for in Rule 4.6.1 a), subject to compliance with the standards, terms and conditions specified under Rule 4.1 Residential Zone.

d) Non-Complying Activities

The following activities are Non-Complying Activities:

- Any activity not provided for.

4.6.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Development Intensity

- i) Minimum site area:
 - 4000m² for a Permitted Activity
 - 1000m² for a Controlled Activity.
- ii) Minimum site frontage:
 - 50m for a Permitted Activity
 - 20m for a Controlled Activity.
- iii) Maximum site coverage:
 - 40%.

b) Height

- i) Maximum Building Height:
 - 10m where the net site area is 4000m² or less
 - 12m where the net site area exceeds 4000m²
 - 15m where the net site area exceeds 1 ha.
- ii) Height Control Plane - No part of any building shall penetrate a plane rising at an angle of 45° at an elevation of 3m measured at any point on the site boundary.

c) Building Setback

- i) Minimum setback from front boundary:
 - 8m for a Permitted Activity
 - 5m for a Controlled Activity.
- ii) Minimum setback from any other boundary:
 - 5m for a Permitted Activity
 - 3m for a Controlled Activity
 - 5m for a Controlled Activity where the height of the building exceeds 10m.

d) Service and Outdoor Areas

- i) Any building shall be provided with a service area as follows:
 - the service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater and with a minimum dimension of 2.5m
 - any service area shall be maintained with an all-weather dust free surface.
- ii) A minimum of 10% of the net site area shall be set aside as outdoor recreation and amenity space.

e) Hours of Operation

- i) The hours of operation for any community facility (excluding residential activities) shall be:
 - 0700hr to 2230 hr - Sunday to Thursday
 - 0700hr to 2400 hr - Friday and Saturday.
 - These hours of operation may be exceeded for any 24 hour period up to 5 days per calendar year.

f) Noise

Activities shall comply with [Rule 5.1](#).

g) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

h) Planting and Screening

Activities shall comply with [Rule 5.3](#).

i) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

j) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

k) Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.6.3 Specific Standards

The following standards apply to the activities specified below:

a) WEL Depot

The following additional standards shall apply to Lot 8 DP 14655.

- i) For all boundaries of the site:

- the minimum setback shall be 5m
 - the full width of the required 5m setbacks shall be planted in accordance with Rule 5.3
 - screening shall be provided in accordance with Rule 5.3.
- ii) The hours of operation of any light industrial activity, transport depot or outdoor storage area shall be:
- 0700hr to 2100 hr - Monday to Saturday
 - 1000hr to 1700 hr - Sunday.
- iii) Vehicular Access shall be:
- confined to a single point of ingress and egress to Peachgrove Road
 - sited in close proximity to the southern boundary of the site
 - designed to a standard equivalent to that of a road intersection.
- b) Ancillary Retail Activity**
- i) Not more than one ancillary retail activity shall be allowed on a site.
- ii) The maximum floor area of any ancillary retail activity shall be 50m² gross leasable area.
- c) Residential Centres and Residential Accommodation**
- i) Separation Distances and Privacy
- Where two or more buildings, excluding accessory buildings, are located on the one site, no eave of a building shall be located closer than 3m from the eave of another building.
 - A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary, excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 meters or less, or any right of way, private way or access lot (See Figure 4.1.4).
 - Where buildings are attached, no setback is required between those buildings.
 - Separation distances may be reduced where:
 - windows are at an angle of 60° or greater to the boundary; or
 - window sill height from the finished upper-floor level is 1.7m; or
 - written consent from the owners and occupiers of the adjoining property is obtained.
- ii) Outdoor Living Area
- Each Residential Unit shall be provided with an outdoor living area which:
 - shall be for the exclusive use of the Residential Unit
 - shall be readily accessible from a living area of a unit
 - shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.

- Each Residential Unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

Activities	Minimum area (per unit)	Minimum dimensions
Detached Dwellings, Relocated Dwellings and Comprehensive Residential Development	40m ²	Capable of containing a 6m diameter circle
Ancillary Flats	12m ²	2.5m width
Apartment Buildings	12m ²	2.5m width

- Where there are four or more Residential Units on a site, the outdoor living space may be combined to provide a communal outdoor living area. The communal area:
 - shall be accessible to all units
 - shall have a minimum dimension of not less than 4m
 - shall be capable of containing a circle of not less than 8m in diameter.
- The Communal Outdoor Living Area shall have a minimum area which shall be equal to the required area of outdoor living areas as follows: (e.g. 4 x 60m² = 240m²)

Activity	4-10 units	11-20 units	21+ units
Detached Dwellings, Relocated Dwellings and Comprehensive Residential Development	60m ² per unit	40m ² per unit	25m ² per unit
Apartment Buildings	12m ² per unit	12m ² per unit	12m ² per unit

- Where any Residential Accommodation does not constitute a Residential Unit (e.g. student/staff hostels and halls of residence) a Communal Outdoor Living Area for each building shall be provided:
 - at a rate of 12m² per area of exclusive occupancy
 - with a minimum dimension of not less than 4m
 The outdoor living area shall be:
 - capable of containing a circle of not less than 8m in diameter
 - readily accessible to the buildings.
- The maximum density for Residential Centres, Managed Care Facilities and Rest Homes shall be one person per 50m² of net site area.

d) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.6.4 Failure to meet standards

- a) Permitted Activities which do not comply with the Permitted Activity standards for Development Intensity in Rule 4.6.2 a) and Building Setback in Rule 4.6.2 c) are **Controlled Activities** subject to Rule 4.6.1 b) and to the other standards in Rule 4.6.2.
- b) Activities which do not comply with one or two standards in Rule 4.6.2 except those for permitted activities in clauses a) and c) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- c) Activities which do not comply with three or more standards in Rule 4.6.2 except those for permitted activities in clauses a) and c) are **Discretionary Activities**.
- d) Activities which do not comply with the standards in Rule 4.6.3 are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.6.5 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Size, Design and Configuration of Buildings

- i) The scale and intensity of any development on a community facility site should consistent with the amenity values of the locality.
- ii) Buildings, especially where they are in close proximity to adjacent residential development, should be domestic in scale and character, and without long, unbroken building facades.
- iii) Buildings located close to the street frontage should be compatible with adjoining developments in terms of scale and character, particularly on smaller sites.
- iv) Buildings associated with the WEL Depot should be designed and located to minimise any adverse effects, including noise, dust, fumes, glare and loss of privacy on adjoining activities.

b) Site Layout and Landscaping

- i) Buildings should be set back from boundaries to ensure that they do not detract from adjoining residential properties and allow for planting to help mitigate any impacts arising from the facility.

- ii) Provision of open space and planting should be used to help mitigate the impacts of community facilities on the neighbourhood environment.
- iii) Open space should be maintained to enhance visual amenities and to help offset the impact of intensive and large-scale development.
- iv) Regard will be had to any relevant performance assessment in [Rule 5.3](#).
- v) On the WEL Depot, the required setback should not be used for storage or parking and no side and rear setback should be used for building access.
- vi) The residential amenity values of the properties adjoining the WEL Depot should be protected in respect to the provision of storage and parking areas and the screening and landscaping of the site boundaries.

c) Vehicular Provision

- i) Parking areas and other provision for vehicles should be sited to minimise their impact on neighbours and on visual amenity values of the neighbourhood including residential streetscapes.
- ii) Vehicular access to community facilities likely to generate significant traffic movements should be sited and designed to minimise impacts on amenity values in local residential streets while minimising conflicts with traffic on arterial roads.

4.6.6 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- iv) Whether any adverse or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- v) Whether the site, given its size, shape frontage topography and existing development, can adequately accommodate the activity, plus off-street parking, landscaping and other requirements.

- vi) The extent to which impacts on the amenity values of the surrounding residential neighbourhood can be minimised and any compromising of the open space character of the locality can be avoided.

b) Specific Criteria

- i) Whether the effects of overheight buildings on daylight, sunlight and visual impact, with respect to adjoining residential properties, can be minimised.
- ii) Whether parking demand can be met on-site and overspill parking in surrounding streets kept to a minimum except in special cases.
- iii) Whether the impacts of traffic on surrounding residential streets and on the efficient operation of adjacent arterial streets can be minimised.
- iv) Whether the nature of the activity is such that an extension to the hours of operation of any community facility would give rise to any disturbance to the surrounding residential area.
- v) Whether the site is of a sufficient size that large scale community facilities, particularly those which are not domestic in character, can be accommodated in a manner which limits impacts on neighbouring amenity values.
- vi) The extent to which the visual impacts of substantial buildings can be reduced by open space and landscape buffers including screening and large trees.

c) Ancillary Liquor Licenses

- i) The extent to which the location and design of the premises limits nuisances such as noise and odour in respect of the surrounding area.
- ii) Whether there is adequate provision for screening or buffer areas with respect to the premises.
- iii) Whether there will be additional traffic generation or parking demand associated with the activity.
- iv) The extent to which potential impacts from the behaviour of patrons leaving the premises can be managed.
- v) The extent to which the scale of the activity and the hours of operation are consistent with the character of the locality.

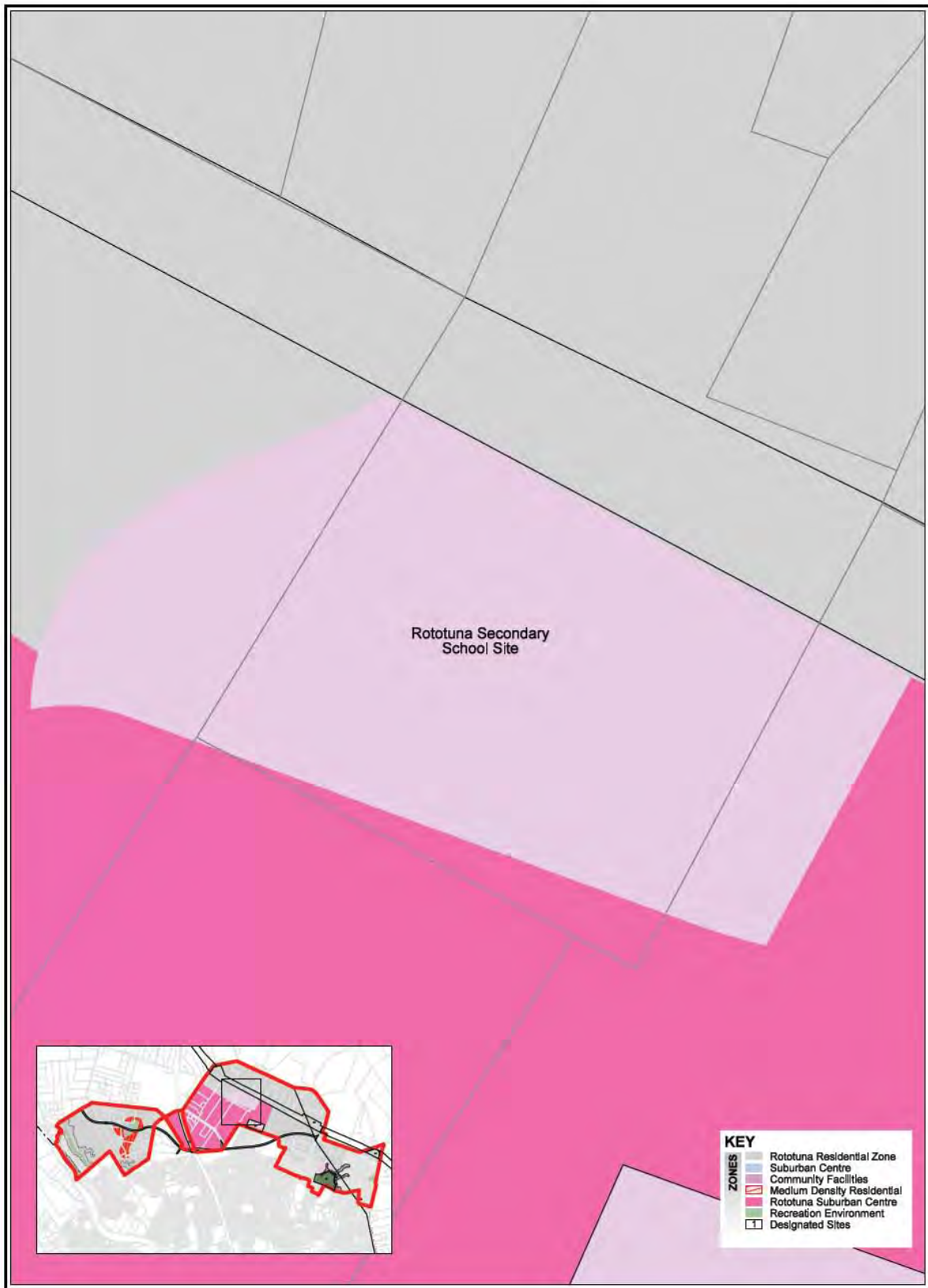
d) Residential Development

- i) The extent to which residential and associated development impacts on the amenity values of the locality.
- ii) Whether any residential or related activity or associated subdivision, would compromise opportunities for the provision of community facilities.
- iii) Regard will be had to the provisions of [Rule 4.1](#).

e) Education and Training Facilities on the Rototuna Secondary School Site

- i) Whether the layout and location of the school buildings relate to the adjacent Active Recreation Precinct and the extent to which school buildings have been designed to define the northern edge of the Precinct;
- ii) The extent to which the school development will integrate with the Rototuna Suburban Centre;
- iii) The extent to which pedestrian, cyclist and public transport needs have been accommodated and integrated into the development;
- iv) Whether the quality of the design of the school buildings is of a high standard especially when viewed from surrounding properties;
- v) Whether consideration has been given to passive surveillance and security particularly outside school hours;
- vi) Whether safe pedestrian access from the school to the Active Recreation Precinct has been provided for;
- vii) Whether consideration has been given to integrating the provision of infrastructure with the wider development of the Rototuna Suburban Centre;
- viii) The extent to which low impact design approaches including the use of green infrastructure have been considered;
- ix) The extent to which on-site management and disposal of stormwater to minimise the volume of stormwater entering the piped drainage system can be achieved.

Appendix 4.6-1 Rototuna Secondary School Site



Rule 4.7 Major Facilities Zone

Rule Statement

This zone provides for the continued development and operation of major facilities in the City. It seeks to accommodate the special nature of the built environment of such facilities in which people need appropriate places to undertake the facility's core activities yet be able to meet their other needs. The major facilities are the University of Waikato's Hillcrest Campus, Waikato Polytechnic's Avalon Drive Campus, Health Waikato's Base Hospital Complex, the Claudelands Events Centre, the Te Rapa Racecourse, Waikato Stadium and Seddon Park. (refer Appendix 4.7-I).

These facilities are major focal points for the community and play a substantial role in promoting the wellbeing of people from Hamilton City, the Waikato Region and nationally.

The rule recognises the scale of the sites and buildings, the multiplicity of activities and the opportunity to enable their effects to be managed in an integrated manner by the respective institutions. The rule addresses the potential impact of these major facilities on the wider community and controls their development at the interface with adjoining activities.

Expected Outcome

The range of activities appropriate for each Major Facility are accommodated on the site in a coordinated manner while minimising adverse environmental impacts both internally and on the surrounding locality.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards specified in this rule or the city-wide standards in Rule Section 5.0. For clarification of activity status see Rule 4.7.1 - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 5.4 Major Facilities.

4.7.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with Rule 4.7.2 and the standards in Rule 4.7.3 and Rule 4.7.4.

- Relocated Buildings.

In the case of Waikato Stadium and Seddon Park:

- Informal recreation and ancillary buildings;
- General recreation;
- Catering activities and refreshment facilities, including the sale of liquor;
- Restaurants;
- Places of assembly;
- Accessory buildings.

b) Controlled Activities

The following activities are Controlled Activities provided they comply with Rule 4.7.2 and the standards in Rule 4.7.3 and will be controlled with respect to the matters identified:

- building size and configuration, vehicular provision, and site layout, development, landscaping.
- i) Within the Hillcrest University Campus and the Avalon Drive Polytechnic Campus:
 - Education and Training Facilities
 - Places of Assembly
 - Libraries
 - Research and Development Facilities including manufacturing (*but only where ancillary to education, training and research and development, and excluding any noxious or offensive activity*)
 - Farming and associated activities (*for the Avalon Drive Polytechnic Campus only*).
- ii) Within the Waikato Hospital Complex:
 - Hospitals
 - Research Laboratories.

- iii) Within the Claudelands Events Centre and the Te Rapa Racecourse:
 - General Recreation
 - Places of Assembly
 - Events (*provided that any special events shall be subject to [Rule 3.5](#)*).
- iv) Within the sites of Waikato Stadium and Seddon Park;
 - Multi-purpose facilities for international sports, events and functions
 - Signage
- v) Within any Major Facility, provided they are ancillary to the principal activities specified for that facility in the above subclauses:
 - Residential Buildings and Accommodation, including Residential Centres, Managed Care Facilities, Rest Homes, Apartment Buildings, Detached Dwellings and Visitor Accommodation
 - Retail Activities
 - Offices
 - Health Care Services
 - Community Centres (except at Waikato Stadium)
 - Marae (except at Waikato Stadium)
 - Restaurants
 - Licensed Premises
 - Education and Training Facilities (except childcare facilities, schools and tertiary education facilities at Waikato Stadium)
 - Places of Assembly
 - Informal Recreation and Ancillary Buildings
 - Recreation Grounds
 - Parking Buildings (except at Waikato Stadium)
 - Support Services, including workshops, plant and vehicle depots, heating and power stations, laundries, printing and publishing, telecommunications and broadcasting
 - A Heliport, (*but only for the provision of emergency services and confined to the Waikato Hospital Complex*).
 - Accessory Buildings

c) Discretionary Activities

The following are Discretionary Activities:

- Fire Stations
- Any activity not otherwise provided for (*but excluding any Noxious or Offensive Activity*)

- Those activities not provided for as a Controlled Activity at Waikato Stadium except as listed under [Rule 4.7.1d](#)).

d) Non-Complying Activities

The following are Non-Complying Activities:

- Any Noxious or Offensive Activity (*Refer Appendix 4.5-1*).

At Waikato Stadium

- Supermarket activities offering for sale products, goods and services to the general public. For the purpose of interpreting this term for this site only, 'supermarket' is defined to be a self-service store selling grocery, food, meat and produce, and household goods.
- Light industry or service industry.

4.7.2 Concept Plans

a) Provision of Concept Plans

- i) The organisation responsible for the management of any Major Facility zoned in this District Plan shall prepare and maintain a concept plan for the total site as a guide to its development.
- ii) Any such concept plan shall show diagrammatically, in the form of precincts:
 - The general distribution of activities, buildings, open space and parking facilities
 - Provision for access to and movement within the site for vehicles, pedestrians and cyclists
 - The interrelationships with the surrounding locality including buffer areas, linkages to local centres and access to public transport
 - Future development areas, major framework landscaping and protected natural heritage and cultural features
 - The parameters to which development in different areas will be subject, in terms of the general configuration and bulk of existing and proposed buildings
 - Such other information as may be needed to give effect to the intentions of the zone.
 - In the case of Waikato Stadium a shading diagram showing the extent and duration of shading resulting from new development proposals over any neighbouring properties.
- iii) Any concept plan shall be formulated in accordance with the standards in [Rule 4.7.3](#).

b) Effect of Concept Plans

- i) Application may be made in accordance with Rule Section 1.0 for overall approval as a **Controlled Activity** of those developments and activities provided for in the concept plan prepared in accordance with [Rule 4.7.2 a\)](#) and listed in [Rule 4.7.1](#).

- ii) Approval in accordance with Rule 4.7.2 b) i) of those developments and activities provided for in the concept plan shall constitute approval as a controlled activity of any individual development or activity where it is in accordance with the provisions of the concept plan and subject to compliance with the standards specified in Rule 4.7.3.
- iii) Where any development or activity is not in accordance with the provisions of the concept plan then subject to Rule 4.7.5, a separate resource consent for a **Controlled Activity** will be required for that development or activity.

4.7.3 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Intensity of Development

- i) Maximum Coverage:
 - 45% of the net zone area for the Hillcrest University Campus and the Waikato Hospital Complex
 - 25% of the net zone area for the Avalon Drive Polytechnic Campus, the Claudelands Events Centre, the Te Rapa Racecourse, Waikato Stadium and Seddon Park.

b) Building Height

- i) Maximum Height - None specified, except at Seddon Park, where 20 metres shall be the maximum
- ii) Height Control Plane - no part of any building shall penetrate a plane rising at an angle of 45° at an elevation measured at any point on the zone or road frontage boundary as follows:
 - 3m for that part of the site immediately adjoining a site in a Residential, Community Facility or Future Urban Zone
 - 20m for that part of the Hillcrest University Campus fronting Hillcrest Road or for that part of the Waikato Hospital Complex fronting the east side of Pembroke Street north of the brow of the hill
 - 20m for those parts of the Waikato Stadium site and the Seddon Park site fronting Seddon Road and Tristram Street, and excluding lighting towers on both these sites
 - 10m in every other case.

c) Building Setback

- i) Minimum Setback from a front boundary: 5m
- ii) Minimum Setback from any other boundary: 5m but only where adjoining another zone.

d) Service and Outdoor Areas

- i) Any building shall be provided with a service area as follows:

- The service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater and with a minimum dimension of 2.5m
 - Alternatively a common service area may be provided for each precinct as defined on the approved concept plan for the facility
 - Any service area shall be maintained with an all-weather dust free surface.
- ii) A minimum of 10% of the net zone area shall be set aside as outdoor recreation and amenity space.

e) Noise

Activities shall comply with Rule 5.1, except for Waikato Stadium and Seddon Park, where the following additional standards shall apply:

- i) Pyrotechnics may be deployed in association with any activity on no more than twenty five days in any calendar year at Waikato Stadium. On a minimum of ten days the pyrotechnics shall not be deployed after 10pm on any day of the week. All pyrotechnic displays that occur after 10pm on any day of the week shall conclude no later than 12 midnight.
- ii) Pyrotechnics may be deployed in association with any activity on no more than five days in any calendar year at Seddon Park.
- iii) Special Events shall be limited to six per calendar year (or twelve month period) at each venue and shall comply with Rule 5.1.1h — Noise from Special Events, except that on any two of the nominated special event days the Special Event itself shall be limited to running for up to 7 continuous hours inclusive of practice, sound checks and the event itself, subject to the following restrictions:
- 75dBA (L10);
 - Lmax is not to exceed 85dBA measured over any 15 minute period during the event;
 - An event specific Noise management plan is to be prepared and approved at least one month prior to the event covering matters such as the public notification of the event fourteen days prior to the event (outlining the nature of the event, date, start and finish times, contact details prior to and during the event), methods to ensure noise levels at residential locations do not exceed these noise standards, and procedures for receiving, investigating and reporting back on complaints.

f) Parking, Loading and Access

- i) Provision for parking, loading and access shall be in accordance with Rule 5.2 but such provision shall be for the site as a whole and in accordance with the proposals set out in the approved concept plan for the facility.
- ii) Where any site has frontage to an arterial road vehicular entry/exit to that road shall be restricted as follows:
- Only one vehicular entry/exit may be provided to Avalon Drive for the Avalon Drive Polytechnic Campus
 - Only one vehicular entry/exit may be provided to Lorne Street and none to Ohaupo Road for the Waikato Hospital Complex

- Only one vehicular entry/exit may be provided to Boundary Road for the Claudelands Events Centre
- Only one vehicular entry/exit may be provided to Te Rapa Road from the Te Rapa Racecourse.
- Only one vehicular entry/exit may be provided to Tristram Street from Seddon Park.
- No vehicular entry/exit may be provided to Waikato Stadium from Mill Street.

g) Planting and Screening

Activities shall comply with Rule 5.3.

h) Lighting and Glare

Activities shall comply with Rule 5.4, except for Waikato Stadium and Seddon Park where the following standards shall apply:

- i) The use of the towers for lighting at Waikato Stadium shall be restricted to thirty-five night-time events and the use of the lighting towers at Seddon Park shall be restricted to twenty-nine night-time events per year.
- ii) The lights on the lighting towers at Waikato Stadium and Seddon Park shall not be used after:

10.30pm Monday — Thursday

11.00pm Friday — Sunday.

Except for the purpose of crowd dispersal for a period of up to one hour after the event or one hour after the time specified above (whichever is the earlier).

- iii) The level of lighting from Waikato Stadium measured on the vertical plane at a height of 1.5 metres on residential buildings in any residential area, shall not exceed 50 lux, except that the maximum level of illuminance shall be 100lux at the following properties: 450 Tristram Street (Lot 10 DP 16609), 456 Tristram Street (Lot 9 DP 16609), 462 Tristram Street (Lot 8 DP 16609), and 468 Tristram Street (Lot 7 DP 16609)
- iv) The level of lighting from Seddon Park measured on the vertical plane at a height of 1.5 metres on residential buildings in any residential area, shall not exceed 50 lux, except that the maximum level of illuminance shall be 100lux at the following properties: 21 Seddon Road (Lot 2 DP 32535), 25 Seddon Road (Lot 1 DP 32535), 29 Seddon Road (Lot 1 Deeds 194), 31 Seddon Road (Lot 2 DP 31166), 37 Seddon Road (Lot 1 DPS 22354) and 43 Seddon Road (Lot 14 Deeds C 45).

i) Smoke, Fumes, Dust and Odour

Activities shall comply with Rule 5.5.

j) Building Restrictions along Roads

Activities shall comply with Rule 5.6.

k) Signage in Waikato Stadium and Seddon Park Only

Signs located in the Waikato Stadium and Seddon Park sites only shall comply with the following standards:

- i) Signs located in the site that are intended to be visible from any public place or near by site:
 - Signage 'inset' or attached to the exterior of a building to provide naming rights, shall not exceed 40m² per building. This signage may be back lit or surface lit.
 - Signage relating to activities within each building, shall not exceed 20m² per building.
 - And in either of the above circumstances all signage shall be limited to less than 10m² on any building with frontage to Seddon Road that is directly opposite dwellings in the Residential Zone.
 - Signage on the Mill Street, Seddon Road and Tristram Street frontages of Waikato Stadium and the Seddon Road, Tristram Street, London Street and Bryce Street frontages to Seddon Park to present event advertising signs and city happenings, shall be limited to a total of four signs at each venue, located on any of the frontages, and each sign shall be up to a maximum total area of 6m².
- ii) Signs located in the site that are directed primarily at patrons attending the venues including signs on the perimeter of playing arenas (painted, illuminated, static, electronic scrolling) — no limit.

l) Hours of Operation at Waikato Stadium

- No restaurants and licensed premises (which includes cafes and bars and the like) providing services (food, entertainment, alcohol and other beverages) to the general public shall operate after 1.00am. The general public does not include inhouse guests, being visitors staying onsite overnight and patrons attending events at Waikato Stadium.
- No retail activities that provide foods and services to the general public shall operate after 1.00am. The general public does not include inhouse guests, being visitors staying on site overnight and patrons attending events at Waikato Stadium.
- No office activities shall operate after 1.00am; for example but not limited to call centre operations.

4.7.4 Specific Standards

The following standards apply to the activities specified below.

a) Residential Accommodation

- i) Separation Distances and Privacy
 - Where two or more buildings, excluding accessory buildings, are located on the one site, no eave of a building shall be located closer than 3m from the eave of another building.
 - A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary, excluding the road boundary or adjoining an accessway. (See Figure 4.1-4)
 - Where buildings are attached, no setback is required between those buildings.

- Separation distances may be reduced where:
 - windows are at an angle of 60° or greater to the boundary; or
 - window sill height from the finished upper-floor level is 1.7m; or
 - written consent from the owners and occupiers of the adjoining property is obtained.

ii) Outdoor Living Area

- Each residential unit shall be provided with an outdoor living area which:
 - shall be for the exclusive use of the residential unit
 - shall be readily accessible from a living area of a unit
 - shall be free of driveways, maneuvering areas, parking spaces accessory buildings and service areas.
- Each residential unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

Activities	Minimum area (per unit)	Minimum dimensions
Detached Dwellings, Relocated Dwellings and Comprehensive Residential Development	40m ²	Capable of containing a 6m diameter circle
Ancillary Flats	12m ²	2.5m width
Apartment Buildings	12m ²	2.5m width

- Where there are four or more Residential Units on a site, the outdoor living space may be combined to provide a communal outdoor living area. The communal area:
 - shall be accessible to all units
 - shall have a minimum dimension of not less than 4m
 - shall be capable of containing a circle of not less than 8m in diameter.
- The Communal Outdoor Living Area shall have a minimum area which shall be equal to the required area of outdoor living areas as follows: (e.g. 4 x 40m² = 160m²)

Activity	4-10 units	11-20 units	21+ units
Detached Dwellings, Relocated Dwellings and Comprehensive Residential Development	40m ² per unit	30m ² per unit	25m ² per unit
Apartment Buildings	12m ² per unit	12m ² per unit	12m ² per unit

- Where any Residential Accommodation does not constitute a Residential Unit (e.g. student/staff hostels and halls of residence) a Communal Outdoor Living Area for each building shall be provided:
 - at a rate of 12 m² per area of exclusive occupancy
 - with a minimum dimension of not less than 4 m

The outdoor living area shall be:

- capable of containing a circle of not less than 8 m in diameter
 - readily accessible to the building.
- The maximum density for Apartment Buildings, Residential Centres and Visitor Accommodation shall be one person per 25 m² of the net site area of a residential precinct defined on the approved concept plan for the facility.

b) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.7.5 Failure to Meet Standards

- a) Activities which do not comply with one or two standards in [Rule 4.7.3](#) and [Rule 4.7.4](#) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- b) Activities which do not comply with three or more standards in [Rule 4.7.3](#) and [Rule 4.7.4](#) are **Discretionary Activities**.
- c) Buildings that exceed a maximum building height of 20 metres shall be a Discretionary Activity at Seddon Park.

Performance Assessment

In determining any resource consent under the above, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.7.6 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity, including any concept plan prepared under [Rule 4.7.2](#), Council can impose conditions on the following matters.

a) Building Size and Configuration

The beneficial implications of dominant large buildings associated with Major Facilities for the visual amenity values of the wider neighbourhood should be taken into account.

b) Site Layout

- i) Activities with hours of operation between 2230hr and 0700hr hours and involving significant concentrations of people or the consumption of liquor, should not be located adjacent to any Residential zone.
- ii) Any Retail Activities, Restaurants or Licensed premises, should be grouped away from the street frontages of the site to facilitate the concept of a campus and to minimise potential conflicts at the periphery of the site.
- iii) Commercial, social and intensive recreational facilities and large scale buildings should be grouped away from neighbouring residential zones to minimise adverse effects on adjoining residential amenity values.

c) Vehicular Provision

- i) Any carparking facilities be sited and grouped and any vehicular entry/exit should be located to appropriately serve the facility while minimising any conflict with the arterial road system and any detraction from residential amenity values.
- ii) Provision should be made for the internal circulation of vehicles, pedestrians and cyclists throughout the site in a safe and convenient manner.

d) Site Development and Landscaping

- i) Any outdoor space and setbacks from roads should be appropriately landscaped.
- ii) Suitable screening should be provided to protect amenity values, wherever carparking areas and service yards adjoin any residential zone.
- iii) Significant natural features on the site and any heritage features should be protected and enhanced.
- iv) Site development should facilitate stormwater management systems, which seek to avoid substantial changes to natural hydrological conditions in the locality, and which limit contamination of natural water.
- v) Regard will be had to any relevant performance assessment in [Rule 5.3](#).

e) Residential and Visitor Accommodation

- i) The development should be designed to minimise any adverse effects on adjoining residential activities, especially visual privacy, access to sunlight and daylight.
- ii) Residential developments should create a high standard of amenity and privacy for residents through the design and location of outdoor living areas on the site or communal outdoor living areas.

f) Hillcrest University Campus

- i) The open space character of the northwest sector of the site should be maintained as much as is practicable.
- ii) High rise buildings should preferably be concentrated on the Hillcrest Road ridge.

g) Avalon Drive Polytechnic Campus

- i) Development of the site should have regard to the future development of the Rotokauri Area and the relationship of the site with Horseshoe Lake and Lake Rotokauri.
- ii) Intensive development on areas of peat more than 1.3m deep should be avoided.
- iii) Farming activities should be adequately buffered from neighbouring residential zones.

h) Waikato Hospital Complex

- i) High rise buildings should be concentrated towards the centre of the site.
- ii) Activities of an industrial nature and the heliport should be grouped in the southwestern sector of the site.

i) Claudelands Events Centre

- i) The open space character of the eastern part of the site should be maintained and in particular a suitable buffer must be provided adjoining Jubilee Park.
- ii) Facilities intended to accommodate special events should not be sited in close proximity to residential zones.
- iii) Provision for vehicular access and circulation should facilitate ready dispersal of cars from large events.

j) Te Rapa Racecourse

- i) The open space character of the bulk of the site should be maintained particularly where adjoining Minogue Park.
- ii) Provision for vehicular access and circulation should facilitate ready dispersal of cars from large events.

k) Waikato Stadium and Seddon Park

- i) Development and landscaping proposals should provide for the retention of the existing kahikatea trees to the Seddon Road frontage of the Waikato stadium and the existing mature trees on the Norton Road and Tristram Street frontages of Seddon Park.
- ii) Future buildings and the enhancement of facilities including any provision for office, retail and visitor accommodation activities should ensure a high degree of visual cohesion and functional integration within the sites.
- iii) The design and appearance of the WEL Networks Grandstand ('Old' Stand) and any proposed Grandstands at Seddon Park should aim to create an enduring statement and identity that reflects the pre-eminent role of these sites in hosting international events. Additionally, recognition should be provided for the cultural heritage of the Whatanoa Gateway.
- iv) The Mill Street frontage of the Waikato Stadium, including No 2 Field be maintained as open space to continue the historical association with the West Town Belt, to provide an attractive

vista, to enhance links with the central city area and to highlight the iconic status of the Stadium building.

- v) Security fencing to either Stadium while safeguarding the security of the venues as 'charge grounds' should be unobtrusive and maintain views of the Stadia grounds from surrounding streets, accepting that no views will be available of the principal playing surfaces themselves.
- vi) Provision for vehicular and pedestrian access and circulation should prioritise pedestrian safety. Appropriate, convenient provision should be made for public transport to service the sites, recognising the need for such services to directly access the central city area.
- vii) Signage within the sites of the Waikato Stadium and Seddon Park should be directed primarily at the patrons attending the venues and television audiences and should have limited visibility from any public place or near by site, except for signage associated with the naming of the Parks and major facilities within the sites and signs that advertise coming events to the sites or City happenings which may be visible from any public place or near by site.
- viii) In all other circumstances, signage should not adversely affect the amenity values of the immediate Residential Zone.
- ix) The bulk and location of additional buildings at Waikato Stadium and Seddon Park should be designed and constructed to minimize the extent and duration of shading cast over residential sites. Shadow diagrams shall be produced with consent applications to demonstrate the predicted shading effects.

4.7.7 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be measured only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a Controlled Activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- iv) Whether any adverse effects or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- v) Whether the site, given its size, shape, frontage, topography and existing development, can adequately accommodate the activity, plus off-street parking, landscaping and other requirements.
- vi) The extent to which impacts on the amenity values of the surrounding residential neighbourhood can be minimised and any compromising of the open space character of the locality can be avoided.

- vii) Regard will be had to the approved Concept Plan for the Major Facility.

b) Specific Criteria

- i) Whether there is reasonable compatibility with the principal activity and any residential accommodation on the site and with any adjacent residential activities.
- ii) Whether the effects of overheight buildings on daylight, sunlight and visual impact, with respect to adjoining residential properties can be minimised.
- iii) Whether parking demand can be met on-site and overspill parking in surrounding streets kept to a minimum except in special cases.
- iv) Whether the impacts of traffic on surrounding residential streets and on the efficient operation of adjacent arterial streets can be minimised.
- v) The extent to which open space is maintained to enhance visual amenities and help offset the impact of intensive and large-scale development.
- vi) The extent to which building development at Seddon Park would impact on the operational performance of the microwave telecommunications link between Mt Te Aroha and Hamilton Rail/Fraser Street facilities.
- vii) The extent to which additional buildings at Waikato Stadium and Seddon Park cast shading over residential sites.

Appendix 4.7-I Schedule of Major Facilities

a) The University of Waikato's Hillcrest Campus

Address: Hillcrest Road

Legal Description: Part Lots 15, 15A, 16, 21, 22, 23 and 24 DP 3544 and part Allotment 414 Parish of Kirikiriroa, part Allotment 413 Parish of Kirikiriroa, part Lot 16 DP 3544 and part Allotments 414 Parish of Kirikiriroa, and Lot 9 DP 3733, Lot 6 DP 4568, Lot 3 DP 24712, Lots 1 and 2 DPS 1251, Lot 2 and 3 DPS 7576, part Lot 10 DP 3733 being all the land on Plan 17882 described as Lot 5 DP 4568.

b) The Waikato Polytechnic's Avalon Drive Campus

Address: Avalon Drive

Legal Description: Lot 1 DPS 16911, Lot 1 DPS 34875, Lot 1 DPS 15678

c) The Health Waikato's Base Hospital Complex

Address: Pembroke Road

Legal Description: Sec 25 Te Rapa, Pt Sec 24 Te Rapa, Lot 1 DP 30769, Lot 14 DP 18271, Lots 1, 2, 3 & 4 DP 32479, Lots 1 & 2 DP 26719, Lots 2 & 3 DP 22033, Lot 3 DP 17055, Lots 11, 12 & 14 DP 4097, Lot 3 DP 13590, Lot 1 DP 31435, Lot 1 SO 6009

d) The Claudelands Events Centre

Address: Heaphy Terrace

Legal Description: Lot 2 DP 15061, Lot 2 DP 23241

e) The Te Rapa Racecourse

Address: Te Rapa Road

Legal Description: Part Lot 1 DPS 81545, Part Lot 4 DPS 192, Part Allotment 209 Pukete.

f) Waikato Stadium

Address: 128 Seddon Road

Legal Description: Sec 1 SO57621, Sec 72

g) Seddon Park

Address: 50 Seddon Road

Legal Description: Pt Sec 1 SO 57555

Rule 4.8 Recreation Environment Zone

Rule Statement

This zone covers parks which have actual or potential environmental value, including parks along the margins of the Waikato River and other sensitive environmental areas such as peat lakes. In addition to this environmental function these parks provide amenity, open space or a buffer between activities, and contribute significantly to the definition of city form. Within this zone there is an emphasis on the protection of conservation values. The zone provides for activities that are generally informal or passive, and includes public access to the Waikato River and stream system and sportsfields catering for junior activities. A large number of the parks (eg. river corridor and gullies) contained in this zone are subject (either wholly or in part) to the Environmental Protection Overlay which, in recognition of their fragile nature, provides for limited development only.

Expected Outcome

Activities and development within the Recreation Environment Zone are undertaken in a manner that is compatible with the environmental values of the zone and ensures any adverse effects on surrounding residential development (in particular) are avoided, remedied or mitigated.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- The activity status and standards for this zone may be modified in accordance with rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.8.4 - Failure to Meet Standards](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 3.1 Natural Values and 5.2 Recreation.

4.8.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in Rule 4.8.2 and the relevant standards in Rule 4.8.3.

- Informal recreation and ancillary buildings
- Relocated Buildings.

b) Controlled Activities

The following are Controlled Activities provided they comply with the standards in Rule 4.8.2 and the relevant standards in Rule 4.8.3 and will be controlled in respect of the matters identified.

- Clubrooms, other than those requiring a liquor licence
 - with respect to building design and external appearance, landscape design and site layout.

c) Discretionary Activities

The following activities are Discretionary Activities:

- Storage, repair and maintenance of boats
- Bridle trails.

d) Non-Complying Activities

The following activities are Non-Complying Activities:

- Any activity not provided for above.

4.8.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Height

- i) Maximum height of any ancillary building shall be - 5m.
- ii) Maximum height of any clubroom shall be — 8m.

b) Height in Relation to the Boundary

No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and a vertical angle of 45° in all other directions and commencing at an elevation of 3m above any boundary. (See Figure 4.1-2)

c) Site Coverage

Maximum amount of a park that can be covered by buildings - 1% of the net park area.

d) Number of Buildings

The number of buildings on a park shall be limited to one.

e) Gross Floor Area

- i) Maximum gross floor area of any ancillary building on a park shall not exceed 30m².
- ii) Maximum gross floor area of any clubroom on a park shall not exceed 100m².

f) Setback

Buildings shall be set back a minimum of 5m from any boundary adjoining a Residential or Future Urban Zone.

g) Noise

Activities shall comply with [Rule 5.1](#).

h) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

i) Planting and Screening

Activities shall comply with [Rule 5.3](#).

j) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

k) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

l) Building Restrictions Along Roads

Activities shall comply with [Rule 5.6](#).

4.8.3 Specific Standards

The following standards apply to the activities specified below.

a) Clubrooms

- i) Vehicular access for parking associated with any clubroom shall not be provided from a local road.
- ii) The use of any clubroom shall be limited to:
 - 0700hr — 2230hr — Sunday to Thursday
 - 0700hr — 2400hr — Friday and Saturday

b) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.8.4 Failure to Meet Standards

- a) Activities which do not comply with one or two standards in Rule 4.8.2 and Rule 4.8.3 are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that cannot be met.
- b) Activities which do not comply with three or more of the standards in Rule 4.8.2 and Rule 4.8.3 are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.8.5 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The extent to which any adverse or cumulative effects can be avoided or mitigated by the conditions of a resource consent.
- ii) The extent to which the potential effects of any natural hazard could be increased by the activity.

b) Structures and Buildings

- i) The effect the building may have on the existing and likely foreseeable amenity of the park and adjacent residential neighbourhood.
- ii) The extent to which the layout or design of the site or building or the provision of landscaping or similar measures remedies or mitigates any adverse effects of the activity.
- iii) The extent to which the site/location and/or design and appearance of the proposed building or structure is sympathetic with the surrounding neighbourhood, other elements on the site such as its natural qualities, the landscape within the park area and with any other recreational features/structures.

c) Hours of Operation

The extent to which the effects of the hours of operation of the activity on other park users and surrounding residential areas are avoided, remedied or mitigated.

d) Bridle Trails

- i) The extent to which the location and design of bridle trails provided through parks provides for safe, convenient access and takes into account effects on the safety and efficiency of the operation of the adjoining road network.
- ii) The extent to which bridle trails have a minimal adverse effect on pedestrian and cyclist access and safety and/or the recreational or environmental functions of the park.
- iii) The extent to which the location and design of bridle trails through parks and activity on them will impact on the ecosystem, including water quality and riparian vegetation, or on any natural or cultural heritage site within the park.

Rule 4.9 Recreation General Zone

Rule Statement

This zone provides for recreation land for informal and organised recreational uses. The parks in the Recreation General Zone act as focal points for neighbourhoods or communities and may be located in close proximity to other community facilities such as schools and commercial centres. Parks in this zone allow for a range of facilities/buildings, organised team and individual sports as well as more informal recreational pursuits. Some of the area in these parks may also serve an environmental function. Controls on development aim to protect the environmental, open space and amenity functions of the park and adjoining areas (particularly surrounding residential development).

Expected Outcome

Activities and development within the Recreation General Zone are undertaken so that a range of recreational activities are provided for in a manner that avoids, remedies or mitigates any adverse effects on surrounding residential development and maintains the environmental and amenity qualities of the park.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for this zone may be modified in accordance with rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.9.4](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 5.2 Recreation.

4.9.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 4.9.2](#) and the relevant standards in [Rule 4.9.3](#).

- Informal recreation and ancillary buildings
- Relocated Buildings
- General Recreation.

b) Controlled Activities

The following activities shall be Controlled Activities provided they comply with the standards in [Rule 4.9.2](#) and the relevant standards in [Rule 4.9.3](#) and will be controlled in respect of the matters identified.

- Changing rooms
 - with respect to building design and external appearance, landscape design and site layout
- Clubrooms other than those requiring a liquor licence
 - with respect to building design and external appearance, landscape design and site layout.

c) Discretionary Activities

The following activities are Discretionary Activities.

- Swimming Pools and Accessory Buildings
- Residential Accommodation for a caretaker, grounds staff or manager associated with the maintenance or management of the park
- Clubrooms requiring a liquor licence
- Motorised vehicle sport activities.

d) Non-Complying Activities

The following activities are Non-Complying Activities

- Any activity not provided for above.

4.9.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Height

- i) Maximum height of any building shall be - 8m excluding public toilets sited on a road boundary which shall have a maximum height of 3m.
- ii) Maximum height of any floodlighting shall be - 15m.

b) Site Coverage

Maximum amount of a park which can be covered by buildings - 1% of the net park area or 250m², whichever is the greater.

c) Number of Buildings

The number of buildings on a park shall be limited to one.

d) Setback

Buildings shall be set back a minimum of 5m from the boundary of any Residential or Future Urban Zone or road, excepting public toilets which may be sited up to the road boundary.

e) Height in Relation to Boundary

No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and a vertical angle of 45° in all other directions and commencing at an elevation of 3m above any boundary. (See Figure 4.1-2)

f) Hours of Use

i) The use of any building shall be limited to:

0700hr - 2230 hr - Sunday to Thursday

0700hr - 2400 hr - Friday and Saturday.

ii) The hours of operation of floodlighting shall be limited to 0800hr — 2130hr, Monday to Sunday.

g) Noise

Activities shall comply with [Rule 5.1](#).

h) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

i) Planting and Screening

Activities shall comply with [Rule 5.3](#).

j) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

k) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

l) Building Restrictions Along Roads

Activities shall comply with [Rule 5.6](#).

4.9.3 Specific Standards

The following standards apply to the activities specified below.

a) Clubrooms

Vehicular access for parking associated with any clubroom shall not be provided from a local road.

b) Residential Accommodation

- i) Residential Accommodation shall comply with the provisions of Rules 4.9.2 a), 4.9.2 b), 4.9.2.d) and 4.9.2.e).
- ii) Two car parks shall be provided.

c) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.9.4 Failure to Meet Standards

- a) Activities which do not comply with one or two standards in Rule 4.9.2 and Rule 4.9.3 are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- b) Activities which do not comply with three or more standards in Rule 4.9.2 and Rule 4.9.3 are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.9.5 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Building Design and External Appearance

The scale and appearance of the proposed building should complement existing development on the park and the immediate neighbourhood.

b) Landscape Design and Site Layout

- i) The site for the proposed building should complement other site elements of the park.
- ii) Buildings should be located to minimise any adverse effect, including noise, dust, fumes, glare and loss of privacy on the park and adjoining residential activities.
- iii) The location and design of carpark areas should provide for convenient, safe and efficient internal circulation within the park.

- iv) Landscape development should be compatible with the balance of the park area and sympathetic with the broader landscape character of the area.

4.9.6 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

The extent to which the recreational potential and/or open space character of the park is maintained.

b) Structures and Buildings

- i) The extent to which the design, external appearance and location of any building or any other structure in terms of its scale, relationship to any other buildings on the park, form, materials and colour is compatible with the primary functions of the park and complementary to the existing amenity of the park and surrounding residential area.
- ii) The extent to which additional buildings are integrated with existing development in terms of design, appearance and layout.
- iii) The extent to which the site for the proposed building or structure is compatible and integrated with other site elements of the park such as indigenous bush areas, additional tree planting, the landscape within the park, the streetscape, accessways, parking and any other recreational feature/structure on the park.
- iv) The extent to which landscape development is compatible with the balance of the park and sympathetic with the broader landscape character of the area.

c) Hours of Operation

The extent to which the effects of the hours of operation of the activity on other park users and surrounding residential areas are avoided, remedied or mitigated.

Rule 4.10 Recreation Major Zone

Rule Statement

This zone provides for parks to serve the city wide and regional population. Parks within the Recreation Major Zone are generally extensive areas providing for multi-purpose use and a range of venues catering for recreational, arts, sports and cultural activities. The scale of development permitted on the parks in this zone is greater than in the other recreation zones and unlike the other recreation zones there is provision for related retail activity to occur. These factors lead to a potential for significant adverse impacts on adjoining properties. Development controls seek to avoid, remedy or mitigate these effects.

Expected Outcome

A broad range of recreational and cultural activities are undertaken within the Recreation Major Zone in a manner that avoids, remedies or mitigates any adverse effects on the site or on any adjoining residential development.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan, and in particular:

- The activity status and standards for this zone may be modified in accordance with rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.10.4](#) - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 5.2 Recreation.

4.10.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 4.10.2](#) and the relevant standards in [Rule 4.10.3](#).

- Informal Recreation and Ancillary Buildings
- General Recreation
- Storage, Repair and Maintenance of Boats
- Catering Activities and Refreshment Facilities, including the sale of liquor associated with any Permitted Activity on the park
- Restaurants
- Residential Accommodation for a caretaker, grounds staff or manager associated with the maintenance or management of the park
- Places of Assembly
- Accessory Buildings for any of the foregoing uses
- Relocated Buildings.

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in [Rule 4.10.2](#) and the relevant standards of [Rule 4.10.3](#) and will be controlled in respect of the matters identified.

- Retail activities directly associated with any permitted activity on the park
 - with respect to the protection of park amenity.

c) Discretionary Activities

The following activities are Discretionary Activities.

- Visitor Accommodation for not more than 30 persons associated with any recreational, sporting, arts or cultural use of the zone
- Motorised vehicle sport activities
- Swimming pools and accessory buildings.

d) Non-Complying Activities

The following activities are Non-Complying Activities.

- Any activity not provided for above.

4.10.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Height

- i) Maximum height of any building, excluding buildings at Hamilton Gardens - 20m.
- ii) Maximum height of any building at Hamilton Gardens - 12m.
- iii) Maximum height of any floodlighting - 20m.
- iv) Maximum height of public toilets and ticket boxes sited on a road boundary - 3m.

b) Site Coverage

Maximum amount of a park which can be covered by buildings - 1% of the net park area or 250m² whichever is the greater.

c) Setbacks

- i) Buildings shall be set back a minimum of 8m from the boundary of any Residential, or Future Urban Zone, or road.
- ii) Public toilets and ticket boxes may be sited on a road boundary and shall be setback a minimum of 5m from a Residential or Future Urban Zone boundary.
- iii) Public shelters and implement, maintenance and storage sheds shall be setback a minimum of 5m from a Residential or Future Urban Zone boundary.

d) Height in Relation to Boundary

No part of any building shall protrude through a height control plane rising at a angle of 28° between northwest (315°) and northeast (45°) and a vertical angle of 45° in all other directions and commencing at an elevation of 3m above any boundary (See Figure 4.1-2).

e) Hours of Use

The use of any building shall be limited to:

- 0700hr- 2400hr - Sunday to Thursday
- 0700hr - 0100hr - Friday/Saturday and Saturday/Sunday.

f) Noise

Activities shall comply with [Rule 5.1](#).

g) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

h) Planting and Screening

Activities shall comply with [Rule 5.3](#).

i) **Lighting and Glare**

Activities shall comply with [Rule 5.4](#).

j) **Smoke, Fumes, Dust and Odour**

Activities shall comply with [Rule 5.5](#).

k) **Building Restrictions along Roads**

Activities shall comply with [Rule 5.6](#).

4.10.3 Specific Standards

The following standards apply to the activities specified below.

a) **Places of Assembly**

Vehicular access for parking associated with any Places of Assembly shall not be provided from a local road.

b) **Retail Activities Directly Associated With Any Permitted Activity on the Park**

Gross floor area of the total retail activity on the park shall not exceed 100m² gross floor area.

c) **Relocated Buildings**

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.10.4 Failure to Meet Standards

a) Activities which do not comply with one or two standards in [Rule 4.10.2](#) and [Rule 4.10.3](#) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.

b) Activities which do not comply with three or more of standards in [Rule 4.10.2](#) and [Rule 4.10.3](#) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.10.5 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) **Protection of Park Amenity**

The proposed retail activity avoids, remedies or mitigates effects on park users and adjoining residential properties in terms of reducing the amenity of the park and/or the public's use and enjoyment of the park.

4.10.6 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

The extent to which the recreational potential and/or open space character of the site is maintained.

b) Structures, Site layout and Design

- i) The extent to which the design, external appearance and location of any building, structure, or road access, in terms of its scale, relationship to any other buildings on the park, form, materials and colour, is compatible with the primary functions of the park and complementary to the existing amenity of the park and surrounding residential area.
- ii) The extent to which additional buildings and structures are integrated with existing development in terms of design, appearance and layout.
- iii) The extent to which the design and appearance of proposed buildings or structures is compatible with the design and external appearance of existing buildings on the park and with the balance of the park area and the surrounding neighbourhood.
- iv) The extent to which the site for the proposed building or structure or road access is compatible and integrated with other site elements of the park such as indigenous bush areas, additional tree planting, the landscape within the park, the streetscape, accessways, parking and any other recreational feature/structure on the park.
- v) The extent to which landscape development associated with buildings, structures or road access is compatible with the balance of the park and sympathetic with the broader landscape character of the area.

c) Retail Activity

The extent to which a proposed retail activity may reduce the amenity of the park and/or the public's use and enjoyment of the park.

d) Hours of Operation

- i) The extent to which the effects of the hours of operation of the activity on other park users and surrounding residential areas are avoided, remedied or mitigated.
- ii) The extent to which vehicle and pedestrian movements to and from the site are compatible with the amenity of the surrounding residential area.

Rule 4.11 Future Urban Zone

Rule Statement

The Future Urban Zone applies to the majority of rural land within the city. The purpose of the zone is to protect land which is intended for future city growth from inappropriate subdivision, use and development to ensure an efficient and logical pattern of future urban development is not compromised. At the same time, the zone seeks to accommodate a range of rural activities in an environmentally acceptable manner. The provisions are designed to manage the transition from rural to urban to ensure compatibility with existing rural amenity values and potential urban development.

Expected Outcome

Farming and other rural activities are continued provided that the opportunities for future urban development are not compromised by inappropriate subdivision and incompatible uses and development, while the existing rural and future urban environment is enhanced and adequately protected from adverse effects.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in [Rule Section 6.0](#).
- Any structure plan and concept plan set out in Rule Section 9.0 or Appendix 1A and 1B.

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards specified in this rule or the city-wide standards in [Rule Section 5.0](#). For clarification of activity status see [Rule 4.11.4 - Failure to Meet Standards](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.1 Future Urban and 4.4 Subdivision and Development of Land.

4.11.1 Activities

a) Permitted Activities

The following are Permitted Activities provided they comply with the standards in [Rules 4.11.2](#) and the relevant standards in [Rule 4.11.3](#).

- Any Farming Activity except Factory Farming
- Detached Dwellings
- Ancillary Flats
- Home Occupations
- Accessory Buildings
- Informal Recreation and Ancillary Buildings

b) Controlled Activities

The following are Controlled Activities provided they comply with the standards in [Rules 4.11.2](#) and the relevant standards in [Rule 4.11.3](#) and will be controlled in respect of the matters identified.

- Produce Stalls
 - with respect to site layout, vehicular provision.
- Relocated Buildings
 - with respect to the reinstatement of the building.

c) Discretionary Activities

The following are Discretionary Activities.

- Factory Farming
- Rural Industry
- Forestry
- Community Centres
- Places of Assembly
- Marae
- Residential Centres
- Managed Care Facilities
- Rest Homes
- Education and Training Facilities
- General Recreation
- Any activity specified as Permitted, Controlled or Discretionary in [Rule 4.1](#) Residential Zone and not otherwise provided for but subject to [Rule 6.3.3](#).
- Any activity specified as Permitted, Controlled or Restricted Discretionary or Discretionary in [Rule 4.5.1](#) Industrial Zone but subject to [Rule 6.3.3](#) and only on land identified as Industrial Area on the Rotokauri Structure Plan ([Rule 9.0](#))

d) Non-Complying Activities

The following are Non-Complying Activities.

- Any other activity not provided for.

4.11.2 General Standards

The following general standards apply to all Permitted and Controlled Activities.

a) Development Intensity**i) Maximum Site Coverage**

- 8% up to a maximum of 1200m² gross floor area where the net site area is greater than 5000m².
- 25% up to a maximum of 500m² gross floor area where the net site area is 5000m² or less.

b) Building Height**i) Maximum Building Height: - 10m.****ii) Height Control Plane: - No part of a building shall penetrate a Height Control Plane rising at an angle of 45° commencing at an elevation of 3m above the boundary provided that where in accordance with the Height Control Plane in Figure 4.1-2a and 4.1-2b, such a plane rises in a direction between northwest (315°) and northeast (45°), the angle shall be 28°.****c) Building Setback****i) Minimum Setback**

- 10m from any boundary where any building involves the housing of farm animals or the operation of agricultural machinery.
- 5m from the front boundary.
- 5m from any other boundary but reduced to 1.5m for any detached dwelling, ancillary flat and associated accessory buildings.

d) Effluent Disposal

- i) Areas for the on-site disposal of sewage and the disposal of other farm effluent shall not be located within the Environmental Protection Overlay.
- ii) Facilities for the treatment and disposal of effluent other than from a complying domestic septic tank shall be sited at least 25m away from any residential building.
- iii) Facilities for the treatment and disposal of sewage and other farm effluent shall be sited not closer than 25m from any natural or artificial water course or any lake.

ADVISORY NOTE:

For any activity, the on-site disposal of sewage and the disposal of other farm effluent is subject to the provisions of the Regional Plan.

e) Noise

Activities shall comply with [Rule 5.1](#).

f) Parking, Loading, and Access

Activities shall comply with [Rule 5.2](#).

g) Planting and Screening

Activities shall comply with [Rule 5.3](#).

h) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

i) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

j) Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.11.3 Specific Standards

The following standards apply to the activities specified below.

a) Restriction on Buildings

- i) One Detached dwelling may be established on a site.
- ii) One Ancillary flat may be established on a site.
- iii) The maximum floor area of any Ancillary flat shall be 60m² gross floor area.
- iv) The total area of accessory buildings on a site where the net site area is 2ha or less, shall not exceed 100m² gross floor area and the maximum height of such buildings shall not exceed 5m.
- v) The siting of any detached dwelling, ancillary flat or accessory building shall comply with any requirements specified as part of any subdivision consent in accordance with [Rule 6.3.3](#) so as not to compromise subsequent urban development.

b) Produce Stalls

- i) Produce stalls shall not exceed 16m² gross floor area.
- ii) Only goods produced on the site may be retailed.

- iii) Produce stalls may not be established on any site having vehicular access to a major arterial road.
- c) **Home Occupations**
Any home occupation shall comply with the standards specified in [Rule 4.1](#).
- d) **Relocated Buildings**
External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

4.11.4 Failure to Meet Standards

- a) Activities which do not comply with one or two of the standards in [Rule 4.11.2](#) except [Rule 4.11.2 d](#)), are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- b) Activities which do not comply with any three or more standards in [Rule 4.11.2](#) are **Discretionary Activities**.
- c) Activities which do not comply with any standard in [Rule 4.11.2 d](#)) or in [Rule 4.11.3](#) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.11.5 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

- a) **Site Layout**
 - i) Buildings and access should be sited so as to avoid any unnecessary alteration to landform or removal of vegetation with respect to land in the Environmental Protection Overlay.
 - ii) Buildings, particularly those accessory to farming should be sufficiently distanced and orientated away from boundaries and residential buildings to minimise any adverse effect that vehicle movement, noise, effluent disposal and other objectionable elements arising from the building and associated activities may have on the environment and existing rural and potential urban amenity values.
 - iii) Buildings should be sited to avoid prejudicing the subsequent implementation of any proposals shown on the relevant structure plan for the area.
 - iv) Regard will be had to [Rule 6.3.4](#) in the placement and arrangement of buildings on a site in relation to future urban development.

b) Vehicular Provision

- i) Access to and from sites should be located and designed to avoid or mitigate any adverse effects on traffic safety and efficiency with particular regard to the actual traffic speed, traffic volumes and anticipated intensity of use of the access point.
- ii) Vehicular entrances should be located and designed to minimise adverse effects on traffic flows and safety taking into account the number of traffic movements likely to be generated by the activity.
- iii) Where heavy vehicles normally visit the site then adequate provision should be made for on site manoeuvring.
- iv) Produce stalls should be sufficiently set back from front boundaries to allow room for access, manoeuvring and parking on the front of the property.
- v) Parking areas should be located so as to be readily visible to drivers and conveniently accessible to minimise disruption of traffic flows.

c) Relocated Buildings

The reinstated exterior of any relocated building shall be such that it is not likely to detract from the amenity of the existing or future residential neighbourhood.

Consent applications for relocation of buildings as a controlled activity in the future urban zone shall be processed without public notification and without the need for consent of potentially affected persons or service of notice of the application on those persons.

4.11.6 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a Controlled Activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- iv) Whether any adverse effects or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- v) Whether the site, given its size, shape, frontage, topography and existing development, can adequately accommodate the activity, plus off-street parking, landscaping and other requirements.

- vi) The extent to which developments and activities could prejudice or foreclose options for future urban development and in particular with the proposals shown on the relevant Structure Plan for the area.
- b) Specific Criteria**
- i) Whether activities could give rise to reverse sensitivity issues such as noise, odour and risks in relation to farming and other rural activities.
 - ii) The capacity of the site and adjacent roads to safely accommodate the vehicle traffic likely to be generated by the proposal.
 - iii) Whether the roading network giving access to the rural area is adequate to accommodate the increased traffic arising from any cumulative intensification of development having regard to the safety and amenity of adjoining urban areas.
 - iv) Whether the siting of treatment plants, ponds and effluent disposal systems for wastes will mitigate any adverse effects on surrounding properties and on water quality, taking into account prevailing and seasonal weather conditions, topography, type of treatment and quantity of effluent.
 - v) The extent to which areas used for the disposal of effluent are separated from any natural water body or open drainage system.
 - vi) The extent to which provision for effluent and stormwater disposal avoids adverse effects on water quality as it relates to ground water; the Waikato River; the ecology of Lake Rotokauri; Horseshoe Lake and their catchment areas; and gully ecosystems and minimises any risk of landslip and/or erosion.
 - vii) Where a significant concentration of people and/or the consumption of liquor is involved, whether any adverse effects on surrounding properties are minimised taking into account the nature and location of the premises, the hours of operation, and the nature of the activity.
- c) Factory Farming**
- i) The extent to which adverse effects of noise, smell, vermin and other potential health hazards associated with factory farming are avoided or mitigated by management practices, site layout (placement and orientation), design of buildings, screening and landscaping.
 - ii) Whether the potential for buildings, feedlots and other areas associated with factory farms including areas for the treatment and/or disposal of wastes to detract from the amenities of adjoining properties is minimised.
- d) Forestry**
- i) The extent to which adverse effects of forestry in respect of shading, road visibility, roading capacity and standards, fire hazards, erosion, and harvesting effects on natural watercourses and other features are avoided, remedied or mitigated.
 - ii) Whether, adequate measures are to be used to prevent erosion and protect water flow and quality of any body of water during harvesting.

- iii) The extent of likely impacts on roading through transportation of harvested timber and the adequacy of any rehabilitation programme for the harvested area.
- iv) Whether the activity will have any detrimental impact on the operation of Hamilton Airport.

e) Residential Development

- i) The extent to which any residential and associated development can be provided with roading and infrastructural services of an urban standard.
- ii) Whether any residential and associated development compromises proposals shown on the relevant Structure Plan for the area.
- iii) The impact of any residential and associated development on the efficient and economic provision and use of infrastructural facilities for the entire city.
- iv) Regard will be had to Rule 6.9.2b) with respect to out of sequence urban development.
- v) The extent to which any residential and associated development could give rise to reverse sensitivity issues in relation to existing rural, industrial or other urban activities.

f) Rotokauri Industrial Development

- i) Regard will be had to Rule 6.9.2 b) with respect to out of sequence urban development.
- ii) Whether the development would compromise or restrict proposals shown on the Rotokauri Structure Plan, including the developability of the Stage 1 area.
- iii) The extent to which the development makes provision for roading and infrastructure services of an urban standard.
- iv) The extent to which the development makes provision for any proposals shown on the Rotokauri Structure Plan.
- v) The extent to which a Traffic Assessment demonstrates that the activity would not adversely affect the safe and efficient functioning, particularly in the peak hours, of the local and arterial roading network, including the state highway.
- vi) The availability and adequacy of interim access arrangements pending the completion of the planned Structure Plan roading network.

g) Stage 2 Rotokauri Suburban Centre

- i) The extent to which the development complies with the assessment criteria set out in Rule 4.2A.6 and 4.2A.7.

Rule 4.11A Peacocke Future Urban Zone

Rule Statement

The Peacocke Future Urban Zone applies to the rural land located in the southern area of the city and is bounded by Raynes Road to the south, Ohaupo Road/State Highway 3 to the west and the Waikato river on the east. The Peacocke area comprises a topography that is unique in Hamilton. The purpose of the zone is to protect land which is intended for future city growth from inappropriate subdivision, use and development to ensure that an opportunity is created for the Peacocke area to become a high quality urban environment that is based on design excellence, social well-being, and environmental responsibility. At the same time, the zone seeks to accommodate a range of rural activities in an environmentally acceptable manner. The provisions are designed to manage the transition of the area to its intended urban form while still ensuring compatibility with existing rural amenity values in the interim.

Owing to the location of the Peacocke Future Urban area a number of infrastructure requirements are needed prior to any development occurring. The existing transport network servicing the area does not provide for the provision of a safe and efficient transport network that allows any new development in the area to function and develop with minimal conflict between land uses, traffic and people. The Peacocke Structure Plan has identified a roading network that would address these conflicts. Like wise for any full urban development the existing wastewater network surrounding the Peacocke area has limited capacity to accommodate development within Peacocke and therefore any new development will be required to ensure that the impact on the wastewater network is adequately addressed. To enable development to occur a number of the infrastructure elements identified in the Structure Plan would need to be put in place. If those key elements are provided then urban development may be initiated.

Expected Outcome

That the opportunities for future urban development within the Peacocke Future Urban Zone are not compromised by inappropriate subdivision and incompatible uses while still allowing farming, including lifestyle farming, and rural activities to continue in the interim. That the natural character of the Peacocke area is enhanced and adequately protected through any development to create an urban environment that is unique in Hamilton.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for this zone may be modified in accordance with the rules in Rule Section 2.0 where the land is within an Overlay.
- The rules for city-wide activities in Rule Section 3.0 apply in parallel to these rules.
- Any activity involving the subdivision and development of land shall be subject to the rules in Rule Section 6.0.
- The Peacocke Structure Plan as set out in Rule Section 9.0.

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards specified in this rule or the city-wide standards in Rule Section 5.0. For clarification of activity status see Rule 4.11A.5 - Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.1 Future Urban and 4.4 Subdivision and Development of Land.

4.11A.1 Activities

a) Permitted Activities

- i) The following are Permitted Activities provided they comply with the standards in Rules 4.11A.2 and the relevant standards in Rule 4.11A.3.
 - Any Farming Activity except Factory Farming:
 - Detached Dwellings
 - Ancillary Flats
 - Home Occupations
 - Accessory Buildings
 - Informal Recreation and Ancillary Buildings
 - Places of Assembly, Restaurants, Licensed Premises, Recreation Grounds but only on Lot 1 DPS 12490 (the Glenview Club 217 Peacocke Road) (*in accordance with Rule 4.11A.3 d*.)

- ii) The following are Permitted Activities provided they are on a site that has been approved as part of a Master Plan consent in accordance with Rule 6.3.3.g) 1.3 i)
- Any activity specified as a Permitted Activity in Rule 4.1.1 (a) Residential Zone.

b) Controlled Activities

- i) The following are Controlled Activities provided they comply with the standards in Rules 4.11A.2 and the relevant standards in Rule 4.11A.3, and will be controlled in respect of the matters identified.

- Produce Stalls
 - with respect to site layout, vehicular provision.
- Relocated Buildings
 - with respect to the reinstatement of the building.
- Comprehensive Residential Development within Stage 1 except Lot Sec 1 SO 57582.
 - with respect to site layout, building orientation and design; parking, loading and access; planting, stormwater control and earthworks.

- ii) The following are Controlled Activities provided that they are on a site that has been approved as part of a Master Plan consent in accordance with Rule 6.3.3. g) 1.3 i)

- Any activity specified as a Controlled Activity in Rule 4.1.1 (b) Residential Zone.
 - With respect to site layout, parking loading and access.
- Any activity specified as a Permitted Activity or Controlled Activity in Rule 4.2.1 Suburban Centre Zone, provided it is located on a site identified for a Suburban Centre approved as part of a Master plan consent in accordance with Rule 6.3.3.g) 1.3 i).
 - With respect to site layout, parking loading and access

c) Discretionary Activities

The following are Discretionary Activities where they are not otherwise provided for as Permitted Activities or Controlled Activities.

- Factory Farming
- Rural Industry
- Forestry
- Community Centres

- Places of Assembly
- Marae
- Residential Centres
- Managed Care Facilities
- Rest Homes
- Education and Training Facilities
- General Recreation
- Comprehensive Residential Development on Lot Sec 1 SO 57582 or the balance of this parent lot within Stage 1
- Any activity specified as Permitted, Controlled or Discretionary in [Rule 4.1](#) Residential Zone and not otherwise provided for but subject to [Rule 6.3.3](#).

d) Non-Complying Activities

The following are Non-Complying Activities.

- Any other activity not provided for above.

4.11A.2 General Standards

The following general standards apply to all Permitted and Controlled Activities , except that within Stage 2 where lots have been approved as part of a Master Plan consent in accordance with [Rule 6.3.3.g\) 1.3 i\)](#) then only a) will apply.

a) Within the Stage 2 Master Plan Area

Activities within Stage 2 on lots that are part of an approved Master Plan under [Rule 6.3.3.g\)1.3 i\)](#) shall be required to comply with the General Standards specified in the Master Plan consent.

b) Building Height

- i) Maximum height of buildings = 10m.

c) Interface Standards within Stage 1 where lots are less than 1250m².

- i) All dwellings facing onto a public space (including publicly accessible roads) shall have a primary entrance and at least one principal room on each floor with a clear-glazed window facing the public space.

- ii) All accessory buildings, including carports and garages, shall be located at least one metre behind the building line established by the dwelling unless the building is an integral part of the design and construction of the dwelling in which case it shall be recessed at least 0.5m behind the building line established by the dwelling.
- iii) No part of any accessory building, including a car port or garage, will be located within 5m of the front boundary to the road.
- iv) Front and side boundary fences or walls, located forward of the building line established by the dwelling shall not exceed 1.2m in height.
- v) The amount of hard surfacing, located forward of the building line established by the dwelling, shall not exceed 50% of this area.
- vi) Front yard landscaping and planting should enable visibility between the dwelling and public space.

d) Density within Stage 1 where lots are less than 1250m²

The minimum area of land required in respect of each residential unit shall be as follows:

Activity	
Detached Dwellings (per residential unit)	400m ²
Detached Dwellings with an ancillary flat	600m ²
Comprehensive residential development	250m ² per unit (net Site Area)
Apartment buildings	Discretionary

The maximum area of land permitted in respect of each residential unit within a Comprehensive Residential Development shall be 400m² (net site area).

e) Site Coverage/Development Intensity

The maximum amount of the site which can be covered by buildings (including Accessory Buildings) is as follows:

- i) Maximum Site Coverage within Stage 1 where lots are less than 1250m².
 - 40% of net site area
- ii) Maximum Site Coverage for Lots greater than 1250m² within Stage 1 and in Stage 2:

- 8% up to a maximum of 1200m² gross floor area where the net site area is greater than 5000m².
- 25% up to a maximum of 500m² gross floor area where the net site area is 5000m² or less.

f) Height in Relation to Boundary

No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary (See Figure 4.1-2a and b).

Except that within Stage 1 where lots are less than 1250m².

- Where there are two or more dwellings on the same site, the height control plane shall be measured at a line midway between the two dwellings rising at an angle of 45° and commencing at a height of 3m above ground level at the midway line.
- Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 3m above the boundary shall apply to the affected boundary.

g) Setback from Road Boundary

Within Stage 1 where lots are less than 1250m² buildings shall be set back from the road boundary as follows (see Figure 4.1-3):

- i) Frontage to local and collector roads 3m.
- ii) Frontage to arterial roads 5m.

Within Stage 1 where lots are greater than 1250m² and within Stage 2 building setbacks are as follows:

- i) Minimum Setback
 - 10m from any boundary where any building involves the housing of farm animals or the operation of agricultural machinery.
 - 5m from the front boundary.
 - 5m from any other boundary but reduced to 1.5m for any detached dwelling, ancillary flat and associated accessory buildings.

h) Other Setbacks within Stage 1 where lots are less than 1250m².

- i) Minimum building setback from side and rear boundaries (See Figure 4.1-3) shall be 1.5m.
- ii) Setbacks may be reduced where:
 - buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or
 - the written consent of the owners and occupiers adjoining the relevant setback or setbacks is obtained.

i) Separation Distances and Privacy

Within Stage 1 where lots are less than 1250m²

- i) Where two or more buildings, excluding accessory buildings, are located on the one site, no eave of a building shall be located closer than 3m from the eave of another building.
- ii) A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary, excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 meters or less, or any right of way, private way or access lot (See Figure 4.1-4).
- iii) Where buildings are attached, no setback is required between those buildings.
- iv) Separation distances may be reduced where:
 - Windows are at an angle of 60° or greater to the boundary (see Figure 4.1-5); or
 - Window sill height from the finished upper-floor level is 1.7m; or
 - Opaque or obscure glazing is provided; or
 - Written consent from the owners and occupiers of the adjoining property is obtained.

j) Outdoor Living Area

Within Stage 1 where lots are less than 1250m²

- i) Each residential unit shall be provided with an outdoor living area which shall be:
 - for the exclusive use of the residential unit;
 - readily accessible from a living area of a unit; and

- free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.

ii) Each residential unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

Activities	Minimum area (per unit)	Minimum dimensions
Detached dwellings, Relocated dwellings and Comprehensive residential development	60m ²	Capable of containing a 6m diameter circle
Ancillary Flats	12m ²	2.5m width

iii) Where there are four or more residential units on a site, the outdoor living space may be combined to provide a communal outdoor living area. The communal area shall:

- be accessible to all units;
- have a minimum dimension of not less than 4m; and
- be capable of containing a circle of not less than 8m in diameter

iv) The Communal Outdoor Living Area shall have a minimum area which shall be equal to the required area of outdoor living areas as follows: (eg 4 x 60m² = 240m²)

Activity	4-10 units	11-20 units	21+ units
Detached dwellings and Relocated dwellings and Comprehensive Residential Development	60m ² per unit	40m ² per unit	25m ² per unit

k) Service Areas

Within Stage 1 where lots are less than 1250m².

i) Each residential unit shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum area (per unit)	Minimum Dimension
Detached dwellings and Comprehensive residential development	20m ²	3m
Ancillary flats	10m ²	2.5m

l) Effluent Disposal within Stage 1 where lots are greater than 1250m² and within Stage 2:

- i) Areas for the on-site disposal of sewage and the disposal of other farm effluent shall not be located within the Environmental Protection Overlay.
- ii) Facilities for the treatment and disposal of effluent other than from a complying domestic septic tank shall be sited at least 25m away from any residential building.
- iii) Facilities for the treatment and disposal of sewage and other farm effluent shall be sited not closer than 25m from any natural or artificial water course or any lake.

ADVISORY NOTE:

For any activity, the on-site disposal of sewage and the disposal of other farm effluent is subject to the provisions of the Regional Plan.

m) Noise

Activities shall comply with [Rule 5.1](#).

n) Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

o) Planting and Screening

Activities shall comply with [Rule 5.3](#).

p) Lighting and Glare

Activities shall comply with [Rule 5.4](#).

q) Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

r) Building Restrictions along Roads

Activities shall comply with [Rule 5.6](#).

4.11A.3 Specific Standards

The following standards apply to the activities specified below except within Stage 1 where lots are less than 1250m² then the Specific Standards in [4.11A.4](#) will only apply, and except within Stage 2 where lots have been approved as part of a Master Plan consent in accordance with [Rule 6.3.3. g\) 1.3 i\)](#) then only g) will apply.

a) Restriction on Buildings

- i) One Detached dwelling may be established on a site.
- ii) One Ancillary flat may be established on a site.
- iii) The maximum floor area of any Ancillary flat shall be 60m² gross floor area.
- iv) The total area of accessory buildings on a site where the net site area is 2ha or less, shall not exceed 100m² gross floor area and the maximum height of such buildings shall not exceed 5m.
- v) The siting of any detached dwelling, ancillary flat or accessory building shall comply with any requirements specified as part of any subdivision consent in accordance with Rule 6.3.3 so as not to compromise subsequent urban development.

b) Produce Stalls

- i) Produce stalls shall not exceed 16m² gross floor area.
- ii) Only goods produced on the site may be retailed.
- iii) Produce stalls may not be established on any site having vehicular access to a major arterial road.

c) Home Occupations

Any home occupation shall comply with the standards specified in [Rule 4.1](#).

d) The Glenview Club

For any activity on Lot 1 DPS 12490, no additional buildings or extensions to existing buildings are permitted.

e) Relocated Buildings

External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

f) Comprehensive Residential Development on Lot Sec 1 SO 57582 and within Stage 2.

- i) Minimum site size shall be 2000m².
- ii) Shall be required to prepare a Master Plan for the neighbourhood as identified in the Appendix 9.2-II in accordance with the principles and objectives of the Peacocke Structure Plan.
- iii) Shall provide an appropriate on site stormwater solutions.

- iv) Shall provide full urban infrastructure to the development to the satisfaction of Council.
- v) Rule 4.11A.2 f) and g) shall only apply at external boundaries of the site.
- vi) Any comprehensive residential development on Lot Sec 1 SO 57582 or the balance of this parent lot shall, in addition to the above, be required to:
 - a. Upgrade the existing wastewater network to accommodate any development on the site.
 - b. Implement a solution, which is acceptable to HCC, at the Dixon Road and State Highway 3 intersection that mitigates the adverse effects that the potential traffic volumes from within Stage 1 will have on this intersection.

g) Development with a Stage 2 Master Plan Area

Activities within Stage 2 on lots that has been approved as part of a Master Plan consent in accordance with Rule 6.3.3 g) 1.3 i) shall be required to comply with the Specific Standards specified in the Master Plan consent.

4.11A.4 Specific Standards – Stage 1 where lots are less than 1250m².

The following standards apply to the activities specified below within Stage 1 where lots are less than 1250m²:

a) Restriction on Buildings

- i) One Detached dwelling may be established on a site.
- ii) The maximum floor area of any Ancillary flat shall be 60m² gross floor area.
- iii) All detached dwellings shall provide an appropriate on site stormwater management solutions.
- iv) All galvanized and zinc/aluminum roofing and fencing products are to be painted.

b) Staging of development

Development within Stage 1 will be staged as follows

Stage 1a) and Stage 1b) will be required to meet the following:

- i) Stage 1a)
 - Number of dwellings shall be limited to 500,

ii) Stage 1b)

The development of stage 1b) shall not commence prior to:

- 80% of dwellings within Stage 1a) being occupied; and
- A solution being implemented to mitigate the adverse effects that the combined traffic volumes within Stage 1a) and 1b) will have on the Dixon Road and State Highway 3 intersection, to the satisfaction of Council.

c) **Produce Stall**

- i) Produce stalls shall not exceed 16m² gross floor area.
- ii) Only goods produced on the site may be retailed.
- iii) Produce stalls may not be established on any site having vehicular access to a major arterial road.

d) **Comprehensive Residential Development**

- i) Minimum site size shall be 2000m²
- ii) Shall provided an appropriate on site stormwater solution.
- iii) Rule 4.11A.2 f), g) and h) shall only apply at external boundaries of the site.
- iv) Any comprehensive residential development on Lot Sec 1 SO 57582 or the balance of this parent lot shall, in addition to the above, be required to:
 - a. Upgrade the existing wastewater network to accommodate any development on the site.
 - b. Implement a solution, which is acceptable to HCC, at the Dixon Road and State Highway 3 intersection that mitigates the adverse effects that the potential traffic volumes from within Stage 1 will have on this intersection.

e) **Ancillary Flat**

- i) There shall be no more than one ancillary flat on a site.
- ii) Maximum gross floor area shall be 60m².
- iii) The outdoor living area for an ancillary flat shall not be included as part of the outdoor living area for the principal residential building on site.
- iv) Shall provided an appropriate on site stormwater management solution.

f) Relocated Buildings

- i) External reinstatement of any relocated building shall be carried out and completed within six months of the date of placement of the relocated building on its new site.

g) Home Occupations

- i) The gross floor area of the principal or accessory building used for a home occupation shall not exceed 30% of the total gross floor area.
- ii) At least one person, including the principal operator of the home occupation, shall reside on the site.
- iii) Activities shall not be operated so as to attract pedestrian or vehicular traffic between the hours of 2200hr and 0700hr the following day.
- iv) Nuisances, including smoke, noise, dust, vibration, glare or other noxiousness or danger shall not result from the activity.
- v) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signage.
- vi) Retailing from the site shall be limited to goods produced or substantially produced on the site.

4.11A.5 Failure to Meet Standards

- a) Activities which do not comply with one or two of the standards in Rule 4.11A.2 except Rule 4.11A.2 l), are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- b) Activities which do not comply with the standard in Rule 4.11A.3 d) are **Restricted Discretionary Activities** with discretion restricted to the extent and siting of new buildings and additions.
- c) Activities which do not comply with any three or more standards in Rule 4.11A.2 are **Discretionary Activities**.
- d) Activities which do not comply with any standard in Rule 4.11A.2 l) or in Rule 4.11A.3 except Rule 4.11A.3 d) are **Discretionary Activities**.
- e) Activities within Stage 1 where lots are less than 1250m² which do not comply with one or two standards in Rule 4.11A.4 are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that cannot be met.
- f) Activities within Stage 1 where lots are less than 1250m² which do not comply with three or more standards in Rule 4.11A.4 are **Discretionary Activities**.

- g) Activities which do not comply with the Standards in Rule 4.11A.2 a) and Rule 4.11A.3 g) are **Discretionary Activities**.
- h) Activities which do not comply with the Standards in Rule 4.11A.3 f) vi) and Rule 4.11A.4 d) iv) are **Non-Complying Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule, to any related objectives and policies, and to the following.

4.11A.6 Performance Outcomes - Controlled Activities

In assessing a resource consent for a Controlled Activity (except in Stage 1 where lots are less than 1250m²), Council can impose conditions on the following matters.

For Controlled Activities within Stage 1 where lots are less than 1250m² then Rule 4.11A.7 will apply. In assessing any resource consents for a Controlled Activity within Stage 1 where lots are less than 1250m², Council can impose conditions on matters set out in Rule 4.11A.7 only.

a) Site Layout

- i) Buildings and access should be sited so as to avoid any unnecessary alteration to landform or removal of vegetation with respect to land in the Environmental Protection Overlay.
- ii) Buildings, particularly those accessory to farming should be sufficiently distanced and orientated away from boundaries and residential buildings to minimise any adverse effect that vehicle movement, noise, effluent disposal and other objectionable elements arising from the building and associated activities may have on the environment and existing rural and potential urban amenity values.
- iii) Buildings should be sited to avoid being in conflict with the subsequent implementation of any proposals shown on the Peacocke Structure Plan.
- iv) Regard will be had to Rule 6.3.4 in the placement and arrangement of buildings on a site in relation to future urban development.

b) Vehicular Provision

- i) Access to and from sites should be located and designed to avoid or mitigate any adverse effects on traffic safety and efficiency with particular regard to the actual traffic speed, traffic volumes and anticipated intensity of use of the access point.
- ii) Vehicular entrances should be located and designed to minimise adverse effects on traffic flows and safety taking into account the number of traffic movements likely to be generated by the activity.

- iii) Where heavy vehicles normally visit the site then adequate provision should be made for on site manoeuvring.
- iv) Produce stalls should be sufficiently set back from front boundaries to allow room for access, manoeuvring and parking on the front of the property.
- v) Parking areas should be located so as to be readily visible to drivers and conveniently accessible to minimise disruption of traffic flows.

c) Relocated Buildings

- i) The reinstated exterior of any relocated building shall be such that it is not likely to detract from the amenity of the existing or future residential neighbourhood.
- ii) Consent applications for relocation of buildings as a controlled activity in the future urban zone shall be processed without public notification and without the need for consent of potentially affected persons or service of notice of the application on those persons.

4.11A.7 Performance Outcomes – Controlled Activities within Stage 1 where lots are less than 1250m²

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

- a) Site Layout, Building Orientation and Design** Any land use within Stage 1 where lots are less than 1250m² should satisfy in addition to [Rule 4.11A.6 a\)](#) the following:
- i) Developments should be of a compatible scale, form and design to surrounding residential developments.
 - ii) The development should be designed to minimise any adverse effects on adjoining residential activities, especially visual privacy, access to sunlight and daylight.
 - iii) Residential developments should create a high standard of amenity and privacy for residents through the design and location of outdoor living areas on the site or communal outdoor living areas.
 - iv) Buildings and activities should be designed and located to minimise any adverse effects, including noise, dust, fumes and glare.
 - v) Parking and outdoor storage areas associated with any non-residential activity should be screened to protect the residential amenity of the locality.
 - vi) The site should be of an adequate size and frontage to accommodate the activity, off-street parking and planting.

- vii) The location and design of outdoor activity areas (such as children's playgrounds) should mitigate adverse effects (eg. noise, disturbance and privacy) for neighbouring residential properties.
- viii) Buildings adjacent to public space should be designed to create definition and enclosure in terms of height and setback.
- ix) Buildings and fences adjacent to public open space should contribute to the safety of public space users by enabling passive surveillance of the street and public space.
- x) Carports and garages on sites adjacent to public open space should be located to minimise their visual prominence in relation to the main dwelling when viewed from a public space.
- xi) Where the clustering of buildings within a comprehensive residential development is proposed, the extent and location of open space elsewhere within the site should adequately ensure that the amenity and appearance of the site contributes to the overall amenity and quality of the residential environment.
- xii) Comprehensive residential developments should achieve connectivity and permeability of roads, pedestrian access ways, cycleways, public reserves and green corridors.
- xiii) Comprehensive residential developments should provide for a variety of housing styles and forms in terms of footprint, design and height.

b) Planting

- i) The site should provide for gardens and tree planting around the buildings and retain on-site mature vegetation.

c) Parking, Loading and Access

- i) Vehicular traffic generated by any activity should be accommodated without loss of amenity, safety or causing traffic congestion.
- ii) Entrance and exit points and drop off zones shall be designed and located to allow safe and efficient movement on to and off the road.
- iii) The location and design of parking, loading spaces and driveways are to be located to protect the aural and visual amenity of adjoining sites.
- iv) Parking provided within a comprehensive residential development should be associated with individual units or located in communal parking areas provided that they are conveniently accessible to the occupants of the units.

d) Hours of Operation

- i) The activity should not affect the amenity of neighbouring residents, especially the ability to sleep at night.
- ii) Vehicle and pedestrian movements to and from the site should be compatible with the amenity of the surrounding residential area.

e) Reinstatement of Relocated Buildings

Any reinstatement of relocated buildings within Stage 1 where lots are less than 1250m² should satisfy the performance outcomes in [Rule 4.11.6 c](#)).

f) Noise

- i) The scale of the activity, in particular the number of people on site should be controlled to ensure that noise levels do not affect residential neighbours.
- ii) The extent to which the proximity of outdoor living areas and the main living areas on adjoining properties will result in noise levels which are unreasonable in the residential environment.

4.11A.8 Assessment Criteria - Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities (except those in Stage 1 where lots are less than 1250m²) will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities (except those in Stage 1 where lots are less than 1250m²) will be assessed against, but not limited to, the assessment criteria below.

Restricted Discretionary within Stage 1 where lots are less than 1250m will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply in [Rule 4.11A.9](#).

Discretionary Activities within Stage 1 where lots are less than 1250m², will be assessed against, but not limited to, the assessment criteria in [Rule 4.11A.9](#).

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a Controlled Activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) The extent to which the activity may have adverse effects on the environment, including water discharges, air pollution, noise and other emissions.
- iv) Whether any adverse effects or cumulative effects will occur from the activity or non-compliance and whether they can be avoided or mitigated.
- v) Whether the site, given its size, shape, frontage, topography and existing development, can adequately accommodate the activity, plus off-street parking, landscaping and other requirements.
- vi) The extent to which developments and activities could prejudice or foreclose options for future urban development and in particular with the proposals shown on the relevant Structure Plan for the area.

b) Specific Criteria

- i) Whether activities could give rise to reverse sensitivity issues such as noise, odour and risks in relation to farming and other rural activities.
- ii) The capacity of the site and adjacent roads to safely accommodate the vehicle traffic likely to be generated by the proposal.
- iii) Whether the roading network giving access to the rural area is adequate to accommodate the increased traffic arising from any cumulative intensification of development having regard to the safety and amenity of adjoining urban areas.
- iv) Whether the siting of ponds and effluent disposal systems for wastes will mitigate any adverse effects on surrounding properties and on water quality, taking into account prevailing and seasonal weather conditions, topography, type of treatment and quantity of effluent.
- v) The extent to which areas used for the disposal of effluent are separated from any natural water body or open drainage system.
- vi) The extent to which provision for effluent and stormwater disposal avoids adverse effects on water quality as it relates to ground water; the Waikato River; and the Mangakotukutuku gully ecosystem and minimises any risk of landslip and/or erosion.
- vii) Where a significant concentration of people and/or the consumption of liquor is involved, whether any adverse effects on surrounding properties are minimised taking into account the nature and location of the premises, the hours of operation, and the nature of the activity.

c) Factory Farming

- i) The extent to which adverse effects of noise, smell, vermin and other potential health hazards associated with factory farming are avoided or mitigated by management practices, site layout (placement and orientation), design of buildings, screening and landscaping.
- ii) Whether the potential for buildings, feedlots and other areas associated with factory farms including areas for the treatment and/or disposal of wastes to detract from the amenities of adjoining properties is minimised.

d) Forestry

- i) The extent to which adverse effects of forestry in respect of shading, road visibility, roading capacity and standards, fire hazards, erosion, and harvesting effects on natural watercourses and other features are avoided, remedied or mitigated.
- ii) Whether, adequate measures are to be used to prevent erosion and protect water flow and quality of any body of water during harvesting.
- iii) The extent of likely impacts on roading through transportation of harvested timber and the adequacy of any rehabilitation programme for the harvested area.
- iv) Whether the activity will have any detrimental impact on the operation of Hamilton Airport.

e) Residential Development

- i) The extent to which any residential and associated development can be provided with roading and infrastructural services of an urban standard.
- ii) Whether any residential and associated development compromises proposals shown on the relevant Structure Plan for the area.
- iii) The impact of any residential and associated development on the efficient and economic provision and use of infrastructural facilities for the entire city.
- iv) Regard will be had to [Rule 6.9.2b\)](#) with respect to out of sequence urban development.
- v) The extent to which any residential and associated development could give rise to reverse sensitivity issues in relation to existing rural, industrial or other urban activities.

f) Development within Stage 2

- i) The extent to which the proposed development takes into account existing rural activities, the location of building platforms in relation to existing uses and the proposed Arterial Roads as shown on the Peacocke Structure Plan (Appendix 9.2-1).

- ii) Whether the placement of buildings would facilitate future urban re-subdivision particularly with regards to achieving an effective and cohesive urban layout anticipated by the Peacocke Structure Plan and does not compromise the economic provision of future infrastructure.
 - iii) The extent to which the development gives effect to the Vision and Strategy for the Waikato River as expressed in the relevant statutory documents.
 - iv) The extent to which the development provides for the avoidance of natural hazards.
 - v) The extent to which the nature of the development and the configuration of the development is compatible with maintaining the natural values of the character area as per the Peacocke Structure Plan (Appendix 9.2-I).
- h) Development within Stage 2 on a lot that is part of an approved Master Plan**
- i) The extent to which the proposed development is compatible with the intent of the consented Master Plan and Rule 9.2 Peacocke Structure Plan.

4.11A.9 Assessment Criteria – Restricted Discretionary and Discretionary Activities within Stage 1 where lots are less than 1250m²

Restricted Discretionary Activities will be assessed in respect of the specific subject matter identified or the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant Performance Assessment for a Controlled Activity and for general rules ([Rule 4.11A.7](#)).
- ii) The extent to which the development is compatible with the size of the site.
- iii) The extent to which site size would have any adverse effects on neighbouring properties, having regard to the intended character of the area.
- iv) The extent to which a reasonable degree of amenity is achieved on the site being developed.
- v) The extent to which the amenity and appearance of an existing building would be compromised by the proposed development.
- vi) The extent to which a development could have an adverse effect on the consistency and

amenity of the area and or the presence of mature vegetation.

- vii) The extent to which the use of specific roofing and fencing materials could have an adverse effect on the ecology of the gully system and streams associated within the Peacocke Future Urban Zone.
- viii) The relationship between the scale of any buildings on the site and existing residential development.
- ix) The impact of the development on the scale, character and open space of the surrounding development.
- x) The extent to which the proposal would result in the loss of sunlight and daylight to adjoining sites.
- xi) Any adverse effects on adjoining sites of the proximity of buildings, windows, balcony in terms of reduced privacy.
- xii) The effects on heritage items, protected significant trees or sites of archaeological, historic and cultural significance on the site.
- xiii) The extent to which proposed parking or outdoor storage area will detract from the pleasantness and attractiveness of the site when viewed from an adjoining site.
- xiv) The ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of planting or screening.
- xv) The extent to which vehicular traffic generated by any activity can be accommodated without a loss of safety or efficiency of the road network or without loss of residential amenity.
- xvi) The adequacy of car parking on the site and its location in relation to the neighbouring residential activities.
- xvii) The ability of the activity to mitigate noise, dust, glare, vibration, fumes, smoke, odours or other discharges or pollutants.
- xviii) Any positive impacts to the neighbourhood or the wider community, including the extent to which the activity might enhance the amenity of the area.
- xix) Any cumulative effects from the activity, whether on its own or in combination with other activities in the area.
- xx) The extent to which the intensity of occupancy of the site has an adverse effect on the character and amenity of the residential environment.

- xxi) The extent to which the proposal is consistent with the provisions of the Structure Plan.
- xxii) The extent to which the development achieves a high degree of visual and physical connectivity with public space.
- xxiii) The extent to which surveillance of the street and public space is enabled.
- xxiv) The ability of vehicles to enter and exit the site safely.
- xxv) The extent to which the building avoids blank façades.
- xxvi) Whether the dwelling contributes to creating enclosure and definition to a public space through the use of height and setbacks.

b) Dairies

- i) Whether the building is designed to complement the residential character of the area, with particular regard to streetscape and views from adjoining neighbours and maintaining residential amenity.
- ii) Whether the location of car parking and service areas will ensure safe operation of the road network and avoid disturbance to adjoining residential properties.
- iii) Whether the cumulative effects of the dairy together with other non-residential activities would result in a change to the residential character of the neighbourhood.
- iv) The number, location and intensity of any signage provided and whether this is complementary to a residential environment.
- v) Whether the site can adequately accommodate the dairy, any associated residential activity, parking, planting, service areas and signage whilst ensuring that the building will not dominate the street scene.

c) Residential Centres

With regards to Residential Centres they will be assessed against, but not limited to, the assessment criteria setout in [Rule 4.1.6 e\).](#)

d) Managed Care Facilities

With regards to Managed Care Facilities they will be assessed against, but not limited to, the assessment criteria setout in [Rule 4.1.6 f\).](#)

e) Staging of development

- i) Whether for any development in Stage 1a) and 1b) that exceeds the 500 dwelling limit, it can be demonstrated that the development can address infrastructure issues by constructing new or upgrading existing infrastructure or contributing to the costs of the construction/upgrading of the required infrastructure.

- ii) The extent to which any development within Stage 1a) or 1b) has taken into account the provisions set out in Rules 6.2. and 6.3.
 - iii) Any subdivision or comprehensive residential development on lot Sec 1 SO 57582 or the balance of this parent lot should also satisfy, in addition to the above, the following:
 - a) The extent to which any development has demonstrated that the potential impact on the capacity of the wider wastewater network servicing the site has been addressed.
 - b) The extent to which any development on is able to provide a connection to the State Highway network that is of an adequate standard in terms of safety, convenience and its ability to address the adverse effects create by the potential increase in traffic volumes on the network.
- f) Storm water management**
- i) The extent to which the on site stormwater solutions for any development retains the pre-development catchment characteristics for ground soakage and run-off

Rule 4.12 Rototuna Suburban Centre

Rule Statement

The Rototuna Suburban Centre Zone facilitates the establishment and operation of a range of retail, employment, residential, community and recreational activities that will collectively create a suburban centre to provide for the everyday goods and services needs of the Rototuna community. The Zone provisions have been designed to enable the Centre to function as a local commercial and community focal point. It is essential that the Centre is well connected to the surrounding area it serves and is provided with efficient transport links to the wider City.

Development in the Centre must be in general accordance with the Rototuna Suburban Centre Concept Plan (Appendix 1B) and designed in general accordance with the Rototuna Urban Design Guide (Appendix 1C). To achieve this, development within the Rototuna Suburban Centre Zone cannot occur until a Comprehensive Development Plan (land use consent) is approved by Council. The areas subject to the Comprehensive Development Plan process are identified in Appendix 4.12-III to this Rule section

The Rototuna Suburban Centre Concept Plan identifies activity precincts, proposed roads, pedestrian and cycle networks, public open space, water courses, drainage reserves and other key features.

The design, layout, scale, integration, connectivity and form of buildings and sites will contribute to the amenity and successful functioning of the Centre. Careful consideration must be given to the interface between different activity precincts and between public and private spaces. Rules seek to minimise adverse effects on the surrounding residential environment and to minimise the effects of activities within the Centre.

The Main Street, as depicted on the Concept Plan, provides the central core of the retail area with a traditional street based layout which is intended to be a pedestrian focused, vibrant shopping destination for the local community. The Public Square is designed to be an important public space where markets, fairs and special events can be held. The library and retail areas open onto the Square. It can be accessed from the Main Street and from walkways and cycleways through the adjoining watercourse and drainage reserve.

As shown on the Concept Plan the Rototuna Suburban Centre is made up of several activity precincts that contribute to the overall function of the Centre. These Precincts are:

- Retail (areas 1 and 2)
- Employment
- Residential Mixed Use
- Residential Medium and High Density
- Community
- Active Recreation
- Public Square

The Retail 1 Precinct has frontage to the Main Street and Public Square and adjoins the proposed library and aquatic centre. Activities provided for in this Precinct include entertainment, restaurants, cafes, takeaways

and small store retailing. In the Retail 2 Precinct, which is located immediately to the west of the Main Street, provision has been made for larger scale retail activities to serve the local community.

The Employment Precinct will provide for service and light industry, much of which is expected to meet the needs of local residents, such as vehicle servicing, repair activities, electronic assembly and servicing, light engineering, furniture and clothes manufacture, storage facilities and tradesman depots.

Residential High Density, Residential Medium Density and Residential Mixed Use Precincts form part of the Suburban Centre. These precincts are intended to provide a population base to support the Centre's retail, employment, entertainment, community and recreational activities and enhance its vitality and vibrancy. Conversely, the Centre will provide goods and services for the local residential catchment. It is therefore important that residential land is developed to a sufficient density to enable these mutual benefits, and to ensure efficient use of the land resource.

There are a number of public facilities planned for the Community Precinct; including a library and aquatic centre. Provision has also been made in the Community Precinct and other Precincts for a range for other community facilities such as community centres, education and training facilities and health care services.

A large recreation reserve is centrally located within the Suburban Centre and in close proximity to the aquatic centre and nearby schools. It is anticipated the reserve will contain playing fields, one of which may be served by a stand, together with courts and a cricket oval. Streets and high density residential developments are planned around the perimeter of the reserve. This will enhance passive surveillance and overall safety and provide open space and amenity for residents.

The Rototuna Suburban Centre Concept Plan (Appendix 1B) is diagrammatic as are the other maps in the District Plan which are based on this Concept Plan. The Comprehensive Development Plans referred to in the second paragraph of this Rule Statement will be required to specifically assess and determine the most suitable and appropriate location and format of roading network and other key components of infrastructure and the location of precinct and CDP boundaries as part of the CDP process.

Explanation of Rules

The Rules that apply to development and activities in the Rototuna Suburban Centre Zone have been separated into two sections. [Rule 4.12.1](#) applies to all activities and development that require consent as part of a Comprehensive Development Plan process before they can be established. [Rule 4.12.2](#) applies to all activities and development after a Comprehensive Development Plan has been fully implemented in terms of the conditions of the resource consent granted in respect of it, and after all activities authorised by that consent have been fully operational for at least 6 months.

4.12.1 Means of Compliance for Comprehensive Development Plans

4.12.1.1 All New Development and Activities to be Subject to Comprehensive Development Plan Requirements

- a) Apart from the exceptions set out below, development of any land in the Rototuna Suburban Centre cannot be commenced unless it is in accordance with a consented Comprehensive Development Plan.
- b) Activities that can be carried out prior to the approval of a Comprehensive Development Plan are:
 - i) Maintenance, repair and minor alterations to existing buildings;
 - ii) Roads and network utilities in accordance with [Rule 3.3](#);
 - iii) Temporary Activities in accordance with [Rule 3.5](#).

4.12.1.2 Comprehensive Development Plan Process

- a) The Rototuna Suburban Centre is divided into a number of Comprehensive Development Plan Areas (Appendix 4.12-II). Development of these areas is to be staged in accordance with Appendix 4.12-III. and
- b) Applications for a Comprehensive Development Plan must be for a whole Comprehensive Development Plan area as identified in Appendix 4.12-II, however development within the Area may proceed in stages.
- c) All development in an area that is subject to a consented Comprehensive Development Plan must comply with the terms of that consent unless a further resource consent is obtained or consent has been granted to change or cancel consent conditions.
- d) Any changes to an approved Comprehensive Development Plan other than changes provided for under [Rule 4.12.2](#) will be treated as a resource consent application and will be assessed as discretionary activities.
- e) Table 4.12.1 sets out the status of activities (included in a Comprehensive Development Plan) in each Precinct as identified on the Rototuna Suburban Centre Concept Plan in Appendix 1B.
- f) For changes of activities following the full implementation of a Comprehensive Development Plan refer to [Rule 4.12.2](#).

- Note:
- i. All applications for Comprehensive Development Plans shall specifically assess and determine the most suitable and appropriate location and format of roading network and other key components of infrastructure and the location of precinct and CDP boundaries which are shown in diagrammatic form only on the Rototuna Suburban Centre Concept Plan (Appendix 1B).
 - ii. All applications for a Comprehensive Development Plan shall incorporate, as part of their base information, all locations and formats of roads, infrastructure precinct and CDP boundaries that have been determined through previous CDP consents within the Rototuna Suburban Centre Zone.

4.12.1.3 Notification of Discretionary Activities

- a) Council will consider an application for a Discretionary Activity for Comprehensive Development Plan, without notification, provided all the land owners in the area subject to the Comprehensive Development Plan have given their written approval and provided that the Comprehensive Development Plan is in general accordance with the Rototuna Suburban Centre Concept Plan, Rototuna Structure Plan and Rototuna Urban Design Guide, unless special circumstances exist in relation to the application.
- b) Where the written approval of those land owners cannot be obtained the application will be subject to limited notification and be notified only to land owners within the Comprehensive Development Area subject to the Comprehensive Development Plan provided that the Comprehensive Development Plan is in general accordance with the Rototuna Suburban Centre Concept Plan, Rototuna Structure Plan and Rototuna Urban Design Guide unless special circumstances exist in relation to the application.

4.12.1.4 Status of Activities Subject to a Comprehensive Development Plan

- a) Any Comprehensive Development Plan required in respect of the Comprehensive Development Areas identified in Appendix 4.12-II requires a discretionary activity consent. The activity status of a Comprehensive Development Plan application will be altered if an activity that forms part of the application is non-complying. Applications that include one or more activities classified as non-complying shall be deemed a non-complying activity.
- b) All activities listed in Table 4.12.1 are deemed to be non-complying in the absence of an approved Comprehensive Development Plan unless the activity is listed as 'P' in the Table then it is a permitted activity.
- c) Activities within Comprehensive Development Plans that fail to meet one or more of the standards in [Rule 4.12.1.5](#) shall be deemed a discretionary activity; with particular regard to the effects arising from the failure to meet the relevant standard or standards.

Table 4.12.1 Status of Activities in the Rototuna Suburban Centre which are subject to a Comprehensive Development Plan

Activities	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
Maintenance, repair and minor alterations to existing buildings	P	P	P	P	P	P	P	P	P
The erection of any building, or external alteration or addition to an existing building	D	D	D	D	D	NC ¹	D	D	D
Retail Activities	D	D	NC	NC	NC	D	D	NC	NC
Ancillary Retail Activity	D	D	D	D	D	NC	D	NC	NC
Offices	D	D	D	D	NC	NC	D	NC	NC
Health Care Services	D	D	D	D	NC	NC	D	NC	NC
Restaurants	D	D	D	NC	NC	D	D	NC	NC
Licensed Premises	D	D	D	NC	NC	D	D	NC	NC
Community Centres	D	D	D	D	D	NC	D	NC	NC
Places of Assembly	D	D	D	D	D	NC	D	NC	NC
Education and Training Facilities	D	D	D	D	D	NC	D	NC	NC
Service Industry	D	D	NC	D	NC	NC	D	NC	NC
Light Industry	NC	NC	NC	D	NC	NC	D	NC	NC
Marae	D	D	D	D	NC	NC	D	NC	NC
Apartment	D	D	NC	D	NC	NC	D	D	D
Residential Centres	D	D	D	NC	NC	NC	D	D	D
Managed Care Facilities	D	D	D	NC	NC	NC	D	D	D
Rest Homes	D	D	D	NC	NC	NC	D	D	D
Visitor Accommodation	D	D	D	NC	NC	NC	D	D	D
Comprehensive Residential Development	D	D	D	NC	NC	NC	D	D	D
Detached Dwellings	NC	NC	NC	NC	NC	NC	NC	NC	D
Service Stations	NC	NC	NC	D	NC	NC	NC	NC	NC
Parking Lots and Parking Buildings	D	D	D	D	NC	NC	D	NC	NC

¹ Excludes buildings associated with Public Transport Facilities which shall be classified as Discretionary Activities

Activities	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
Fire Stations	NC	NC	NC	D	NC	NC	NC	NC	NC
Home Occupations	D	D	D	D	NC	NC	D	D	D
Accessory Building	D	D	D	D	D	NC	D	D	D
General Recreation	NC	NC	NC	NC	D	D	NC	NC	NC
Informal Recreation and Ancillary Buildings	D	D	D	D	D	D	D	D	D
Club Rooms	D	D	D	D	D	NC	D	NC	NC
Public Transport Facilities	D	D	D	D	D	D	D	D	D
Transport Depots	NC	NC	NC	D	NC	NC	NC	NC	NC
Signs	D	D	D	D	D	D	D	D	D
Yard Based Retailing	NC	D	NC	NC	NC	NC	NC	NC	NC
Temporary Activities	Refer to Rule 3.5								
Roads and Network Utilities	Refer to Rule 3.3								
Subdivision and Development	Refer to Rules 6.1 to 6.9								
Hazardous Facilities	Refer to Rule 3.2								
Any other activity not provided for	NC	NC	NC	NC	NC	NC	NC	NC	NC

P = Permitted Activity

D = Discretionary Activity

NC = Non-complying Activity

Note: In terms of the Rules referred to for Temporary Activities, Roads and Network Utilities and Hazardous Facilities in Table 4.12.1 the following modifications shall apply:

- For the Residential Medium Density, Residential High Density and Residential Mixed Use Precincts the provisions relating to the Residential Zone shall be applicable.
- For the Employment Precinct the provisions relating to the Industrial Zone shall be applicable.
- For the Active Recreation and Public Square Precincts the provisions relating to the Recreation General Zone shall be applicable.
- For the Retail 1 and Retail 2 Precincts the provisions relating to the Suburban Centre Zone shall be applicable.
- For the Community Precinct the provisions relating to the Community Facilities Zone shall be applicable.

4.12.1.5 Standards for Discretionary Activities listed in Table 4.12.1

4.12.1.5.1 Development Yield

Applications for Comprehensive Development Plans must demonstrate that the yield achieves the Residential Unit total identified in Appendix 4.12-III.

4.12.1.5.2 Height in Relation to Boundary

Where a building is on land that adjoins a Residential Zone, Community Facilities Zone, the Residential Medium Density Precinct, Residential High Density Residential Precinct or an adjoining Comprehensive Development Plan Area:

- a) No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary (See Figure 4.1-2a and b)

Except that:

- i) Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 3m above the boundary shall apply to the affected boundary.
- ii) Where buildings are attached, no setback is required between those buildings
- ii) Where written consent from the owners and occupiers of the adjoining property and/or Comprehensive Development Plan area is obtained.

4.12.1.5.3 Building Setbacks from Expressway

All buildings shall be setback a minimum of 15 metres from the boundary of an expressway.

4.12.1.5.4 Development Intensity Active Recreation

The maximum site coverage for buildings in the Active Recreation precinct shall be 1% or 250m² whichever is greater.

4.12.1.5.5 Primary Frontages

Only retail activities and restaurants shall be located at ground floor level of buildings within the Primary Frontages as defined in Appendix 4.12-IV.

4.12.1.5.6 Hours of Operation

Hours of operation for specified activities are as follows:

Activity	Hours of operation shall be between:
Any use that is not residential in the Residential Mixed Use Precinct	0600hr and 2300hr (Monday-Saturday) 0700hr and 2300hr (Sunday and public holidays)
Community Precinct (excluding residential activity)	0700hr and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)
Active Recreation Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)
Flood Lighting in the Active Recreation Precinct	0800hr and 2130hr
General Recreation in the Public Square Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)

4.12.1.5.7 Residential Activities Minimum Floor Areas

The minimum gross floor area of any Residential Unit shall be:

- a) 45m² for a studio unit;
- b) 55m² for a 1 bedroom unit;
- c) 80m² for a 2 or more bedroom unit;
- d) In any one residential apartment building containing in excess of 20 residential units, the combined number of one bedroom units and studios shall not exceed 70% of the total number of apartments within the building.

4.12.1.5.8 Residential Activities in Non Residential Precincts

No Residential Units (including Apartment Buildings), Residential Centres, Managed Care Facilities, Rest Homes, Visitor Accommodation or Marae shall be located at ground floor level within the Retail Precincts, the Employment Precinct or Community Precinct.

4.12.1.5.9 Retail Activities

- a) The maximum gross floor area of any individual retail tenancy in the Retail 1 Precinct shall not exceed 400m².
- b) Retail activities in the Retail 1 Precinct shall not form part of an integrated development with a gross floor area in excess of 1,000m².
- c) The maximum gross floor area of any individual retail tenancy in the Retail 2 Precinct shall not exceed 4,000m².
- d) In the Residential Mixed Use Precinct:
 - i. The maximum gross floor area of any individual retail tenancy in the Residential Mixed Use Precinct shall not exceed 100m².
 - ii. Individual retail tenancies must front onto the street and be located in accordance with the retail frontages in Appendix 4.12-V.
 - iii. Only one retail tenancy depth from the road frontage with no Integrated Retail Developments
- e) The maximum land area occupied for yard based retailing by any individual retail tenancy shall not exceed 150m².
- f) The maximum gross floor area of any individual Ancillary Retail tenancy shall not exceed
 - (i) 400m² in the Retail 1 Precinct;
 - (ii) 50m² in the Community Precinct; or,
 - (iii) 150m² in the Employment Precinct; or,
 - (iv) 100m² in the Residential Mixed Use Precinct.

4.12.1.5.10 Offices

The maximum gross floor area of any individual office tenancy shall not exceed 250m² in the Retail 1, Retail 2, Community, Employment, or Mixed Use Residential Precincts.

4.12.1.5.11 Education and Training Facilities

The maximum gross floor area of any individual Education and Training Facility shall not exceed 250m² in the Employment, or Mixed Use Residential Zone.

4.12.1.5.12 Service Areas Non Residential Activities

Any buildings used for non-residential activities shall be provided with one or more service areas as follows:

- a) The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater provided that any individual service area shall be not less than 5m² with a minimum dimension of 2.5m.
- b) A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
- c) Any outdoor service area shall be maintained with an all-weather dust free surface.
- d) Any service area, and any associated vehicular access shall not be located within a primary frontage.

4.12.1.5.13 Noise

Activities shall comply with Rule 5.1

4.12.1.5.14 Parking, Loading and Access

Activities shall comply with Rule 5.2, except that Rule 5.2.1.a) and Table 5.2-1a shall be applied as guidelines when assessing applications for Comprehensive Development Plans that are to be treated as discretionary activities.

4.12.1.5.15 Glare and Lighting

Activities shall comply with Rule 5.4.

4.12.1.5.16 Smoke, Fumes, Dust and Odour

Activities shall comply with Rule 5.5.

4.12.1.5.17 Building Restrictions Along Roads

Activities shall comply with Rule 5.6.

4.12.1.5.18 Rest Homes

Activities shall comply with Rule 4.1.3.d) (ii) to (iv).

4.12.1.5.19 Managed Care Facilities

Activities shall comply with Rule 4.1.3.j).

4.12.1.5.20 Home Occupations

Activities shall comply with Rule 4.1.3.f).

Note: In terms of the rules referenced in Rules 4.12.1.5.14 to 4.12.1.5.21 above the following modifications shall apply:

- a) For the Residential Medium Density, Residential High Density and Residential Mixed Use Precincts the provisions relating to the Residential Zone shall be applicable.
- b) For the Employment Precinct the provisions relating to the Industrial Zone shall be applicable.
- c) For the Active Recreation and Public Square Precincts the provisions relating to the Recreation General Zone shall be applicable.
- d) For the Retail 1 and Retail 2 Precincts the provisions relating to the Suburban Centre Zone shall be applicable.
- e) For the Community Precinct the provisions relating to the Community Facilities Zone shall be applicable.

4.12.1.6 Assessment Criteria Discretionary Activities

Discretionary Activities shall be assessed against, but not limited to the following assessment criteria:

- a) The extent to which the proposed development is consistent with the Rototuna Structure Plan in Appendix 1A.
- b) The extent to which the proposed development is consistent with the Rototuna Suburban Centre Concept Plan in Appendix 1B.
- c) The extent to which the proposed development is consistent with the Rototuna Urban Design Guide in Appendix 1C.
- d) The extent to which the development is consistent with the Objectives and Policies in 6.2A.

4.12.2 Means of Compliance after Implementation of a Comprehensive Development Plan

4.12.2.1 Status of Activities after a Comprehensive Development Plan has been fully implemented

After a Comprehensive Development Plan has been fully implemented in terms of the conditions of the resource consent granted in respect of it, and after all activities authorised by that consent have been fully operational for at least 6 months the following provisions apply:

- a) Table 4.12.2 sets out the status of activities in the precincts identified provided that permitted activities shall be subject to compliance with the standards set out in Rule 4.12.2.2.
- b) The precincts referred to in Table 4.12.2 are the Precincts identified on the Rototuna Suburban Centre Concept Plan in Appendix 1B.
- c) Activities that are Permitted 'P' in accordance with Rule 4.12.2 and Table 4.12.2, that do not comply with one or two of the Standards listed in Rule 4.12.2.2 are restricted discretionary activities, except as provided in (e) below. The Council's discretion in such cases will be restricted to matters that are directly affected by such non-compliance.
- d) Activities that are Permitted 'P' in accordance with Rule 4.12.2 and Table 4.12.2, that do not comply with more than two of the Standards listed in Rule 4.12.2.2 are discretionary activities.
- e) Activities that are Permitted 'P' in accordance with Rule 4.12.2 and Table 4.12.2, that do not comply with Rule 4.12.2.2.7 are non-complying activities.

Table 4.12.2 Status of Activities in the Rototuna Suburban Centre after a Comprehensive Development Plan has been fully implemented

Activities	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
Maintenance, repair and internal alterations to existing buildings	P	P	P	P	P	P	P	P	P
The erection of any building associated with the activities listed in this Table, or external alteration or addition to an existing building ²	D	D	D	D	D	NC ³	D	D	D
Retail Activities	P	P	NC	NC	NC	P	P	NC	NC
Ancillary Retail Activity	P	P	P	P	D	NC	P	NC	NC
Offices	P	P	P	P	NC	NC	P	NC	NC
Health Care Services	P	P	P	P	NC	NC	P	NC	NC
Restaurants	P	P	P	NC	NC	P	P	NC	NC
Licensed Premises	P	P	D	NC	NC	P	D	NC	NC
Community Centres	P	P	P	D	D	NC	D	NC	NC
Places of Assembly	P	P	P	D	D	NC	D	NC	NC
Education and Training Facilities	P	P	P	P	D	NC	P	NC	NC
Service Industry	D	D	NC	P	NC	NC	P	NC	NC
Light Industry	NC	NC	NC	P	NC	NC	D	NC	NC
Marae	D	D	P	D	NC	NC	D	NC	NC
Apartment Building (excluding any new building or modification or addition to an existing building)	P	P	NC	P	NC	NC	P	P	P
Residential Centres	D	D	D	NC	NC	NC	D	D	D
Managed Care Facilities	D	D	D	NC	NC	NC	D	D	D
Rest Homes	D	D	P	NC	NC	NC	P	P	P
Visitor Accommodation	P	P	P	NC	NC	NC	P	D	D
Comprehensive Residential Development	D	D	D	NC	NC	NC	P	P	P
Detached Dwellings	NC	NC	NC	NC	NC	NC	NC	NC	P

² Excludes ancillary buildings associated with Informal Recreation which are classified as Permitted Activities

³ Excludes buildings associated with Public Transport Facilities which are classified as Permitted Activities.

Activities	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
Service Stations	NC	NC	NC	D	NC	NC	NC	NC	NC
Parking Lots and Parking Buildings	D	D	D	D	NC	NC	D	NC	NC
Fire Stations	NC	NC	NC	D	NC	NC	NC	NC	NC
Home Occupations	P	P	P	P	NC	NC	P	P	P
Accessory Building	D	D	D	D	D	NC	D	D	D
General Recreation	NC	NC	P	NC	P	P	NC	NC	NC
Informal Recreation and Ancillary Buildings	P	P	P	P	P	P	P	P	P
Club Rooms	P	P	P	D	P	NC	D	NC	NC
Public Transport Facilities	P	P	P	P	P	P	P	P	P
Transport Depots	NC	NC	NC	P	NC	NC	NC	NC	NC
Yard Based Retailing	NC	P	NC	NC	NC	NC	NC	NC	NC
Temporary Activities	Refer to Rule 3.5								
Roads and Network Utilities	Refer to Rule 3.3								
Hazardous Facilities	Refer to Rule 3.2								
Signage	Refer to Rule 3.1								
Subdivision and Development	Refer to Rules 6.1 to 6.9								
Activities on the Surface of Water	Refer Rule 3.4								
Any other activity not provided for	NC	NC	NC	NC	NC	NC	NC	NC	NC

P = Permitted Activity

D = Discretionary Activity

NC = Non-complying Activity

Note: In terms of the Rules referred to for Temporary Activities, Roads and Network Utilities, Signage, Hazardous Facilities and Activities on the Surface of Water in Table 4.12.2 the following modifications shall apply:

- For the Residential Medium Density, Residential High Density and Residential Mixed Use Precincts the provisions relating to the Residential Zone shall be applicable.
- For the Employment Precinct the provisions relating to the Industrial Zone shall be applicable.
- For the Active Recreation and Public Square Precincts the provisions relating to the Recreation General Zone shall be applicable.
- For the Retail 1 and Retail 2 Precincts the provisions relating to the Suburban Centre Zone shall be applicable.

- e) For the Community Precinct the provisions relating to the Community Facilities Zone shall be applicable.

4.12.2.2 Standards for Permitted Activities

4.12.2.2.1 Change in Land Use

A change in land use shall not result in a change in residential units such that the yields in an approved Comprehensive Development Plan are not achieved.

4.12.2.2.2 Primary Frontages

Only retail activities and restaurants shall be located at ground floor level of buildings within the Primary Frontages as defined in Appendix 4.12-IV.

4.12.2.2.3 Hours of Operation

Hours of operation for specified activities are as follows:

Activity	Hours of operation shall be between:
Any use that is not Residential in the Mixed Use Precinct	0600hr and 2300hr (Monday-Saturday) 0700hr and 2300hr (Sunday and public holidays)
Community Precinct (excluding residential activity)	0700hr and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)
Active Recreation Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)
Flood Lighting in the Active Recreation Precinct	0800hr and 2130hr
General Recreation in the Public Square Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)

4.12.2.2.4 Residential Activities Minimum Floor Areas

The minimum gross floor area of any Residential Unit shall be:

- a) 45m² for a studio unit;
- b) 55m² for a 1 bedroom unit;
- c) 80m² for a 2 or more bedroom unit;
- d) In any one residential apartment building containing in excess of 20 residential units, the combined number of one bedroom units and studios shall not exceed 70% of the total number of apartments within the building.

4.12.2.2.5 Residential Activities Outdoor Living, Service and Storage Areas

- a) **Outdoor Living Area**
Each Residential Unit or any residential accommodation associated with non residential activities shall be provided with an outdoor living area which:
 - i) shall be for the exclusive use of the Residential Unit;
 - ii) shall be readily accessible from a living area of a Residential Unit;
 - iii) shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas;
 - iv) shall have a minimum area per Residential Unit of 12m² and a minimum dimension of 2.5m width.

Note: Any communal outdoor living is optional and shall be provided in addition to the above provisions.

- b) **Service Area**
Each Residential Unit or any residential accommodation associated with non residential activities shall be provided with service areas as follows:
- i) A minimum service area of 10m² with a minimum dimension of 2.5m located at ground floor level and readily accessible to that residential accommodation.
 - ii) The service area shall be maintained with an all-weather dust free surface.
 - iii) The vehicular access associated with a service area may not be located within a primary or secondary frontage.
 - iv) A service area shall not be able to be viewed from a public space.
- c) **Storage Area**
In addition to internal storage, each Residential Unit or any residential accommodation associated with non residential activities shall be provided with storage areas as follows:
- i) Located at ground floor level and readily accessible to that residential accommodation.
 - ii) The storage area shall be secure and weather proof.
 - iii) A minimum of 1.8m long by 0.9m high by 0.6m deep.

4.12.2.2.6 Residential Activities in Non Residential Precincts

No Residential Units (including Apartment Buildings), Residential Centres, Managed Care Facilities, Rest Homes, Visitor Accommodation or Marae shall be located at ground floor level within the Retail Precincts, the Employment Precinct or Community Precinct.

4.12.2.2.7 Retail Activities

- a) The maximum gross floor area of any individual retail tenancy in the Retail 1 Precinct shall not exceed 400m².
- b) Retail activities in the Retail 1 Precinct shall not form part of an integrated development with a gross floor area in excess of 1,000m².
- c) The maximum gross floor area of any individual retail tenancy in the Retail 2 Precinct shall not exceed 4,000m².
- d) In the Residential Mixed Use Precinct:
 - i. The maximum gross floor area of any individual retail tenancy in the Residential Mixed Use Precinct shall not exceed 100m².
 - ii. Individual retail tenancies must front onto the street and be located in accordance with the retail frontages in Appendix 4.12-V.
 - iii. Only one retail tenancy depth from the road frontage with no Integrated Retail Developments
- e) The maximum land area occupied for yard based retailing by any individual retail tenancy shall not exceed 150m².
- f) The maximum gross floor area of any individual Ancillary Retail tenancy shall not exceed
 - (i) 400m² in the Retail 1 Precinct;
 - (ii) 50m² in the Community Precinct; or,
 - (iii) 150m² in the Employment
 - (iv) 100 m² in the Residential Mixed Use Precinct.

4.12.2.2.8 Offices

The maximum gross floor area of any individual office tenancy shall not exceed 250m² in the Retail 1, Retail 2, Community, Employment, or Residential Mixed Use Precincts.

4.12.2.2.9 Education and Training Facilities

The maximum floor area of any individual Education and Training Facility shall not exceed 250m² in the Employment, or Mixed Use Residential Zone.

4.12.2.2.10 Service Areas Non Residential Activities

Any buildings used for non-residential activities shall be provided with one or more service areas as follows:

- a) The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater provided that any individual service area shall be not less than 5m² with a minimum dimension of 2.5m.
- b) A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
- c) Any outdoor service area shall be maintained with an all-weather dust free surface.
- d) Any service area, and any associated vehicular access shall not be located within a primary frontage.

4.12.2.2.11 Rest Homes

Activities shall comply with [Rule 4.1.3.d\)\(ii\) to \(iv\)](#).

4.12.2.2.12 Home Occupations

Activities shall comply with [Rule 4.1.3.f\)](#).

4.12.2.2.13 Noise

Activities shall comply with [Rule 5.1](#).

4.12.2.2.14 Parking, Loading and Access

Activities shall comply with [Rule 5.2](#).

4.12.2.2.15 Glare and Lighting

Activities shall comply with [Rule 5.4](#).

4.12.2.2.16 Smoke, Fumes, Dust and Odour

Activities shall comply with [Rule 5.5](#).

4.12.2.2.17 Building Restrictions Along Roads

Activities shall comply with [Rule 5.6](#).

Note: In terms of the rules referenced to in Rules 4.12.2.2.11 to 4.12.2.2.17 above the following modifications shall apply:

- a) For the Residential Medium Density, Residential High Density and Residential Mixed Use Precincts the provisions relating to the Residential Zone shall be applicable.
- b) For the Employment Precinct the provisions relating to the Industrial Zone shall be applicable.
- c) For the Active Recreation and Public Square Precincts the provisions relating to the Recreation General Zone shall be applicable.
- d) For the Retail 1 and Retail 2 Precincts the provisions relating to the Suburban Centre Zone shall be applicable.
- e) For the Community Precinct the provisions relating to the Community Facilities Zone shall be applicable.

4.12.2.3 Assessment Criteria Discretionary Activities

Discretionary Activities shall be assessed against, but not limited to the following assessment criteria:

- a) The extent to which the proposed development is consistent with the Rototuna Structure Plan in Appendix 1A.
- b) The extent to which the proposed development is consistent with the Rototuna Suburban Centre Concept Plan in Appendix 1B.
- c) The extent to which the proposed development is consistent with the Rototuna Urban Design Guide in Appendix 1C.
- d) The extent to which the proposed development is consistent with the Standards in Rule 4.12.1.5.
- e) The extent to which the development is consistent with the Objectives and Policies in 6.2A.
- f) The extent to which the development is consistent with the relevant approved Comprehensive Development Plan.
- g) For Managed Care Facilities the extent of consistency with Rule 4.1.3.j) and the matters identified in Rule 4.1.3.k.

Appendix 4.12-1 Information Requirements — Comprehensive Development Plan Applications

- a) The Comprehensive Development Plan application shall show the total expected development for an identified Comprehensive Development Plan area (even if the development in that area is to proceed in stages) through plans and explanatory text which shall include the following:
- i. Demonstrate how the land use pattern and features proposed in the Rototuna Suburban Centre Concept Plan in Appendix 1B will be achieved.
 - ii. Demonstrate via an urban design assessment how the proposal is in general accordance with the Rototuna Urban Design Guide in Appendix 1C.
 - iii. Demonstrate how the Standards in Rule 4.12.1.5 will be met.
 - iv. Define the exact boundaries between the precinct and adjoining precincts
 - v. The method by which the development of each precinct is to be managed, and how precincts will relate to each other, surrounding land, and the wider Suburban Centre.
 - vi. How transportation and other infrastructure provision is to be provided to enable the efficient, effective, functional and sustainable delivery of infrastructure, taking into account the subject Comprehensive Development Plan Area and integration with the surrounding Comprehensive Development Plan Areas, and the wider Suburban Centre and Rototuna Structure Plan area.
 - vii. **Open Space** — Show the exact location and design of proposed areas of open space and ecological linkages, natural features to be retained and/or enhanced, and areas to be developed for stormwater purposes.
 - viii. **Site Development** — Illustrate indicative activity types, building footprints, individual shop and business tenancy sizes, number and external layout of residential units (demonstrate how the identified yield is to be met), pedestrian walkways, carparking areas and vehicular circulation, vehicular access points between the site and public roads, landscaping areas, service areas with appropriate screening, and the position of adjacent properties with any building(s) if they exist and how the proposal integrates with adjacent properties in terms of contributing to an overall urban design and streetscape character including treatment of building frontages (e.g. glazing and orientation).
 - ix. **Development Staging** — Explain if development of the Comprehensive Development Area is to be staged, the manner and proposed timeframes for the staging and the means of managing any vacant land during the staging process.
 - x. **Elevations** — Illustrate building height and orientation, building exterior design features, verandahs, any balconies, any artificial lighting to exterior walls and features, and how the proposal integrates with adjacent properties in terms of contributing to an overall urban design and streetscape character.
 - xi. **Signage** — Give details of the number, dimensions, location, content, means of support and attachment.
 - xii. **Transportation** — Carry out a Transport Impact Assessment (TIA) which addresses the following matters: on-site provision of car parking, servicing and manoeuvring space; how car parking is to

be provided taking into account surrounding land uses and the opportunities for shared car parking; safe and efficient provision of ingress and egress; safe sight visibility distance for access points; safe separation of access points from intersections and other access points; impact of access on safe and efficient traffic flow on the roading network; impact on traffic volumes and capacity of the roading network; adequate provision for pedestrians, cyclists and passenger transport users. Traffic modeling may be required to assist in the preparation of the TIA. Applicants must also demonstrate whether a Travel Plan is required to mitigate any transport impacts from the development.

- xiii. **Street Design** — show the formation, function and design of streets including integration with the wider transport network, safety measures, paving and surfacing materials, location of parking areas, planting and street furniture, traffic calming measures, provision for pedestrians and cyclists, lighting, location of public transport facilities. The exact location and design of roads (including streetscape typologies) must be shown.
 - xiv. **Pedestrian Linkages** — showing the position of walkways, linkages to adjacent sites, verandah cover, and any artificial lighting to be used in these areas.
 - xv. **Servicing** — Explain the provision, staging, location and capacity of network utilities and integration with existing and planned network utilities, quantity and quality of stormwater and proposed stormwater treatment, management and disposal facilities. Prepare an infrastructure management plan.
 - xvi. **Planting and Screening** — Show the type of landscaping to be provided in yards, carpark areas, and other landscape areas including the identification of plant and tree species to be used, the number of plants to be planted, and any artificial lighting to be used in these areas.
 - xvii. **Public Square** — Show the type of landscaping and materials to be used, taking into consideration crime prevention through environmental design principles and lighting to safety, amenity and ambience. Consideration must be given to the multifunctional use of the square and its relationship with surrounding buildings and features.
 - xviii. **Gateways** — Show how the areas defined as gateways in the Rototuna Suburban Centre Concept Plan will be treated in terms of opportunities for landmark buildings, structures, public art to be used to announce the sense of arrival and departure.
- b) Provided that where a CDP area is to be developed in stages, the information required for a consent to each stage of the CDP process must be sufficient to enable assessment of the application in terms of the Concept Plan, Structure Plan and Urban Design Guide. The application should include a development framework (or a concept development plan) setting out the main block pattern, roads and access ways, stormwater solutions, reserves, bulk and scale of the buildings for the entire CDP area together with appropriate detail for the stage under consideration, including detailed design of urban spaces, buildings and their service infrastructure.

Appendix 4.12-II – Comprehensive Development Plan Areas



Appendix 4.12-III Yield Table

Subject to Rule 6.9

Comprehensive Development Plan Area	Residential Yield — Minimum Units per Comprehensive Development Plan Area ('no maximum limit') ⁴
B	25
F	30
G	114
H	138
J	115
K	101
L	83
M	87
N	123
O	223
Q	36
R	75
S	104
T	93

⁴ The yields set out above guide the total level of residential development expected in order to meet the growth strategies of the Regional Policy Statement. The yield can be adjusted up as there is 'no maximum limit' where a CDP process establishes some adjustment to the particular yield for that CDP area is appropriate based on physical limitations for development in that area or adjustments in the extent of the CDP area.

Appendix 4.12-IV Primary and Secondary Frontage



Appendix 4.12-V Residential Mixed Use- Location of Retail



Rule 5.1 Noise

Rule Statement

The noise rule manages the emission and mitigates the effects of noise to ensure that there are no adverse effects on individuals and the wider community. The rule focuses on protecting amenity values in residential areas by ensuring that industrial, commercial, community or recreation activities meet acceptable noise levels when measured on residential properties.

The rule recognises that increasing diversity of activity throughout the city has the potential to impact negatively on the aural standard of existing areas. The standards are designed to minimise these changes and where residential activity moves into commercial areas to ensure that they insulate themselves against these higher noise levels.

The rule also addresses road traffic noise and requires that where new arterial roads are constructed, specified noise standards are met. Controlling noise from existing roads or protecting the upper stories of residential activities may be impracticable because of effectiveness, costs or aesthetics. In these cases, residential activities are required to provide acoustic treatment to ensure that acceptable internal noise levels are achieved.

Expected Outcome

Ensure that the community is protected from the adverse effects of noise and that residential amenity values are maintained.

Means of Compliance

The following standards and assessment criteria are additional to those established within each zone. Where an activity cannot meet these standards, its activity status is established within the Failure to Meet Standards section of the relevant zone.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 7.4 Noise.

ADVISORY NOTE - Excessive or Unreasonable Noise

Notwithstanding the rules relating to noise set out below, Section 16 of the RMA imposes a duty to avoid unreasonable noise and:

- where excessive noise occurs then an excessive noise direction may be issued under Section 327 of the RMA,*
- where unreasonable noise occurs then Council may take action under Section 16 of the RMA to avoid the effects of such noise.*

5.1.1 General Standards

The following general standards apply to all Permitted and Controlled Activities, and Restricted Discretionary Activities where they are listed as such in the activities list for the relevant zone.

a) Measurement of Noise

Noise levels shall be measured in accordance with NZS 6801:1999 "*Acoustics - Measurement of Environmental Sound*" and assessed in accordance with NZS 6802:1991 "*Assessment of Environmental Sound*."

b) Maximum Noise Levels

Activities (excluding residential activities but including home occupations), in any zone except the Recreation Environment Zone, Recreation General Zone, Recreation Major Zone and Major Facilities Zone shall not exceed the following noise levels when measured at any point at or within the boundary of any site in the Residential Zone.

Monday to Saturday	Noise levels measured in L10	Noise levels measured in Lmax
0600hr — 0700 hr	45 dBA	-
0700hr — 2000 hr	50 dBA	-
2000hr — 2300 hr	45 dBA	-
2300hr — 0600 hr	40 dBA	75 dBA
Sunday & public holidays		
0700hr — 2300 hr	45dBA	-
2300hr — 0700 hr	40dBA	75 dBA

c) Construction Noise

- i) Rule 5.1.1 b) shall not apply to construction noise.
- ii) All construction noise shall comply with the provisions of NZS 6803: 1999 "*Acoustics — Construction Noise*" and shall be measured and assessed in accordance with NZS6803: 1999.

d) Noise from activities within the Industrial Zone

Subject to Rule 5.1.1 b), any activity within the Industrial Zone shall not exceed a noise level of 65 dBA (L10) at or as near as practicable to the boundary of any other site within the Industrial Zone.

e) Non-Industrial Activities in the Industrial Zone

Any Office, Retail Activity, Health Care Service, Community Centre, Place of Assembly, Marae or Education and Training Facility, except where ancillary to an industrial activity, shall:

- i) Be designed, sited, and constructed to ensure noise received at any boundary of the site activity shall be reduced by 20 dBA when received in any internal room.

f) Residential Activities in Commercial and Industrial zones

- i) Any habitable room in new residential activities established (after 30 October 1999) in the City Centre Zone, Suburban Centre Zone or Commercial Service Zone or Industrial Zone shall meet an internal L10 noise level of 45 dBA at all times.
- ii) Where an internal noise level for a habitable room can only be met with doors and windows closed, then an alternative means of ventilation must be provided in accordance with the Building Act 1991.
- iii) An acoustic design certificate will be required to show how the required noise standard will be met.

g) Noise from activities within the Recreation Zones and Major Facilities Zone

- i) Activities, other than Special Events and excluding crowd noise, within the Recreation Environment Zone, Recreation General Zone, Recreation Major Zone or the Major Facilities Zone shall not exceed the following noise levels when measured at any point at or within the boundary of any site in Residential Zone:

0700hr — 2300hr	55dBA L10
2300hr — 0600hr	40dBA L10
0600hr — 0700hr	45dBA L10

h) Noise from Special Events

The noise from Special Events, including testing or practice involving the use of electronic sound amplification, shall not exceed the following noise levels when measured at any point at or within the boundary of any site in the Residential Zone on more than 5 times a year:

- i) 1000hr — 2300hr 75dBA L10
- ii) The L_{max} for all activities shall not exceed 85dBA when measured over any 15 minute period between 1000hr — 2300hr.
- iii) Testing or practice involving the use of electronic sound amplification shall be limited to a maximum duration of 3 hours. The Special Event itself shall be limited to 4 hours in duration. There shall be at least 2 hours separation between the practice/testing and the event itself.
- iv) The public will be notified of each Special Event not less than 14 days prior to the event. The notice should inform the public of:
 - the nature of the event
 - proposed dates and start and finish time
 - possible alternative dates in the event of postponement

i) Design and Construction of New Arterial Roads

New major or minor arterial roads which adjoin the Residential Zone or Future Urban Zone shall be designed and constructed to meet the following noise standard at a point 3 metres within the boundary of any adjoining site and at any point up to 2.8m above ground level:

- Any new major or minor arterial road (constructed after October 30 1999) where frontage access is limited or restricted - 60 dBA L10 (18 hours)
- Other new major or minor arterial roads (constructed after October 30 1999) — 65 dBA L10 (18 hours).

j) Residential Activities Adjacent to Major and Minor Arterial Roads

i) Any habitable rooms in new residential activities or the construction of new habitable rooms or extensions to habitable rooms in existing residential activities (except in the North East Residential Area of the Rototuna Residential Zone) shall meet an internal L10 (18 hour) noise level of 40dBA, where constructed on a site adjacent to:

- an existing major or minor arterial road (constructed before October 30 1999) specified as a High Noise Route in Appendix 5.1-I
 - a new major or minor arterial road (constructed after October 30 1999) which has been designated and only where habitable rooms are located above the height of 2.4m above ground level.
- ii) Where an internal noise level for a habitable room can only be met with doors and windows closed, then an alternative means of ventilation must be provided in accordance with the Building Act 1991.
- iii) An acoustic design certificate will be required to show how the required noise standard will be met.
- iv) In the North East Residential Area of the Rototuna Structure Plan, any habitable rooms in new residential activities or the construction of new habitable rooms or extensions to habitable rooms in existing residential activities where constructed on a site within the applicable set back prescribed under Rule 4.1C.3.1.5.a)(iv) and 6.3.1(i) shall meet the following criteria:
- Any residential activity shall be designed and constructed to ensure that the noise level from the Expressway is no greater than 35dB $L_{Aeq(24hr)}$ in any bedroom and 40dB $L_{Aeq(24hr)}$ in any other habitable room (the internal noise limits). The outdoor noise level shall be the level incident on the residential activity based on the noise level prediction parameters in Rule 6.3.1(i).
 - A design report shall be prepared by a suitably qualified acoustic engineer approved by the Hamilton City Council, and provided to the Planning Guidance Manager, Hamilton City Council, that demonstrates the internal noise limits will be achieved.
 - For those rooms where windows and doors need to be closed to achieve the internal noise limit, an alternative ventilation system that complies with the requirements of Section G4 of the Building Code shall be installed. This system shall be designed to achieve a level of no less than 10dB L_{Aeq} below the traffic

design level for that room.

NOTE: If habitable rooms are located outside of the $55\text{dB}_{\text{L}_{\text{Aeq}}(24\text{hr})}$ noise contour confirmed at the time of land subdivision, no acoustic treatment is required even if one or more boundaries of the lot is intersected by the $55\text{dB}_{\text{L}_{\text{Aeq}}(24\text{hr})}$ noise contour.

Performance Assessment

5.1.2 Assessment Criteria

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

a) General Criteria

- i) The sensitivity of the receiving environment to the effects of the noise and the effects of the noise on the receiver, especially where the affected activity has a component where people need to sleep or concentrate.
- ii) The nature of the locality or zone and the activities within it (including traffic and pedestrian activity) and level of background noise.
- iii) The location of the activity in relation to any nearby residential activities and the extent to which the noise generated will affect the amenity values of surrounding residential activities.
- iv) The nature of the noise emissions likely to be generated and the disturbance this may cause to people in the vicinity, including:
 - audible characteristics (tonal quality and frequency)
 - expected times and duration of the noise.
- v) Whether the design and location of the building and ancillary activities which generate noise incorporate noise mitigation techniques.
- vi) Whether the design of residential activities and their surrounds adjoining to arterial roads and in commercial and industrial zones include noise mitigation techniques.
- vii) Whether any construction or use of roads may cause adverse noise effects and the extent to which such effects can be adequately mitigated by treatment of the road, surrounding environment or receiving sites including noise bunding, fencing, road surfacing and acoustic treatment of buildings used for residential activities.
- viii) Whether the activity will contribute to the cumulative effects of noise.
- ix) Whether the number, timing, and duration of special events and the length of time for which the specified noise levels will be exceeded, particularly at night, taking into account the likely disturbance that may be caused.
- x) Whether the adverse effects on the surrounding neighbourhood of the special event are mitigated.

- x) Whether the design of residential buildings and their surrounds in the North East Residential Area of the Rototuna Structure Plan incorporate specific noise mitigation techniques to address anticipated noise levels in any habitable room once the Waikato Expressway (Designation 90) is constructed and in use.
- xii) Whether, in accordance with Designation 90, the design and construction of the Waikato Expressway adequately mitigates noise effects on the site to the extent that further noise mitigation is not necessary.

Appendix 5.1-I High Noise Routes



Rule 5.2 Parking, Loading and Access

Rule Statement

The safe and efficient functioning of the road network depends in part on the availability of convenient and safe parking, loading and manoeuvring facilities and on appropriate siting of access points.

In all zones except for the City Centre, land use activities are required to provide parking and loading on site. The Plan sets minimum parking and loading space requirements so that activities are readily accessed with minimum disruption to the functioning of the road network. The number of spaces required aims to provide for normal or reasonable requirements for staff, customers, or visitors. The Plan also provides standards relating to aspects of location and design of manoeuvring space so that the effects of vehicle movements on safety and efficiency of roads are minimised.

A cash payment in lieu of parking is allowed in the central city area, to be used by Council to accommodate the parking demand in the central area whether by providing aggregated parking or facilitating alternative means of transport.

The Plan's rules relating to the number and placement of access points aim to protect the road's function in the road hierarchy and to minimise disruption to the flow of traffic and adverse effects on the safety of other road users.

Expected Outcome

On-site parking and loading space providing easy access and mitigating any adverse effects of vehicle manoeuvring on the safe and efficient functioning of the road network and on neighbourhood amenity.

Means of Compliance

The following standards and assessment criteria are additional to those established within each zone. Where an activity cannot meet the standards, its activity status is established within the Failure to Meet Standards section of the relevant zone.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 4.2 Transportation and Accessibility.

ADVISORY NOTE — Consultation with Transit New Zealand

For any development involving access onto and off a State highway consultation with Transit New Zealand is recommended before an application is submitted to Council. Under the Resource Management Act (Section 93) Transit New Zealand will be notified by Council if an application affects the State highway.

5.2.1 Standards

The following standards apply to all Permitted and Controlled Activities, and Restricted Discretionary Activities where they are listed as such in the activities list for the relevant zone.

a) Number of Parking Spaces

- i) Where any activity occurs on a site, parking shall be provided according to the standards given in Table 5.2-1a, Table 5.2-1b Table 5.2-1c and Table 5.2-d except that in those areas listed in Table 5.2-1e a cash payment will be accepted in lieu of part or all of the parking requirement.
- ii) Where the assessment of the number of parking spaces results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or greater shall be considered as one space.
- iii) All parking areas shall include accessible parking spaces for persons with disabilities, as follows:
 - one space for carparks up to 10 spaces
 - two spaces for carparks with 11 to 99 spaces
 - one space for each additional 50 spaces commencing at 100 spaces.
- iv) Parking Lots (excluding car parking buildings) shall provide stands to accommodate bicycles on the site at the following rates:
 - 5 bicycles for car parks of 40 to 100 car parking spaces; and
 - one additional bicycle per 20 car parking spaces over 100 spaces.
- v) Parking Lots shall provide space specifically identified for motorcycle parking, as part of the overall parking space requirement, at the following rates:
 - space for 3 motorcycles (one car space equivalent) in car parks of 20 to 100 spaces; and
 - space for one additional motorcycle per 40 car spaces over 100 spaces.

b) Number of Loading Spaces

- i) Where any activity occurs on a site, loading space is to be provided according to Table 5.2-1a, Table 5.2-1c or Table 5.2-1d.
- ii) Access to the loading space shall be readily available from the individual occupancies in each tenancy or development on the site that the loading space is to serve.

c) Parking and Loading Space Dimensions and Layout

- i) Parking space dimensions and layout shall be in accordance with Figure 5.2-1.
- ii) Every car parking space shall accommodate the 90 percentile car tracking curve (Figure 5.2-2).
- iii) Dimensions for accessible car parks (for people with disabilities) should be as specified in NZS 4121.

- iv) The loading space dimension will be that given in Table 5.2-2 which accommodates the largest vehicle likely to service the site.
- v) Every general loading space shall accommodate the tracking curves for 99 percentile cars (Figure 5.2-3), 99 percentile truck (Figure 5.2-4) or articulated truck (Figure 5.2-5), whichever is appropriate given (iv) above.
- vi) No part of any parking or loading space shall be located on any outdoor living area or service area.
- vii) Not more than 50% of any required front set back area may be used to provide parking spaces, except in Suburban Centre, Commercial Service and City Centre Zones where all of the front set back may be used for parking.
- viii) No part of any parking or loading space or manoeuvring area shall be located between any building line for designated street widening purposes and the road boundary.
- ix) Side and rear set back areas may be used to provide parking spaces where practicable, except that in recreation zones the buffer or amenity function of side and rear set backs is to be met before any remaining area is used for parking purposes.
- x) Sufficient on-site manoeuvring area shall be constructed and provided to avoid the reversing of vehicles on to or off a site where:
 - any car park has access to any arterial road
 - the car parking area contains more than five parking spaces or is located more than 30m from the road boundary, on any road.
- xi) No loading space layout shall be permitted where vehicles project on to the road or any roadside footpath whilst loading or where the vehicle is required to reverse off or on to an arterial road to enter or leave the loading space.
- xii) Any vehicle occupying any parking or loading space must have ready access to a road at all times, without the necessity of moving any vehicle occupying any other parking or loading space, with the exception of residential units, where only one space per unit need be accessible at all times.

d) Access to Sites, Parking and Loading Spaces

Any activity shall provide access to the site as follows unless otherwise restricted by another zone rule.

- i) Sites with less than 20m site frontage shall have one crossing only.
- ii) Sites with road frontages greater than 20m shall be permitted two crossings per frontage greater than 20m, provided that the minimum distance between the two crossings shall be 7.5m.
- iii) Vehicle crossing and access widths shall be as specified in Table 5.2-3, subject to the relevant standards in [Rule 6.3](#).
- iv) Any vehicle access shall be provided with sufficient clearance from the edge of the formation to buildings, fences and other structures to enable the safe and unobstructed operation of the access.

- v) Where a vehicle access, which serves more than one residential unit or business occupancy or more than 5 carparking spaces, is less than 5.5m in width and has a length greater than 70m or unrestricted visibility is not available over its full length, then a passing bay located approximately midway shall be required.
- vi) For any corner site, only one vehicle access or crossing shall be permitted on each frontage, located as close as reasonably practicable to the furthest site boundary from the intersection.
- vii) Where a corner site has frontage to a major or minor arterial road as well as to a minor arterial, collector or local road, then any vehicle access or crossing shall be limited to the frontage located on the minor arterial, collector or local road.
- viii) The minimum sight distance from the crossing shall be as set out in Table 5.2-4 and Figure 5.2-6.
- ix) On roads where the posted speed limit is less than 80 km/hour, any vehicle access shall not be located closer to an intersection than the distance specified in Table 5.2-5. Distances shall be measured along the boundary parallel to the centre line of the frontage road from the kerb line or formed edge of the intersecting road (see Figure 5.2-7).
- x) On roads where the posted speed limit is 80 km/hour or greater, the minimum distance from an intersection of any vehicle access shall be the greater of the distance specified in Table 5.2-5 or:
 - 100m where the frontage roads is an arterial road
 - 30m where the frontage road is a collector or local road.

Distances shall be measured along the boundary parallel to the centre line of the frontage road from the kerb line or formed edge of the intersecting road (see Figure 5.2-7).

e) Formation

- i) Except for a driveway to a single detached dwelling, any parking or loading space, access drives and aisles, and manoeuvring areas shall be formed and drained and maintained with permanent sealed or paved all weather, dust-free surface.
- ii) Where five or more parking and/or loading spaces are provided, such parking and loading spaces shall be clearly marked out and identified.
- iii) Where a parking or loading space, manoeuvring area, or any sealed or paved landscaped area in all zones (except the Residential Zone) adjoins a road, kerbing or a similar barrier not less than 0.125m high shall be provided on those parts of the frontage not used for vehicular access.

g) Dairies

- i) Dairies shall provide a stand to accommodate at least 2 bicycles.

Performance Assessment

5.2.2 Assessment Criteria

In determining any resource consent, Council shall have regard to the expected outcome of this rule and the relevant underlying zone, any related objectives and policies, and to the following.

a) Number of Parking Spaces

- i) The extent to which failure to provide the required number of on-site carparks will result in adverse effects of extra parked and manoeuvring vehicles on the traffic function of the road and on the function and safety of the surrounding road network.
- ii) The extent to which it can be demonstrated that the total parking demand generated by the proposed development is less than the number of spaces required.
- iii) The extent to which the hours of operation relative to other uses on the site or on adjoining sites provide opportunities for shared carparking.
- iv) The extent to which appropriate off-street public parking is available in the locality and is readily accessible by being:
 - within easy walking distance
 - does not require people to cross arterial roads to gain access to the activity.
- v) Parking may be provided on an alternative site, taking into account the following:
 - The extent to which the distance between the alternative parking site and the development is appropriate to the activity or service provided and whether it requires crossing of an arterial road
 - The extent to which the alternative site can be clearly associated or identified with the activity
 - The extent to which joint parking is acceptable, particularly where hours of operation are different
 - The desirability of avoiding vehicular access to the subject site on traffic or pedestrian safety groundsand provided that a legal agreement binds the alternative parking site to the development.
- vi) The extent to which parking is associated with pick up or drop off activities.
- vii) The extent to which the effects of not providing on-site parking are cumulative in conjunction with inadequate parking provision by other developments on the site.

b) Number of Loading Spaces

- i) The extent to which loading and unloading can occur without:
 - conflict with traffic or pedestrians on adjoining streets
 - giving rise to any traffic or pedestrian safety hazard
 - detracting from the amenities of the neighbourhood
 - detrimental effects on the operation of any adjoining business.

c) Parking and Loading Space Dimensions and Layout

- i) The extent to which traffic function and safety of the surrounding road network is affected by vehicles entering or leaving the parking or loading space.
- ii) The extent to which safety of pedestrians and other users of the site is affected.
- iii) The extent to which the number of vehicles required to reverse on to or off a street is compatible with the traffic flow and safety of that street.

d) Access to Sites, Parking and Loading Spaces

- i) The extent to which location, number and configuration of vehicular accesses adversely affects the provision of on street parking or the amenity values of the locality, particularly of residential properties.
- ii) The extent to which location, number and configuration of vehicular access points give rise to traffic hazards through inadequate visibility and safe stopping distances, or conflict with the normal flow of traffic and movement of pedestrians and cyclists.
- iii) The extent to which the location or number of crossings will inhibit the utilisation of the site or obstruct access to services, having regard to the scale of the activity and its operational needs.
- iv) On a major arterial road, the extent to which the number of crossings can be minimised, taking into account the:
 - opportunities that exist for shared access
 - the volume and nature of the traffic generated
 - the siting of the access points with respect to traffic visibility and flow
 - the operational requirements of the activity.
- iv) The extent to which the siting of the access on corner sites disrupts traffic or conflicts with the function of the road as classified in the Road Hierarchy.
- v) In any defined shopping frontage, the extent to which:
 - vehicular access disrupts pedestrian movements, safety, and shelter
 - opportunities exist for shared access
 - conflict with pedestrian shopping activity is minimised
 - such vehicular access is essential for operation of adjoining businesses.

e) Formation

- i) The extent to which the surfacing material used will avoid adverse effects on the amenities of neighbouring properties and the locality through dust, unsightliness, surface flooding and tracking of material on to the street.
- ii) The extent to which adequate markings, signs, kerbs and lighting facilitate the efficient and safe operation of any parking or loading area.

Table 5.2-1a Number of Parking and Loading Spaces Required in all Zones Except City Centre and Recreation Environment Zones¹

Building or use	Car parking spaces required	Loading/service spaces required
Detached Dwellings	2 per household or dwelling	
Home occupations	2 per household plus 1 per non-resident employee	
Ancillary flats and apartment buildings	1 per unit or flat	
Residential Centres	1 park per resident plus 1 park per four bedrooms	
Managed Care Facilities and Rest Homes	1 park per 3 bedrooms plus 1 park per every full time equivalent staff member	
Camping Grounds	1 per unit, camp site or caravan site	
Visitor Accommodation	1 per unit plus one per 2 staff	1 space
Community Centre	1 per 30m ² gfa	1 space
Education and Training Facilities		
Child care facilities	1 per 30m ² gfa	1 drop-off car space per 10 children
Schools - primary	2 per 3 full-time equivalent staff	1 drop-off car space per 10 children
Schools - intermediate and secondary	1 per full-time equivalent staff, plus 1 per 20 students aged 16 or over	4 drop-off car spaces and 1 bus space per 200 students
Facilities for Education and Training	1 per full-time equivalent staff, plus 1 per 20 students aged 16 or over which can be accommodated on site at any one time	4 drop-off car spaces and 1 bus space per 200 students
Tertiary Education facilities	1 per 50m ² gfa	1 space

¹ Activities in the road reserve are controlled by HCC Parking Bylaw.

Health Care Services	3 per consultant and 1 per staff	1 space
Hospitals	1 per 2 beds	1 space per 50 beds
Playing Fields, Outdoor Courts	6 per field or court	
Buildings serving recreation reserves and indoor recreation buildings	1 per 20m ² gfa	1 space
Places of Assembly All Places of assembly (except Libraries and Museums)	1 per 25m ² gfa	1 space
Marae	1 per 25m ² gfa	1 space
Offices (excluding offices in the Commercial Service Zone surrounding the City Centre Zone — see Table 5.2-1d))	1 per 40m ² gfa	1 space
Retail Activities (excluding retail activities in the Commercial Service Zone surrounding the City Centre Zone — see Table 5.2-1d))		
Retail Activities (gfa less than 5,000m ² - in individual ownership/tenancy or integrated retail development)	1 per 20m ² gfa	1 space
Retail Activities (gfa greater than 5,000m ² and less than 10,000m ² gfa- in individual ownership/tenancy or integrated retail development)	1 per 30m ² gfa	1 space
Retail Activities (gfa greater than 10,000m ² — in individual ownership/tenancy or integrated retail development)	1 per 40m ² gfa	1 space
Outdoor Retailing	1 per 100m ² of uncovered display area	1 space
Indoor Display Areas for Vehicles, Boats and Agricultural and Industrial Machinery	1 per 50m ² gfa	1 space
Supermarkets	1 per 20m ² gfa	1 space
Libraries and Museums	1 per 30m ² gfa	1 space

Produce Stalls	1 per 16m ² retail space	1 space
Restaurants and Licensed Premises	1 per 10m ² gfa	1 space
Drive-Through Services	1 per 30m ² gfa (excluding canopy area over pumps) plus 5 queuing spaces per dispensing facility	1 space
Industrial Activities (including Warehouses)	1 per 60m ² gfa for the first 1,000m ² of an individual ownership or tenancy, 1 per 100m ² thereafter	1 space per development or per 3,000m ² gfa, whichever is the greater
Transport Depots	1 per 100m ² gfa of building or site area used for storage, whichever is the greater	1 space
Fire Stations	2 car parks per 3 staff members	

* gfa = gross floor area

Table 5.2-1b Number of Parking Spaces Required in Recreation Environment Zone:

Activity	Car parking spaces required
All activities	Nil

Table 5.2-1c Number of Parking and Loading Spaces Required in City Centre Zone

Activity	Car parking spaces required	Loading Spaces Required
Residential	1 per residential unit	Nil
All activities other than residential	Payment or spaces provided at 1 per 160m ² gfa	1 per site

Table 5.2-1d) Number of Parking and Loading Spaces Required for Offices and Retail Activities in the Commercial Service Zone Surrounding the City Centre Zone

Activity	Car Parking Spaces Required	Loading Spaces Required
Offices	1 space per 80m ²	1
Retail Activities	1 space per 80m ²	1 per activity (in individual ownership/tenancy or integrated retail development)

Table 5.2-1e Cash in Lieu of Parking

Zone	Area	Value Required
City Centre	The area bounded by London, Anglesea and Hood Streets, Marlborough Place and The Waikato River	\$13,430 per space or the value of 24m ² per space of the site, whichever is the lesser ^a

^aThe figure of \$13,430 is in 1997 terms and will be adjusted at the same rate as the Producers Price Index for Construction

Table 5.2-2 Loading Space Dimensions

Activity	Minimum width (m)	Minimum length (m)	Minimum height (m)	Manoeuvring area
Activities serviced by Courier vans only	3.0	6.0	3.2	Figure 5.2.3
Activities serviced by vans (other than Courier vans) and non-articulated trucks	4.0	8.0	4.5	Figure 5.2.4
Activities serviced by articulated vehicles	4.0	20.0	4.5	Figure 5.2.5

Table 5.2-3 Widths of Crossings and Vehicle Access²

Crossings		Width of Formation (m)	
		Minimum	Maximum
Residential Zone		3	5.5
Commercial Service, Suburban Centre, City Centre and Industrial Zone		5	7.5

Entrances and Vehicle Accesses	Use of Access	Minimum Width of Formation (m)
	5-10 units	5.5
	More than 10 units	6
Residential Centres, Visitor Accommodation	1-12 occupants	2.8
	More than 12 occupants	5.5
Commercial Service, Suburban Centre, City Centre and Industrial Activities	up to 5 occupancies	6
	more than 5 occupancies	8
Car Parking Facilities	Up to 15 spaces	3
	More than 15 spaces	6

Table 5.2-4 Minimum Sight Distances (m) - see Figure 5.2.6

Operating speed (km/h) ^a	Frontage road classification		
	Local	Collector	Arterials
40	30	35	70
50	40	45	90
60	55	65	115
70	85	85	140
80	105	105	175
90	130	130	210
100	160	160	250
110	190	190	290
120	230	230	330

^aOperating Speed = 85th percentile speed on frontage road, taken as the speed limit plus 15%.

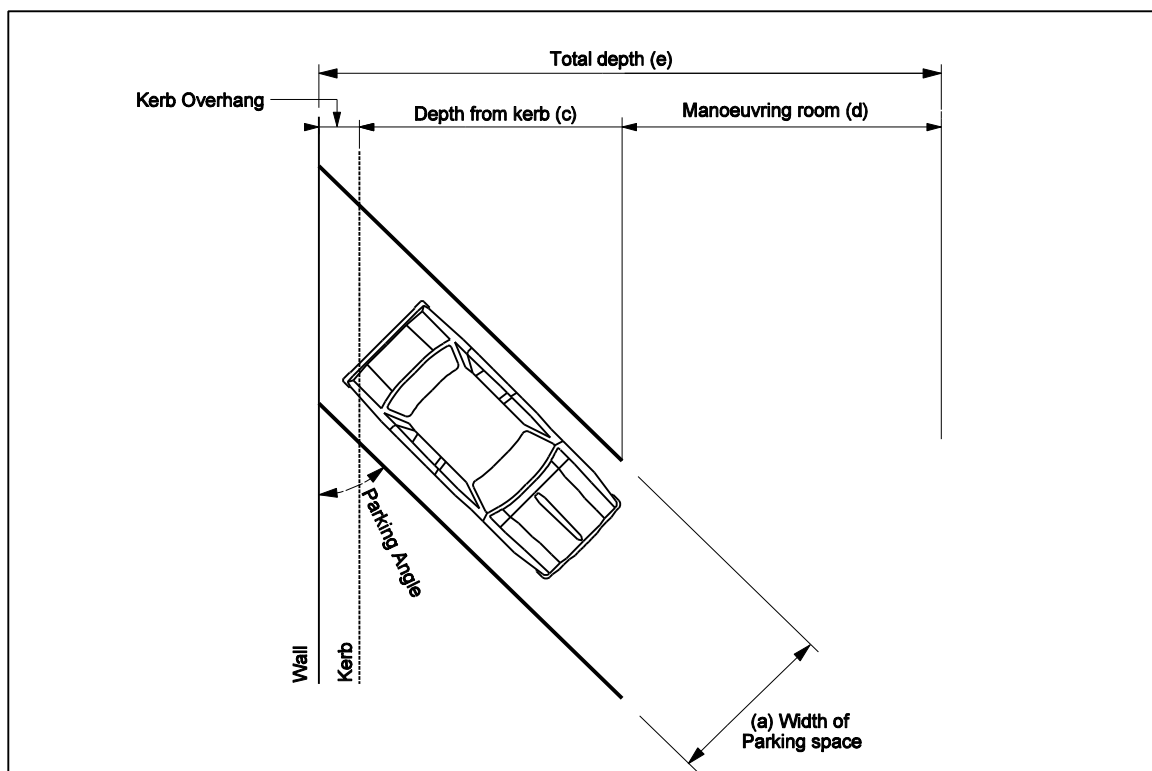
² Hamilton City Council will apply the Local Government Act 1974 to require action to prevent damage to the road berm from crossings being of inadequate width or construction.

**Table 5.2-5 Minimum Distance (m) of Vehicle Access from an Intersection^a
(Also see Rule 5.2.1 d) x))**

Frontage road	Intersecting road type			
	Major arterial	Minor arterial	Collector	Local
Major arterial	70	55	40	40
Minor arterial	55	55	40	35
Collector	40	40	40	15
Local	40	25	15	10

^aWhere the boundaries of the site do not allow the provision of a vehicle access which conforms with the above distances, a vehicle crossing may be constructed in the position which most closely complies with the provisions in Table 5.2-5.

Figure 5.2-1 Car Manoeuvring and Parking Space Dimensions



Type of Parking		Stall Width (a)	Stall Depth		Manoeuvre Width (d)	Total Depth (e)	
Parking Angle	Type		from wall (b)	from kerb (c)		one row	two rows
ALL MEASUREMENTS ARE IN METRES							
90	Nose in	2.4	5.1	4.1	7.9	13.0	18.1
		2.5			7.6	12.7	17.8
		2.6			7.2	12.3	17.4
		2.7			6.8	11.9	17.0
75	Nose in	2.4	5.4	4.4	6.4	11.3	17.2
		2.5			5.8	11.2	16.6
		2.6			5.2	10.6	16.0
		2.7			4.6	10.0	15.4
60	Nose in	2.4	5.4	4.5	4.5	9.9	15.3
		2.5			4.2	9.6	15.0
		2.6			3.9	9.3	14.7
		2.7			3.6	9.0	14.4
45	Nose in	2.4	5.0	4.2	3.6	8.6	13.6
		2.5			3.5	8.5	13.5
		2.6			3.4	8.4	13.4
		2.7			3.3	8.3	13.3
30	Nose in	2.4	4.3	3.7	3.0	7.3	11.6
		2.5					
		2.6					
		2.7					
0	Parallel	2.5	Stall length 6.0 m		3.7	6.2	8.7

1. Parallel parking spaces (Parking Angle = 0) shall be 6.0m long, except where one end of the space is not obstructed, in which case the length of a space may be reduced to 5.0m.
2. Minimum aisle and accessway widths shall be 3.0m for one way flow, and 5.5m for two way flow. Recommended aisle and accessway widths are 3.5m for one way flow, and 6.0m for two way flow.
3. Maximum kerb height = 150mm

Figure 5.2-2 90 Percentile Car Tracking Curve Minimum Radius

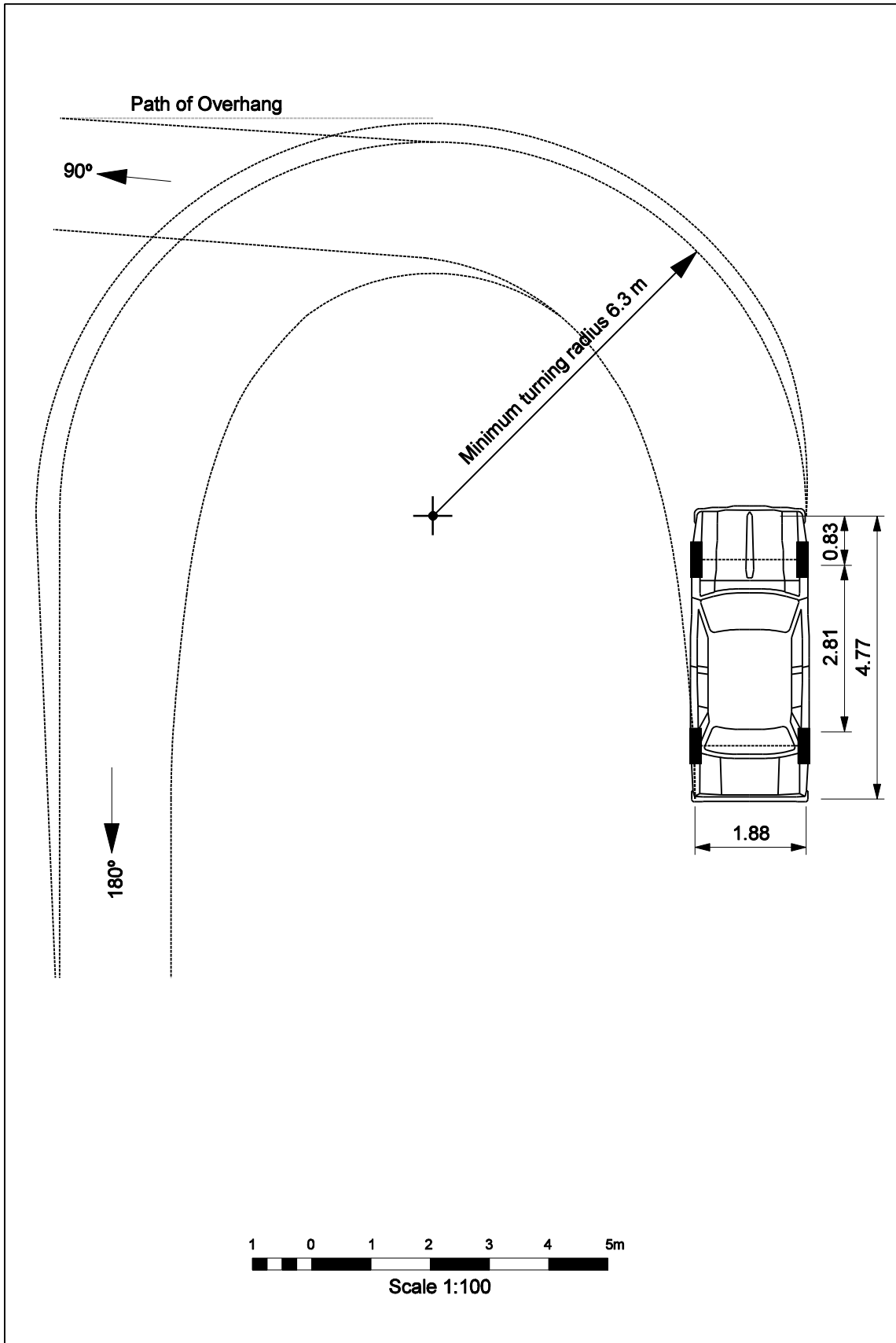


Figure 5.2-3 99 Percentile Car Tracking Curve Minimum Radius

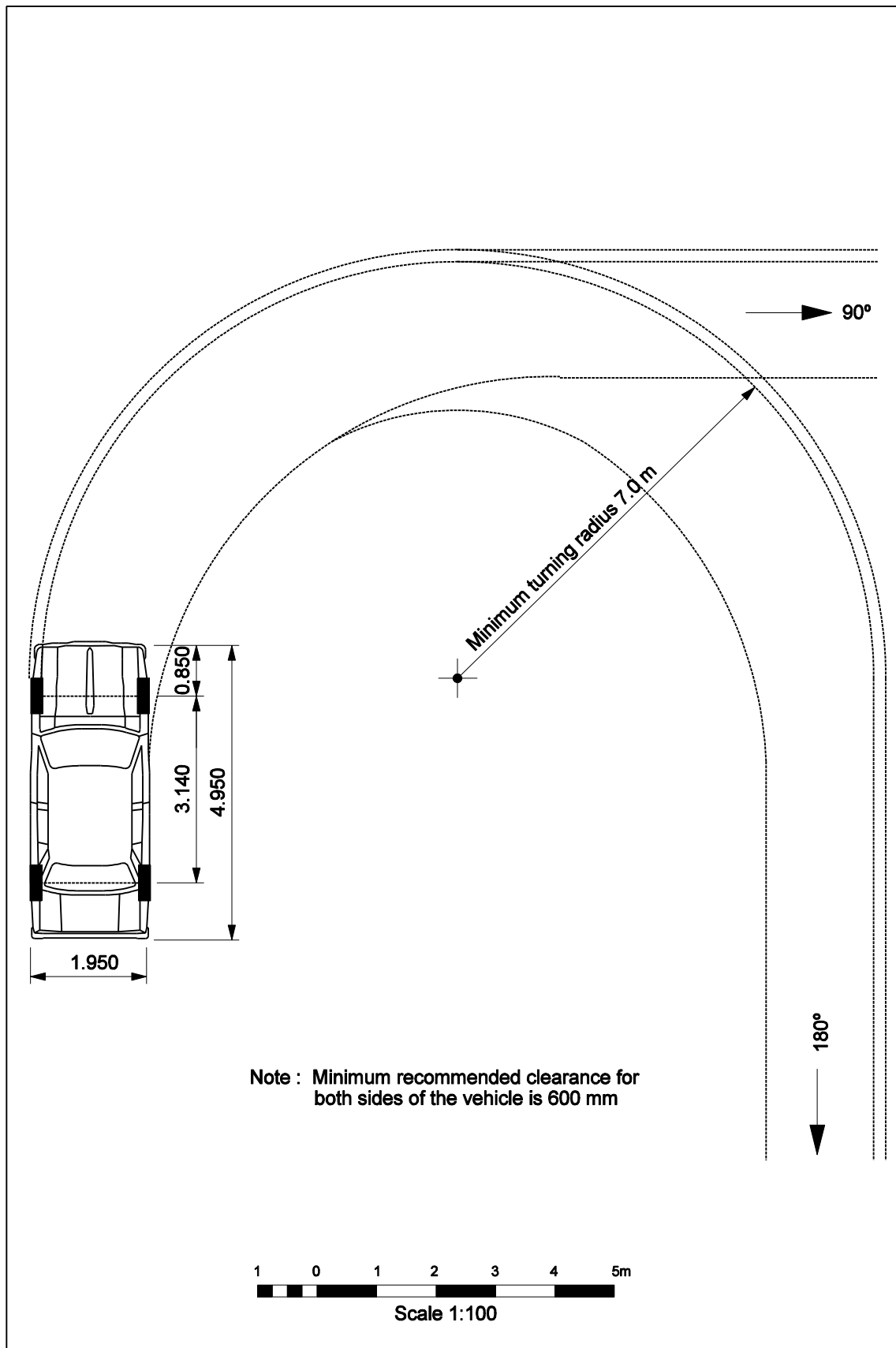


Figure 5.2-4 99 Percentile Truck Tracking Curve Minimum Radius

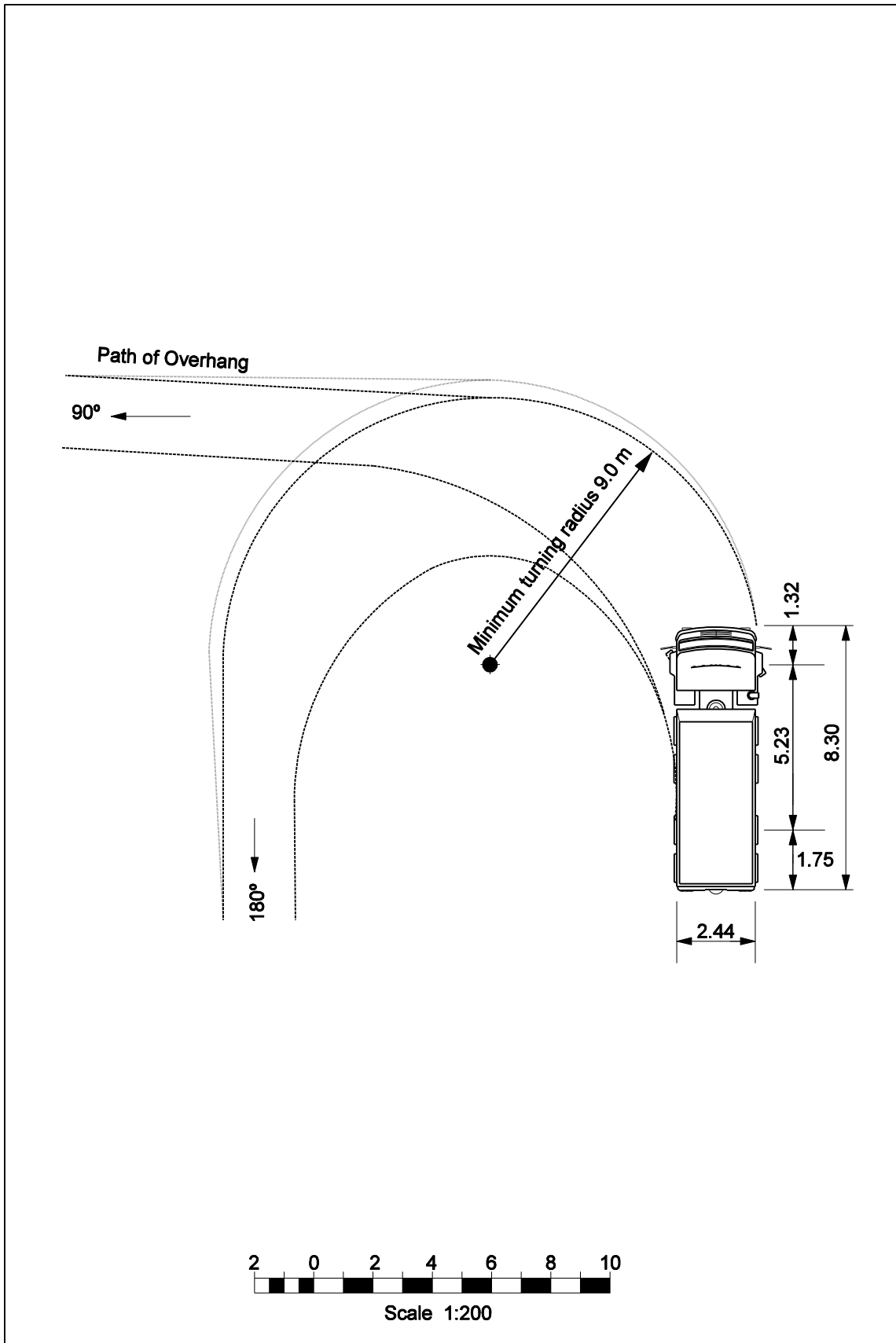


Figure 5.2-5 Maximum Legal 'B' Train Tracking Curve Minimum Radius

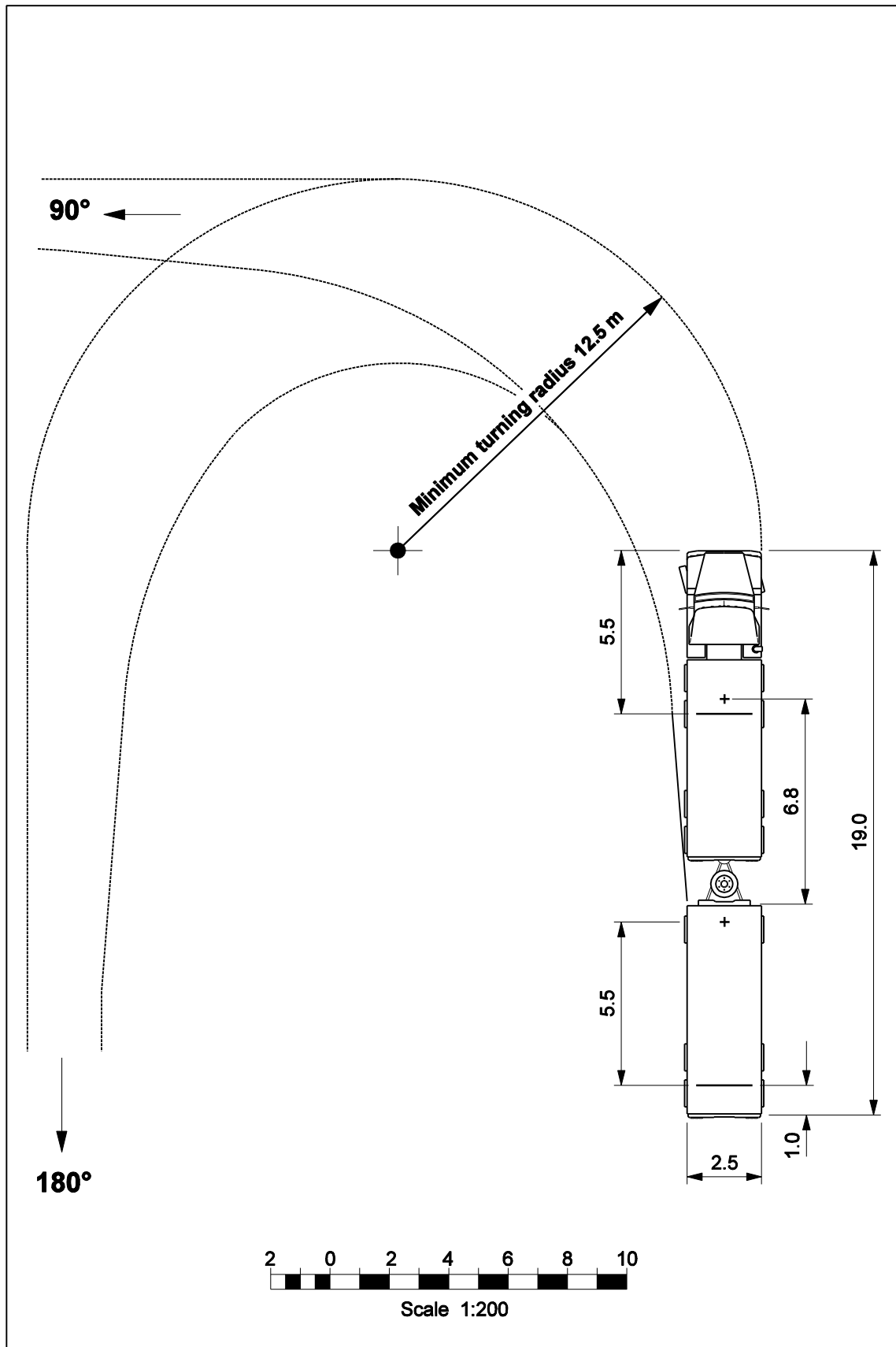
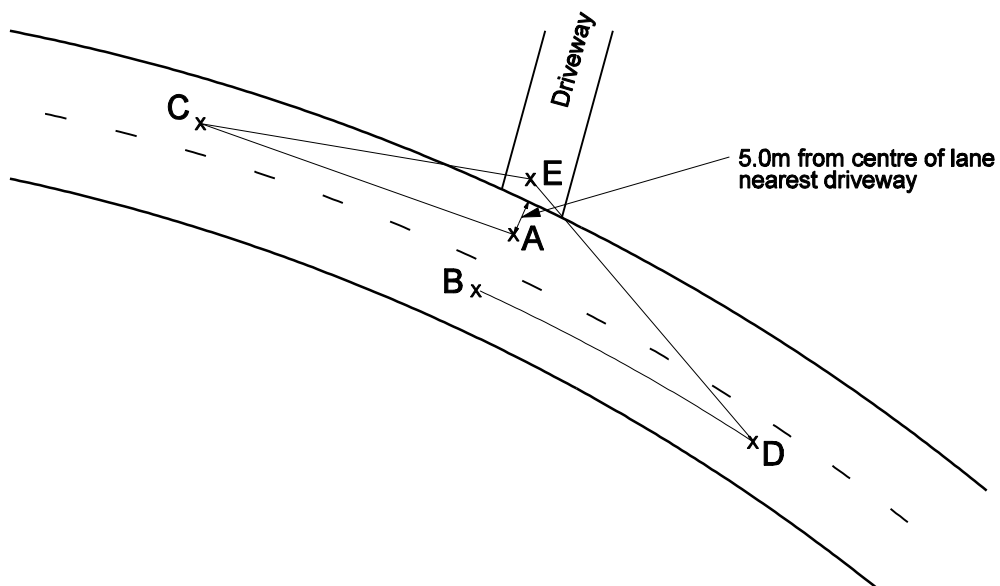


Figure 5.2.6 Sight Distance Measurement

There should be lines of clear sight from driver's eye height to driver's eye height (1.15 metres above ground level) along the lines detailed below

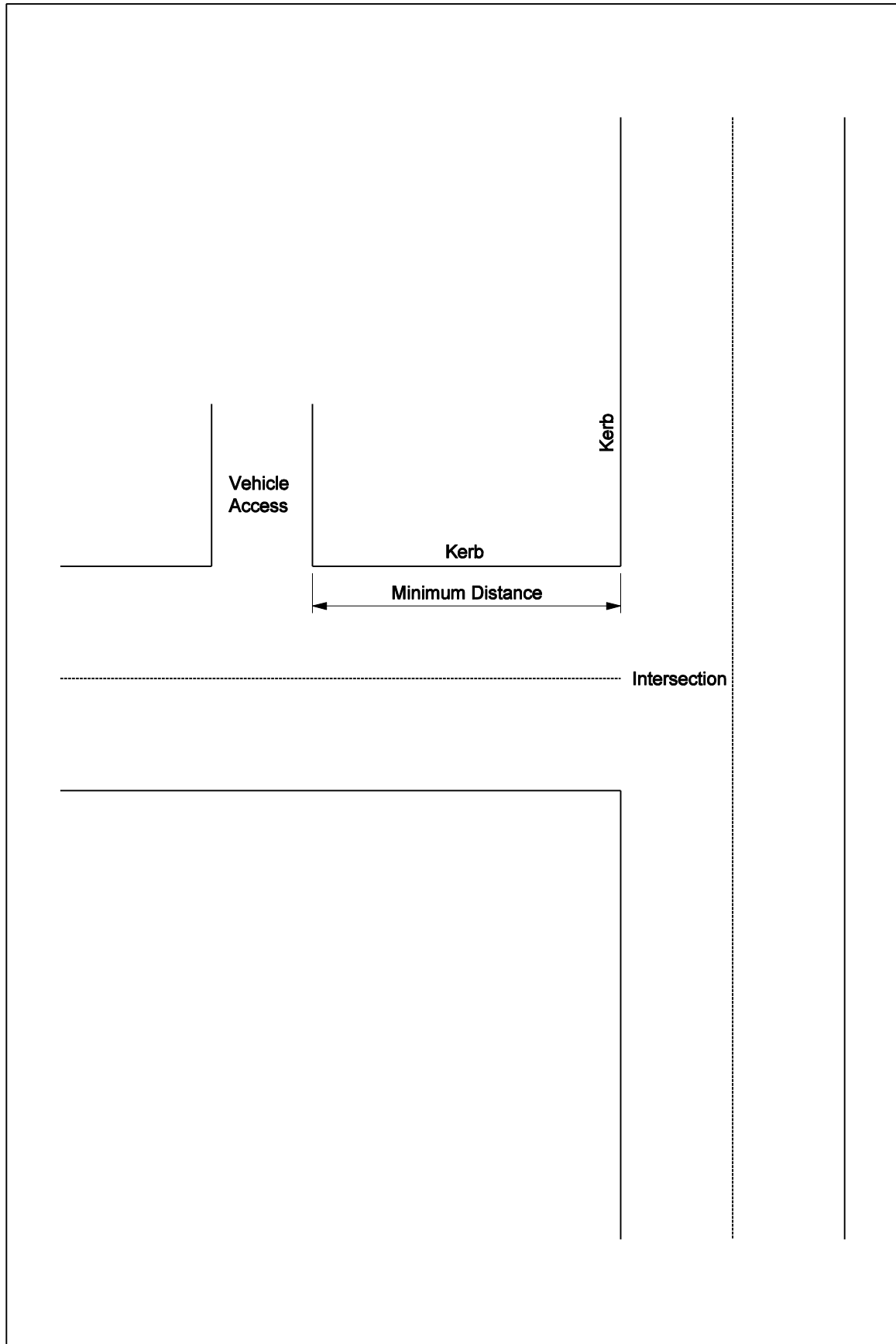
- Lines AC and BD- All driveways, all roads
- Lines EC and ED All driveways on collector and arterial roads

Points A, B, C and D are established by measuring the sight distance from Table 5.2 - 4 along the centre of the appropriate lane from points A and B. For practical purposes A and B can be taken as opposite the centre of the driveway



(Source: Land Transport, Road and Traffic Standards: Guidelines for Visibility at Driveways)

Figure 5.2-7 Measuring Distances of Vehicle Accesses from an Intersection



Rule 5.3 Planting and Screening

Rule Statement

Screening between zones, activities and particular development features, such as service and storage areas, is used to mitigate adverse visual impacts on neighbouring properties and public places. Screening is required under this District Plan in the form of fencing and/or planting.

Fencing is required when the visual impacts of activities are significant and can only be mitigated by a solid physical barrier. An option for using planting as a screening mechanism is offered when a barrier is needed, vegetation is needed to soften built form and provide a permeable surface for water infiltration, and also where benefits can be gained from enhancing amenity values.

The planting requirements for zones and specific activities take on four distinct forms: a buffer strip, a planting strip, a percentage area of planting, and internal planting. Each planting form has a different function and addresses different types of adverse effects which need to be mitigated in different situations.

Buffer strips are required along zone boundaries to create a vegetative screen between land uses which generate different effects. The buffer strip also helps to mitigate the visual effects of industrial and commercial built forms when adjoining the more amenity sensitive Residential and Recreation Zones, and to allow some penetration of water through sites which have a high impermeable surface percentage.

Planting strips are used to create a visually pleasant and attractive frontage to activities, particularly along Major Arterial Roads or where sites face residential and recreation areas. Creating this appealing frontage to sites is important when the activity contains large areas of sealed surfaces such as parking spaces.

The requirement for a percentage planting area is used to help activities be more consistent with surrounding amenity values. This is particularly important when non-residential activities occur in residential areas, industrial activities are adjoined to the Residential Zone by the Amenity Protection Area and activities occur in the Rotokauri Employment Area.

The internal planting requirement is used to help break up expansive sealed areas associated with car parking. Large sealed areas can generate a hard visual effect, considerable glare and heat, and impede water absorption. Vegetative planting within car parking areas breaks the hard surface, reducing glare and provides visual relief to adjoining uses.

Expected Outcome

A high quality of urban amenity and pleasantness created through screening and vegetative planting, with increased visual softening of built form, and the minimisation of the visual intrusion of activities on neighbouring properties.

Means of Compliance

The following standards and assessment criteria are additional to those established within each zone. Where an activity cannot meet these standards, its activity status is established within the Failure to Meet Standards section of the relevant zone.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 5.0 Community Environment and 6.0 Business Environment.

5.3.1 General Standards

The following general standards apply to all Permitted and Controlled Activities, and Restricted Discretionary Activities where they are listed as such in the activities list for the relevant zone.

a) Zones

Where planting or screening is required in any zone rule, it shall be undertaken in accordance with the standards specified in Table 5.3-1, [Rule 5.3.1 d\)](#) and [Rule 5.3.1 e\)](#) where relevant.

Table 5.3-1 Planting and Screening Requirements for Zones

Zone	Where Required	Standards
All Zones (except the Residential Zone and the Rotokauri Suburban Centre Zone)	When sites adjoin Major Arterial Roads	2m wide <i>planting strip</i> along the boundary adjoining the Major Arterial Road (excluding vehicle access)
Industrial Zone	When sites adjoin any Residential, Recreation Major, General and/or Environment Zone	1.8m high fence, or similar, or a 2m wide <i>buffer strip</i> along zone boundaries (excluding road boundaries)
Industrial Zone	When sites are in the Amenity Protection Area	20% <i>planting</i> of the overlay area (which includes the 2m wide buffer strip if used for boundary screening)
Industrial Zone	When sites are in the Rotokauri Employment Area	A minimum of 50% <i>planting</i> of the area of the minimum front setback, including a <i>planting strip</i> adjoining and parallel with the front boundary and having a minimum width of 2m (excluding the area required for vehicular and pedestrian access) and a minimum of 20% <i>planting</i> of the remainder of the site. A <i>planting strip</i> of 2m minimum width (excluding the

		area required for vehicular and pedestrian access) shall also be provided parallel with the boundary adjacent to a major arterial whether or not it is separated from the major arterial by a segregation strip or service lane.
Recreation Major	When sites adjoin the Residential Zone.	2m wide <i>buffer strip</i> along zone boundaries
Commercial Service	When sites are in the Special Amenity Area or facing the Residential Zone	20% <i>planting</i> of the setback adjoining the road
Community Facilities	When adjoining any Residential, Recreation Major, Recreation General or Recreation Environment Zone	2m wide <i>planting strip</i> along the boundary adjoining the Residential or Recreation Zone (excluding vehicle access)
Community Facilities	When adjoining a road	30% <i>planting</i> of the setback adjoining the road

b) Activity Specific

Where planting or screening is required in relation to any specified activity in any zone it shall be undertaken in accordance with the standards in Table 5.3-2, Rule 5.3.1 d) and Rule 5.3.1 e) where relevant.

Table 5.3-2 Planting and Screening Requirements for Specified Activities

Activity	Where Required	Standards
Non-Industrial Activities	When occurring in the Industrial Zone	1.8m high fence, or similar, or a 2m wide <i>buffer strip</i> , along all boundaries (excluding road boundaries)
Non-residential activities (excluding home occupations)	When occurring in the Residential Zone	30% <i>planting</i> of the setback adjoining the road
Visitor Accommodation	When occurring in the Residential Zone	30% <i>planting</i> of the setback adjoining the road
Drive-Through Services	When adjoining the Residential Zone	1.8m high fence, or similar
Drive-Through Services	When adjoining the Residential Zone	1.8m high fence, or similar, except that the site on the corner of Mill and Willoughby Streets (namely Lots 19, 21, 22, and 23 DP 20707) a 2m fence and 2m landscaped strip is required.

Public Toilets, Shelters, Implement, Storage or Maintenance Sheds	On sites in the Recreation General and Environment Zones when visible from residential areas	1m wide buffer strip around the building (excluding access points)
Public Toilets, Shelters, Implement, Storage or Maintenance Sheds	On sites in the Recreation Major Zone when visible from residential areas	1.8m high fence, or similar, or 1m wide buffer strip around the building (excluding access points)
Implement, Maintenance and Storage Sheds	On sites in the Recreation General and Environment Zones when visible from public roads	1m wide buffer strip around the building (excluding access points)
Implement, Maintenance and Storage Sheds	On sites in the Recreation Major Zone when visible from public roads	1.8m high fence, or similar, or 1m wide buffer strip around the building (excluding access points)
Parking Spaces, Loading Spaces, and Vehicle Storage Areas	In all zones (except the Residential and Future Urban Zones), when in a setback adjoining a road	2m planting strip along road boundary (excluding vehicle access), which includes at least one tree per 10 parking spaces
Parking Spaces, Loading Spaces, and Vehicle Storage Areas	On sites in the Rotokauri Employment Area when visible from public spaces including roads	2m wide planting strip around the spaces or along the road boundary, which includes at least one tree per 10 parking spaces
Parking Spaces	Where 15 or more spaces at ground level are provided and are visible from any public place, road, or adjoining or nearby site	At least one tree per 15 parking spaces is required in the form of internal planting

c) Development Standards

Where planting or screening is required in relation to any development standards in any zone it shall be undertaken in accordance with the standards in Table 5.3-3, [Rule 5.3.1 d\)](#) and [Rule 5.3.1 e\)](#) where relevant.

Table 5.3-3 Planting and Screening Requirements for Development Standards

Development Standard	Where Required	Standards
Service Areas	On sites in the Industrial, Suburban Centre, City Centre, Commercial Service, Community Facilities and Major Facilities Zones when visible from any residential area or public roads	1.8m high fence, or similar, or a 1m wide buffer strip around the area (excluding access points)

Service Areas	On sites in the Rotokauri Employment Area when visible from public spaces including roads	1.8m high fence with 1m wide buffer strip around the outside of the fence (excluding access points)
Outdoor Storage Areas	On sites in the Industrial zone when visible from public roads and all other zones (except where the Industrial zone and Residential zone are separated by an Amenity Protection Area)	1.8m high fence, or similar, or a 1m wide buffer strip around the area (excluding access points)
Outdoor Storage Areas	On sites in the Rotokauri Employment Area when visible from public spaces including roads	1.8m high fence with 1m wide buffer strip around the outside of the fence (excluding access points)
Outdoor Storage Areas	On sites in the Commercial Service Zone when visible from public roads and the Residential, Suburban Centre, City Centre, Community Facilities, Major Facilities, Future Urban, Recreation Environment, Recreation General and Recreation Major Zones	1.8m high fence, or similar, or a 1m wide buffer strip around the area (except access points)
Outdoor Storage Areas	On sites in the Recreation General and Environment Zones when visible from residential areas or public roads	1m wide buffer strip around the area (excluding access points)
Outdoor Storage Areas	On Sites in the Recreation Major Zone when visible from residential areas or public roads	1.8m high fence, or similar, or a 1m wide buffer strip around the area (excluding access points)
Parking Spaces, Loading Spaces, and Vehicle Storage Areas	In all zones when parking or loading spaces or vehicle storage areas are in a setback adjoining a road	2m wide planting strip along road boundary (excluding vehicle access), which includes at least one tree per 10 parking spaces
Parking Spaces, Loading Spaces, and Vehicle Storage Areas	On sites in the Rotokauri Employment Area when visible from public spaces including roads	2m wide planting strip around the spaces or along the road boundary, which includes at least one tree per 10 parking spaces
Parking and Loading Spaces	Any group of 5 or more parking spaces on a site which adjoins a Residential or Recreation Major, General or	1.8m high fence, or similar, or a 1m wide buffer strip around the spaces (excluding access points)

	Environment Zone	
Parking and Loading Spaces	Any parking or loading spaces associated with Community Centres, Education and Training Facilities, Health Care Services and Offices in the Residential Zone	1.8m high fence, or similar, or a 1m wide buffer strip around the spaces (excluding access points)
Parking Spaces	Where 15 or more spaces at ground level are provided and are visible from any public place, road, or adjoining or nearby site	At least one tree per 15 parking spaces is required in the form of internal planting

d) Detailed Planting Standards

- i) Where a **buffer strip** is required, the strip shall be of a permeable nature with planting consisting of shrubs which can grow to a mature growth height of at least 2 metres, planted at a maximum of 1.5 metres apart, and including at least 1 tree for every 10m of boundary length.
- ii) Where a **planting strip** is required, the strip shall be of a permeable nature with planting consisting of a combination of groundcovers, shrubs, and trees, and shall be designed in such a manner so as to not obscure visibility for road users.
- iii) Where a **percentage area of planting** is required, the area must be of a permeable nature with planting consisting of a combination of groundcovers, shrubs, and trees, and must provide vegetative coverage of the specified area within two years from the time of planting.
- iv) Where **internal planting** is required, the planting must be located within the sealed area to break up the impermeable expanse, and must be formed using tree guards or grates, planting boxes, or raised planting beds and kerbs.
- v) All planting shall be protected from potential pedestrian and vehicle damage.
- vi) All planting must meet the standards specified within two years from the time of planting, and shall be maintained to the satisfaction of Council.

e) Applications for Resource Consent

- i) Any activity requiring a resource consent under this District Plan, and which is required to comply with the planting provisions in [Rule 5.3](#) shall include for Council's approval a Planting Plan.
- ii) All Planting Plans shall include:
 - site and property boundaries
 - roads adjacent to the site and site access
 - public spaces, such as parks and walkways, adjacent to the site

- the location of existing and proposed site features, including:
 - buildings and structures
 - hard surfaces, retaining walls and fences
 - landforms
 - grassed areas
 - any other features
 - location, species, and size of existing vegetation
 - a statement of design intent for proposed work
 - precise identification and location of proposed planting, including species names, common names, and the quantity of plants
 - the volume of any earthworks to be undertaken
 - detailed specification for the implementation of the planting
 - a maintenance programme specifying the objective, frequency, duration, and extent of maintenance (including any irrigation systems).
- iii) The information required in [Rule 5.3.1 e\)](#) shall be in sufficient detail to permit the proposal to be adequately assessed against the Performance Assessment criteria outlined in [Rule 5.3.2](#).
- iv) All planting shall be implemented within the first planting season after buildings and other site works are completed.
- v) All planting shall be maintained to the satisfaction of Council.

Performance Assessment

In determining any resource consent requiring the provision of planting, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, the planting plan required under [Rule 5.3.1 e\)](#), and to the following.

5.3.2 Assessment Criteria

- i) The extent to which any fencing, walls or similar provide a visual screen or physical barrier to reduce impacts from vehicle headlights, noise, fumes, and any adverse visual effects of the activity.
- ii) The extent to which existing landscape features, including trees and significant natural features, are conserved or enhanced.
- iii) The extent to which proposed planting enhances neighbourhood amenity values and character.
- iv) The extent to which proposed planting will soften and reduce the scale of yard space, hard surfaces, and built form.
- v) The extent to which proposed planting will screen unsightly activities or facilities from neighbouring properties, roads, and public spaces.

- vi) The extent to which proposed planting will minimise nuisances such as dust, noise, glare, and fumes.
- vii) The effect of proposed planting on vehicle and pedestrian safety, and existing services.
- viii) The extent to which the proposed planting has adequate permeable surrounds to allow root growth, and is protected from vehicle and pedestrian damage.
- ix) The extent to which planting contributes to an avenue effect along major arterial roads.
- x) The extent to which the planting is sustainable over the long-term, including the cost-effectiveness of associated maintenance.
- xi) The extent to which species have been used which are suited to the local environment and site conditions.

Rule 5.4 Glare and Lighting

Rule Statement

Activities utilising artificial light for the purposes of security, display or general illumination can generate unwanted spill. This can generate nuisance effects for adjoining land uses. In addition it can generate health and safety hazards when inappropriately directed onto roads or footpaths. The use of highly reflective building materials can also generate considerable glare nuisance to adjoining land uses or to road users.

The lighting and glare standards focus on managing these effects, especially on glare sensitive environments such as the residential zone and roads.

Expected Outcome

Appropriate levels of artificial lighting will be available for a wide range of activities. Glare, from all sources, shall be controlled so as not to cause adverse effects on adjoining sites.

Means of Compliance

The following standards and assessment criteria are additional to those established within each zone. Where an activity cannot meet these standards, its activity status is established within the Failure to Meet Standards section of the relevant zone.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 7.3 Glare and Lighting.

ADVISORY NOTE — Illumination of Signs, Reflective Glare.

The illumination of signs is specifically controlled under the signs rules and additional reference should be made to [Rule 3.1](#).

Where an activity, because of the nature of its associated lighting, results in excessive glare and/or reflected glare from any surface of a structure for which it would be impracticable to set standards, and/or which could not have been foreseen by the Plan — the Council may initiate procedures under Part XII of the RMA (Declarations, Enforcement and Ancillary Powers); (refer [Rule 1.3](#)).

The Council may initiate such procedures whether or not the activity complies with any other rules in this section.

5.4.1 General Standards

The following general standards apply to all Permitted and Controlled Activities, and Restricted Discretionary Activities where they are listed as such in the activities list for the relevant zone.

- a) **For Any Activity in the Residential, Future Urban, Recreation Environment, Recreation General, Community Facilities Zones**

Use of artificial lighting shall comply with the following:

- i) The spill of light onto any other site does not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- ii) Artificial lighting shall not result in illumination on roads which may dazzle or distract road users or interfere with any traffic aids or signals.
- iii) The restriction of light spill in this [Rule 5.4.1.a\)](#) shall not apply to any light which is a street light, navigation light or traffic signal.

b) For Any Activity in All Other Zones

Use of artificial lighting shall comply with the following:

- i) The spill of light onto any other site within the zone or any zone other than those specified in [Rule 5.4.1.b.ii\)](#) does not exceed 10 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- ii) The spill of light onto any site in the Residential, Recreation Environment, Recreation General, Community Facility or Future Urban Zones does not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any other site so zoned.
- iii) Artificial lighting shall not result in illumination on roads which may dazzle or distract road users or interfere with any traffic aids or signals.
- iv) The restriction of light spill in this [Rule 5.4.1.b\)](#) shall not apply to any light which is a street light, navigation light or traffic signal.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies and to the following.

5.4.2 Assessment Criteria

- i) The potential adverse effects on adjacent and adjoining uses in terms of privacy and enjoyment of those properties and in terms of safety in relation to any road or footpath.
- ii) The extent to which additional light may adversely affect occupation of residential properties.
- iii) The effect on traffic safety.
- iv) The positive effects of improved pedestrian safety and security.
- v) The type of light, including its strength, location, colour, whether it is static, intermittent or flashing, and hours of operation.
- vi) Any measures proposed to be taken to control the direction and spill of the lighting.
- vii) Any screening (solid or planting), or other measures to shield properties from lighting.
- viii) The potential for the lighting to create related adverse effects including reflective glare.
- ix) The extent to which proposals for artificial lighting interfere with the operation of the Hamilton Observatory located at Part Lot 2 DPS 23608.

Rule 5.5 Smoke, Fumes, Dust, and Odour

Rule Statement

Major discharges to air in the city are controlled by the Regional Council. These rules are in addition to those controls and focus on the control of minor nuisance effects in relation to air quality. These rules are in addition to powers available to Council under Section 17 of the RMA.

Expected Outcome

Smoke, fumes, dust and odour arising from land use activities, which are not subject to controls imposed by the Regional Council under the Regional Plan, do not create a nuisance for any adjoining property.

Means of Compliance

The following standards and assessment criteria are additional to those established within each zone. Where an activity cannot meet these standards, action may be taken under Section 322 of the RMA to require that the adverse effects be remedied or mitigated.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 3.4 Air Quality and 6.5 Industrial Activities.

5.5.1 General Standards

The following general standards apply to all Permitted and Controlled Activities, and Restricted Discretionary Activities where they are listed as such in the activities list for the relevant zone.

a) Dust

Activities must not create a dust nuisance. A dust nuisance will occur if:

- There is visible evidence of suspended solids in the air beyond the site boundary; and/or
- There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.

Dust nuisance will be determined by a warranted enforcement officer taking into account the frequency, intensity, duration, nature and location of the dust nuisance and any previously validated dust nuisance complaints relating to the same site.

b) Odour

Activities must not produce an objectionable odour discernible beyond the boundary of the site from which the odour emanates.

- Objectionable odour will be determined by a warranted enforcement officer taking into account the frequency, intensity, duration, nature and location of the odour and any previously validated odour complaints relating to the same site.

ADVISORY NOTE:

Where, in the opinion of a warranted enforcement officer, a significant nuisance is arising from smoke created by any source; Section 17 of the RMA; Duty to Avoid, Remedy or Mitigate Adverse effects will apply and Council may utilise its enforcement powers under Part XII of the RMA.

In relation to all nuisances involving smoke, fumes, dust and odour attention is drawn to the obligation to comply with any relevant Rules in the Regional Plan or proposed Regional Plan, any other relevant City Bylaws and the provisions of the Health Act.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome of this rule and the relevant underlying zone, any related objectives and policies, and to the following.

5.5.2 Assessment Criteria

a) General Criteria

- i) The nature and location of nearby activities and the effects they may experience.
- ii) Whether the emissions are likely to detract from the general environmental quality and amenity of the adjoining sites and the general surrounds.
- iii) The likely duration and frequency of any emissions.
- iv) The effectiveness, and in particular the certainty, provided by any proposed mitigation methods or by any conditions or controls that might be imposed on the activity.

Rule 5.6 Building Restrictions Along Roads

Rule Statement

Buildings on road frontages have the potential to impact on the safe and efficient functioning of the road network. Restrictions are placed on buildings along roads at intersections to ensure adequate visibility for traffic uses. The rule also provides for a modified boundary set back where specific road widening proposals have been approved in the District Plan.

Expected Outcome

Building development which does not compromise the safety and efficiency of the road network by maintaining visibility for pedestrians and road users in specific locations and at intersections.

Means of Compliance

The following standards and assessment criteria are additional to those established within each zone. Where an activity cannot meet the standards, its activity status is established within the Failure to Meet Standards section of the relevant zone.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.2 Transportation and Accessibility.

5.6.1 Standards

The following standards apply to all activities.

a) Building Restrictions

- i) Where an area of land is to be taken for road widening as indicated on the Planning Maps and Appendices 7.0-I to 7.0-VI, the proposed boundary after the uptake of the land shall be deemed to be the front boundary of the site.
- ii) On a corner site no building, fence, hedge, sign, wall or retaining wall exceeding 1m in height shall be permitted on the triangular part of the site defined by measuring 3m along each road boundary from the point of intersection and by joining these two points (see Figure 5.6-1), provided that:
 - This shall not apply to any part of a building that is more than 3 m vertically above the level of the roadway at the intersection; and
 - Where the part of a building adjacent to an intersection exceeds two storeys in height, one corner column may be erected which does not compromise traffic visibility.

Performance Assessment

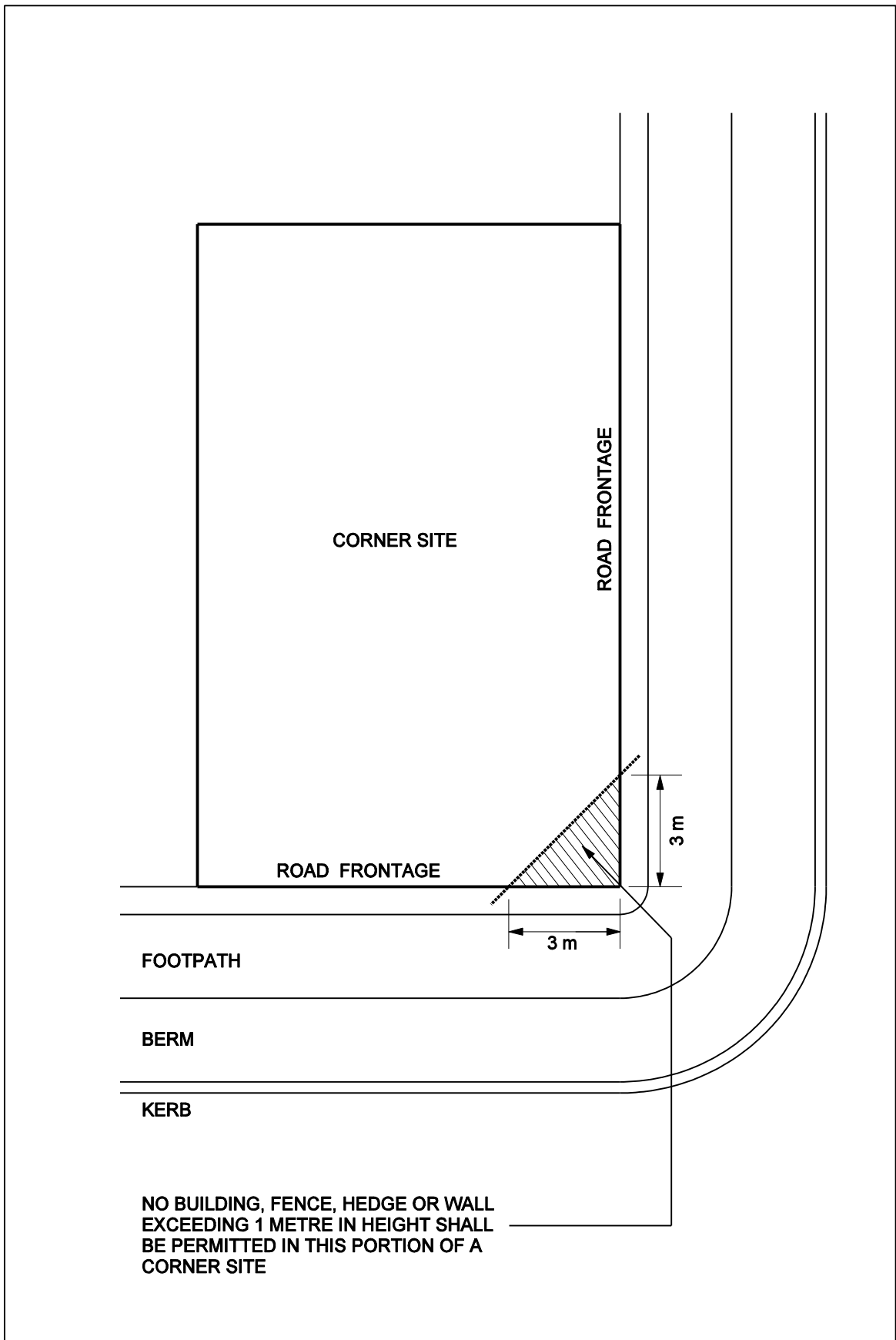
5.6.2 Assessment Criteria

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following:

a) Visibility

- i) The extent to which visibility of motorists is impaired by columns or structures on corner sites.
- ii) The extent to which pedestrian and traffic sight lines, safety, and the efficient operation of an intersection are adversely affected.

Figure 5.6 – 1 Building Restrictions Along Roads



Rule 6.1 General Provisions for Subdivision and Development of Land

Rule Statement

Under the RMA integrated management of the effects of the subdivision, development and use of land is achieved through the district plan. This includes the establishment of suitable standards, provision of works, services and reserves zoning controls and financial contributions relating to the provision of reserves and the mitigation of environmental effects arising from development.

The rule sets out the administrative basis for controlling subdivision and securing appropriate contributions in respect of proposals which give rise to potential adverse effects on the environment. The provision of reserves and land for road, pedestrian and cycle linkages together with infrastructural services will avoid or mitigate the potential adverse effects of subdivision and will produce positive effects. The provision of those works and contributions is most efficiently managed at the time of subdivision.

Expected Outcome

Subdivision of land is able to occur in a flexible manner which is coordinated with the development and use of that land including the provision of infrastructural works and which adequately addresses impacts on the environment and future amenity values.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The rules for Subdivision and Development of Land in [Rule Section 6.0](#) shall be read in conjunction with all other rules in the plan and in particular:

- The activity status and standards for subdivisions may be modified in accordance with [Rule Section 2.0](#) where the land is within an Overlay.
- The rules for city-wide activities in [Rule Section 3.0](#) apply in parallel to these rules.
- Any subdivision and associated development of land shall be subject to the relevant zoning rules in [Rule Section 4.0](#) and the city-wide standards in [Rule Section 5.0](#).

The activity status of a Controlled Activity may be altered from the activity list in [Rule 6.1.2](#) where the activity cannot meet one or more of the standards specified throughout [Rule Section 6.0](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 4.4 Subdivision and Development of Land, and any Structure Plan and Concept Plan set out in [Rule Section 9.0](#) or Appendix 1A and 1B.

6.1.1 Procedural Requirements

a) Subdivisions to Comply

No subdivision of land or buildings into allotments may be carried out except in accordance with the requirements of the RMA and with the provisions of this District Plan, including this Rule in particular, and where subject to a resource consent shall comply with any conditions imposed.

b) Applications for Subdivision Consent

Any person wishing to subdivide land shall make application for a subdivision consent in accordance with the provisions of [Rule Section 1.0](#) of this District Plan.

c) Information Required

Refer [Rule 1.2](#)

d) Notification Provisions

Refer [Rule 1.3](#)

ADVISORY NOTES

Approval of Survey Plans

Once a Certificate of Compliance has been issued pursuant to Section 139 of the RMA or a Subdivision Consent has been granted pursuant to Section 220 of the RMA, then the Survey Plan may be submitted for Council approval pursuant to Section 223 of the RMA.

Deposit of Survey Plan

The Survey Plan may not be deposited until Council has certified pursuant to Section 224 of the RMA that all conditions imposed under the Subdivisional Consent have been satisfied.

6.1.2 Activities

a) Permitted Activities

The following subdivisions are Permitted Activities.

- Boundary Adjustments subject to [Rule 6.1.6 a\)](#)
- Amendments to Flats Plans subject to [Rule 6.1.6 b\)](#).

b) Controlled Activities

The following subdivisions are Controlled Activities subject to the provisions of [Rule 6.1.3](#) and will be controlled in respect of the matters identified.

- Subdivision into allotments in the Residential Zone or the General Residential Area in the Rototuna Residential Zone subject to compliance with the standards in [Rule 6.3.1](#)
- Subdivision into allotments in the North East Residential Area in the Rototuna Residential Zone subject to compliance with the standards in [Rule 6.3.1](#)
- Subdivision into allotments in the Suburban Centre, City Centre, Commercial Service or Industrial Zone subject to compliance with the standards in [Rule 6.3.2](#)
- Subdivision into allotments in the Future Urban Zone subject to compliance with the standards in [Rule 6.3.3](#)
- Subdivision into allotments in the Peacocke Future Urban Zone subject to compliance with the standards in [Rule 6.3.3](#) (Except on Lot Sec 1 SO 57582 or the balance of this parent lot within Stage 1 of the Peacocke Future Urban Zone).
- Subdivision into allotments in the Community Facilities, (except in the Temple View Precinct) Major Facilities, Recreation Environment, Recreation General or Recreation Major Zone subject to compliance with the standards in [Rule 6.3.4](#)
- Boundary relocations subject to [Rule 6.1.6 c\)](#)
- Subdivision of any land to be vested subject to [Rule 6.1.6 d\)](#)
 - all with respect to subdivisional layout, access, site development, infrastructural works.

c) Restricted Discretionary Activities

The following subdivisions are Restricted Discretionary Activities subject to the provisions of [Rule 6.3.1](#) and discretion will be exercised in respect of the matters identified.

- i) Subdivision into allotments in the Rototuna Medium Density Area subject to compliance with [Rule 6.3.1](#). Discretion will be exercised in respect to:
 - Subdivisional layout, access, site development, infrastructural works
 - Lot size and configuration

The following subdivisions are Restricted Discretionary Activities subject to the provisions of [Rule 6.3.4](#) and discretion will be exercised in respect of the matters identified.

- ii) Subdivision into allotments in the Rototuna Suburban Centre Zone subject to compliance with [Rule 6.3.4](#). Discretion will be exercised in respect to:
 - Subdivisional layout, access, site development, infrastructural works

- Lot size and configuration

d) Discretionary Activities

The following is a Discretionary Activity:

- Stage 2 of the Peacocke Future Urban Zone subject to compliance with the standards in Rule 6.3.3.
- The Subdivision of lot Sec 1 SO 57582 or the balance of this parent lot within Stage 1 of the Peacocke Future Urban Zone subject to compliance with the standards in Rule 6.3.3.

The following subdivisions are Discretionary Activities subject to the provisions of Rule 6.1.3 c) and particular consideration will be given to the matters identified.

- i) Subdivision into allotments in the Rototuna Suburban Centre Zone where a subdivision application is lodged in conjunction with a Comprehensive Development Plan (land use consent) application under Rule 4.12.
 - With respect to being in accordance with the Comprehensive Development Plan
 - With respect to subdivisional layout, access, site development, infrastructural works
 - Lot size and configuration
- ii) Subdivision into allotments in the Rototuna Medium Density Area where a subdivision application is lodged in conjunction with a Comprehensive Development Plan (land use consent) under Rule 4.1C.
 - With respect to subdivisional layout, access, site development, infrastructural works
 - With respect to being in accordance with the Comprehensive Development Plan
 - Lot size and configuration

e) Non-complying Activities

The following subdivisions are non-complying activities:

- i) Subdivision (with the exception of Boundary Adjustments) in the Temple Heritage Precinct.

f) Change in Activity Status

Where a Controlled Activity fails to meet any relevant standard, then it will constitute a Restricted Discretionary, Discretionary or Non Complying Activity as provided for in Rule 6.3.5, Rule 6.4.6, Rule 6.5.4 or Rule 6.6.2.

6.1.3 Consideration of Applications

a) Controlled Activities

In considering a subdivision specified as a Controlled Activity in Rule 6.1.2 Council may:

- i) Notwithstanding compliance with any standards in Rule 6.3, impose conditions on the number, location, arrangement, area, frontage and shape of allotments and access thereto and the setting aside of land for roads and reserves, having regard to the provisions of Rule 6.2 and to the performance assessment for that type of subdivision in Rule 6.3.
- ii) Impose conditions with respect to the construction of the subdivision or the development of the site and the provision of associated works and services as provided for in Rule 6.4, Rule 6.7 and Rule 6.8.

b) Restricted Discretionary Activities

In considering a subdivision which constitutes a Restricted Discretionary Activity in terms of Rule 6.1.2 Council may:

- i) In the Rototuna Suburban Centre and the Rototuna Medium Density Area impose conditions to ensure compliance with an approved Comprehensive Development Plan.

c) Discretionary Activities

In considering a subdivision which constitutes a Discretionary Activity in terms of Rule 6.3.5, Council may:

- i) Determine the number, location, arrangement, area, frontage and shape of allotments and access thereto, impose such restrictions on the use and development of any allotment as may be appropriate to the circumstances and the setting aside of land for roads and reserves, having regard to the provisions of Rule 6.2 and to the standards and performance assessment specified for that type of subdivision in Rule 6.3.
- ii) Impose conditions with respect to the construction of the subdivision or the development of the site and the provision of associated works and services as provided for in Rule 6.4, Rule 6.7 and Rule 6.8.
- iii) Impose any other conditions that may be appropriate.
- iv) Decline approval of the subdivision.

d) Discretionary Activities in the Rototuna Suburban Centre Zone and the Rototuna Medium Density Area

In considering a subdivision which constitutes a Discretionary Activity in terms of Rule 6.1.2 Council may:

- i) Determine the number, location, arrangement, area, frontage and shape of allotments and access thereto, impose such restrictions on the use and development of any allotment as may be appropriate to the circumstances and the setting aside of land for roads and reserves, having regard to the provisions of Rule 6.2 and to the standards and

performance assessment specified for that type of subdivision in Rule 6.3 and a proposed Comprehensive Development Plan under Rule 4.12 or 4.1C.

- ii) Impose conditions with respect to the construction of the subdivision or the development of the site and the provision of associated works and services as provided for in Rule 6.4, Rule 6.7 and Rule 6.8.
- iii) In the Rototuna Suburban Centre and the Rototuna Medium Density Area impose conditions to ensure compliance with an approved Comprehensive Development Plan.
- iv) Impose any other conditions that may be appropriate.
- v) Decline approval of the subdivision.

e) Financial and Reserves Contributions, Infrastructural Works and Staging.

- i) Any subdivision which is a Controlled, Restricted Discretionary or Discretionary Activity under Rule 6.1.2 or which is a Discretionary or a Non-Complying Activity under Rule 6.3.5 shall comply with the standards for:
 - The provision of infrastructural works and the payment of financial contributions in accordance with Rule 6.4
 - The payment of reserve contributions in accordance with Rule 6.5
 - The provision of Esplanade Reserves in accordance with Rule 6.6.
- ii) Where any subdivision or development of land is subject to an Indicative Infrastructural Development Programme as set out in Appendix 6.9-I it shall comply with the provisions of Rule 6.9.

f) Natural and Physical Hazards

Notwithstanding any other provisions of this District Plan, Council when considering any application for a subdivision consent, may in accordance with Sections 106 and 220 of the RMA and having regard to Rule 6.2.2 b) refuse consent for the subdivision or impose such restrictions on the use and development of any allotment as may be appropriate to ensure the safety of people, property or the environment.

6.1.4 Contribution Provisions

a) Value of Contributions

- i) Where any land is to be vested as part of a financial or reserves contribution, then it shall be valued at its current market valuation which is to be determined by a registered valuer as at the time resource consent is granted and on the basis that the conditions imposed have been complied with.
- ii) Where payment or vesting of any contribution is delayed more than a year from when the consent was granted, the value shall be adjusted annually on the anniversary of the granting of the consent, calculated on a pro-rata basis in accordance with the formula in Rule 6.4.1 c) with respect to infrastructure or with the Consumer Price Index with respect to reserves.

- iii) Where GST is payable in respect of any contribution whether in cash, land or works, then the assessed amount of GST shall be paid in addition to the required contribution.
- iv) Subject to Section 222 of the RMA any financial contribution may be deferred at Council's discretion, provided that the obligation is protected by an appropriate bond.

b) Credits and Refunds

- i) Financial and reserves contributions in excess of that required, may be registered as credits to run with the land, but only in respect of the service for which the contribution was paid and only in respect of land in the immediate vicinity forming part of the same or an associated development.
- ii) Where a financial or reserves contribution was made under Rule 6.4 or Rule 6.5 with respect to the development of two or more residential units on one allotment without subdivision and the allotment was subsequently subdivided to create separate allotments for those residential units for which a contribution was paid, then no further such contribution shall be required for those allotments.
- iii) Where a financial or reserves contribution under Rule 6.4 or Rule 6.5 was not made with respect to the development of two or more residential units on one allotment without subdivision and the allotment was subsequently subdivided to create separate allotments for those residential units, then a contribution shall be required for those allotments unless consent to the development was given prior to the enactment of the RMA on 1 October 1991.
- iv) Where an activity does not proceed and the consent lapses or is cancelled, then financial and reserves contributions shall be refunded in accordance with Section 110 of the RMA.
- v) Where Council has accepted a financial contribution for a particular work or works, it shall be obliged to carry out that work generally in accordance with the indicative work programme set out in Appendix 6.9 — I where applicable, but in the event that Council resolves not to proceed with the work or to provide a suitable alternative, the original financial contribution as paid shall be refunded.

c) Administration

- i) An account for each type of Financial and Reserve Contribution specified in Rule 6.4 and Rule 6.5 shall be established and administered in accordance with Section 111 of the RMA and with Section 223F of the Local Government Act 1974 and the performance of such accounts reported under the Annual Plan process.
- ii) A register of the following information (as a minimum) shall be kept:
 - the amount of contribution paid
 - the individual or organisation who paid the contribution
 - when the contribution was paid
 - the service to which the contribution relates
 - the individual or organisation who is to receive the refund or credit.

d) Additional Provision for Works and Contributions

- i) When determining any subdivision or land use consent identified in Rule 6.1.4 d) ii), Council may, in addition to any contribution requested under Rules 6.4; 6.5; 6.6; 6.7 and 6.8 impose conditions requiring the payment of such financial and reserves contributions or provision of works as may be appropriate on the basis of Rules 6.4, 6.5, 6.6, 6.7 and 6.8 provided that in the case of a **Controlled Activity** such conditions may only be imposed:
- in respect to those matters for which specific provision is made in this district plan
 - where a new public service or facility needs to be provided, or an existing public service or facility needs to be upgraded, in order to mitigate or avoid any effects on the environment arising from the proposal.
- i) Conditions may only be imposed under Rule 6.1.4 d) i) in respect of one or more of the following:
- any residential development with two or more residential units or a Residential Centre, or Visitor Accommodation intended to accommodate more than 12 occupants is to be erected on a site
 - any commercial or industrial development where the value of the work exceeds \$250,000 excluding GST
 - any subdivision consent, where provision is not specified in Rule 6.4, Rule 6.5 or Rule 6.6
 - any activity where specific provision is made elsewhere in this District Plan for such a condition to be imposed
 - any proposal which requires a discharge consent in accordance with the Regional Plan.

6.1.5 Specific Provisions**a) Shape Factor Circle**

Where the shape factor circle standard applies to any subdivision, each allotment shall be of a shape which can accommodate a circle of the specified diameter in a position which does not encroach on any required set-back from a front boundary thereby ensuring reasonable flexibility in the siting and extent of buildings.

b) Unit Site Areas

For the purposes of Rule 6.3, Rule 4.1, Rule 4.1A and Rule 4.1C any Unit Site Area shall comprise a contiguous area of land to which the following provisions shall apply.

- i) The area is, or is proposed to be, associated with any residential unit whether detached or attached and forming part of a development comprising two or more residential units on a site.
- ii) The area is able to be subdivided as an allotment in accordance with the provisions of Rule 6.3.1 and held under a separate freehold, a cross lease, a unit or a company lease title.

- iii) The area contains or is capable of containing the residential unit together with its outdoor living area, service area, accessory buildings and vehicle parking and manoeuvring space.
 - iv) The area includes any covenant area under a cross lease title, auxiliary unit under a unit title or license to occupy under a company lease title which is exclusive to the residential unit but shall exclude any communal open space, communal parking or communal access, or that part of any entrance strip associated with the unit which has a width of 6.0m or less.
- c) Control of Access to Roads**
- i) Where any subdivision would result in allotments having vehicular access to a State Highway then Council will require written evidence of consultation with Transit New Zealand
 - ii) Where any subdivision would result in allotments having access to a Limited Access Road or an existing access to such a road having increased intensity of use, then that subdivision shall be subject to the requirements of the Road Controlling Authority under the Transit NZ Act 1989 or the Local Government Act 1974.

6.1.6 Exceptions to Requirements

a) Boundary Adjustments

Where a proposed subdivision is intended solely for an adjustment of boundaries and will result in each of the adjusted allotments having substantially the same area, shape and access as before and does not result in or increase the degree of any non-compliance then the other provisions of Rule Section 6.0 shall not apply provided that any necessary amalgamation of allotments can be effected pursuant to Section 220 of the RMA. Where necessary a condition requiring such amalgamation of allotments may be imposed on the Certificate of Compliance for the subdivision in accordance with Rule Section 1.0.

b) Amendments to Flats Plans

Where a proposed subdivision is intended solely to amend any cross lease, company lease or unit title plan to accommodate alterations to buildings or the erection of accessory buildings then the other provisions of Rule Section 6.0 shall not apply provided that the building works comply with the provisions of this district plan and there is no material change to the unit site area or to the overall extent and configuration of the individual occupancy.

c) Boundary Relocations

Where a proposed subdivision is intended solely for a relocation of boundaries and will result in the area or shape of or access to an allotment being altered to a significant degree, then such a subdivision shall be subject to the provisions of Rule 6.2 and Rule 6.3, but except for on site works, the provisions of Rule 6.4, Rule 6.6 and Rule 6.8 shall not apply.

d) Reserves and Network Utilities

Where as part of any subdivision, land is to be vested as a recreation reserve or a road or in association with a network utility, then the provisions of Rule 6.3 do not apply but the creation of such an allotment shall be subject to:

- the provisions of Rule 6.1.3
- the provisions of Rule 6.2
- the balance of the subdivision complying with the relevant requirements for the zone in Rule 6.3
- the provisions of Rule 6.3.1h)
- the allotment being of a configuration to satisfactorily accommodate the intended activity.

e) Existing Buildings

With the exception of unit title subdivision as provided for in Rule 6.3.2a), where any building is already situated on land proposed to be subdivided, then notwithstanding compliance with the provisions of Rule 6.3, Council may refuse consent to the allotment on which it is sited or impose suitable conditions, if the building is so located with respect to the proposed new boundaries that the relevant provisions of this District Plan with regard to bulk and location of buildings, required outdoor living areas, service areas and vehicular access and parking or the relevant requirements of the Building Act 1991 cannot be complied with.

f) Non-Conforming Allotments

Notwithstanding that any allotment subdivided prior to 30 October 1999 may not comply with the subdivisional or minimum net site area requirements of this District Plan, a development or use of that allotment which is otherwise a Permitted Activity shall be a **Restricted Discretionary Activity** with discretion restricted to the subject matter of the standard that can not be met and Council is satisfied that:

- the development or use can reasonably be undertaken in compliance with the other provisions of this District Plan
- the allotment is the whole of the land held in fee simple in one certificate of title
- the allotment is not held in the same ownership as any adjoining land.

g) Heritage and Archaeological Sites

Except within the Temple Heritage Precinct any subdivision which involves the site of a heritage item ranked A+ or A under Rule 2.3 Heritage Items Overlay or a Group 1 site of Archaeological, Historic or Cultural Significance under Rule 2.5 Significant Archaeological, Historic or Cultural Sites Overlay shall be a **Discretionary Activity** notwithstanding the other provisions of Rule Section 6.0 and regard shall be had to the relevant provisions of Rule 2.3 and Rule 2.5 in assessing any proposal.

Rule 6.2 Subdivisional Planning

Rule Statement

Subdividing land into separate ownerships, affects opportunities for its development and use, both now and in the future and constrains the possibilities for dealing with environmental effects. The subdivision and development of land needs to be coordinated with the provision of works and services to facilitate its use and to mitigate environmental effects while physical constraints on the development and use of land need to be recognised.

The rules specifically implement the urban design principles of connectivity and permeability in subdivision design with the aim of enhancing people's accessibility at both a citywide and neighbourhood level.

This rule sets out the matters to be taken into account when developing any subdivisional proposals. An integrated planning approach is promoted to ensure that each proposal relates to the broader neighbourhood context particularly in terms of layout including the roading network, open space system and other proposals shown on the relevant structure plan. They also seek to ensure that any allotment is practicable and suited to its potential use and that physical constraints and any hazards are taken into account.

Expected Outcome

The subdivision and associated development of land enables urban development to proceed in a sustainable and integrated manner that will enhance the environmental qualities of the city, protect natural and cultural values and minimise adverse impacts on the environment. Any allotments created shall be capable of being utilised effectively and be effectively integrated with the City's transport network: through the interconnectivity and permeability of roads, pedestrian accessways, cycleways, public reserves and green corridors.

Means of Compliance

The following rules shall be read in conjunction with the other provisions of [Rule Section 6.0](#) and in particular shall be used as a basis for assessing any subdivision consent and imposing conditions in terms of [Rule 6.1](#) and [Rule 6.3](#) to ensure proposals are consistent with the development framework for the locality and its environmental and amenity values.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 3.1 Natural Values, 3.2 Natural Hazards, 4.2 Transportation and Accessibility, 4.4 Subdivision and Development of Land, any Structure Plan and Concept Plan set out in [Rule Section 9.0](#) or Appendix 1A and Appendix 1B, and design guidance set out in [Rule Section 10.0](#) and Appendix 1C.

6.2.1 Subdivisional Planning

The following provisions apply to all Resource Consents.

a) Provision of Concept Plans

Where any single or staged subdivision for residential purposes would result in the creation of more than 10 allotments, then the application shall be accompanied by a subdivision concept plan. The subdivision concept plan shall demonstrate how the various requirements of [Rule 6.2](#) will be met and the relevant performance assessments will be satisfied. In particular the plan shall show:

- The general pattern of land use and the relationships between the residential development and commercial, community and recreational opportunities existing or planned in the locality.
- The transportation linkages serving both the development and the wider area including arterial, collector and local roads, existing or potential bus routes, and cycle and pedestrian facilities.
- A subdivision concept plan shall specifically include the following information:
 - The location and width of proposed roads and carriageways
 - The location and dimension of public reserves
 - The location and dimension of shared-use pedestrian/cycle accessways
- The intended use of each lot in the subdivision and the ways in which the subdivision will integrate with all neighbouring sites either as already developed or as proposed in accordance with existing resource consents.
- Any significant natural features, any natural hazards and physical constraints, any significant infrastructural services and facilities, and the availability of trunk infrastructural services.

The concept plan shall be prepared by the applicant in consultation with Council officers as necessary and other stake holders prior to completing detailed subdivision proposals for the resource consent. Council officers shall use the concept plan to assess the subdivision application and will as necessary require compliance with concept plan for subdivision through conditions of consent and consent notices. The objectives and policies set out in 4.2.4A and 4.4.4 will be considered with assessing the application.

6.2.2 Consideration of Subdivisional Proposals

The following provisions apply to all Resource Consents.

a) General Provisions

- i) The design and layout of any subdivision and associated development of land is to be carried out in accordance with Good Subdivision Design Guidance and any other relevant design guidance which is contained in [Rule Section 10.0](#) and where relevant Appendix 1C and shall provide for any proposals shown on the relevant structure plan or concept plan for the area set out in [Rule 9.0](#) or Appendix 1A and 1B.

- ii) In determining any resource consent in respect of any subdivision and associated development of land, Council shall exercise any discretions available under the RMA and this District Plan to ensure that such subdivision is integrated with planning proposals for the area and in particular when imposing any conditions in relation to the design and layout of the subdivision will:
- use the relevant structure plan and concept plan for the area set out in [Rule 9.0](#) or Appendix 1A and 1B as a guide
 - be consistent with the principles illustrated in Design Guidance contained in [Rule Section 10.0](#) and where relevant Appendix 1C
 - ensure the layout of the subdivision is coordinated with that of existing or planned adjoining subdivisions
 - ensure roading, reserves and other proposals are provided for in accordance with this District Plan
 - ensure the provisions of [Rule 2.1](#) Environmental Protection Overlay and [Rule 2.3](#) Heritage Items Overlay and [Rule 2.4](#) Heritage Precincts Overlay are complied with.

b) Suitability of Land

In determining any resource consent for the subdivision and associated development of land Council shall:

- i) Ensure pursuant to Sections 106 and 220 of the RMA that the land is not subject to erosion, subsidence, slippage or inundation and that the subdivision and development of that land will not result in the subject land or any other land being subject to such impacts.
- ii) Exercise any discretions available under this District Plan to ensure that the subdivision or development does not adversely affect the environment or give rise to any hazard and that any allotment is suitable for the range of activities permitted in the plan and in particular, its intended development and use.
- iii) Require, where considered appropriate, the submission of a report from a qualified engineer, at the applicant's expense, as to the suitability of the land for its intended purpose and may impose conditions on the basis of that report's recommendations.
- iv) Require that any subdivision and associated development of land be subject to the relevant provisions of [Rule 2.1](#) where it is located in an Environmental Protection Overlay.
- v) Require, where it has reason to believe that the land has been used for the storage, use, or disposal of hazardous substances and this could present a danger to health or the environment, a report by an appropriately qualified person as to the degree of risk involved together with what mitigation methods are needed to prevent a danger to health or the environment, and may impose conditions on the basis of that report's recommendations.

c) Configuration of and Access to Allotments

- i) When imposing any conditions on a subdivision consent in relation to the configuration of allotments, Council will be satisfied that in terms of size, shape, orientation, topography

- and access, any allotment can accommodate the development and activities likely to be undertaken on it in an environmentally acceptable manner.
- ii) When imposing any conditions on a subdivision consent in relation to access, Council will be satisfied that adequate vehicular access from a public road to any allotment is provided either:
- across the road frontage
 - over an individual driveway being an entrance strip forming part of the allotment or a covenant area
 - over a shared driveway being a private way, access lot or common area
- provided that the requirement for vehicular access may be waived in respect of allotments comprising individual household units in an apartment building or individual occupancies in a commercial building subject to the provision of adequate pedestrian access to each unit or occupancy.

d) Transport Network

- i) When imposing any conditions on a subdivision consent in relation to the design and layout of roading and associated provision for pedestrians and cyclists Council will have regard to:
- The Guidance contained in Rule Section 10.0, Appendix 1C and traffic engineering practice
 - The opportunity for roads to give a public edge to open spaces, parks and green corridors
 - Any proposals shown on the relevant structure plan or concept plan for the area set out in Rule 9.0 or Appendix 1A and 1B
 - The integration of any neighbouring land uses
 - The potential use of stormwater and reserve corridors as movement corridors
 - Rule 3.3 - Network Utilities insofar as it relates to roads.
- ii) Provision shall be made as part of the subdivision for any roading proposals shown in this District Plan and on the relevant structure plan and concept plan for the area set out in Rule 9.0, Appendix 1A and 1B including:
- Consideration of the design principles of connectivity and permeability to existing or planned adjoining subdivision, local facilities and transport nodes.
 - Proposed collector roads and in particular for their continuity.
 - The development of proposed arterial roads.
 - The realignment or stopping of existing roads.
 - Pedestrian and cycle linkages.
 - Local road linkages.

- In stages 3 and 4 of the Rototuna Growth Area consideration of the sequencing and staging of the Transportation Network. A certificate under section 224 (c) of the Resource Management Act will not be issued for a subdivision until adequate road connectivity has been achieved with all neighbouring parcels of land in accordance with the Structure Plan.

e) Archaeological and Cultural Sites

Where a site, in the Future Urban Zone or covered by a Structure Plan or Concept Plan under Rule 9.0 or Appendix 1A and 1B, with a total area of 1ha or more is to be subdivided, then:

- Written advice that consultation has been undertaken with an appointed Iwi representative regarding the effects of the proposed activity on any known sites shall be provided.
- An archaeological assessment by a suitably qualified archaeologist may be also required. In deciding whether an archaeological assessment is required, the Council shall act in consultation with an appointed Iwi representative.
- Where any archaeological site or tangata whenua historical and cultural site is identified, written advice is required on the mitigation measures which will be adopted to ensure that damage or destruction to sites is minimised.
- Except that an archaeological assessment will not be required, if there is documentary evidence that this has been previously carried out for that site.

Performance Assessment

In determining any resource consent Council shall have regard to the expected outcome for this rule and the relevant zone, to any related objectives and policies, to any relevant Structure Plan and Concept Plan for the area set out in Rule 9.0 or Appendix 1A and 1B, and design guidance set out in Rule 10.0 and Appendix 1C, and to the following.

6.2.3 Performance Outcomes for Subdivisional Planning

In assessing a resource consent for a subdivision Council can impose conditions and exercise discretion in terms of the matters below.

a) Accessibility

The design and layout of subdivisions should provide for the following:

- i) Good internal and external access for residents, which minimises the impact of through traffic, maximises public safety and accommodates a wide range of transport options.
- ii) A safe, convenient and legible network for pedestrians, cyclists and persons with disabilities both on and off the road network.
- iii) For the number of vehicle accesses onto major arterial roads to be kept to a minimum.
- iv) Attractive streetscapes that enhance the visual amenity values of neighbourhoods.
- v) A well-connected and permeable local movement system which incorporates pedestrian and cycleway routes and provision for public transport nodes.

b) Reserves Provision

The design and layout of subdivisions should facilitate the provision of a reserve network which satisfies the following:

- i) Is of appropriate quality and quantity in convenient locations to meet the recreational and social needs of present and future residents.
- ii) Includes areas of a size and shape which can satisfactorily accommodate a range of sporting codes.
- iii) Is of a configuration which can be operated and maintained in an efficient and economic manner.
- iv) Is readily accessible to the local community and where appropriate to the wider city.
- v) Is integrated with the surrounding neighbourhood and where practicable, incorporates natural and cultural features.

c) Physical Constraints

The design and layout of subdivisions should avoid or restrict the development of land subject to significant physical constraints and should have regard to environmental constraints including the following:

- i) Topography, soils and vegetation.
- ii) Surface and ground water conditions together with the effects of stormwater runoff and the opportunities to utilise low impact stormwater management solutions.
- iii) Local climatic conditions.
- iv) Existing buildings, roads and services including existing high voltage (greater than 33kV) electricity lines.
- v) The effects of earthworks including their potential effects on the operation of existing high voltage (greater than 33kV) electricity lines.

d) Natural Features and Open Space Network

The subdivision and associated development of land should maintain any natural features and other open space proposals identified through the Environmental Protection Overlay, or the relevant structure plan for the area, including the following:

- i) The Waikato River and the gully systems.
- ii) Scheduled historic items, particularly waahi tapu.
- iii) Scheduled and significant stands of native vegetation.
- iv) Lakes, wetlands and springs.
- v) Natural landforms contributing to the visual amenity values of the locality.
- vi) Open space linkages.
- vii) Corridor tree planting.

- viii) Ridgelines.
- ix) Whether any sites or features should be set aside as a reserve to ensure their ongoing protection and maintenance.

e) Identification and Protection of Heritage Features

The subdivision and associated development of land should maintain any identified heritage features and have regard to the following:

- i) The impact of the proposed subdivision on the integrity of any sites and natural features with visual, cultural, historical and spiritual significance for Iwi.
- ii) The necessity for the subdivision and any alternative options available to the applicant.
- iii) Whether any sites should be set aside as a reserve to ensure their on-going protection and maintenance.

f) Natural Hazards

The subdivision and associated development of land should avoid, remedy or mitigate any hazard to the environment or to other land and should address the following:

- i) Take into account the topographical, soil, land stability, surface water and ground water conditions of the locality.
- ii) Provide for appropriate remedial or protective measures including infrastructural works and services.
- iii) Avoid or restrict development on those areas of land subject to constraints.

g) Constraints on Development

Any allotment should contain a sufficient suitable area to safely accommodate any likely development and use and which satisfies the following:

- i) Is above the 50 year flood level or any flood level identified in the District Plan.
- ii) Has a slope of less than 1 in 4 and is not closer than 6m from the top of any steeper slope.
- iii) Does not contain uncontrolled fill, peat soils or other unconsolidated material more than 1.5m in depth.
- iv) Is no closer than 20m to any natural watercourse of more than 3m in width, or to any lake.
- v) Does not involve excessive or unnecessary earthworks and has regard to the provisions of [Rule 6.7.1](#).
- vi) Does not contain any area of land that is so contaminated by hazardous substances as to constitute a risk to the environment and to people's health and safety.

Unless the subdivision includes appropriate measures to remedy or mitigate such constraints.

h) Configuration of Allotments

The area and dimensions of any allotment should be sufficient to accommodate the following:

- i) Any likely development and operational needs of potential activities.
- ii) Adequate and safe vehicular movement and provision for car parking and service vehicles.
- iii) The protection of any environmental features, while managing effects on the natural environment and allowing for site constraints.
- iv) Buffers, landscaping and other mitigation measures to minimise conflicts with neighbouring activities, including the extent of separation between building platforms and existing high voltage (greater than 33kV) electricity lines.

i) Suitability of Allotments for Development

Any allotment in a subdivision should contain an area which satisfies the following, unless not relevant to the circumstances:

- i) Is of sufficient size to accommodate any intended development and activity in compliance with the provisions of this District Plan.
- ii) Has convenient and safe vehicular access to a road in accordance with [Rule 5.2](#).
- iii) Provides a safe building platform in accordance with [Rule 6.2.2](#).
- iv) Can be connected to network utility services particularly wastewater, water, stormwater, electricity and telephone (and gas when available).
- v) Is orientated to facilitate solar access, reduce exposure to prevailing winds and maximise long distance views where practicable.

j) Resubdivision Potential

In the Future Urban Zone, subsequent resubdivision for urban purposes should be facilitated, with any allotment or balance area satisfying the following:

- i) A configuration which would permit a complying urban subdivision to be carried out in an effective manner.
- ii) Appropriate regard to the topographical constraints on any subsequent urban subdivision.
- iii) Provision for feasible, adequate and economic subdivisional access.

k) Transport Network

- i) Accessibility within neighbourhoods should be promoted by providing a legible and interconnected system of collector and local roads giving internal road access to schools, community facilities, commercial centres and recreation reserves.
- ii) Accessibility within residential areas should be achieved through the establishment of effective vehicle, pedestrian and cycle connections between adjoining subdivisions that facilitates convenient movement, improves access and amenity and reduces road length.

- iii) The ready and safe movement of pedestrians, cyclists and persons with disabilities, should be facilitated through provision for a convenient and legible network of walkways and cycleways, preferably as part of the roading network, which give relatively direct access to facilities and activities within and adjacent to the neighbourhood and which are open to public surveillance.
- iv) The roading network should be arranged so that it is integrated with the open space network (particularly the gully systems and reserve areas) and facilitates the provision and operation of network utilities and other services.
- v) Roads in commercial and industrial areas should be arranged so as to facilitate circulation of traffic including heavy vehicles, while minimising conflict with pedestrians particularly in the city and suburban centres.
- vi) The layout of roads in Future Urban Areas should be such that future resubdivision for urban purposes is facilitated and regard is had to the relevant structure plan and concept plan for the area set out in Rule 9.0 or Appendix 1A and 1B.
- vii) Public transport facilities should be sited where they will be convenient to users without having adverse effects on the safety and efficiency of the roading network, walking or cycle facilities.
- viii) In stages 3 and 4 of the Rototuna Growth Area sequencing and staging of the land use development should be arranged to enable the efficient, effective, functional and sustainable delivery of the transport network. A certificate under section 224 (c) of the Resource Management Act will not be issued for a subdivision until adequate road connectivity has been achieved with all neighbouring parcels of land in accordance with the Structure Plan.

l) Roading Layout

The roading network should be arranged to satisfy the following:

- i) Allow the convenient, safe and efficient circulation of traffic throughout neighbourhoods.
- ii) Concentrate significant traffic flows onto the arterial roading network.
- iii) Provide for access from local subdivisional roads to the arterial roading network to be via collector roads.
- iv) Maintain neighbourhood amenity values.
- v) Discourage the use of residential roads by externally generated through traffic.
- vi) Avoid grades in excess of 1 in 8.
- vii) Avoid isolation of land within a subdivision from adjoining land by providing linkages to local roads and for enhanced connectivity between subdivisions.
- viii) The opportunity for roads to give a public edge to open spaces, parks and green corridors.
- ix) Enable subsequent development of allotments to establish a clear visual relationship from the street

m) Bus Routes

The roading network within and adjacent to residential neighbourhoods should be arranged to enable the provision of bus routes which satisfy the following:

- i) Are of an alignment and standard suitable for ease of movement for a normal size bus.
- ii) Are located within 400m of most residential properties.
- iii) Will allow bus services to be operated conveniently and efficiently.

Rule 6.3 Subdivisional Standards for Individual Zones

Rule Statement

This rule sets out the standards and basis for consideration of subdivisional proposals with respect to the size and configuration of allotments and access. The intention of the controls is to help ensure that where land is subdivided into separate titles the resulting allotments can be reasonably developed and used in a manner which is in accordance with the other requirements of the District Plan. The rule relates to areas intended for residential, business, rural or community purposes.

Expected Outcome

The arrangement, size and shape of allotments and provision of access accommodates the intended development and use in a practical and environmentally acceptable manner and enables people to provide for their needs.

Means of Compliance

Any subdivision shall be undertaken in accordance with [Rule 6.1](#), shall comply with the standards specified in this rule, and is also subject to the other relevant provisions of [Rule Section 6.0](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.4 Subdivision and Development of Land, any Structure Plan and Concept Plan for the area set out in [Rule Section 9.0](#) or Appendix 1A and 1B and relevant design guidance set out in [Rule Section 10.0](#) and Appendix 1C.

6.3.1 Residential Zones

The following standards apply to any subdivision in the Residential Zones:

a) Subdivision in the Residential Zones

- i) Minimum Net Site Area:
 - 400m²
 - within the High Density Area 350m²
 - within the Rotokauri High Density Area 350m²
 - within the Visitor Facilities Area 350m²
 - within the Heritage Precinct Overlay 600m²
 - within the Claudelands West Special Character Area 600m²
 - within the Hamilton East General Residential Area on Street Front Sites 600m²

- Where more than 50% of the proposed allotment is situated within the Rotokauri Ridgeline Character Area 800m²
 - where more than 50% of the proposed allotment is situated within the Environmental Protection Overlay 600m²
 - Within the Lake Waiwhakareke Landscape Character Area 350m²
Also see 6.3.1 a) vi)
 - Within the Rototuna General Residential Zone, except for Rototuna North East Residential Area 400m²
 - Within the Rototuna General Residential Zone and adjoining the Waikato Expressway (Designation 90), except for the Rototuna North East Residential Area) 1000m²
 - Within the Rototuna North East Residential Area 500m²
- ii) Maximum Net Site Area:
- Within the Lake Waiwhakareke Landscape Character Area where a boundary to an allotment is adjoining the Lake Waiwhakareke Heritage Park or is separated from it only by a road reserve 800m²
 - Within the Rototuna General Residential Zone, except for Rototuna North East Residential Area and unless adjoining the Waikato Expressway (Designation 90) where no maximum applies 800m²
- iii) Minimum Shape Factor Circle:
- 15m diameter
 - where more than 50% of the proposed allotment is situated within the Environmental Protection Overlay 20m diameter
- iv) Minimum Frontage:
- net site area <2000m² 3.5m
 - net site area 2000m² - 4000m² 6m
 - net site area >4000m² 17m
- v) Maximum Frontage

- within the Lake Waiwhakareke Landscape Character Area, where a boundary to an allotment adjoins the Heritage Park or is separated from it only by a road reserve, no such boundary shall exceed 20m in length.

vi) Lots per hectare in the Lake Waiwhakareke Landscape Character Area

- In the Lake Waiwhakareke Landscape Character Area there shall be a minimum gross density of 16 lots per hectare.

vii) Lot Orientation

- Where a proposed allotment is within the Rotokauri High Density Interface Area the length of the Frontage is to be greater than the depth of the allotment. With the exception of access to rear allotments.

viii) Average Lot Size

- Within the Rototuna General Residential Zone, except for Rototuna North East Residential Area, and unless adjoining the Waikato Expressway (Designation 90) where no average applies, the average lot size shall be no greater than 700m².

ix) Average Lot Size in Rototuna North East Residential Area

In the Rototuna North East Residential Area the average lot size shall be no less than 700m².

b) Access to Residential Allotments

i) Minimum width of an entrance, private way, access lot or common area giving principal vehicle access to allotments:

- | | |
|-----------------------------|------|
| • up to 4 residential units | 3.5m |
| • 5 to 10 residential units | 6.0m |

ii) Maximum Length of Vehicle Access: 100m

iii) Exceptions to standards:

- The width of vehicle access serving a single residential unit may be reduced to 3m (with a corresponding reduction in the minimum frontage specified in [Rule 6.3.1 a\) iv\)](#) if the entrance has unrestricted visibility and the length does not exceed 100m.

iv) Vehicle access shall comply with the relevant standards in [Rule 5.2.1](#).

c) Provision for Comprehensive Residential Developments

Any subdivision in relation to a comprehensive residential development shall comply with the following:

- The minimum net site area of any allotment shall comply with the standards for minimum unit site areas as specified in [Rule 4.1.2a\)](#) or [4.1A.2b\)](#) or [Rule 4.1C](#).
- For the Rotokauri Residential Zone density shall comply with [4.1A.2b\)](#).

- iii) The standards for Minimum Shape Factor and Frontage in Rule 6.3.1 a) shall not apply but the configuration of the allotments shall conform to the unit site areas approved as part of the land use consent.
- iv) A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent.

d) Provision for Public Transport in Rotokauri

Provision shall be made for bus stops within all residential subdivisions within the Rotokauri Structure Plan area, to ensure that the walking distance between all allotments and any existing or proposed bus stop is no more than 400m.

e) Subdivision in the Rototuna Medium Density Area

- i) Subdivision can only take place in conjunction with a Comprehensive Development Plan application or after a Comprehensive Development Plan application has been granted.
- ii) The standards for Minimum Shape Factor and Frontage in Rule 6.3.1 a) shall not apply but lot size configuration of the allotments shall conform to the unit site areas approved as part of the land use consent.
- iii) A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent.

f) Provision for Public Transport in Rototuna Stages 3 and 4

Provision shall be made for bus stops within all subdivisions within the Rototuna Stages 3 and 4 areas in accordance with the bus routes on MS.MAP-58a (Appendix 1A — Rototuna Structure Plan), to ensure that the walking distance between all allotments and any existing or proposed bus stop is no more than 400m.

g) Development Yield in the North East Rototuna Area

In the North East Rototuna Area there shall be a maximum development yield of 1100 residential units.

h) Provision of a recreational/neighbourhood park area within the Rototuna North East Residential Area

- i) The first subdivision of land adjoining the Waikato Expressway (Designation 90) shall submit for approval as part of the subdivision, an informal recreational/neighbourhood park concept plan for the entire future reserve area as located on the Rototuna Structure Plan. The informal recreational/neighbourhood park area shall:
 - Ensure varied widths no less than 20m;
 - Address and accommodate topographical constraints to ensure usability of the area for informal recreation;
 - Include flat open spaces for informal recreation;
 - Include one area of between 300m² and 800m² for the provision of a children's play area. The location and design of this area shall ensure the safe operation of the playground and shall have regard to any stormwater

attenuation areas and the roading and cycling network. Where necessary, additional safety measures will be taken, such as fencing.

- Include landscaping areas to provide an interesting and varied visual amenity for the area. These areas are to include varied planting areas (with the exception of the proposed Cycle and Walking access point across the Waikato Expressway, stormwater attenuation areas and identified viewing areas shown on the Rototuna Structure Plan) having a minimum planting width of 2m when parallel to the boundary of the Waikato Expressway, and consisting of native vegetation capable of reaching heights of at least 8m at maturity;
 - Reflect the principles of Crime Prevention Through Environmental Design (CPTED); and
 - Include both a walking and cycling network in accordance with the 'Rototuna Cycle and Walking Network' routes.
- ii. Any subdivision of land adjoining the Waikato Expressway (Designation 90) shall have regard to and implement the portion of the approved Informal Recreational/Neighbourhood Concept Plan over the land area the subdivision is for at the time of subdivision.

i) Subdivision of land in the North East Rototuna Area

At the time of subdivision of land in the North East Rototuna Area and only if either the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an OPW approval under s176A of the Act; or construction is underway or completed; the following shall be identified on the subdivision plan to be submitted for subdivision consent:

- i) A $55\text{dBL}_{\text{Aeq}(24\text{hr})}$ contour line from the Waikato Expressway utilising the following criteria:
- Traffic flow of 12700 vpd
 - 10% HCV
 - Vehicle speed of 100km/hr (or the posted speed limit if this is lower).
 - Noise mitigation as confirmed by an approved Outline Plan of Works for Designation 90.
 - Finished ground level based on the proposed subdivision design.
- ii) Identification of all lots where any boundary is intersected by the $55\text{dBL}_{\text{Aeq}(24\text{hr})}$ contour line

6.3.2 Commercial and Industrial Zones

The following standards apply to any subdivision in the City Centre, Suburban Centre, Commercial Service, or Industrial Zone.

a) Subdivisions in Commercial Zones

- i) Minimum Net Site Area: 1,000m²
- ii) Minimum Shape Factor Circle: 20m diameter
- iii) Minimum Frontage:
- 7m
 - where fronting a major arterial road 20m

- iv) The standards for minimum net site area, shape factor circle and frontage specified in i) to iii) above shall not apply to unit title subdivision(s) for existing buildings.

b) Subdivisions in Industrial Zone

i) Minimum Net Site Area:

- 500m²
- where fronting a major arterial road 1,000m²
- where situated in an Amenity Protection Area 1,000m²
- where more than 50% of the proposed allotment is situated within the Environmental Protection Overlay 1,000m²
- where situated in the Rotokauri Employment Area 1,000m²

ii) Minimum Shape Factor Circle:

- 15m
- where situated in an Amenity Protection Area 20m
- where more than 50% of the proposed allotment is situated within the Environmental Protection Overlay 20m
- where fronting a Major Arterial Road 30m
- where situated in the Rotokauri Employment Area (except where fronting a Major Arterial Road) 20m

iii) Minimum Frontage

- 7m
- where net site area >5000m² 20m
- where fronting a Major Arterial Road 30m

- iv) The standards for minimum net site area, shape factor circle and frontage specified in i) to iii) above shall not apply to unit title subdivision(s) for existing buildings.

c) Access to Commercial and Industrial Allotments

i) Minimum Width of an entrance, private way, access lot or common area giving principal vehicle access to allotments:

- net site area <2,000m² 7m
- net site area 2000m²-5,000m² 10m
- access to a major arterial road 10m
- shared access for up to 5 allotments 10m

- shared access for more than 5 allotments 17m
- total area of allotments served >5,000m² 17m

- ii) Maximum Length of Vehicle Access: 100m
- iii) Vehicle access shall comply with the relevant standards in [Rule 5.2.1](#).

6.3.3 Future Urban and Peacocke Future Urban Zone

The following standards apply to any subdivision in the Future Urban Zone except that:

- The Rotokauri Growth cell where, in respect of land indicated on the Rotokauri Structure Plan as being a future Residential or Employment Area b) and c) do not apply, and in respect of land indicated as being future Industrial Area only [Rule 6.3.3 e\)](#) applies.

a) Provision for Future Urban and Peacocke Future Urban Zone Subdivision

- i) Minimum Net Site Area: 2ha except that in the Peacocke Future Urban Zone the Minimum Net Site Area shall be as specified in [Rule 6.3.3 \(f\) and \(g\)](#).
- ii) Minimum Frontage: 80m to a formed and sealed legal road forming part of the City's roading network except that in the Peacocke Future Urban Zone the Minimum Frontage shall be as specified in [Rule 6.3.3 \(f\) and \(g\)](#).
- iii) Provision shall be made for wastewater disposal in accordance with [Rule 6.8.1 b\)](#).
- iv) Where the erection of a dwelling house or other substantial permanent building on a part of the allotment would conflict with the proposals shown on the relevant structure plan or concept plan for the area as set out in [Rule 9.0](#) or Appendix 1A and Appendix 1B and would be at risk from a known natural hazard, then the subdivision consent shall provide that no buildings may be sited on that part of the allotment.

b) Control of Closer Future Urban Subdivision (Except in the Peacocke Future Urban Zone)

- i) For any subdivision which is a Discretionary Activity pursuant to [Rule 6.3.5 c\)](#) and where the net site area of any allotment is 2ha or less or the frontage to a formed and sealed legal road is less than 80m, Council shall require the preparation of a concept plan which shows how the allotments in the subdivision can be subsequently resubdivided for a normal complying residential development at a density of not less than 10 houses per ha but allowing for a density of 8 houses per ha in any Environmental Protection Overlay.
- ii) A concept plan prepared under [Rule 6.3.3 b\) i\)](#) shall specify the siting for the detached dwelling and accessory buildings on each such allotment in a position which will not prejudice the subsequent resubdivision of the land as shown on the concept plan and subject to [Rule 4.11](#), no building may be constructed on that allotment except in accordance with the siting specified on the concept plan.
- iii) Any concept plan shall have regard to and make provision for any proposals shown on the relevant structure plan or concept plan for the area as set out in [Rule 9.0](#) or Appendix 1A and 1B.
- iv) Where any subsequent resubdivision of an allotment as shown on the concept plan can only reasonably occur in conjunction with the subdivision of any other allotment forming

part of the original subdivision, then Council may require the registration of suitable legal agreements or the payment of bonds to ensure that coordinated resubdivision including the provision of infrastructural services in accordance with the concept plan will occur.

- v) Any such subdivision shall be subject to the payment of the trunk stormwater levy, trunk wastewater system levy, trunk water supply levy, and arterial roading levy in accordance with [Rule 6.4.2](#), [Rule 6.4.3](#), [Rule 6.4.4](#) and [Rule 6.4.5](#) but until the relevant structure plan for the area has been incorporated in the District Plan and any development levies relating to the area are operative any such subdivision shall be a Non Complying Activity.

c) Subdivision for Urban Purposes (Except in the Peacocke Future Urban Zone)

- i) Any subdivision where the net site area of any allotment is 5,000m² or less shall be deemed to be for urban purposes and in addition to the requirements of [Rule 6.3.3 b\)](#) shall be required to make full provision for infrastructural services and roading to an urban standard as part of the subdivision in accordance with [Rule 6.4](#), [Rule 6.7](#) and [Rule 6.8](#).
- ii) Any such subdivision shall be required to connect to the City's infrastructure networks and meet the costs thereof in accordance with [Rule 6.4](#), as well as pay any other contributions specified in [Rule 6.4](#), [Rule 6.5](#) and [Rule 6.6](#) and shall be subject to the provisions of [Rule 6.9](#) regarding staging of development.

d) Subdivision of Existing Allotments

[Rules 6.3.3 b\) and c\)](#) shall not apply to the resubdivision of any allotments created prior to 24 July 1993 which is intended solely for the purpose of creating a single allotment for residential use that has a minimum net site area of 2,500m² and a minimum frontage of 6m, provided that the balance area comprises an allotment which complies with the standards in [Rule 6.3.3 a\)](#).

e) Subdivision in the Rotokauri Industrial Zone

- i) The relevant standards of [Rule 6.3.2b\)](#) shall apply.
- ii) Any subdivision shall have regard to and make provision for any proposals shown on the Rotokauri Structure Plan set out in [Rule 9.0](#).
- iii) Any such subdivision shall be required to connect to the City's infrastructure networks and meet the costs thereof having regard to the Infrastructure Development Programme set out in [Rule 6.9](#).

f) Subdivision in Stage 1 of the Peacocke Future Urban Zone (Appendix 6.9-VI)

1. The following Standards apply to any Subdivision within Stage 1 of the Peacocke Future Urban Zone

1.1 Any subdivision shall

- i) Be required to prepare a concept and staging plan for any development within Stage 1 in compliance with [Rule 6.2](#) regardless of the number of allotments created and which is acceptable to HCC prior to any subdivision occurring.

- ii) Have regard to and make provision for any proposals shown on the Peacocke Structure Plan set out in Rule 9.0.
- iii) Be required to make full provision for infrastructural services and roading to an urban standard as part of the subdivision in accordance with Rule 6.4, Rule 6.7 and Rule 6.8
- iv) Be required to connect to the City's infrastructure networks and meet the costs thereof in accordance with Rule 6.4, as well as pay any other contributions specified in Rule 6.4, Rule 6.5 and Rule 6.6 and shall be subject to the provisions of Rule 6.9 regarding staging of development.
- v) Be required to prepare a Traffic Impact Study for the 500 lots within stage 1 that addresses the following matters, but not limited to:
 - Impact of increased traffic volumes on safe and efficient traffic flow on the existing roading network;
 - Impact on traffic volumes and capacity of the existing roading network.
 - Impact of increased traffic volumes on pedestrian safety and movement.
 - Impact on the social amenity of the surrounding urban areas.

Where any activity required to prepare a traffic impact study is subject to a resource consent then the provisions of Rule 6.4.5 relating to roading contributions shall apply

- vi) In addition to the above any subdivision on Lot Sec 1 SO 57582 or the balance of this parent lot shall also be required to:
 - Upgrade the existing wastewater network to accommodate any development on the site.
 - Implement a solution, which is acceptable to HCC, at the Dixon Road and State Highway 3 intersection that mitigates the adverse effects that the potential traffic volumes from within Stage 1 will have on this intersection.

1.2 Subdivision for Residential Purposes

- i) Minimum Net Lot Area:
 - 400m² (Excluding Comprehensive Residential Development)
 - Where more than 50% of any new lot is situated within the EPO the minimum lot size shall be 600m²
 - Ratio of section sizes: For subdivision of land comprising one hectare or more then:
 - a. no more than 20 percent of the residential lots have a net area greater than 600 square metres;
 - b. at least 50 percent of the residential lots have a net area of between 450 square metres and 600 square metres;
 - c. no less than 30 percent of the residential lots have a net area of less than 450 square metres (Which may include units within a comprehensive Residential Development).

- ii) Maximum Net Lot Area
 - 1000m² (Excluding Comprehensive Residential Development)
 - Where more than 50% of any new lot is situated within the EPO the maximum lot size shall be 1250m²

- iii) Minimum Shape Factor Circle:
 - 15m diameter
 - 20m diameter where more than 50% of the proposed allotment is situated within the Environmental Protection Overlay

1.3 Access to Residential Allotments

- i) An entrance, private way, access lot or common area giving principal vehicle access to allotments shall comply with the following:
 - 1 to 4 residential units
Minimum width of 4m and a maximum length of 60m
 - 5 to 10 residential units
Minimum width of 7m and a maximum length of 80m
- ii) The maximum number of units that may be served by an entrance, private way, right of way, access lot or common area is 10. Thereafter a legal road will be required.
- iii) Vehicle access shall comply with the relevant standards in Rule 5.2.1.

1.4 Provision for Comprehensive Residential Developments

Any subdivision in relation to a comprehensive residential development shall comply with the following:

- i) The net site area of any allotment shall comply with the standards for minimum and maximum unit site areas as specified in Rule 4.11A.2d.
- ii) The standards for Minimum Shape Factor and Frontage in Rule 6.3.3 f) 1.2 iii) shall not apply but the configuration of the allotments shall conform to the unit site areas approved as part of the land use consent.
- iii) A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent.

g) Subdivision in Stage 2 of the Peacocke Future Urban Zone

- 1. The following Standards apply to any subdivision within Stage 2 of the Peacocke Future Urban Zone (See Appendix 6.9-VI):

1.1 Activity Status

		Activity Status	Standards for Subdivision within the Terrace Area	Standards for Subdivision within the Hill and Gully Areas (Appendix 9.2- II)
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			(Appendix 9.2- II)	
1.1a)	Future Urban Subdivision	Controlled Activity	<ul style="list-style-type: none"> Greater than 10ha and a 180m frontage onto a formed and sealed legal road forming part of the city's roading network 	<ul style="list-style-type: none"> Greater than 10ha and 180m frontage onto an formed and sealed legal road forming part of the city's roading network
1.1b)	Interim Subdivision	Discretionary Activity	<ul style="list-style-type: none"> Any allotment created prior to 01 September 2011 or if the allotment was created by a requiring authority, or by boundary adjustment approved under Rule 6.1.2 a) 10ha to 2ha Limited to one new lot per parent title other than utility and access allotments 	<ul style="list-style-type: none"> Any allotment created prior to 01 September 2011 or if the allotment was created by a requiring authority, or by boundary adjustment approved under Rule 6.1.2 a) 10ha to 5000m² Average lot Size not less than 1ha Limited to one new lot per parent title other than utility and access allotments
1.1c)	Subdivision for Urban Purposes	Discretionary Activity	<ul style="list-style-type: none"> Less than 2ha 	<ul style="list-style-type: none"> Less than 5000m²
1.1d)	Boundary Relocation Subdivision	Discretionary Activity	<ul style="list-style-type: none"> Minimum Lot size of 5000m². 	<ul style="list-style-type: none"> Minimum Lot size of 5000m²

1.2 Any Subdivision shall:

- i) Other than for urban purpose, be required to prepare a concept plan (as set out in [Rule 9.2](#)) for any subdivision in compliance with [Rule 6.2 a\)](#) as well as [Rule 10.1](#) and the Development Objectives set out in [Rule 9.2](#) Peacocke Structure Plan. The concept plan shall be prepared for the neighbourhood as identified in Appendix 9.2-II. The concept plan will be prepared regardless of the number of allotments created and be prepared prior to any subdivision occurring.
- ii) Other than for urban purpose and boundary relocation, be required to have a consent notice placed on all titles issued from the subdivision (including the parent lot) requiring the payment of any outstanding development contributions prior to the subdivision of the title for urban purpose being allowed.
- iii) Other than a Controlled activity and a boundary relocation, be required to prepare a Traffic Impact Study.

1.3 Any subdivision for Urban Purposes shall be required to:

- i) Prepare a Master Plan for an area of not less than one neighbourhood, as identified within Appendix 9.2-II. The Master Plan shall be in general accordance with [Rule 9.2](#) Peacocke Structure Plan and shall include the information required by [Rule 9.2.7](#)

- ii) Prepare a Catchment Management Plan for the stormwater catchment area in which the Master Plan neighbourhood or neighbourhoods are located and shall be in general accordance with Rule 9.2 Peacocke Structure Plan.
- iii) Prepare an Integrated Transport Assessment in accordance with the Integrated Transport Assessment provisions of the NZ Transport Agency Planning Policy Manual August 2007.
- iv) Provide full urban infrastructure (in accordance with Rule 6.4) to the development which includes:
 - Connection to the existing wastewater network to the satisfaction of Council.
 - Provision of a transport connection across the Waikato River to join with the existing network
- a. Except that the lots approved via subdivision consents (Consent Numbers: 11.2009.20620, 11.2009.20621, 11.2009.20769, 11.2009.20770, 11.2007.18574, and 11.2011.22366) granted over the land described as Pt Lot 6 DP 34164, Lot 1 DPS 12991, Lot DPS 78023, Lot 1 DPS 76734, Lot 5 DPS 45202, Lot 2 DP 23381, Lot 5 DP 17475 Lot 8 DP 34164, Allot 87, Pt Allot 93 and Pt Allot 94 Te Rapa PSH, Lot 3 DPS 45202, lots 1, 2 and 3 DPS 40592 and Lots 1, 2, 3, and 4 DPS 81210 can be used to create up to 52 lots for urban purposes without complying with Rule 6.3.3(g) 1.3 iv) provided that:
 - A wastewater system for urban purposes is provided to the satisfaction of Council
 - A stormwater disposal solution is provided to the satisfaction of Council
 - No further subdivisions are permitted unless Rule 6.3.3 (g) 1.3 ii), iii) and iv) are complied with.

ADVISORY NOTE — Meeting of Triggers (except for the lots approved via subdivision consents under Rule 6.3.3 g) 1.3 iv) a))

An applicant shall be required to provide details on how the infrastructure required by Rule 6.3.3 g) 1.3 iv) is to be designed and implemented as part of any resource consent.

However a resource consent application can be lodged with Council for assessment prior to the requirement under Rule 6.3.3 g) 1.3 iv) being implemented.

A condition precedent will be imposed to ensure that any approved resource consent meets the triggers in Rule 6.3.3 g) 1.3 iv) prior to the issuing of the s224 Certificate.

An applicant shall be required to consult with Council when designing the infrastructure requirements identified in Rule 6.3.3 g) 1.3 iv).

1.4 Boundary Relocation:

- i) Shall not create any additional certificates of title;
- ii) All lots shall be provided with formed and legal vehicle access;
- iii) A concept plan shall be prepared showing how the allotments in the subdivision can be subsequently re-subdivided in accordance with Rule 6.3.3 g) 1.2 i).

6.3.4 Other Zones

The following standards apply to any subdivision in the Community Facilities, Major Facilities, Recreation Environment, Recreation General, or Recreation Major Zone or Rototuna Suburban Centre Zone.

a) Subdivision for Recreational and Community Use

- i) Minimum Net Site Area: 4,000m²
- ii) Minimum Shape Factor Circle and Frontage: 50m

b) Subdivision in the Community Facilities Zone on Lot 8 DP 14655 (WEL Depot 44-48 Peachgrove Road)

- i) Minimum Net Site Area: 1,000m²
- ii) Minimum Shape Factor Circle and Frontage: 20m.

c) Rototuna Suburban Centre Zone

- i) The subdivision required to construct and vest a road connection between the designated secondary school site (shown as "Future School Site on MS.Map-35A) and North City Road may be granted consent without the need for a Comprehensive Development Plan subject to assessment in regard to the following matters:
 - (a) The extent to which the road level provides an appropriate level to contain flood events and prevent flood waters from overtopping the road to the west.
 - (b) The extent to which two traffic lanes and two parallel parking lanes are provided for.
 - (c) The extent to which proposed services are located beneath the road carriageway or in locations that do not preclude the establishment of street trees along the edge of the road, but also in locations that facilitate future connections to be made from adjacent CDP areas without significant disruption to the formed street.
 - (d) The extent to which the adjacent levels facilitate the establishment of streetscape elements such as street trees, footpaths, intersections, vehicle access.
- ii) Except for the subdivision referred to in Clause i) above, subdivision in the Rototuna Suburban Centre Zone can only take place in conjunction with a Comprehensive Development Plan application or after a Comprehensive Development Plan application has been granted.
- iii) The standards for Minimum Shape Factor and Frontage in Rule 6.3.1 a) shall not apply but lot size and configuration of the allotments shall conform to the unit site areas approved as part of the land use consent.

- iv) A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent.
- v) Access must comply with 6.3.2 c) and 6.3.1 b).

6.3.5 Failure To Meet Standards

- a) Subdivisions which do not comply with one or more standards in Rule 6.3.1, except Rule 6.3.1g), 6.3.1h) or 6.3.1i) are **Discretionary Activities**, provided that where application for such a subdivision is undertaken concurrently with an associated land use consent for a Controlled or Restricted Discretionary Activity and is consistent with that consent then the subdivision shall be determined under the same activity classification as the land use consent. Subdivisions in the Rototuna North East Residential Area which do not comply with one or more of Rule 6.3.1g), 6.3.1h) or 6.3.1i) are **Non-Complying Activities**.
- b) Subdivisions which do not comply with any applicable standard in Rule 6.3.2 are **Discretionary Activities** provided that where the subdivision is solely to create separate allotments for the individual occupancies within a building, the consent of affected persons will not be required.
- c) Subdivisions which do not comply with any standard in Rule 6.3.3 a) are **Discretionary Activities** provided that a subdivision which is not in accordance with the requirements of Rules 6.3.3 b), c) and d) is a **Non-Complying Activity** and subdivisions in the Rotokauri Structure Plan area which do not comply with any standard in Rule 6.3.3 a) are **Non-complying Activities**.
- d) Subdivisions in Stage 1 (Appendix 6.9-VI) of the Peacocke Future Urban Zone which do not comply with any standard in Rule 6.3.3 f).1 are **Discretionary Activities**.
- e) Subdivision on Lot Sec 1 SO 57582 within Stage 1 (Appendix 6.9-VI) of the Peacocke Future Urban Zone which do not comply with any standards in Rule 6.3.3 f) 1.1 vi) is **Non Complying**.
- f) Subdivisions in Stage 2 of the Peacocke Future Urban Zone (Appendix 6.9-VI) which do not comply with any standard in Rule 6.3.3 g) 1.1 a) are **Discretionary Activities** provided that subdivisions which are not in accordance with the requirements of Rules 6.3.3 g) 1.1 b), c), d) 1.2 and 1.3 are **Non-Complying Activities**.
- g) Subdivisions which do not comply with any standard in Rule 6.3.4 are **Discretionary Activities**.

Performance Assessment

In determining any resource consent under the above Council shall have regard to the expected outcome for this rule and the relevant zone, to any related objectives and policies, and to the following.

6.3.6 Performance Outcomes for Controlled Activities

In assessing a resource consent for a Controlled Activity Council can impose conditions on the following matters.

- a) **General Criteria**
 - i) Regard shall be had to the Performance Outcomes of Rule 6.2.3.

- ii) Regard shall be had to any relevant provisions of any Structure Plan and Concept Plan for the area set out in Rule Section 9.0 or Appendix 1A and 1B₇ and any design guidance set out in Rule Section 10.0 and Appendix 1C.
- iii) Any allotment should be of sufficient area and dimensions to provide for the intended purpose or land use, having regard to the relevant standards of this District Plan.
- iv) The size and configuration of the proposed allotments should be capable of accommodating future buildings and intended activities in a complying manner, with adequate provision for the access, manoeuvring and parking of vehicles and for outdoor space.
- v) The foreseeable potential of any allotment for more intensive subdivision and development should be taken into account as well as the integrated management of any development subdivided into separate allotments for the individual occupancies, and to the design principles of connectivity and permeability in minimising the effects of transport activities on the environment.
- vi) As part of any subdivision, appropriate regard should be had to maintaining and enhancing the existing and future amenity values of the locality, The size and configuration of the proposed allotments should be such that the heritage values or special character of the locality will be maintained.
- vii) The intensity of likely development and the size and configuration of the proposed allotments should be compatible with maintaining the natural values of environmentally sensitive areas and mitigating potential hazards.

b) Residential Subdivision

- i) Where any subdivision involves allotments intended to be occupied by detached dwellings, then the size, shape and arrangement of the allotments or unit site areas should enable flexible provision to be made for the required outdoor living and service areas, the access, manoeuvring and parking of vehicles, the privacy of the occupants and neighbours and the maintenance of neighbourhood amenities including landscaping.
- ii) Where any subdivision involves the division of a residential development into separate allotments for each residential unit then the configuration of the development should be such that the individual residential units can reasonably be held in separate ownerships
- iii) Where any subdivision involves the division of a residential development into separate allotments for each residential unit then the size, shape and arrangement of the allotments and provision for access thereto should adequately provide for the convenience, privacy, and leisure needs of the occupants, make appropriate provision for vehicles including the allocation of car parks for each residential unit and appropriately provide and allocate the required open space.
- iv) Consideration shall be had to the foreseeable potential of any allotment for more intensive subdivision and development and where a group of residential units are closely interrelated or involve communal facilities then adequate provision shall be made for the integrated management of the development and its eventual redevelopment.
- v) The overall density of residential development likely to result from any subdivision should not exceed the capacity of the roading system or the network utilities serving the locality.

- vi) Subdivisional layouts shall be configured so as to respond positively to public spaces and maximise the opportunities for roads to give a public edge to these spaces, including parks and green corridor networks.
- vii) Development within the Peacocke Future Urban Zone should not have a negative impact on the social amenity of surrounding urban areas. Specific emphasis should be placed on the increase in traffic from the proposed 500 lots within Stage 1 as well as interim subdivision, and the impacts this will have on local roads, in particular the Bader/Norrie/Waterford Roads.
- viii) Subdivisional layout shall be configured to provide a range of lot sizes in the Rototuna Residential Zone and Rototuna North East Residential Area.
- ix) Development within the Rototuna North East Residential Area in the Rototuna Residential zone should establish the indicative roading network and pedestrian and cycle connections shown on MS Map 057 'Rototuna Cycle and Walking Network' in Rule 9.1 Rototuna Structure Plan.
- x) Development within the North East Residential area in Rototuna Residential Zone should:
 - Respond to the existing landform by avoiding excessive earthworks.
 - Locate roads on ridges or valleys to avoid significant cut and fill (earthworks).
 - On steeper land, achieve areas to the front of sites with relatively low gradients to facilitate building development and access, transitioning the slope with steeper areas to the rear of the site.
 - Create a block pattern where lots front streets and back onto the backs of other lots.
 - Achieve a permeable pedestrian network in streets and reserves.
 - Achieve visual buffers, such as planting, between the Waikato Expressway and adjacent open space or residential lots.
 - Comply with the requirements of the Te Awa o Katipaki Catchment Management Plan.
 - Incorporate informal recreation areas such as playground facilities, and cycle and walking paths and landscaping (adjoining the designation boundary of the Waikato Expressway that will achieve a visual screen from the NEA to the Expressway) that shall integrate with the design of the subdivision. Planting should respond to the location with different species creating different environments along the corridor edge avoiding a linear strip reading as a buffer strip; take into account the principles of CPTED and the 'Rototuna Walk and Cycle Network' (MS Map 057, Rule 9.1).

c) Access in Residential Zones

- i) Practical all weather vehicular access should be provided to each allotment or unit site area either directly from a road or over an individual or shared access.
- ii) Any vehicle access should safely and conveniently accommodate the traffic likely to be generated by the number of residential units in the development.

- iii) Vehicle access should be of a standard which permits the passing of cars where conflicts are likely because of traffic volumes or restricted visibility as well as accommodate access by furniture vans and emergency vehicles where warranted.
 - iv) Provision for vehicle access should be in a form which allows the safe movement of pedestrians, accommodates network utility services and maintains the amenities of neighbouring properties.
- d) Commercial and Industrial Subdivision**

Where any subdivision involves the division of any land and/or buildings in any commercial or industrial zone into separate allotments, then the size, shape and arrangement of such allotments and provision for access should be such as to satisfy the following:

- i) Adequately accommodate any potential principal buildings and accessory buildings in compliance with the provisions of this District Plan.
 - ii) Ensure compliance with those provisions of this District Plan relating to the access, manoeuvring and parking of cars and service vehicles in relation to each business while minimising traffic conflicts on major arterial routes.
 - iii) Provide for the protection of the amenity values of adjoining residential areas and of major arterial routes.
 - iv) Provide for the mitigation of adverse effects on the environment, avoidance of conflicts with neighbours and avoidance of hazards (particularly in industrial areas).
 - v) Ensure adequate and convenient provision for the access, manoeuvring and parking of vehicles particularly in any Suburban Centre Zone.
 - vi) Facilitate the principles and proposals contained in the Indicative Structure Plan - Central Area in Appendix 4.3-II.
 - vii) Ensure the protection of residential amenity values where adjacent to any Suburban Centre Zone.
- e) Access Commercial and Industrial Zones**

- i) Practical and convenient all-weather vehicular access should be provided where practicable to each commercial allotment either directly from a road or service lane or over an individual or shared access in a form adequate to accommodate normal service traffic associated with the intended activities but not so as to conflict with any provisions for maintaining pedestrian shopping frontages in [Rule 4.2.2 e\)](#) and [Rule 4.3.2 f\)](#).
- ii) Practical and convenient all-weather vehicular access should be provided to each industrial allotment either directly from a road or over an individual or shared access in a form adequate to accommodate a 99 percentile truck, to permit two trucks to pass safely where warranted by the volume of traffic and to permit access by emergency vehicles.
- iii) Where fronting a major arterial road access to each allotment should be from a common vehicle access/crossing located in accordance with [Rule 5.2](#).
- iv) Vehicle access should be of a standard which will not detract from the amenities of neighbouring residential properties.

f) Subdivision in the Future Urban and Peacocke Future Urban zone

The size, shape and arrangement of allotments in any subdivision in the Future Urban Zone should be such that it satisfies the following:

- i) Allows for the effective management of land for farming purposes and the maintenance of the productive capacity of quality soils pending urban development.
- ii) Accommodates existing and potential principal buildings, accessory buildings and associated activities in a flexible manner and suitable future building sites are identified where relevant.
- iii) Ensures adequate access by the public in respect of margins of the Waikato River, lakes and streams and to gullies and other reserve areas.
- iv) Ensures the boundaries are logically related to significant topographical features and have adequate regard to the Environmental Protection Overlay.
- v) Provides for the mitigation of adverse effects on the environment and avoidance of natural hazards and conflicts with adjoining existing and potential activities.
- vi) Gives adequate recognition to proposals shown on the structure plan and concept plan for the area set out in [Rule 9.0](#) or Appendix 1A and 1B and in particular boundaries should logically relate to indicative roads and open space areas.
- vii) Ensures adequate on site provision for access, manoeuvring and parking of vehicles in accordance with [Rule 5.2](#).
- viii) Ensure that any subdivision within the Future Urban Zone provides for a range of lot sizes to enable the provision of housing diversity and choice.

g) Access in the Future Urban and Peacocke Future Urban Zone

- i) Practical all weather vehicle access, sited to ensure safe traffic visibility, should be provided for each allotment either directly from a road or over an individual or shared access.
- ii) Access should be provided in a manner which minimises traffic conflicts and protects traffic safety and efficiency on major arterial roads.
- iii) Vehicular access in a form adequate to accommodate heavy vehicles should be provided to rural allotments unless the site is used primarily for residential purposes.
- iv) Provision should be made for reasonably direct connections of an adequate standard to the city's arterial roading network in terms of safety, convenience and impacts on residential neighbourhoods.

h) Other Zones and Activities

Any subdivision in a Recreation Zone, or the Community Facilities or Major Facilities Zone, or of any designated or scheduled site should satisfy the following:

- i) Such subdivision should result in sites suitable for an integrated and functional development appropriate to the intended use and to the zone and compatible with neighbouring development.

- ii) The size and configuration of the allotments and the provision for access should satisfactorily accommodate the particular activities while ensuring adequate provision for the access, manoeuvring and parking of vehicles.
- iii) The size and configuration of the allotments should be such that surrounding residential or recreational amenity values can be adequately protected and adverse effects on the environment avoided or mitigated.
- iv) Practical all weather vehicular access should be provided to each allotment either directly from a road or over an individual or shared access of a standard adequate to accommodate service and maintenance vehicles.

6.3.7 Assessment Criteria for Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed in respect of the subject matter of the standard with which the activity was unable to comply or the specific matters identified.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) Whether any adverse or cumulative effects will occur from the subdivision or non-compliance and whether they can be avoided or mitigated.
- iv) Whether the site, given its size, configuration, access, topography and existing development, can be subdivided as proposed in an effective and environmentally acceptable manner. The design principles contained in the Guidance set out in Rule Section 10.0 and Appendix 1C.
- v) The extent to which the proposal is consistent with the principles and proposals contained in any relevant Structure Plan and Concept Plan set out in Rule Section 9.0 or Appendix 1A and 1B.

b) Commercial and Industrial Zones

Where any subdivision involves land and/or buildings in the City Centre, Suburban Centre, Commercial Service or Industrial Zone, the extent to which the size, shape and arrangement of allotments and provision of access will affect the following:

- i) The convenience of occupants.
- ii) Provision for on site loading and facilitation of service deliveries to individual businesses.
- iii) Adequate and convenient access by the public to individual businesses.
- iv) Public amenities, particularly relating to shopping frontages.

- v) The need to minimise traffic conflicts on major arterial routes.

c) Future Urban Resubdivision Potential

- i) Whether closer subdivision is carried out in a manner which facilitates future urban resubdivision particularly with regard to achieving an efficient and cohesive urban layout and economic provision of infrastructure.
- ii) Whether for closer subdivision, access to all allotments is provided in a form, which facilitates future urban subdivision of the individual allotments in an economic manner, and the extent to which rear lots are avoided.
- iii) The extent to which appropriate provision is made as part of any closer subdivision for effective future urban resubdivision taking into account underlying concept plans, legal agreements, bonds and the like.
- iv) Whether any proposals shown on the structure plan or concept plan for the area set out in Rule 9.0 or Appendix 1A and 1B are compromised by closer subdivision.

d) Future Urban Intensification

The extent to which the cumulative effects of increased development due to the further significant fragmentation of rural land would impact on the following:

- i) The environment, including any adverse effects of additional septic tank disposal and the need to avoid contamination of natural waters from stormwater and effluent particularly with respect to the Waikato River, Mangakotukutuku Gully System, Lake Rotokauri and Horseshoe Lake.
- ii) The desirability of providing an off-site wastewater treatment and disposal system for the locality where the intensity of development and environmental conditions warrant.
- iii) The ability of the local roading network to accommodate increased traffic flows and the effects on of nearby urban streets giving access to the rural area in terms of traffic capacity and amenity values.
- iv) The rural amenity values of the locality in the interim, including detraction from the rural landscape and the potential for conflict with established farming and related activities in terms of reverse sensitivity.
- v) The potential conflicts with existing and future infrastructural works.

e) Other Future Urban Issues

- i) Where network utility services are not available, whether any allotment will be self sufficient in respect of water supply and of a sufficient size to enable disposal of stormwater and wastewater effluent in a manner that avoids contamination of water resources including any cumulative adverse effects on ground water, the Waikato River and the gully, lake and wetland ecosystems.
- ii) Whether for any subdivision relating to boundary relocations between two or more adjoining existing lots, it can be demonstrated that the subdivision will not prejudice

future resubdivision for urban purposes and that the configuration of and access to the allotments, complies with the other provisions of this rule.

f) Subdivision within the Peacocke Future Urban Zone (Appendix 6.3-VI)

Any subdivision within Stage 1 should satisfy in addition to 6.3.7 a), c), d) and e) the following:

- i) The design and layout of a subdivision shall be undertaken in such a way to provide for a variety of lot sizes and orientation that encourage a mix of housing types.
- ii) Any subdivision on Sec 1 SO 57582 should also satisfy, in addition to the above, the following:
 - The extent to which any development has demonstrated that the potential impact on the capacity of the wider waste water network servicing the site has been addressed.
 - The extent to which any development is able to provide a connection to the State Highway network that is of an adequate standard in terms of safety, convenience and its ability to address the adverse effects create by the potential increase in traffic volumes on the network.

Any subdivision within Stage 2 should satisfy, in addition to 6.3.7 a), c), d) and e) the following:

- i) The extent to which the proposed subdivision takes into account existing rural activities, the location of building platforms in relation to existing land uses and the proposed arterial roads as shown on the Peacocke Structure Plan (Appendix 9.2-I)
- ii) Whether the configuration of lot boundaries and the placement of building platforms would facilitate future urban re-subdivision, particularly with regards to achieving an effective and cohesive urban layout anticipated by the Peacocke Structure Plan and not compromise the economic provision of future infrastructure.
- iii) The extent to which the development is able to demonstrate connectivity to the wider neighbourhood as shown in the Peacocke Structure Plan (Appendix 9.2-II), in accordance with Rule 10.1 (Subdivision Design Guide Residential), and consistency with any concept plans, the development objectives and structure plan elements identified within the Peacocke Structure Plan.
- iv) The extent to which any subdivision gives effect to the Vision and Strategy for the Waikato River as expressed in the relevant statutory documents.
- v) The extent to which the development avoids of natural hazards.
- vi) The extent to which the nature of the development and the configuration of the proposed allotments is compatible with maintaining the natural values of the character areas described in the Peacocke Structure Plan (Appendix 9.2-II).
- vii) The extent to which any development has demonstrated that it can connected to the existing wastewater network and that the potential impact on the capacity of the wider waste water network as been addressed.
- viii) The extent to which any development has demonstrated that it has provided a connection across the Waikato River to join with the existing network that is in accordance with Rule 9.2 Peacocke Structure Plan and is of an adequate standard in terms of design, staging, safety and convenience.

g) Rototuna Medium Density Area

- i) The proposed subdivision layout, lot size and configuration, access, site development and infrastructural works is in accordance with an approved comprehensive development plan.

h) Rototuna Suburban Centre Zone

Where any subdivision involves land and/or buildings in the Rototuna Suburban Centre regard will be had to the extent to which the size, shape and arrangement of allotments and provision of access will affect the following:

- i) The convenience of occupants.
- ii) Provision for on site loading and facilitation of service deliveries to individual businesses.
- iii) Adequate and convenient access by the public to individual businesses.
- iv) Public amenities, particularly relating to shopping frontages.
- v) The need to minimise traffic conflicts on major arterial routes.
- vi) The proposed subdivision layout, lot size and configuration, access, site development and infrastructural works is in accordance with an approved Comprehensive Development Plan.

i) Rototuna North East Residential Area

- i) Development within the North East Residential area in the Rototuna Residential zone should establish the indicative roading network and pedestrian and cycle connections shown on Map 'MS Map 057 Cycle and Walking Network', Rule 9.1 Rototuna Structure Plan.
- ii) Any subdivision of the North East Residential Area should satisfy the following:
 - a) The extent to which the nature of the development and the configuration of the proposed allotments is compatible with maintaining the character and natural topography of the area.
 - b) The extent to which any development has demonstrated that it will not adversely impact on the City's transportation network, in particular the Kay Road and Horsham Downs Road connection points over the Waikato Expressway (Designation 90)
 - c) The extent to which the development:
 - Responds to the existing landform by avoiding excessive earthworks.
 - Locates roads on ridges or valleys to avoid significant cut and fill (earthworks),
 - On steeper land, achieves areas to the front of sites with relatively low gradients to facilitate building development and access, transitioning the slope with steeper areas to the rear of the site.
 - Creates a block pattern where lots front streets and back onto the backs of other lots.
 - Achieves a permeable pedestrian network in streets and reserves.
 - Achieves a visual buffer, such as planting, between the Waikato Expressway and adjacent open space or residential lots.

- Complies with the requirements of the Te Awa o Katipaki Catchment Management Plan.
- d) The extent to which development:
- Includes informal recreation areas, such as playground facilities, and cycle and walking paths and landscaping (adjoining the designation boundary of the Waikato Expressway) will achieve a visual screen from the NEA to the Expressway and integrates with the design of the subdivision.
 - Includes planting that responds to the location with different species creating different environments along the corridor edge and avoids a linear strip reading as a buffer strip.
 - Accommodates the principles of CPTED and promotes the 'Rototuna Cycle and Walking Network', (Map MS Map 057, Rule 9.1 Rototuna Structure Plan).

Rule 6.4 Provision of Infrastructure and Financial Contributions

Rule Statement

This rule sets out the requirements for financial contributions to the development of infrastructural services and roading needed to help manage the impacts on the environment arising from the subdivision and development of land. This involves the provision of local roading and network utility services within the land being subdivided or developed.

The City's infrastructural networks play an important part in addressing environmental impacts and meeting people's needs and include:

- a stormwater system capable of mitigating, remedying or avoiding any adverse environmental effects attributable to stormwater runoff or changes in groundwater which may arise or be exacerbated as a consequence of land subdivision and subsequent urban development;
- a wastewater collection system capable of protecting public health and avoiding any adverse environmental effects associated with wastewater discharge through the proper collection and disposal of all water-borne wastes resulting from the use of land particularly for urban purposes;
- a water supply reticulation system capable of protecting public health, affording fire protection and meeting the needs arising from the subdivision and development of land without detriment to the environment;
- a roading network which will allow for the safe, efficient and environmentally acceptable movement of all types of anticipated traffic arising from land subdivision and consequent urban development.

Expected Outcome

The economic and equitable provision of a stormwater disposal, wastewater collection and water supply systems and a roading network needed to avoid, remedy or mitigate the impacts of land subdivision and subsequent urban development on the environment and to ensure public health and safety.

Means of Compliance

The following Rules shall apply to any subdivisional consent pursuant to [Rule 6.1](#) and shall be read in conjunction with [Rule 6.2](#), [Rule 6.8](#) and [Rule 6.9](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.3 Network Utilities and 4.4 Subdivision and Development of Land.

6.4.1 Provision For Works and Financial Contributions

The following provisions apply to all Resource Consents.

a) Provision of Works

Where roads, works, services or facilities are required to be provided as part of the subdivision or development in accordance with this Rule then the following shall apply:

- i) They shall be constructed in accordance with any conditions imposed under this Rule and [Rule 6.7](#) and [Rule 6.8](#).
- ii) The subdivider or developer shall be responsible for meeting the full costs of making such provision including where the work is carried out by Council.
- iii) Any road shall vest in Council on deposit of the survey plan.
- iv) Any other works services or facilities shall vest in Council on deposit of the survey plan where located within a road or reserve or where circumstances warrant public control.

b) Where Works and Contributions Required

- i) Roads, works, services, facilities or financial contributions in accordance with this Rule shall be provided as a condition of consent, where specified in respect of any subdivision consent resulting in additional allotments or any land use consent for a development, in accordance with [Rule 6.1.4](#) and having regard to the provisions of [Rule 6.2](#).
- ii) In determining any resource consent Council may, regardless of any works or contributions required under [Rule 6.4.1 b\) i\)](#), but only in accordance with [Rule 6.1.4 d\)](#) require the provision of works or contributions required to avoid, remedy or mitigate impacts of the proposed activity on the environment, infrastructure, and the transportation system as a condition of that consent and having regard to the relevant performance assessment.
- iii) Financial contributions payable in cash in respect of a subdivision consent shall be paid prior to the issue of a certificate under Section 224 of the RMA while contributions in the form of land or works shall be vested on deposit of the survey plan.
- iv) Financial contributions payable in respect of any development or as a condition of a land use consent must be paid prior to the uplifting of the relevant building consent or before the commencement of the activity (where applicable).

c) Provision of Local Purpose Reserves

- i) In exercising any discretion available under [Rule Section 6.0](#) Council may require a contribution for the purpose of providing local purpose reserves relating to the establishment of network utilities and to roading and accessways, and that these reserves shall be vested in Council.
- ii) Any reserve required in accordance with [Rule 6.4.1 c\) i\)](#) shall be determined and assessed in terms of the provisions set out in [Rule 6.4](#) and [Rule 6.8](#) and shall be in addition to any reserve contribution assessed under [Rule 6.5](#).

6.4.2 Stormwater Disposal

The following standards apply to all Resource Consents.

a) Provision of Stormwater Disposal Facilities

- i) Any subdivision and development of land shall, where practicable, make provision for the on-site disposal of stormwater to ground or other low impact system and for any overflow to be disposed of via the city's stormwater system.
- ii) Where any subdivision results in additional allotments to be used for urban purposes, where any residential development comprises two or more residential units or where for any development the total area of impermeable surfaces on the site exceeds 4,000m², the following stormwater services shall be provided:
 - the installation or upgrading of a common public drain extending from the main trunk stormwater system (pipeline interceptor or main tributary stream) to serve all parts of the subdivision or subject site
 - a connection from the common public drain to each allotment or to each residential unit.
- iii) In exercising any discretion available under Rule 6.1.4 d), Council may require the provision of the stormwater services described in Rule 6.4.2 a) ii) as a condition of resource consent.
- iv) Any stormwater service required under Rule 6.4.2 a) i) and Rule 6.4.2 a) ii), including the upgrading of existing facilities to accommodate increased flows attributable to the subdivision or development shall be constructed to the standard specified in Rule 6.8.1 a) and shall be provided in accordance with Rule 6.4.1.
- v) Where any natural or artificial watercourse is utilised as part of the stormwater system, then the vesting of a Local Purpose Reserve (Drainage), of up to 10m in width may be required in accordance with Rule 6.4.1 d).

b) Rototuna Structure Plan

The following standards apply to Stages 3 and 4 of the Rototuna Structure Plan as identified in Appendix 6.9-II

- i) Stormwater secondary flowpaths shall be identified for flows greater than the design level of service for the primary stormwater system.
- ii) Provision shall be made for stormwater runoff generated from rainfall falling on the site in all storm events up to and including the 1 in 50 year Average Recurrence Interval storm to be managed without impacting commercial, industrial or habitable residential floor levels.
- iii) Secondary flow paths serving more than one site shall be designed to provide protection for adjacent and upstream buildings such that a freeboard exists between the computed top water level up to the 1 in 100 year Average Recurrence Interval storm flows and the building platform level. The freeboard shall be:
 - Habitable residential buildings 0.5m;
 - All other buildings 0.3m

ADVISORY NOTE — In the Rototuna Suburban Centre Zone and the Rototuna Residential Zone Medium Density Residential Area, where a land use consent application is not accompanied by a subdivision consent, the application must show the ultimate subdivision site boundaries in order to demonstrate compliance with [6.4.2 \(b\)\(iii\)](#).

6.4.3 Wastewater System

The following standards apply to all Resource Consents.

a) Provision of Wastewater Collection System

- i) Where any subdivision results in additional allotments to be used for urban purposes or where any residential development comprises two or more residential units, provision shall be made for a wastewater collection system as follows:
 - the installation or upgrading of a common public drain and or pump stations extending from the Trunk Wastewater System to serve all proposed allotments in the subdivision or the subject land
 - a connection from the common public drain to each proposed allotment or to each residential unit.
- ii) In exercising any discretion available under [Rule 6.1.4 d\)](#) Council may require the provision of the public drains and connections described in [Rule 6.4.3 a\) i\)](#) above as a condition of resource consent.
- iii) Any wastewater collection system required under [Rule 6.4.3 a\) i\)](#) and [a\) ii\)](#) above, including the upgrading of existing facilities to accommodate any increased wastewater volume likely to arise from the subdivision or development of land shall be constructed to the standard specified in [Rule 6.8.1 b\)](#) and shall be provided in accordance with [Rule 6.4.1](#).

6.4.4 Water Supply

The following standards apply to all Subdivision Consents.

a) Provision of Water Supply Reticulation

- i) Where any subdivision results in additional allotments to be used for urban purposes or where any residential development comprises two or more residential units, provision shall be made as part of that subdivision or development for a water supply reticulation as set out below.
- ii) In respect of a site outside the pre 1977 boundaries of Hamilton City, a public water supply reticulation system shall be installed extending from the main trunk water supply system (or from an existing water supply reticulation if appropriate) to serve each allotment or the subject site.
- iii) In respect of a site outside the pre 1977 boundaries of Hamilton City and where the subdivision or development has frontage to an existing road or to a road to be constructed by or on behalf of Council, an Existing Road Supply Levy shall be paid in accordance with [Rule 6.4.1](#) as follows:

Water Supply Service Areas	Specified Roads	Existing Road Supply Levy
Powells Road	Powells Rd	\$55.57
Gordonton	Gordonton Rd & Borman Rd	\$75.71
	Thomas Rd, Tramway Rd, Crosby Rd & Hukanui Rd	\$55.11
Rototuna	Rotouna Rd, Cate Rd, Hukanui Rd, Horsham Downs Rd & Thomas Rd	\$55.11
Flagstaff/Harrowfield	River Rd, Rototuna Rd & Endeavour Ave	\$55.11
Brymer	Brymer Rd & Baverstock Rd	\$49.28
Dixon Road	Dixon Rd	\$57.67
Horsham Downs	Kay Rd, Horsham Downs Rd	\$75.71
River Road North	River Rd, Sylvester Rd	\$55.11
	Kay Rd	\$75.71
Rotokauri	Brymer Rd (Baverstock to Rotokauri)	\$88.00
	Rotokauri Rd (Baverstock to SW1) &	\$58.50
	Rotokauri Rd (SW1 to Brymer)	\$58.50
	Te Kowhai Rd (Tasman to Ruffell)	\$102.00
	Rotokauri Rd (Brymer to Lee)	\$58.50
	Lee Rd	\$58.50
	Exelby Rd (Lee to Burbush)	\$88.00
	Exelby Rd (Burbush to Te Kowhai)	\$88.00
	Burbush Rd	\$58.50
	Te Kowhai Rd (Exelby to Burbush)	\$88.00
	Te Kowhai Rd (Burbush to N1)	\$88.00
	Ruffell Rd (Te Kowhai to Te Rapa)	\$88.00
	Tasman Rd	\$44.00
	Baverstock Rd	\$29.00

(Existing Road Supply Levies are in dollars per metre as at December 1998)

- iv) In respect of a site anywhere within the City's water supply area, a connection shall be provided from the water supply reticulation to each proposed allotment or to each residential unit.
- v) In exercising any discretion available under [Rule 6.1.4 d\)](#) Council may require the provision of the water supply reticulation and connections described in [Rule 6.4.4 a\) i\)](#) above as a condition of resource consent.
- vi) Any water supply reticulation required under [Rule 6.4.4 a\) i\)](#) and [v\)](#) above, including the upgrading of existing facilities to accommodate increased water demand arising from the subdivision or development of land, shall be constructed to the standard specified in [Rule 6.8.1 c\)](#) and shall be provided in accordance with [Rule 6.4.1](#).

6.4.5 Roading

The following standards apply to all Resource Consents.

a) Provision of Subdivisional Roads

- i) Where the subdivision of land within any part of the city results in additional allotments and requires the provision of new roads, or the upgrading of existing roads, or the provision of accessways or cycleways in accordance with [Rule 6.2.2 d\)](#) and [Rule 6.8.1 d\)](#) then subject to [Rule 6.4.5 a\) ii\)](#) and except as provided in [Rule 6.4.5 b\)](#) all such roads and facilities shall be constructed by the subdivider and vested in Council in accordance with [Rule 6.4.1](#).
- ii) That where any subdivision of land takes place outside the pre 1977 boundaries of Hamilton City and results in additional allotments for urban purposes then:
 - collector roads, shown on the relevant structure plan for the area shall be provided generally as shown and in accordance with [Rule 6.2.2 d\)](#) and [Rule 6.8.1 d\)](#) as part of that subdivision and vested in Council
 - subject to [Rule 6.4.5 c\)](#) below, land designated on the district planning maps for any major arterial or minor arterial road shall be set aside as part of the subdivision and vested in Council
 - where any allotments within the subdivision have vehicular access to a major arterial or minor arterial road which was not an existing road prior to 24 July 1993, payment of an Arterial Road Access Levy of \$2,750 per allotment shall be required.
- iii) In exercising any discretion available under [Rule 6.1.4 d\)](#) Council may require the provision of new roads, the upgrading of existing roads or the payment of a levy in accordance with this Rule as a condition of resource consent. In particular it may require works and financial contributions in accordance with [Rule 6.1.4 d\)](#) with respect to any activity for which a Traffic Impact Study is required pursuant to [Rule 4.4](#) and [Rule 4.5](#) or to an application for a controlled activity for any commercial, industrial, institutional or recreational development having on site parking in excess of 50 spaces or for any residential development intended to accommodate more than 50 residents.

b) Upgrading of Existing Roads in Relation to Subdivision

Where a subdivision of land within any part of the city results in additional allotments for urban purposes and the subdivision fronts an existing road then:

- i) Where the road is formed, and unless that part of the road adjacent to the subdivision lying between the edge of the carriageway and the legal boundary of the road has been developed to the standard provided for in [Rule 6.8.1 d\)](#), the payment of a berm upgrading levy of \$110 per metre of frontage shall be required.
- ii) Where the road was formed prior to 24 July 1993 but that part of the road adjacent to the subdivision lying between the edge of the carriageway and the legal boundary of the road has been developed by Council to the standard provided for in [Rule 6.8.1 d\)](#) after 24 July 1993 then the payment of a berm upgrading levy of \$110 per metre of frontage shall be required.
- iii) Where the road is unformed or is only a road reserve, then the road shall be constructed as part of the subdivision.

- iv) Where road widening or a segregation strip is required as a consequence of the subdivision then such land shall be vested in Council as part of the subdivision.
- v) No financial contribution towards the provision of berm upgrading shall be required if such a contribution has already been paid in respect of that frontage.

6.4.6 Failure to Meet Standards

- a) Subdivisions which do not comply with one or two standards relating to the provision of works or payment of financial contributions in [Rule 6.4.2](#), [Rule 6.4.3](#), [Rule 6.4.4](#) and [Rule 6.4.5](#) are **Restricted Discretionary Activities** with discretion restricted to the subject matter of the standard that can not be met.
- b) Subdivisions which do not comply with three or more standards relating to the provision of works or payment of financial contributions in [Rule 6.4.2](#), [Rule 6.4.3](#), [Rule 6.4.4](#) and [Rule 6.4.5](#) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and to any related objectives and policies, and to the following.

6.4.7 Assessment Criteria

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria for Provision of Infrastructure

The integrity of each infrastructural system or network, its economic provision and the equitable distribution of its cost including the following:

- i) The need for any system or network to be developed and operated in an integrated manner for an overall catchment.
- ii) Ensuring financial equity between the various subdividers and developers contributing to the overall system or network and the availability of public funds.
- iii) Ensuring the efficient and economic use of existing facilities.
- iv) Potential for avoiding uneconomic investment in new facilities and for making the costs of such works a charge on development of new urban areas.

b) Environmental Criteria for Stormwater Disposal

Any actual or potential adverse environmental effects including the following:

- i) Any flooding, erosion, soil instability or other adverse effect which could cause any damage to the environment or to property or which could give rise to hazards to persons or structures on the site or other land.
- ii) Any contamination of groundwater, surface water, wetlands, watercourses, rivers or lakes which could adversely affect the environment or create a risk to health.
- iii) Any changes in groundwater levels or surface water flows, which could adversely affect the environment.
- iv) The desirability of minimising changes in natural drainage systems within the Environmental Protection Overlay.

c) Other Criteria for Stormwater Disposal

- i) The nature of the site and of the proposed development with respect to the potential for stormwater run-off likely to be generated relative to the existing and planned capacity of the stormwater system, having particular regard to developments involving large areas of impermeable surfaces.
- ii) The feasibility of any proposed alternative disposal system including the opportunity for its long term integration with the city stormwater system and taking into account other resource consents which may be necessary to give effect to any such proposal.

d) Criteria for Wastewater

- i) Any actual or potential adverse environmental effects including any contamination of groundwater, surface water, wetlands, watercourses, rivers or lakes which could adversely affect the environment or create a risk to health.
- ii) The nature of the development and proposed use of the site with respect to the potential for an increased volume of wastewater relative to the existing and planned capacity of the wastewater collection and treatment system, particularly with regard to high density developments and to activities generating significant trade wastes.
- iii) The feasibility of any proposed alternative disposal system including the opportunity for its long term integration with the city system and taking into account other resource consents which may be necessary to give effect to any such proposal.

e) Environmental Criteria for Water Supply

Any actual or potential adverse environmental effects including the following:

- i) The risk to health through a lack of adequate potable water.
- ii) The possibility of damage to the environment or property or of danger to people arising from inadequate fire fighting capability.
- iii) The cumulative effect of individual water abstractions.

f) Other Criteria for Water Supply

- i) The nature of the site and of the proposed development with respect to the potential demand for water relative to the existing and planned capacity of the water supply system particularly with regard to activities involving high water usage or high fire risk.
- ii) The feasibility of any proposed alternative water supply system including the opportunity for its long-term integration with the city system and taking into account other resource consents which may be necessary to give effect to any such proposal.

g) Operational Criteria for Roothing

- i) The provision of an integrated and effective roading hierarchy giving safe and convenient access throughout the locality and to the rest of the city.
- ii) The extent to which a road meets local, district or regional traffic needs and the traffic impacts of the development on roads in neighbouring areas.
- iii) The standard of existing road formation.
- iv) Whether the movement of pedestrians, cyclists and persons with disabilities and the accommodation of infrastructural services is adequately provided for.
- v) The adequacy of the arterial roading network giving access to rural areas to accommodate a cumulative intensification of development.

h) Environmental Criteria for Roothing

Any actual or potential adverse environmental effects including the following:

- i) Excessive air pollution and noise and arising from restrictions on the free flow of traffic.
- ii) Impacts on neighbourhood amenities and on safety arising from excessive traffic flows on local roads.
- iii) Impacts on the physical environment as a result of inappropriate road design and construction.

i) Criteria for Roothing relating to Developments

The nature and location of the site and its proposed development and use with respect to the potential traffic generation relative to the existing and planned capacity of the roading network having particular regard to the establishment or expansion of activities of a traffic intensive nature along arterial routes in Commercial Service and Industrial Zones.

j) Environmental Criteria for Local Purpose Reserves

- i) Whether any adverse effects may be adequately mitigated or avoided by other means such as building line restrictions, covenants, other rules and provisions within the District Plan to achieve the expected outcome.
- ii) The extent to which any adverse effects are confined to the immediate vicinity of the site and any impacts on the surrounding environment are insignificant.

k) Operational Criteria for Local Purpose Reserves

Whether the required contribution will satisfy the following:

- i) Allow adequate access for the servicing of any network utility and facilitate the essential operation of any network utility or road network.
- ii) In terms of the location of any network utility or local purpose reserve for roading, effectively mitigate or avoid any effects and potential dangers or hazards on the environment.
- iii) Be in general accordance with any provision under Rule 3.3 Roads and Network Utilities.
- iv) Ensure the effective operation of any natural or artificial watercourse providing stormwater drainage and facilitating the maintenance of the watercourse.
- v) Adequately accommodate future roading and other access needs arising from the subdivision or development.
- vi) Adequately mitigate and avoid any adverse effects on the environment or will improve the natural and physical environment.

Appendix 6.4 –I Arterial Road Access Levy

Levy:	Arterial Road Access Levy
Purpose of Levy:	<ul style="list-style-type: none"> • To ensure that other developers contributing to the arterial roading network are not financially disadvantaged by allowing frontage subdivision along arterial streets. • To contribute to funding the provision of the arterial roading network. • To discourage unnecessary individual vehicular access onto arterial streets and to fund mitigating works.
Area Covered by Levy:	<ul style="list-style-type: none"> • The levy applies to urban subdivision fronting arterial roads in the new growth areas of the city outside the pre 1977 boundary of Hamilton City.
Application of Levy:	<ul style="list-style-type: none"> • The levy is payable for each allotment in a subdivision having vehicular access to an arterial street either across the frontage or over a right of way or access lot.
Calculation of Levy:	<ul style="list-style-type: none"> • The amount of the levy is equal to the cost of constructing the berm and half the carriageway of a local residential street across an average frontage to an allotment. The levy of \$2750 equates to \$183.33/m (based on the cost of 1m x 3m of pavement plus the berm levy) over an average frontage of 15m, which allows for a limited number of rear sites. The levy is adjusted annually by the Statistics New Zealand Producers Price Index for Construction.
Rationale for Levy:	<ul style="list-style-type: none"> • The levy is an economic instrument intended to secure equity between developers and to regulate access to arterial streets. In that regard the arterial road network is a significant physical resource which needs to be sustainably managed in terms of Section 5 of the Resource Management Act . • The arterial road network is funded by the community and developers generally, primarily for the purpose of carrying traffic generated by urban development in the new growth area. Access to allotments is normally from local streets provided by individual developers who also contributed to the arterial roading network so it would be inequitable to allow the use of arterial streets for access without a compensating payment. The extra arterial roading costs of accommodating such access also needs to be recovered. • Limiting the number of accesses to an arterial road is desirable to ensure traffic safety and convenience thereby maintaining amenity. Applying the levy on an allotment rather than a frontage basis can therefore act as a financial disincentive to creating additional accesses, particularly for rear sites and such a market mechanism is likely to be more efficient than direct regulation in terms of Section 32.

Notes: In practice the levy applies to those areas which are subject to the Arterial Roding Levy and shown on Appendix 6.4-IV of the Plan.

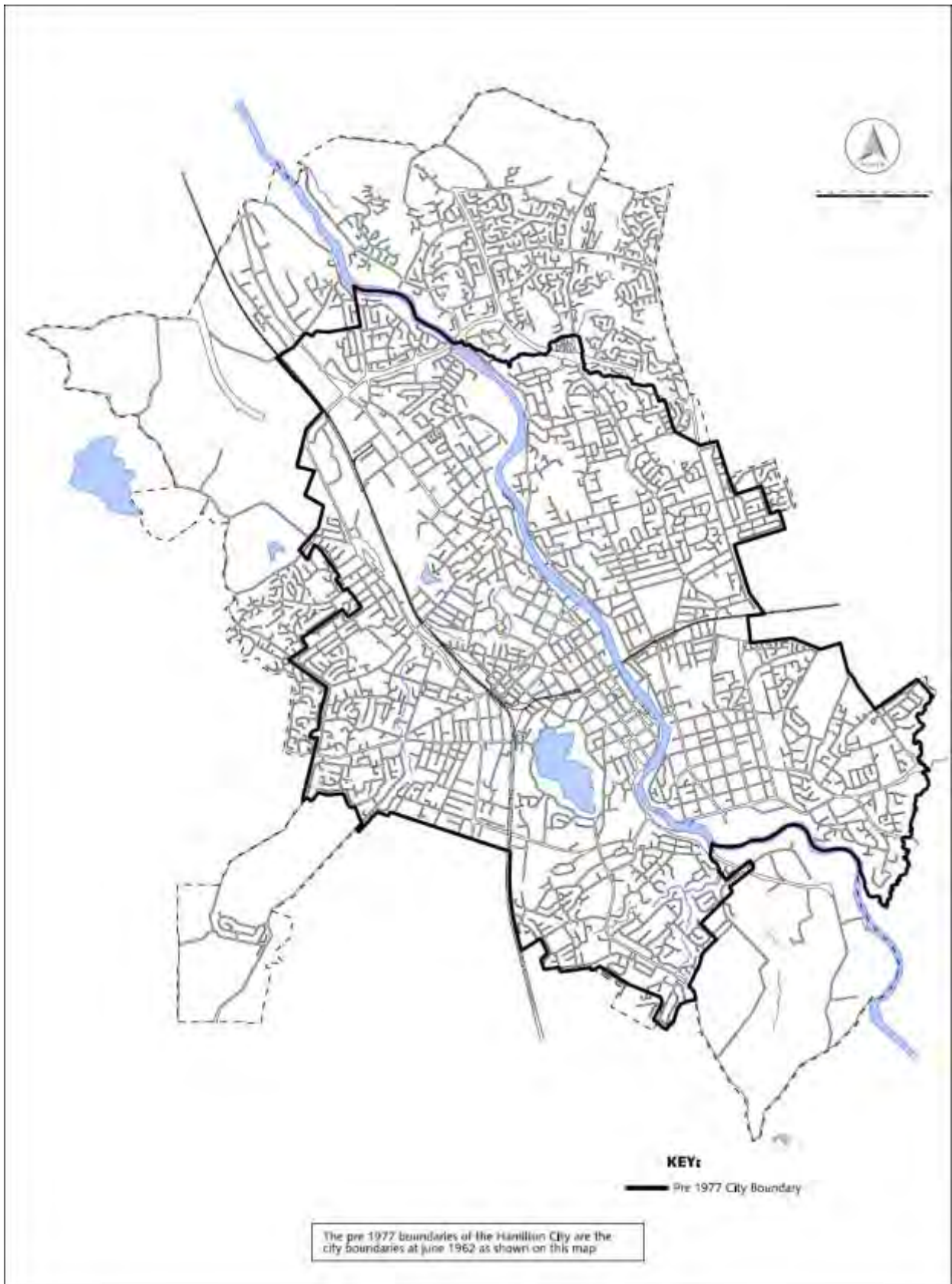
The levy applies in respect of those arterial roads constructed after the present subdivisional provisions were introduced through the notification of Plan Change No.8 to the City of Hamilton District Scheme 2nd Review on 24 July 1993.

The amount of the levy does not relate to the cost of the arterial road but rather to the cost the subdivider would otherwise incurred if a subdivisional road had to be provided.

Appendix 6.4 – II Berm Upgrading Levy

Levy:	Berm Upgrading Levy
Purpose of Levy:	<ul style="list-style-type: none"> • To economically enable, on an equitable basis the provision of road berms and facilities that accommodate safe use by pedestrians, vehicular access and services, and which provide suitable visual amenity.
Area Covered by Levy:	<ul style="list-style-type: none"> • The levy applies throughout the city where any subdivision of land results in additional allotments for urban purposes and the subdivision fronts an existing road on which the berm has either not been developed to Council's urban standards or has been so developed by Council subsequent to 24 July 1993.
Application of Levy:	<ul style="list-style-type: none"> • The levy is calculated on the length of frontage of the subdivision or development adjacent to which the berm has not been developed to an urban standard.
Calculation of Levy:	<ul style="list-style-type: none"> • The levy is derived from an estimation of the typical per metre cost of upgrading a road berm to urban standards. The upgrading estimate includes: <ul style="list-style-type: none"> – Earthworks/shaping; – Kerb and channel; – Footpath (1.5m wide concrete); – Topsoiling and grassing; – Service adjustment; – Street lighting (15% of cost, assuming 30% of benefit is amenity value/70% is carriageway lighting, and cost is shared between both sides of road); – 10% contingencies and 3% design and supervision fees; and a – Preliminaries and general. • The estimate cost comes to \$139/m frontage. • The levy figure has been set at \$110/m, being 80% of this figure in recognition of the fact that the berm upgrading has some value to the general public as well as the frontage.
Rationale for Levy:	<ul style="list-style-type: none"> • The need for accommodating pedestrians, vehicular access across the berm and positive collection of stormwater from the berm and road is predominantly generated by adjacent development. That development is also the prime beneficiary of the resulting improved amenity value. It is therefore equitable that the majority of the cost of the berm upgrading works be met by the adjacent subdivision or development.

Appendix 6.4 –III Pre 1977 Boundaries of Hamilton City



Rule 6.5 Reserves Contributions

Rule Statement

These provisions set out the requirements for ensuring land is available for environmental protection, enhancement of amenity values and recreational opportunities throughout the city. Reserves contributions help provide open space and reserve land as part of the Green Network to meet people's recreation and amenity needs and to retain natural features.

Contributions in land or cash are required to be provided where land is subdivided or developed to ensure open space for environmental and recreational purposes is set aside as reserves subject to the Reserves Act 1977, in association with development where practicable. Reserves contributions will be required not only for residential developments but also for business and in appropriate cases community developments.

Expected Outcome

The adequate provision and distribution of reserves, open space and facilities secured at the time of subdivision and the development of land which contributes to the social, environmental, recreational, cultural and amenity needs and values of the community.

Means of Compliance

The following standards apply to any subdivision consent pursuant to [Rule 6.1](#) and shall be read in conjunction with [Rule 6.2](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 3.1 Natural Values, 4.4 Subdivision and Development of Land, and 5.2 Recreation.

For subdivision and development of land within the Rototuna Suburban Centre Zone the following modifications to the provisions of this Rule shall apply:

- Reference to the Suburban Centre Zone shall also apply to the Retail 1 Precinct and the Retail 2 Precinct in the Rototuna Suburban Centre Zone.
- Reference to the Industrial Zone shall also apply to the Employment Precinct in the Rototuna Suburban Centre Zone.
- Reference to the Residential Zone shall also apply to the Residential Mixed Use Precinct, Residential High Density Precinct and Residential Medium Density Precinct in the Rototuna Suburban Centre Zone.
- Reference to Community Facilities Zone shall also apply to the Community Precinct in the Rototuna Suburban Centre Zone.

6.5.1 General Provisions

The following provisions apply to all Resource Consents, and to Permitted Activities where specified.

a) Where Reserves Contributions Payable

- i) Reserves contributions in accordance with this Rule shall be payable:
 - as a condition of consent where specified in respect of any subdivision consent which results in additional allotments;
 - as a condition of consent where specified for any land use consent for additional residential units or detached dwellings;
 - as a requirement in accordance with Rule 6.5.3, where in the commercial zones any development results in a net increase in gross floor area on the site.
 - as a condition of consent or requirement in accordance with Rule 6.5.3 where in the commercial zones any development establishes one or more residential units;
 - for any subdivision or development in the City Centre or Commercial Service Zones on a site which adjoins the Waikato River;
 - for any subdivision or landuse consent specified in Rule 6.1.4 d)
- ii) Reserves contributions payable in cash in respect of a subdivision consent must be paid prior to the issue of a certificate under Section 224 of the RMA while reserves contributions in the form of land or works shall be vested on deposit of the survey plan provided that such vesting may be required at the time of deposit of the survey plan for any allotments adjoining the land to be vested or when vehicular access is available to that land.
- iii) Reserves contributions payable in cash in respect of any development or as a condition of a land use consent must be paid prior to the uplifting of the relevant building consent, or if that is not applicable, then before the commencement of the activity.
- iv) Reserves contributions will not be required where:
 - a development relating to any non-residential activity results in a net increase in gross floor area of less than 50m²
 - an allotment of less than 50m² is created, provided that this exemption shall relate only to allotments of this size and not to allotments of a greater size forming part of the same subdivision.
 - a proposed subdivision creates separate titles in respect of existing industrial buildings for which a contribution has been previously paid or for which consent was granted prior to the enactment of the RMA on 1 October 1991.

b) Form and Amount of Reserves Contribution

- i) Any reserves contribution as required under this Rule shall be determined in accordance with the provisions specified in Rule 6.5.2 and Rule 6.5.3, and:
 - preference will be given to the taking of land to vest in Council as recreation reserve
 - the area of land to be vested for reserves will be determined on the basis of need having regard to the relevant objectives, policies, performance assessment and other provisions of this District Plan
 - regard shall be had to the provisions of Rule 6.2

- any land to be vested as reserves contribution for recreation or amenity purposes shall be valued in accordance with Rule 6.1.4 a)
 - any site development works such as earthworks, drainage and planting needed to make the land suitable for use and having regard to Part 8 of the Hamilton City Development Manual may be taken into consideration
 - where the value of the land to be vested for recreation or amenity purposes does not equal the reserves contribution as assessed then the balance shall be payable as a credit or debit
 - where it is impracticable or inappropriate to take land, the contribution shall be made in cash
 - any cash contribution will generally be applied to the acquisition of reserves in that part of the City in which the subdivision or development takes place
 - reserve land will be acquired in anticipation of future urban development in accordance with any adopted structure plan
 - entering into restrictive covenants or similar provision for the protection of significant features and public access may be considered to offset part of the assessed reserves contribution in exceptional circumstances.
 - Pedestrian or cycle linkages provided in locations consistent with a strategy adopted as Council policy and vested in accordance with Rule 6.1.4 may be considered to offset part of the assessed reserves contribution.
 - Planting or other amenities intended to avoid, remedy or mitigate environmental effects, provided in addition to the requirements of the District Plan, in locations and of a form consistent with Council policy shall be credited against the relevant reserve contribution.
- ii) Reserves contribution shall be assessed on the average value of all the additional allotments created by a subdivision and the number of such additional allotments shall be those allotments in excess of the number of allotments within the land being subdivided for which a certificate of title has been or could be issued pursuant to Section 226 of the RMA and in determining which allotments should not be assessed, Council may take into account any allotment:
- containing the unsubdivided balance of the vacant land
 - containing the existing detached dwelling or other principal building
 - which has the greatest potential for resubdivision.
- iii) Contributions may be in the form of cash, land (including recreation reserves), works, services or a combination of the above.
- iv) Any contribution specified as a cash amount is as at December 1998 and shall be adjusted annually by the Consumer Price Index on 31 December each year and come into effect on the following 31 March.

ADVISORY NOTE - Application of Funds

In the case of reserves contributions in cash, the funds shall be applied as follows:

- *Acquisition of reserve land in anticipation of future urban development in accordance with any adopted structure plan but generally in that part of the City in which the subdivision or development takes place*
- *Site development of reserve land to vest in Council to a basic standard, including initial drainage, levelling and grassing, fencing*
- *Signs and development plans identifying the purpose of reserve land to vest in Council*
- *Administration of processes including valuation and legal fees, and payment of GST and other Government taxes.*

6.5.2 Standards for Reserves in Residential, Community and Future Urban Zones

The following standards apply to all Resource Consents.

a) Provision of Recreation Reserves

Reserves contributions shall be made in accordance with Rule 6.5.1 as follows:

- i) For any subdivision of land zoned Residential which results in additional allotments, provision shall be made for recreation reserves as part of that subdivision and the value of such contribution shall be assessed at 4.5% of the current market land value of the second and subsequent allotments.
- ii) Where residential development on land zoned Residential results in two or more detached dwellings being established on one allotment with or without a subdivision, provision shall be made for recreation reserves in association with that development and the value of such contribution shall be assessed at 4.5% of the current market land value of the approved unit site areas for the second and subsequent dwellings.
- iii) Where any apartment building, or residential development not subject to Rule 6.5.2 a) i) and a) ii) above on land zoned Residential results in two or more residential units being established on one allotment with or without a subdivision, provision shall be made for recreation reserves in association with that development and the value of such contribution shall be assessed:
 - on the proportion of the land occupied by the second and subsequent residential units where the land is assumed to be evenly divided between the final number of such units; and
 - at 4.5% of the current market land value of the allotment upon completion of the development.
- iv) For any subdivision of land zoned Community Facility, Major Facility or Future Urban which results in additional allotments, provision shall be made for recreation reserves as part of that subdivision in accordance with Rule 6.5.2 a) i), provided that no such contribution is required for any Future Urban allotment with a net site area of 2ha or more.

- v) In exercising any discretion available under Rule 6.1.4 d) Council may, where Rule 6.5.2 a) i), to iv) do not apply, require the provision of recreation and amenity reserves as a condition of resource consent.

6.5.3 Standards for Reserves in Commercial And Industrial Zones

The following standards apply to all Resource Consents, and to Permitted Activities where specified.

a) Provision of Recreation Reserves

Reserves contributions shall be made in accordance with Rule 6.5.1 as follows:

- i) Where any development takes place in the Suburban Centre, City Centre or Commercial Service Zone and results in a net increase in the gross floor area on the site, then a reserves contribution equal to \$10.20 per square metre of additional gross floor area shall be required.
- ii) Where any development takes place in the City Centre, Suburban Centre or Commercial Service Zone (except in the Special Amenity Area) and involves establishing one or more residential units through the construction or conversion of a building, then a reserves contribution equal to \$5.02 per square metre of gross floor area for that part of the development occupied by any residential units shall be required in addition to that required under Rule 6.5.3 a) i).
- iii) Notwithstanding Rule 6.5.3 a) i) and a) ii), where any subdivision or development takes place in the City Centre or Commercial Service zone on a site which adjoins the Waikato River and an extension of the riverbank reserve is considered appropriate, then the vesting of land as recreation reserve may be required and the current market value of that land credited against any reserves contribution which in the case of a subdivision shall be credited against subsequent development.
- iv) That for any subdivision of land zoned Industrial which results in additional allotments, a reserve contribution shall be required as part of that subdivision and the value of such a contribution shall be assessed at 4% of the current market value of the second and subsequent allotments. No such contribution shall be required for any subdivision where the parent allotment was created by a subdivision of land for which the date of issue of the consent was no more than 5 years prior to the current application being made.
- v) Where a reserves contribution is payable in respect of development within the Commercial Service zone, the contribution payable shall be reduced by the amount of any contribution paid in respect of the subdivision of that allotment.
- vi) That in exercising any discretion available under Rule 6.1.4 d) Council may require provision of recreation and amenity reserves as a condition of resource consent.

6.5.4 Failure to Meet Standards

A resource consent or permitted activity which does not comply with a standard relating to any reserves contribution specified in Rule 6.5.2 and Rule 6.5.3 is a **Restricted Discretionary Activity** with discretion restricted to the subject matter of the standard that can not be met.

Performance Assessment

In determining any resource consent under the above, Council shall have regard to the expected outcome for this rule and the relevant zone, to any related objectives and policies, and to the following. The criteria below will be applied to the subject activity for the purpose of determining the extent to which the effects of the activity are relevant to the purpose of any contribution as identified below.

6.5.5 Assessment Criteria for Restricted Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

a) General Criteria

The extent to which the setting aside of land as reserves would satisfy the following:

- i) Adequately mitigate and avoid any adverse effects on the environment or will improve the natural and physical environment.
- ii) Facilitate the preservation and enhancement of any natural and landscape features of the environment, including gullies and significant flora and fauna particularly where located in the Environmental Protection Overlay and contributes to the City's open space network.
- iii) Facilitate public access, help maintain amenities, and protect the environment along the banks of the Waikato River and around the margins of lakes.
- iv) Facilitate the protection and preservation of features which are of traditional, cultural or historical significance such as waahi tapu.
- v) Be in general accordance with any relevant policies and objectives of this District Plan and with any development or management plans for the acquisition and provision of reserves and open space within the city.

b) Criteria Relating to Zones

Whether the required contribution or the subdivision or development as proposed would satisfy the following:

- i) Provide adequate active and passive recreation spaces, reserves and facilities to meet the needs of the community for active and passive recreation.
- ii) Enhance the environment in the Residential Zone by providing adequate public amenity spaces and landscaping.
- iii) Ensure the protection of natural features and future recreational opportunities where intensive rural subdivision takes place.
- iv) Provide adequate active and passive recreation spaces, reserves and facilities to meet the needs of people working, visiting or living in any commercial or industrial area.
- v) Enhance the environment in commercial centres and protect adjoining neighbourhoods by providing adequate amenity spaces and planting.
- vi) Enable adequate provision of any buffer or amenity spaces and planting in addition to on site requirements where the industrial zone adjoins other zones or conflicting uses or is located on city entranceways.

- vii) Facilitate suitable provision in industrial areas for recreation spaces, reserves and facilities not appropriate in other areas.
- viii) Facilitate the acquisition of reserve land in close proximity including in adjoining areas or zones to mitigate the effects of business activity.

c) Specific Criteria

Whether in respect of any required contribution, subdivision, development or activity the following need to be considered:

- i) The residential nature which gives rise to increased demand for recreational or amenity space equivalent to additional households.
- ii) The nature of any non-residential activity is such that further provision of recreation and amenity spaces is required to protect adjoining areas from any adverse effects of the activity.
- iii) The intensity and nature of the development or activity gives rise to a need for additional recreational amenity space.
- iv) The provision of residential accommodation in any business area creates a demand for additional recreational opportunities.
- v) The nature of the activity gives rise to increased demand for, and therefore the further provision of, buffer, amenity spaces, and landscaping to protect adjoining areas.
- vi) Existing buffers, amenity spaces or planting on or adjacent to the site are inadequate in the circumstances to mitigate or avoid any adverse effects; and enhance and improve the natural/physical environment.
- vii) The extent to which any pedestrian or cycle linkages to be vested are provided in a location consistent with a strategy adopted as Council policy.

Appendix 6.5-I Reserve Contributions for Residential, Community and Future Urban Zones

Contribution:	Reserve Contribution for Residential, Community and Future Urban Zones
Purpose of Contribution:	<p>Resourcing of the adequate provision and distribution of reserves, open space and facilities secured at the time of subdivision and the development of land which contributes to the social, environmental, recreational, cultural and amenity needs and values of the community, by means of:</p> <ul style="list-style-type: none"> • Acquisition of reserve land in anticipation of future urban development in accordance with any adopted structure plan but generally in that part of the City in which the subdivision or development takes place; • Site development of reserve land to vest in Council to a basic standard, including initial drainage, levelling and grassing, fencing; • Signs and development plans identifying the purpose of reserve land to vest in Council. • Administration of processes including valuation and legal fees, and payment of GST and other Government taxes.
Area to which Contribution Applies:	<ul style="list-style-type: none"> • Residential Zone. • Community Facility, Major Facility Zones for subdivision only. • Future Urban Zone for subdivision only provided that no contribution is required for any Future Urban allotment with a net site area of 2 ha or more.
Rate of Contribution:	<p>For subdivision per additional allotment created a contribution of 4.5% of the current market land value of that allotment.</p> <p>For residential development resulting in two or more detached dwellings being established on an allotment with or without subdivision a contribution of 4.5% of the current market land value of the approved unit site area of the second and subsequent dwellings.</p> <p>For apartment buildings and other residential developments not subject to the contributions outlined above which result in two or more residential units being established on one allotment with or without subdivision the reserve contributions is assessed on the proportion of the land occupied by the second and subsequent residential units where the land is assumed to be evenly divided between the final number of such units and at 4.5 % of the current market land value of the allotment upon completion of the development.</p>
Calculation of Contribution Rate:	<p>The 4.5% levy rate was calculated through two calculation scenarios:</p> <ol style="list-style-type: none"> i) modelling through a hypothetical planning unit; and ii) a global calculation based on the areas of the city that were considered likely to be developed <p>The Methods yielded rates in the range 3.3%-4.6%. A contribution of 4.5% was adopted.</p> <p>It was decided that the rate should be applied across all residential zones. This decision recognised that the effects generated by increased residential activity are met at two levels; in the city wide provision of recreation services for the people who will occupy the new developments; and in the provision of neighbourhood parks (including land of ecological and cultural value etc.) In the interests of equity new residential units anywhere in the city should contribute equally to the provision of city-wide services.</p>
Rationale for Contribution:	This policy gives effect to the principle that those who generate an effect should meet the costs of measures to mitigate it; the cost of reserves to

	<p>meet the needs of people in a locality are met by purchasers of sections there. The form of the levy is a fixed percentage of the value of additional lots/residential unit site areas created by subdivision/development. This is an appropriate mechanism because it is self-balancing both over time (as land prices vary) and from place to place within a city; more expensive sections generate more funds but the land purchased for reserves in the vicinity also costs more. It is a method with considerable flexibility that enables reserves to be resourced across a locality. It is also equitable between developers.</p>
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Appendix 6.5-II Reserve Contributions – Commercial Zones

Contribution:	Reserve Contributions — Commercial Zones
Purpose of Contribution:	The provision of reserves, open space and facilities and the development of land which contributes to the social, environmental, recreational, cultural and amenity needs and values of the community. Specifically, reserves and their development within the commercial zones and pedestrian/cycleways within and benefiting the commercial zones. In the case of residential developments within the Commercial Zones, the purpose of a contribution is city-wide provision for active recreation reserves.
Area to which contribution applies:	Suburban Centre, City Centre or Commercial Service Zone.
Rate of Contribution:	<ul style="list-style-type: none"> i) For development resulting in a net increase in the gross floor area on the site, a contribution of \$10.20 per square metre of additional gross floor area is required. ii) Where any development takes place in the City Centre, Suburban Centre or Commercial Service Zone (except in the Special Amenity Area) and involves establishing one or more residential units through the construction or conversion of a building a contribution of \$5.02 per square metre of gross floor area for that part of the development occupied by any residential units shall be required in addition to the contribution outlined in i) above.
Calculation of Contribution Rate:	<p>The contribution on development resulting in a net increase in the gross floor area on the site is an apportionment of the annual costs of the reserves programme for all commercial zones over time and against the estimated annual construction of qualifying commercial development in the commercial zones.</p> <p>The contribution for development resulting in residential units is to make provision for the citywide active recreation portion of the average residential levy on a square metre basis.</p>
Rationale for Contribution:	<p>The reserve contributions are intended to address the effects of commercial developments and residential development or conversion in commercial zones. The contribution to mitigate the effects of ordinary commercial development is based on reserve acquisition and development programme for the commercial zones.</p> <p>The goal for residential development or conversions in the commercial zones is to place them on a similar footing to dwellings in residential zones. The contribution in residential zones provides for site related open space (e.g. neighbourhood reserves, sites of value that need to be protected from development, networks such as the gully systems) and for the city-wide recreation resource (open space for sports). In the commercial zones the former is addressed by the commercial contribution.</p>

Appendix 6.5-III Industrial Reserve Contribution

Contribution:	Industrial Reserve Contributions
Purpose of Contribution:	<p>The Hamilton City District plan provides that applications for industrial subdivision are required to be assessed against various criteria, including their ability to (Rule 6.5.5):</p> <ul style="list-style-type: none"> • Provide adequate active and passive recreation spaces, reserves and facilities to meet the needs of people working, visiting or living in any commercial or industrial area. • Enable adequate provision of any buffer or amenity spaces and planting in addition to on site requirements where the industrial zone adjoins other zones or conflicting uses or is located on city entranceways. • Facilitate suitable provision in industrial areas for recreation spaces, reserves and facilities not appropriate in other areas. <p>It is considered that the first and third items are covered by existing reserves but that work remains to achieve the second criterion in industrial zones.</p>
Area to which Contribution Applies:	Industrial Zone.
Rate of Contribution:	4% of the current market value of additional allotments created by the subdivision.
Calculation of Contribution Rate:	<p>The reserve contribution rate was calculated as follows. Calculations were based on the Te Rapa Industrial area as the industrial area currently being developed. A measurement was undertaken of the area of boundary to be buffered (east side of Te Rapa industrial zone only) and length of city entranceway within the industrial zone. The area required for buffering was calculated (assumed 15 metre strip) as was the area for entranceway enhancement (assumed 5 metre strip either side of Te Rapa Road within the industrial zone). The cost of the planting programme for buffer strips and entranceway enhancement was estimated. The total cost of land acquisition and development was then expressed as a percentage of the total value of the Te Rapa Industrial zone and GST was then added.</p> <p>Land values were derived from representative valuations at the time calculations were done.</p> <p>The exercise indicated a contribution rate of 4% of the current market value of additional lots created by subdivision.</p>
Rationale for Contribution:	<p>In contrast to recreation reserves in residential areas (which can be developed in the form that the community determines as a residential subdivision grows) buffer and amenity zones should be in place and developed in their final form from the day the industrial use starts. This implies that the contribution must provide for development of the zone as well as for acquiring the land.</p> <p>In conjunction with the Amenity Protection Area, provision of an appropriately landscaped and planted strip buffers adjoining activities from the effects of industrial activity and thus mitigates the effects of development subsequent to sub-division. Similarly city entrance way development (in combination with landscape provisions) provides for the mitigation of potential adverse effects at this interface.</p> <p>In terms of fairness the approach to levy calculation set out above spreads the cost of mitigating the effects of industrial activity across the whole of the industrial zone and also through the life of the industrial zone. So long as development and redevelopment continues within the zone there will be a need to mitigate its effects.</p>

Rule 6.6 Esplanade Reserves

Rule Statement

Where subdivisions adjoin lakes, rivers and larger streams the setting aside of esplanade reserves is required in accordance with the RMA. Such esplanade reserves serve both to protect the environment and to provide for public access to the margins of lakes, rivers and streams. This is of particular importance with regard to the Waikato River and Lake Rotoroa.

Expected Outcome

Esplanade reserves will be provided along the margins of all rivers, lakes, significant watercourses and significant bodies of water which will protect the natural and physical environment, preserve any significant cultural or heritage features and facilitate reasonable public access.

Means of Compliance

The following standards apply to any subdivision consent pursuant to [Rule 6.1](#) where the land is adjacent to any body of water and shall be in addition to any reserves contribution required in accordance with [Rule 6.5](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 3.1 Natural Values, 4.4 Subdivision and Development of Land, and 5.2 Recreation.

6.6.1 Standards for Esplanade Reserves

The following standards apply to all Resource Consents.

a) Provision of Esplanade Reserves

- i) A local purpose reserve for esplanade purposes of not less than 20m measured from the edge of the bed of any river, lake or stream shall be set aside and vested in Council in accordance with Section 231 of the RMA where any subdivision of land results in the creation of allotments and adjoins the banks of:
 - the Waikato River
 - the margins of Lake Rotoroa (Hamilton Lake)
 - any stream where the average width of the bed adjacent to the subdivision is greater than 3m.
- ii) Where a reserve or road of less than 20m width already exists along the bank of any river, lake or stream, then additional land shall be vested to increase the minimum width to 20m.
- iii) Council may, as a condition of consent, require that provision be made for access strips.

- iv) Where any subdivision would result in allotments of 4ha or more in area this rule shall not apply to any such allotments.

6.6.2 Failure to Meet Standards

- a) A subdivision which does not comply with a standard in Rule 6.6.1 relating to an esplanade reserve, is a **Restricted Discretionary Activity** with discretion restricted to the subject matter of the standard that can not be met.
- b) A subdivision which does not comply with a standard in Rule 6.6.1 relating to an esplanade reserve on the margins of Lake Rotoroa, is a **Non Complying Activity**.

Performance Assessment

In determining any resource consent under the above, Council shall have regard to the expected outcome for this rule and the relevant zone, to any related objectives and policies, and to the following.

6.6.3 Assessment Criteria

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

a) General Criteria

Whether any reduction, increase or waiver in the esplanade reserve requirement will satisfy the provisions of Section 229 of the RMA, and the extent to which the proposed width of the esplanade reserve meets the Purpose of the RMA in Part II provided that any waiver of the esplanade reserve requirement should only be approved where in respect of any stream, topographical conditions make an esplanade reserve impractical.

b) Environmental and Access Criteria

Whether the varied width of the esplanade reserve would satisfy any of the following:

- i) There is adequate public access to any river, lake or stream and their margins to enable the public to meet any social, recreational or cultural needs.
- ii) The natural environments of flora and fauna, and wildlife habitats in, on or surrounding the river, lake or stream, are not adversely affected.
- iii) Any significant archaeological/historical sites, as well as those sites of significant value to the tangata whenua are adequately preserved and protected from encroaching development.
- iv) Continuity of public access along the banks of any river, lake or stream is maintained.
- v) Any adverse impacts on water quality are adequately mitigated.
- vi) The banks of any river, lake or stream can be adequately and efficiently maintained.
- vii) Any natural hazard to adjoining properties is minimised.

c) Specific Criteria

Whether the required width of any esplanade reserve needs to be reduced due to the following factors:

- i) The location of existing substantial buildings such as dwelling houses, erected prior to 24 July 1993 makes the full 20m width impracticable.
- ii) The topography dictating a practical boundary less than 20m.
- iii) A compensatory increase in the width of the esplanade reserve elsewhere as part of the subdivision.
- iv) A lesser width being indicated in the District Plan.
- v) The purpose of the reserve being able to be met by a lesser width but only in respect of a stream and subject to the width on any side being not less than 4m.

d) Other Criteria

- i) Whether the use of other means, such as esplanade strips, covenants or building line restrictions, would achieve the expected outcome.
- ii) The extent to which any width greater than 20m would need to be offset against other reserves contributions or could result in compensation being payable.
- iii) Whether adequate provision for public access to the esplanade reserve is available from any road or other public place.

Rule 6.7 Earthworks and Site Development

Rule Statement

These provisions set out the rules governing land development and in particular seek to control site development as part of any subdivision. The provisions are supported by the Hamilton City Development Manual which is to be used as a guide in setting consent conditions with regard to the carrying out of earthworks and vegetation clearance.

Expected Outcome

Any modifications to existing landforms within the district as a consequence of the subdivision and development of land are carried out in a manner which does not give rise to any hazard or generate any adverse effects on the environment.

Means of Compliance

The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 shall apply.

Advisory Note

The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and additional standards, matters for assessment and criteria may apply.

The following rules shall apply to any subdivision consent pursuant to [Rule 6.1](#) and shall be read in conjunction with [Rule 6.2](#), [Rule 6.4](#) and [6.8](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 3.1 Natural Values, 3.2 Natural Hazards and 4.4 Subdivision and Development of Land.

6.7.1 Control of Site Works

The following Provisions apply to all Resource Consents.

a) Control of Earthworks and Site Development

- i) That all earthworks and site development associated with any subdivision or development of land shall comply with good engineering practice having regard to [Rule 6.7.1 a\) iii\)](#) and to Part 2, Part 7 and Part 8 of the Hamilton City Development Manual.
- ii) That all earthworks and site development comply with the provisions of [Rule 6.2](#). and with [Rule 2.1](#).

- iii) In determining any subdivision or land use consent, Council will use the relevant sections of Part 2, Part 7 and Part 8 of the Hamilton City Development Manual as a guide when imposing any conditions in relation to earthworks and site development.
- iv) The undertaking of any earthworks and site development will need to comply with the relevant requirements of the Regional Plan.
- v) Where an application has been made for a subdivision or land use consent, then in addition to the provisions of Rule 2.1, the undertaking of any of the following works prior to the granting of that resource consent shall be a **Restricted Discretionary Activity** with discretion restricted to such works:
 - earthworks, excluding trenching, exceeding in total 40m³ in volume;
 - clearance of vegetation over a total area exceeding 50m²

ADVISORY NOTE:

Pursuant to Section 10 of the Historic Places Act 1993 no person shall destroy, damage, or modify an archaeological site without an authority granted by the New Zealand Historic Places Trust under Section 14 of that Act. In the event that any items of archaeological significance are found when undertaking site works then authority must be obtained from the Trust before proceeding with any further works which could potentially destroy, damage, or modify such items.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant zone, to any related objectives and policies, and to the following.

6.7.2 Performance Outcome for Controlled Activities

In assessing a subdivision consent for a Controlled Activity Council can impose conditions on the following matters.

a) General Criteria

- i) All earthworks and site development should be undertaken in accordance with good engineering practice.
- ii) Any earthworks should be carried out so as to provide sound foundations and avoid any hazard to persons or property.
- iii) Any earthworks and site development should be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows.
- iv) The existing landform should not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level.
- v) Within any Environmental Protection Overlay, earthworks, vegetation clearance and other site development should be avoided where practicable.

- vi) Potential damage to archaeological or heritage features should be avoided where practicable.
- vii) Any large or well established trees should be protected and retained where practicable.

6.7.3 Assessment Criteria for Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.
- ii) The extent to which other relevant standards are complied with.
- iii) Whether any interim site development works would restrict Council's ability to address environmental concerns when subsequently determining the principal resource consent.

Rule 6.8 Construction Provisions

Rule Statement

These provisions set out the rules governing land development and in particular the construction standards for infrastructural services and roading as part of any subdivision. The provisions are supported by the Hamilton City Development Manual which is to be used as a guide in setting consent conditions with regard to the carrying out of site development and the provision of infrastructural works including roading.

Expected Outcome

The ongoing provision and operation of infrastructural networks to effectively and economically meet peoples' health, safety, access and convenience needs while minimising adverse effects on the environment.

Means of Compliance

The following rules shall apply to any subdivision consent pursuant to [Rule 6.1](#) and shall be read in conjunction with [Rule 6.2](#), [Rule 6.4](#) and [Rule 6.7](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.3 Network Utilities and 4.4 Subdivision and Development of Land.

6.8.1 Standards for Infrastructure Works

The following provisions apply to all Resource Consents.

a) Stormwater System

- i) That the subdivision and development of land shall be carried out so as to provide for effective stormwater management having regard to [Rule 6.8.1 a\) iii\)](#) and to Part 4 of the Hamilton City Development Manual.
- ii) That all stormwater disposal works comply with the provisions of [Rule 3.3](#) and [Rule 2.1](#).
- iii) In determining any resource consent in respect of any subdivision and associated development of land Council will use the relevant sections of Part 4 of the Hamilton City Development Manual as a guide when imposing any conditions in relation to stormwater disposal works.
- iv) Any provision for stormwater disposal will need to comply with the relevant requirements of the Regional Plan.

b) Wastewater Disposal

- i) That every allotment or household unit be provided with a connection to the city's wastewater reticulation system having regard to Rule 6.8.1 b) iii) and to Part 5 of the Hamilton City Development Manual in the provision of such reticulation.
- ii) That all wastewater collection works comply with the provisions of Rule 3.3.
- iii) In determining any resource consent in respect of any subdivision and associated development of land Council will use the relevant sections of Part 5 of the Hamilton City Development Manual as a guide when imposing any conditions in relation to wastewater collection facilities.
- iv) That where in the Future Urban Zone a connection to the city's wastewater reticulation system cannot be provided, then in accordance with any subdivisional consent granted under Rule 6.3.3 and subject to the relevant requirements of the Regional Plan, approval may be given to:
 - on-site wastewater disposal in respect of any individual allotment
 - alternative provision for the off-site collection, treatment and disposal of wastewater in respect of any such subdivision.

c) Water Supply

- i) That every allotment or household unit be provided with a connection to the city's water reticulation system, having regard to Rule 6.8.1 c) iii) and to Part 6 of the Hamilton City Development Manual in the provision of such reticulation.
- ii) That all water supply reticulation complies with the provisions of Rule 3.3 Network Utilities.
- iii) In determining any resource consent in respect of any subdivision and associated development of land Council will use Part 6 of the Hamilton City Development Manual as a guide when imposing any conditions in relation to water supply.
- iv) That where in the Future Urban Zone a connection to the city's water reticulation system cannot be provided, then in accordance with any subdivisional consent granted under Rule 6.3.3 approval may be given to an alternative water supply.

d) Roadworks

- i) That in any subdivision every allotment shall have access to a formed, legal road having regard to Rule 6.8.1 d) iii) and to Part 3 of the Hamilton City Development Manual in the provision of such roads.
- ii) That the provision of roads as part of any subdivision shall be in accordance with the provisions of Rule 6.2, and Rule 3.3.
- iii) In determining any resource consent in respect of any subdivision and associated development of land Council will use the relevant sections of Part 3 of the Hamilton City Development Manual as a guide when imposing any conditions in relation to roadworks.

e) Other Reticulation

- i) That telecommunication, electricity and gas reticulation and street lighting be provided at the time of subdivision and in accordance with the requirements of the relevant network utility operator while having regard to Rule 6.8.1 a) iii) and to Parts 3 and 9 of the Hamilton City Development Manual.
- ii) That all telecommunication, electricity and gas reticulation complies with the provisions of Rule 3.3.
- iii) In determining any resource consent in respect of any subdivision and associated development of land Council will use the relevant sections of Parts 3 and 9 of the Hamilton City Development Manual as a guide when imposing any conditions in relation to telecommunications, electricity and gas reticulation and street lighting.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant zone, to any related objectives and policies, and to the following.

6.8.2 Performance Outcomes for Controlled Activities

In assessing a subdivision consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Stormwater System Design and Operation

- i) The design capacity of any stormwater disposal facilities should be sufficient to accommodate the surface water flows resulting from:
 - a 2 year storm event in the case of residential areas and neighbourhood commercial and community facilities
 - a 5 year storm event in the case of industrial areas
 - a 10 year storm event in the case of major commercial areasand to avoid flood damage to the existing or potential principal building on the site, resulting from a 50 year storm event.
- ii) Stormwater disposal works should be provided in a manner which avoids excessive modification of natural drainage systems particularly within the Environmental Protection Overlay and minimises any detriment to the environment particularly through potential contamination of natural water.
- iii) The integrity of the stormwater disposal system should be maintained and its safe and efficient operation facilitated, while ensuring an adequate level of safety to the public and those operating and maintaining the facilities.
- iv) Any detriment to the enjoyment and development of individual allotments arising from the provision and operation of the stormwater disposal system needs to be minimised.

b) Construction of Stormwater Systems

That all stormwater disposal works should be designed located and constructed to provide easy operation and maintenance including the following elements:

- i) Pipelines, inspection chambers and pumping station inverts to be designed to be self-cleansing under normal operating conditions.
- ii) All pipes, materials, fittings and ancillary equipment to be consistent with the Hamilton City reticulation system in quality and dimensions to facilitate subsequent maintenance and to minimise costs.
- iii) The number, location and design of manholes and other access points be such as to facilitate easy and safe inspection and cleaning.
- iv) All network materials should have a minimum design life of 100 years.

c) Wastewater Design

The construction and configuration of any wastewater collection facilities should be such as to satisfy the following:

- i) Be adequate to meet the maximum potential demand arising from the development and use of the land as permitted in accordance with this District Plan.
- ii) Minimise any risk to the environment and to public health particularly through potential contamination of natural water and the ground.
- iii) Maintain the integrity of the wastewater collection and disposal system and facilitate its safe and efficient operation.
- iv) Minimise any detriment to the enjoyment and development of individual allotments.
- v) Provide an adequate level of safety to the public and those operating and maintaining the facilities.

d) Construction of Wastewater System

That all wastewater collection facilities should be designed, located and constructed to provide easy operation and maintenance including the following elements:

- i) Pipelines, manholes and pumping station inverts to be designed to be self-cleansing under normal operating conditions.
- ii) All pipes, materials, fittings and ancillary equipment to be consistent with the Hamilton City reticulation system in quality and dimensions to facilitate subsequent maintenance and to minimise costs.
- iii) The number, location and design of manholes and other access points be such as to facilitate easy and safe inspection and cleaning.
- iv) The layout of plant, equipment and machinery be designed to facilitate easy maintenance.
- v) All network materials should have a minimum design life of 100 years.

e) Alternative Wastewater Disposal

- i) Any on site or alternative wastewater disposal system should, where possible, be provided in a manner which is compatible with eventual connection to the City's wastewater reticulation system.
- ii) Any alternative wastewater disposal system should be sited so as to minimise conflict with existing and potential surrounding activities.

f) Water Supply

- i) The design capacity of any water reticulation system should be adequate to meet the maximum potential demand arising from the development and use of the land as permitted in accordance with this District Plan and to provide sufficient pressurised water for fire fighting purposes.
- ii) The construction and configuration of any water reticulation system should be such as to maintain its integrity and facilitate its safe and efficient operation.
- iii) Reticulation should be placed underground within the road berms.
- iv) All network materials should have a minimum design life of 100 years.
- v) All pipes, materials and fittings should be consistent with the Hamilton City reticulation system in quality and dimensions to facilitate subsequent maintenance and to minimise costs.

g) Roothing

- i) The width, alignment, strength and surfacing of any carriageway should be sufficient to accommodate in a safe and efficient manner the volume and type of traffic likely to use it including service and emergency vehicles in local residential roads, public transport in collector roads and heavy trucks in industrial roads.
- ii) Any road should incorporate appropriate provision for the movement of pedestrians, cyclists and persons with disabilities and also appropriate provision should be made for off road accessways and cycleways.
- iii) Provision should be made within the road reserve for sufficient car parking spaces relative to the adjoining development.
- iv) Any carriageway, kerb, channel, footpath and associated works such as street lighting should be constructed so as to have a minimum design life of 25 years.
- v) Provision should be made for footpaths/berms sufficient to satisfactorily accommodate reticulated network utility services, street lighting, pedestrian traffic and amenity landscaping including street trees.
- vi) Appropriate measures should be taken to avoid, remedy or mitigate impacts on the environment arising from the operation of the road including noise, air pollution and contamination of natural water.

- vii) The design and construction of the road and associated works should be such as to ensure that the costs of cleaning and maintenance are kept to a minimum and that there is consistency with the rest of the roading network so as to minimise overall maintenance costs.
- viii) The road should be designed and constructed so that drainage is readily effected from the road in a manner which minimises contamination of natural water.

h) Other Reticulation

- i) Such reticulation should be placed underground within the road berms.
- ii) Electricity and gas reticulation should be installed in a manner which minimises potential hazards.
- iii) Electricity and gas reticulation should have a minimum design life of 25 years.
- iv) All electricity and gas materials and fittings should be standardised as far as practical so as to facilitate subsequent maintenance and to minimise costs.
- v) Whether a particular network utility service can be provided to the land being subdivided.

6.8.3 Assessment Criteria for Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) Regard shall be had to any relevant performance assessment for a controlled activity and for general rules.
- ii) The extent to which other relevant standards are complied with.

Rule 6.9 Staging of Development

Rule Statement

These provisions set out the mechanisms for co-ordinating development with the staging of roading and infrastructural services. The intention is to ensure development proceeds in an orderly sequence but to provide a degree of flexibility in the interim subject to additional costs to the community being avoided.

Expected Outcome

Urban development takes place in a coherent and efficient manner, avoids the sporadic and uneconomic development of land and is coordinated with the economic provision of trunk services, arterial roads and open space.

Means of Compliance

The following standards apply to any subdivision consent pursuant to [Rule 6.1](#) and shall be read in conjunction with [Rule 6.4](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Sections 4.1 Future Urban, 4.3 Network Utilities, 4.4 Subdivision and Development of Land, and to any Structure Plan and Concept Plan set out in [Rule Section 9.0](#) or Appendix 1A and 1B.

6.9.1 Sequencing of Subdivision and Infrastructure

The following provisions apply to all Resource Consents.

a) Effect of Indicative Work Programme

- i) In determining any resource consent for urban purposes including subdivision of land outside the pre 1977 boundaries of Hamilton City, Council shall have regard to the Indicative Infrastructural Development Programme set out in Appendices 6.9-I to 6.9-IV and to the structure plan and concept plan for the area in [Rule 9.0](#) or Appendix 1A and 1B.
- ii) Pending the provision of trunk services and arterial roading the provisions of [Rule 6.3.3](#) relating to subdivision in the Future Urban Zone shall apply in the interim.
- iii) Other than in the Future Urban Zone any subdivision or development that would require either the provision of trunk services or arterial roads outside the indicated sequence of development in Appendices 6.9-I to 6.9-IV, or the provision of interim or alternative facilities, then the subdivision is a **Restricted Discretionary Activity** subject to the provisions of [Rule 6.9.1 b\)](#) and with discretion restricted to:
 - the timing of development, the provision of trunk services and arterial roading and the funding arrangements for infrastructural development.

- iv) Where land is zoned Future Urban, any subdivision for urban purposes or development requiring either trunk services or arterial roading shall be a **Discretionary Activity** in accordance with Rule 6.3.5 b) and subject to the provisions of Rule 6.3.5 c) and Rule 6.9.1 b).

b) Financial Contributions

Where any subdivision or development subject to Rule 6.9.1 a) necessitates investment in public infrastructure, including trunk services, arterial roading and state highway works in advance of the Indicative Infrastructural Development Programme set out in Appendices 6.9-I to 6.9-IV then:

The subdivider or developer shall be responsible for providing interim finance for any works required in advance and for the payment of interest charges.

- i) Any required financial contributions payable under Rule 6.4 in respect of those works provided in advance shall be offset against such interim financial arrangements.
- ii) The principal sum shall be progressively reimbursed by Council as contributions are received from the development of intervening land.
- iii) The outstanding balance on the principal sum shall be payable when the work was to have been completed under the Indicative Infrastructural Development Programme.
- iv) The subdivider or developer shall be responsible for funding the provision of any interim or alternative facilities.
- v) All other financial and reserves contributions shall be payable.
- vi) The subdivider or developer shall be responsible for meeting the costs to Council of any consequent legal agreements.

Performance Assessment

In determining any resource consent under the above, Council shall have regard to the expected outcome for this rule and the relevant zone, to any related objectives and policies, to any Structure Plan and Concept Plan set out in Rule 9.0 or Appendix 1A and 1B and to the following.

6.9.2 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard that cannot be met.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The availability and capacity of trunk services and arterial roads to service the particular subdivision or development and the need for such provision.

- ii) The availability of interim facilities or measures to enable the subdivision or development to proceed in advance of the indicated sequence of development but having regard to the expectations of other developers with respect to excess capacity of existing services.
- iii) The relevant structure plan and concept plan for the area as set out in [Rule 9.0](#) or Appendix 1A and 1B.

b) Out of Sequence Development

The implications of out of sequence urban subdivision and consequent premature expenditure on and provision of urban infrastructure for the following matters:

- i) The orderly and coherent urban development of the growth area.
- ii) The operational viability of the relevant systems and facilities.
- iii) The financial commitments on council relating to the provision of services.
- iv) The financial commitments on council and other road controlling authorities relating to the implementation of network improvements and development.
- v) The legitimate investment decisions of other developments proposed in accordance with the indicative work programme.
- vi) The environment including cumulative effects arising from a premature extension of trunk services and arterial roading or any interim measures to accommodate out of sequence development.
- vii) Council's financial programme as set out in Hamilton's Long Term Council Community Plan.
- viii) Whether interim measures would compromise or result in increased costs of eventual trunk services and arterial roading.

Appendix 6.9-I Staging of Urban Development

1 Indicative Infrastructural Development Programme

- Urban development in the Rototuna Growth Area should proceed generally in an easterly and northerly direction in sequence with the provision of infrastructural services and roading.
- Council funding of infrastructural development will follow this sequence and will generally be in accord with Hamilton City's Long Term Council Community Plan (LTCCP).
- Appendix 6.9-II illustrates the extent of the Rototuna Structure Plan area and stages 0 — 4 defining the sequential order for residential and infrastructural development.
- Stages 0 — 1 have had the majority of Council funding infrastructure completed to date.
- Stages 2, 3 & 4 require infrastructural development to enable further land development to occur.

2 Proposed Staging of Residential Development

- Stage 0: Land development should proceed in a northerly and north-easterly direction from its southern limits.
- Stage 1: Land development should proceed in an easterly direction from Tramway Road/Gordonton Road towards the city boundary.
- Stage 1A: Land development should proceed in a northerly and easterly direction towards the city boundary.
- Stage 2: Land development should proceed in a northerly direction from Sylvester Road to the city boundary.
- Stage 3: Land development should proceed in a northerly direction from Borman Road to the city boundary. With use of open drainage channels, development from lower to upper catchment areas is encouraged.
- Stage 4: Land development should proceed in a north- westerly direction from Sylvester Road to the city boundary. With use of open drainage channels, development from lower to upper catchment areas is encouraged.
- The principal Council funded infrastructure required to enable development in the Rototuna Growth area are as follows:
 - Upgrade existing rural roads to urban standards;
 - New water reservoir and bulk main services;
 - New arterial roads, and upgrade of existing arterial routes;
 - New water trunk mains;
 - New stormwater trunk mains;
 - New wastewater trunk mains.

ADVISORY NOTE — Requirement for infrastructural works clarification

Appendix 6.9-I identifies a broad representation of infrastructural works for the Rototuna Growth Area. Further consultation with Council engineers at pre-design stage is required to determine a more thorough clarification of works for each stage.

Appendix 6.9-II Staging of Urban Development



Appendix 6.9-III Rotokauri

1 Indicative Infrastructural Development Programme

a. Rotokauri Water, Wastewater and Stormwater Services

Progressive development of the Rotokauri Growth Cell will be serviced by generally extending water supply wastewater and stormwater services as indicated in the following sections. As there is a strong relationship between the routes needed for these services and the alignment of proposed roads, Council's programme has aimed to align works as closely as possible to deliver a coordinated and efficient infrastructure programme.

b. Water Supply

The Rotokauri area is characterised by elevated hill terrain with several high areas above RL 50 metres. These elevated areas require a higher-pressure water supply than is typically required in Hamilton so it is intended that a special high-pressure water supply zone will be created to provide an adequate level of service. A pressure boost pumping station will be built near the intersection on Baverstock and Brymer Roads with the high-pressure zone pipeline extending northwards along Brymer, Rotokauri and Exelby Roads, and eastwards as necessary to supply the areas of hill terrain.

The flat low lying terrain will be supplied by extending existing watermains northwards and westwards from Rotokauri Road, the intersection of Gilchrist and Avalon Drive, Tasman Road, and the Te Kowhai Road Tasman Road intersection. Generally the new pipelines required will be installed in conjunction with roadway construction.

c. Wastewater

In the early stages of development, wastewater will be reticulated to the interceptor pipeline at the intersection of Gilchrist St and Avalon Drive. A pump station sited within or adjacent to Wintec is required to service areas in the Rotokauri Road area. Ultimately the Rotokauri wastewater interceptor described below will allow decommissioning of these connections to the western wastewater interceptor at Gilchrist Street.

A new wastewater interceptor pipeline has already been laid from the Pukete Wastewater Treatment Plant westwards to the railway line in the vicinity of Norman Hayward Place. This pipeline is intended to be the main wastewater pipeline for the whole of the Rotokauri area. The pipeline will be extended westwards beyond Te Rapa bypass to the route of the proposed residential arterial road, and then southwards along the proposed road to Gilchrist suburban centre and on towards Rotokauri Road. Lateral pipelines laid both westwards and eastwards to this interceptor pipeline will provide servicing to the proposed employment and residential areas. The laterals will require pumping stations at regular intervals to facilitate pipeline grade under the flat topography. Ultimately this pipeline will also be used to supplement the western interceptor in its role of conveying wastewater from southern and western parts of the city.

d. Stormwater

Rotokauri poses some special challenges in managing stormwater; there are no natural outfalls for stormwater in the area.

A key part of the stormwater drainage plan is to provide constructed floodways through the area. Overland-flow swales, wetlands and conventional piped drains will collect stormwater and discharge to the floodways. The floodways will be sized to store stormwater during storms with controlled release to receiving waters in Lake Rotokauri, and Te Kowhai and Te Rapa streams. The flat topography will be characterised by shallow drains and high groundwater levels. Conventional piped stormwater drains will be used on the hill terrain discharging to the collector swales on the flat land.

The existing open drain from Lake Waiwhakareke to Lake Rotokauri will serve as the main drain in the greater part of developed Rotokauri catchment, although it will be subject to some adjustment to its alignment to achieve an improved relationship to eventual land use. This floodway is intended to be a component of an 'ecological corridor' between the two lakes effectively linking Waiwhakareke heritage reserve with Lake Rotokauri. The ecological corridor will also provide planted open space, walking and cycling pathways. The improved drainage channel and ecological corridor will be formed as development takes place along its length. Obviously the floodway needs to have continuity of shape and alignment from one property to the next but the order of development is not considered critical. The need to lower the drainage channel along its length and the Exelby Road culvert outlet is being considered in preliminary design and catchment modelling.

An eastwards branch of the Rotokauri floodway is required to provide a stormwater outfall for industrial zoned land west of Tasman Road and south of Te Kowhai Road.

Other floodways are needed to drain stormwater from land areas between Te Kowhai Road and Ruffell Road, and south of Te Kowhai Road near Exelby Road. These drains need to be constructed in an upstream direction from their outfalls.

In accordance with the Hamilton City's Comprehensive Stormwater Discharge Consent, a catchment management plan for Rotokauri will be developed to provide a strategic and integrated approach to stormwater management throughout the Rotokauri growth cell. The catchment management plan will provide a management framework that ensures that individual stormwater discharge proposals will not adversely affect the ecological values of the receiving watercourses and lakes. The following principles will be used to guide the formulation of the catchment management plan:

- Stormwater is managed in a manner that minimises the effects of urban development on downstream receiving waters;
- Stormwater is managed to ensure that water being disposed of into lake Rotokauri does not further degrade that water body;
- Areas of significant indigenous vegetation, water features and habitats will be safeguarded and enhanced;
- A combination of low impact stormwater design solutions and conventional piped drains will be utilised in an integrated manner to suit the soil and topographical characteristics of particular areas.

e. Rooding

The Rotokauri industrial zone has a critical relationship to the City's arterial road network. Te Rapa Road and Avalon Drive form part of State Highway 1. Both roads are heavily trafficked and growth is anticipated as the route provides the spine to the City's industrialised 'western corridor' and direct access to key regional facilities such as the CBD, the hospital, educational campuses and the inland freight village at Crawford Street.

Projected growth will overload the capacity of sections of Te Rapa Road and Avalon Drive. The Te Rapa Bypass will provide relief to this situation but is not likely to be completed before 2015/16. The Structure Plan has anticipated and made provision for Te Rapa Bypass as part of the longer term land use/transportation network. Until the Bypass is completed, network performance will continue to decline as capacity is taken up by traffic growth generally and by existing development commitments coming on stream. Given the national and regional importance of maintaining route efficiency this will impose constraints on the extent of the development than can take place in Rotokauri in advance of the Te Rapa Bypass.

Traffic growth assessments support the development of a Stage 1 land release prior to the opening in the Te Rapa Bypass contingent on specific roads and connections being in place. Stage 1 provides for up to:

- 135 ha of industrial land (recognising that only 109 ha of this is capable of development prior to the opening of the Te Rapa bypass)
- 72ha of industrial land
- 2ha suburban centre
- 915 residential dwellings

The works necessary to support this development, consist of the following package:

- Avalon Drive 4 laning
- Gilchrist/Avalon intersection
- Collector Road connection between Ruffell Road and Te Kowhai Road (Developer to provide)
- Collector Road connection between Gilchrist intersection and Te Kowhai Road at NIMTR. (Developer to provide)
- Te Kowhai Road urban upgrade between SH1 and NIMTR
- Gilchrist to Rotokauri Road arterial connection
- Rotokauri Road urban upgrade between Baverstock Road and new Rotokauri residential arterial.

The package of works will be constructed incrementally and it is recognised that development will occur as the package of works is rolled out. Together these works form an integrated network capable of supporting industrial and residential development within the southern and eastern part of the Structure Plan Area.

The release of further industrial land will be contingent upon the availability of network capacity. This may arise as a result of traffic generation from Stage 1 being less than anticipated in the traffic growth assessments, or from completion of new infrastructure. However, any assessment of network capacity will always highlight the capacity constraints on Avalon Drive until the 4-laning works are complete. Consequently proposals for the development of land outside of the Stage 1 area will require careful scrutiny to ensure that adequate network capacity exists to support the development, or will be provided by the development and they will not compromise the development of the Stage 1 area.

The specific rezoning of the remaining industrial land will be timed to coincide with the opening of the Te Rapa Bypass and the following package of work:

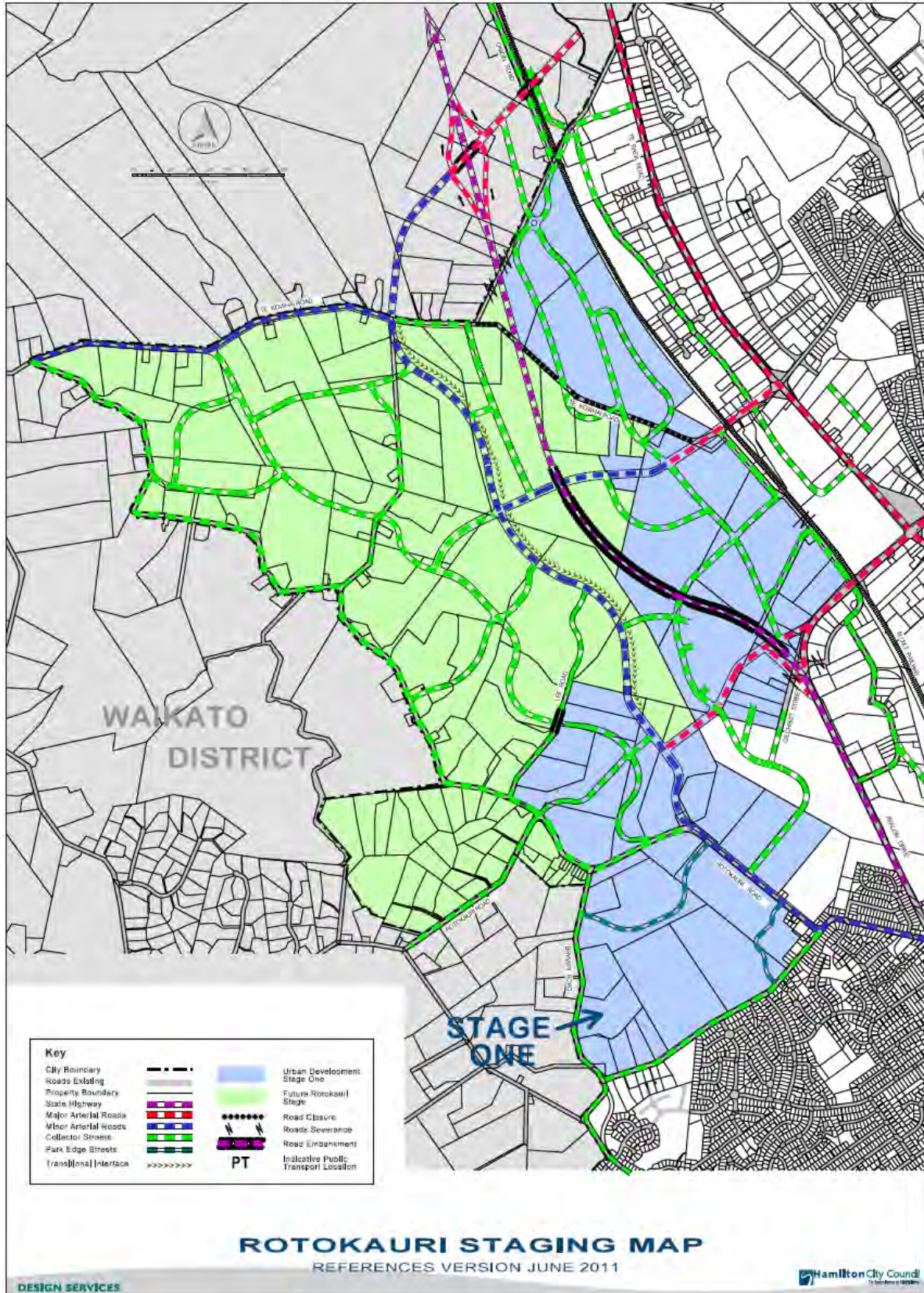
- constructions of the north/south arterial demarking the residential zone/employment area boundary northwards from the neighbourhood centre to connect with the realigned Te Kowhai Road extension
- the extension of Te Kowhai Road arterial westwards up to the boundary of the residential area

Within Stage 1 residential development relates largely to the existing road network. In addition to the wider arterial network improvements set out above roading upgrades will be required to service the specific residential growth cells adjacent to Baverstock Road, Brymer Road, Exelby Road, Rotokauri Road and Lee Road. Provision of the north/south minor arterial road will provide an eastern boundary to the residential zone north of the neighbourhood centre and will form a spine to development south of it before it connects with and follows the southerly route of Rotokauri Road. The key works are to be undertaken in generally the following sequence:

- upgrade of western end of Baverstock Road including the intersection of Brymer Road and north to the Hamilton Zoo entrance
- upgrade of Rotokauri Road between the new residential arterial road and Brymer Road
- upgrade of Brymer Road from Hamilton Zoo entrance, northwards to Lee Road
- upgrade of Lee Road.

Future land releases will be serviced by the progressive development northwards of the north/south minor arterial to its point of connection to the existing Te Kowhai Road and by the progressive upgrading of existing roads from south to north and east to west.

Appendix 6.9-IV Staging Map



path : g:\hcc mapstrategic\rotokauri structure plan.dgn (staging map 10.09.07.)

Appendix 6.9-V Indicative Infrastructural Programme for Peacocke

1 Indicative Infrastructural Development Programme

Council's Long Term Plan sets out the infrastructure programme for the city. The infrastructure provision for Peacocke detailed in the Long Term Plan is a programme of roading upgrades, a wastewater storage facility or similar wastewater solution, and extension of water and stormwater services to the area shown as Stage 1 on the Staging of Urban Development Within Peacocke plan contained in Appendix 6.9-VI.

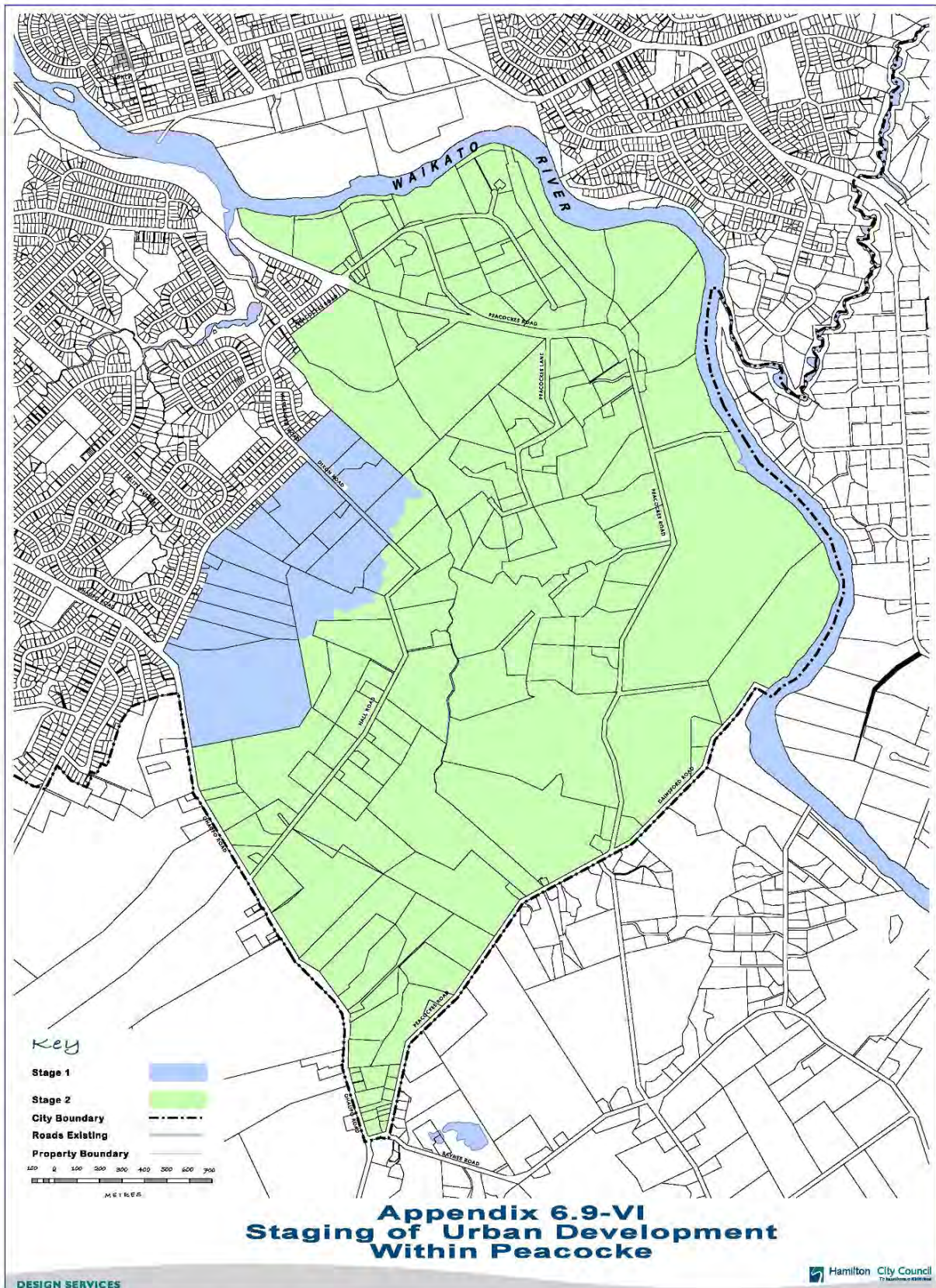
Stage 2 of the growth cell does not have an established infrastructure programme within the Long Term Plan. Generally however it is anticipated that over a 20-25 year period once the necessary bulk trunk infrastructure and transport network has been established (i.e. the installation of a bulk waste water connection to the existing reticulated network to the north of the Waikato River and a bridge and transport corridor connection been constructed across the Waikato River) to join Peacocke to the city's existing infrastructure networks development will start. However the development of Stage 2 could be brought forward if the necessary bulk infrastructure and transport networks are constructed outside of the Long Term Plan programme.

The development of Stage 2 is to be staged from the north in the vicinity of the Water Treatment Plant and then proceed in a southerly direction along Peacocke Road.

2 Proposed Staging Of Residential Development

Appendix 6.9-VI sets out the intended staging of development for Peacocke which at this time consists of a Stage 1 of approximately 84.8 hectare area. The remainder of the growth cell (Stage 2) does not have a staging proposed as infrastructure provision for this area is not within the Long Term Plan.

Appendix 6.9-VI Staging of Urban Development within Peacocke



Rule 7.0 Designations

Introduction

The District Plan makes provision for existing and proposed designations in accordance with Sections 168 and 420 of the RMA to give effect to a requirement made by a Requiring Authority. Designations allow land to be secured for a public facility or network utility. A Requiring Authority means a:

- Minister of the Crown
- Local Authority, or
- Network Utility operator approved as a requiring authority under Section 167 of the RMA.

A network utility operator means a person who undertakes various network utility operations such as gas, telecommunications, electricity, drainage, roads, sewerage and railways. These are defined in Section 166 of the RMA.

The Council seeks to avoid the use of designations for already established activities or activities already provided for by plan zoning or rules. All designated land has an underlying zoning which applies when a designation is removed or for works not in accordance with the designation.

Use of Designated Land

Designated land can only be used for the purpose for which it has been designated or set aside and the provisions of the District Plan do not apply to works on site unless incorporated in the requirement or in the outline plan relating to the designation. An alternative use may occur on the site if the requiring authority has given written approval for alternative use and in the case of such an alternative use, that use shall comply with any standards, overlays or underlying zoning in the District Plan that are relevant to the site. Conditions may be applied by Council to the designated work under Section 168, prior to the inclusion of the designation in the plan. An outline plan describing proposed works as described in Section 176a is required to be submitted to Council before work commences if such a plan is not submitted at the time of seeking the requirement.

Council may waive the requirement for an Outline Plan in the following circumstances:

- Where a work, is to be added to an existing designation, for which an Outline Plan has been received and the addition is clearly of a minor scale and ancillary to the designated work.
- Where there is no completed work, or where no Outline Plan has been received a waiver may be granted where;
 - the work achieves compliance with all relevant City Wide Standards in this District Plan, and
 - the work is not within the Environmental Protection Overlay, the work does not affect any Scheduled Heritage Items or Heritage Precincts, Significant Archaeological, Historic or Cultural Sites or any Protected tree on the Significant Tree Register, and
 - the work is not within 10m of any site zoned Residential, Future Urban or Recreation Environment, and

- any structure shall be less than 5m in height and have a gross floor area of no greater than 100m², and
- the work does not require physical access to a major arterial road.

Under the RMA, a designation lapses five years after the date of inclusion in the plan, unless

- it is given effect to before the end of that period;
- the Council determines, on an application made within 3 months before expiry of that period, that substantial progress has been made towards giving effect to the designation, and fixes a longer period; or
- the designation specified a different period when incorporated in the plan.

Schedule of Designations

The Schedule of Designations (Appendix 7.0-1) indicates the planning map on which the designation is found, the requiring authority responsible for the work and the purpose of each designation. It also identifies where any conditions apply to the designation. Any designations incorporated into this plan will lapse after five years unless a longer period is specifically indicated in the schedule or the work is given effect to within the specified time period.

Appendix 7.0–I Schedule Of Designations

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
1	1,5,6,10,11,12,15	Railway	New Zealand Railways Corporation	Railway purposes	See Planning Maps	Land identified on Planning Maps	-	
2	10	Aberdeen Primary School (Aberdeen Drive)	Ministry of Education	Education	Community Facilities	Lot 1 DPS 14452 and Pt Lot 1 DPS 13438	-	
3	7	Bankwood Primary School (Bankwood Road)	Ministry of Education	Education	Community Facilities	Lot 23 DP 4296	-	
4	10	Crawshaw School (Crawshaw Drive)	Ministry of Education	Education	Community Facilities	Lot 30 DPS 41801	-	
5	15	Deanwell School (Deanwell Avenue)	Ministry of Education	Education	Community Facilities	Lot 3 DPS 7385	-	
6	7	Fairfield Primary School (Clarkin Road)	Ministry of Education	Education	Community Facilities	Lots 1 & 3 DPS 2417 Parish of Kirikiriroa	-	
7	6,10	Forest Lake School (Storey Avenue)	Ministry of Education	Education	Community Facilities	Lot 40 and Pt Lot 35 DP 15615	-	
8	10	Frankton School (Massey Street)	Ministry of Education	Education	Community Facilities	Lots 18, 19, and Pt Lots 20 & 26 Allot 360 Te Rapa Parish	-	
9	15	Glenview School (Bruce Avenue)	Ministry of Education	Education	Community Facilities	Lot 2 DP 11294 and Pt Lot 5 DP 22658	-	
10	11	Hamilton East School (Dawson Street)	Ministry of Education	Education	Community Facilities	Lot 1 DPS 36275 and Pt Lot 1 DP 27756 and Lot 3 DPS 2862. Allot 406 Town of Hamilton East	-	

* Where no timeframe is shown the designation period is five years from the date the designation was included in the plan unless the designation is given effect to before the end of that period.

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
11	6	Hamilton North Special School (Warwick Street)	Ministry of Education	Education	Community Facilities	Section 2 SO 57472	-	
12	11	Hamilton West School (Fow Street)	Ministry of Education	Education	Community Facilities	Allot 61 and Pt Allot 51 & 52 Hamilton West Town Belt	-	
13	16	Hillcrest Normal School (Cambridge Road)	Ministry of Education	Education	Community Facilities	Pt Lots 1 & 2 DP 16692, Lot 13 DP 32103, Pt Lot 9 DP 13822, Pt Allot 254 Parish of Kirikiriroa and Lot 1 DPS 68601	-	
14	7	Hukanui School (Pickering Crescent)	Ministry of Education	Education	Community Facilities	Lot 60 DPS 13852	-	
15	8	Insoll Avenue School (Insoll Avenue)	Ministry of Education	Education	Community Facilities	Pt Lot 1 DP 7282	-	
16	12	Knighton Normal School (Knighton Road)	Ministry of Education	Education	Community Facilities	Lots 1, 2, 3, 4, 5 & 6 DPS 1093 and Pt Lots 4, 5 & 6 DP 25745	-	
17	15	Melville Primary School (Ohaupo Road)	Ministry of Education	Education	Community Facilities	Pt Lot 2 DP 15903 and Pt Lot 4 DP 15933 and Pt Lot 6 DP 16443	-	
18	10	Nawton School (Livingstone Avenue)	Ministry of Education	Education	Community Facilities	Pt Allot 78 & 79 Pukete Parish	-	
19	12	Patricia Avenue Special School (Patricia Avenue)	Ministry of Education	Education	Community Facilities	Lots 1, 5 & 6 DPS 9544 and Lots 18 & 19 DPS 7361	-	3 (only relate to Lots 18&19 DPS 7361)
20	6	Pukete School (Pukete Road)	Ministry of Education	Education	Community Facilities	Pt Allot 25 Pukete Parish	-	
21	10	Rhode Street School (Rhode Street)	Ministry of Education	Education	Community Facilities	Pt Allot 362 Te Rapa Parish	-	

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
22	15,16	Richmond Park School (Bader Street)	Ministry of Education	Education	Community Facilities	Pt Lot 102 DP 5779	-	
23	13	Silverdale Normal School (Silverdale Road)	Ministry of Education	Education	Community Facilities	Lot 89 DP 7936	-	
24	6	St Andrews Middle School (Heath Street)	Ministry of Education	Education	Community Facilities	Sections 1 & 3 SO 57472	-	
							-	
26	2,6	New Te Rapa School (Ashurst Avenue)	Ministry of Education	Education	Community Facilities	Lot 29 DPS 50813 and Pt Allot 20 Pukete Parish Block XIII Komakorau SD	-	
27	6	Vardon School (Cunningham Road)	Ministry of Education	Education	Community Facilities	Lot 146 DPS 4701	-	
28	11	Whitiora School (Willoughby Street)	Ministry of Education	Education	Community Facilities	Lot 1 DP 13219 Sections 197, 198, 206 207 & 209 Town of Hamilton West	-	
29	7	Woodstock School (Fairfield Road)	Ministry of Education	Education	Community Facilities	Lot 1 DP 36258 and Lots 15 & 16 DPS 1298	-	
30	16, 17	Berkley Normal Middle School (Berkley Avenue)	Ministry of Education	Education	Community Facilities	Pt Lot 40 DPS 1115	-	
31	7	Fairfield Intermediate School (Clarkin Road)	Ministry of Education	Education	Community Facilities	Pt Lot 5, 6 & 7 DP 11935 and Lot 18 DP 9652	-	
32	10,11	Maeroa Intermediate School (Churchill Avenue)	Ministry of Education	Education	Community Facilities	Pt Lot 99 DP 3882	-	

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
33	15	Melville Intermediate School (Mount View Road)	Ministry of Education	Education	Community Facilities	Pt Allot 28 & 29 Te Rapa Parish	-	
34	12	Peachgrove Intermediate School (Peachgrove Road)	Ministry of Education	Education	Community Facilities	Pt Section 436 Town of Hamilton East	-	
35	7	Fairfield College (Bankwood Road)	Ministry of Education	Education	Community Facilities	Pt Lot 1 DP 29376, Lot 2 DP 12123, Lots 13 & 14 DP 4296, Lot 20 DPS 10611, Lots 1, 2 & 3 DP 10611 and Closed Road SO 45562	-	
36	10	Hamilton's Fraser High School (Ellicot Road)	Ministry of Education	Education	Community Facilities	Pt Lot 2 DPS 9641, Pt Lots 43, 44, 45, 65, 66, 67, 69 & 70 DP 12268 (SO 44315), Pt Lots 55 - 62, 63 & 64 DP 12268, Pt Allot 79 Pukete Parish (SO 45646), & Closed Street (SO 44332).	-	
37	12	Hamilton Boys High School (Peachgrove Road)	Ministry of Education	Education	Community Facilities	Lot 6, 7 & 8 Section 419 Town of Hamilton East DP 1258	-	
38	11A	Hamilton Girls High School (Tristram Street)	Ministry of Education	Education	Recreation General	Pt Allot 11, 12, 13, 13a, 14 & 14a Hamilton West Town Belt	-	
39	12,13	Hillcrest High School (Masters Avenue)	Ministry of Education	Education	Community Facilities	Lots 4 & 5 DP 4568	-	
40	15	Melville High School (Collins Road)	Ministry of Education	Education	Community Facilities	Pt Allot 28 (SO 36234 & SO 39990), Pt Allot 29 & 30 (SO 36234), Lots 68, 80, 81, 94 & 101 DPS 6730.	-	

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
41	2	Proposed Primary School (Endeavour Ave)	Ministry of Education	Education	Community Facilities	Lot 1 DPS 43012 and Pt Allot 57 Parish of Kirikiriroa	-	
42	2	Proposed Primary School (Endeavour Avenue)	Ministry of Education	Education	Community Facilities	Lot 1 DPS 56186 Block IX Komakorau SD and Lot 152 DPS 56185	-	
43	6	Proposed Secondary School (Rotokauri Road)	Ministry of Education	Education	Community Facilities	Pt Lot 4 DPS 15678	-	
44	12	Te Ara Rima (Fifth Avenue)	Ministry of Education	Education	Community Facilities	Pt Allot 190 Kirikiriroa Parish, SO 37668, Pt Lot 3 DPS 2371, Lot 1 DPS 6818, Lots 6, 7, 8 & 9 DPS 2371	-	
45	10	Community Policing Centre (Whatawhata Rd)	New Zealand Police	Police purposes	Residential	Lot 3 DPS 3841 and Lot 1 DPS 78291	-	3
46	11	Police Headquarters (Bridge Street)	New Zealand Police	Police purposes	Commercial Service	Allot 69 Town of Hamilton West SO 43234 and Lot 3 DP 34518	-	
47	12	Community Policing Centre (Clyde Street)	New Zealand Police	Police purposes	Recreation General	Lot 1 DPS 78719	-	3
49	11	Hamilton Courthouse (Corner of Anglesea and Bridge Streets)	Department for Courts	Courthouse	Commercial Service	Block II Hamilton SD Pt Allot 407 and 407B Town of Hamilton West	-	

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
51	10	Brymer Exchange (Newcastle Road)	Telecom New Zealand Limited	Telecommunication and ancillary purposes(including local radiocommunication links)	Residential	Lot 1 DPS 8723 and being a half share in CT 34/1224	-	2
52	11	Claudlands Exchange (Heaphy Terrace)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Residential	Lot 1 and Pt Lot 3 DP 31996	-	2
53	11	Hamilton Exchange (Corner Caro and Anglesea Streets)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	City Centre	Lots 18, 19, 20 and 21 DP 30210	-	1
54	12	Hamilton East Exchange (Galloway Street)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Residential	Lot 5 DP 12817	-	2
55	15	Melville Exchange (Ohaupo Road)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Residential	Lot 5 DPS 9056	-	2
56	6	Te Rapa Exchange (Te Rapa Road)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Industrial	Pt Lot 5 DPS 192	-	1
57	11	Frankton Exchange (Kent Street)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Industrial	Lots 10, 11, 12 and Part Lot 19 DP 26861	-	1

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
58	10	Hamilton Microwave Station (Newcastle Road)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Residential	Part Lots 3 and 4 DP 16666		2
59	2	Flagstaff Exchange (Commodore Avenue)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Residential	Lot 4 DPS 60215 and Lot 3 DPS 63323	-	2
60	16	Water Treatment Station (Peacockes Road)	Hamilton City Council	Water treatment and supply	Recreation	Lot 4 SO 43783, Pt Allot 56 Te Rapa Parish	-	□
61	6	Water Reservoir (Pohutakawa Drive)	Hamilton City Council	Water storage and supply	Residential	Pt Lot 1 DP 13906, Pt Lot 2 DP 10146 and Pt Lot 3 DPS 20943	-	□
62	7	Water Reservoir (Crosby Road)	Hamilton City Council	Water storage and supply	Recreation General	Lot 2 DPS 35373	-	□
63	10	Water Reservoir (Newcastle Road)	Hamilton City Council	Water storage and supply	Residential	Lot 1 DPS 59877	-	□
64	10	Water Reservoir (Newcastle Road)	Hamilton City Council	Water storage and supply	Residential	Lot 1 DPS 10034	-	□
65	12	Water Reservoir (Cambridge Road)	Hamilton City Council	Water storage and supply	Recreation General	Lot 2 DP 36078	-	□
66	10	Water Reservoir (Forest Lake Road)	Hamilton City Council	Water storage and supply	Residential	Pt Allot 84 Pukete Parish	-	□
67	11	Water Reservoir (Ruakiwi Road)	Hamilton City Council	Water storage and supply	Recreation General	Lot 2 DP 16167	-	□
68	1,2	Hamilton Wastewater Treatment Plant (Pukete Road)	Hamilton City Council	Wastewater Treatment Purposes	Recreation General	Lot 2 DPS 57192 and Part of SO 26084 (road reserve)	9 years	□

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
69	1,2	Hamilton Wastewater Treatment Buffer (Pukete Road)	Hamilton City Council	Wastewater Treatment Buffer	Recreation General	Lots 1-3 DPS 1063, Lot 1 DPS 5856, Lots 1 and 2 DPS 8141, Lots 1-5 DPS 8646, Lot 136 DPS 54573, Part of Lot 1 DPS 57192, Part Allotment 4 SO 344 Pukete Parish, Allotments 4A and 4B SO 1555 Pukete Parish	9 years	<input type="checkbox"/>
70	2	N1 Arterial (North)	Hamilton City Council	Limited Access Road	Residential	Land indicated on planning maps	20 years	<input type="checkbox"/>
71	2,3	N1 Arterial (South)	Hamilton City Council	Limited Access Road	Residential	Land indicated on planning maps	15 years	<input type="checkbox"/>
72	3, 6,7,8	R1 Arterial	Hamilton City Council	Limited Access Road	Residential	Land indicated on planning maps	8 years	<input type="checkbox"/>
73	11	Hall Street/Mill Street extension and widening	Hamilton City Council	Limited Access Road and Road Widening	See Planning Map	Land indicated on planning maps; see Appendices 7.0-II and 7.0-III	-	<input type="checkbox"/>
76	6	Proposed Limited Access Road (Crawford Street)	Transit New Zealand	Limited Access	See Planning Map	Land indicated on planning maps	-	
77	6	Proposed Limited Access Road (Crawford Street to Forest Lake Road)	Transit New Zealand	Limited Access	See Planning Map	Land indicated on planning maps	-	
78	10	Proposed Limited Access Road (To Forest Lake Road)	Transit New Zealand	Limited Access	See Planning Map	Land indicated on planning maps	-	
79	12	Electricity Substation (Ruakura Road)	Transpower New Zealand	Electricity Substation	Future Urban	Part Allotments 223A, 304 and 480 Parish of Kirikiriroa.	-	

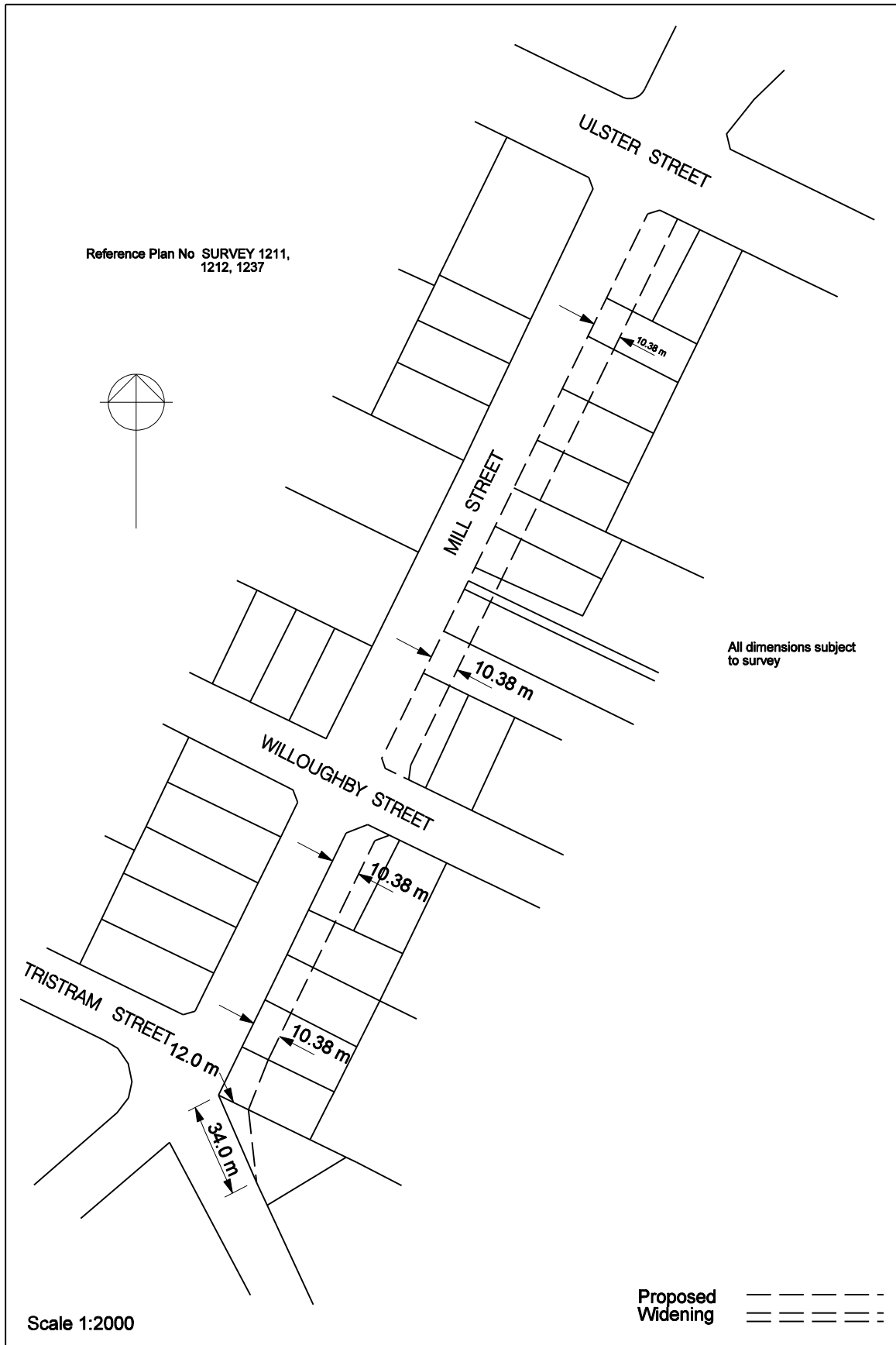
Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
80	5	Rotokauri Primary School (Rotokauri Road)	Ministry of Education	Education	Future Urban	Part Lot 107 DPS 5074, SO 50583	-	
81	1, 5, 6, 10, 14, 15, 16, 17	State Highway 1	Transit New Zealand	State Highway	See Planning Maps	Land indicated on Planning Maps		23
82	15, 16, 18	State Highway 3	Transit New Zealand	State Highway	See Planning Maps	Land indicated on Planning Maps		
83	10	State Highway 23	Transit New Zealand	State Highway	See Planning Maps	Land indicated on Planning Maps		
84	12, 13, 16	State Highway 26	Transit New Zealand	State Highway	See Planning Maps	Land indicated on Planning Maps		
85	1	Proposed Road/Road Closure (Ruffell Road) and Road widening (Te Rapa Road)	Transit New Zealand	Proposed Road/Road Closure and Road Widening	See Planning Maps	Land indicated on Planning Maps and Appendix 7.0-IV		
86	1	Proposed Road Widening (Te Rapa Road/Ann Michelle Street)	Transit New Zealand	Road Widening	See Planning Maps	Land indicated on Planning Maps and Appendix 7.0-V		
87	6	Proposed Road Widening (Te Rapa Road/Te Kowhai Road)	Transit New Zealand	Road Widening	See Planning Maps	Land indicated on Planning Maps and Appendix 7.0-VI		
88	3	Rototuna Primary School	Ministry of Education	Education	Residential	Section 1 SO 308480, Lot 2 DP 309397, Lot 65 DPS 90889 and Lot 40 DPS 90889	-	26
89	3	Reserve (North of Thomas Road)	Hamilton City Council	Recreation Reserve	Future Urban	Lot 2 DPS 493800 and part of Lot 1 DPS 664759	10 years	6

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
90	2,3	Hamilton Bypass	Transit New Zealand	State Highway & Access to State Highway	Future Urban	Lot 2 DPS 11643, Allot 71 Kirikiriroa Psh, Pt Allot 69 Kirikiriroa Psh, Pt Lot 1 DPS 11353, Lot 1 DPS 11516, Pt Allot 103A Kirikiriroa Psh, Allot 452 Kirikiriroa Psh.	10 years	10
91	6,10	State Highway 1: Avalon Drive Bypass	Transit New Zealand	State Highway	Industrial	Land indicated on Planning Maps	12 years	27
92	2,3	Borman Road extension	Hamilton City Council	Road	Future Urban	Land indicated on Planning Maps	20 years	13
93	2	Proposed Road Widening (River Road)	Hamilton City Council	Road Widening	Future Urban	Land indicated on Planning Maps	5 years	14
94		Boulevard Substation	WEL Networks	Electricity Substation	Industrial	Lot 1 DPS 56891		8
95		SH1-SH3 Intersection (Kahikatea Drive/Lorne Street/Ohaupo Road)	Transit New Zealand	Intersection upgrade (road widening, upgrade of signals, implementation of dedicated cycle lane and additional lanes, reconstruction of private access ways)		Land indicated on Planning Maps		10
96		City North Primary School	Ministry of Education	Education	Future Urban	Pt Lot 1 DP 11353 — land indicated on Planning Maps		15
97		Eastern Arterial	Hamilton City Council	Road		Land indicated on Planning Maps		38
98		Horsham Downs Substation	WEL Networks	Electricity Substation	Residential	Part of SO 385145		10
99		Te Rapa Bypass	NZTA	Road	See planning maps	Land indicated on Planning Maps	15	37
100		Cobham Drive Substation	WEL Networks	Electricity Substation	Residential High Density	Pt Allot 279 Town of Hamilton West		22

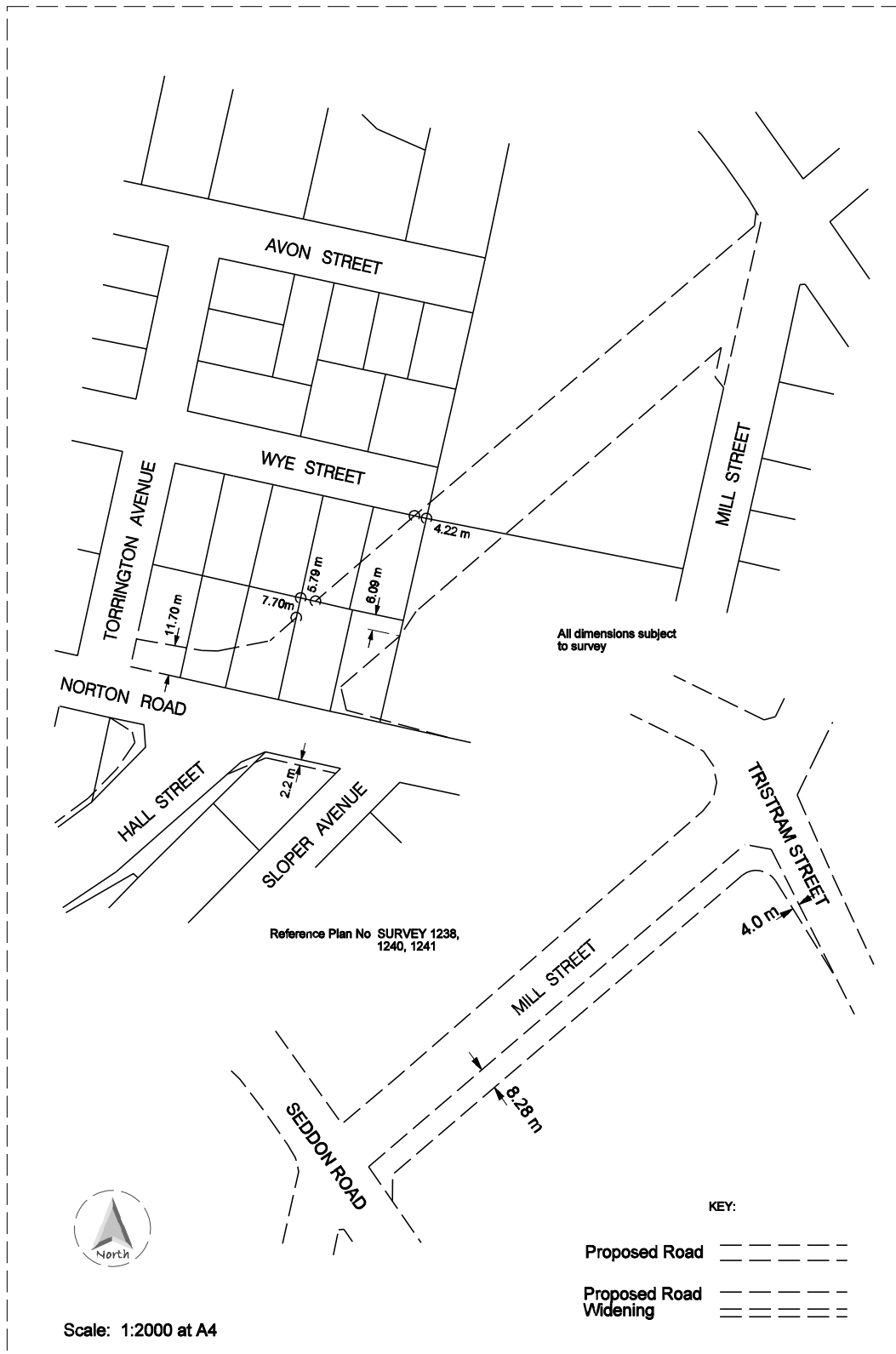
Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe*	Conditions
101	12	Ruakura Road widening and Ruakura/Peachgrove Roads intersection upgrade	Hamilton City Council	Road widening and intersection upgrade	See planning maps	Land indicated on Planning Maps	10 years	23
102	3	Rototuna Secondary School	Ministry of Education	Educational Facilities	Future Urban	Sections 1, 2, 3 & 4 SO 426343	5 years	18
103	11	Kent Street Substation	WEL Networks	Electricity Substation	Commercial Service	Pt Allot 1 Te Rapa Parish CFR SA533/188	-	16
104	14	Latham Court Substation	WEL Networks	Electricity Substation	Industrial	Pt Lot 8 DP South Auckland 24057 CFR SA36C/282	-	12
105	11a	Claudlands Substation (Grey Street)	WEL Networks	Electricity Substation	Suburban Centre	Lot 1 DP 15048 CFR SA610/293, Lots 2-3 DP 15048 CFR SA1017/195, Lot 2 DP 3726 CFR SA241/45	-	13
106	16	Peacocke Substation	WEL Networks	Electricity Substation	Residential	Lot 1 DP South Auckland 12767 CFR SA10A/805	-	14
107	6	Avalon Drive Substation	WEL Networks	Electricity Substation	Industrial	Lot 1 DP South Auckland 56443 CFR SA45D/280	-	12
108	6	Sandwich Road Substation	WEL Networks	Electricity Substation	Residential	Lot 33 DP South Auckland 11797 CFR SA10B/424, Lot 43 DP South Auckland 9102 CFR SA4B/1141	-	12
109	11 & 11a	Bryce Street Substation	WEL Networks	Electricity Substation	Recreation Major	Part Allot 10 Hamilton West Town Belt	-	6
110	7	Chartwell Substation	WEL Networks	Electricity Substation		Sec 1 SO 60397	-	13
111	16,18	Southern Links — Peacockes Growth Area	Hamilton City Council	Road	See planning maps	Land indicated on Planning Maps	20 years	27
112	14	Southern Links	NZ Transport Agency	State Highway	Industrial	Land indicated on Planning Maps	20 years	26

Ref No.	Map No.	Facility/Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe *	Conditions
113	10	Killarney Road Switching Station	WEL Networks	Electricity Switching Station	Industrial	Pt Lot 1 DP 15639	-	17
114	10	Massey Street Switching Station	WEL Networks	Electricity Switching Station	Residential	Lot 3 DP 16833	-	16

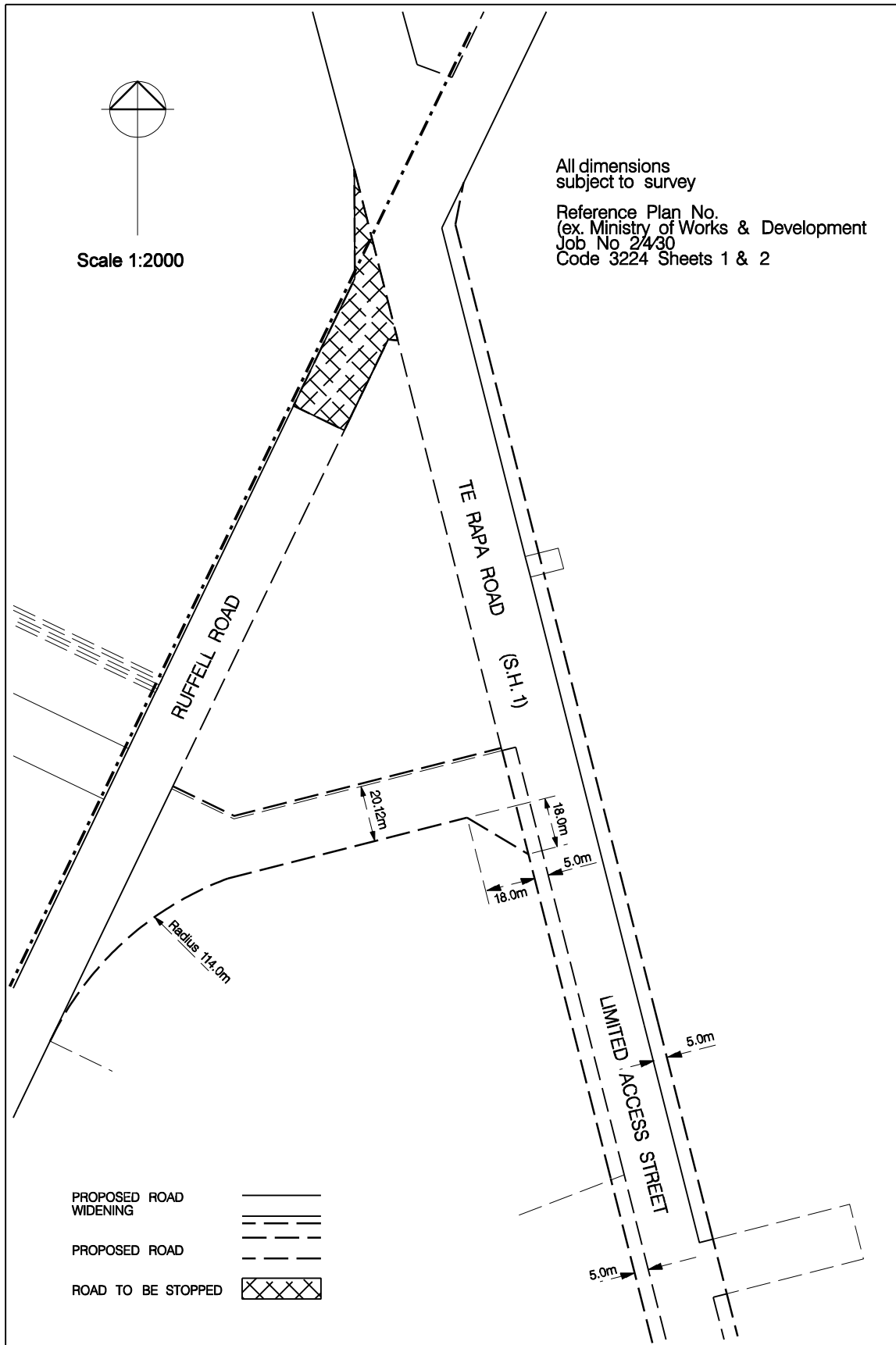
Appendix 7.0-II Proposed Road - Hall Street /Seddon Road & Proposed Road Widening - Mill Street



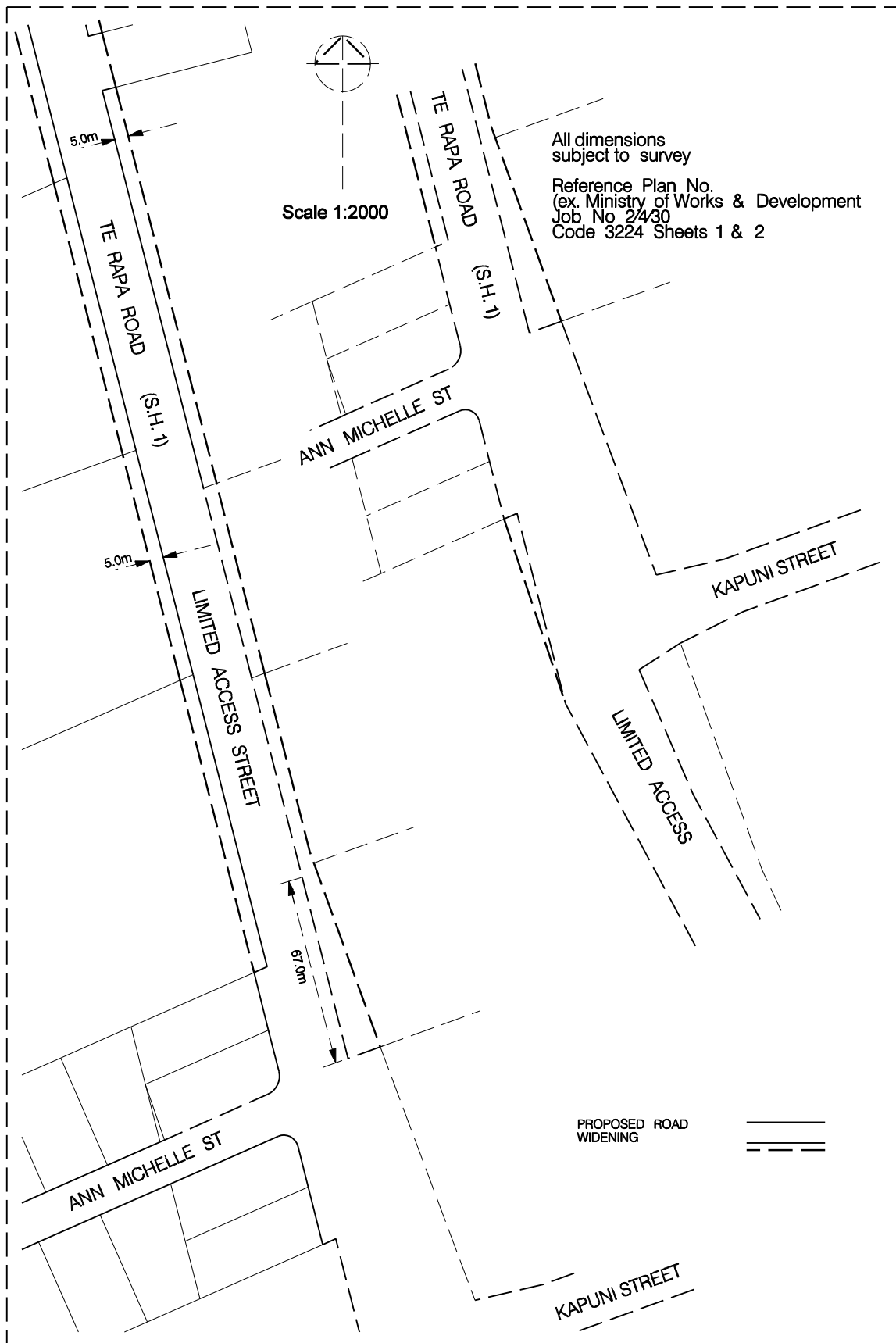
Appendix 7.0-III Proposed Road Widening - Mill Street



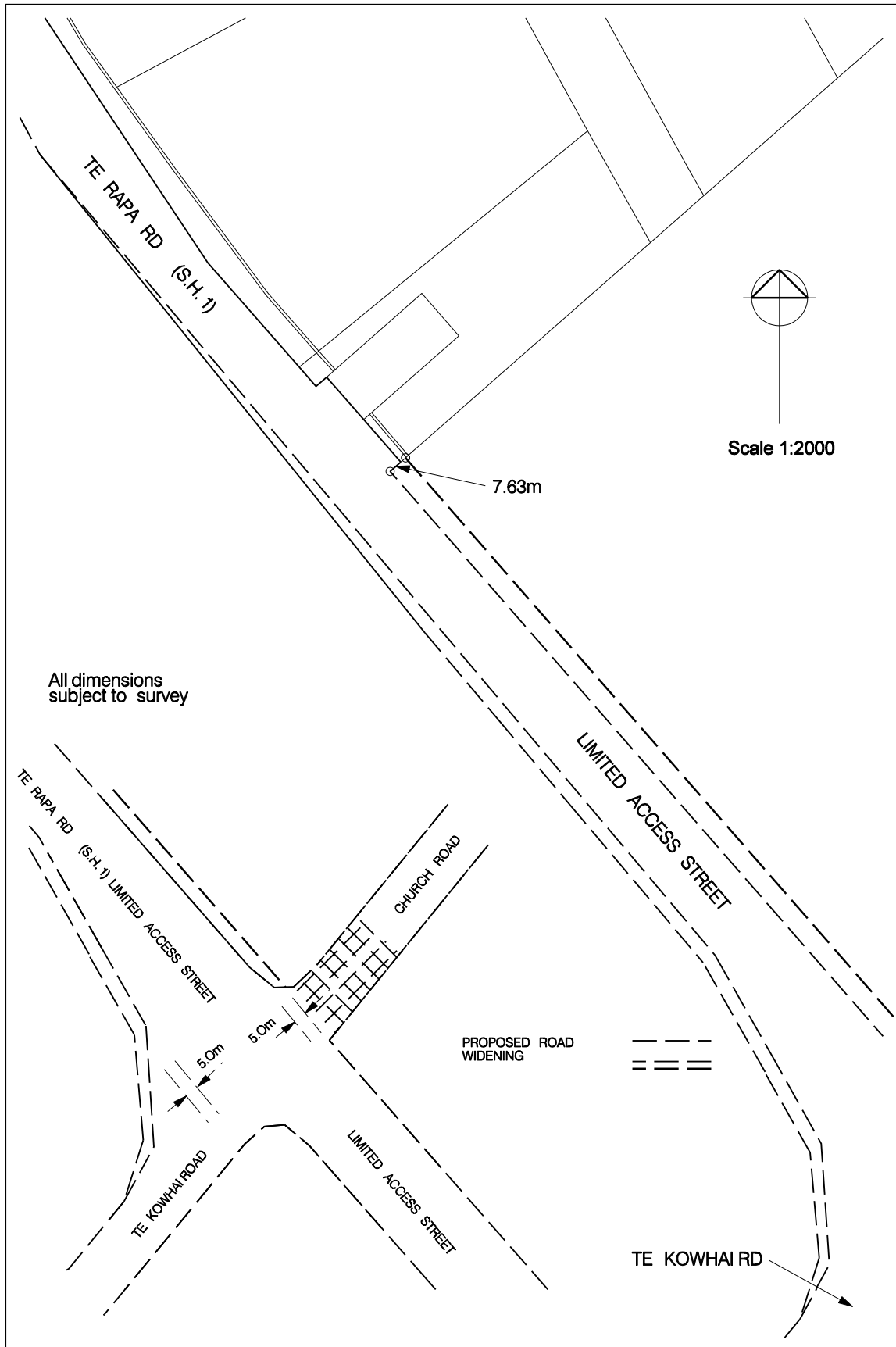
Appendix 7.0-IV Proposed Road/Closure – Ruffell Road and Proposed Road Widening – Te Rapa Road



Appendix 7.0-V Proposed Road Widening – Te Rapa Road (Ann Michelle Street)



Appendix 7.0-VI Proposed Road Widening – Te Rapa Road (Te Kowhai Road)



Rule 8.0 Definitions

In this plan, unless the context otherwise requires, each specified term has the meaning that follows:

Accessory Building - means a detached building, the use of which is clearly incidental to the use of the principal building or land use on or permitted on that site. A garage or carport which is attached to and forms part of a residential building shall be considered to be an Accessory Building.

Access Strip - means a strip of land created by the registration of an easement in accordance with Section 237B of the Resource Management Act for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in the First Schedule to that Act).

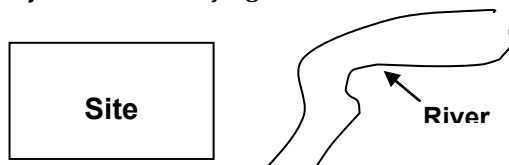
Accessway - means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development (or, on or after the 1st day of April 1988, the Minister of Lands) for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve.

Acoustic Design Certificate - means a certificate provided by an acoustic engineer, architect or other person(s) experienced in the field of acoustic design.

Active Frontage - means a façade of a building that includes windows and preferably an entrance to encourage activity and allow passive surveillance of the street, carpark or area of public space.

Additions and alterations - (in relation to the Heritage Items Overlay, Heritage Precincts Overlay and Hamilton East Residential Character Zone) — means any work which involves the addition, alteration, removal and replacement of walls, windows or features which results in an external structural appearance different to its existing appearance, but does not include minor work or demolition of the item.

Adjacent - means lying near to, but not necessarily contiguous to.



Adjoining - means next to and joined with or is contiguous to.



Allotment - means

- a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:-
 - i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- b) Any parcel of land or building or part of a building that is shown or identified separately:-
 - i) on a survey plan; or
 - ii) on a licence within the meaning of Part I of the Companies Amendment Act 1964; or
- c) Any unit on a unit plan; or
- d) Any parcel of land not subject to the Land Transfer Act 1952.

Amenity Values - means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.

Ancillary Flat - means a detached self-contained residential unit built in association with the principal residential unit on site and held in common ownership with that unit, or in the Industrial Zone means any residential accommodation ancillary to any activity undertaken on site.

Ancillary Retail Activity - means a retail activity which is incidental to but associated with the principal activity on the site, for example a factory shop selling goods produced on the premises.

Ancillary Use - means a use which is incidental to the main or principal use of a premise and which the main or principal use of the premises does not rely on to function or exist.

Apartment Building - means a residential building comprising two or more attached residential units not all of which are necessarily located at ground floor level (refer also to the definitions of Accessory Building and Residential Unit).

Approved Noise Abatement Measures - means measures including but not limited to acoustic screening or barriers, distance attenuation, placing non-residential land uses between the noise source and receiver, use of building design and construction, or any combination of the above.

Archaeological Site - means any place in New Zealand that either was associated with human activity that occurred before 1900, or is the site of the wreck of any vessel where that wreck occurred before 1900; and is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.

Biodiversity - means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part: this includes diversity within species, between species, and of ecosystems.

Boundary - means the legal boundary of the site, or in the case of more than one detached dwelling on a site it is defined by the notional boundary of a complying unit site area.

Building - means any structure whether temporary or permanent, movable or immovable and includes a fence, boundary wall or retaining wall more than 2m in height. A building does not include the following: a) Swimming Pools and accessories, ornamental pools, fences, walls and other structures not roofed or enclosed, all not exceeding 2m in height. b) Pergolas and lych-gates, not roofed or enclosed, and not exceeding 3m in height. c) Steps, terraces and patios, not roofed or enclosed, and not exceeding 1m in height.

Building Line Restriction - means a restriction imposed on a site to ensure that when new buildings are erected, or existing buildings re-erected, altered or substantially rebuilt, no part of any such building shall stand within the area between the building line and the adjacent site boundary.

Clean Fill - consists of soil and hardfill material such as for paving and terracing which can be compacted and landscaped to become part of the landform, but excludes any fill containing any organic, pollutant, inflammable or hazardous components; and/or consists of material other than soil, sand, gravel, silt, or demolition material, and/or has an average particle size in excess of 200mm; and/or where the organic content of the fill consists of more than 5% of the total volume.

Clubrooms - means the premises used by a club and can include indoor courts for recreational activities.

Connectivity - connectivity in terms of subdivisional planning, means the ability to provide a well-connected local movement system which connects people to adjoining land, local facilities and surrounding neighbourhoods through interconnectivity of the local road, pedestrian and cycle networks. The starting point for a well connected development is the existing system of linkages into and through the site from the surrounding neighbourhood.

NB, for further illustrated advice on what constitutes connectivity refer to Rule Section 10.0.

Communal Open Space - means a quantity of landscaped land freely available to all residents on the site, exclusive of driveways, buildings, and private outdoor space of individual residential units.

Community Centre - means premises used for a range of functions of a community character such as; community, spiritual, educational, recreational, cultural, social, and ceremonial activities and include places of worship, community houses, and halls.

Comprehensive Residential Development - means a development of an integrated residential development, including residential units, open space, access and other activities. The development may include retirement villages and other group housing schemes with accommodation ranging from shared accommodation to individual residential units. Ancillary facilities could include medical care, recreation, or other communal facilities which offer exclusive service to the residents of the development.

Council - means the Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.

CPTED - stands for Crime Prevention Through Environmental Design which is a crime prevention philosophy based on the premise that *"proper design and effective use of the physical environment*

can produce behavioural effects that will reduce the incidence and fear of crime, thereby improving the quality of life. These behavioural effects can be accomplished by reducing the propensity of the physical environment to support criminal behaviour". (Crowe, 1991, Crime Prevention Through Environmental Design: Applications of Architectural Design and Space Management Concepts.)

Culvert - means a short length of pipe, open at both ends, that conveys water under an accessway or road.

Dairy - means the use of a building where the retail element does not exceed 100m² gfa in a residential area for the sale of day to day food requirements and associated household items. The majority of its trade must be derived from the sale of milk, bread, non-alcoholic beverages and other day to day convenience merchandise. Excludes any retail activity involving fried food cooked on the premises and the sale of alcohol.

Demolition - means the removal, dismantling or destruction of an entire building.

Development - means the development of a site required to establish or operate a land use and shall include buildings, structures, ground works and landscape.

Detached Dwelling - means a detached residential building designed for, and occupied exclusively by, one household.

Dispensing Facility - means for drive through fast food or service outlets each single combination of an order point, a payment point, and a collection point and for service stations as a single petrol pump or a group of petrol pumps that are grouped on a single "island".

Drive-Through Services - (excluding Service Stations within the Rototuna Suburban Centre Zone) — means any premises where goods and services are offered for sale to the motoring public primarily in a manner where the customer can remain in their vehicle. Drive-through services can include dispensing and associated storage of motor fuels and relation products, fast food outlets proving on demand meals prepared on the premises for consumption therein or taking away, the provision of servicing and running repairs for light motor vehicles and any other activity of a drive-through nature including those ancillary to the above.

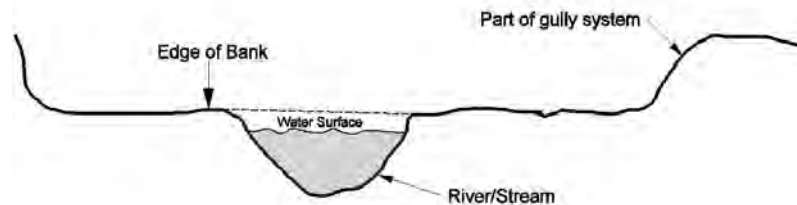
Earthworks - means the disturbance of the land surface by moving, removing, placing or replacing soil or earth, by excavation, cutting or filling operations, but excludes foundation piling.

Drive-Through Services - means any premises where goods and services are offered for sale to the motoring public primarily in a manner where the customer can remain in their vehicle. Drive-through services can include dispensing and associated storage of motor fuels and relation products, fast food outlets proving on demand meals prepared on the premises for consumption therein or taking away, the provision of servicing and running repairs for light motor vehicles and any other activity of a drive-through nature including those ancillary to the above.

Eave - means that portion of the roof extending beyond the exterior wall of a building having a maximum overhang of 500 mm.

Ecological Corridors - means natural corridors that provide for the movement of flora and fauna for a variety of purposes including feeding and breeding.

Edge of the Bank - means the topographical feature defined in the diagram below:

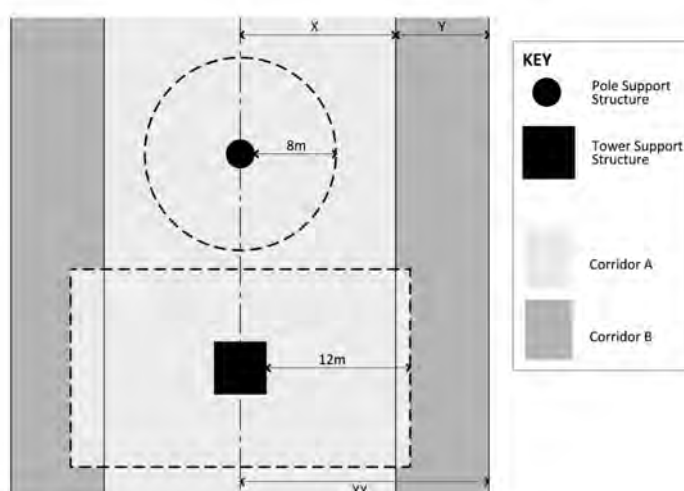


Education and Training Facilities - means premises where groups of people are given tuition and training on a formal basis and includes childcare facilities, schools, tertiary education institutions and specialised training facilities.

Effect - means:

- Any positive or adverse effect;
- Any temporary or permanent effect;
- Any past, present or future effect;
- Any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration, or frequency of the effect, and also includes —
- Any potential effect of high probability;
- Any potential effect of low probability which has a high potential impact.

Rototuna High Voltage Electricity Transmission Corridors - means a buffer area around the above ground High Voltage Electricity Transmission Lines in Rototuna identified on the Planning Maps. The purpose of this corridor is to manage activities and structures in close proximity to the electricity transmission lines and is required by the National Policy Statement for Electricity Transmission. Diagrammatically, the Corridor is as follows:



Corridor A

'X' distance measured from either side of the centreline of the electricity transmission corridor equals:

- 10 m for a 110 kV transmission line on single poles (Ham-Mer A)

Corridor B

'Y' distance measured from the outer edge of Corridor A equals:

- 4 metres for a 110 kV transmission line on single poles (Ham-Mer A)

Full Electricity Transmission Corridor — X metres + Y metres x 2

Plus: 8 metres from the outer visible edge of a pole structure.

Emergency Housing - means any Managed Care Facility in which temporary residential accommodation, care and/or support are provided by another person or agency for five or more residents (including children) on an emergency basis or for the personal protection. For the purpose of calculating the number of residents, account shall be taken of owners and/or staff and any of their children aged 16 years or older who live on the premises. Including, but not limited to night shelters and women refuges.

Emergency Removal - means removal of a significant tree provided it constitutes an imminent hazard to people and property in the opinion of a qualified arborist.

Environment - means:

- a) Ecosystems and their constituent parts, including people and communities;
- b) All natural and physical resources;
- c) Amenity values; and
- d) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

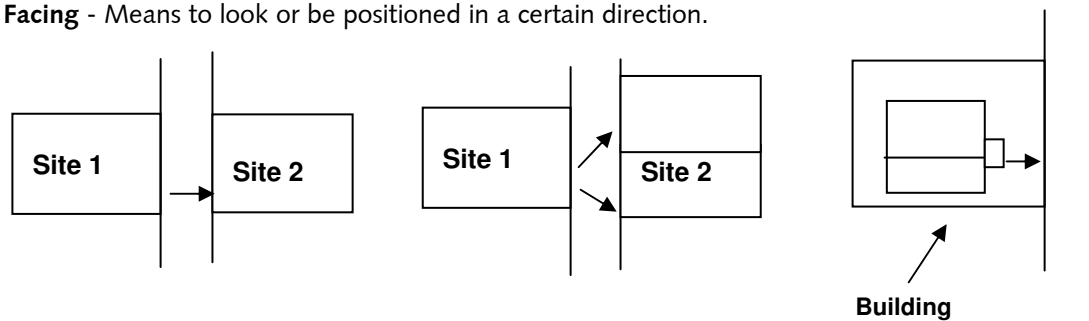
Event - means an activity involving relatively large groups of people engaged in recreational, leisure or similar pursuits either as participants or spectators and includes sports meetings, carnivals, craft or trade fairs, displays and the like.

Excavation, Modification and Disturbance (in relation to the Significant Archaeological, Historic and Cultural Sites Overlay) - means to dig into, or the removal of soil or other material from, the ground; or the movement of soil or other material on to or within the site which changes the existing profile of the landform; with the exception of those matters defined as Minor Work (in relation to the Significant Archaeological, Historic and Cultural Sites Overlay).

Exotic Vegetation - means vegetation which does not occur naturally in New Zealand (refer also to the definition of Indigenous Vegetation).

Expected Outcome - means in relation to any rule the environmental outcome expected from compliance with that rule.

Facing - Means to look or be positioned in a certain direction.



Factory Farming - means the commercial raising and keeping of plants or animals which is dependant on a high input of food or fertiliser from beyond the site and is contained in buildings or outdoor enclosures and includes boarding kennels or catteries.

Farming - means a land based activity having as its primary purpose the commercial production of any livestock or vegetative matter, and includes bee-keeping, horse training agistment, but excludes forestry and factory farming.

Fence - means any structure, intended to be a permanent division, screen or barrier, but shall not include a post wire fence or temporary fence.

Flood - (for the purposes of events for motorised water activities on the Waikato River) - means a river level of $\geq 14.0\text{m}$ above mean sea level (Moturiki Datum) measured at the Waikato Regional Council (Environment Waikato) Victoria Street Bridge Recorder Station.

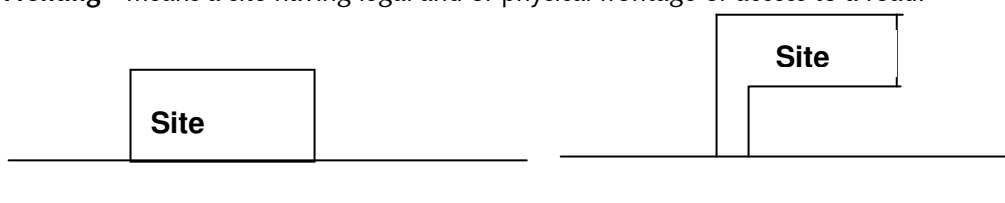
Floor Area Ratio - means the ratio between the gross floor area of a building and the net area of the site which for the purposes of this definition comprises one or more lots in permanent contiguous ownership and occupied exclusively by the development to which the requirement applies.

Forestry - means the establishment, management and harvesting of forest or tree plantations, of greater than 1 ha in area of contiguous planting, for commercial gain and extraction of timber therefrom but does not include saw-milling or other timber processing.

Front site - means a site having one frontage or more frontages to a road.

Frontage - means that portion of the boundary of any lot which is also the boundary of an existing road, or road to be vested or otherwise legalised as a condition of subdivision consent. For the purpose of this definition 'road' does not include any Motorway, Service Lane or Accessway.

Fronting - means a site having legal and or physical frontage or access to a road.



General Recreation - means any active sports or games or recreational pursuits for participants and/or spectators and the fields necessary to accommodate them but excludes motorised vehicle sports.

Good Subdivision Guidance - means written or illustrative material contained in Council documentation. This may include Guidance contained in Rule Section 10.0, the Hamilton City Development Manual, Best Practice Design Guides or other educational material prepared by Council.

Green Infrastructure - means technologies, and practices that use natural systems and/or engineered systems that mimic natural processes to enhance overall environmental quality and provide utility services, particularly in terms of the management of stormwater.

Green Network - means a network of open space corridors throughout the city, consisting of both public and private land that supports the natural environment and ecological processes. The Waikato River and associated gully system form the backbone of the Green Network.

Gross Floor Area (gfa) - means the sum of the gross floor area of all floors of all buildings on a site measured from the exterior faces of the exterior walls or from the centrelines of walls separating two buildings. Gross floor area shall:

- a) Include elevator shafts, stairwells and lobbies at each floor and mezzanine floors and balconies;
- b) Exclude any provided car-parking, loading and servicing areas and access thereto and building service rooms containing equipment such as lift machinery, tanks, air conditioning and heating plants.

Gross Leasable Floor Area (GLFA) - means the sum of any floor areas (within the external walls of buildings designed for tenant occupancy and exclusive use including both freehold and leased areas. It includes any stock storage or preparation areas whether exclusive or not but excludes the following areas where these are common and not designed for rental: liftwells and stair wells including landing areas, corridors and malls, building service rooms, required parking areas.

Groundcover - means plants of less than 0.5m metre in height which are not turf grass.

Ground Level - Refer to Natural Ground Level.

Habitable Room - means any room in a dwelling apart from those used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.

Hazardous Facility - means any activity involving hazardous substances and their sites where hazardous substances are used, stored, handled or disposed of, and any installations or vehicles parked on site that contain hazardous substances. Hazardous facility does not include:

- the incidental use and storage of hazardous substances in minimal domestic quantities;
- fuel in motor vehicles, boats and small engines;
- retail outlets for the domestic scale usage of hazardous substances (i.e. supermarkets, hardware shops, pharmacies, home garden centres);

- gas and oil pipelines including necessary incidental equipment being main line valves, regulator stations and meeting equipment; and
- trade waste sewers.

Hazardous Sub-Facility - means any activity involving hazardous substances, including vehicles for their transport and the land or building on or within which hazardous substances are used, stored, handled and disposed of, where that activity is more than 30 meters from any other activity involving the use, storage, handling or disposal of hazardous substances within that same site. For the purpose of this definition any activity and other activity includes a) individual departments, sections, units or buildings of an activity and b) does not include those activities which are excluded from the definition of a hazardous facility.

Hazardous Substances - means, unless expressly provided otherwise by regulations, any substance with one or more of the following intrinsic properties:

- Explosiveness
- Flammability;
- A capacity to oxidise;
- Corrosiveness;
- Toxicity (including chronic toxicity)
- Ecotoxicity with or without bioaccumulation; or
 - which in contact with air or water (other than air and water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified above.

Health Care Services - means services relating to physical and mental health and welfare performed by duly qualified practitioners or by persons in their employ and includes services provided by medical practitioners or by persons in their employ including surgical procedures and day patient care, dentists and veterinary surgeons but excludes a hospital.

Height - in relation to maximum height of a building means the vertical distance between:

- a) a horizontal plane through the highest point of the roof, excluding service rooms containing equipment such as lift machinery, tanks, air-conditioning and heating plants, aerials and dishes as permitted in Rule 3.3; and chimneys, flues and similar projections of less than 1m² in area and projecting not more than 2m above maximum permitted height ; and
- b) a horizontal plane through the mean of the highest and lowest point of the natural ground level along the relevant external wall of the building provided that any calculated mean height shall not exceed the maximum permitted height.

Height Control Plane - means a surface through which no part of a building other than chimneys, flues and similar projections not exceeding 2m in height and 1m² in area or an aerial as permitted in Rule 3.3 may protrude. It is defined by drawing height control lines from all points on the boundaries of an allotment or unit site area. Such lines are to commence at a specified vertical distance above the

natural ground level at the boundary, point into the site at right angles to the boundary and rise at a specified angle.

Heliport - means a facility for the landing, take-off, parking, storage, refuelling and routine maintenance of helicopters including associated buildings, but does not include facilities for overhaul or long term engine testing.

Heritage Fabric - means all the physical material of a building, object, site, place or area that contributes to the heritage value.

Heritage Item - means a building, structure, object, site or place and all elements of that item, which have been identified as having heritage value.

Heritage Record - includes photographic records of the interior and exterior of the item, and any land title records, structural architectural plans, and building or site survey plans which currently exist relating to the item. Heritage records are required to be of archival quality and will become the property of the Council once submitted.

High Intensity Sign - means any flashing or moving animated or illuminated sign, or any other active sign.

High Noise Route - means a major or minor arterial road identified in the high noise route map (refer Appendix 5.1-1.) The L10 18 hour dBA levels are either measured or predicted using the criteria laid down in UK Department of the Environment, Welsh Office - "Calculation of Noise Levels".

Home Occupation - means an occupation, or craft, or profession which is incidental to the residential use of the site. The generated effects are not significantly different from those of other permitted uses in the zone.

Household - means a person or group of people related or unrelated who reside together and interact on a daily basis to maintain a self-contained housekeeping unit. This definition excludes people living in residential centres or managed care facilities.

Impermeable Surfaces - means surfaces such as roads, roof tops, footpaths, patios or highly compacted soil that are not vegetated and do not infiltrate run-off.

Indigenous Vegetation - means vegetation that occurs naturally in New Zealand or arrived in New Zealand without human assistance.

Industrial Activity - means any industrial activity including all types of processing, manufacturing, bulk storage, warehousing, service and repair activities.

Informal Recreation and Ancillary Buildings - means any activity whose primary aim is the enjoyment of leisure of a primarily non competitive casual nature and includes amenity and conservation plantings, children's play areas, shelters, public toilets and other buildings necessary for the maintenance of the park.

Integrated Retail Development (in relation to Rule 5.2 Parking, Loading and Access) - means a development of retail activities on a site which are developed and managed as a comprehensive entity, and which has combined facilities (ie. services areas, loading spaces and parking) which are accessible from, and can be utilised by, all the individual tenancies of the development.

Jetty - means a landing pier attached to the bed of a lake or river.

Ldn - The day night noise level which is calculated from the 24 hour Leq with a 10 dBA penalty applied to the night time Leq (2200hr -0700hr).

Leq - The time averaged noise level (ie. the constant noise level which would contain an equal amount of sound energy to the actual fluctuating noise level).

Lmax - The maximum noise level recorded during the particular measurement period. Lmax is generally used to assess the potential sleep disturbance of individual noise events.

L10 (18hr) - means the sound level in dBA which is exceeded for 1 tenth of a period of one hour and L10 (18hr) is the arithmetic mean of all the levels of L10s during a period of 0600hr — 2400hr .

Lake - means a body of fresh water that is entirely or nearly surrounded by land.

Landscape Design - means the functional layout and design of a site involving the planned use of open space, landform, plant-form, water and artificial features for the purpose of beautifying or enhancing a site for human use and enjoyment.

Licensed Premises - means land, buildings or part of a building used principally for the serving of liquor, for consumption on the premises. Licensed premises include (but are not limited to) hotels, taverns, wine bars and clubs (both chartered and night).

Light Industry - means manufacturing, storage, service and repair activities which do not involve the use of heavy machinery, are carried out indoors and are unlikely to give rise to significant adverse effects beyond the site and are generally of a small scale and includes printing works, furniture manufacture, car repairs, light engineering, tradesmen's depots and the like.

Local Movement System - means any type of resource capable of moving people or vehicles within the transport network and can include roads, pedestrian/cycle accessways, reserves and the River.

Low Flow (for the purposes of events for motorised water activities on the Waikato River) - means a river level of $\leq 11.80\text{m}$ above mean sea level (Moturiki Datum) measured at the Waikato Regional Council (Environment Waikato) Victoria Street Bridge Recorder Station.

Low Intensity Sign - means a painted or similar sign, or static illuminated sign, device or symbol.

Managed Care Facilities - means land or buildings, in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency. For the purpose of calculating the number of residents, account shall be taken of owners and/or staff and any of their children aged 16 years or older who live on the premises. All other staff are excluded from that calculation. They include but are not limited to, emergency housing and rehabilitation centres. They exclude:

- A residence established in accordance with section 364(2)(d) of the Children, Young Persons and Their Families Act 1989, or replacement thereof
- Apartment Buildings
- Hospitals
- Retirement villages
- Rest homes
- Residential centres
- Secure units

Manoeuvring Area - means that part of a site used by vehicles to move from the vehicle crossing to any parking space or loading space and includes all driveways and aisles and may be part of an access strip.

Marae - means a complex including meeting house, dining hall, educational and other associated facilities and residential accommodation associated with the marae.

Margins - means the land/water boundary of any permanent, natural watercourse, lake or wetland.

Means of Compliance - means those standards, terms, restrictions, prohibitions, classifications and other provisions forming a rule.

Minor Work (in relation to the Heritage Items Overlay, Heritage Precincts Overlay and the Church College Character Overlay) - means work for the purpose of restoration and repair of any original structure including the repair of materials and replacement of minor components where these are beyond repair or are missing. The replacement should be of original or similar material, colour, texture, form and design as the original it replaces.

Minor Works (in relation to roads) - means construction, repair and maintenance and other operational roadworks of a minor nature undertaken on the transportation roading network to effect the safe and efficient functioning of a road.

Minor Work (in relation to the Hamilton East Residential Character Zone) - means the maintenance and repair of any existing building or structure or landscape feature, but excludes any matter identified as requiring resource consent.

Minor Work (in relation to the Significant Archaeological, Historic and Cultural Sites Overlay) - means the maintenance of existing site landscape features such as gardens, lawns, and planting beds; but excludes the development or re-development of the site which involves excavation, modification or disturbance of the ground.

Motorised Vehicle Activity - means any activity involving a motor driven vehicle and can include cars, motorbikes and karts; but does not include modelled or scaled down versions of vehicles operated through remote control.

Motorised Water Activity - means any activity involving a motor driven vessel and can include jetboats, water skiing, jet skis, hovercraft and the use of outboard motors, but does not include modelled or scaled down versions of boats operated through remote control.

Multi purpose facilities for international sports, events and functions - means land and buildings that provide for:

- International standard playing surfaces; and
- International standard facilities for use by professional sports codes; and
- International standard facilities for televised sports and events broadcasting; and
- Spectator facilities including but not limited to stands, seating, corporate and entertainment boxes, audio-visual screens; and
- Places of assembly including function rooms and facilities for concessions to serve food and refreshments including liquor; restaurants, licensed premises and catering services, entertainment, exhibitions and conferences;

and may include

- Retail activities;
- Offices;
- Visitor Accommodation; and
- Out catering service to serve venues, facilities and functions beyond Waikato Stadium and Seddon Park.

Advice Note: 'Event' excludes the use of the playing areas for training, practice and rehearsals at night time, notwithstanding that lights and floodlights may be used.

Natural Ground Level - means the lowest of:

- a) the level of the ground at the time the Section 224 certificate is issued; or
- b) the finished level of the ground as the result of building construction work; or
- c) the finished level of the ground as the result of any subsequent works.

Natural Hazard - means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Natural Values - in terms of this District Plan incorporates the city's key natural features — the Waikato River corridor and gully systems, peat lakes, wetlands and associated peatland, remnant and regenerated indigenous vegetation, surface and groundwater resources and the ecosystems and habitats that depend on these natural features. It also includes the landscape and visual qualities associated with these features.

Natural Watercourse - means a continually or intermittently flowing body of fresh water including streams but not including any artificial watercourse.

Net Site Area - means the area of the site, excluding any entrance strip with a width of 6m or less, or any right of way, private way or access lot.

Network Utility - means a service provided by a network utility operator as defined under Section 166 of the RMA for the purposes of supplying water, energy, sewage disposal, telecommunications and radio communications, broadcasting, streetlighting, navigational aids or similar services

Non-Industrial Activity - means all activities other than industrial activities.

Non-Residential Activities - means all activities other than residential activities.

Noxious Plant Pest - means those plant species listed as being noxious in the Regional Pest Management Strategy.

Offices - means premises used for an administrative or a professional activity but excludes Health Care Services.

Outdoor Living Area - means an on-site outdoor area for the exclusive use of each residential unit, free of any building or carparking, but which may include the area beneath eaves, and uncovered decks and terraces regardless of height.

Papakāinga - means the use and occupancy of multiple-owned land by the Maori land owners involving the development of the land for residential units and other buildings necessary to enable landowners to live on their land.

Park - means a defined and named area of recreation land administered and/or owned by Hamilton City Council.

Parking Lots and Parking Buildings - means those parking areas established specifically to be used for carparking and which are not provided to fulfil the parking requirements of any other activity in the District Plan.

Peat Lakes - means lakes which are influenced by the presence of extensive areas of peat within their catchments and dystrophic characteristics being relatively low in nutrients, low in pH and their waters stained by dissolved humic compounds.

Performance Assessment - means in relation to any rule those provisions intended to guide Council in determination of resource consents.

Permeability - the extent to which an environment provides choice and ease of movement through it, from place to place. The starting point for a permeable development is the existing system of links into and through the site from the surrounding neighbourhood.

Permeable Surface - any part of a site which is grassed or planted in trees or shrubs and is capable of absorbing water. It does not include any area which:

- a. Falls within the definition of building coverage;
- b. Is covered by decks which do not allow water to drain through to a permeable surface;
- c. Is occupied by swimming pools; or
- d. Is paved with a continuous surface.

Places of Assembly - means land or buildings which are used principally for the public or private assembly of persons for cultural, entertainment, recreation, leisure, education or similar purposes. They include conference centres, seminar rooms, gymnasiums, public halls, theatres and cinemas, display galleries and museums.

Planting - means the provision of trees, shrubs, and/or groundcover plantings, and may include any other vegetative forms so arranged as to improve visual amenity.

Pontoon - means a landing pier that floats on the surface of a water body and is attached to the bank of the water body.

Primary Frontage - means a defined area within a suburban centre where specific provisions apply.

Principal Rooms - include kitchens, living rooms and dining rooms and bedrooms.

Produce Stalls - means any land, building or part of any building that is used for the sale, to the public only, of goods grown or produced on the property on which the produce stall is sited.

Proper Speed - means speed of a watercraft discounting the contribution of any current to that speed.

Protected Tree - means any tree/shrub or group of trees or shrubs listed in the Significant Tree Register of this District Plan (Appendix 2.2-1)

Public Space - means the parts of the neighbourhood or city (whether in public or private ownership) that are available without charge for everyone to use or see. This can include streets, squares, parks, reserves and green corridors.

Public Transport Facility - means land and buildings, used for scheduled passenger transport services. This may include bus bays, taxi ranks, drop off and pick up points, cycle parking, shelters, waiting rooms, ticket office, information centre, luggage lockers, public toilets, showers, changing rooms and ancillary activities.

Railway Houses - means pre-cut timber detached dwellings constructed in the 1920s by the Railways for railwaymen and their families and located in the Frankton Railway Village.

Rear Site - means a site which is situated generally to the rear of another site and has frontage or legal access to a road or private road.

Reinstatement - means work carried out to restore the exterior of a building to a completed and integrated standard and appearance. This includes the reassembling of the building as a unified whole, the replacement of defective exterior materials with materials in keeping with the character of the building, and exterior repainting.

Relocated Building - means a building originally built off site which is repositioned onto a new site, but does not include new buildings or accessory buildings.

Remnant or Regenerated Indigenous Vegetation - means vegetation dominated by indigenous species or with a substantial component of indigenous species i.e. species that are native to the Hamilton Ecological District (McEwen, M.C, 1987: *Ecological Regions & Districts of New Zealand*, Department of Conservation, Wellington). This may be indigenous vegetation that remains after a larger area has been incompletely cleared, e.g. Claudelands Bush which still contains some original or old growth trees.

It also includes vegetation dominated by indigenous species that has developed following major disturbance or destruction of the original vegetation, e.g. the second or third growth vegetation which has regenerated naturally but which may be essentially different to the original vegetation, e.g. the induced kanuka forest of some Hamilton river scarps and terraces. It does not include plantations of indigenous species.

Removal (of a significant tree) - means the physical clearance or cutting down of a significant tree.

Residential Activities - means the use of land and buildings by people for living accommodation (whether or not any person is subject to care or supervision.)

Residential Building - means any building or part thereof used, or intended to be used for human habitation.

Residential Centre - means land or buildings used for long term shared residential accommodation occupied by five or more persons in addition to staff and not constituting a household. They include boarding houses, hostels, and other long stay accommodation. They exclude:

- Visitor accommodation
- Hospitals
- Rest Homes
- Retirement villages
- Managed Care Facilities
- Secure units
- Apartment Buildings
- A residence established in accordance with section 364(2)(d) of the Children, Young Persons and Their Families Act 1989, or replacement thereof.

Residential Unit - means the self-contained residence of a single household.

Rest Homes - means land or buildings for the accommodation of the elderly and/or infirm where nursing/medical care is provided. They exclude hospitals, managed care facilities and residential centres.

Restaurant - means premises where meals are sold principally for consumption on the premises, whether or not the premises are licensed under the Sale of Liquor Act.

Restoration - means returning the existing physical material of heritage resources to a known earlier state.

Retail Activities - means the use of land or buildings where goods and services are offered or exposed to the general public for sale, hire or utilisation but excludes restaurants, licensed premises, offices or drive-through services as herein defined.

RMA - means the Resource Management Act 1991 and all subsequent amendments.

Road - means any street or highway.

Road Boundary - means any boundary of a site abutting a legal road (other than an accessway or service lane) or contiguous to a boundary of a road designation. Frontage or road frontage shall have the same meaning as road boundary.

Rotokauri High Density interface Area - means any land facing the Rotokauri Neighbourhood Green and/or Rotokauri Suburban Centre Primary Frontage Area or separated from it only by a road reserve, walkway or cycleway. The Rotokauri High Density Interface Area is to be the depth of 1 dwelling unit and any associated carparking, servicing and outdoor living areas. As illustrated in the Rotokauri Neighbourhood Centre Concept Plan.

Rural Industry - means any industry ancillary to rural activities which is dependent primarily on the direct handling of raw produce or supply of services to farming, horticulture, factory farming or forestry and includes: packing and storage of produce, engineering workshops for the repair and servicing of farm equipment, depots for rural transporters and farming contractors, depots for the receipt of produce for preparation for market, agricultural, horticultural, or silvicultural research, horticultural services and primary processing of horticultural produce, but excludes saw mills, abattoirs, wool scouring and the like.

Secure Unit - means land or buildings using physical barriers and/or guards for the purpose of preventing departure from the facility for the primary purpose of the protection of property and/or the security or safety of any person other than staff, visitors and residents at the facility. For the purpose of this definition 'Managed Care Facilities' that require to detain or confine a resident for their own protection or for the protection of other people in the facility are excluded.

Service Areas - means an area of outdoor open space provided for the service needs of the occupants of a residential unit; commercial; industrial; community or recreational activity.

Service Industry - means premises occupied by activities involving light manufacturing or the repair or servicing of goods of a light nature and includes repair of household appliances, electronic equipment assembly and servicing, craft manufacture and clothes manufacture but does not include car repairs, furniture making and the like.

Service Lane - means land dedicated as service lane which is used from time to time for the vehicular servicing of adjacent properties.

Service Station (within the Rototuna Suburban Centre Zone) - means any premise primarily used for the sale of motor fuels and lubricants by retail and includes:

- a) Mechanical repair and servicing
- b) Ancillary retail sale of goods and food provided that the trading space provided within the building devoted to their display, sale or hire shall not exceed 50m² GFA
- c) Vehicle washers
- d) The hire of trailers
- e) The storage and retailing of LPG and CNG

But excludes:

- a) Panel beating and spray painting;
- b) Heavy engineering such as engine reboring and crankshaft grinding'.

Setback - means the distance from the boundary, specified object, or building line restriction in respect of a road widening, which is required to be free, unoccupied or unobstructed by buildings from the ground upwards, with the exception of eaves and, except as otherwise provided for in this District Plan. Front and rear setbacks extend across the full width of the site and side setbacks lie along the length of a side boundary between the front and rear setbacks.

Shared-use Accessway - means, for the purpose of this District Plan an accessway to provide for the movement needs of the following user groups, being pedestrians, including the use of motorised disability equipment (e.g. mobility scooters) and cyclists.

Shopping Frontage - means the principal face of a commercial building which is intended to be occupied by retail activities or which adjoins other such buildings and which is on or adjacent to the street frontage or which faces a customer car parking area with 15 or more car spaces.

Shrub - means a perennial plant with a mature growth height of less than 3 metres but greater than 0.5 m.

Sign - means a display or device intended to attract attention and which is visible from any public place or any nearby sites and includes those affixed to, painted on or incorporated within the design of buildings and any structure which supports the sign.

Site - means a physical area of land with defined legal boundaries comprising one or more allotments, or part of an allotment, related to a particular development, application, proposal or use. A site comprising more than one allotment shall be held in such a way that separate allotments or part of an allotment cannot be disposed of separately.

Site Coverage - means that portion of a site which is covered by buildings, whether principal or accessory, excluding eaves and uncovered decks and terraces. The net site area shall be used for the purpose of calculating coverage.

Special Event - means an event as herein defined which involves such large groups of people or is of such a character that the normal requirements relating to matters such as noise, parking and the like cannot be complied with.

Street Front Site - A site having legal and or physical frontage to a road, other than a driveway or access.

Streetscape - means the physical features such as buildings, landscaping, street furniture and other elements that contribute to the appearance or view of a road.

Streetscape Exterior - (in relation to the Hamilton East Residential Character Zone) means the street front façade of a building on a street front site.

Structure Plans - means a plan that sets out the development concept for longer term growth and the likely extent of future infrastructure provision within a locality. It may set out a logical sequence and timing for provision of infrastructure and establish the principles on which development levies are to be paid as part of a subdivision and/or development.

Structures Associated with the Generation, Storage or Transmission of any Network Utility - means any pole, mast, aerial, dish, or equipment shelter which is used for the transmission, switching, measurement, or regulation of any approved Network Utility.

Temporary Sign - means a sign that is not reflectorised, illuminated, flashing or moving and the sign is used to:

- Advertise that the property is for sale, and is displayed only while the property is on the market; or
- Advise of any construction project being undertaken on the site; or
- Inform of a public election; or
- Inform for the purpose of public notification; or
- Advertise an event associated with any recreational or community activity.

Transplanting (of a significant tree) - means the relocation of a significant tree to a new site in accordance with standard arboricultural practice.

Transport Depot - means land and buildings used principally for the receiving, dispatching or holding of goods or passengers in transit by road and any associated provision for vehicles.

Tree (in relation to Planting Section) - means a large perennial plant with a woody trunk with a mature growth height of greater than 3 metres or with a trunk diameter at its base of greater than 100mm.

Trimming and Maintenance (of a significant tree) - means detaching foliage, branches, and roots from a significant tree.

Unclean Fill - means any fill containing any organic, pollutant, flammable or hazardous components; and/or consists of materials other than soil, sand, gravel, silt, or demolition material, and/or has an average particle size in excess of 200mm; and/or where the organic content of the fill consists of more than 5% of the total volume.

Unit Site Area - means a defined area of land associated with a residential unit which complies with the provisions of Rule 6.1.5 b).

Upper Floor Level - is measured where the height of the ground floor level is 2.5m or more at any corner of external foundations of the building.

Vegetation Removal (in relation to Rule 2.1) - means removing any vegetation of any height including the root structure of such vegetation provided that this definition shall not include emergency removal of protected trees and/or removal or alteration of vegetation necessary to avoid injury to persons or imminent danger to property or works undertaken by regional or territorial authorities for erosion control, flood management, or plant pest management purposes.

Vehicle Crossing - means the formed and properly constructed vehicle entry/exit point from the carriageway of any road up to and including that portion of the road boundary of the site across which a vehicle entry or exit point is permitted by this Plan and includes any culvert, bridge or kerbing.

Visitor Accommodation - means any land or buildings used for day to day accommodation of five or more visitors and includes motels, holiday or tourist flats, backpackers accommodation, motor or tourist

lodges. It excludes camping grounds and motor camps and any restaurants or other non-residential activities available for use by members of the public.

Waahi Tapu - means a place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense.

Warehouse - means premises used for the receipt, storage and disposal of materials, articles or goods destined for a retail outlet, trader or manufacturer.

Wetland - means permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Work (on a significant tree) - means the erection of any structure within the dripline or over the top of the tree, any excavation within the dripline of the tree, and any paving, access, sealing, or modification of soil or ground level within the dripline of the tree.

Rule 9.1 Rototuna Structure Plan

Appendix 1A Rototuna Structure Plan

Introduction

The purpose of this Structure Plan document is to outline the vision for the future urban development of the Rototuna area, to provide a strategic framework to guide the development process and achieve a planned and coordinated approach to future urban growth. The Structure Plan has been developed in order to facilitate an integrated, sustainable approach to the management of the natural and physical resources of the Rototuna growth cell.

The Structure Plan promotes urban design concepts and considerations around urban form. It identifies proposed land use elements, key natural and physical resources, transport and other infrastructural requirements, parks and reserves, and any potential constraints to development. The Structure Plan considers treatment of key physical features such as gully systems, naturally elevated topography and the river bank, and management options to protect significant features. It sets out the development concept for the longer term growth of the Rototuna area, including the programme for future infrastructure needs ([Rule 6.9](#) Appendix 6.9-1). The Structure Plan provides the basis for discussion of development proposals between council and developers.

The Structure Plan is not intended to act as a blueprint, but creates a framework to guide development to ensure that the Rototuna area develops in an integrated and sustainable way in line with the Vision for the area, acknowledging that the final form of development of the area will be determined by the physical development within the parameters of the Structure Plan as set out in the District Plan. Development within the Structure Plan area will be guided by the concepts and approach of the Structure Plan.

Included within the Structure Plan is a Concept Plan for the Rototuna Suburban Centre (Appendix 1B). The Concept Plan is intended to guide the development of the Rototuna Suburban Centre. Any development in the Centre is required to be in general accordance with the Concept Plan.

The Structure Plan (including the Rototuna Suburban Centre Concept Plan) shall be read in conjunction with the Rototuna Design Guide, relevant rules and objectives and policies in the

Proposed District Plan. All of these elements must be read and interpreted together to give full understanding and effect to Council's vision for the sustainable management of the natural and physical resources of Rototuna.

Vision

A high quality urban environment that has a local focus, well connected transport modes, a choice of living environments and densities, achieves urban design excellence, and retains significant natural features.

Context

The Rototuna area was brought into the City in 1989 to provide part of a larger land bank to facilitate the City's expansion. Since that time, the area has been developed predominantly for residential uses and has experienced strong growth rates. The total area of the Rototuna growth cell is approximately 1100 ha in area with approximately 490 ha in Stages 3 and 4. When Rototuna has reached capacity there will be a total population of approximately 30,000 people. Currently the population is approximately 13,500 (2006 Census).

In 2009, Council adopted the Future Proof Strategy, a collaborative planning Strategy for the Hamilton City, Waipa District, and Waikato District 'Sub-region'. The Strategy outlines how the Sub-region will develop over the next fifty years. Future Proof provides for a vibrant metropolitan city centre linked to thriving communities that are places where people choose to live, work, play, invest and visit. It focuses on sustainable resource use, and sustainable and affordable infrastructure provision. The Strategy provides for the protection of natural environments, landscapes and heritage, and a healthy Waikato River.

Future Proof aims to reduce the spread of development by increasing residential densities, focussed around existing centres, transport hubs and areas of high amenity. Over time, greenfield growth areas in Hamilton should be developed to densities of 16 households per hectare (gross). Future Proof also seeks to ensure that new suburban areas develop with strong neighbourhood/suburban centres. Communities should be well connected by a range of transport options, with well planned open spaces and good walking and cycling links.

The Waikato Regional Policy Statement requires development to be in accordance with the urban limits and growth areas set by Future Proof and sets growth targets that are required to be implemented through district plans. It also establishes structure plan requirements for significant urban developments and requirements for the coordination of growth and infrastructure.

The Rototuna Structure Plan has been designed to be consistent with and assist in the implementation of Future Proof and to give effect to the Regional Policy Statement.

Hamilton's Urban Growth Strategy (2008) sets out Council's vision for Hamilton to develop as a compact and sustainable city, and outlines a comprehensive approach for how the City's growth will be planned for and managed over the next 35 years. The Strategy sets out the aim of developing land more efficiently whilst providing a range of section sizes, so as to increase the capacity of the City to accommodate more of the City's growing population while providing more housing choice. The remainder of the Rototuna growth cell, along with Stage One of Peacocke and Rotokauri growth cells, will provide for the medium-term greenfield residential needs for the City. The Strategy also aims to ensure that half of the City's future households will be located within the existing developed parts of the City.

Hamilton City Council's Urban Design Strategy (CityScope) encapsulates Council's commitment to ensuring best practice urban design is incorporated into the planning and design of new growth areas. A key consideration is the need to advance quality urban design in the built environment. As a result of CityScope, Vista the city design guide was developed. The urban design outcomes sought for Rototuna and reflected in the Rototuna Suburban Centre Urban Design Guide (Appendix 1C) have been derived from CityScope and Vista.

Council's Long Term Council Community Plan (2009-19) (LTCCP) sets out Council's community outcomes and outlines a balanced and affordable and sustainable 10 year work programme. The LTCCP provides a key mechanism by which the Council seeks to manage growth in an orderly, sustainable and affordable manner.

Structure Plan Proposals

The specific land use proposals consist of:

a) **Western local commercial/community node**

The western community/commercial node is located at the intersection of Borman Road and Hare Puke Drive adjacent to the local sports fields and medium density residential. It is intended to be highly accessible to the local population.

The western node is expected to provide for a small number of local convenience stores such as a dairy/corner store, bakery, takeaway shop, hairdressers, café, small restaurant. Residential accommodation can be located on the first floor to provide added surveillance. The ground floor level will have active frontages facing the street, including extensive use of windows. Facades should be designed to create visual interest and character.

A small amount of convenience parking will be located along the frontage with larger parking areas positioned at the rear of the building/s.

b) Rototuna Residential Zone

- c) The Rototuna Residential Zone is divided into three areas, General Residential, North East Residential and Medium Density Residential. The Medium Density Residential Area is located around the western sports park and community/ commercial node. The General Residential Area applies to the rest of the residential land located within the Structure Plan apart from the residential high and medium density and mixed use precincts contained within the Rototuna Suburban Centre Zone

The General Residential Area provisions are based on the District Plan's existing general residential provisions and are designed to provide for the traditional lower density development patterns already established in many of the residential suburbs of the City.

The North East Residential Area provisions are designed to provide for a mix of densities that are sympathetic to the specific rolling topography of the area along with recognising the relationship of the area to both the Waikato Expressway designation and Hamilton City. The North East Residential Area is the northern most point of the city which is elevated and has a prominent landscape. It is also an area that is linked to the General Residential Area, Medium Density Residential Area and the Rototuna Suburban Centre.

Development within the North East Residential Area should adopt urban design principles to achieve residential development with high levels of amenity that responds to the natural landform and the presence of the future Waikato Expressway along its southern edge.

Principles to be adopted include:

1. Responding to the context and existing landform of the area.
2. Avoid excessive earthworks and landform modification on steeper land.
3. Locating roads on ridges or in valleys where possible in order to avoid significant areas of cut or fill in these areas.
4. Locating roads and reserves in locations that provide maximum benefit for public experience and assist with the creation of place and amenity.
5. On steep areas achieving areas to the front of sites with less slope to facilitate building development and access, and accommodating the steeper areas through the rear of sites.
6. Creating block patterns where lots front streets and back onto the backs of other lots.
7. Achieving a permeable public network in both the street and reserves.

8. Incorporate visual buffers, including planting, between the expressway and dwellings / reserves.
9. Utilise land adjacent to the expressway for public utilities where practicable.

The Medium Density Residential Area provisions have been designed to enable the development of a more compact residential form to assist in meeting Council's commitment to the density requirements of Future Proof and to give effect to Change 2 of the Waikato Regional Policy Statement. The Medium Density Area provisions are consistent with the provisions of the Residential Medium Density Precinct provisions for the Rototuna Suburban Centre.

To ensure quality design outcomes and developments that meet residents' living requirements, development in the Medium Density Residential Area can only take place once Council has approved a Comprehensive Development Plan for a specified area. These Plans need to be in general accordance with the Rototuna Structure Plan and the Rototuna Suburban Centre Urban Design Guide.

d) Reserves Network

While providing for local and city wide recreation needs reserves also form an important part of the walkway/cycleway network.

Sports parks - These provide for formal active recreation at a level to meet the current standard of provision within the City for the anticipated population of the Rototuna Structure Plan area. Each park provides sports fields suitable for senior grade play, junior fields and training areas, and an area that serves a Neighbourhood Park function. Whilst they will primarily serve the local population, they will also form part of the city wide network of sporting facilities. They are located so as to be accessible to their catchment and contribute to the legibility and amenity of the area. They also relate to other community facilities and where practicable are sited for walkway/cycleway access as well as public transport.

Neighbourhood reserves - These provide a range of informal recreation facilities, including children's play areas and will be required as part of the subdivision process and the establishment of residential neighbourhoods. As such they are not indicated specifically on the Structure Plan map. Neighbourhood reserves complement the range of facilities provided by the Sports Parks and provide a smaller scale focal point for the local community. They serve a catchment area of approximately 500m radius and provide for both local amenity and passive recreation.

In the North East Residential Area a neighbourhood reserve along the northern edge of the Waikato Expressway is to be established as part of any subdivision. The reserve is to accommodate stormwater treatment ponds and flood control devices, walking and cycle paths across its length (complemented by landscape planting between the paths and the Waikato Expressway) and areas for informal recreation, including a children's play area.

Natural Features - Te Awa O Katapaki Gully, Waikato River and local hills, including ridgelines to the North and East are identifiable landscape features within the Rototuna Growth Cell. Parts of the reserve network are designed to respond to and protect public access to these features. The Te Awa O Katapaki Gully has multiple purposes including acting as an ecological corridor, a stormwater management area and a walkway/cycleway. The local hills provide opportunities for open space vista that can be enjoyed from a wide range of areas. Another important landscape feature is the nationally significant Waikato River. The River forms the western boundary of the Structure Plan area. The area along the River is currently characterised by rural-residential development and large lot urban development (along River Road).

The Structure Plan indicates a continuous esplanade reserve beside the Waikato River connecting to the Te Awa O Katapaki gully reserve in the north and Sylvester Esplanade and Munro's Walkway to the south. This reserve will provide for an extension of the riverside walkway/cycleway network, ecological enhancement and riverbank stabilisation. Featherstone Park provides a node at the mid-point of the esplanade reserve, serving as a point of interest along the walkway/cycleway and a local amenity park. It is also an important site of former Maori occupation, which is commemorated.

New development will not be allowed to privatise the edges of major natural features and recreational areas such as gullies and the Waikato River. Retention of existing vegetation features will be encouraged where these can help structure and characterise the layout of new developments and lend an established character to the growth cell, and required where they embody existing indigenous values or contribute to the viability of ecological fragments.

View Points - Specific areas have been identified as view points. Where a view point has been identified it is anticipated that this land will be acquired as reserve, probably with neighbourhood reserve functions, as part of the subdivision and establishment of residential neighbourhoods.

e) Transportation Network

The transport network provides for a choice of transport modes while being well connected and fit for purpose. The Structure Plan indicates the location of the minor and major arterial road network. These roads are either existing, designated or yet to be upgraded/constructed.

The Waikato Expressway cuts through the north eastern area of the growth cell. The Expressway corridor is generally 100m wide with the four land carriageway located in the centre of the corridor, leaving wide strips of land either side for extensive noise and stormwater mitigation. However, it is prudent to provide for further mitigation by keeping housing away for the immediate boundary through special setbacks and larger site area requirements. It is expected that Kay Road and Horsham Downs Road will continue to provide access to properties to the north east of the Expressway, while pedestrian / cycle access is anticipated in the location shown on the Rototuna Cycle & Walking Network Plan to link this area to the Town Centre, recreation areas and schools to the south of the Rototuna North East Residential Area. It is anticipated that in the long term Resolution Drive will connect to the Expressway. The form and function of this connection will be determined jointly between HCC and NZTA.

The Access Hamilton Strategy recognises a future arterial link from the central interchange on the Te Rapa Bypass to Resolution Drive, being a "Future Northern River Crossing". Its alignment and connections to other networks will be determined by a future notice of requirement process. Construction staging will be timed and planned to match growth development to improve the level of services on existing networks.

Collector streets are designed to collect traffic from local streets for distribution onto the arterial network. Some flexibility is afforded in their alignment, but as they have a key role in providing for bus route services, directness will be an important design element to ensure their convenience for bus services. Where possible, use is made of the existing ridgeline roads as future collectors as they provide good connectivity within the area and will help to define local neighbourhoods.

Kay Road's alignment, form & function have potential to change as part of planning for future expansion beyond the current city limits. It is therefore desirable that proposed land development accessing or fronting Kay Road is developed in close consultation with City Council staff to enable options for future city expansion. The potential future closure of Kay Road is dependent on surrounding development and alternative property access arrangements. Although it is indicated that parts of Sylvester Road are to be closed in the future, it is important that alternative networks are provided in order to achieve a high

degree of connectivity. Rule 6.2.2(d)(ii) requires that provision be made for any roading proposals shown on Structure Plans (including proposed stopping of existing roads).

It is essential that all necessary roads within developments are formed and vested as part of the initial stage of site development to ensure good connectivity between adjoining sites and the wider structure plan area. All roads shown on the Structure Plan are considered to be critical linkages and developments must show how these connections are to be provided in a timely manner such that there is no interim period where a critical connection is not in place despite adjacent land having been developed.

The roading network will be designed to ensure it supports public transport services, cycle and pedestrian facilities. In addition to this, off-road cycle and pedestrian facilities will be integral to the development of the area and a network of off-road facilities is indicated on the Structure Plan.

Public Transport is a key infrastructural facility. The suburban centre design as well as the western neighbourhood node allows for good access and connectivity to public transport.

f) Stormwater

Rototuna (Stages 3 and 4) is made up of four main catchments. The main catchment is the Te Awa o Katapaki catchment which consists of an upper catchment (from Horsham Downs Road south towards the existing developed areas in Rototuna) and a lower catchment (the western area of Rototuna). The Otama-ngenge Catchment is the area immediately to the south of Kay Road forms a separate catchment which drains north into Waikato District. The Kirikiriroa catchment is defined by Horsham Downs Road in the east and continues into Waikato District. The eastern edge of the area fronts the Waikato River and approximately 7ha of land utilises direct discharge of stormwater.

Stormwater must be managed to minimise the effects of urban development on the values and functions of the existing hydrological network, water quality and natural habitats. Where technically possible, new works should incorporate a natural environment-based system, which may include features such as ground water recharge, overland flow systems, open drainage systems, storm peak mitigation systems, lake and wetland systems. An important objective is to minimise the amount of stormwater entering the piped drainage system, while assisting the environment to replenish natural reserves such as groundwater. Thus, onsite management and disposal of stormwater will be promoted wherever practicable.

Development should be designed to incorporate low impact urban design and development measures. Key elements this approach include avoiding or minimising impervious surfaces, minimising earthworks during construction, and utilising vegetation to assist in trapping sediments and pollutants.

Catchment management plans (CMPs) for all areas of Rototuna will be finalised and will provide a strategic approach to stormwater management throughout the area to ensure that individual stormwater discharge proposals do not adversely affect the ecological values of the receiving water courses. The catchment management plan will provide a management framework that ensures that stormwater discharge proposals avoid, remedy or mitigate any adverse effects on the environment.

A CMP for the Te Awa o Katipaki catchment has been completed by HCC. It has been actively used and followed for urban development.

No CMP exists for the Kirikiriroa Catchment however substantial stormwater networks and infrastructure, including the management devices such as the Te Manatu management facility have been established dictating the form and function of stormwater management in this catchment. Low impact stormwater initiatives are encouraged for the remaining undeveloped land in this catchment.

No Hamilton City CMP exists for the Otama-ngenge Catchment. Hamilton City Council will develop a CMP for this area and be tied to the staging set out in Rule 6.9. Advance development of this area will require close liaison with the City Council to ensure stormwater management adheres to the principles of the Development Manual. The developer could be required to work with the Council to create the CMP.

In the interim, indicative locations for centralised key stormwater management facilities are shown on the Structure Plan. The precise location of these stormwater management facilities will be finalised via detailed catchment management planning and modelling at the time of consent. Stormwater management must provide for the management of all stormwater within the land being developed, together with drainage from the entire catchment upstream of the proposed system as per the requirements of the Hamilton City Council Development Manual. Developers will need to demonstrate how stormwater from a development will be discharged to the centralised stormwater management facilities, indicated on the Structure Plan.

There are a number of high level stormwater principles which form the basis for the approach to stormwater management in the Rototuna area:

- Stormwater is managed in a manner that minimises the effects of urban development on downstream receiving waters;
- Stormwater run-off from the different relief and soil types is managed in an integrated manner;
- Stormwater should as far as practicable be used to sustain groundwater levels in peat soils;
- Stormwater management should seek to safeguard and enhance areas of indigenous vegetation, water features and habitats;
- Stormwater discharges should as far as practicable, result in a hydrological cycle as close to the pre-development hydrological cycle as possible.

Te Awa o Katapaki Upper catchment/Rototuna Suburban Centre:

In the upper catchment area, appropriate stormwater treatment will involve stormwater management facilities shown indicatively on the Structure Plan, a centralised drainage reserve/watercourse through the Suburban Centre, with appropriate flow attenuation measures, along with ground soakage.

A central unifying feature of the Rototuna Suburban Centre is the central drainage reserve/watercourse which has a principal stormwater function but also provides a key green corridor and walkway/cycleway link. It is important that the central drainage reserve/watercourse and associated green corridor is designed as an attractive feature. To the north, the watercourse/drainage reserve will connect with the Active Recreation Reserve and provide a green edge to the playing fields and the secondary school. This green edge will also accommodate shared pedestrian and cycle routes that will connect with parks and footpaths in nearby neighbourhoods. The Rototuna Design Guide refers to requirements around the design of the drainage reserve/watercourse corridor through the Rototuna Suburban Centre. These requirements apply along with those of the District Plan and Development Manual. The precise form and function of the drainage reserve/watercourse and corridor will be determined by hydrological requirements and controls. Developments must demonstrate how stormwater will be directed to the drainage reserve/watercourse and stormwater management facilities shown on the Structure Plan and Concept Plan (Appendix 1B).

In the Rototuna Suburban Centre, Comprehensive Development Plans (CDPs) will be required to be approved prior to development proceeding. As part of a CDP application, an infrastructure management plan is required. The plan will require information to be provided to show the provision, staging, location and capacity of network utilities and integration with existing and planned network utilities, quantity and quality of stormwater

and proposed stormwater treatment, management and disposal facilities, location of any stormwater ponds and overland flow paths or other stormwater management areas.

Te Awa o Katapaki Lower catchment:

In the lower catchment (the south western area of Rototuna) stormwater must be discharged directly to the Te Awa o Katapaki stream or to ground soakage, and attenuation ponds should be avoided.

Otama-ngenge catchment:

The area immediately to the south of Kay Road is a separate catchment which drains north into Waikato District. The proposed location of a main centralised pond in the vicinity of the western community/commercial node is shown on the Structure Plan and on the zoning maps. The proposed pond is required in order to facilitate development of the wider area. The pond will also provide an amenity function for the medium-density housing to be located adjacent. Development in the vicinity must demonstrate how stormwater will be managed, utilising this centralised stormwater ponding solution.

In the Medium Density Residential area, Comprehensive Development Plans (CDPs) will be required to be approved prior to development proceeding. As part of a CDP application, an infrastructure management plan is required. The plan will require information to be provided to show the provision, staging, location and capacity of network utilities and integration with existing and planned network utilities, quantity and quality of stormwater and proposed stormwater treatment, management and disposal facilities, location of any stormwater ponds and overland flow paths or other stormwater management areas.

Kirikiroa catchment:

Subdivisions for most of this catchment have been consented. The Council's Te Manatu Drive Management Facility will receive stormwater from the remaining undeveloped areas of the catchment and no further key stormwater facilities are anticipated to be needed.

Waikato River:

Some direct private stormwater discharge occurs to the Waikato River currently and further subdivision of the existing, predominately large, sections would result in application for new discharges to the River.

g) Water and Wastewater

A new reservoir is planned to be located on Kay Road and connected to the existing bulk water supply network in Wairere Drive. Trunk water networks from the new reservoir to existing Rototuna trunk networks are planned and will progressively be constructed as

development occurs. This water network will improve the security of supply and match the demand for all of the Rototuna Structure Plan area.

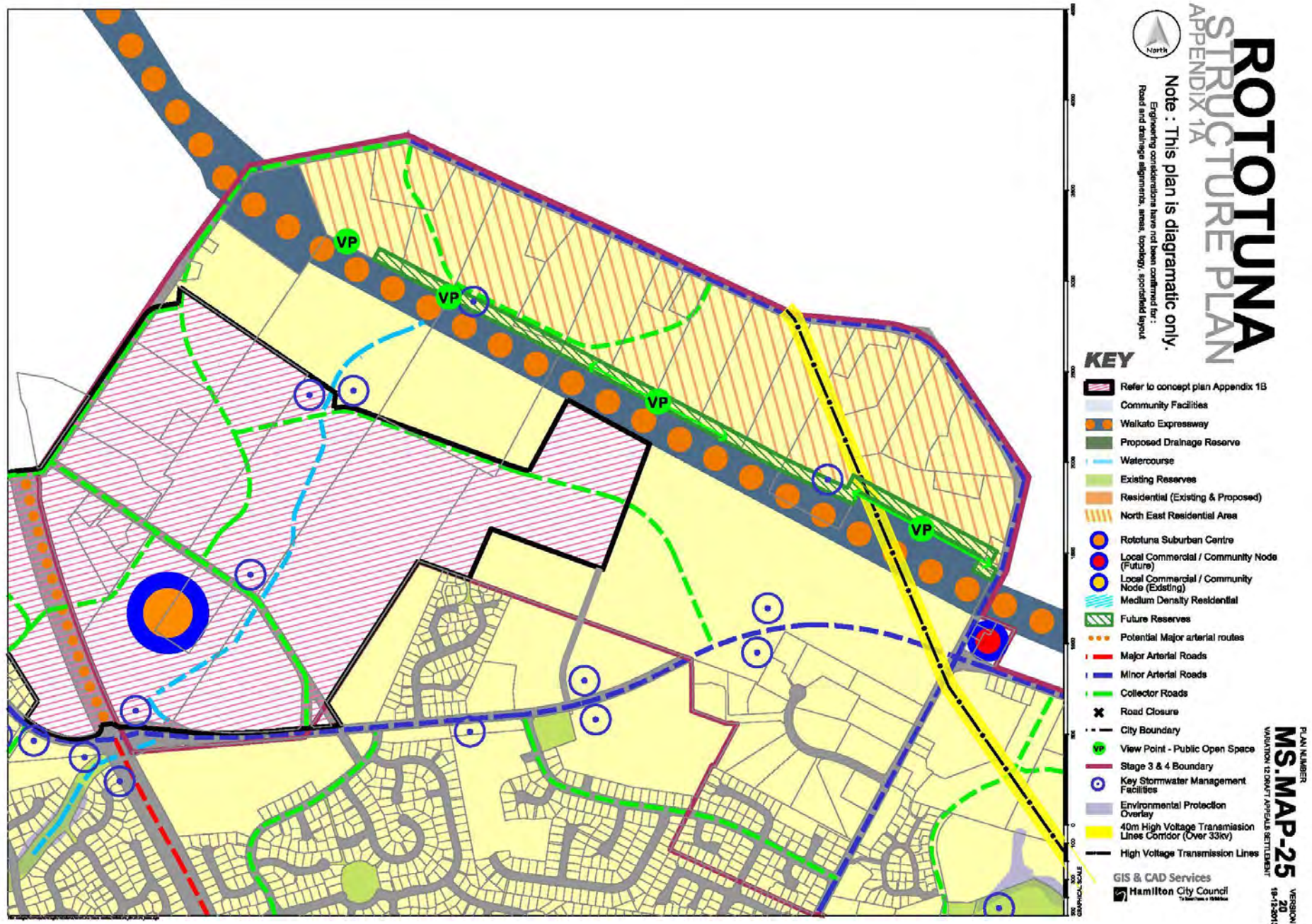
A wastewater trunk network has been planned to provide wastewater supply for the whole Rototuna Structure Plan area. These networks include other facilities such as pumping station & rising mains. The networks will be progressively constructed as development occurs.

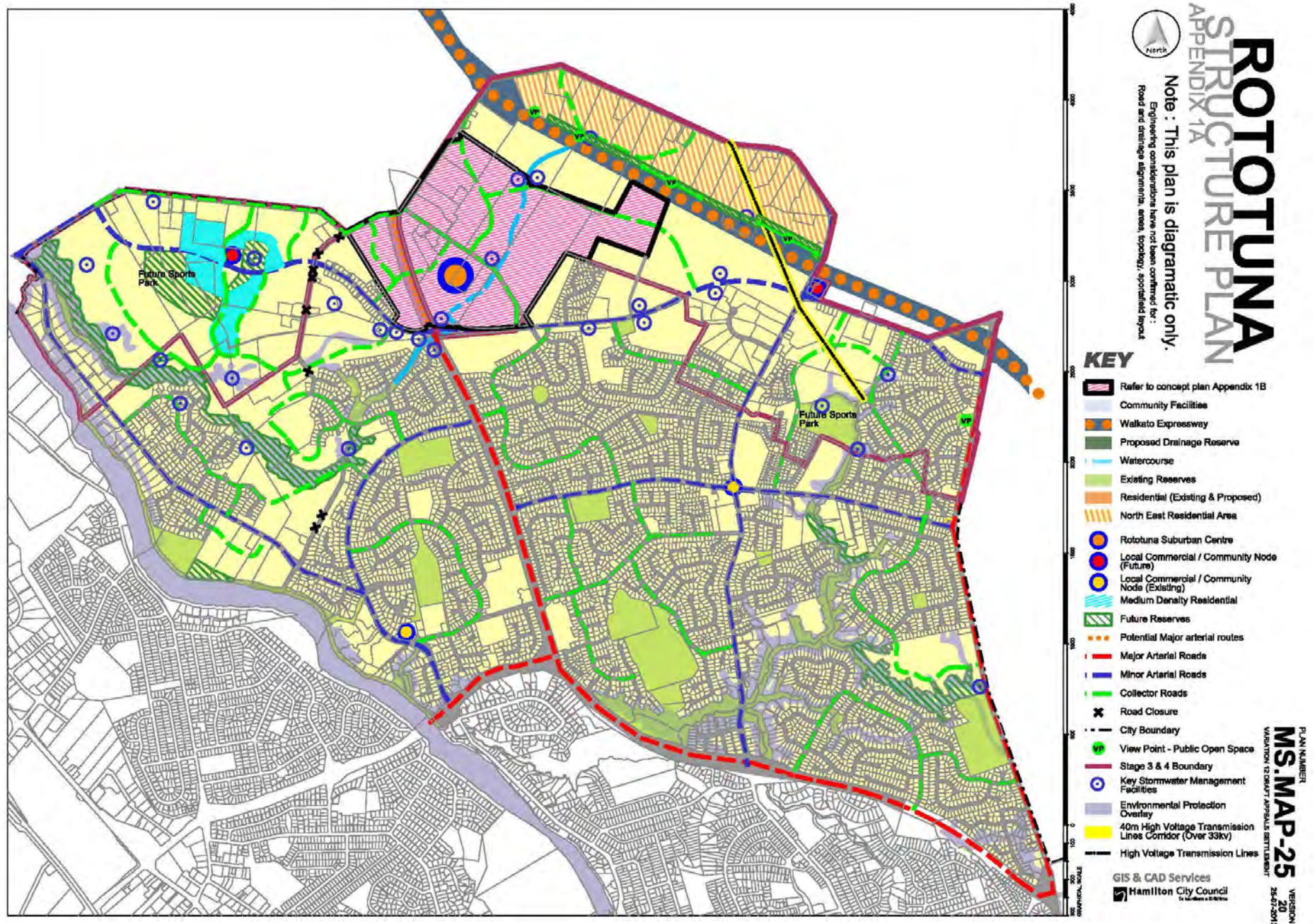
Both the water and wastewater trunk networks will develop in accordance with the staging set out in [Rule 6.9](#) and timed with urban development by both the private sector and the HCC network programmes.

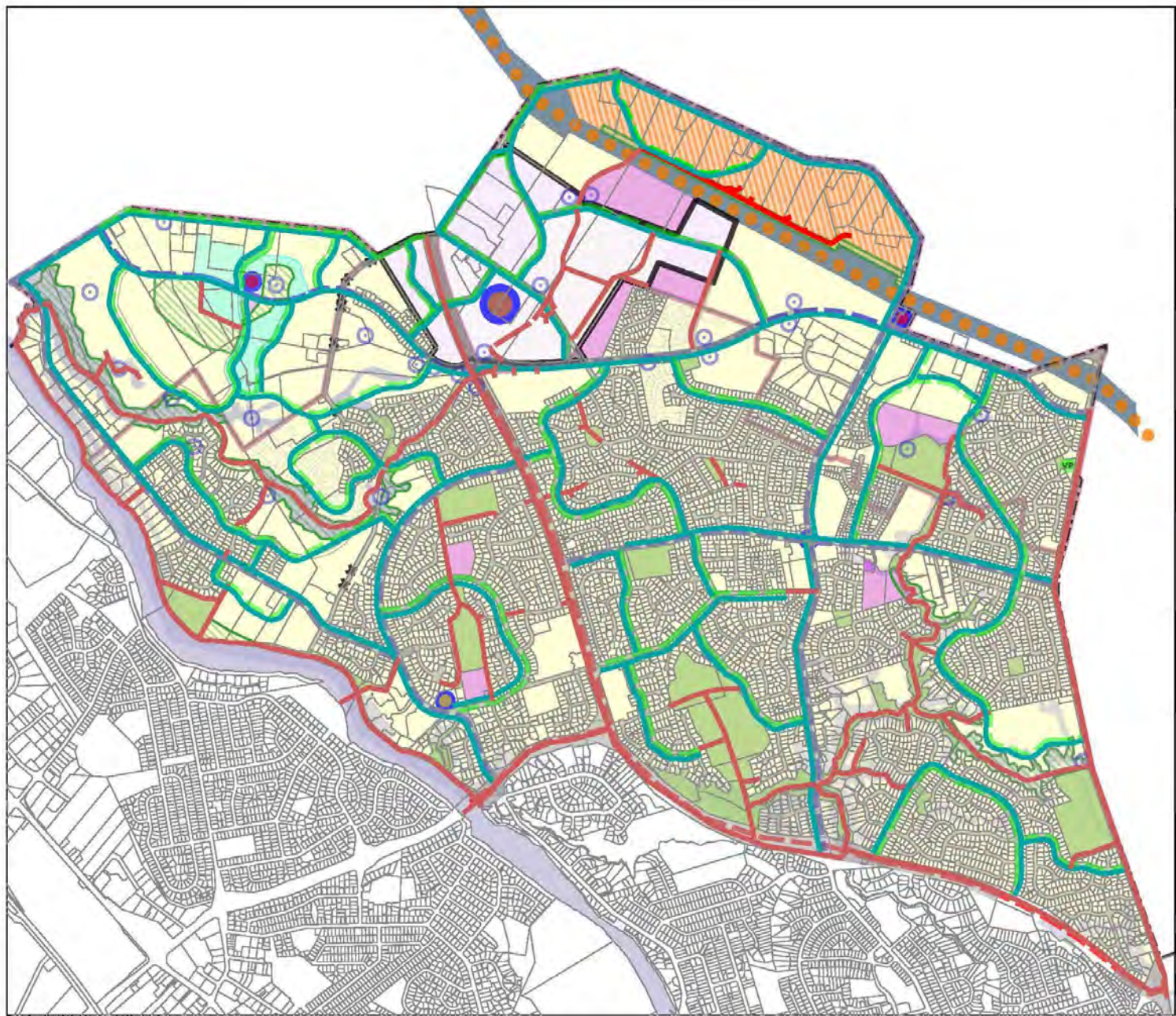
Early interaction with developers is encouraged to enable the construction of these assets to occur in association with proposed urban development.

h) Schools

Within the Rototuna Growth Cell there are four existing schools; Rototuna Primary, Waikato Waldorf School, Te Totara School and Hamilton Christian School. There is an existing designation for a school on Endeavour Avenue and a secondary school planned within close proximity to the Rototuna Suburban Centre. The location of this secondary school is significant in terms of the role it will play in offering surveillance of the active recreation reserve. Provision of safe walking, cycling and public transport links is also critical to the successful functioning of the school.







ROTOTUNA
CYCLE & WALKING
NETWORK
 APPENDIX 1A



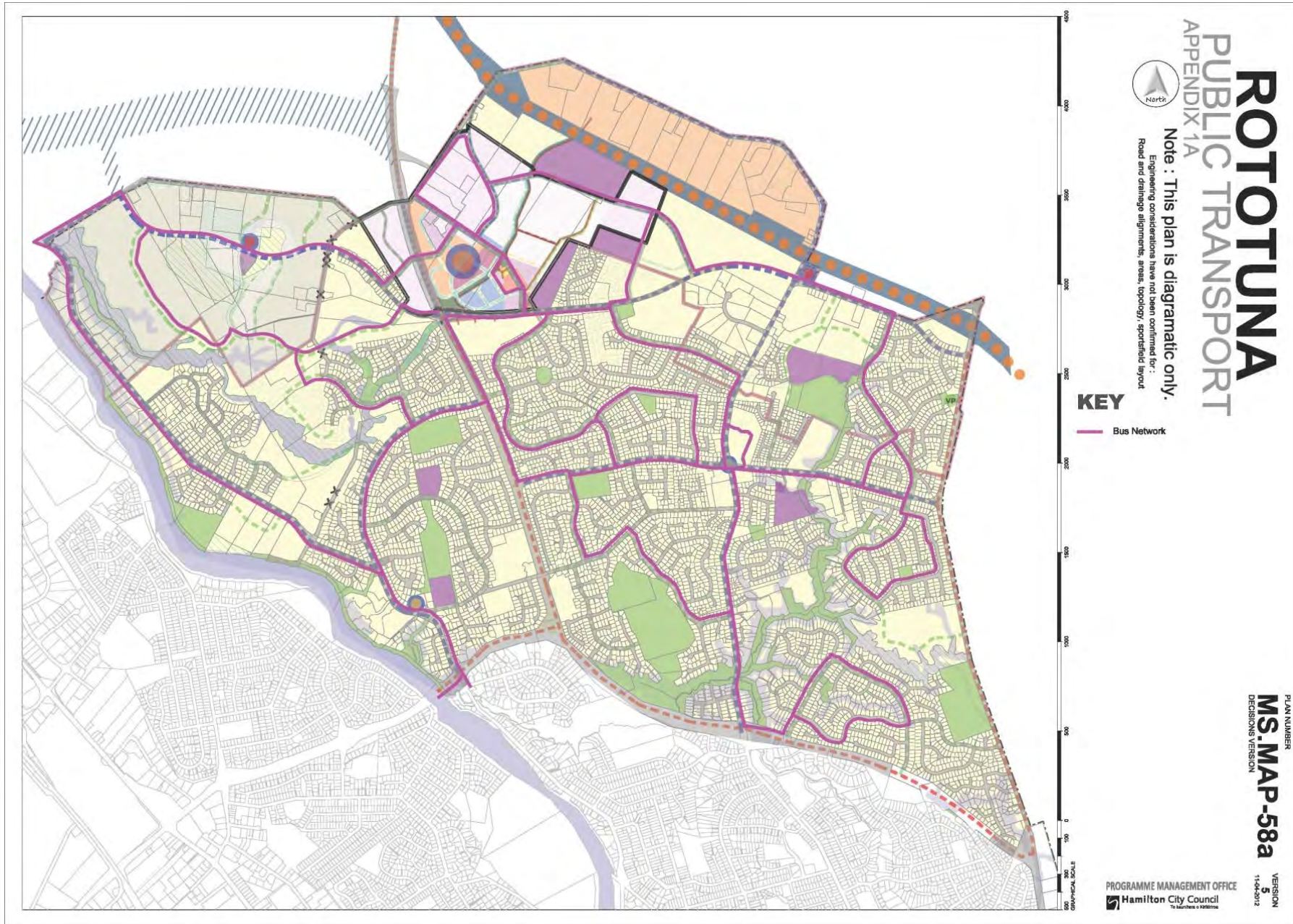
Note : This plan is diagrammatic only.
 Engineering considerations have not been confirmed for:
 Road and drainage alignments, areas, speeds, spotlights, spotfield layout

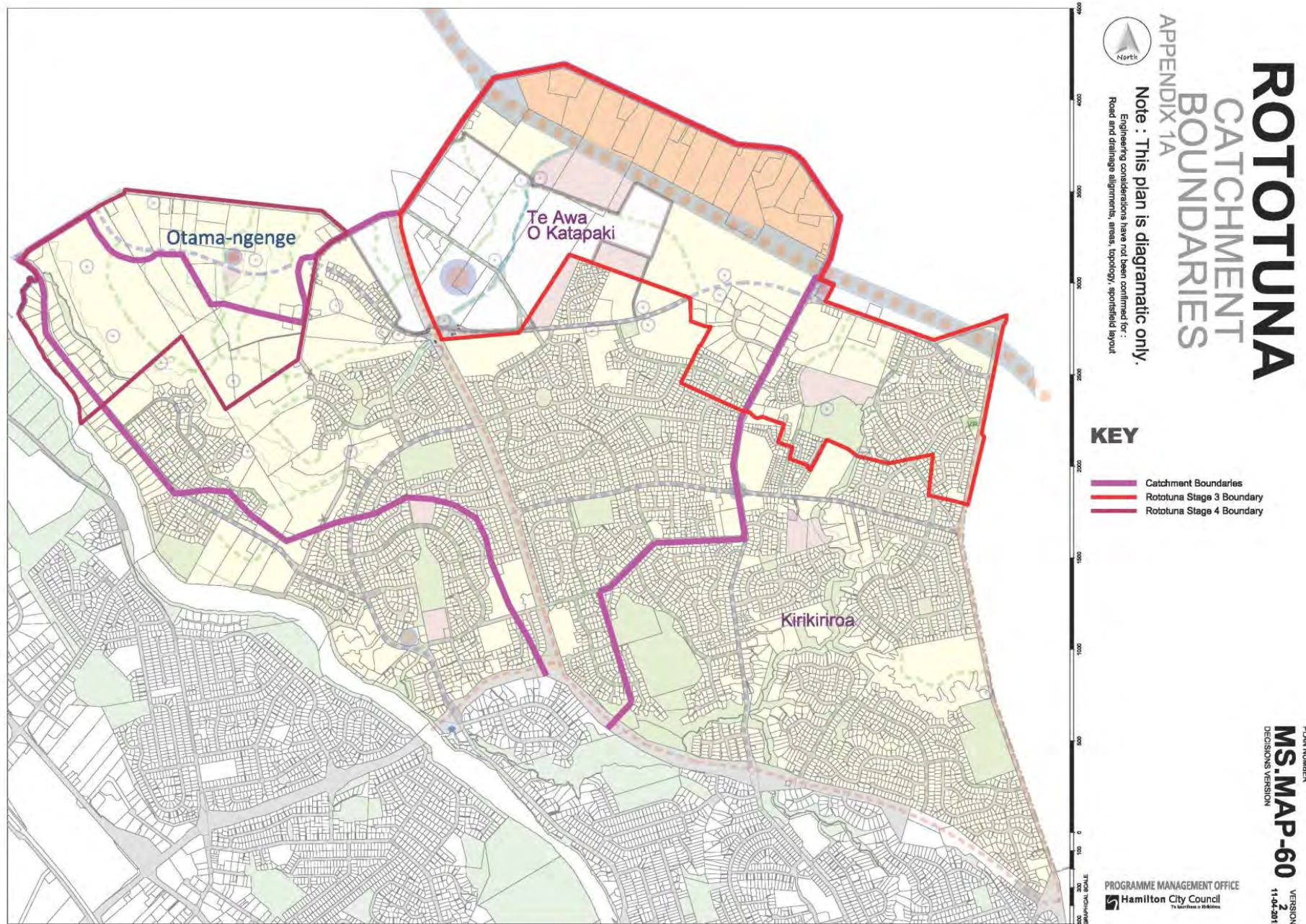
- KEY**
- On Road Cycle/Walking Network
 - Off Road Cycle/Walking Network
 - ▨ Future Reserves
 - Additional Off Road Cycle/Walk Network

NOTE: At the time of designation the Waikato Expressway (Designation 90) did not include any requirement to provide pedestrian and cycling connectivity mid way between Kay and Horsham Downs Roads.

PROGRAMME MANAGEMENT OFFICE
 Hamilton City Council

PLAN NUMBER
MS.MAP-057
 VERSION
 9
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 VARIATION 12 DRAFT / APPEALS SETTLEMENT





Appendix 1B Rototuna Suburban Centre Concept Plan

Introduction

The Rototuna Suburban Centre Concept Plan is intended to provide a design-led framework for the development of the Centre. The Concept Plan identifies the location and extent of land use types along with other essential features including the placement of the main street and other streets, the location of the public square, and other community and open space elements.

It is expected that all developments will have a strong emphasis on urban design considerations and demonstrate that urban design principles have been applied. Council will also use CityScope, Vista and the Rototuna Urban Design Guide to assist with design considerations. It is also advisable to contact the Planning Guidance Unit early in the development process to gain pre-application input and advice.

Development in the Centre must be in general accordance with the Concept Plan and designed in accordance with the Rototuna Urban Design Guide (Appendix 1C). To achieve this, before commencing development within the Rototuna Suburban Centre Zone a Comprehensive Development Plan (land use consent) must be prepared and approved for each of the Comprehensive Development Areas identified in Appendix 4.12-II.

Vision

A Suburban Centre for Rototuna that functions as a focal point for the wider Rototuna community by enabling a diverse range of activities that operates within a pedestrian-focussed, street based layout, and incorporates principles of good urban design.

Key Features

The key features of the Rototuna Suburban Centre are as follows:

a) Main Street

The Main Street provides the central core of the retail area with a traditional street based layout which is intended to be a pedestrian focussed, vibrant shopping destination for the local community. Primary and secondary frontage areas are identified in Appendix 4.12-IV to Rule Section 4.12, to facilitate active frontages with buildings closely relating to the street. Pedestrian orientated activities will be encouraged along these frontages particularly along the Main Street and Public Square which are to be the principal shopping areas.

The carriageway should accommodate cyclists, buses and motor vehicles. There should be wide pedestrian walkways on either side of the carriageway to provide space for street side dining, parking bays and large specimen trees. The street will be a slow speed environment. The street should have a clear and distinguishing landscaping treatment (streetscape design) applied, to highlight its importance and add to its character, identity and legibility.

The Comprehensive Development Plan for the Comprehensive Development Plan Areas will include a Traffic Impact Assessment to determine the nature of the intersections at (as relevant):

- Borman Road/North City Road;
- North City Road/Park Lane/Suburban Collector Roads;
- Suburban Collector Roads/Local Streets;
- Suburban Collector Roads/Residential Collector Roads and;
- Midblock access for Public Square, Pool & Library.

The intersection treatments should also consider the pedestrian & cyclist provision to ensure a safe environment and high level of connectivity occurs.

b) Public Square

The Public Square is designed to be an important public space where markets, fairs and special events can be held. The library and retail areas will open onto the Square. It can be accessed from the Main Street and from walkways and cycleways through the adjoining watercourse and drainage reserve.

The Square should contain key amenity features such as lighting, seating, trees, landscape features and public art. The design should incorporate on the eastern edge the entrance space for the library and other small businesses such as cafés — including space for outdoor dining. A consistent design theme and materials should be used throughout the Square.

c) Gateways

Key gateway features such as public art at the entrances to the Suburban Centre from the arterial roads would identify the Centre and contribute to its sense of place. A gateway feature could take a variety of forms or elements (e.g. public art, gantry, landscaping). The carriageway/building design at these key entrance points should be flexible enough to allow a gateway feature to be incorporated into the design.

d) Watercourse

A central unifying feature of the Suburban Centre is the drainage reserve/central watercourse which has a principal stormwater function but also provides a key green corridor and walkway/cycleway link. It is important that the waterway and associated corridor is designed as a high amenity, multifunctional feature. To the north, the watercourse will connect with the Active Recreation Reserve and provide a green edge to the playing fields and the secondary school. This green edge will also accommodate shared pedestrian and cycle routes that will connect with parks and footpaths in nearby neighbourhoods.

The precise form and function of the watercourse and corridor will be determined by hydrological requirements and controls. This watercourse will be the principal secondary flow path for the concept plan area, and be sized to accommodate 1 in 100 year storm flood conditions.

e) Park Lane

Park Lane runs along the eastern edge of the Active Recreation Reserve and will provide access to the Reserve and adjacent Residential High Density Precinct. The combination of the housing and lane will provide increased surveillance over the Reserve.

Park Lane should be designed as a slow moving lane, with a number of traffic calming measures incorporated into the design. Provision should be made for angled parking adjacent to the park, and berms for landscaping. Its character should be that of a tree-lined lane within a residential environment.

f) Public Transport

Public Transport within the Suburban Centre should be catered for via integrated bus stops within the road carriageway.

A transport interchange opposite the Public Square on the Main Street should be provided. The interchange is central to the Concept Plan. It will bring people directly to the heart of the Suburban Centre and will improve the general surveillance and safety around the Public Square.

g) Connectivity

In order to achieve a legible and efficient transport system it is essential that all nodes are well connected both internally and to other nodes. The local nodes and suburban centre in particular shall be well connected to the surrounding residential neighbourhood that they serve.

h) Walkways/Cycleways

The emphasis in and around the Suburban Centre is on achieving good walking and cycling connectivity. Effective connections to the Centre must be provided from the adjoining residential areas. The central drainage reserve/water course must incorporate walking and cycling paths, offering good connectivity with the Active Recreation Reserve, community facilities and schools, and to the south west along existing walkways/cycleways.

i) Primary/Secondary Frontages

Primary and secondary frontages have been identified where the interface between buildings and the street or public space is considered particularly important. Along these edges, at ground floor level retail activity should predominate, and buildings must relate closely to the street, providing activity, interest and vitality.

Landuse Precincts

As shown on the Concept Plan, the Rototuna Suburban Centre is made up of several activity precincts that contribute to the overall function of the Centre.

a) Retail

The Concept Plan provides for two distinct retail areas - Retail Precincts 1 and 2.

The Retail 1 Precinct has frontage to the Main Street and Public Square and adjoins the proposed library and aquatic centre. Within this Precinct, the scale and form of the buildings and shopfronts should respond to and reflect the pedestrian nature of the streetscape. Retail should be of a fine grain and typically include small shops of a maximum floor area of 400m², restaurants and cafés. Offices and apartments should be located above ground floor level.

In the Retail 2 Precinct, which is located immediately to the west of the Main Street, the Concept Plan provides for larger scale retail activities to serve the local community. Development

should, however, still provide an active frontage to the street - either through a main entrance or by sleeving the development with smaller retail outlets.

b) Employment

It is intended that this centre have a strong employment base and areas for business and light industry are identified on the Concept Plan. Employment based activities should not interrupt or conflict with shopping activities or more sensitive uses in adjacent precincts. Appropriate locations are therefore shown to the north of the Retail 2 Precinct and close to the major arterial road.

The Employment Precinct will provide for light industry and service type activities. Light industry activities include. vehicle servicing and repair activities, small scale home improvement activities, electronic and computer repairs and service, small scale manufacturing, cleaning services, food preparation, catering, printing and storage.

c) Residential Mixed Use

The Residential Mixed Use Precinct will act as a transition area between retail and residential development. The Precinct predominantly provides for residential activities, however a limited amount of office development, service industry, small retailing and activities that will not compromise residential living amenity levels are also provided for.

d) Residential High/ Medium Density

Residential High Density and Residential Medium Density Precincts form part of the Suburban Centre. These precincts are intended to provide a population base to support the Centre's retail, employment, entertainment, community and recreational activities and enhance its vitality and vibrancy. Conversely, the Centre will provide goods and services for the local residential catchment. It is therefore important that residential land is developed to a sufficient density to enable these mutual benefits, and to ensure efficient use of the land resource.

e) Community

In addition to the planned community facilities described below, land has been set aside for other community facilities such as community centres, education and training facilities and health care services.

Library — The proposed new library will occupy a key central site within the Suburban Centre having frontages onto both the Public Square and the watercourse. Ideally this will be designed as a high quality, innovative building.

Aquatic Centre — The aquatic centre is strategically located between the Retail 1 Precinct and Active Recreation Reserve. This will enable shared use of facilities such as changing rooms and carparking space. As with the library, this building should be of a high quality, innovative design.

Schools — A new primary school and a new secondary school will contribute to the overall Suburban Centre 'node'. Both schools are within a 10 minute walk of the heart of the Centre. The schools are to be zoned Community Facilities and do not form part of the Concept Plan.

Apostolic Church — There is an existing church on North City Road. This existing use will be acknowledged by identifying the land as a Community Facilities precinct.

f) Parks and Green Space

A large recreation reserve is centrally located to the aquatic centre and schools. The reserve will provide for playing fields, one of which may be served by a stand, together with other facilities such as courts, cricket ovals and potentially floodlighting. Roads around the perimeter offer good views into the reserve, which in turn increases passive surveillance and overall safety.

Appendix 1 C Rototuna Urban Design Guide

1.0 Introduction

- 1.1 The urban design guide supports the Rototuna Suburban Centre Concept Plan along with medium density housing located within the Rototuna Residential Zone Western Node.
- 1.2 Appendix 1C-1 and 1C-2 illustrate these areas.

2.0 Purpose

2.1 What is Urban Design?

Hamilton City Council is a signatory to the Urban Design Protocol a document which was prepared by the Ministry for the Environment. Its purpose is to *'ensure our towns, and cities are healthy, safe, and attractive places where business, social, and cultural life can flourish.'*

Signatories to this document agree to support, and demonstrate its principles, and to demonstrate progress towards achieving its vision. This is *'Making New Zealand, and towns, and cities more successful through quality urban design'*.

The Protocol defines urban design as being *'concerned with the design of the buildings, places, spaces, and networks that make up our towns, and cities, and the ways people use them'*. In order to deliver quality urban design it is argued that a co-ordinated approach is required. This means a wide range of groups, and professions working together to achieve quality urban design.

In addition Hamilton City Council has prepared, and adopted an urban design strategy called CityScope along with a city wide design guide called, VISTA. VISTA outlines key urban design principles that are considered fundamental to Hamilton becoming a dynamic, prosperous, memorable, and sustainable city. VISTA contains six elements being: Design Quality, Sense of Place, Access, Public Space, Lifestyle, and Sustainable Environments.

2.2 Purpose

This Design Guide's purpose is to assist groups, professionals, and Council to prepare, and assess resource consent applications within the Rototuna Suburban Centre (see Appendix 1C-1), and an area of medium density residential development around the proposed Western Local Community/Commercial Node (see Appendix 1C-2).

The Design Guide seeks to ensure that development within these areas meets the Urban Design Protocol's purpose. It therefore contains urban design based

assessment criteria which are derived from Rule 4.12 Rototuna Suburban Centre Zone, and Rule 4.1C Rototuna Residential Zone.

2.3 How to use the Design Guide

The guide's assessment criteria will form part of the Council's assessment of applications for resource consents for Comprehensive Development Plans (CDPs) along with resource consent applications for development occurring after the implementation of the CDP (Rule 4.12.2, and 4.1C). Appendix 1C- 2 identifies a number of CDP Areas, and a resource consent application is required for each Area.

In addition, a Concept Plan (Appendix 1C-1) has been prepared for the Rototuna Suburban Centre, and this comprises several activity precincts. These precincts comprise areas of land for which District Plan Rules have been developed, and relate to:

- Retail (areas 1, and 2)
- Employment
- Residential Mixed Use
- Residential Medium, and High Density
- Community Facilities
- Active Recreation Reserves
- Public Square

The Design Guide contains a brief explanation about the principle behind each precinct, a brief explanation, and a series of criteria against which development will be assessed.

The guide contains three parts:

Part 1 Guidelines relating to the Rototuna Suburban Centre, and the Western Node

Part 2 General Principles

Part 3 Precinct/Areas Assessment Criteria

Development of the Rototuna Suburban Centre is intended to be in accordance with a Comprehensive Development Plan approved by Council for the individual Areas shown in Appendix 1C-1 (and also located in Appendix 4.12-II). Development of the Western Local Community/Commercial Node Medium Density Areas must be in accordance with Comprehensive Development Plans for the areas shown in Appendix 1C-2 (and also located in Appendix 4.1C-III).

There are three steps to using this Urban Design Guide when preparing a Comprehensive Development Plan. Firstly, there are a number of guidelines which clearly outline Council's expectations for achieving high quality design, set out in Sections 3.1 and 3.2. Secondly, the application should be assessed against the general principles which are outlined in Section 3.3, and thirdly, the application should be considered in terms of the relevant assessment criteria for the precinct/area in Section 3.4.

3.0 Design Guidelines

The design guide contains three parts that clearly outline Council's expectations for achieving high quality urban design. However, it should be recognised that there is a degree of flexibility, and that the standards may not be appropriate in every instance. In such cases it must be demonstrated that design flexibility is warranted through the creation of an equivalent or better outcome.

Part 1 —Guidelines

3.1 Guidelines for Rototuna Medium Density Area (western node)

3.1.1 Site Coverage

Maximum amount of the site which can be covered by buildings in the Medium Density Residential Area is 50% of net site area

3.1.2 Building Height

Maximum height of buildings in the Medium Density Residential Area shall be 12.5m. (See Figure 4.1 in [Rule 4.1](#)).

3.1.3 Setback from Road Boundary

Buildings shall be set back from the road boundary as follows (see Figure 4.1-3 1 in [Rule 4.1](#)).

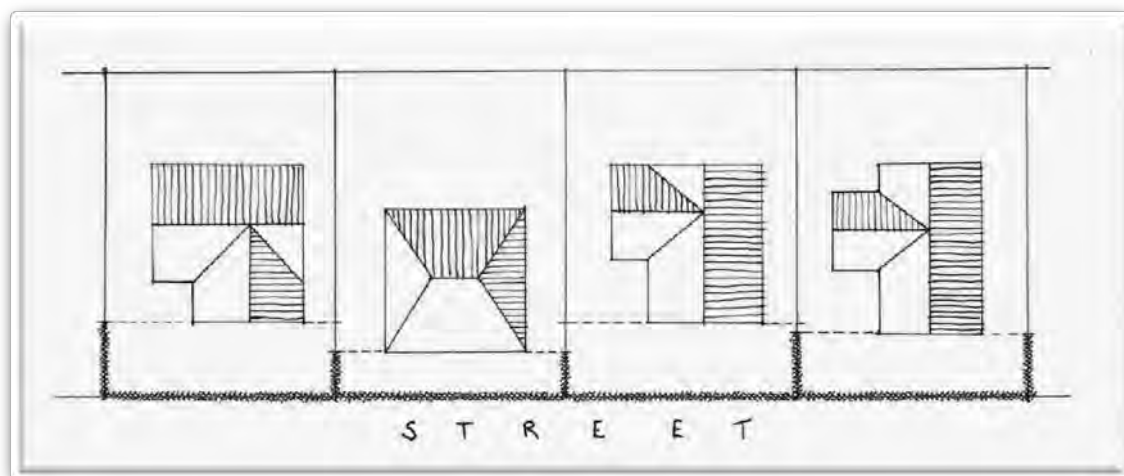
Frontage to local and collector roads	3m
Frontage to arterial roads	5m

3.1.4 Other Setbacks

- a) Minimum building setback for the Medium Density Residential Area from any boundary of a Comprehensive Development Area, zone boundary or public open space is 1.5m.
- b) Setbacks may be reduced where:
 - i) buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall.

3.1.5 Interface Standards

- a) All accessory buildings, including carports and garages, shall be located at least one metre behind the building line established by the dwelling unless the accessory building is an integral part of the design and construction of the dwelling in which case it shall be recessed at least 0.5m behind the building line established by the dwelling.
- b) Front and side boundary fences or walls, located forward of the building line established by the dwelling shall not exceed 1.2m in height (as illustrated below):



- c) The amount of hard surfacing, located forward of the building line established by the dwelling, shall not exceed 50% of this area.
- d) Front yard landscaping and planting shall enable visibility between the dwelling and public space.

3.1.6 Separation Distances and Privacy

- a) Where two or more buildings, excluding accessory buildings, are located on the one site, no eaves of a building shall be located closer than 3m from the eaves of another building.
- b) A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary of a Comprehensive Development Area, zone boundary or public open space, excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 meters or less, or any right of way, private way or access lot (See Figure 4.1-41 in [Rule 4.1](#)).
- c) Where buildings are attached, no setback is required between those buildings.
- d) Separation distances may be reduced where:
 - i) windows are at an angle of 60° or greater to the boundary; or
 - ii) window sill height from the finished upper-floor level is 1.7m; or
 - iii) opaque or obscure glazing is provided;

3.1.7 Outdoor Living Area

- a) Each residential unit shall be provided with an outdoor living area which:
 - i) shall be for the exclusive use of the residential unit
 - ii) shall be readily accessible from a living area of a unit
 - iii) shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- b) Each residential unit shall be provided with an outdoor living area with a minimum area and dimensions as follows:

Activities	Medium Density Residential Area	
	Minimum area (per unit)	Minimum dimensions
Detached dwellings, Relocated dwellings and Comprehensive residential development	40m ²	Capable of containing a 6m diameter circle
Ancillary flats	12m ²	2.5m width
Apartment buildings	12m ²	2.5m width

Note: Any communal outdoor living is optional and shall be provided in addition to the above provisions.

3.1.8 Service Areas

- a) Each residential unit shall be provided with a service area with a minimum area and dimensions as follows:

Activity	Minimum area (per unit)	Minimum dimension
Detached dwellings and Comprehensive residential development	20m ²	3m
Apartment buildings and ancillary flats	10m ²	2.5m

- b) A service area shall not be able to be viewed from a public space.

3.1.9 Storage Areas

In addition to internal storage, each Residential Unit or any residential accommodation associated with non residential activities shall be provided with storage areas as follows:

- a) Located at ground floor level and readily accessible to that residential accommodation.
- b) The storage area shall be secure and weather proof.
- c) A minimum of 1.8m long by 0.9m high by 0.6m deep.

3.2 Guidelines for Rototuna Suburban Centre Zone

3.2.1 Building Height

Building height standards for each Precinct are as follows:

Precinct	Maximum Building Height	Minimum Building Height	Minimum Storeys
Retail 1 , and Retail 2	15 metres	8 metres Primary frontage	2 in Primary Frontage
Community	15 metres	8 metres Primary frontage	2 in Primary Frontage
Employment	6 metres	NA	NA
Active Recreation	i) 8 metres, except public toilets adjoining a road boundary where the maximum height shall be 3 metres ii) Maximum Height of any floodlighting shall be 15 metres	NA	NA
Public Square	NA	NA	NA
Residential Mixed Use	12.5 metres	NA	NA
Residential High Density	12.5 metres	NA	NA
Residential Medium Density	12.5 metres	NA	NA

3.2.2 Separation Distances, and Privacy

- a) Where two or more buildings, excluding accessory buildings, are located on the one site, no eaves of a building shall be located closer than 3m from the eaves of another building.
- b) A balcony or window of a habitable room at upper-floor level shall be set back 5m from any boundary of a Comprehensive Development Area, zone boundary, precinct boundary, or public open space, excluding the road boundary or adjoining an accessway, any entrance strip with a width of 6 metres or less, or any right of way, private way or access lot (See Figure 4.1-4, and 5 in [Rule 4.1](#)).
- c) Where buildings are attached, no setback is required between those buildings.
- d) Separation distances may be reduced where:
 - i) windows are at an angle of 60° or greater to the boundary; or
 - ii) window sill height from the finished upper-floor level is 1.7m; or
 - iii) opaque or obscure glazing is provided

3.2.3 Building Setbacks

Building setback standards for each Precinct are as follows:

Precinct	Maximum Building Setback from Road	Minimum Building Setback from Road	Minimum Building Setback from side, and rear boundary
Retail 1, and Retail 2	<ul style="list-style-type: none"> 0 metre Primary frontage 0 metre Secondary frontage No maximum elsewhere 	0 metre	
Community	<ul style="list-style-type: none"> 0 metre Primary frontage 0 metre Secondary frontage No maximum elsewhere 	0 metres Primary frontage 5 metre front	See 4.6.2 c) Where site adjoins the Residential Zone or a Residential Precinct - 3 metres
Employment	10 metres	5 metres	5 metres
Active Recreation	NA	5 metres except public toilets which may be sited up to the road boundary	5 metres from the boundary of any Residential Precinct
Public Square	NA	NA	NA
Residential Mixed Use	<ul style="list-style-type: none"> 0 metre Primary frontage 0 metre Secondary frontage No maximum elsewhere 	0 metres	
Residential High Density	5 metres	1 metre	1.5 metres where adjoining another precinct, CDP Area or zone boundary
Residential Medium Density	No maximum	i) 3 metres from the boundary of a local/collector road ii) 5 metres from the boundary of an arterial road	1.5 metres where adjoining another precinct, CDP Area or zone boundary

3.2.4 Development Intensity

Development Intensity for each precinct shall be as follows:

Precinct	Maximum Floor Area Ratio	Maximum Site Coverage
Retail 1	3:1	100%
Retail 2	3:1	100%
Community	2:1	100%
Employment	1:1	75%
Public Square	NA	NA
Residential Mixed Use	2:1	100%
Residential High Density	NA	50%

Residential Medium Density	NA	50%
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3.2.5 Primary Frontages

For buildings within the Primary Frontages as defined in Appendix 1C-3:

- i) Buildings shall include a minimum of 2 stories of useable floor space;
- ii) A minimum of 75% of ground floor wall facing the street or public space for the length of the ground floor wall shall be of clear glass, and capable of being used for displaying goods, and services to passing pedestrians;
- iii) Ground floor tenancies shall have the main customer entrance facing the street;
- iv) A continuous verandah not less than 2.5 metres deep shall be provided which extends along the full street frontage except that no verandah over a footpath may encroach to within 300mm from the kerb. Verandahs should be designed to provide continuous pedestrian cover so they abut one another;
- v) There shall be no vehicle access, parking or service areas within the Primary Frontage Area;

3.2.6 Secondary Frontages

For buildings within the Secondary Frontages as defined in Appendix 1C-3:

- i) A minimum of 50% of the ground floor wall facing the street or public space for the length of the ground floor wall shall be of clear glass, and capable of being used for displaying goods, and services to passing pedestrians;
- ii) Ground floor tenancies shall have the main customer entrance facing the street;
- iii) There shall be no parking or service areas within the Secondary Frontage Area;

3.2.7 Outdoor Living Area

Each Residential Unit or any residential accommodation associated with non residential activities shall be provided with an outdoor living area which:

- i) Shall be for the exclusive use of the Residential Unit;
- ii) Shall be readily accessible from a living area of a Residential Unit;
- iii) Shall be free of driveways, manoeuvring area, parking spaces, accessory buildings, and service areas;
- iv) Shall have a minimum area per Residential Unit of 12m², and a minimum dimension of 2.5 metres width.

Note: Any communal outdoor living is optional, and shall be provided in addition to the above provisions.

3.2.8 Service Area

Each Residential Unit or any residential accommodation associated with non residential activities shall be provided with service areas as follows:

- i) A minimum service area of 10m² with a minimum dimension of 2.5 metres located at ground floor level, and readily accessible to that residential accommodation;
- ii) The service area shall be maintained with an all-weather dust free surface;

- iii) The vehicular access associated with a service area may not be located within a primary or secondary frontage;
 - iv) A service area shall not be able to be viewed from a public space.
- The service area required under this rule shall be additional to the service area required under Rule 4.12.1.5.13

3.2.9 Storage Area

In addition to internal storage, each Residential Unit or any residential accommodation associated with non residential activities shall be provided with storage area as follows:

- i) Located at ground floor level, and readily accessible to that residential accommodation;
- ii) The storage area shall be secure, and weather proof;
- iii) A minimum of 1.8 metres long by 0.9 metres high by 0.6 metres deep.

3.2.10 Communal Outdoor Space

Any Residential Accommodation that does not constitute a Residential Unit (e.g. hostels, and motels), and all Visitor Accommodation shall provide a Communal Outdoor Living Area for each building which:

- i) Has a minimum area which shall be equal to 12m² multiplied by the number of Residential Units or 12% of the gross leasable area of that part of any building occupied by residential accommodation whichever is the greater;
- ii) Has a minimum dimension of not less than 4 metres;
- iii) Is capable of containing a circle not less than 8 metres in diameter;
- iv) Is readily accessible to those parts of any buildings occupied by Residential Activities.

Part 2 — General Principles

3.3 General Principles for Comprehensive Development Plans

3.3.1 *Principle*

Development of the Rototuna Suburban Centre shall be undertaken in accordance with a Comprehensive Development Plan to be approved by Council for the individual Areas shown in District Plan Appendix 4.12-II (also appended as Appendix 1C-2 to this design guide), and development of the Western Local Community/Commercial Node Medium Density Areas in accordance with Comprehensive Development Plans for areas as shown in Appendix 4.1C-I (also appended as Appendix 1C-2 to this design guide).

3.3.2 *Explanation*

An application for a Comprehensive Development Plan needs to address the following:

- a) The overall design of the Rototuna Suburban Centre, and Western Node Medium Density Areas achieves aesthetic, and architectural coherence, and is of a design, scale, form, and character appropriate to its unique location;
- b) The arrangement of buildings, car parking, service areas, and open spaces including provision for vehicular, cycle, and pedestrian circulation will:

- Enable the establishment of activities that are appropriate for the comfort, and convenience of visitors to the Rototuna Suburban Centre, and the local community;
 - Be safe, and convenient, and achieve high standards of amenity;
 - Be functionally linked with, and physically connected by walkways/cycleways to the suburban centre;
 - Be aesthetically coherent, and reinforce good urban design, particularly the orientation of buildings to outdoor public spaces, roads, and utilising a variety of architectural elements;
 - Provide for appropriate public access (pedestrian, and cyclists) to, and around the area;
 - The Rototuna Suburban Centre shall be designed in such a way as to be versatile spaces to enable a variety of activities to take place;
 - Provide direct access paths on the most well used routes with appropriate lighting, landscaping, and seating;
 - Buildings shall be constructed from solid, and durable materials to ensure a high standard of aesthetic coherence, and amenity consistent with the aim of providing an attractive suburban centre.
- c) Design, and layout of roads
- To ensure appropriate connections to existing, and future roads;
 - Respond to the site's existing landform, vegetation, views, water courses (for the purposes of stormwater runoff), and areas of public open space;
 - Accommodate safe traffic speeds, and sightlines for all road users (pedestrians, cyclists, and motorists);
 - Provide sufficient width to safely accommodate all road users, parking, footpaths, cycle ways, amenity landscaping, and compliance with Council's Development Manual;
 - Promote a consistent design theme to achieve high amenity values;
 - Have regard to the future design relationship between the road, adjoining land, and adjacent precincts.
- d) Type, form, and density of housing
Whether future development sites have been identified in a manner that:
- Responds to the context within which the development site is to be located, including roads, open space, pedestrian linkages, views, and natural features;
 - Is appropriate to the type, and form of housing, (medium density or high density);
 - Is in accordance with policies 6.2A, and 5.1, and Rules 4.12, and 4.1C, setting out the required yield for the various precincts;
 - Has regard to the relationship with existing developed areas;
 - Gives consideration to the size, shape, and aspect of the land, and its suitability for future development, with particular regard to the relationship of the site to the road, and adjoining sites;
 - Integrates the development of sites with the relevant precinct as a whole;

Part 3 — Principles and Assessment Criteria for Precincts

3.4 Retail Precinct 1:

3.4.1 *Principle*

The Retail 1 precinct faces onto the Main Street, and Public Square, and adjoins the proposed library, and aquatic centre. This is the main shopping area within the centre, and activities have been specifically selected to create a vibrant, and vital centre. It is therefore important that there is a continuity of buildings facing onto the street, and that they have 'active' frontages. This coupled with the range of activities, and public realm elements (footpaths, lighting, landscaping, street furniture, open space etc) play an important role in creating an attractive, and thriving suburban centre.



3.4.2 *Explanation*

The intent is to create a community focal point providing employment, shopping, recreation, and public transport opportunities for a locally based population. A key consideration is the creation of a local identity for Rototuna's main retail area. The centre's design needs to be of a high quality so that people want to shop, linger, live, work, and play within its environs. Therefore the setting needs to be safe, attractive, comfortable, accessible, and durable. This is achieved by ensuring that buildings have 'active' street frontages. The scale, and form of buildings should be of a fine grain, and designed to reflect the street's pedestrian focus.

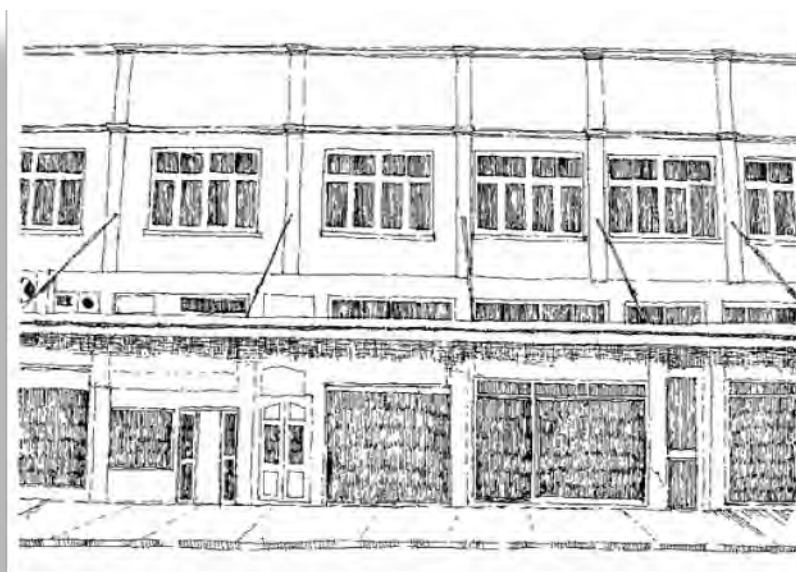
It is envisaged that buildings within this part of Rototuna will be a minimum of 2 levels. Residential activities must be able to protect themselves from adjacent activities namely, restaurants, bars (licensed premises), and bakeries as these activities operate at a time when they may disturb residents. One key consideration is the protection of business land in, and around this centre. Locations that work for businesses are fewer than for residential.

3.4.3 Assessment Criteria

1. Active Street Frontages

Active street frontages add interest, life, and vitality to the public realm. This means:

- a) Buildings must contain street level activity, along with frequent doors, windows, and few blank walls, which allows a visual connection between people within the building, and those on the street;
- b) Shop frontages should be narrow to provide frequent changes in use and add visual interest;
- c) Building entries need to be clearly identifiable, face onto the street, and be at the same level as the street.



2. Building Design — Form and Appearance

Building design defines the public realm while setting the scene for character and form including window, door proportion, and placement. This means:

High Quality Design

- a) Buildings should be designed to be of a high quality and help create a unique identity and character;
- b) Durable materials should be used.

Building Continuity

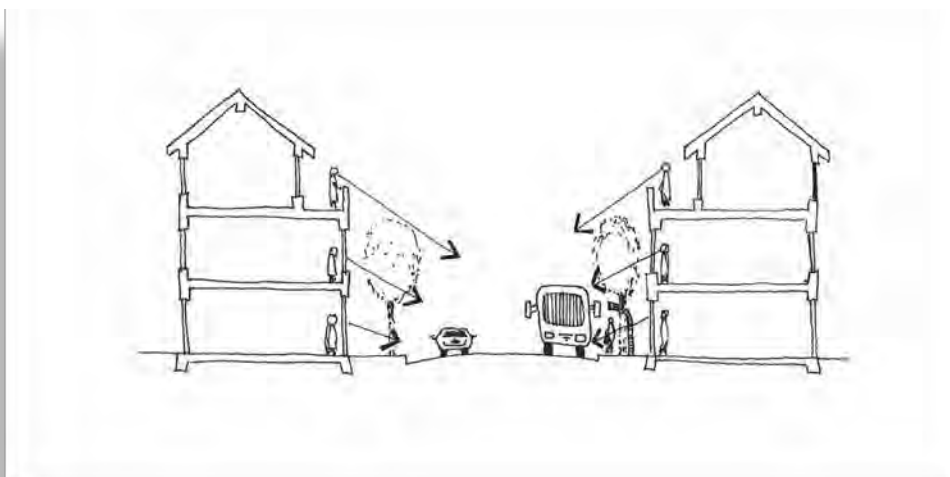
- c) Buildings need to be designed so that they line both sides of the street. Minor modulation to the building's frontage is acceptable (includes pedestrian entrances, windows, bay windows etc) provided street front continuity is not compromised;

Corner Buildings

- d) Where buildings are located on street corners (intersection of two streets) architectural details should be used to emphasise, and address the street corner;

**Passive Surveillance**

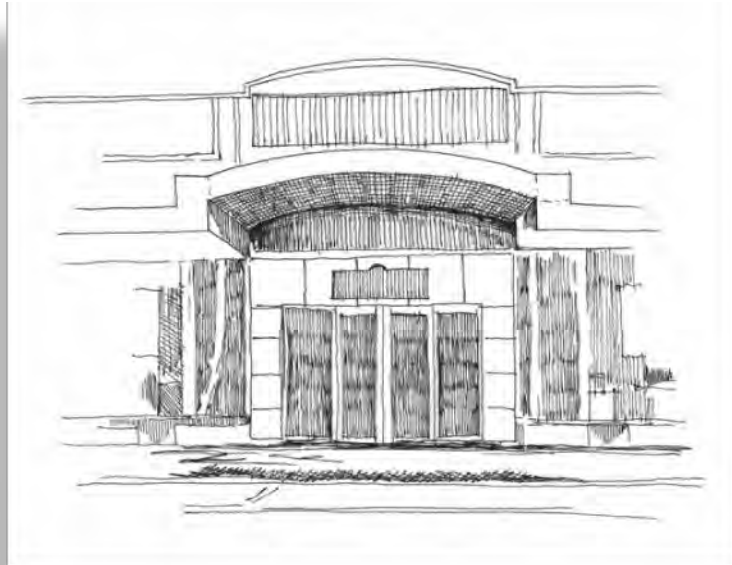
- e) Buildings should be designed so that their occupants can overlook the street, and public open space.

**Public Access**

- f) Buildings facing onto open space are required to create openings so people can access such buildings from open space areas;
- g) Access into buildings should be at grade for both pedestrians and vehicles, to reduce the need for pedestrians to negotiate changes in footpath grade;

Building facades

- h) Building facades should incorporate the following features:
- Articulation, celebration of main building entrances, use of projections such as bays, and balconies;



- Narrow building frontages - this gives the street scene a vertical as opposed to a horizontal emphasis;
- Variation in materials, colour, window shape, and size to accentuate, and highlight features;
- Use eaves, and window sills to create interest for street users;
- Car parking, and service entries need to be designed so they have a minimal effect on building continuity, where possible using rear lanes, and access ways;
- Use architectural details to differentiate building levels, e.g. the building's ground, middle, and upper levels;
- Blank facades which are visible from public spaces are inappropriate;



✘



Rooftops

- i) Integrate lift plant, and mechanical services into the building's roof so they are not visible from public spaces;
- j) Orientate satellite dishes, telecommunication antennae, and air conditioning units so they are not visible from public spaces;
- k) Use a variety of roof forms to provide visual interest. Sections of long horizontal 'flat' roofs are inappropriate;

Acoustic amenity

- l) Apartment buildings need to be designed so that residents are not disturbed by street noise or from neighbouring residents;

3.5 Retail Precinct 2:

3.5.1 Principle

This precinct is separated from the Retail 1 precinct by a proposed drainage reserve containing a watercourse. The Retail 2 Precinct contains similar land uses to the Retail 1 precinct. The main difference is that provision is made for larger format retailing in Retail 2.

3.5.2 Explanation

It is still preferable that buildings provide an active frontage to the street, either through a main entrance or by sleeving the development with smaller retail outlets.

3.5.3 Assessment Criteria

The same assessment criteria for Retail 1 also apply to the Retail 2 area. For larger scale buildings use should be made of the Employment assessment criteria outlined below.

3.6 Employment Precinct:

3.6.1 Principle

The Employment precinct provides opportunity for business, and light industry. In certain instances it may be necessary to buffer this precinct from adjacent residential areas.

3.6.2 *Explanation*

Employment zoned land will not provide the level of amenity found within the Retail 1, and 2 zones. However these zones will be used by suburban centre workers, and visitors, and pedestrians walking from areas beyond it.

3.6.3 *Front Facades, and Entrances*

Business buildings are often of a larger scale, and can therefore potentially create adverse effects due to the traffic they attract e.g. conflicts between visitors, staff, and service based vehicles. Due to their size these buildings can often have large blank facades making it difficult to create an attractive street scene.

3.6.4 *Assessment Criteria*

- a) Site entrances need to be obvious, and located next to vehicular and pedestrian entrances from the street;
- b) Pedestrian walkways should be provided directly from the public footpath to the building's front door;
- c) Buildings should make a positive connection with the street; this can be achieved by designing buildings so they present a narrow face to the street, and locating building mass away from the frontage.



- d) Signage should be minimal, and clear — the focus should be on business identification rather than promotion of goods and services;
- e) Office components should be located towards the building's front, since this minimises vehicle/pedestrian conflicts;
- f) Corner buildings — refer Retail Area 1 buildings.

3.6.5 *Loading, and Servicing*

- a) Storage areas should be located at the rear or side of buildings, and ensure that they are screened from the street, so that the collection of rubbish, waste products, and goods cannot be viewed from the street;
- b) Car parking should be located at the side or near the front of buildings, as these areas need to be visible from the street so that visitors do not enter unsafe or hazardous areas;

3.6.6 Landscaping

- a) Use landscaping to help soften the appearance of large buildings, provide amenity, and screen loading, and service areas;
- b) Where possible use landscaping to mitigate stormwater run-off as this helps to reduce the need for piped infrastructure;
- c) Use landscaping to provide visual relief to areas of car parking.

3.6.7 Buffers

In certain circumstances, it may be necessary to buffer employment activity to protect the adjacent residential areas. Buffers generally consist of a physical element that acts as a barrier, screening device or shield between quiet areas, and noise producing areas of a single development. Buffers are essential in that they help maintain good levels of aural, and visual privacy, thereby providing an acceptable degree of amenity for all occupants.

Examples of buffers include:

- a) Physical distance
 - A space or courtyard separating employment and residential uses to sufficiently protect residents from the noise source.
- b) Structural element
 - A well insulated exterior wall may minimise noise transmission between buildings. Similarly horizontal separation between activities such as commercial, offices, and upper residential floors.
- c) Landscape feature
 - Trees/vegetation can be used as a buffer. Other landscape buffers include: ground level changes along with planting to create 'screens' or 'shields'.

3.7 Residential Mixed Use Precinct:

3.7.1 *Principle*

An area of residential mixed-use has been incorporated into the concept plan to further encourage choice, and diversity. When designing mixed use development it is important to ensure that buildings can accommodate a range of different uses as these can change over time.

3.7.2 *Explanation*

Mixed use development needs to provide a degree of flexibility so that the buildings can respond to changes in demand whether this is office, residential or retail. Such development can encourage people to use the centre outside the working day. Business activity helps to create vibrancy, and life including the 24- hour occupancy of buildings.

3.7.3 *Assessment Criteria*

- a) Residential entries need to be clearly demarcated, and separated from business entries;
- b) Separate business loading docks and waste storage areas from residential access;
- c) Ensure that the design of residential units recognises the needs for servicing, privacy, and outlook, and that this is not compromised by business activities;
- d) Consider acoustic privacy. The design needs to specifically address this issue demonstrating that an acceptable residential living environment can be created, and maintained.



3.8 Residential Medium Density — includes Rototuna Suburban Centre Medium Density Precinct, and the Rototuna Residential Zone Medium Density Area (western node)

3.8.1 *Principle*

Medium density housing typically consists of a mix of detached, and terraced type housing.

3.8.2 *Explanation*

Housing lots at medium densities typically deliver around 25 units per hectare, and typically comprise a mix of single dwellings located on single sites, and terraced dwellings. There are important amenity considerations associated with this development form. For example how buildings address the street, and how they create visual interest.



3.8.3 Assessment Criteria

- a) Buildings need to be designed so that they form a positive relationship with the street so that:
 - They provide for streetscape amenity, through the careful placement of entry doors, windows, porches, balconies, entry courtyards as these attributes help to create an active frontage to the street;
 - They demonstrate the transition between the street (public realm), the building's front yard (semi-public realm), and the building's private rear yard;
 - Visitors know how to access the building;
- b) Design balconies so that they face onto public space/roads including a clear outlook of at least 6 metres which is not of adjacent properties. It is preferable that balconies which face roads be designed as recessed elements so they do not protrude from the face of buildings;
- c) Site buildings so they maximise sunlight access into indoor, and outdoor areas:
 - Maximise north facing windows;
 - Maximise exposure to private open space e.g. rear yards facing north;
- d) Make provision within each household unit for:
 - Collection of recyclable materials, and an area for rubbish bins, ensure that they are located, and designed not to be visible from the street or other public places;
 - Storage area for outdoor equipment e.g. bicycles, prams, sports equipment etc;
 - Locate mail boxes so they can be conveniently accessed by residents.
- e) Use landscaping to provide visual interest, to create privacy, and to shelter people from prevailing winds;
- f) Maximise privacy between dwellings by taking extra care over the interface at the sides of adjacent buildings. This is dependent on each development, and local circumstances;

- g) Design buildings so they provide visual interest, diversity, and variation. This helps to avoid monotonous repetition of building form including: roof pitches, materials, decks, courtyards, balconies, and other detailing;
- h) Design buildings to address local conditions including topography, views, and climate. Use eaves to control summer sun, to provide shelter from rain, and shelter courtyards from wind;
- i) Avoid locating satellite dishes, clothes lines at the front of buildings. It is preferable to locate these items so they are not clearly visible from the street;
- j) Garages, and car ports need to be designed, and located so that:
 - There is sufficient space to park a car between the site's front boundary, and the front of the garage/carport;
 - Garages, and carports are set back from the dwelling's main façade;
 - They relate to the building's design in terms of height, roof form, materials, detailing, and colours.

3.9 Residential High Density

3.9.1 Principle

Within this precinct, the form of development is likely to comprise of two level apartments or terraced housing. It is preferable that such development faces onto, and overlooks the active recreation reserve.

3.9.2 Explanation

Locating higher density housing within a 5 minute walk of the Rototuna Suburban Centre helps to increase the probability of people using public transport. It also increases the likelihood of people walking to the main street as opposed to taking the car.

Higher density residential housing requires a higher design standard including improved pedestrian, cycle connections to the suburban centre. In Rototuna's case the high density area is located on either side of the Active Recreation Reserve.

With this housing type there is the tendency to include several units within one large building mass, and this can create a loss of domestic scale. This can affect residential character, and buildings can take on a non-residential, institutional appearance. It is important that an appropriate scale is maintained to avoid the creation of large monolithic structures similar in appearance to commercial and industrial buildings.

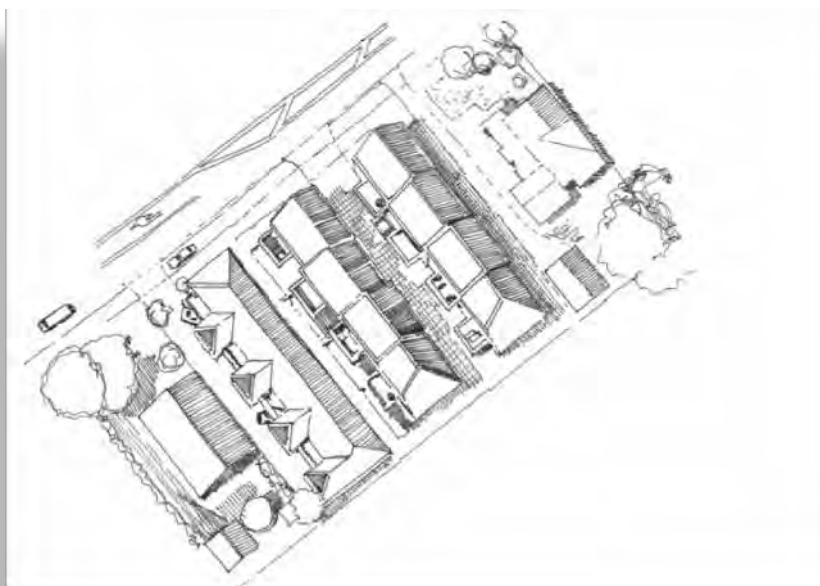
Height is often an issue, and needs to be sensitively managed. Pitched roofs can assist in this regard whereas flat roofs often give the development a strong horizontal feel. This should be discouraged as these building forms can be monotonous.

The key is to create a degree of variety, and this means using balconies, recesses, and voids, along with careful roof design.



3.9.3 Assessment Criteria

- a) The above criteria for Residential Medium Density housing, namely a), b), c), d), e), f), h) , and i);
- b) For d) above consideration needs to be given to the provision of these items either within an individual building or within an apartment complex;
- c) Where possible, residential development should front onto, and overlook the Active Recreation Reserve;
- d) Parking bays, and garages should be set to the side/rear of buildings where vehicular access is from the street located at the front of the development;
- e) Rear lane access may also be appropriate to reduce the need for garages located at the development's street front;
- f) Consider locating car parking areas half a level below ground, and placing buildings half a level above. This helps reduce the amount of space taken up by garaging, car parking on a given site;
- g) Use elements such as balconies, recesses, voids, materials, colours, and roof design to create variety, such features should be used to reduce building mass;
- h) Design buildings so they provide a range of accommodation choice in terms of type, style, and size;
- i) Consider acoustic privacy; the design needs to specifically address this key consideration demonstrating that an acceptable residential living environment can be created, and maintained. This can be achieved by:
 - Placing living rooms of one apartment adjacent to the living rooms of adjacent apartments along with bedrooms next to bedrooms;
 - Locate noise sources such as kitchens, bathrooms, and laundries next to noise sources in adjacent apartments;
 - Locate vehicle, pedestrian entranceways away from bedroom areas.
- j) Avoid locating buildings so that they are perpendicular to the street as this presents an extremely poor street interface which adversely affects the privacy of neighbouring units.



3.10 Community Facilities

3.10.1 *Principle*

A feature of the concept plan is the provision of new community facilities, namely a library, aquatic centre, and the secondary school (outside the concept plan boundary). This also includes some land which will be privately developed, along with an existing church.

3.10.2 *Explanation*

The proper integration of these facilities with the movement, and activity network is key to ensuring the success of the Rotoruna Suburban Centre. It is envisaged that other community facilities will locate within the centre, where this occurs it is important that these activities face onto roads, for example Borman Road.

Although these features have not been designed in detail the following general guidelines apply:

3.10.3 *Assessment Criteria*

3.10.3.1 **Library**

The library needs to be designed, and located so that people will choose to visit because it is easy to use, exciting, modern, and comfortable. The following therefore applies:

- a) The library is envisaged as a landmark building that will occupy a key central site within the centre adjoining, and defining one edge of the public square;
- b) The library should have active edges towards the public square, and main street to the north-east, and the drainage reserve to the north-west. Avoid presenting blank facades to public areas;
- c) The library's main entrance shall be directly off the public square, and the building shall be located to help define the square's south-western edge;

- d) The design of the building should focus on facilitating pedestrian movement in, and around the site.

3.10.3.2 Aquatic Centre

In terms of the aquatic centre, the project calls for the design of the facility to reflect its setting within the Rototuna Suburban Centre. The building needs to make a statement in terms of its setting.

Currently, the scope of this project will include the design, construction, and commissioning of a new aquatic centre facility, landscape works, and car parking facilities. A concept design is to be developed for a Community Centre/Recreation facility at the same time and in conjunction with the concept design for the aquatic centre.

The aquatic centre will be located on North City Road, directly opposite the public square. The following therefore applies:

- a) The building is envisaged to be a landmark building, and will be a significant feature for the centre;
- b) The building's main entrance shall be located so people can gain direct access from the main street;
- c) The building's northern, and western facades including the changing facility for the active reserve, should be carefully designed to actively engage with the adjacent open spaces.

3.11 Active Recreation

3.11.1 Principle

Central to the suburban centre is a large active recreation reserve which is intended to be a focal point for the local community. The development of this area is critical to the functioning of the wider area. The detailed design and operation of the reserve will be subject to a Reserve Management Plan. This has yet to be finalised.

3.11.2 Explanation

It is important that there be good visual and physical connectivity between the reserve, and adjoining uses. The drainage reserve/watercourse corridor provides a key linking element which is important in terms of connectivity within the area.

The following therefore applies:

- a) The reserve will be primarily used as an active sports area containing fields, and court areas;
- b) The reserve should be bounded by roads or lanes to ensure effective connectivity, and integration;
- c) The western edge of the park needs to be activated with a shared pedestrian/cycle route;
- d) The reserve should be designed to be accessible from surrounding dwellings;
- e) The design of the park should enable effective access for pedestrians, cyclists and the disabled.

3.12 Public Square

3.12.1 Principle

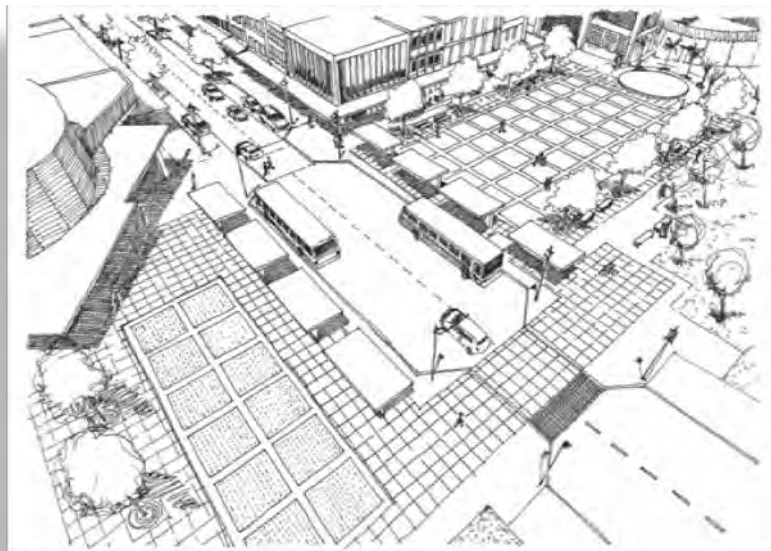
A key feature of the concept is the provision of a key piece of public open space - a public square. Conceptually, this space marks the intersection of the main street, and the drainage reserve/watercourse, and links the public library to the aquatic centre (refer concept plan). The square is located north-east of the library, opening out onto the main street.

3.12.2 Explanation

It is envisaged that the square will be a primary gathering, and social space for the wider area. The creation of a high quality functioning public space is essential to the vitality of the suburban centre.

3.12.3 Assessment Criteria

- a) The Public Square needs to be designed to be multi-functional so it can accommodate a range of uses, and activities, including outdoor dining;
- b) The Public Square is to be flanked by retail development, the library, drainage reserve, and main street. It is important that active edges are provided around the perimeter of this space. A key component is entrances to these activities opening out onto this square;
- c) The space should contain key amenity features including, lighting, seating, trees/landscaping, public art;
- d) Crime Prevention Through Environmental Design principles should be incorporated into the Public Square's design.



3.13 Drainage Reserve/Watercourse

3.13.1 Principle

Another unifying feature of the concept plan is the central drainage reserve/watercourse corridor. Its principal function is stormwater management however it also forms part of the open space network catering for pedestrians, and cyclists.

3.13.2 *Explanation*

It is important that this corridor is designed as a movement corridor, providing a link from the Te Awa O Katapaki esplanade in the south-west to the northern areas of Rotoruna. This link will help provide strong connections with the surrounding residential areas for both pedestrians, and cyclists.

Furthermore, the concept plan includes a larger green space at its south-western corner. This space will be particularly visible from the suburban centre and it is therefore important that this vista is maintained, and reinforced. From the north the watercourse will link with the active recreation reserve creating a green edge to the playing fields, and secondary school.

The precise form, and function of this corridor will be determined by hydrological requirements, and controls but is likely to become more urban in character as it gets closer to the main street. The following therefore applies:

- a) All buildings that face onto the drainage reserve/watercourse corridor need to be designed so that the ground floor faces onto the drainage reserve/watercourse corridor;
- b) Fences that line the drainage reserve/watercourse corridor need to be no higher than 1.4 metres if of a solid construction; if permeable (pool fence or similar) they should be up to but no greater than 1.8 metres in height;
- c) The drainage reserve/watercourse corridor needs to be designed, and developed to be an attractive landscaped space;
- d) Entrance, and exit points onto the corridor should be aligned to enable connections to be made with the wider pedestrian and cycleway network, and may require bridging of the watercourse.

3.14 Movement Network

3.14.1 Street Design

Principle

The creation of attractive, safe streets which encourage walking/cycling is an important goal. The road network is required to provide effective movement for all transport modes.

Explanation

A key consideration is the provision for pedestrian, and cycle paths. The suburban centre will be promoted as a walkable node to cater for the large number of people anticipated to be living within a 10 minute walk (800 metres) of its centre.

The concept plan indicates a pedestrian/cycle path along the Active Reserve's western edge. The link could be reinforced with appropriate landscaping, and lighting. This link will provide good connectivity to the north side of the site whilst providing an effective linkage to schools, and the bus interchange.

The Rotoruna Suburban Centre comprises minor, collector, and major arterial roads which will be designed in accordance with the Council's Development Manual. This concept contains three main types of street; these are the Main

Street, Park Lane, and local streets. The following guidelines apply to the three street typologies:

3.14.2 Main Street

- a) North City Road is to be designed to function as the suburban centre's main street;
- b) The carriageway needs to accommodate bus, cars, and cyclists, and designed so that these uses can safely co-exist with one another. Footpaths need to be sufficiently wide to provide for pedestrians along with opportunities for street side dining;
- c) Parking should be accommodated along with large structure trees within the parking area;
- d) The street should be designed to create a low speed environment;
- e) All crossing points should be at grade;
- f) Develop a 'shared street' concept (where pedestrians have priority) in conjunction with the public transport interchange.

3.14.3 Park Lane

- a) The lane's primary function is to provide access to the active recreation reserve, and adjacent residential development;
- b) Park Lane must provide a strong interface with the edge of the recreation reserve;
- c) The street must be designed to have a low speed environment;
- d) A shared pedestrian/cycle path needs to be provided along the edge of the recreation reserve;
- e) Angled parking should be provided along the edge of the recreation reserve, along with planted berms (containing large specimen trees);
- f) Design safe pedestrian/cycle access ways to the schools.

3.14.4 Local Streets

- a) These streets are intended to provide connections to other areas of the suburban centre;
- b) The carriageway needs to be designed to accommodate vehicles, cyclists, and pedestrians and to include parking (angle, and parallel) along with provision for service vehicles. Paved pavement areas need to be provided on both sides of the street;
- c) Landscaping is to include large specimen trees on either side of these streets.

3.14.5 Car Parking

Principle

An adequate number of car parking spaces needs to be provided to enable the suburban centre to effectively function.

Explanation

Car parking provision that is not carefully integrated with the surrounding buildings has the potential to disrupt the centre's pedestrian friendly nature, and compact urban form.

The following therefore applies:

- a) Large open parking areas should be avoided especially along primary, and secondary street frontages as this can disrupt building continuity;
- b) Parking areas should be located at the rear or side of development or towards the centre's perimeter;
- c) Shared parking should be promoted so it can be used by a multitude of users rather than those visiting a single building.
- d) Multi level parking buildings should be located away from the main street unless they can be designed to accommodate 'active' ground floor uses. Consideration needs to be given to the design of the building's façade so that this has a minimal effect on the centre's streetscape;
- e) Car parking, and circulation areas that are adjacent to the open space network need to be carefully designed, and landscaped to integrate with the streetscape, landscape, and buildings.

3.14.6 Public Transport

Within the suburban centre, it is intended that bus stops will be integrated into the road's carriageway. A transport interchange will be provided, and located opposite the public square on either side of the Main Street. A number of routes will converge on the centre at this point enabling people to transfer from one route to another.

The interchange (including shelters, bins, and other streetscape elements) needs to be carefully designed to reflect, and compliment street character, the public square, and surrounding buildings. The street at this location needs to be designed as a 'shared space' concept (where no single mode has priority) to facilitate the large number of pedestrians anticipated to be crossing the road at this point.

3.14.7 Gateway design principles

Two gateways have been identified on the concept plan, to define the start, and end of the heart of the Rotorua centre. Main road intersections provide opportunities for landmark buildings/structures which are often used to announce the sense of arrival, and departure.

It is therefore important that the gateway features be carefully designed so that views can terminate upon them. The exact form of the Gateway features has yet to be determined, and will be developed as part of the CDP for the area. Council's Public Art Plan will be a key reference point.

Appendix 1C-1
Suburban Centre Concept Plan



Appendix 1C- 2 CDP Areas Maps

Suburban Centre



Western Node



ROTOTUNA
 WESTERN - MEDIUM
 DENSITY RESIDENTIAL

Note: This plan is diagnostic only.
 Proposing considerations have not been confirmed for
 Road and drainage alignment, water, topography, geotechnical, flood

KEY

- Collector Road
- Minor Arterial
- Indic Reserves

PROJECT MANAGEMENT OFFICE
 Hamilton City Council

PLAN NUMBER
MS.MAP-52
 DECISIONS VERSION

VERSION
 2

Appendix 1C-3
Primary and Secondary Frontages — Suburban Centre



Rule 9.2 Peacocke Structure Plan

9.2.1 Rule Statement

The Peacocke area is a 720ha area of rural land to the southeast of the Glenview suburb of Hamilton City. The land was incorporated into the City from the neighbouring Waipa District Council in 1989 for the express purpose of providing for the city's future urban growth.

For this reason the Peacocke Structure Plan has been prepared to provide a resource management framework to guide future use and development of the area and will be used to inform future District Plan changes, develop an infrastructure programme and a basis to provide guidance to development within this Growth Cell prior to the rezoning of the area.

The Peacocke Structure Plan promotes ideas regarding urban design concepts and consideration around urban form, transport network and the natural environment. These ideas are based on key Principles:

- a. **Contextual Design:** Ensure that future development considers the natural environment, built environments and how development fits into the surrounding area as part of the design solution. This will help to establish the quality of development wanted for the area.
- b. **Concentration:** Ensure that future development is undertaken at an appropriate density and intensity of use that preserves and restores the ecological integrity of the area while improving the quality of life for residents, facilitating a vital economy, promoting the efficient use of land and community assets.
- c. **Permeability and connectivity:** Ensure that the movement network within the area is legible and permits ease of movement and avoids severing neighbourhoods by ensuring an integrated street network that provides an appropriate block layout that is well connected and integrated with the wider environment.
- d. **Legibility and Identity:** Ensuring that the future layout is easily understood, through the development of routes, neighbourhoods, nodes, edges and landmarks. Provide neighbourhoods with a distinctive character that allows people to experience, and take ownership, of their unique community.
- e. **Innovation:** Encourage future development within Peacocke to be innovative and implement best practise methods.

9.2.2 Peacocke Vision

"The vision for the Peacocke area is that it will become a high quality urban environment that is based on urban design best practice, social well-being, and environmental responsibility".

The goal for Peacocke is that development will respond positively to its natural setting and built form to develop a number of well connected neighbourhoods based on an urban Development concept that respects and restores the area's natural environment.

9.2.3 Development Objectives

a. Natural System

Aim:

To strengthen the natural and ecological environment within Peacocke



Protect and enhance significant natural features

Protect the physical integrity and ecological and stormwater functions of the Mangakotukutuku Gully and Waikato River margins;

Provide an undeveloped open space buffer zone beyond the top edge of the Mangakotukutuku Gully and Waikato River to improve legibility from all parts of the growth cell;

Encourage lower density development (Lot sizes of 800m²+) along the gully network.

Provide for revegetated gullies and river margins;

Manage stormwater to minimise the effect of urban development on Mangakotukutuku stream values and functions, maintain the ability of the stream to continue to provide habitat for threatened aquatic species and minimise adverse effects on the stream water quality and habitat.



Create ecological and open space links between gully and river

Provide green corridors between the major arms of the Mangakotukutuku Gully and Waikato River;

Align collector and local street networks to create strong physical and visual connections between gully system and river.

Provide a green corridor along the Waikato river that provides pedestrian and cycling facilities and amenity



Align urban development and new streets to existing contours

Follow existing contours or ridgelines to avoid large quantities of cut and fill and reduce the physical and visual effects of major infrastructure works on the landscape;

Urban form to reinforce the topography and form of the landscape, based on landscape character areas.



Develop only on suitable slopes and avoid modification of landforms

Slopes steeper than 15 degrees are regarded as unsuitable for development given accessibility, stability and extent of earthworks required;

Large-scale earthworks and modifications to landforms should be avoided to ensure development responds positively to the landscape and enable the creation of a distinctive urban form.

b. Built Environment

Aim:

The development of a unique and vibrant urban environment that responds positively to the natural environment, which still portrays liveability, diversity and safety.



Integrate movement routes with surrounding neighbourhoods

Extend existing primary movement routes into the growth cell and use new routes to 'stitch' these together. Use these routes to orientate the secondary street network;

Create a high degree of connectivity both within and out of the structure plan area;

Enable access to employment, entertainment, retail and recreation through the integrated transport network;

Seek ways to reduce the impact of major movement barriers such as major arterial roads, the Mangakotukutuku Gully and the Waikato River.



Higher density development linked to social and natural amenity.

Increase density around nodes, parks and riverfront areas;

Take advantage of areas of high amenity;

Intersect proposed Passenger transport routes with nodes for critical mass of population and efficient interchange capabilities;

Encourage urban form that reduces dependency on the car by focusing on intensification and encourages walking, cycling and the use of Passenger transport.



Overlapping mix of land uses

Provide a wide variety of land use activities within comfortable walking distance of the highest population densities and amenity;

Use mixed use planning rules to encourage a diverse and compatible range of activities, both vertically and horizontally.



Create a continuous network of open space

Establish an inter-connected matrix of open space centred on public open space reserves incorporating the gully systems and river margins and with green corridors, avenue-style street connections and recreational and neighbourhood parks linking these areas.



Provide a public edge to the gully and river

Avoid new development 'turning its back' or privatising edges to major natural features and recreational areas;

Avoid the creation of access barriers to allow for a wide spectrum of the resident population and visitors to physically access or visually interact with these features.



Utilise natural promontories and edges to develop distinct urban areas

Use natural features to define neighbourhood edges and inform the development of a diverse range of living environments across the growth cell;

Use these landscape qualities as generators for niche market opportunities;

Focus on the creation of a stimulating river side urban development that is unique to Hamilton.



Locate neighbourhood centres within walking distance to recreational areas

Development contained in distinctive neighbourhoods that are walkable and safe and linked by a high quality open space network.



Utilise existing roads where possible

Reduce environmental impacts and financial costs of building new roading infrastructure where existing road alignments are suitable for reuse.;

Maintain a degree of familiarity for local residents and link to the established landscape character by retaining historical routes, which are often already well sited.



Maximise solar orientation

Generally, the growth cell has good slope orientation for layout of development within the critical 20 degrees either side of north;

Avoid development on steeper south facing slopes where overshadowing for large parts of the day could affect solar gain and require higher energy need.



Future-proof structure plan

Recognition of the role of Peacocke in the city as well as the subregion;

c. Social Well Being

Aim:

Create an urban form and public realm that encourages strong and vibrant communities and neighbourhoods that are attractive, safe and well connected.



Locate large recreation areas on flat sites at the periphery of dense urban areas

Locate formal sports pitches on slopes less than 1:50 and of sufficient coverage to avoid large quantities of cut and fill;

Locate large recreational areas on the periphery of higher density areas where a balance can be struck between proximity and the impact these large areas have on critical population catchments;

Locate formal sports fields on collector or minor arterial routes to ensure the sustainable use of the roading network and limit impact on surrounding neighbourhoods.



The neighbourhood as the building block of the area

The establishment of an integrated network of neighbourhoods, each distinctive and each with its core and sense of place;

Neighbourhoods focused around a parks, schools, centres, and main streets.



Create a continuous network of open space

Establish a series of green spaces providing connections and meeting places.

Ensure a high level of public access to the Waikato River corridor



Mix of uses community nodes

Create mixed use community nodes that provide a variety of living opportunities;

Encourage a diversity of lifestyle choices;

Create an environment where everyone can access and benefit from the full range of opportunities.



Regenerate existing suburbs through shared amenities

Utilise new investment as an opportunity to improve or develop new amenities where deficiencies are recognised and allow new residents to 'tap' into and help sustain existing community structures;

Avoid conflicts with overprovision of amenities and undue competition with existing facilities;

Integrate into the existing urban form and natural and built environments.

d. Cultural Environment

Aim:

Through the urban and environmental design recognise and celebrate historic and cultural features within the Peacocke area.



Protect historic and culturally significant sites or features

Respect known pa sites, borrows pits and other cultural associations with waterways and the land, through the creation of protective reserves or enlightening developers to ways of integrating these features into new development for the benefit of all stakeholders;

Maori and Pakeha culture and heritage can be generally perpetuated through retaining familiar landmarks and also by non-physical means, such as place names.



Protect rural views behind ridgelines

Restrict the impact of higher density areas on the rural character by generally containing visual effects within the catchment area of the Mangakotukutuku Gully;

Provide greater building setbacks along the Ohaupo and Peacocke Road ridgelines and to minimise reverse sensitivity effects of rural activities on urban land uses;

Provide for lower density development (Lot sizes of 1000m²+) in areas of undulating topography.



Protect distant views to city and regional landscape features

Maintain strategic views from Peacocke Road and the localised knoll near Peacocke Lane to areas outside the growth cell through lower density development and greater building setbacks in these locations.

9.2.4 Structure Plan Elements

a. Natural Character areas

Development within Peacocke needs to respond to the strong landscape features these being the Mangakotukutuku Gully system, the Waikato River Terrace areas, and the Southern Hills area as shown in Appendix 9.2-II.

While the urbanisation of the Peacocke area will transform the existing environment, it is essential the extent of earthworks and land modification undertaken is required to ensure that the natural landforms inform the shape of urban development.

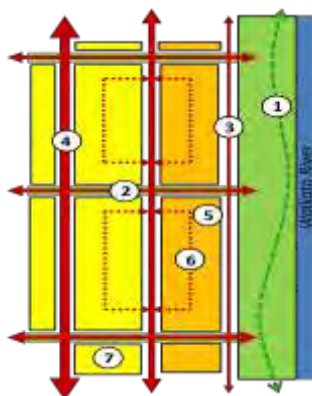
As it is the aim to create an interesting and distinctive urban form based on the underlying landform, the Structure Plan has identified three natural character areas that will guide future development of the Peacocke area, these character areas are:

i) Terrace Area

This area is located adjacent to the Waikato River edge and has a high level of amenity. Which would benefit higher density residential development. Residential development will be a combination of general residential development, terrace housing and apartments. Development along the river will be required to create a public frontage to a river esplanade by ensuring dwellings front on to the river and the establishment of a local road or access lane that provides public access along the river will create a safe and usable river esplanade.

Public access to the river will be maintained with the development of “green streets”. Giving priority to pedestrian circulation and open space over other transportation uses may include sidewalk widening, landscaping, traffic calming, and other pedestrian-oriented features. A green street will enhance and expand the public open space in the immediate area, reinforce desired land use, transportation patterns, and linkages down to the river esplanade.

Figure 1: Concept diagram showing the street pattern that encourages increased accessibility to the Waikato River Esplanade



1. River Esplanade – Pedestrian/Cycle network connecting Peacocke to Suburban centre to Central City
2. “Green Streets” connecting neighbourhoods to the River Esplanade.
3. Local road/Access lane fronting River Esplanade providing public access.
4. Main traffic Route setback from river front.
5. Higher density residential development in areas of high amenity
6. Access to residential lots from rear lanes.
7. General Residential Development

A master plan will be required for the river frontage prior to any development taking place in order to ensure the large river frontage is fully utilised to create an interesting and distinctive urban form.

ii) Gully Area

The environmentally sensitive area of the Mangakotukutuku Gully network runs through the centre of the Peacocke. Because of the natural sensitivity of this area lower urban densities are appropriate. Where the topography does not allow connectivity lots should be arranged around 'cul-de-sac' spurs, limiting the need for the filling in of gullies or the re-contouring land.

Figure 2: Concept illustrating the use of roading along the gully to make the gully system more legible and reduced densities around the gullies to protect the natural and ecological environment.



1. Use cul-de-sacs where connectivity is constrained by topography
2. Roding and Open Space buffer along gully
3. Larger lots along Gully 800m² to 1200m²
4. Gully as public reserve land create a strong feature within the urban fabric

The visual sensitivity of the Mangakotukutuku Gully network needs to be acknowledged. The heavily incised nature of the Mangakotukutuku Gully means it potentially has poor legibility and little visual relationship with the wider urban form particularly if privatised and enclosed along its edges. To protect against this an open space buffer, running along the top of the banks, will allow the gully system to be legible and in turn provide definition to the surrounding urban form.

Conversely local roads should run along the gully edge in as many places as possible with houses on one side of the street only, or the gully edge be maintained as public reserve land.

It is inevitable that some roads will have to cross the gully arms to create a well connected and integrated transport network. However it is envisaged that collector and local roads should generally be routed around the gully arms to minimise modification of the landform and limit ecological damage.

In terms of density of development, lot sizes of between 800m² and 1200m² would be more suitable for land immediately adjoining the gully system. This will ensure the amount of impervious surface is reduced and provide opportunities for water sensitive techniques to be used. A reduction in density adjoining the gully system will contribute visually to a more open and distinctive urban form, allowing the gully itself to be the dominant organising feature.

iii) Hill Area

The undulating topography in the southern area of Peacocke is proposed for lower overall density (lot sizes of 1000m²+) with higher intensity arranged along ridgeline. Steep slopes in this area should be kept in their natural form, through active planting of these areas with indigenous plants. Roads and access way should follow the contours to ensure minimal disturbance of the natural topography.

The elevated ridges in the southern portion of Peacocke provide a degree of physical and visual containment to the growth cell but they are not prominent skyline ridges needing preservation from urban development. However it is desirable to maintain a more generous open setting along slopes to ensure the views of the hills are not completely obscured. The elevated nature of this area can be used to create distinctiveness.

The localised knoll to the east of Peacocke Lane is the main highpoint in the northern part of Peacocke. There is an opportunity to utilise this to provide a point of difference through design guidance or the possible development of specific provisions for the area to encourage development to respond to the landform. This may involve lessening the density or creating a different urban form in this area. Avoidance of significant roading through or over such features should also be part of this response.

b) NODES**i) Community and Recreation Facilities**

In order to achieve a sustainable balance of land use activities it is important to ensure that a range of formal and informal recreational opportunities are provided to meet the diverse needs of the intended growing population of the Peacocke area.

Community facilities such as a public library, passenger transport facilities, schools and other community facilities will be required to support this growing community over time. When required these facilities will be developed within or close to the commercial and community focal points identified to ensure they are easily accessible to the residential areas of Peacocke.

Recreational facilities for the area, including parks and reserves network need to meet multiple functions. Thus where possible:

- Neighbourhood reserves will be integrated with the gullies;
- Sports parks may have natural areas, play lots and links to gullies;
- Riverside reserves will provide for walkways/cycle ways, may have nodes that serve as neighbourhood parks and will incorporate protection of natural areas;
- All parks will provide landscape amenity, and where possible will support environmental values; and
- Serve as stormwater peak flow detention basins.

The Two major sports parks will contain a number of sports pitches, (suitable for senior grade play, junior fields and training areas) and an area that serves a neighbourhood park function. Whilst they will primarily serve the local population, they will also form part of the city wide network of sporting facilities. Two general locations have been shown, the

northern park, and the eastern park. The need for large, level, well drained areas that are accessible will be significant factors in determining their precise location. Consideration will also need to be given to amenity issues with adjacent properties.

The sports parks are to be linked into the green corridors which will help to establish a more integrated network of facilities and improve accessibility. Together the sports parks, neighbourhood parks, and major features such as the gully network and river corridor will provide a network of recreational facilities catering for the diverse needs of the local community. They will also make a significant contribution to the character and appearance of the area in line with the urban design strategy, creating public open space around key landscape features.

A major reserve area, on the south side of the Waikato River will create a major recreational node along the riverbank, and provide for the expansion of Hamilton Gardens.

Also neighbourhood parks provide a range of informal recreation facilities, including children's play areas. These will complement the range of facilities provided by the sports parks and provide a smaller scale focal point for the local neighbourhoods. They are intended to serve a catchment area of approximately 500 metre radius. In order to provide appropriate levels of accessibility and an even distribution of recreational facilities, each neighbourhood should be provided with a park comprising approximately 0.8 hectare.

Where possible neighbourhood parks should incorporate existing natural features and be sited in prominent locations where there is scope for passive surveillance, outlooks and a high degree of accessibility. They may also act as a transitional area between different activities. Neighbourhood parks will have an informal character with little built development. Like the active recreation sports parks, they will be established within residential areas.

Criteria for the location of neighbourhood parks are:

- Distribution across the growth cell;
- Respond to the local context and work with the existing landscape;
- Integrate CPTED principles into the development of the parks;
- Accessibility to a residential catchment;
- Topography;
- Ability to protect or enhance natural features;
- Ability to protect cultural and heritage values;
- Ability to foster positive neighbourhood identity and provide community focal points;
- Ability to provide off-road linkages between residential neighbourhoods and facilities; and
- Ability to link areas of natural and ecological value.

The exact location of neighbourhood parks will be determined in consultation with landowners at the time of subdivision, taking into account the criteria above and local road layout.

The indicative riverside reserve network is intended to create a continuous walking and cycling network along the rivers edge. A number of areas of particular landscape value have been identified where the reserve has been widened to indicate Council's intention to acquire the land. The desired outcome is a vegetated and accessible riverbank corridor that provides a buffer between urban development and the river. As part of the riverside reserve it is proposed that a park be established adjacent to the proposed community focal point, thus providing further recreation amenity associated within the Suburban Centre.

ii) Neighbourhoods

A key urban design principle for Peacocke is well-connected and walkable residential areas. This means that individual residential neighbourhoods are linked well by local and collector roads, and via off-road walkway and cycleway links. The roading network itself should respond positively to the strong topographical features within each character area such as the arms of the Mangakotukutuku Gully.

Walkable neighbourhoods are also about creating attractive residential areas with legibility and clear linkages to key destinations such as the commercial/community nodes where sports parks, schools and community facilities will be located. Residential densities should be increased around these nodes to concentrate more of the population within easy walking distance of key community infrastructure. In this manner an urban form is more likely to be generated that encourages walking and cycling and a reduced reliance on the private car.

iii) Commercial/Community Nodes

It is important that the day to day needs of the emerging community of Peacocke is provided for locally and within walking distance of the various residential areas. It is envisaged that there will be around 4 to 5 commercial/community nodes within the Peacocke area.

These Nodes are split into two categories: Suburban Centre and Community focal points

iv) Suburban Centre

The Suburban Centres will be the location for a public library, schools, public transport centre and the focus for the majority of commercial activities within Peacocke. It should also be the location for a secondary school should one be required to serve the Peacocke area. The Suburban Centre is a street-based mixed use centre based around attractive and well functioning public open space and containing a mix of land uses and facilities that would be expected within a conventional suburban centre.

The Suburban Centre's indicative location on a transport route junction will ensure it is easily accessible to the entire growth cell. The size and configuration of the Suburban Centre will be determined in more detail once a retail needs analysis for Peacocke has been developed.

Residential activity is a key component of the Suburban Centre. Apartment style development will be encouraged within and beside the Suburban Centre. This could take the form of commercial activity at the ground floor with residential above. The benefit of this is that it injects activity and 'life' into these centres outside of normal working hours.

The location of the Suburban Centre creates a strong link via a pedestrian orientated 'green street' to a community focal point on the Waikato River. The community focal point will focus on hospitality and small boutique retail as well as encouraging the use of the river esplanade and the river as a potential connection between the growth cell with the central city and other key destinations.

Figure 3: Concept plan showing the proposed Suburban Centre and its relationship to the river and distribution of land uses.

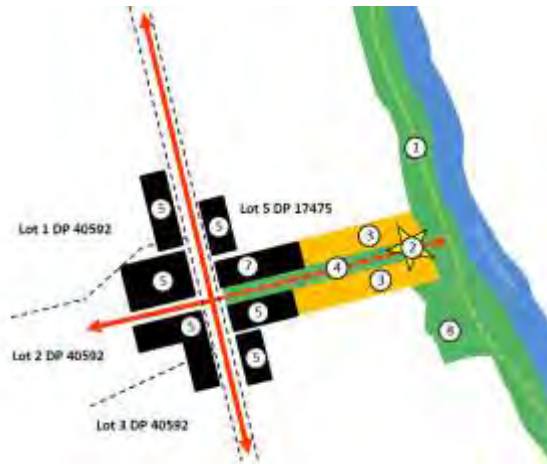


Figure 3 does not define the exact location and extent of the suburban centre and is indicative only.

1. River Esplanade – Pedestrian/Cycle network.
2. Land Use that focuses on the river and hospitality.
3. Mixed Land Use along link between Suburban Centre and River node
4. Pedestrian orientated "Green Street"
5. Retail and traffic orientated activities located along arterial routes
6. Suburban Centre located at intersection of Arterial routes to provide greater accessibility.
7. Community Facilities and Passenger Transport node
8. River reserve providing Sub Urban centre with recreational facilities.

v) Community Focal Points

These are small in size and serve a local function only. The locations have been chosen to provide a wide distribution across the growth cell maximising the amount of residential land within a five minute walking distance of the centres. The centres are located at junctions to facilitate public transport and accessibility, and adjacent to neighbourhood parks or other open space. These are intended to be the location for future schools in the Peacocke area making them easily accessible from adjoining residential areas. The final make up and location of these community focal points within the neighbourhood will be finalised through the Master Plan process outlined in [Rule 9.2.7](#).

c) Transport Network

A fundamental urban design principle is the ease of movement to ensure well connected communities. It is essential that transportation routes are designed to give priority to walking and cycling, and facilitate a seamless web of direct and efficient passenger transport routes that connects neighbourhoods with the central area of the city and other key destinations. In considering the final alignment of the Transport Network the character areas need to be taken into account as identified in appendix 9.2 -II.

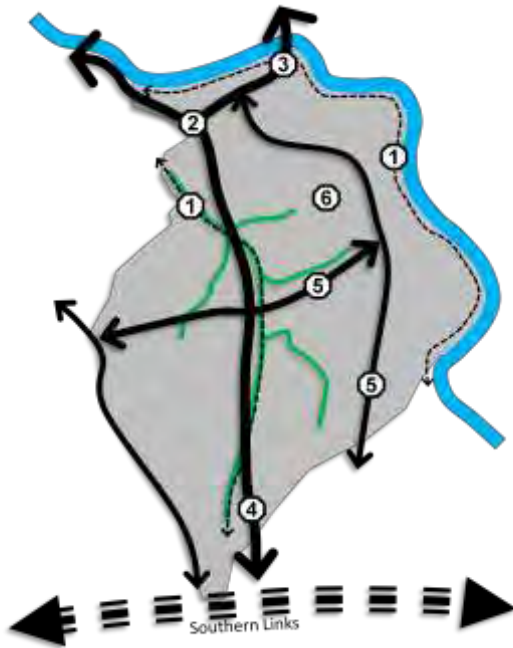
The transport network (Ref Figure 4) shown on the structure plan is indicative and not intended to show exact alignments. Collector roads in particular are shown conceptually to provide key linkages between different residential neighbourhoods. Their precise alignment will be largely determined as individual subdivisions are progressed.

The transportation network is made up of the following:

- A walkway/cycleway network which wherever possible has been developed as a segregated network (i.e. separated from the carriageway);
- An arterial transport network which link destinations; and
- A collector road network which serves to connect residential neighbourhoods together as well as to the arterial roading network.

The distribution of roads across Peacocke based on this hierarchy linking key nodes provides a logical passenger transport network. While in the foreseeable future this will be based on buses, it is intended that the arterial routes can potentially accommodate alternative modes of transport such as light rail.

Furthermore uncertainty around the precise form and function of the Southern Links state highway network also means the roading network needs to be responsive to changing circumstances and priorities. The final alignment of the arterial network within Peacocke will be established through the designation process. Therefore the alignment of some of the arterial routes is highly indicative especially the southern section of the central major arterial route (Figure 4 - No. 4).

Figure 4: Proposed Transport Corridors

The key features of the network are:

1. Walkway and cycleway route linking all parts of Peacocke to the central city via the Mangakotukutuku Gully and Waikato river corridor
2. „City Link“ major arterial route which traverses through the central portion of Peacocke and links with Cobham Drive at the Cobham Bridge to provide a direct route to the central city and hospital;
3. „Eastern Link“ major arterial route which branches from the City Link route and crosses the Waikato River near Echo Bank Place linking with Cobham Drive and the Hamilton Ring Road, thus providing a direct route to the eastern side of the city;
4. „City Link“ major arterial route forms part of the „Southern Links“ network that will likely connect with Kahikatea Drive in the west, and the Waikato Expressway in the east which provides strong connectivity in all directions;
5. Minor arterial network that provides a link between the western and eastern sides of the growth cell, and the main north-south corridor for the eastern part of the growth;
6. Collector road network that links individual residential neighbourhoods with each other and with the arterial roading network.

9.2.5 Interim Subdivision

The structure plan sets the overarching structure and pattern of development, to which an eventual infrastructure programme will need to reflect. While the concepts are flexible in their application to some extent, there are critical elements of infrastructure that must be provided for, within defined corridors.

The probability of the key urban design concepts of the structure plan being realised decreases exponentially as the size of allotments decreases. Smaller blocks of land will not be able to achieve the critical mass required to enable neighbourhood centres, or different residential densities to be developed, in a coherent and integrated manner. Essentially this means that the urban form promoted by the structure plan may become unachievable if wide-scale interim subdivision occurs.

There is however no fundamental objection to interim development of future growth areas provided the ability for further urban development in an acceptable form is preserved. The provisions within [Rule 6.3](#) of the Proposed District Plan are intended to manage interim subdivision with these principles in mind.

This approach will provide a more coherent and coordinated response to the interim development pressures that exist, and provide the optimum platform to manage these issues. This ensures that interim development in Peacocke still enables the City's objective of achieving full urban development in the entirety of the Peacocke area that is based on good urban design principles and is unique in Hamilton while still providing land owners the opportunity to manage their land sustainably.

9.2.6 Concept Plan

To ensure that interim development within Peacocke achieves the objectives of the structure plan and does not compromise the ability to achieve a good quality urban environment concept plans will be a requirement of subdivision. This section sets out the three fundamental parts of the development of a concept plan for the Peacocke neighbourhoods.

a. Neighbourhood Context Analysis

A neighbourhood context analysis is a process that identifies the constraints and opportunities available within a predefined neighbourhood; and helps to establish how a development within this neighbourhood would either mitigate or maximise these elements. The neighbourhood context analysis should be developed in conjunction with Appendix 9.2-II and Rule 10.1 Design Guidance for Residential Subdivisions.

It is important to identify the opportunities available in the wider neighbourhood and any likely conflicts. Involvement of the Council as early as possible, to help identify and refine these issues will help avoid misunderstandings and differences during the approval process.

The neighbourhood context analysis is a graphical representation that identifies among other things, the following:

- The neighbourhood movement network (streets, arterial roads, cycle and pedestrian routes);
- Opportunities to connect into the neighbourhood movement network;
- Existing and planned open spaces, parks, and green linkages;
- Existing and planned local centres, community facilities (Schools, parks), public transport and direct routes to these;
- Existing and planned residential areas, surrounding subdivision lot density, housing typologies or styles, parks and networks;
- Existing infrastructure and reticulated services (including overhead power lines), available connections and capacity;
- The form and scale of the built and natural environment;
- The amenity and character of the neighbourhood;
- Notable natural (e.g. trees etc), heritage and cultural features and/or character of the neighbourhood;
- Landscape or landform features such as wetlands, streams, rivers, vegetation; and
- Significant views and aspects.

b. Site Analysis

The detailed site analysis should be undertaken once the neighbourhood context analysis has been completed. The detailed analysis of the specific site and its close surroundings facilitates the design of appropriate subdivision responses. The subject site analysis should be developed in conjunction with Rule 10.1 Design Guidance for Residential Subdivisions. The following matters are good examples of elements that should be included in the site analysis:

- Topography and landforms;
- Flora and fauna;
- Natural features, wetlands and streams;
- Soils, groundwater and storm water;

- View shafts;
- Site orientation, solar, wind and climatic conditions;
- Existing native vegetation and significant trees;
- Existing buildings and structures;
- Heritage and cultural elements;
- Surrounding road network and possible connection points;
- Existing and proposed cycle ways and walkways which link with the site;
- Existing pedestrian desire lines which may exist through the site;
- Location of nearby shops, commercial or community facilities; and
- Possible contamination issues and natural hazards.

c. Concept Plan

The preparation of a concept plan shall be undertaken in accordance with Rule 6.2.1 a) and only done once the analysis process has been completed and there is a good understanding of the opportunities and constraints within not only the site, but also the wider neighbourhood.

9.2.7 Master Plan:

The structure plan sets out a vision for Peacocke and reinforces this through the establishment of key principles and development objectives. There is a need to ensure that urban development meets the Vision for Peacocke, therefore subdivision to full urban will require the preparation of a master plan for the neighbourhood.

The master plan will ensure that the development of a neighbourhood will consider all relevant opportunities and constraints as well as the urban design principles and objectives set out in Rule 9.2.3.

A master plan will be required to also undertake a neighbourhood context analysis and site analysis. However unlike the concept plan it will undertake this analysis over all adjoining neighbourhoods to the subject site to ensure that the issues impacting on the development are understood. On completion of the context analysis and site analysis the master plan will be required to deal with the following:

a) Transport Network

The plan needs to outline the street pattern as well as set out the street topologies that will be used in the development, the pedestrian and cycle network and how this links with the City's/area's transport network and open space system.

b) Infrastructure and Servicing

The plan will need to identify the approach to the provision of infrastructure and services which is aligned with the structure plan and the wider city infrastructure development program. Incorporate a low impact design approach in association with the development of a Catchment Management Plan for the stormwater catchment area in which the Master Plan neighbourhood or neighbourhoods are located. Demonstrate the integration of any short term infrastructure solutions created under Rule 6.3.3 g) 1.3 iii) into the overall infrastructure solution for the Peacocke Growth Cell as identified by the Master Plan.

c) Natural Environment Network

The plan will need to identify the natural and ecological systems within the area and demonstrate how these areas have been either integrated into the urban design or how they are to be protected. The integration of the natural environment into the urban form has strong links to how the open space system is developed and the establishment of the land use patterns.

d) Open Space Network

The plan will need to demonstrate how the open space links with the natural environment, the Waikato river esplanade, the transport network, and land uses; how the pedestrian and cycle networks have been integrated into the open space network and river esplanade.

e) Land Use

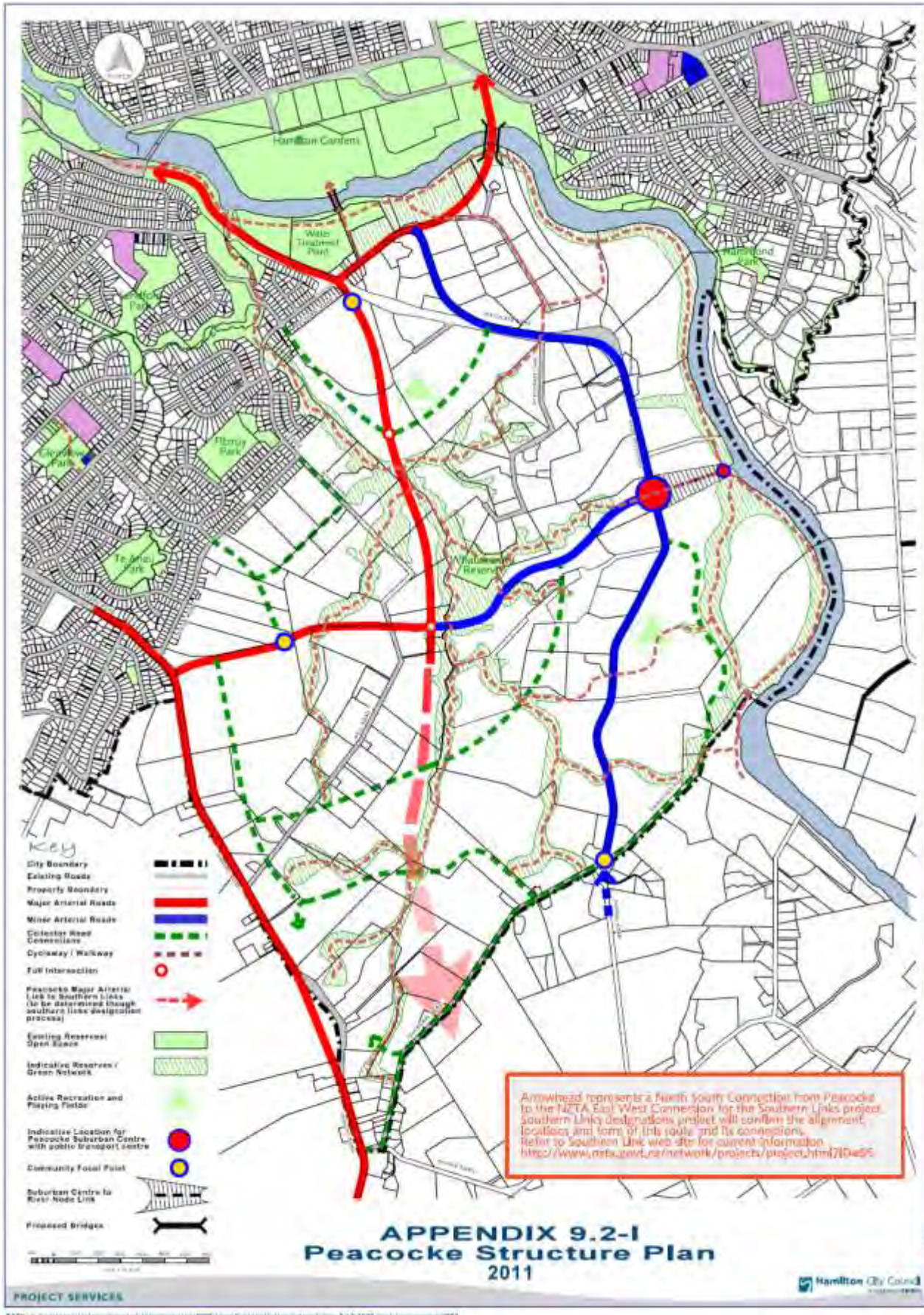
The plan will need to identify the location of commercial and community facilities as well as housing densities. It will need to also develop the street pattern taking into account the open space, natural environment and transport network. The street pattern will also need to take into consideration the development principles set out in the structure plan.

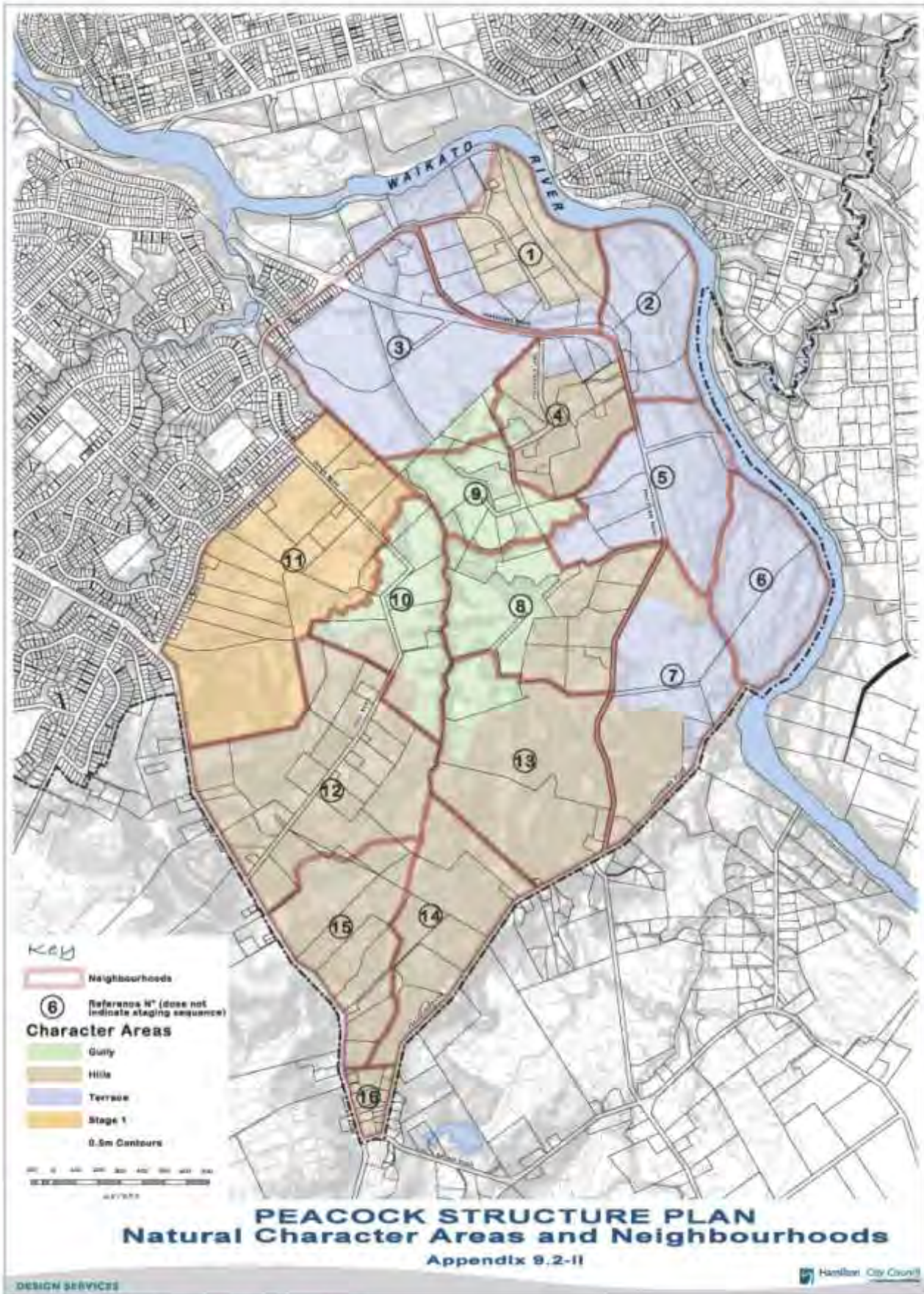
f) Detailed Development Response

The approach proposed for the urban form of the neighbourhood will need to be developed. This will demonstrate the urban design and architectural responses to the opportunities and constraints within the neighbourhood.

g) Staging

The plan will need to identify the staging of development within the master planned neighbourhood demonstrate how any urban development created under Rule 6.3.3 g) 1.3 iii) is integrated into the overall master plan for the neighbourhood.





Rule 9.3 Rotokauri Structure Plan

ROTOKAURI STRUCTURE PLAN 2007

Rule Statement

The Rotokauri area was brought into the City in 1989 to provide part of a larger land bank to facilitate city expansion. The Hamilton Urban Growth Strategy (1991) identified Structure Plans as the tool to be used to determine the development potential of the City's growth areas. The Rotokauri Structure Plan provides a resource management framework to guide future use and development within the Rotokauri growth area.

Development of the Structure Plan has been guided by the following Vision:

"The sustainable expansion of the City into Rotokauri, through a coherent, integrated and people focused mixed use development based on best practice urban design principles."

The Structure Plan consists of:

- *A Structure Plan Statement that describes the context and guiding principles, the specific proposals, the zoning provisions and their associated controls with an amplification and explanation of how these controls should be applied. Illustrations are provided of proposed roading designs for particular environments.*
- *A Structure Plan Map indicating the eventual pattern of development within Rotokauri.*
- *Individual Structure Plan Maps indicating:*
 - *The nature and extent of the proposed transportation hierarchy intended to serve Rotokauri.*
 - *The extent and nature of the proposed reserve and open space network intended to serve Rotokauri.*
 - *The extent of land to be released in Stage 1.*
- *A Concept Plan illustrating the relationship between land uses within the first of two proposed Neighbourhood Centres.*
- *Consequential changes to reflect this are shown on Planning Maps 5, 6, 9 and 10 indicating zoning provisions and Environmental Protection Overlays*
- *Replacement Planning Map 19 indicating a revised road hierarchy consequential upon the land releases in Rotokauri.*

All of these elements must be read and interpreted together to give full understanding and effect to Council's vision for the sustainable management of the natural and physical resources of Rotokauri.

Structure Plan Statement

Strategic Overview

In summary, the Structure Plan provides for the following:

1. An area based, strategic context for urban growth in Rotokauri over the next 20-30 years;
2. Infrastructure provision and proposals for community facilities to support and serve a population of between 16,000-20,000 people, and for population base of 3,000 residents during the first ten years;

3. The establishment of a 280 hectare expansion of the City's industrial land supply as an extension of the City's western industrial corridor, with the ability to develop 109 hectares of this prior to the opening of the Te Rapa bypass;
4. Employment areas that are accessible to a wider regional catchment based around direct access from the SH1 interchange to the Waikato Expressway, connections to the North Island Main Trunk Railway, and strong east-west arterial roading connections to the eastern suburbs of Hamilton;
5. A Comprehensive approach to the staged development of a Neighbourhood Centre in Stage 1 that will act as the principal community focal point based around a suburban shopping centre.
6. Choice and variety in its residential neighbourhoods through four distinct residential environments based on enhanced design controls for:
 - Lake Waiwhakereke Landscape Character Area, which seeks to retain existing landform and create a strong relationship between residences, the lake and to the Heritage Park;
 - The Ridgeline Character Area, which seeks to retain legibility of these locally important landforms in a suburban context;
 - High Density and High Density Interface Areas, for localities within walking distance of the suburban centre; and
 - Generally, residential development that fronts public spaces being oriented to these spaces, with low fencing and visible entrances aimed at achieving improved security and public surveillance of these spaces.
7. The recognition and protection of locally important landscapes, natural features, and historically important cultural values.
8. A reduced need to travel by providing for local needs to be met largely within Rotokauri and by walking, cycling and passenger transport connections to employment, community and commercial centres elsewhere, including commercial facilities located adjacent to Te Rapa Road.
9. A transportation network and hierarchy that serves long term sub-regional growth and supports a variety of travel modes
10. The promotion of community well being, health and recreation through provision of a network of open spaces, active reserves, footpath links and cycleways.
11. The promotion of public safety by design principles and controls that focus on people and public places.
12. The provision of opportunity for the market to develop creative and innovative design solutions.
13. The coordination of development with the availability of new infrastructure and network capacity.

Context

City growth, infrastructure provision and proposals for community facilities all assume an eventual population of between 16,000-20,000 people in Rotokauri, and a population base of around 3,000 within the first 10 years of development.

Guiding Principles

The following Guiding Principles are aimed at meeting the Structure Plan Vision:

Guiding Principle 1 Meeting Local Need

Providing for local needs within the area is critical to ensuring that Rotokauri develops as a viable and sustainable community and does not place unnecessary pressure on the transport network to access facilities elsewhere. Proposals for a new Neighbourhood Centre to serve Stage 1 are a key element in this strategy. Based upon a suburban shopping facility, they provide for a range of activities but are subject to controls to ensure that they provide for a staged development with a distinct focus on people and the public realm and are not seen simply as a development opportunity to meet needs arising elsewhere. Ensuring public safety and convenience in the use of public places is a key focus of the Plan. The Rotokauri Suburban Centre provides for local residents and workers. It is acknowledged that a major shopping and other facilities centre adjacent to Te Rapa Road is situated in close proximity serving wider regional needs.

Guiding Principle 2 Community Facilities

Community facilities will take time to establish but need to be anticipated at an early stage. The Neighbourhood Centre identifies suitable opportunities to accommodate the needs of the new industrial and residential community as well as improving services to existing catchment populations such as the Wintec campus. Education provision is a critical component in achieving sustainable City growth. Proposals for

schools recognise their critical need for convenient access from the road network and their proximity to sports parks. They are sited where these aspects can be combined with providing support for other community facilities taking into account landscape features. The distribution of new reserves reflects an intention to provide facilities to all parts of Rotokauri. Where possible these facilities relate to existing landscape features but, in terms of sports parks, they need to take account also of the extent and orientation of flat land to enable the establishment of suitable playing surfaces.

Guiding Principle 3 Employment

Projections of the City's need for industrial land range between 170ha and 300ha over a 10 year period. Rotokauri forms part of the City's industrial western corridor and could contribute up to 280 ha of that requirement. However, its accessibility to a wide regional catchment via existing and proposed arterial road links make it equally attractive for non industrial uses. Controls are necessary to protect the employment potential of this land supply for industrial purposes. The location of employment opportunities close to a residential community increases accessibility from a potential labour supply and reduces travel distances but also necessitates controls at the interface of these activities to ensure that they do not undermine residential amenity values.

Guiding Principle 4 Landscape and Urban Form

The Rotokauri area consists of a contrasting landscape of flat land edged by small but prominent hills and ridgelines. The contrast accentuates the significance of the ridgelines in terms of their contribution to local character and identity. The relationship of the elevated areas to the flat land containing Lake Waiwhakereke is particularly strong and provides a distinct setting within which Council is already developing a Heritage Park. The flat land is currently crossed with numerous agricultural drains, few of which exhibit any aesthetic value but they do hold some significance in terms of local fish populations. The extent of artificial drainage is indicative of a high water table throughout the lower lying areas which will need careful and comprehensive management through the urbanisation process. The structure of the proposed urban area therefore relates strongly to a proposed central Green Corridor that will function as the principal stormwater drainage channel and have value as a recreational and transportation corridor connecting a wider network of open spaces and natural features. Controls on development are necessary to ensure that new development reinforces these landscape characteristics and features.

Guiding Principle 5 Connectivity

Functionality within Rotokauri depends on the development of a new transportation network based upon both roading and off-road options. A key focus is on ensuring the ability of the entire Rotokauri area to be fully integrated with the City's public transport system and to safeguard longer term opportunities to enhance this system as the City expands. Roading options provide for an extension of the City's arterial road network and its integration with the wider regional and national network. At the local level collector and local streets provide connectivity between all principal development areas and have been sited to provide definition to existing or proposed landscape elements and features. Off road options provide opportunities for pedestrian and cycle connections to make use of the stormwater corridors to connect residential neighbourhoods and the open space network. Through subdivision, additional pedestrian and cycle connections will be made that will improve connectivity between the higher ground and the flat land that might otherwise be difficult to achieve through roading construction. Good roading, passenger transport, pedestrian and cycle connections for the Rotokauri residential and employment areas to shopping and other facilities adjacent to Te Rapa Road will support efficient use of existing facilities in North Hamilton and discourage longer trips.

Guiding Principle 6 Staged Infrastructure Provision

Development of the Rotokauri area requires major new infrastructure services and arterial roading. Provision has been made for this through Council's Long Term Council and Community Plan and through the programmes of other agencies such as Transit New Zealand. Controls on the release of land are necessary to ensure that development can be adequately serviced and will not have an adverse effect on network services and capacity servicing the remainder of the City.

Specific Proposals

The specific land use proposals consist of:

- 2 Neighbourhood Centres
- 3 school sites
- A reserves network
- A transportation network
- A public transport facility

Neighbourhood Centres

Analysis of the shopping needs of the future population indicate a need for two modest sized retail facilities situated where they can serve both the residential neighbourhoods and employment areas. The southernmost facility, situated to serve Stage 1, benefits from an existing day time population on the Wintec campus and is close to a key east-west arterial connection on the City's road network. As such it is anticipated that the retail component of this should be planned to expand from an initial 2ha to an eventual 6ha. Complementing and supporting this would be additional facilities provided through direct Council investment, such as in the establishment of adjacent arterial roading, the Green Corridor and proposed reserve, and by other providers using the flexibility afforded by the general zoning provisions for adjoining land. Arterial roading will be a key feature in providing accessibility and convenience of the Neighbourhood Centre to its catchment population as well as defining the edges to the respective stages of development. Whilst the required corridors would be established early in the development process it is unlikely that the roads would be constructed to their full arterial 4-lane standard from the outset as traffic volumes are likely to remain low for some period of time. The likelihood is that the corridors will initially be constructed to a 2 lane standard, thus providing opportunities for the residual land to be landscaped or otherwise managed as an interim measure to ensure that it makes a useful and attractive contribution to the development of activities around it that will form the Neighbourhood Centre.

The Concept Plan set out as part of this Structure Plan illustrates the relationship between the key land use components that, together, will provide a distinct and vibrant community focal point. The proposed Green Corridor provides convenient access by way of cycle and pedestrian routes into both the residential and employment areas, as an alternative to road connections. Surplus land within the Wintec campus provides the opportunity to locate community and health facilities and visitor accommodation where it can serve the needs of both Wintec and the growing residential and employment population. Zoning of the adjoining employment land, and its access onto the arterial roading network, would enable the establishment of a site for emergency services, although early indications are that a site for a fire station may well be better located within the general industrial area to the east of the Te Rapa Bypass where it would have easier access to the Te Rapa industrial corridor.

The second Neighbourhood Centre is similarly to be situated on an east-west arterial road axis at the interface of the residential and employment areas. In this location it benefits from being situated on a key public transport corridor and has surrounding flat land that can accommodate a wide range of activities. The detailed nature of this centre and its relationship to adjoining uses will need to be determined at the time of preparing the next stage of land release to ensure that it is responsive to the emerging development pattern and is complementary in function to the centre planned in Stage 1. A second Concept Plan will be prepared for this centre as part of any Variation to rezone additional land.

School Sites

Schools provision will be made in response to a growing local catchment population. The completion of Stage 1 will likely generate a need for a new Primary school and a site has been identified where it can meet this need in an accessible and convenient location. Longer term a second Primary school will be needed to meet the needs of the northern part of Rotokauri. The second Neighbourhood Centre will provide a focal point that will help to determine the local road network and thereby assist in the determination of a suitable site for a new school.

Secondary schooling serves a wider catchment area and a new school is likely to be needed to serve the eventual population. Accessibility to the catchment area is a critical requirement and therefore a position at the hub of the roading network is ideal. To reduce reliance on car travel the location also needs to be well

connected by opportunities for walking and cycling and public transport. The identified site meets these locational criteria and relates well to the growth of the southern Neighbourhood Centre.

It is anticipated that the Ministry of Education will use the designation process to determine precise site boundaries and to fix the location of school buildings.

Reserves Network

The reserve network responds to opportunities created by existing natural features and seeks to develop and connect these through recreational corridors and new provision within the residential neighbourhoods themselves. Controls at the subdivision stage are intended to enhance this network through the provision of additional public space and pedestrian and cycle connections. As well as helping to define local character, the reserves network and its design aims to provide opportunities for physical recreation and active travel modes in a safe environment, promoting community well being, health and reducing levels of traffic congestion.

The Rotokauri reserves network comprises:

- Waiwhakareke Natural Heritage Park — This park will re-create a range of eco-systems characteristic of the Waikato before human intervention. It will be of city wide significance accommodating habitat creation, research, and providing for public access to a natural environment. It will contribute to the character and amenity of the area and complement the activities at the adjacent Hamilton Zoo. The majority of the Park is subject to specific zoning proposals affecting land in Council ownership. Opportunities will be taken to soften the Park's lineal edges by incorporating additional land to be secured through the subdivision consent process.
- Sports parks — These are required to provide for formal active recreation at a level to meet the current standard of provision within the city. Each will provide sports fields suitable for senior grade play, junior fields and training areas, and an area that serves a Neighbourhood Park function. Whilst they will primarily serve the local population, they will also form part of the city wide network of sporting facilities. They are located so as to be accessible to their catchment and contribute to the legibility and amenity of the area. It is anticipated that Council will use the designation process to determine precise boundaries to proposed sports parks.
- Neighbourhood reserves — These provide a range of informal recreation facilities, including children's play areas and will be required as part of the subdivision and establishment of residential neighbourhoods. As such they are not indicated specifically on the Structure Plan map. Neighbourhood reserves complement the range of facilities provided by the Sports Parks and provide a smaller scale focal point for the local community. They serve a catchment area of approximately 500m radius and have a role as a local amenity for passive recreation such as view points. Where possible controls over subdivision will aim to ensure that they incorporate existing natural features.
- Neighbourhood Centre Green — This will provide one of the key community focal points and a distinctive landmark for the Neighbourhood Centre. It will provide for a range of informal leisure and recreational activities and provide the commercial centre and the high density residential areas around it with access to amenity open space. It is anticipated that Council will use the designation process to determine precise boundaries to this reserve, which will be influenced by the detailed positioning and form of the adjacent minor arterial road.

Connectivity between these recreational nodes will be provided by a network that will also serve as stormwater drainage routes. These reserves and corridors will include amenity planting and walking and cycling routes that will offer a high level of amenity value. The central green corridor, based on the general alignment of the existing main drain will be a major feature within the Rotokauri environment, with an average width of 50m. Modification of this watercourse, and the watercourses draining to it, will be necessary to establish improved aesthetic and ecological values. A Catchment Management Plan for Rotokauri will provide a strategic approach to stormwater management throughout the area to

ensure that individual stormwater discharge proposals will not adversely affect the ecological values of the receiving water courses and lakes. It is anticipated that Council will use the designation process to determine the land requirements for the Green Corridor and its associated recreational infrastructure. Regardless, Council will ensure that individual landowners/businesses affected by the proposed green corridors will be consulted on the impacts so their individual interests can be considered. Furthermore, Council will ensure that landowners affected by the proposed green corridors will have the opportunity to be involved in determining their alignment and form when specific subdivision and development proposals are being considered.

Transportation Network

The Transportation Network provides for the efficient, effective and safe movement of people and traffic in a way that offers transport choice, provides good passenger transport options, promotes walking and cycling, reduces travel barriers and enhances land use potential. It is based on a hierarchy at the top of which are State Highways and the rail corridor providing for high volume inter-regional traffic and freight movements.

Beneath this, arterial roading is designed to cater for high volume traffic and provides the key connections with the wider city and regional network, including the proposed Te Rapa Bypass. Their alignment, connectivity and access controls are determined by expectations of their strategic performance but in key locations, such as in the vicinity of the proposed Neighbourhood Centres or at intersections, their design and management will also recognise the need to respond to adjacent land use activity and prioritise pedestrian movement and public transport services. Development of the arterial network is likely to be staged, reflecting the growth in traffic volumes as development occurs. In this regard, whilst the necessary roading corridors will be secured at the outset, the design and construction of roads within them will be timed to coincide with demand and, until required, roading corridors will be managed to ensure that they contribute to amenity values in the surrounding area.

The proposed arterial roads anticipate there being a northern connection to the Te Rapa Bypass to the north of Ruffell Road, providing the opportunity for an east/west link across the river to Rototuna. Further south a realignment of Te Kowhai Road provides a key connection between the residential and employment areas and through to Te Rapa. A realignment of Gilchrist Street provides a further arterial connection between Rotokauri and the east of the river via Avalon Drive and Wairere Drive. It is anticipated that Council will use the designation process to determine the precise alignment and design of new arterial corridors. Illustrations of the possible road cross-sections in the vicinity of the suburban centre are provided in Figures 3 and 4.

Collector streets are designed to collect traffic from local streets for distribution onto the arterial network. Some flexibility is afforded in their alignment but as they have a key role in providing for bus route services, directness will be an important design element to ensure their convenience for bus services. Where possible, use is made of the existing ridgeline roads as future collectors as they provide good connectivity within the area and will help to define local neighbourhoods.

A north-south Collector street through the Residential zone will link the new neighbourhoods and give access to key commercial and community nodes. This will be designed to accommodate stormwater swales on the lower lying areas and significant landscaping to help legibility and make a positive contribution to the amenity value of public space. An illustration of the possible cross-section for this street is provided in Figure 5.

A north-south Collector street through the centre of the Industrial zone will provide access and connectivity from this area to the arterial network and a Collector street connection through the Te Rapa Bypass embankment will help to link industrial activities together on either side of the Bypass and provide a direct link to the Neighbourhood Centre.

Outside of the Rotokauri development area the Structure Plan proposes additional collector street connections to facilitate an integrated network, a higher degree of connectivity and increased opportunities for public transport. An indicative alignment for Collector Streets is shown on the Structure Plan map.

Collector streets are the responsibility of developers to provide, usually at the time of subdivision or major development and details on their specification and performance standards are set out in Council's Development Manual.

Local streets will form an interconnected series of finer grain streets giving direct property access. These are an important part of the public realm and have a significant role in achieving urban design outcomes through their alignment and scope to achieve active frontages. Local streets are provided by developers and are subject to specifications and performance standards set out in Council's Development Manual. Alongside the Green Corridor however, there will be a need for consistency in the edge treatment of this important structural element. As such a design solution for this interface is provided in Figure 6.

The entirety of the roading network will support public transport services, cycle and pedestrian facilities. Although the population base needed to support comprehensive public transport services will take time to develop, Council intends that new infrastructure provision will be designed to support such services from the outset of development.

Public Transport Facility

Stage 1 of development within Rotokauri is likely to be most efficiently served by the extension of bus services as the road network is progressively constructed. Longer term development could well support a connection to rail. The co-location of bus and rail services could increase potential patronage.

A location on Tasman Road adjacent to The Base has been identified as the preferred site to accommodate the progressive development of a bus based public transport facility ('PT Facility') and its longer term integration with rail.

A second PT facility may be located further north at the junction of Te Kowhai Road and Tasman Road in the future which is intended to integrate the passenger transport network with the SupaCenta and surrounding land use activities.

The Concept Plans provided in Figures 1 and 2 illustrate how the eventual integrated bus/rail facility could be achieved in the Tasman Road location adjacent to The Base. The illustrations provide for an eventual facility adjacent to The Base accommodating:

- Space for three urban bus and two long distance coach platforms
- Space for a covered waiting area, with conveniences and kiosk
- Space for a rail platform
- A bus turning circle (in advance of completion of surrounding road network).

Both locations would eventually require land outside of the current road and rail reserve. Consequently it is anticipated that the additional land requirements may need to be safeguarded through the designation process. A decision regarding the timing of each facility, and any processes associated with the designation of the land, will be made through the LTCCP process, taking account of projected growth within the area.

Zoning Provisions

Residential

The Structure Plan introduces a Rotokauri Residential Zone ([Rule 4.1A](#)) which recognises and defines four distinct residential environments:

- A General residential area being essentially the lower lying areas;
- A Lake Waiwhakareke Landscape Character Area
- A Ridgeline Character Area
- A High Density Area based on a walking distance from the suburban centre.

Throughout Rotokauri, and including the **General** residential area, the Plan introduces provisions intended to ensure that all new residential development achieves more positive relationships with the public realm by requiring buildings to properly front onto public spaces (these include roads, parks and

drainage corridors) and avoid the development of structures within the front yard setback that would prevent intervisibility between public and private space.

The **Lake Waiwhakareke Landscape Character Area** represents a distinctive landscape unit with strong visual, heritage, cultural and ecological associations with the Lake. The Lake itself is the focal point of an initiative to establish a Natural Heritage Park with connections to the Hamilton Zoo in the west and the proposed Green Corridor in the east.

Controls have been developed to ensure that development of the neighbouring residential area complements this public park through the orientation of buildings towards it, maximizing lot yield along the Park edge and ensuring that the form of development along this edge enhances public safety for users through passive surveillance. Subdivisional controls will ensure that there is little modification of the landform through earthworks and that roads are provided along the Park edge to give an active frontage to the Park and a slow speed environment. The possible cross-section of this road is indicated in Figure 7. Within the development area itself, existing features such as drains, springs, ponds and vegetation provide the opportunity to establish a strong sense of local identity and linkage with the Park through management measures that would connect them to the Park's ecological systems.

The Lake Waiwhakareke Landscape Character Area derives its character from the combination of natural, cultural and recreational values present in Waiwhakareke (Horseshoe) Lake, the surrounding Natural Heritage Park, ridgelines, and the way in which they all relate to each other. These fundamentals help to identify the design theme and are essential in maintaining the character of the area. Each set of values is explained in more detail below:

Natural character:

- The sharply undulating topography of the area and the orientation of its prominent ridgelines towards the lake and the north; and the way in which they provide a point of difference in the landscape. The ridgelines give detail to the area, acting as landmarks and providing views to Waiwhakareke.
- The green nature/native landscape of the Natural Heritage Park, including its role as an ecological base for indigenous species and its pleasantness and aesthetic coherence as an environment.
- The lake as part of the landscape unit helps to create an engaging attractive natural environment. Although eventually it will be surrounded by vegetation, it has a strong role in acting as the focal point of the area.
- The gullies and natural ponding areas at the feet of the ridgelines which provide opportunities for stormwater mitigation and restoration planting with strong amenity values.
- The opportunity to preserve views of the lake from Baverstock Road with careful consideration to plantings within the Natural Heritage Park.

Cultural character:

- The Te Tongahuanui Walking Track. This ran from Hamilton City past Te Uhi Pa and on to Whatawhata. The Exelby-Rotokauri Roads are now built over the top of this track.
- The indigenous vegetation still evident in certain places was once used as a resource and served as an attraction for birds and other fauna.
- The opportunity to extend cultural representations beyond the boundaries of the Natural Heritage Park such as a Manuka fence and plantings of Kawakawa around the main entrance Pou and bilingual educational panels.
- The springs at the top of the gullies below the ridgelines had both spiritual and ceremonial significance. Taonga, wooden carvings or agricultural implements were often hidden in the springs during times of warfare or invasion.

Recreational character:

- All of the Landscape Character Area is within 5 minutes walking distance to the Natural Heritage Park
- An integrated network of open spaces
- The opportunity for further enhancement of pedestrian and cycle linkages extending from the Natural Heritage Park

- Green landscapes contributing to the enjoyment of recreational activities

The **Ridgeline Character Area** is based upon the system of primary and secondary ridge lines located within the western portion of the Structure Plan area. The primary ridgeline runs in a generally north-south direction and roughly follows the alignment of Exelby Road. It is complemented by a series of east-west orientated secondary ridgelines. Taken together, they constitute a coherent and discrete topographical feature.

The relative slope and elevation of this rolling landform, whilst modest in elevation, is of sufficient height and topographical variation to be clearly differentiated from the surrounding low lying land in the eastern part of the Structure Plan area. As a landscape feature they are therefore significant in a local context as they help to physically and visually define the overall landscape character of much of the Rotokauri area.

Controls aim to maintain a sense of legibility of this landform by ensuring a greater degree of separation between buildings than exists elsewhere, providing for viewing opportunities both of and from the ridgelines. Complementing this, controls over site size, coverage and building height all intend to provide for a less intensive urban form, where the underlying landscape assumes a particular significance.

Within a 400m walking distance of the suburban centre, the **High Density** area anticipates a more intensive pattern of development where a concentration of people can add vitality to the retail centre itself and provide an immediate catchment to support key facilities such as public transport. In addition, on defined **High Density Interface Areas** there is a need to ensure that private development enhances the setting for adjacent public spaces and provides for increased safety through passive surveillance. The Plan therefore encourages smaller section sizes with higher site coverage. In particular, building height and set back controls will be used to bring development closer to public spaces and establish a strong visual connection. Lower density development could create a loose urban form with more fragmentation of frontages. Controls and performance outcomes sought by the Plan are therefore aimed at ensuring there will be no weakening of the visual relationship between the public and private realm.

Suburban Centre

Zoning provisions for the suburban centre itself provide for a wide range of activities but with an emphasis on retailing and the creation of activity and visual interest at the ground floor level. Controls over Stage 1 development aim to maintain a pedestrian-friendly, human scale of development which is not parking dominated, rather than a "Big Box" mall. A fine grain built form is to be achieved through controls over height and width to avoid individual tenancies dominating the shopping street. Shopper interest and convenience is maintained by controls over ground floor activities and requirements for clear glazing, continuous verandahs and pedestrian connections through the eventual development. Public safety is enhanced through provisions that will enable mixed use activities, including residential at upper floor levels, to increase the degree of passive surveillance. The requirement for proposals to be subject to a Comprehensive Development Plan will ensure that the eventual development is fully integrated and will not create areas or features that might present a threat to public safety.

Notwithstanding the time difference between the likely development of Stages 1 and 2, it is essential to ensure that a high level of integration is achieved between them. In this regard, Plan provisions are included that will apply to any interim development to ensure that it complements Stage 1 and contributes to the development of a vibrant Neighbourhood Centre. These draw heavily on the design matters that will shape Stage 1. Stage 2 of the suburban centre will include similar provisions to those in Stage 1, particularly where its frontage would be directly opposite Stage 1, but given the larger area of Stage 2 and the growing population base that will justify its release, it is anticipated that it will also provide for an element of large format retailing.

Industrial

The Structure Plan provides for two distinct areas of industrial activity separated by the Te Rapa Bypass. To the east of the Bypass the area is separated from sensitive uses and relates strongly to the existing industrial zone in the Te Rapa/Avalon Drive corridor. The area can accommodate a wide range of activities without risk of significant adverse effects on the environment but, given the City's shortage of industrial land and the extent of non-industrial activity in the vicinity, controls aim to limit scope for the introduction of further non-industrial activity. This will ensure efficient use of the land resource and safeguard the City's economic growth potential.

To the west of the Bypass, in the Employment Area, the physical environment includes the Green Corridor stormwater and recreational corridor linking Lake Waiwhakareke and Lake Rotokauri. Large parts of the area adjoin the residential zone and have a direct interface with it. In places, notably on the ridgelines, the future residential area will look opposite and over the proposed employment area. In these circumstances the area fulfils a transitional role in stepping down the effects of industrial activity to ensure that adverse effects on the residential area can be properly managed. The majority of this western area is flanked by arterial roading. As such it will have a prominent role in shaping perceptions of the area. Similarly it has a strong relationship to public places such as the Green Corridor and the Neighbourhood Centres. It is essential that its development will achieve good urban design outcomes. Controls aim to ensure that new activity will essentially be inside buildings rather than external activity, that such buildings are designed to present an attractive face to the street with an emphasis on frontage landscaping, and that where external storage is necessary, it is attractively screened to ensure that it is the buildings and their landscaping that are the dominant feature in the street scene.

Recreation Major

The Lake Waiwhakareke Natural Heritage park is zoned Recreation Major in anticipation of the significant role that the Park will have as a city wide or regional facility. Together with the Management Plan for the Park, controls will ensure that its principal role will be that of a Park but will provide scope for the introduction of facilities that will enable the Park to cater for the demands that will be placed upon it by significant visitor numbers.

Future Urban Area

Constraints on the availability of infrastructure and network capacity limit the extent to which land can be released for development. A Stage 1 area defines the extent that can be released pending the completion of the Te Rapa Bypass which is anticipated in 2015/16. Until capacity and services are available, it is essential that the development potential of the remaining Rotokauri area is not compromised by interim development. Controls over lot size and activities, and a requirement to have regard to the provisions of the Structure Plan will ensure that the future development potential of the Rotokauri area is not compromised.

ROTKAURI TRANSPORT EXCHANGE

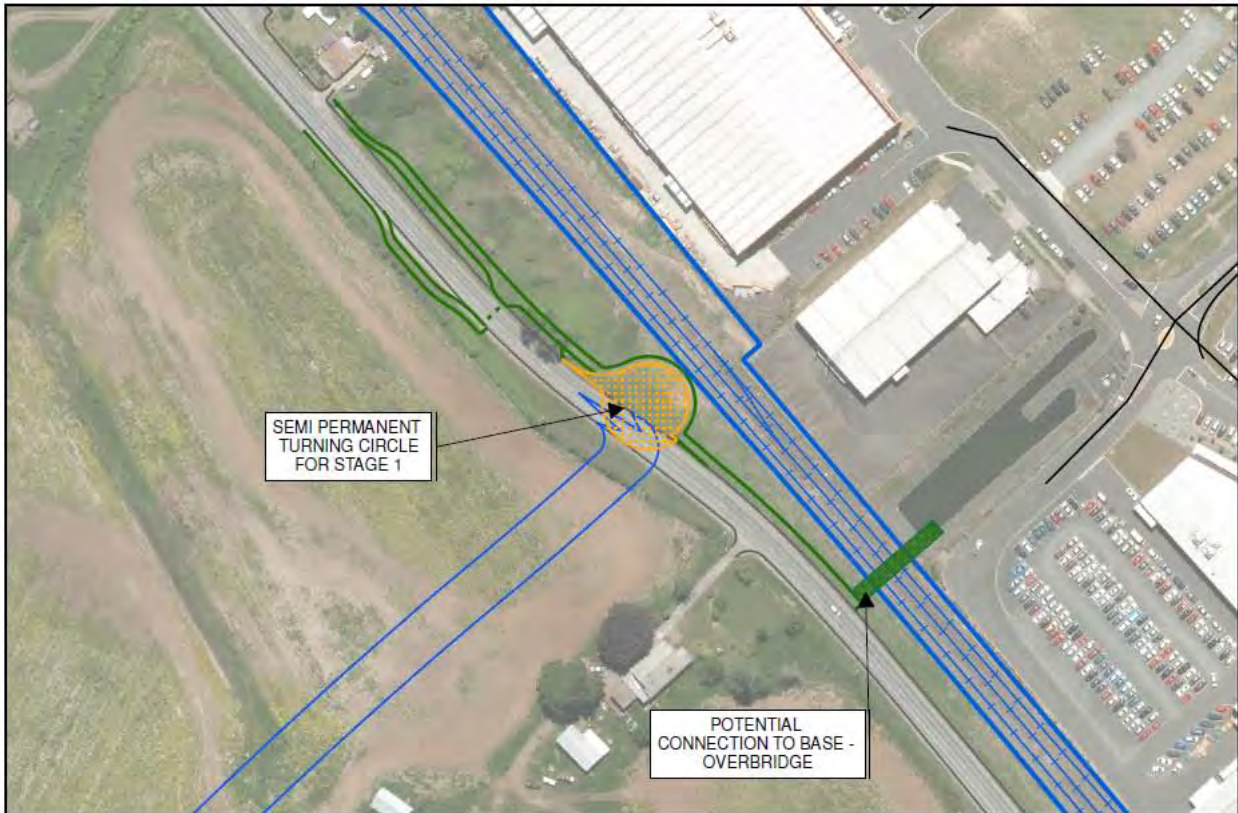


FIGURE 1 - SITE LAYOUT STAGE 1

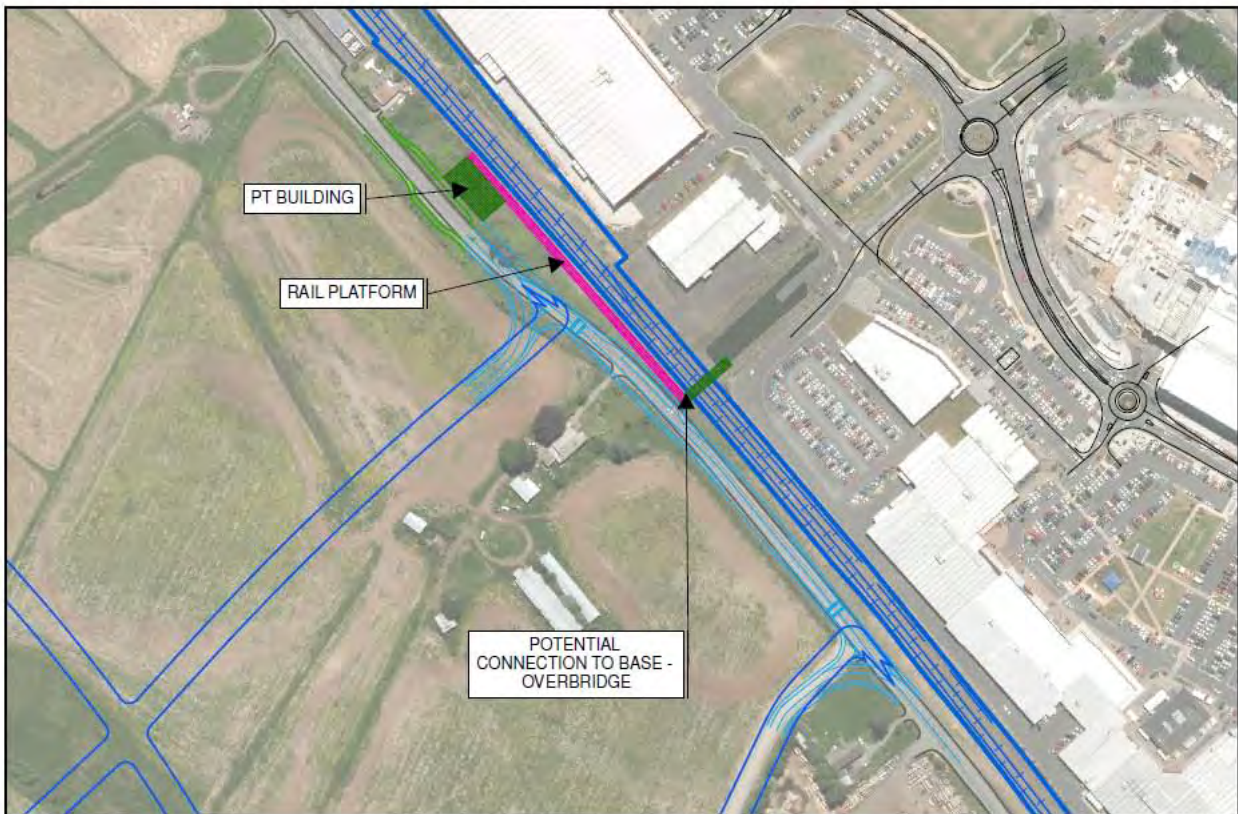
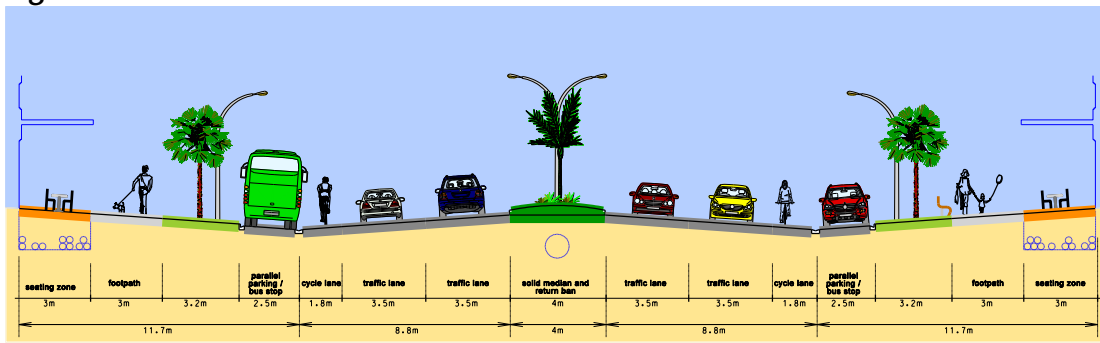


FIGURE 2 - SITE LAYOUT DEVELOPMENT COMPLETE

ROKOKAURI ROADING AND STREET DESIGNS

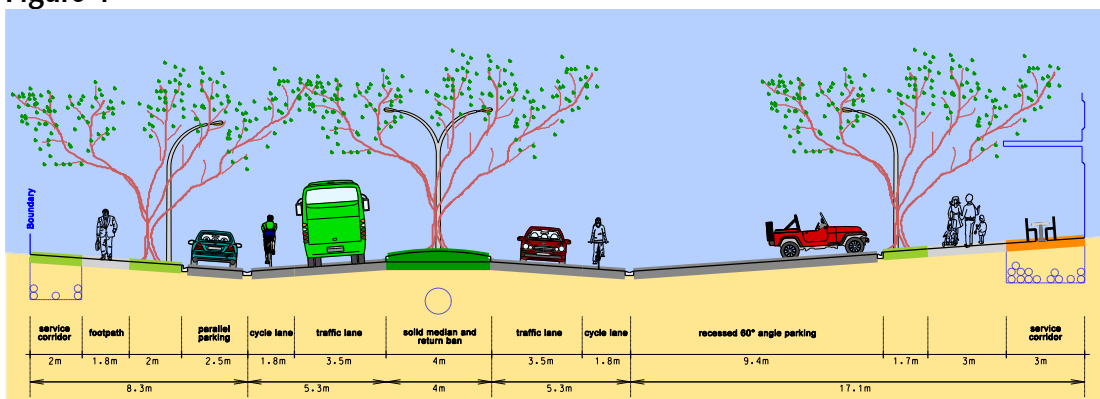
Figure 3



Rotokauri Neighbourhood Centre

Major Arterial

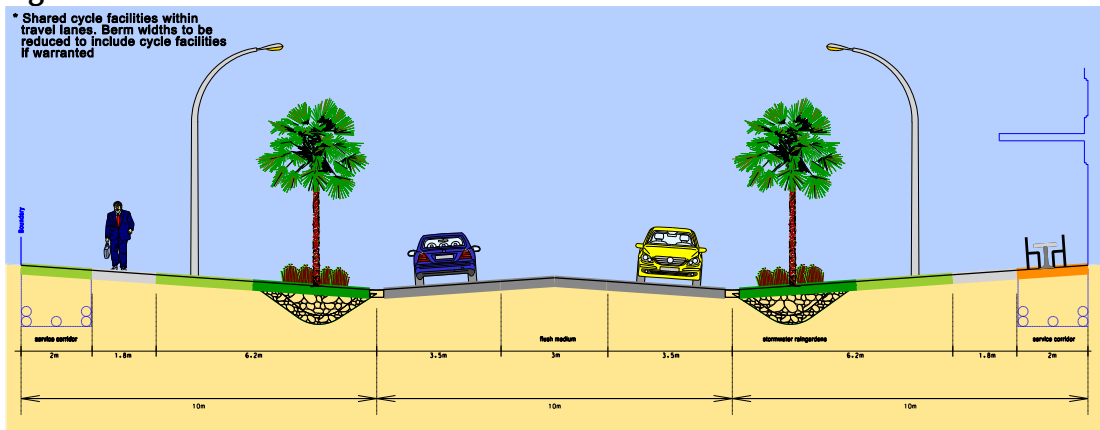
Figure 4



Rotokauri Neighbourhood Centre

Minor Arterial

Figure 5



Rotokauri Neighbourhood Centre

Collector Street

Figure 6

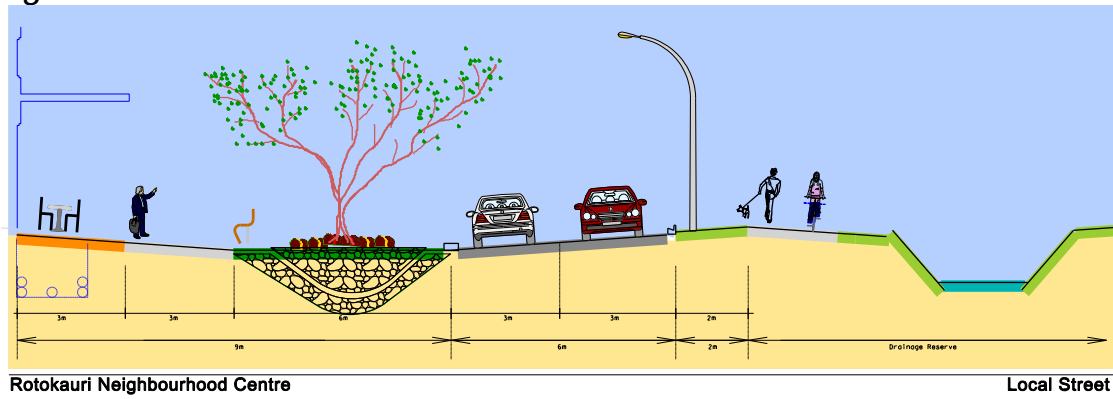
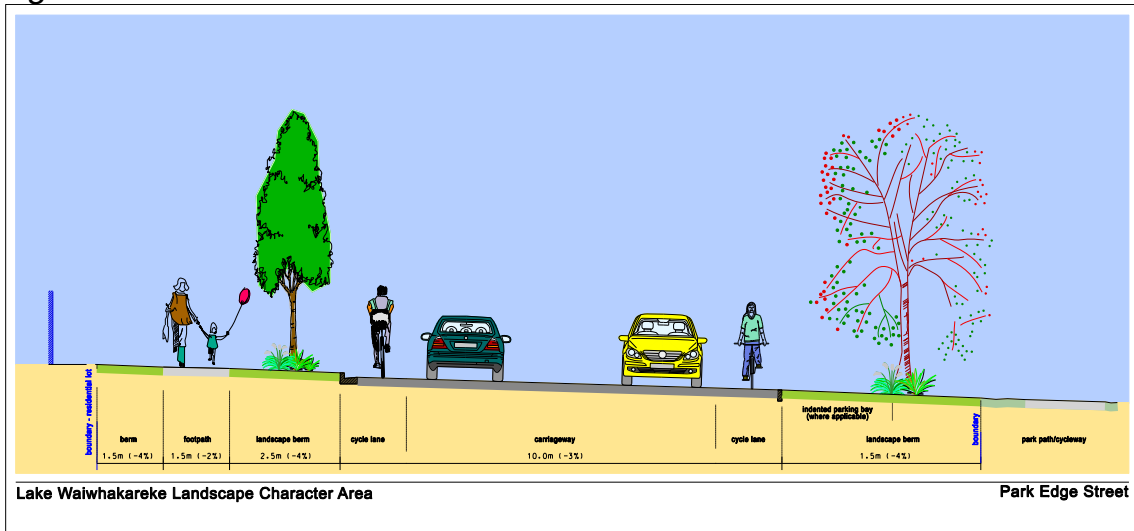
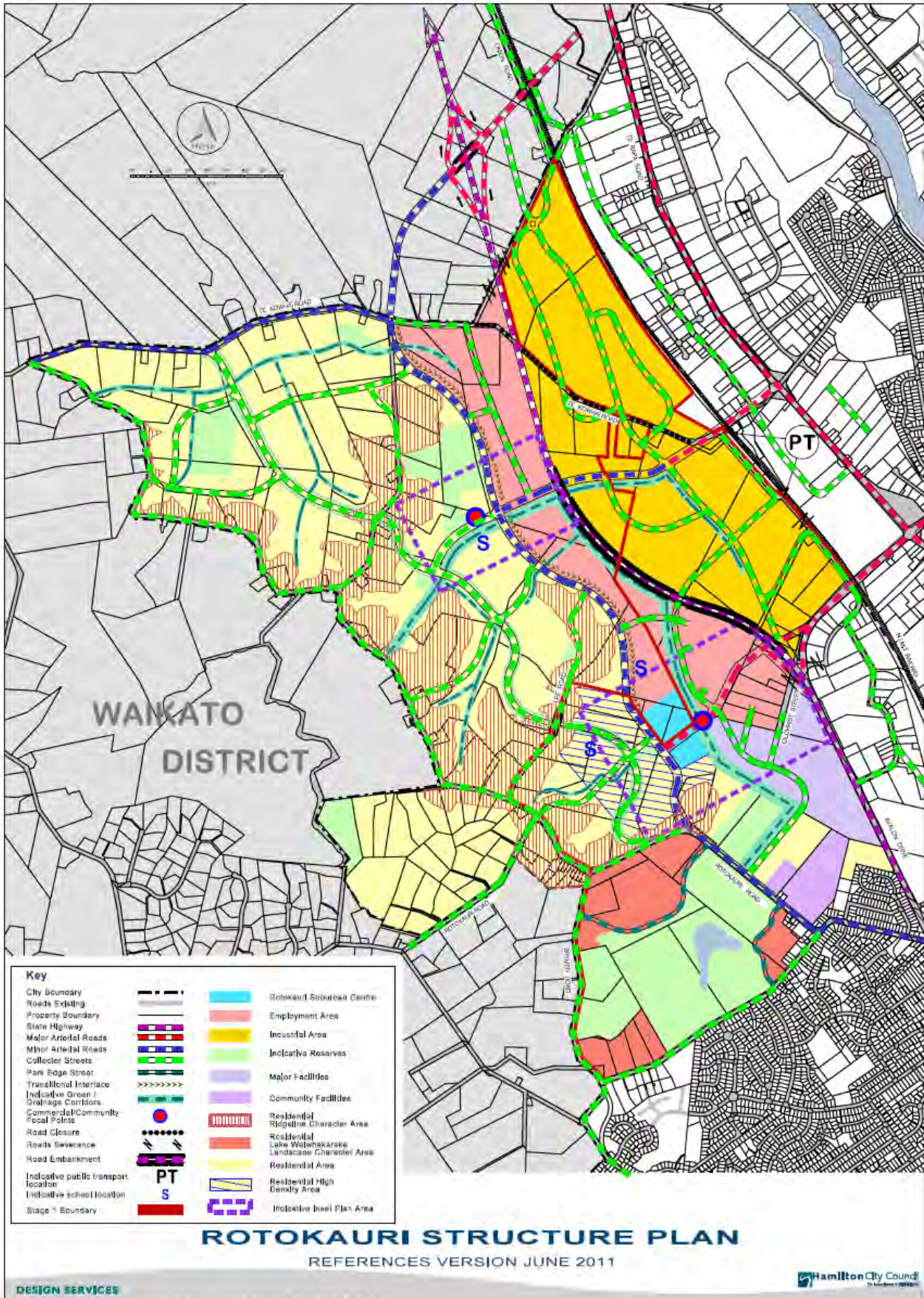


Figure 7

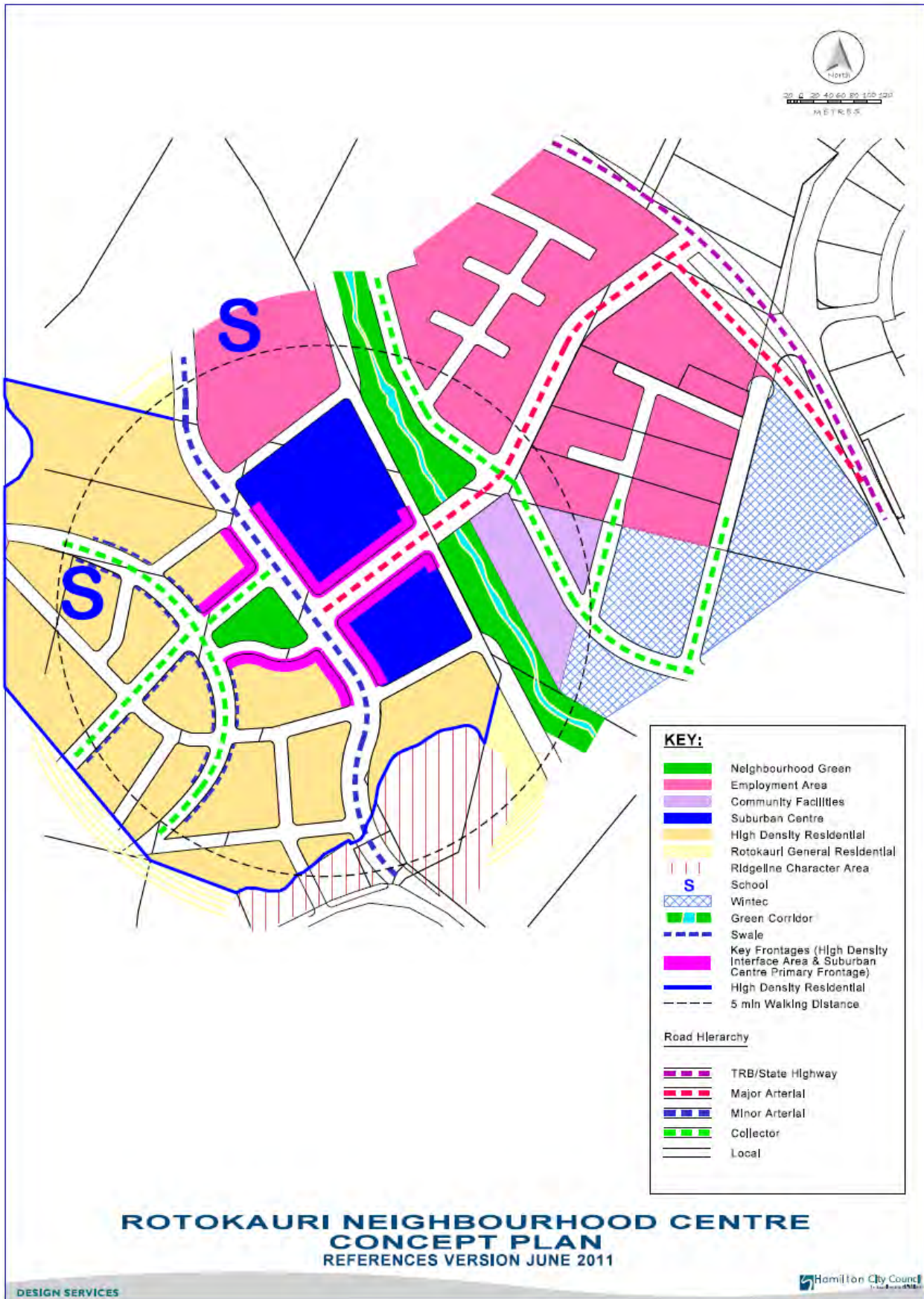


Note: The above illustrations indicate an acceptable design for a given environment but should not be regarded as being a specific requirement or the only design solution that will be adopted.

Appendix 9.3-I Rotokauri Structure Plan

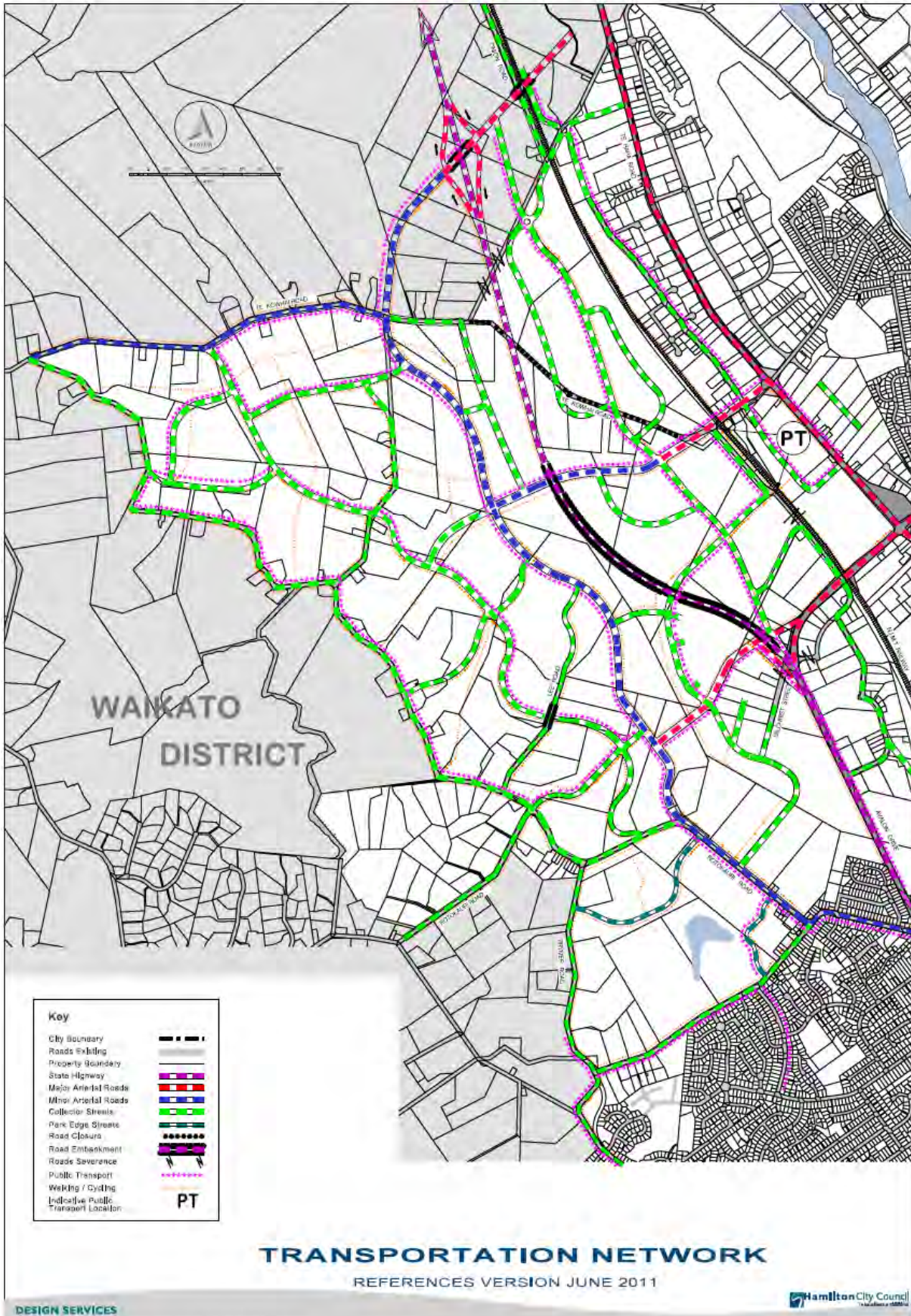


Appendix 9.3-II Rotokauri Neighbourhood Centre Concept Plan

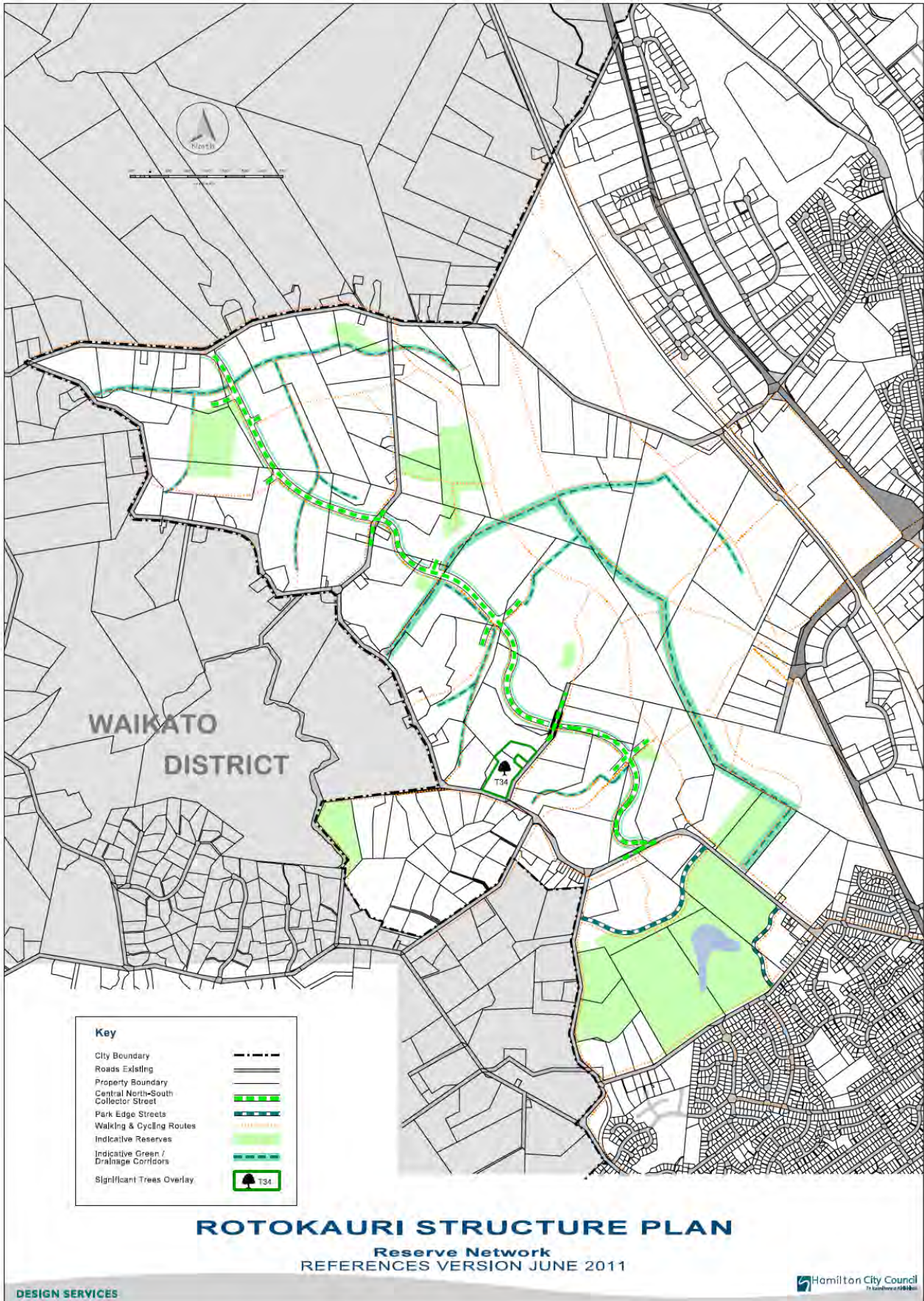


file: g:\hccmap\strateg\rotokauri structure plan\cad\rotokauri neighbourhood centre.dgn(24,08,07.)

Appendix 9.3-III Rotokauri Transport Network



Appendix 9.3-IV Rotokauri Reserves Network



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Rule 10.0 Design Guidance

Rule Statement

The purpose of this Rule is to provide Design Guidance that helps to secure development outcomes which are based on sound urban design principles and promotes the enhancement and protection of distinctive areas within the City. The Design Guidance complements the framework of Objective, Policies and Rules contained within the Plan, and amplifies Performance Outcomes and Assessment Criteria. The Council will be preparing the following types of Design Guidance:

- City-Wide Design Guides
- Area Specific Design Guides; and
- Topic Specific Design Guides.

This Rule provides Design Guidance on the following:

- 10.1 Residential Subdivision
- 10.2 Residential Centres
- 10.3 Lake Waiwhakareke Landscape Character Area

10.1 Design Guidance for Residential Subdivisions

Introduction

Hamilton City Council wishes to take a stronger and more visionary role in guiding the future development of Hamilton's built environment to ensure that it can better reflect the dreams and aspirations of the City's community. To this end, Council has articulated its strategy for urban design in CityScope.

CityScope recognises that for new urban development to be sustainable, it needs to be integrated with the natural environment whilst ensuring that the resulting buildings and spaces contribute to making attractive places for people. In order to achieve this, it is important that future development in the City is based on sound urban design principles.

Urban design planning, zoning and determination of the main transportation links and their connections to the existing roading network in accordance with the roading hierarchy and transport networks is the first stage in developing the City's form and sets the pattern for subsequent built development. The second stage involves the process of land subdivision. In particular, the way in which land is subdivided for residential purposes has a major bearing on the type of living environments that are created for residents of the City. The quality of these environments is heavily dependent on their connectivity and permeability. It is crucial therefore, that these elements of urban design are incorporated into the design of residential subdivisions at the very earliest stage of their planning.

Inadequate connectivity and permeability in residential subdivisions are extremely difficult to correct later on as land ownership becomes fragmented and built development begins to take place.

Purpose of this Guidance

The purpose of this design guidance is to assist developers with the creation of residential subdivisions that achieve high levels of connectivity and permeability. It sets out the considerations to which Council will have particular regard in the determination of applications for resource consents.

The Hamilton City Proposed District Plan defines 'connectivity' and 'permeability' as follows:

Connectivity — in terms of subdivisional planning means the ability to provide a well-connected movement system which connects people to adjoining land, local facilities and surrounding neighbourhoods through interconnectivity of the local road, pedestrian and cycle networks. The starting point for a well connected development is the existing system of linkages into and through the site from the surrounding neighbourhood.

Permeability — the extent to which an environment provides choice and ease of movement through it from place to place. The starting point for a permeable development is the existing system of links into and through the site from the surrounding neighbourhood.

This Guidance needs to be read in conjunction with [Rule 6.2.2](#) of the Proposed District Plan which sets out the provisions that apply to resource consents. Council staff will use this guidance to help interpret the District Plan's performance outcome and assessment criteria.

The well-designed subdivision of land and buildings is integral to the sustainable management of land. The principles in this guide are intended to help developers shape the site and create a more vibrant sense of place. The layout of roads and the linkages between different sections are critical elements in the achievement of streetscapes, enjoyable and stimulating urban environments and distinctiveness for the city. Anyone wishing to subdivide land needs to be familiar with the urban design planning for the

area. Accordingly, any application to subdivide land must first demonstrate an understanding of the existing character of the development site and its place within the context of the wider neighbourhood and Hamilton City.

This design guide places emphasis on qualitative amenity values rather than technical criteria. It is intended to encourage more careful thought and responsiveness to the physical context of the site and to create higher amenity values for the future inhabitants of an area.

This guidance focuses on the following design elements for subdivisions:

- Site Analysis and layout
- Permeability and Connectivity

Site Analysis and Layout

The visual, physical and historical characteristics of a site and its surroundings should be assessed and used to help determine the design cues for a new development. The aim should be to create an appropriate character and allow an understandable layout to be achieved. (Fig 1.)

A five-minute walking circle around the site will help identify the following:

1. Key landscape features, whether these are natural or culturally significant (e.g.; lakes, streams, pa sites) or built features (e.g., churches, heritage buildings)
2. On smaller sites neighbouring buildings and the orientation of their private outdoor areas.
3. Nearest public transport, shops, schools, parks and reserves and whether these are existing or planned
4. Opportunities for street linkages by road, footpath, cycleway to neighbouring sites
5. All possible vehicle access points
6. Stormwater flow paths and possible stormwater management needs (e.g., balancing ponds, swales)

In addition, attention should be given to:

- Site levels and orientation (e.g. opportunities for maximising solar gain and drainage flows)
- Key views and long distant view shafts
- The availability of existing infrastructure such a water pipes, sewer pipes and roading.

Fig. 1: An example of site analysis

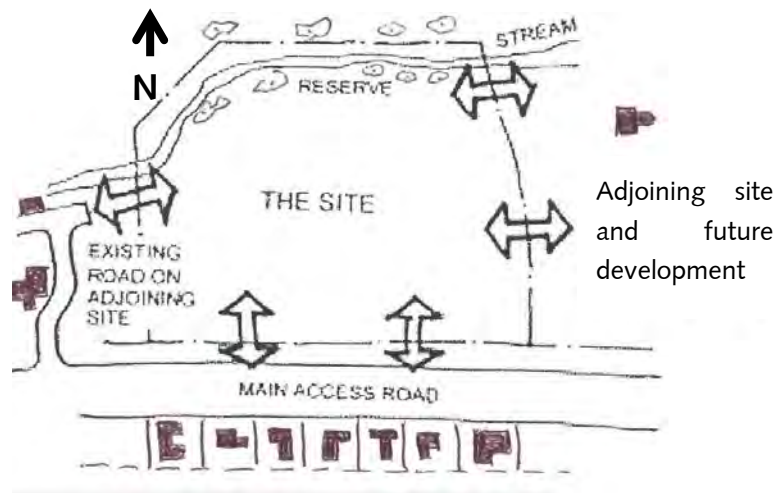


Fig. 2: Layout planning reflecting connectivity and permeability developed from site analysis

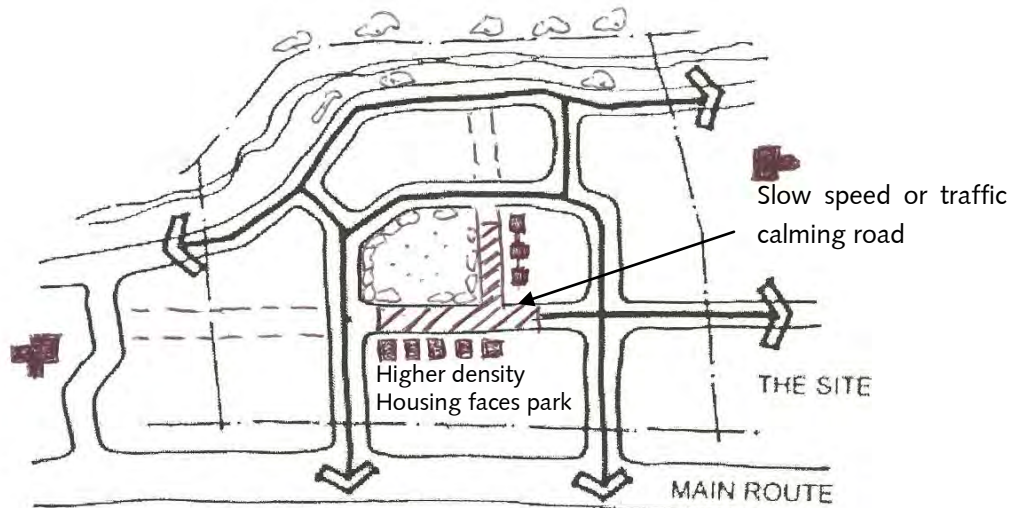
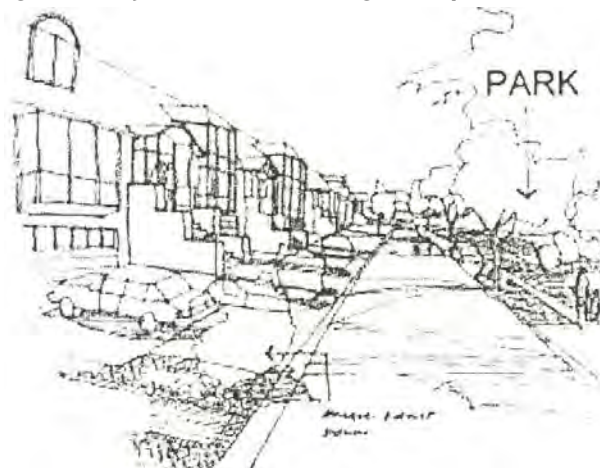


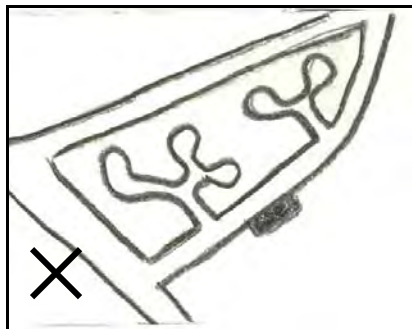
Fig.3: Illustration of high density residential facing onto park or reserve



Connectivity and Permeability

Key Principles:

- A connected subdivision layout provides more direct routes for pedestrians, cyclists and the disabled reducing travel distances. Streets shared with vehicles and overlooked by houses provide a safer environment, particularly after dark, than pedestrian-only routes away from passing traffic.
- Good connectivity and permeability in subdivisions will connect people with the surrounding locality and thereby reduce travel distances, car usage, pollution and improve the ability for social interaction.
- Ensure accessibility and permeability in the local road, connector and minor arterial network by connecting to the existing street structure.
- Enable a choice of modes of transport (including walking, cycling and disabled access) and provide a layout with good, safe and attractive links and connections to surrounding neighbourhoods, residential areas, schools, local shops, recreation parks and reserves.
- Avoid a predominance of cul-de-sacs within a subdivision in order to maintain permeability and road interconnection.
- Well designed, and connected local roads can provide all the best safety features of cul-de-sacs while increasing accessibility and reduce road distance travelled.
- Ensure user safety in the street and security of property by facilitating a high degree of natural surveillance.
- Design speed regimes that are consistent with the road function of the street and the character of the adjacent land use.

Fig. 4:**Good Practice Requirements**

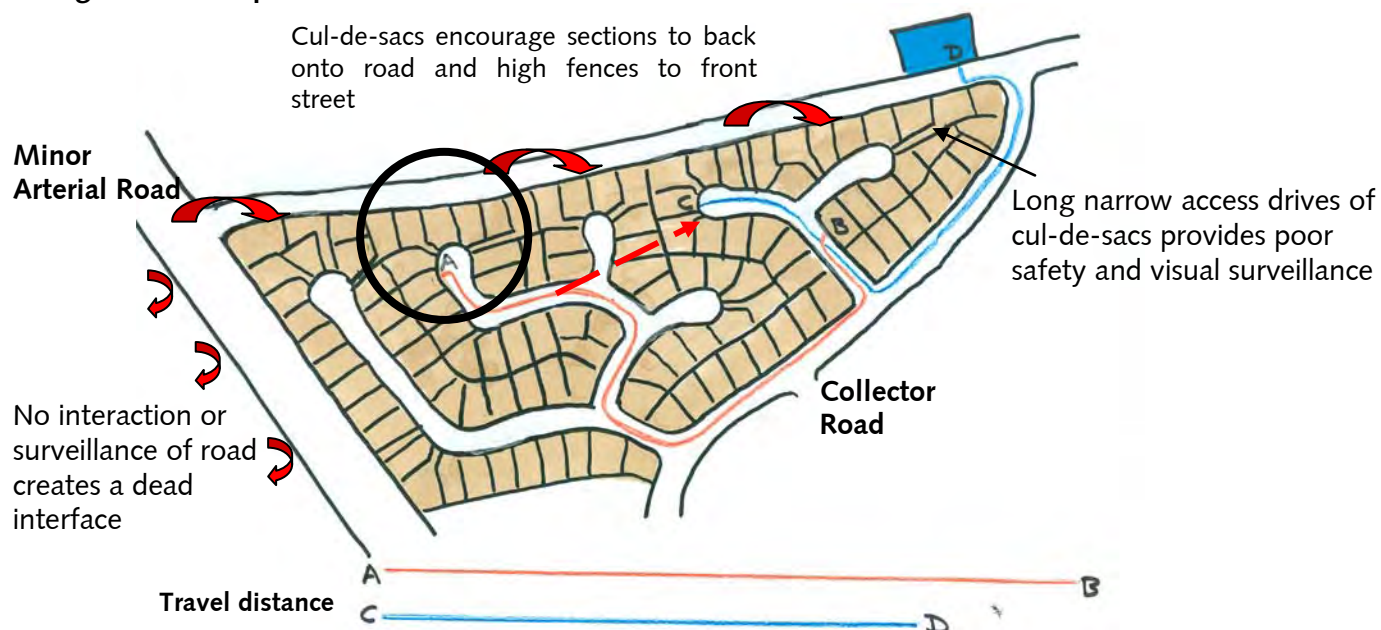
- New roads and accessways should connect to the existing road network and should avoid a pattern of cul-de-sacs with few through roads. (Fig 4)
- Provide shared-use pedestrian/cycle public accessways that connect residential areas with public transport services, parks, reserves, schools and local shops. Pedestrian or cycle only routes should be avoided.
- Integrate access for pedestrians and cyclists into the main road network
- Cul-de-sacs may be appropriate as exceptions where other road patterns would result in vegetation being cleared, gullies being crossed or streams being piped or where there are topographical restrictions due to gradient.

- Parks and reserves should be located where they are highly accessible from the surrounding neighbourhood
- Use public open space to form a centre for a development. Parks should be bounded by streets — with housing fronting them. This will provide a dual purpose by giving housing an attractive outlook which in turn will provide informal surveillance for the park, making them safer (Fig 3.)
- Higher density housing patterns should surround and look onto parks and reserves where they can share the amenity value of this open space (Fig 2 and Fig 3)
- Design roads so that they facilitate safe and convenient pedestrian and cycle use.
- Discourage rat running on local roads by ensuring that connector and arterial routes are more visible and direct. Use planting, street materials and narrow carriage way width and other traffic calming measures to reduce traffic speeds. (See Council's Development Manual Vol. 2 Part 7 for more details).

Benefits :

- Creation of more attractive neighbourhoods
- Reduced travel distances and consequent pollution
- Encourages walking and cycling
- Improves community contact and informal surveillance from passing traffic
- Allows easy access to facilitates such as parks and reserves
- Encourages greater use of public open space
- Creation of generally safer environments

Fig. 5: An example of Poor Subdivisional Practice



- The subdivision above is poorly designed with low permeability and interconnection between streets.

- Sections turn their backs onto the arterial roads which encourages high fences and reduced visual amenity and personal safety for street pedestrians
- The distance to travel from A- B and C-D is excessive and created by cul-de-sacs with no through linkage.

10.2 Residential Centres Design Guide

Introduction

Hamilton City Council wishes to take a stronger and more visionary role in guiding the future development of Hamilton's built environment to ensure that it can better reflect the aspirations of the City's community. To this end, Council has articulated its strategy for urban design in CityScope.

CityScope recognises that for new urban development to be sustainable, it needs to be integrated with the natural environment whilst ensuring that the resulting buildings and spaces contribute to making attractive places for people. In order to achieve this, it is important that future development in the City is based on sound urban design principles.

Residential Centres should be designed so that they respect and enhance the neighbourhood and contribute to a pleasant urban environment. Very often these types of developments display unimaginative "sausage block" forms, high featureless walls, inward looking units, lines of garage doors, large expanses of asphalt and little if any planting or greenery. These elements adversely affect streetscape and wider amenity of the neighbourhoods in which they occur.

The aim of this document is to provide guidance on the design of residential centres so as to ensure that they help uplift the visual quality of the city and also result in more desirable neighbourhoods.

It is advisable to discuss proposals for new residential centres at an early stage with Planners and Urban designers at the City Council so that acceptable design solutions can be arrived at prior to detailed plans being drawn up.

The following guidance will be used in conjunction with [Rule 4.1.6 Assessment Criteria for Discretionary Activities](#) in respect of consent applications for residential centres:

This guidance does not attempt to deal with all aspects of residential centres. It focuses instead on the elements of residential centres that have the greatest bearing on the character of the neighbourhood in which they are located.

These elements are as follows:

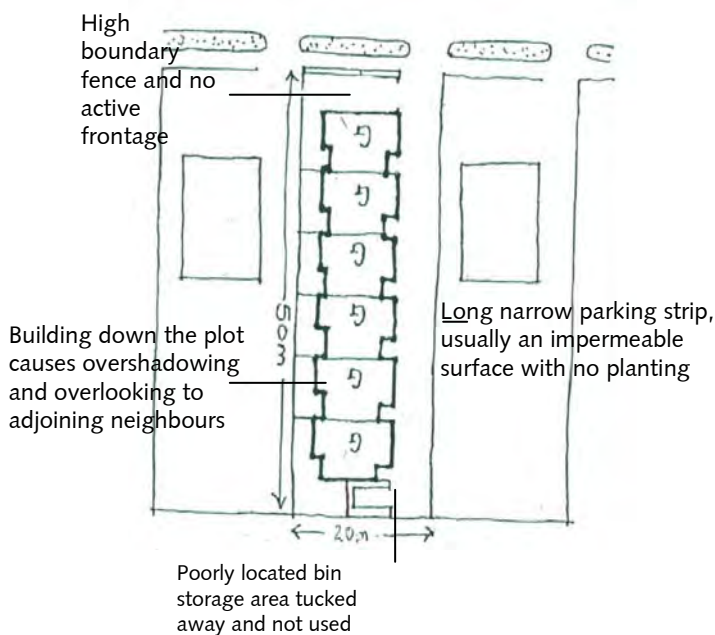
- 1.1 Site Layout and landscaping
- 1.2 Parking and Access
- 1.3 Active frontages
- 1.4 Communal open Space
- 1.5 Balconies
- 1.6 Privacy and outlook
- 1.7 Site coverage and separation distances
- 1.8 Ancillary structures

1.1 Site Layout and Landscaping

The size and shape of a development site is typically determined by the layout of the street and surrounding urban form of the neighbouring development. The position and orientation of a building on a site and the detail of spaces around and between them will determine the quality and liveability of the development.

A frequently used solution is to maximise development potential by building at right angles to the street. This typically results in a linear form of development running down the plot section. This is often at odds with neighbouring properties and fails to address the street frontage. See Below:

Fig 1: An example of poor site layout



Characteristics of Poor layouts

- This type of development maximises the number of units on small sections at the expense of a better living environment and good design
- Parking and asphalt surfaces dominate the section and there is no active frontage onto the street
- There is little soft landscaping in the front setback. The use of a high fence or walls make for poor neighbourhood surveillance
- Excessive development of the section may present shadowing and privacy issues for adjacent properties.

Fig 2. An example of overdevelopment

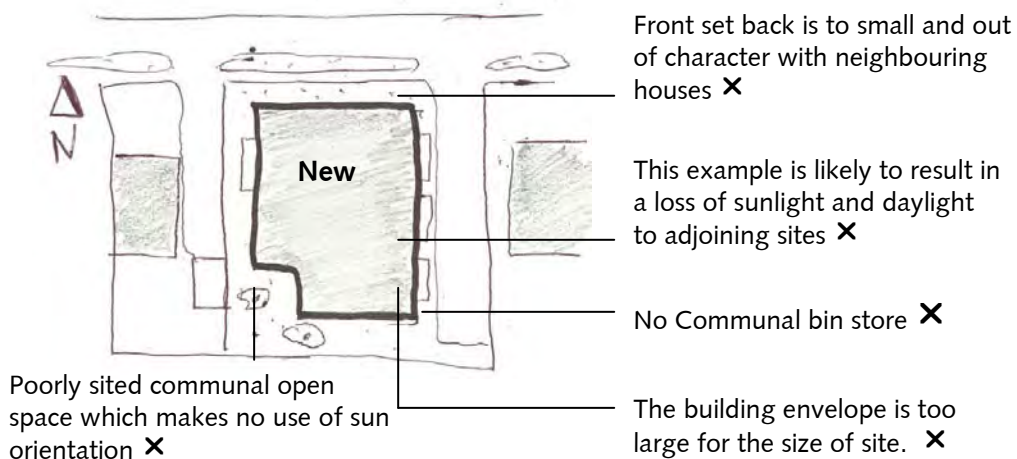
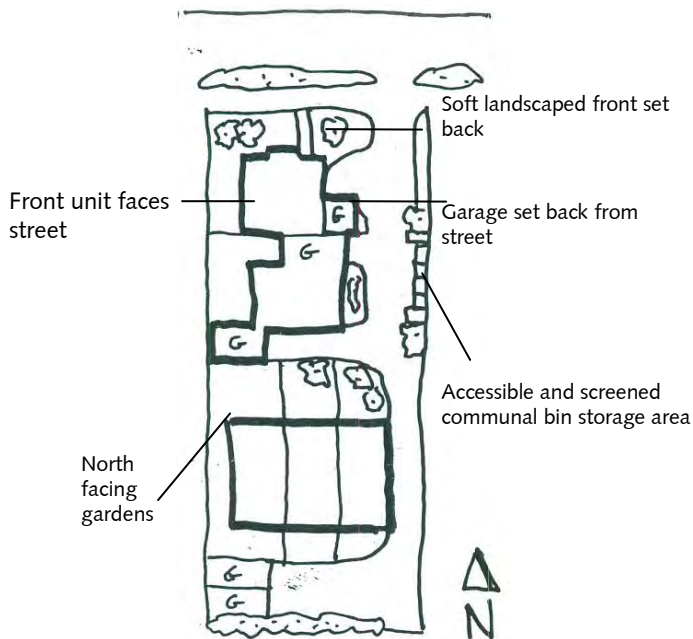


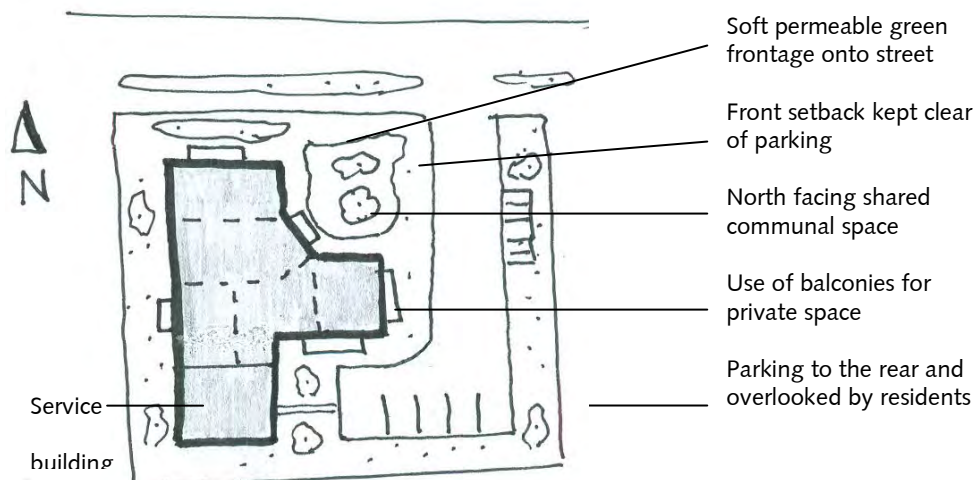
Fig 3. A good example of site layout and landscaping



Design Guidelines:

- Layout better reflects the character of the neighbourhood in term of its public face, street appeal and living space.
- High levels of green coverage within front setback and parking to the rear of the street façade
- There should be no garages or carports within the front setback
- Street façade entrance faces onto the street and each unit has a private useable outdoor space with a northerly aspect if possible
- High levels of permeable surfacing; site should not be dominated by parking.
- Garages and bin stores are more integrated with the development and set back from the road.

Fig 4. A good example of site layout and landscaping



Design Guidelines Continued.

- Intensity of occupation should not prejudice good layout design
- The correct layout of the site should determine the size of the building envelope and the level of occupancy for the residential centre

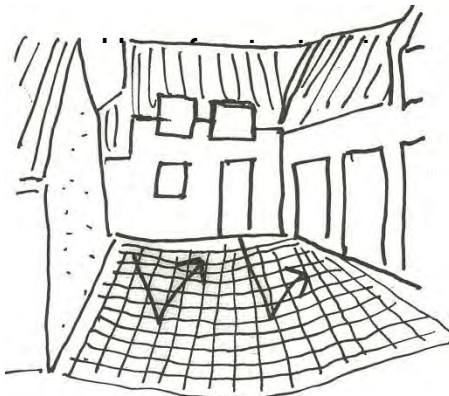
Hard surfaces and planting

Site layout, surface treatment and planting should conserve and enhance neighbourhood visual amenity values. Careful consideration of site layout should avoid large expanses of asphalt and sterile concrete surfaces. Site layouts dominated by hard surfaces can reduce visual amenity values and increase rainwater run off.

The impact of hard surfaces can be reduced through careful use and variation of materials such as gravel, grass, pavers etc or a combination of surfaces. Semi permeable surfaces can look attractive and will assist with rainwater drainage.

Every opportunity for planting and retention of existing trees that contribute to the visual amenity of the neighbourhood should be undertaken.

Fig.5. Soft planting and



a) Hard surfaces create a bland sterile environment and increase rainwater runoff



b) More creative use of semi permeable surfaces that are softer and more attractive and good for rainwater drainage



c) Soft landscaping in the front yard can make for a more attractive street frontage. While the lack of high walls will improve surveillance.

Design Guidelines:

- Non —permeable hard surfaces such as asphalt and concrete should be avoided (Fig.5a)
- The entrance drive and front yard should have landscaping and varied surface treatment to provide a softer visual appearance (Fig.5c)
- Small areas not required for vehicle manoeuvring should be planted
- Semi permeable surfaces such as gravel or cobblestone look more attractive, and will assist with rainwater drainage (Fig.5b)
- Conserve existing trees which contribute significantly to the visual amenity of the neighbourhood
- Strategically placed trees or shrubs can improve the amenity value of the development, improve privacy and help the site blend in with the character of the residential area.

1.2 Parking and Access

Poorly designed car parking on a site can severely dominate the appearance of both the streetscape and internal environment of a residential centre. This can lead to a spill over of cars onto the street and harm the amenity values of the neighbourhood. Car parking should be carefully integrated into the planning of the site layout and utilise soft landscaping to help achieve a high aesthetic quality within the development.

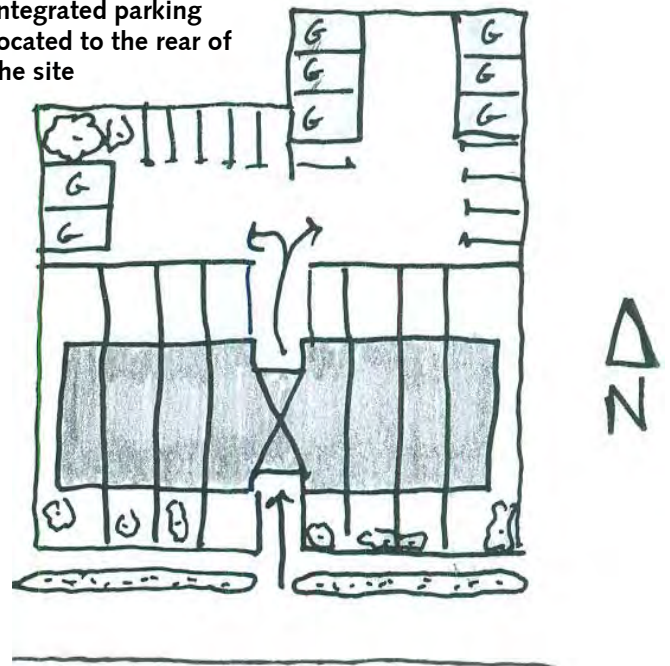
Design Guidelines:

- Residential Centres should provide one parking space per resident on site and one additional visitor parking space for every four bedrooms.

eg: An 8 bedroom Residential Centre shall provide a total of 10 parking spaces while a 10 bedroom Residential Centre shall provide 12 parking spaces.

- Grouping car parking centrally within the site is more efficient in terms of circulation space and also improves the view of the development from the street.
- Car parking at the rear of the site utilises awkward spaces and is easily surveyed from the residential centre (Fig.6)
- Car parking areas can contribute to the attractiveness of the site by incorporating planting, soft landscaping and areas of lawn to soften their appearance.
- A good site layout should incorporate additional space marked out and kept free for visitor car parking.

Fig.6 Shows well integrated parking located to the rear of the site



- Amalgamating two or more sections can give more scope to improve layout and reduce the domination of car parking
- Archways can allow for a more continuous built form on the frontage and improve the street relationship

Garages

The visual amenity and character of the street is greatly enhanced when garages do not dominate. Garages should be set back or recessed from the front façade of the building.

Locating garaging and parking completely or partly below ground level is the most effective way of concealing parking. Semi basement parking can be an effective way of utilising changes in ground levels while maintaining an attractive street frontage.

Design Guidelines:

- Garages and parking areas should be set back from the front face of the building or entrance and designed so that they do not dominate the streetscape (Fig.7)
- Garages should be set back from the front boundary, footpath or carriageway edge.
- Garages should not dominate the streetscene as they create bland uninviting frontages with poor opportunities for surveillance and reduced pedestrian safety.
- Opportunities to utilise changes in levels, slopes and topography for underground parking should be used where possible.

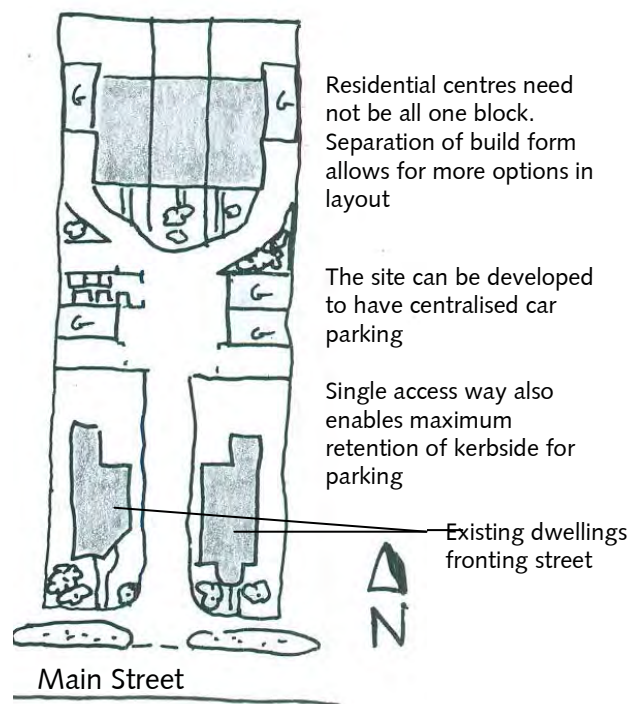


Fig.7 Centralised car parking improves streetscene appearance

1.3 Active frontages and street scene

The safety and security of a residential area is an important consideration when people are choosing where they want to live. All buildings be properly integrated with the street scene by presenting an active building frontage to the neighbourhood.

Active Frontages



Design Guidelines:

- The front of the building should address the street and provide a landscaped frontage within the front set back which is visible from the street and not hidden behind a high fence or wall.

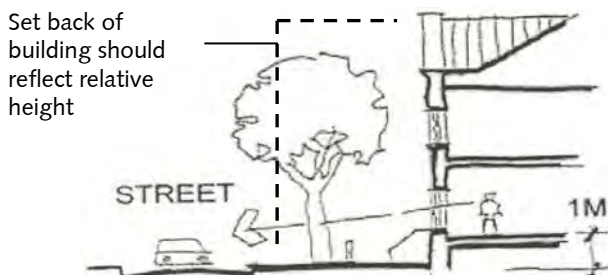


Fig.8 Elevated ground floors enhance visual contact and reduce need for a high wall adjacent the carriageway



Fig.9 Improved Articulation of a front façade, entrance door and materials can make a focal point and more inviting entrance.

- The use of living fences (hedges, shrubs, plants) can better define boundaries while providing a more attractive street frontage with improved surveillance.
- Parking should be avoided within the front yard area
- Low front walls still provide security but maintain views in and out of site.
- Two storey height residential centres and should have a greater set back from the road than single storey centres to reduce their impact on the street scene (Fig.8)
- Elevated ground floors enhance visual contact with the street while providing the feeling of security and privacy for the resident
- A habitable room like a kitchen or living room should overlook the street
- Bay windows can add to the articulation of the front face of the building and improve lines of sight up and down the street.
- Front doors should be visually interesting and provide a focal point to the development (Fig.9)
- A porch or canopy can improve the visual appearance and identity of the building while providing shelter

Streetscene appearance

New development should identify and respect the existing character of the area. It should 'fit in' with the neighbourhood. Neighbourhood character can be enhanced by having regard to existing design elements in terms of height, bulk, orientation scale and spacing between buildings. It is also important to provide for visual variety in built form and avoid straight duplication or repetition in vernacular.

Design Guidelines:

- The street scene appearance of the residential centre should fit in with the prevailing built form of the neighbourhood
- Abrupt changes in building height and scale should be avoided. This can be achieved by stepping back new residential centres in plan and section to harmonise with the height and set back of adjacent buildings (Fig. 10)
- Front yard depths and set back dimensions in residential neighbourhoods should be respected and kept free of parking
- Visual gaps between buildings should be maintained by using hips in the roof design and stepping down towards the boundary
- Buildings on high visibility or corner sites require special attention and may justify key note designs that create a visual break or focal point
- Retain any significant existing vegetation and provide sufficient new planting

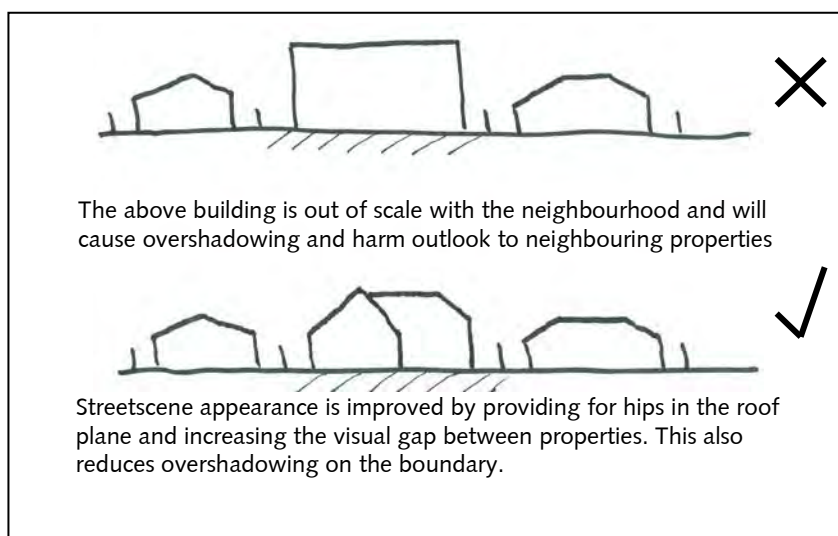
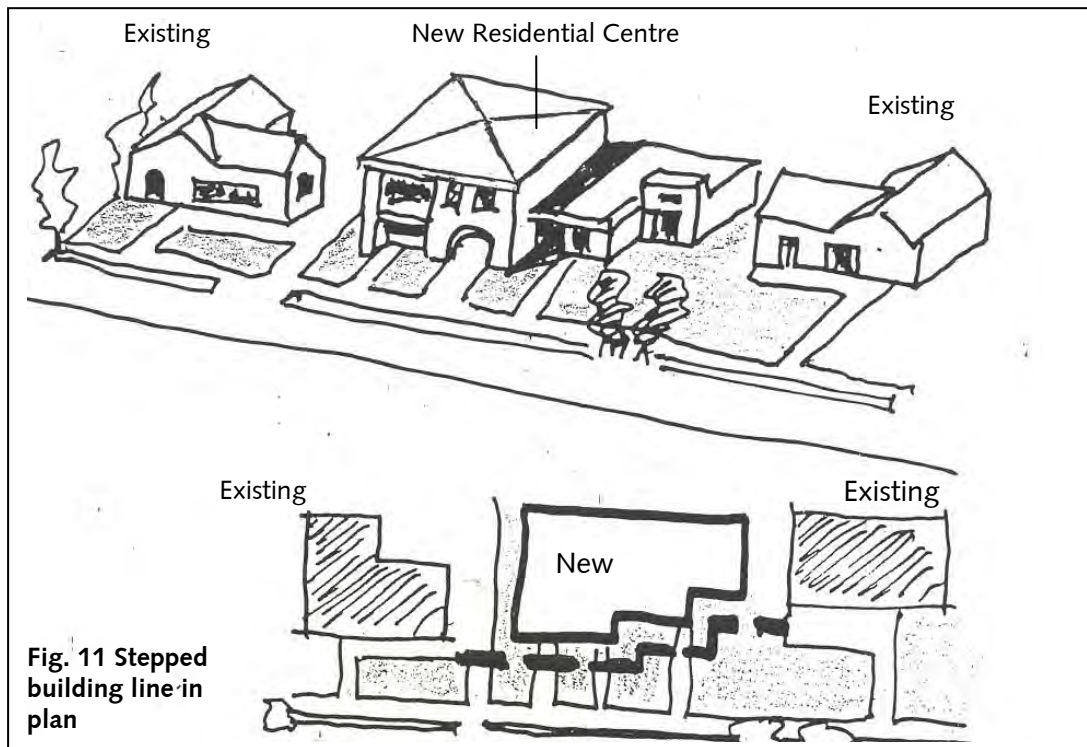


Fig.10 The relationship between the scale of any buildings on the site and the existing residential development is important.

Examples of Smooth transitions in Streetscene

Residential Centres should be stepped in plan to reflect neighbouring front yard depth and the spacious character of the neighbourhood. This may mean a reduction in site coverage is required to respect the prevailing grain of development (Fig.11)



Desirable Guidelines:

- New developments should be stepped in height and section so that they harmonise with neighbouring properties. The maximum building height may not be appropriate on the boundary (Fig.12)
- Stepping building back as they become taller can enable greater daylight capture to neighbouring residents and avoid overshadowing.



Fig 12. Stepping in elevation

1.4 Communal open space / outdoor living area

The successful layout and design of communal outdoor living areas will contribute to the enjoyment of the Residential Centre by its occupants and enhance the amenity value of the neighbourhood. Poorly designed living areas create unattractive inaccessible environments dominated by hard surfacing, car parking which deters use of the space.

Design Guidelines:

Each residential centre should be provided with a communal outdoor living area, which shall be:

- **Communal, accessible and useable.**
- Communal open space should be easily accessible for residents, located on flat land and have some seating, shade and attractive landscaping (Fig.13)
- Should be designed to maximise north facing solar orientation

As a general standard the minimum outdoor area and dimensions for a Residential Centre are as follows:

- 12sqm per person
- A minimum distance of not less than 4 metres; and
- Capable of containing a 6-metre diameter circle.
- Not less than 60% of the outdoor living area shall be provided at ground level

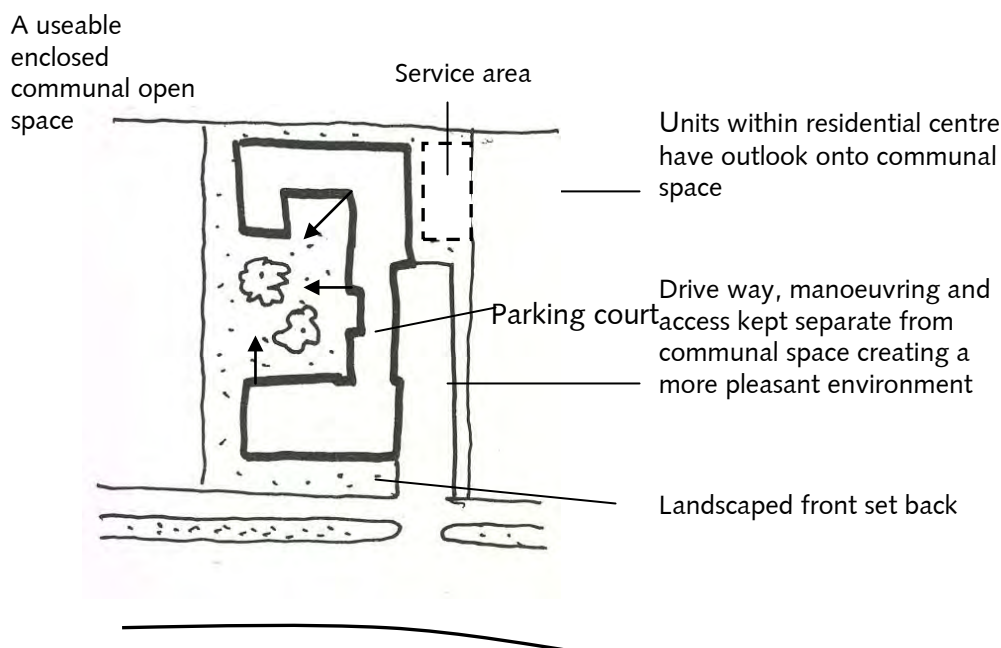


Fig.13 Communal, accessible and useable open space

Design Guidelines continued:

- The outdoor living area should be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service area.
- The outdoor living area should be a soft permeable surface, grassed or landscaped.

As a general standard service areas should be provided with a minimum area and dimension as follows:

- A minimum area of 20sqm and
- Minimum dimension of 3 metres



Fig 14. The example above has communal open space that is not very useable and just provided as an after thought

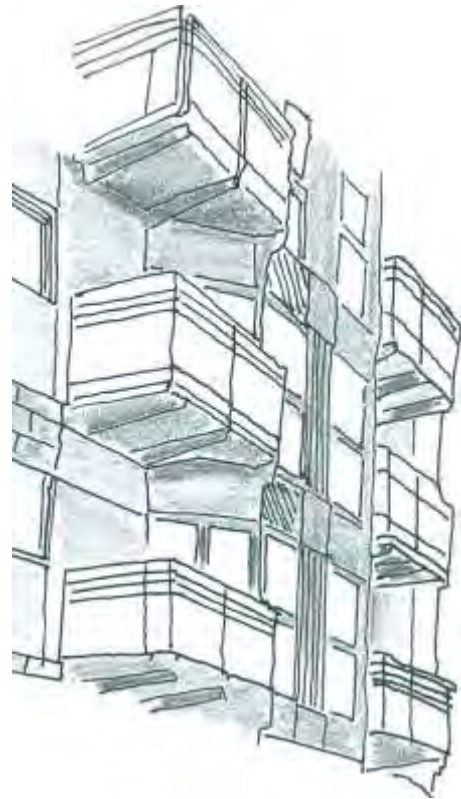


Fig 15. Communal open space should be useable, accessible at ground level and overlooked by residents. Good landscaping and seating can improve its function

1.5 Balconies

Design Guidelines:

- In some instances balconies can be used to compensate for backyards or sections that are awkward in shape, access or receive little sunlight
- Balconies need sunlight access and should be north facing
- Balconies and upper floor decks wider than 2 metres can be included in the above calculation of Outdoor Living Area, but not less than 60% shall be provided at ground level
- Balconies should have a minimum useable width of 2 metres for table and chairs
- Privacy between neighbouring balconies can be achieved by using screens or partitions
- Balconies should not be built on or overhang the boundary.



Well designed balconies can add to the architectural interest of the building



Balconies on the front façade can improve visual interest and increase interaction with the street

Balconies at close quarters in residential centres or where there is a change in levels may require the use of screening to maintain

Fig 16. The use of balconies can improve passive surveillance of the street and provide valuable private space if well screened

1.6 Privacy and outlook

New developments should be designed with the privacy and outlook of both the new residents and existing residents in mind. Overlooking and overshadowing of adjacent buildings should be minimised particularly having regard to the location of neighbouring windows and outdoor living area. Notwithstanding the general standards pertaining to site coverage, building height and height in relation to boundary rules there will be instances where discretion is applied and site coverage, building height and height control planes are lower in a zone in order to respect the character of the area or to reduce the impact on the neighbouring properties.

Visual Privacy

Can be achieved by:

- A layout that avoids overlooking through design and orientation of windows
- Intervening screening
- Separation

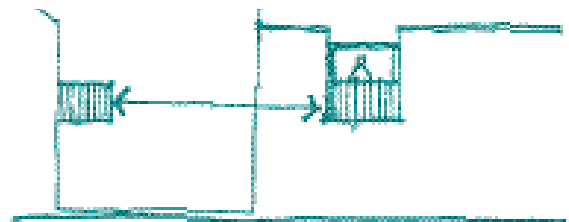
Many overlooking problems can be achieved at the design stage. Techniques such as directing outlook from habitable rooms towards the street or communal open space rather towards adjoining dwellings or private open space.

Standards of privacy need to be balanced against the need for more intensive housing and high-density living. A judgement must be made about the intimacy and frequency of the activity being overlooked, the likely frequency and ease of overlooking, obliqueness of line of view and the permanence of intervening screening.

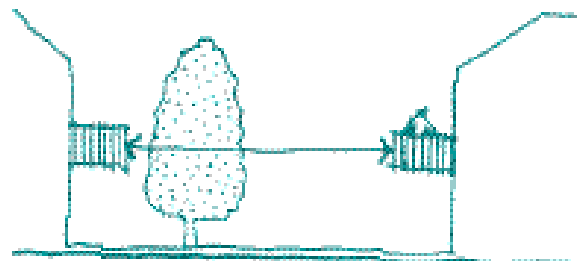
A greater emphasis should be placed on the privacy and outlook of primary living areas and private open space than for shared kitchens, hallways and bathrooms.



Unscreened balcony separation would require greater separation



Separation distances for balconies or windows at upper floor level can be reduced with careful location and screening of balconies

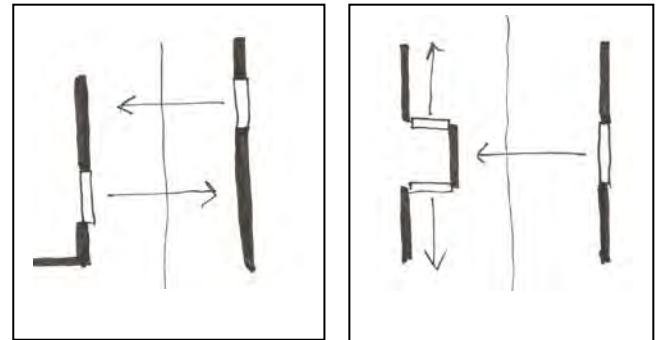


Existing vegetation can offer sufficient screening and separation may be reduced

Fig 17. Separation distances for balconies

Design Guidelines:

- Residential centres shall be designed with the privacy and outlook of both the new residents and the existing neighbouring residents in mind.
- Simple adjustments to the design of the building and position of windows can make a considerable difference to the effect and amenity values of adjoining properties (Fig.18)
- Buildings should take account of the position and orientation of windows in neighbouring development and their existing private outdoor space.
- Steps or staggers between buildings on the plan should be used to increase the gap between buildings to protect neighbouring outlook.
- Window positions should not allow a direct view into neighbouring windows and shall be adjusted so that the privacy of adjoining properties is maintained
- The building should be designed to step down towards the boundary if the building would otherwise dominate or cause overshadowing of the neighbours windows.
- Separation distances can be reduced if there is appropriate intervening screening, obscure glazing or window sill height of 1.7 metres at finished upper floor level.
- Obscure glazing or raised sill heights should be used for secondary windows only such as bathrooms, hallways, and stairwells.



Offset windows can prevent direct overlooking

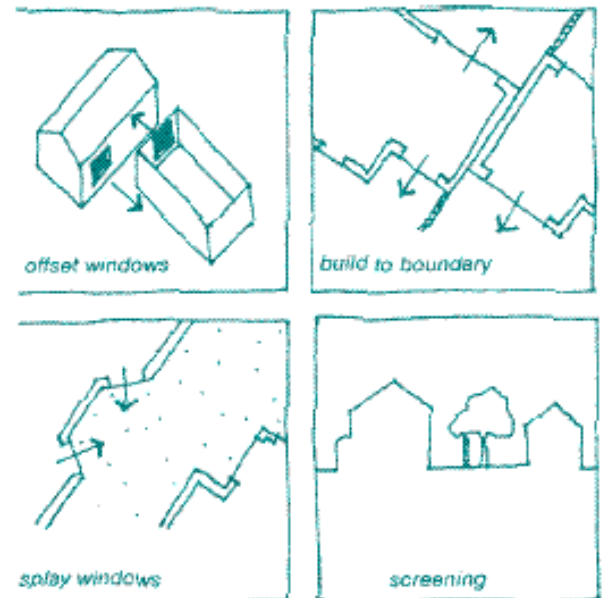


Fig 18. Privacy and outlook considerations

1.7 Site coverage and Separation Distances

Residential amenity values can be harmed by excessive site coverage and poorly thought out separation distances. In some instances the minimum set back from the boundary of 1.5 metres may not be sufficient to prevent shading to neighbouring windows. Excessive site coverage may lead to overdevelopment and infringe upon the neighbours privacy and outlook enjoyed from their gardens or open space area. Site coverage rules are a guide only and may need to be reduced in instances where the pattern and grain of development would be out of character with the residential area.

Design Guidelines:

- The set back may need to be increased by stepping or staggering the building envelope in order to improve outlook (Fig. 19 below).
- Site coverage should be compatible with the existing urban grain of the residential area. This means separation distances between buildings and set backs should follow the prevailing pattern of the neighbourhood (Fig below).
- In some instances where buildings are attached no set back may be required.
- If the developer owns both adjoining sections and or even if written consent is obtained, adequate separation distances should still be applied if there are windows affected.
- Separation distances may be reduced where Council officers are happy that the appropriate mitigation measures are shown. This may be through the use of opaque or obscure glazing or raised window sill height from finished floor level.

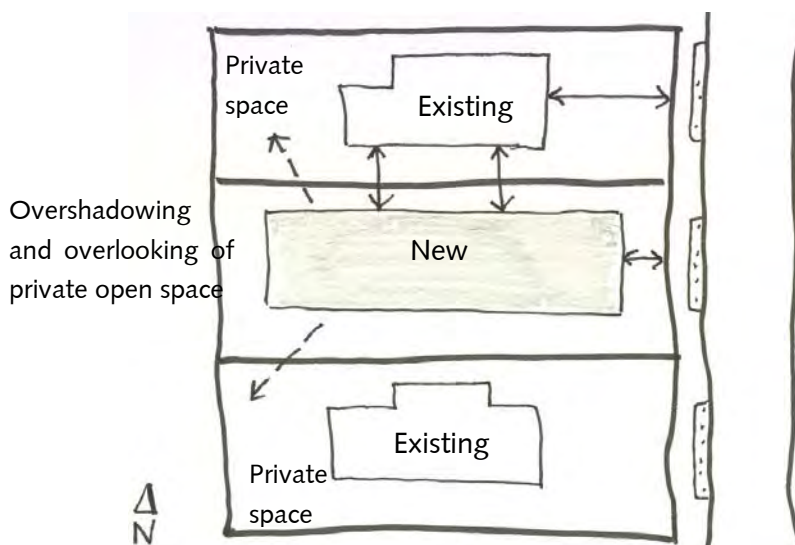


Fig.19 Site coverage and setbacks are out of character with the prevailing built form of the area. This creates overdevelopment of the section, overshadowing and loss of neighbouring privacy.

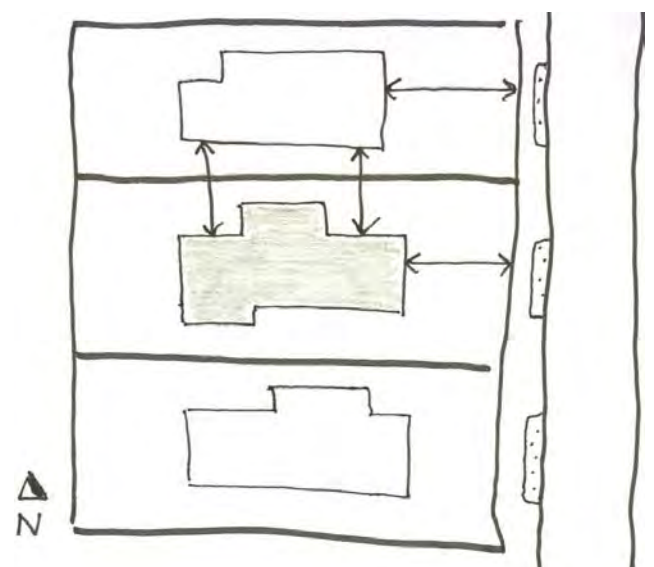


Fig.20 Site coverage and setbacks from boundaries that respect the prevailing built form of the neighbourhood. Building envelope stepped to increase set back from neighbouring windows.

Building Height in Relation to Boundaries

As a general rule the site setbacks to all boundaries will generally increase with building height so that height control planes are met. This aids the integration of new development and helps reduce the impact of building bulk on the neighbours.

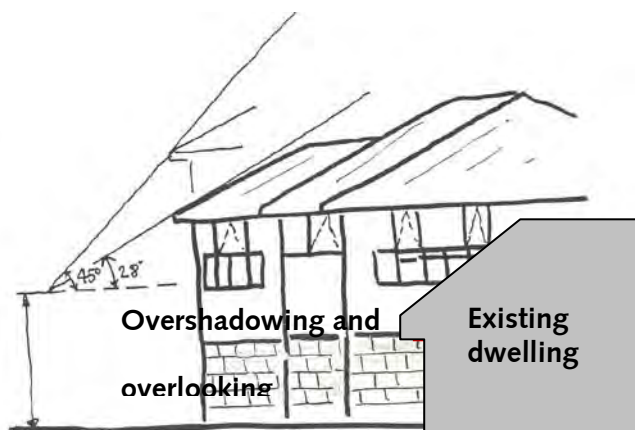


Fig. 21 This example shows that the existing neighbouring dwelling outlined in grey would be unacceptably overshadowed and overlooked by a residential centre if built according to general standards.

- Discretion should be used to determine the height of the building based on the prevailing height, bulk and scale for the existing built form. The 28 and 45-degree angles for height control planes will not always be appropriate to the site.
- For example in a residential neighbourhood where the prevailing built form is single storey buildings with open front setbacks and low fences it will not be appropriate to apply the general standards.

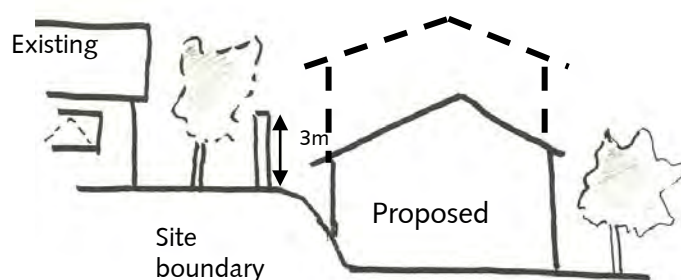


Fig.22 a change in levels on the boundary may allow for a relaxation of the height control planes.

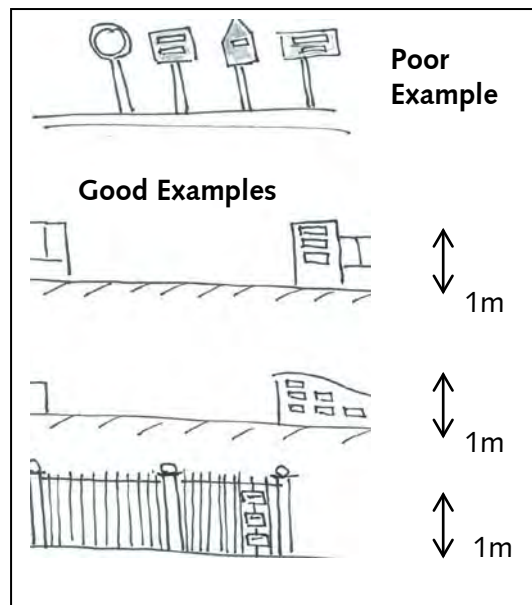
- On sloping sites, the change in natural ground levels will also influence the height of the building. In some instance the character of the area or drainage regime might dictate that the contours of the land are retained in the development. This in turn will influence the height of the building in relation to the boundaries.
- In other instances if the application site is set at a much lower than the natural ground level than the adjoining property, there may be circumstances where the height in relation to the boundary can increase as the impact upon neighbours and the streetscene may be less.

1.8 Ancillary Structures

Letterboxes

Street furniture is an important part of any new development and letter boxes are likely to be several in number for residential centres. To avoid unnecessary street clutter and proliferation, communal letterboxes should be sensitively designed and incorporated into the front boundary wall treatment.

Sensitive designs of letterboxes can reduce unnecessary visual clutter, which may detract from the visual amenity of the street.



Design Guidelines:

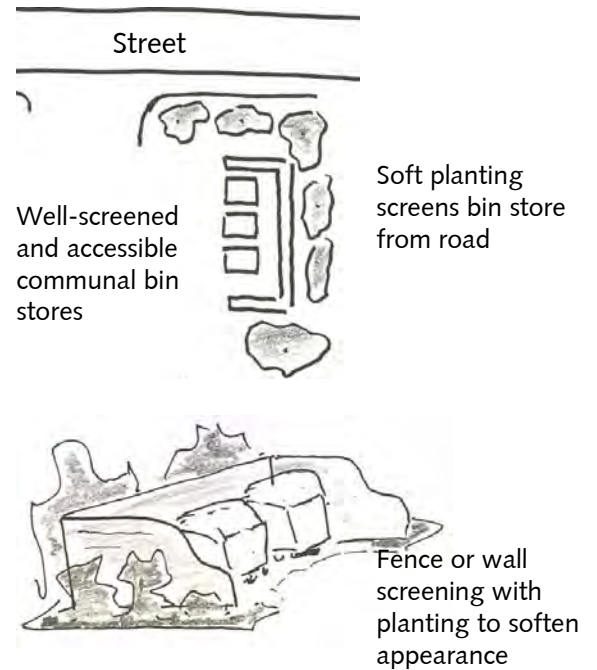
- Residential centres should have well integrated communal letter boxes
- Letterboxes can be incorporated into the design of the front wall
- Letterboxes should not dominate the front setback

Refuse and recycling

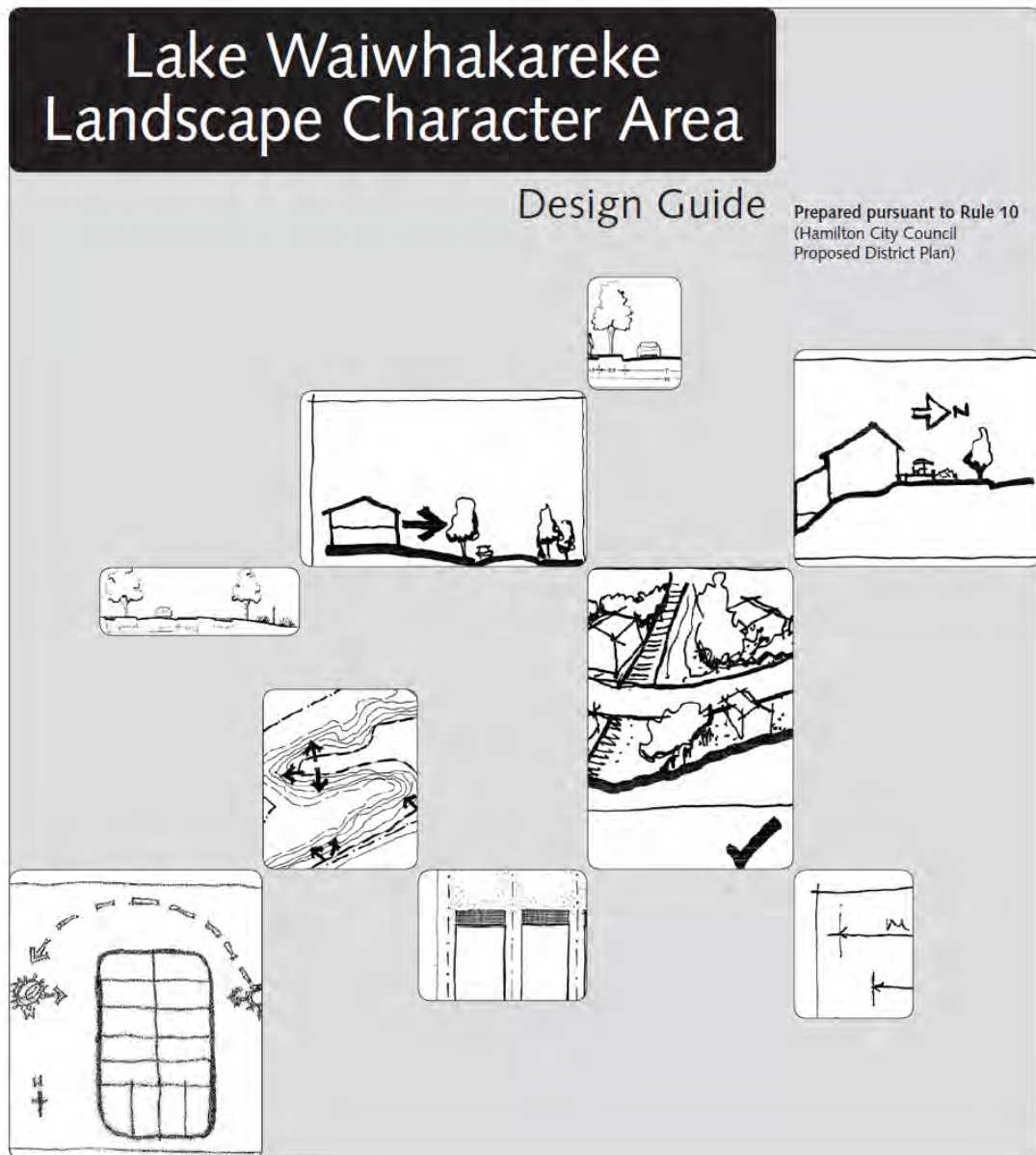
Residential centres because of their high levels of occupancy have the potential to create refuse problems. This creates an untidy appearance in the neighbourhood and is also unhealthy.

Design Guidelines:

- Residential Centres should have an accessible and well screened communal refuse point near the front boundary of the site.
- This communal refuse point should be of sensitive design and materials and not detract from the development or communal open space provided.
- If private contractors are to be used to dispose of refuse access ways should be wide enough to allow refuse trucks to manoeuvre within the site.
- The refuse area shall be screened from adjoining properties by a minimum of a 1.8-metre high solid screen fence/wall or equivalent planting.



10.3 Lake Waiwhakareke Landscape Character Area Design Guide



Introduction

The Lake Waiwhakareke Landscape Character Area represents a distinctive landscape unit which is defined by Rotokauri Road to the east and north, Brymer Road to the west and Baverstock Road to the south. The characteristics of the Lake Waiwhakareke Landscape Character Area are described in the Draft Natural Heritage Park Management Plan and summarised in Section One to this Rule. This character is derived from the unique combination of natural, cultural, and recreational values present in and around the lake and the Natural Heritage Park. Together the lake and Natural Heritage Park create a natural focal point for adjoining development and provide very significant recreational and cultural opportunities that need to be recognised and reflected through future development.

The lake and the extensive natural areas provided within the Natural Heritage Park, combined with the sharply undulating topography that frame them, clearly sets this part of the Rotokauri Structure Plan area apart from the area to the north of Rotokauri Road.

The following character elements have influenced how the Rotokauri Structure Plan seeks to manage development in this area:

- The sharply undulating topography of the area and the way in which it provides a point of difference in the landscape
- The native ecology of and the recreational resource presented by the Natural Heritage Park, (including its value as an educational resource)
- The lake itself and its role in providing a strong focal point for the area
- The natural drainage pattern of the area
- The historic and cultural values associated with the area.

The District Plan sets the objective (5.1.6) for this area as being:

“To create a distinctive residential environment that recognises and responds positively to the area’s natural, cultural and recreational resources present in and around Heritage Park and Lake Waiwhakareke, and emphasises their roles in creating that character.”

Policies 5.1.6a), b) & c) & 4.4.2a) & g) of the Plan are therefore intended to:

- Ensure that the natural, cultural and recreational values of the Natural Heritage Park are reflected in the development of the adjoining residential area,
- Ensure that residential development maximises visual and physical connectivity with Lake Waiwhakareke and Heritage Park, and
- Promote the safety of park users through the location, form, density and orientation of residential development close to Heritage Park, and
- Ensure that where opportunities exist, the subdivision and development of land recognises and responds to identified natural, amenity, cultural and heritage values in the locality, and
- Ensure that subdivision and development in the Lake Waiwhakareke Landscape Character Area recognises and enhances the special relationship of the surrounding landscape to the lake and the proposed Natural Heritage Park.

The purpose of this guide

The Rotokauri Structure Plan identifies the need to protect and enhance the special character of the Lake Waiwhakareke area. The Plan’s rules regarding development (Rule Section 4.1A) and subdivision (Rule Section 6.0) provide controls that will enable a sensitive response to this character.

Where these rules provide for an element of discretion through the ability of Council to impose conditions on, this guide provides further description and amplification of the area’s particular character. This will assist with consistent interpretation and provide more certainty to the development industry.

The Guide recognises Council’s commitment to the adoption of best practise urban design techniques as expressed in its urban design strategy, CityScope.

How to use this guide

Within each element, the design guidelines are organised as follows:

Explanation:

Rationale for that particular design element and how it contributes to the development of a sustainable neighbourhood.

Design consideration

Consideration to guide development outlining how a proposal should respond to particular elements of character.

Design guideline

Representative of good design solutions which help achieve the design consideration. They do not, however, preclude other ways of achieving good design.

Contents

KEY DESIGN ELEMENTS

- 1 **Understanding the context**
 - Context Analysis
 - Site Analysis
- 2 **Designing for topography**
 - Designing for slope
 - Alterating slope and landform
 - Orientation and outlook
- 3 **Reinforcing local character**
 - Physical relationship to heritage park
 - Links to existing habitats
 - Species and planting combinations
- 4 **Connectivity**
 - Walking and Cycling
 - Legibility
 - Types of street
 - Additional links
 - Street Furniture
- 5 **The Layout of Development**
 - Configuration of Lots
 - Solar orientation
 - Front yard living
- 6 **Stormwater Management**
 - Retention of natural watercourses
 - Treatment of Streets
 - Integration into open space
- **Attachment A**
 - Design Theme for Waiwhakareke Natural Heritage Park

1

Understanding the Context

Explanation

The Lake Waiwhakareke Landscape Character Area is located at the southern end of the Rotokauri Structure Plan in close proximity to existing urban development along Baverstock Road and to a lesser extent along Rotokauri Road. It will be dominated by the 50ha Natural Heritage Park that is ultimately intended to become a self-sustaining habitat sanctuary surrounding Lake Waiwhakareke and representative of the original ecosystem diversity of the Hamilton Basin.

The Natural Heritage Park will be managed by the Waiwhakareke (Horseshoe Lake) Natural Heritage Park Draft Plan. This provides a framework for the future management of the Park and identifies some key concepts to consider during development of the Lake Waiwhakareke Landscape Character Area. The importance of the location of the entrances to the Park, treatment of the park edges, the planting scheme, the community parks and proposed street furniture design to the residential area is explained within this guide.

The context for development in the surrounding area is established by the Rotokauri Structure Plan. The key locational relationships to note are the presence of Hamilton Zoo adjacent to the south-western corner of Heritage Park, the neighbourhood centre proposed to the north-east, the proximity of the Wintec campus and Nga Taiatea Wharekura School, the green corridor running from Lake Waiwhakareke and the importance of Rotokauri Road as public transport corridor.

In order to design a development that respects the unique characteristics of a particular location, it is necessary to conduct the following:

- Context analysis
- Site analysis

Design consideration

Context analysis

Proposals should demonstrate an understanding of the context of the site, its relationship to the natural and surrounding built environment and the impact that has on the design of the site.

Design guideline

Prepare plans, diagrams and maps that illustrate the location of the site and its characteristics in relation to:

- Proximity to nearby services such as shops, transport, schools, other services or recreation facilities
- Immediate surrounds – natural landscape, significant vegetation or waterways, buildings and land uses
- Adjoining infrastructure – roads, open spaces, public transport services

Design consideration

Site analysis

Proposals should demonstrate an understanding of the particular features of the site itself, both its natural features and character of adjacent built-up area.

Design guideline

Prepare plans, diagrams and maps that illustrate the characteristics of the site particularly in relation to:

- Natural features – slope/topography, vegetation, waterways, geotechnical considerations
- Orientation – prevailing winds, sun and shading (winter and summer), views, overlooking (to and from neighbours)
- Movement – desire lines, missing links to surrounding neighbourhoods (eg. from Neighbourhood Centre & Wintec Campus through to Heritage Park and to Hamilton Zoo)
- Other features that may influence layout of site – nearby open spaces, arterial roads, etc.

2

Designing for Topography

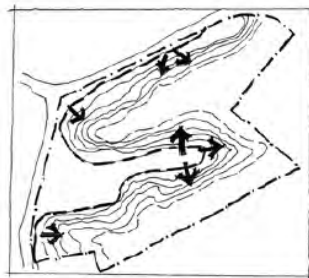
Explanation

The Lake Waiwhakareke area derives a major element of its character from topography. This is sharply undulating in its form with prominent east-west orientated ridgelines that give detail to the area, and provide a point of difference in the landscape.

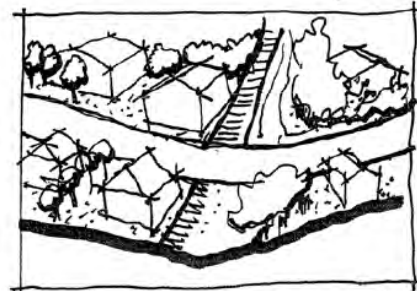
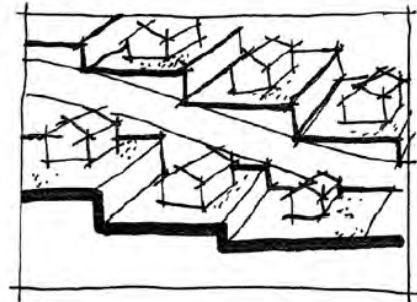
The ridges and slopes act as local landmarks and enable long distance views to be gained both north and south: to the Hakarimata Ranges and Lake Waiwhakareke respectively. Utilising these opportunities will help create a sense of place and a stronger connection to the surrounding landscape.

Retaining the underlying landform is an important part of ensuring that the area's character is preserved once development occurs. Particular consideration should therefore be given to:

- Designing for slope
- Altering slope and landform
- Orientation and outlook



Design with existing features – landform, vegetation, waterways.



Design with existing features – landform, vegetation, waterways.

Design consideration

Altering slope and landform

Where it is necessary to re-contour land to allow for access and building platforms, the intervention should not be large scale or visually obvious once planting has matured.

Design guideline

- Site contouring and retention should be on a site-by-site basis to allow building platforms to be formed. House designs should be customized to reflect the slope and orientation of the site, discouraging single flat platforms for each site on sloping terrain
- Use of retaining walls should be minimized by terracing and planting to mimic the natural features, particularly when viewed from the street.

Design consideration

Designing for slope

Proposals should avoid unnecessary loss of underlying landform, to reflect the character of the site and surroundings and retain the significant features of the site.

Design guideline

- Minimise need for major engineering intervention
- Use existing topography and land features to define the structure of the subdivision – street layouts, open space, view shafts and building platforms

Design consideration

Orientation and outlook

Proposals should take advantage of the sloping terrain to maximize the views available from both individual properties and the public realm (streets and open spaces).

Design guideline

- Consider long and short views when aligning streets, open spaces and walkways to provide glimpses of the surrounding landscape and natural features.

3

Reinforcing Local Character

Explanation

The Natural Heritage Park will be a defining element of this area's character and surrounding development will establish both a physical and a natural relationship with it.

Residents will have the advantage of a large public space on their doorstep, notwithstanding that access to the Park will be limited and controlled. The Natural Heritage Park will incorporate small community parks at its entrances and these will serve as local purpose reserves for local people.

The way in which landscaping treatments are handled within the developed areas can reinforce the natural setting of the Natural Heritage Park and provide a stronger sense of place and character for the neighbourhoods created around it.

The overall goal for the Natural Heritage Park is to create a self-sustaining habitat sanctuary that represents the original ecosystem for this part of Hamilton. The Heritage Park Management Plan identifies the vegetative species appropriate for the differing terrain encountered within the area, such as ridgetops and hill slopes.

Important considerations are therefore:

- Physical and visual relationship to the Natural Heritage Park
- Links to and between existing habitats and features
- Species and planting combinations

Design consideration

Physical and visual relationship to Heritage Park

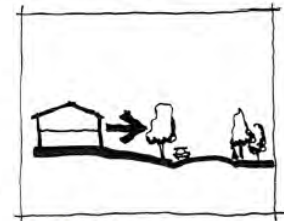
Surrounding development should provide an edge to the Natural Heritage Park, both to increase public surveillance and to offer an opportunity for people to circumnavigate the park and enjoy views into and beyond it.

Design guideline

- Buildings along the northern boundary of the Natural Heritage Park should be of sufficient height and orientated towards the park in order to provide passive surveillance of the road, park or walkway.
- The northern boundary of the Natural Heritage Park and the block of land bounded by Baverstock and Rotokauri Roads represent appropriate locations for higher density development.



- Public access should preferably be along a perimeter street open to cars as well as pedestrians, to provide surveillance from passing traffic and greater safety after dark.
- If the site is only appropriate for a pedestrian walkway at the perimeter of the Natural Heritage Park such as the face of the hill slope, it should be connected to the street system and of sufficient width to provide long views allowing for curves and changes in topography this will ensure some surveillance of pedestrians using the walkway.
- Fencing adjacent to the walkway should be transparent enough to allow observation from the house.
- If the topography demands that some lots are side or rear-facing, fencing should be low and transparent and at least one main room should overlook the park edge.



Street fronts park edge, houses overlook street and public walkways.

Design consideration

Link to existing habitats

Public and private spaces within the Lake Waiwhakareke Landscape Character Area should reflect ecosystems within the Natural Heritage Park and provide an extension of the park's habitat, this will create a network of indigenous flora and fauna, and reduce the green risk of infestation of the park.

Design guideline

- Identify opportunities to extend habitats which are favourable to flora and fauna beyond the extent of the Natural Heritage Park. While the network does not need to be continuous, it does need to take into account the preferred habitat and travel patterns of the particular species it is intended to encourage.

Design consideration

Species and planting combinations

The Natural Heritage Park Management Plan identifies a programme of weed and predator eradication, and replanting of more appropriate species to encourage indigenous flora and fauna. Identifying and replicating those successful plant combinations both extends Heritage Park character beyond its boundaries and creates a low-maintenance landscape regime that adds to a sense of place in the surrounding development.

Design guideline

- Based on the Heritage Park Management Plan, identify a plant palette and planting scheme which reflects the underlying indigenous combinations and avoids re-infestation of Heritage Park by undesirable exotic species (weeds).
- Provide future residents with suggestions for selecting and maintaining planting schemes which extend the philosophy of Heritage Park.
- Any species planted should be ecosourced.
- Refer to 'Plant me Instead: Waikato Region' and 'Gully Restoration Guide A: A guide to assist in the ecological restoration of Hamilton's gully systems' (both publications and further information available from Hamilton City Council's Sustainable Environment Team).

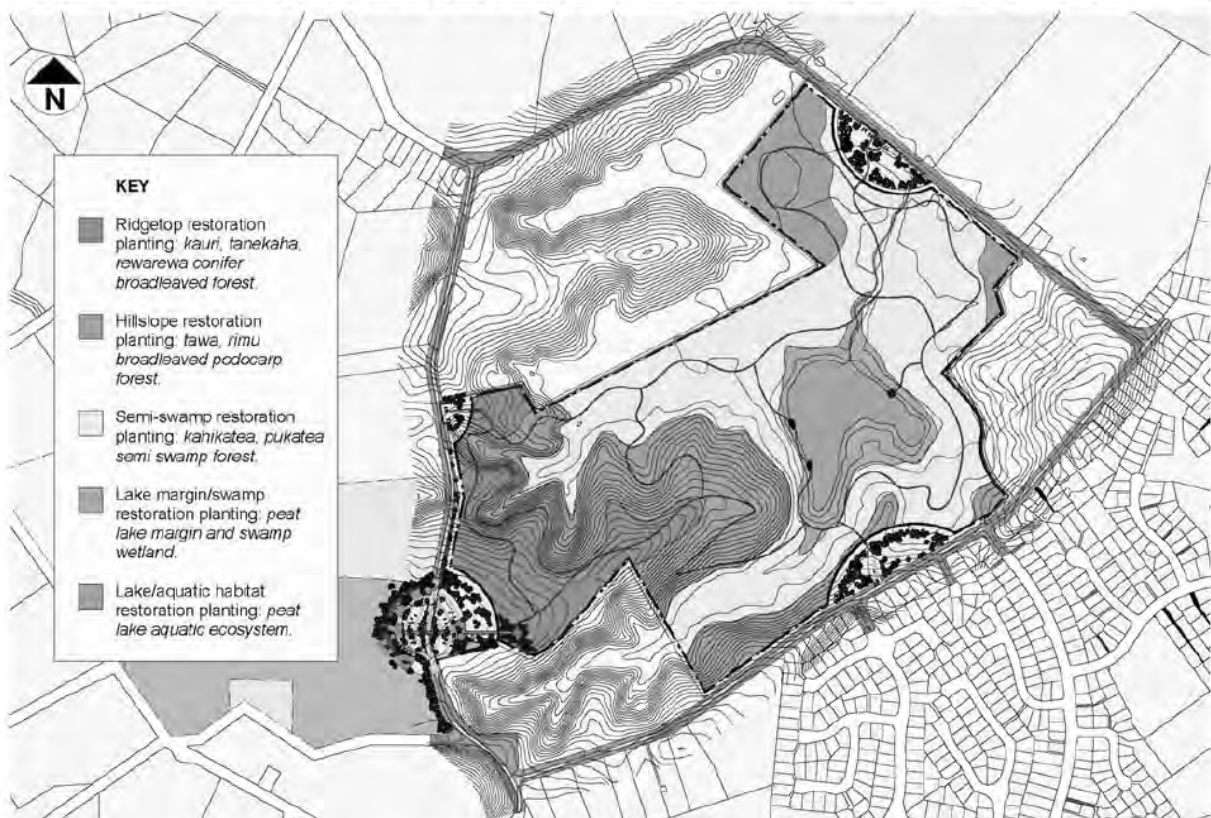
Landforms and vegetation types at Waiwhakareke Natural Heritage Park

Diagram shows proposed vegetation scheme inside the Natural Heritage Park. This concept should be extended into the surrounding Waiwhakareke Landscape Character Area through the introduction of a range of methods and ecosourced plants.

4

Connectivity

Explanation

Topographical constraints presents a number of challenges in terms of achieving high levels of connectivity for movements within and beyond the Lake Waiwhakareke Landscape Character Area. This is true for pedestrian and cyclists as well as motorized vehicles.

The alignment of roads in the area of land immediately north of the Natural Heritage Park is likely to be predominantly east-west in nature. However, in designing a network that encourages walking and cycling it is important to acknowledge that the elements of convenience, safety and amenity required by these users might differ from the needs of those driving cars.

With large parts of the Heritage Park likely to be enclosed by development, it is important that routes into and around the park are legible and provide a choice of routes reflecting likely desire lines.

Effective connectivity will therefore benefit from a consideration of the following:

- Walking and Cycling
- Legibility
- Types of street
- Additional links
- Street Furniture

Design consideration

Walking and Cycling

Proposals should deliver a connected street network that provides a variety of direct routes for pedestrians and cyclists to nearby services such as the neighbourhood centre, zoo and the closest entrance into the Natural Heritage Park.

Design guideline

- The overall street network should be interconnected, with block sizes that provide a choice of routes for pedestrians as directly as possible. Where possible, a street used by pedestrians and vehicles is preferable to provide the security of passing vehicles and avoid less used pedestrian-only links.
- Given that vehicular traffic flows are expected to be low and slow moving, cyclists should be encouraged to use the street network. Connections to areas outside the Lake Waiwhakareke Landscape Character Area such as the neighbourhood centre may necessitate the provision of dedicated cycle lanes.
- Block sizes will vary with topography and location, but ideally should not be longer than 120m between intersections.

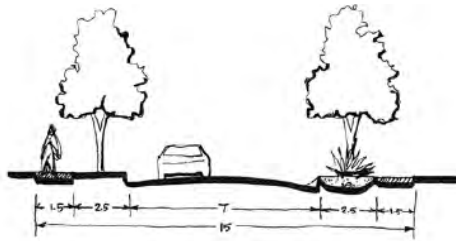
Design consideration

Legibility

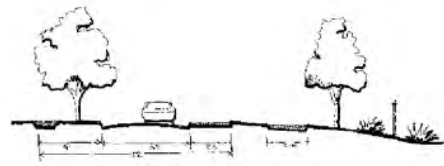
The street hierarchy should be legible for visitors and residents, and clearly signal the route to the park edge/entrances as distinct from more local access to residential blocks.

Design guideline

- Identify the main routes to the edges and entrances to the park by the treatment of the street – width, landscape treatment, footpath width and location.
- Visual signals, which may match the branding and arts programme proposed for the Natural Heritage Park can also act as subtle markers to identify the route to the park, such as colouring of street furniture and lights or distinctive markers along the route (see attachment A).
- On all streets, cyclists should be encouraged to use the street network. As the routes link to the main external circulation, additional measures, such as dedicated cycle lanes may need to be considered.



Typical section for local access road
(with optional swale for stormwater)



Typical section for park edge street,

Design consideration

Types of streets

The treatment of each street can vary depending on its location and role. In general it is assumed there will be three main types of streets with section dimensions and treatment to suit:

1. Local access streets – main circulation connecting sub-neighbourhoods and linking to the Natural Heritage Park
2. Green street – smaller-scaled street adjacent to the Natural Heritage Park or local reserve
3. Local lane – smaller scaled cross-streets to serve blocks between local access streets

Design guideline

- The Rotokauri Structure Plan provides for low speed green streets along the northern and south-eastern edges of the Natural Heritage Park in order to provide active frontages.
- Minimising curb radii creates tight corners – forcing cars to slow and making it easier for pedestrians to cross.
- Avoid roundabouts – these disadvantage pedestrians and cyclists and require more space at intersections (reducing the sense of enclosure and encouraging faster vehicle movement).

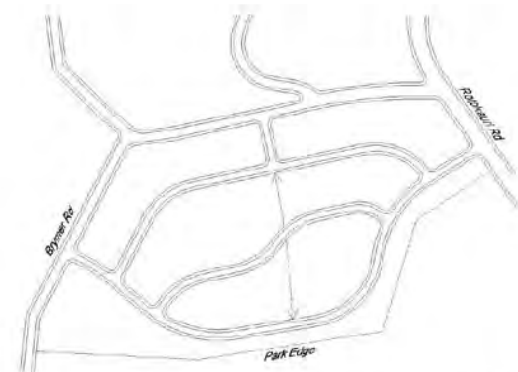
Design consideration

Additional links

Where streets are not appropriate, allow for safe alternative routes for pedestrians, with good surveillance.

Design guideline

- Pedestrian only routes should generally be not less than 2m wide, provide clear visibility from the main street footpath and contain no hidden spaces which could conceal people or activity from view of the main street.
- Pedestrian routes should be overlooked by adjacent development with low and/or transparent fencing and preferably overlooked by main occupied rooms of the adjacent houses.
- If the pedestrian routes are connecting two different levels, attempts should be made to keep the slope at 1:12 to make it accessible by disabled or useable with a stroller and where steps are necessary, a handrail should be provided, designed to NZ standard for accessible staircases.



Allow for safe alternative routes for pedestrians, with good surveillance

- The above illustrations indicate an acceptable design for a given environment but should not be regarded as being a specific requirement or the only design solution that will be adopted.

Design consideration

Street Furniture

Street furniture should cater for the safety and comfort of pedestrians and cyclists, including lighting, street trees and other planting, and items such as seats, rubbish bins and cycle parking racks.

Design guideline

- Street lighting should provide high quality, safe environments for pedestrians, based on the standards in Hamilton City Development Manual.
- The suite of furniture, including street lights, should co-ordinate with the colours and branding adopted in the Natural Heritage Park (see Attachment A).
- Street planting should take into account the need to reflect the native vegetation and planting combinations within the Natural Heritage Park.

5

The Layout of Development

Explanation

The topography of the Lake Waiwhakareke Landscape Character Area presents significant opportunities and constraints for development. The sharply undulating terrain offers the possibility for residents to enjoy long distance views, but at the same time the orientation of the resulting street network may present challenges for maximizing solar gain.

On flat land, rectangular or square street blocks represent the most efficient form of lot layouts. Sloping land however, requires a modified approach to be taken. It is also desirable that the size and shape of lots should also be configured to allow some flexibility in the types and density of housing that can be established.

The orientation of lots influences the amount of sun gained inside the house and in outdoor living areas. The layout of development should seek to maximise the proportion of dwellings receiving sun, particularly in the winter.

In planning the layout of development, the following issues need to be considered:

- Configuration of lots
- Solar orientation
- Front yard living

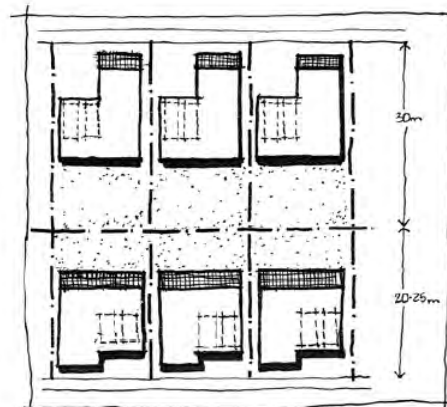
Design consideration

Configuration of Lots

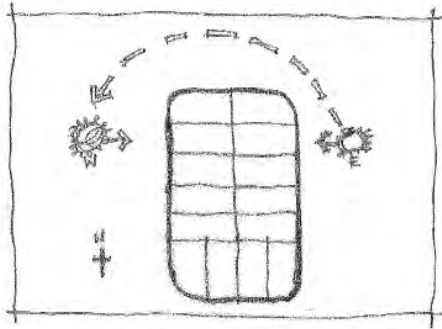
Regardless of the density or housing type being built, the size and configuration of lots should allow for building platforms that provide good internal spaces and solar orientation as well as sunny and private outdoor areas.

Design guideline

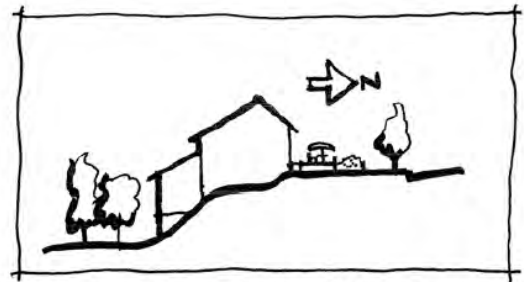
- The depth of the lots should allow for an efficient building platform and a distance of 20m back to back between buildings.



Deeper back yards allow sun in south-facing yards, street setback at least 3m to allow front-yard porch or deck.



Lots oriented north/south or with north-facing back yards mean sun in front and rear yards most of the year.



Terrace in front yard allows sunny outdoor living on south-facing slopes.

Design consideration

Solar Orientation

Maximise opportunities for solar gain.

Design guideline

- Maximize the number of lots with the long axis within the range N200W to N300E or E200N to E300S
- Orient houses to allow some living spaces setback from the northern boundary to gain northern sun in winter.
- In a comprehensive development, zero lot-lines can maximize useable outdoor space by setting houses to the southern boundary and locating service areas along that wall.
- Vary the depth of north-south oriented lots to provide longer, narrower lots on the south side of the street, and shorter wider lots on the north
- On sloping south facing lots, consider using the upper levels to create outdoor living platforms that receive some sunshine and may also pick up views over the rooftops.

Design consideration

Front-yard living

Where the rear of the house may not receive sufficient sunshine, additional outdoor living spaces should be provided at the front of the house.

Design guideline

- Where dwellings have a south-facing back yard, include some form of semi-private outdoor living space on the northern front of the house. Traditional verandahs or decks can be treated to provide privacy for those using them but "eyes on the street" and an attractive frontage for passers-by.
- Upstairs balconies or bay windows also create sunny living spaces and enliven the frontage of a house.

6

Stormwater Management

Explanation

Hydrological processes account in large measure for many of the natural features present in the Lake area. They are also of special significance for tangata whenua.

Lake Waiwhakareke itself is a sensitive receiving environment and can be adversely affected by both the quality and quantity of stormwater arising from surrounding development.

The management of stormwater must therefore take account of local drainage conditions which in parts of the area will include peat soils and correspondingly high ground water levels. There are likely however, to be significant opportunities for incorporating management measures as part of the design of public spaces.

In formulating stormwater management systems, the following matters should be taken into account:

- Retention of natural drainage patterns
- Treatment of Streets
- Integration into open space

Design consideration

Retention of natural drainage patterns

The natural drainage pattern of the area should be maintained where possible.

Design guideline

- Identify natural watercourses in the early site analysis, so they can help inform the subdivision layout. Where possible they should be retained and enhanced with vegetation as part of the open space network.
- The use of impermeable surfaces should be minimised wherever possible.
- Naturally occurring fresh springs should not be piped or diverted.



Pedestrian link on steep slopes provides opportunity for informal watercourse – width provides space for amenity planting as well as surveillance (CPTD).

Design consideration

Location and treatment of streets

The street network should take account of overland flow paths and may be designed as temporary flood ways during major storm events. Treatment of berms and kerb systems can absorb some stormwater or minimize flows during extreme events.

Design guideline

- Streets adjacent to public open spaces or watercourses may be designed as temporary floodways during major events, provided that vehicular access can be maintained (at slow speed) and that waterflows do not become a hazard for motorists or adjacent residents
- Swales and rain gardens can be considered, either in the centre of the carriageway or side berms. A “soft” edge adjacent to a park or open space serves the dual purpose of stormwater management and extending the visual amenity of the park to the edge of the carriageway.
- Consider permeable paving on low-trafficked streets (such as local lanes) or parking bays which are offset from the main carriageway.

Design consideration

Integration into open space network

In addition to creating an open space network around existing watercourses or wetlands, permanent or semi-permanent water features can be incorporated into open spaces and circulation networks to add amenity and/or recreational features as well as assist with stormwater management.

Design guideline

- Incorporate stormwater management into hard and soft landscape design for open spaces and streetscapes. Features such as ponds, wetlands and rain gardens can be considered.
- Pedestrian paths between levels can incorporate hard or soft flow paths, creating amenity and stormwater treatment. Care must be taken to ensure paths are still safe and useable during storm events.

Attachment A

Design Theme for Waiwhakareke Natural Heritage Park

Design Theme for Waiwhakareke Natural Heritage Park

Background

Waiwhakareke Natural Heritage Park represents a rare opportunity for Hamilton City to integrate a significant ecological restoration project within its current environmental, promotional, planning and development strategies.

The design intent is to create a key ecological hub within the city. This will not only provide for the well being of the flora and fauna that will live within it, but also for the well being of the city's residents and visitors, through educational opportunities and amenity values it will provide.

Ecological viability and the need to meet the desires and aspirations of the community were key factors in the development of the overview concept for the park. This concept delivers both opportunities for recreation and community well being, by creating an accessible natural resource within the city. It also provides for the reintroduction of plants and animals that no longer inhabit the area.

Connections

There is an opportunity to create a significant link between the site and Hamilton Zoo. The entrances to the two facilities are located together to create a specific destination. This will allow integration between the facilities and permit efficient use of Council resources through shared use.

Specifically, the creation of a main entrance facility, that would combine the entrance facilities of the park and zoo, would mean that facilities such as administration, education and retail could be shared between the two amenities.

It is intended that facilities fundamental to the heritage parks development and operation be developed on the eastern side of Brymer Rd, and those fundamental to the zoo's operation, or shared between the heritage park and zoo, developed on the western side.

A number of important secondary nodes and potential access points have also been identified. These are located along Baverstock Road and Rotokauri Roads, indicating potential linkages for the community and Wintec. These nodes are important when considering the location requirements for community parks for Nawton and future communities that will establish as a result of the Rotokauri Structure planning process.

Design Overview

The Heritage Park concept involves the retirement and ecological restoration of approximately 50ha of farm land surrounding Waiwhakareke (Horseshoe Lake)

Key components of the concept include:

1. The creation of an eco-centre, in association with Hamilton Zoo, to act as the main entrance to the park, a tourist destination in its own right;
2. The reintroduction of indigenous flora and fauna to the site made possible by use of predator proof fencing to enclose the site;
3. The development of a publicly accessible walkway network within the site and a cycleway around its perimeter.

4. While not part of this proposal, two parks will also be created for the local community.

Buildings

- Buildings will be of contemporary architectural design, reflecting the purpose and function of the park and the zoo.
- Buildings will be open to nature, providing opportunities for multi-functional use.
- Construction techniques, cladding and roofing materials will follow sustainable design principles, for example cladding buildings in a mixture of natural timbers.
- Building design will reflect the ecological themes of the park, yet to provide for modern contemporary facilities.
- Significant areas of canopy will be incorporated into the building design in order to provide shade and shelter.
- A large membrane canopy, covering a paved plaza, will provide a sheltered environment for planting day demonstrations and educational opportunities.
- At the main entrance to the park, an integrated facilities building will be constructed. This will house interpretive material, indoor/outdoor demonstration areas and toilet facilities and provide secure storage for maintenance equipment.
- Where possible, sustainable building principles will be used, e.g. solar hot water heating, composting toilets.
- Building colours should reflect nature and be chosen so that the building blends into its surroundings (e.g. brown tones).

Carparks

- The informal parkland at the main entrance between Brymer Road and the pest-proof fence can be used for overflow parking, and if required may be used for future car park extensions.

Main entranceway

- The Zoo and Park will be physically linked by a central pedestrian spine.
- Entrance statements and traffic calming measures (decorative rumble strips along Brymer Road) will be used to slow traffic and create a sense of arrival.

Local Iwi will be closely involved in the design and development of the park so that recognition of this site and elements of pre-European Maori life are reflected in the park.

Furniture and facilities

It is intended that any constructed elements within Waiwhakareke Natural Heritage Park be elegant and contemporary in nature, reflecting the processes and principles of the nature and ecological design. All furniture should be designed specifically for the park and standard “off the shelf” street furniture of HCC standard timber seating should be avoided.

Facilities and site furniture such as seating, rubbish bins, boardwalks and interpretation panels are to be contextually appropriate. This means that they appear linked to the overall concept of the design when seen within the context of the site. All design should be subtle and symbolic in nature. Literal interpretations should be avoided (i.e. a seat that references the shape of a leaf in an iconic manner is more appropriate than one that looks exactly like a leaf).

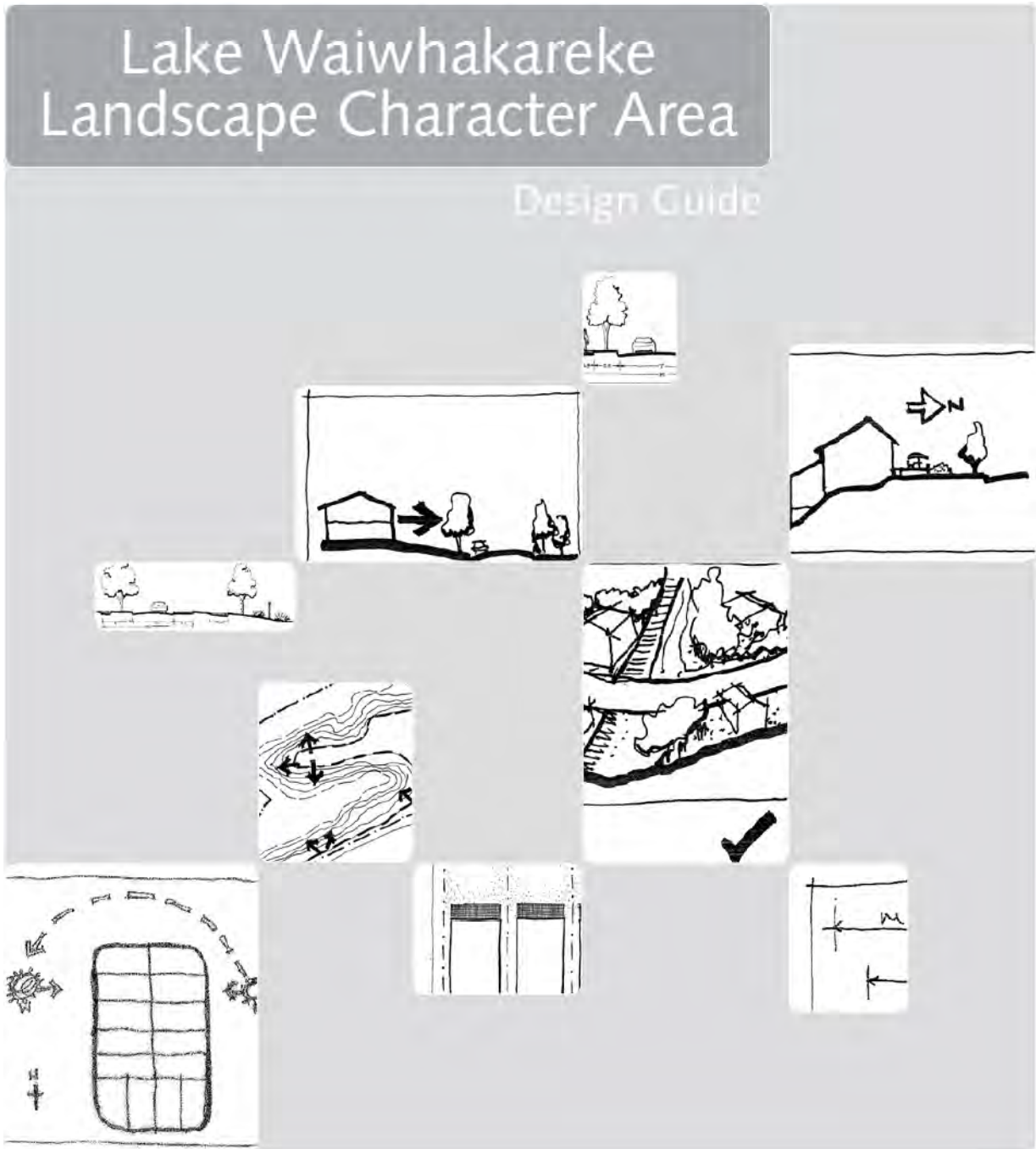
Seats — seats will resemble a stylised leaf shape and be constructed out of a renewable hardwood timber or recycled native timber, and a metal frame.

Rubbish Bins — rubbish bins will also resemble a stylised leaf shape, constructed out of sheet metal with profile cut and embossed patterns and textures that symbolise the indigenous flora and fauna of the Natural Heritage Park.

Boardwalk — the boardwalk network will be made of a renewable hardwood timber and detailed in areas of interpretation with the timber placed in a directional pattern (symbolising the patterns of a leaf).

Interpretation panels — the interpretation panels will be constructed of curvilinear sheet metal with profile cut and embossed images and text, and recycled native timber. The timber will incorporate Maori carvings.

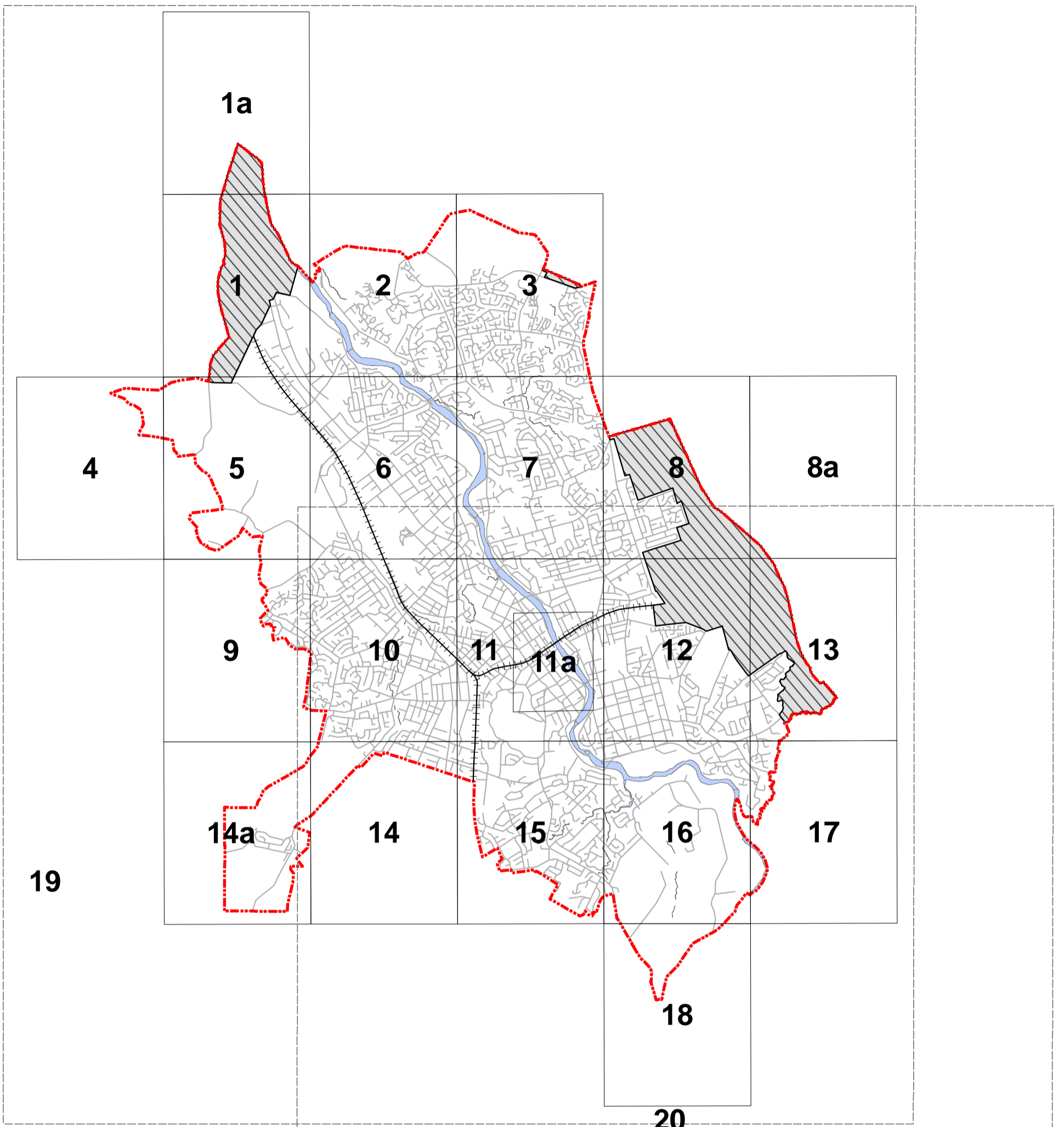
Balustrade (for viewing platforms) — the balustrades will be constructed with curvilinear sheet metal uprights and steel rods in an overlapping stylised reed pattern.



PLANNING MAPS

Hamilton City
Operative District Plan
July 2012

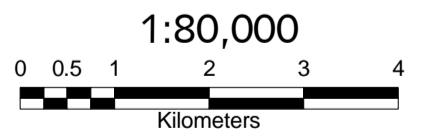




Legend

- +++++ Railway
- TLA Boundary
- ▨ Areas transferred from Waikato District to Hamilton City on 1 July 2011

Maps 1-18 - Planning Maps
 Map 19 - Road Hierachy
 Map 20 - Hamilton Airport Protection Overlay






Hamilton City
 Operative District Plan
 July 2012

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 Last Updated
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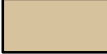










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Key to Maps 1-18





Zones

	Residential
	Rototuna Residential
	Rotokauri Residential
	Hamilton East Residential
	Suburban Centre
	Rotokauri Suburban Centre
	Rototuna Suburban Centre
	City Centre
	Commercial Services
	Community Facilities
	Major Facilities
	Industrial
	Recreational Environment
	Recreational General
	Recreational Major
	Future Urban
	Peacocke Future Urban


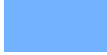






Areas

	Residential Medium Density
	Residential High Density
	Residential Visitor Facilities
	Lake Waiwhakarake Landscape Character
	Ridgeline Character
	Claudlands West Special Character
	Rototuna North East Residential
	Commercial Services Special Amenity
	Commercial Services High Rise
	Suburban Centre Vehicle Service
	Rotokauri Employment
	Church College Character
	City Centre Riverbank
	Industrial Amenity Protection




Overlays

	Heritage Precincts
	Heritage Items
	Significant Trees
	Significant Archaeological, Historic and Cultural Sites







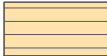
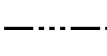




Environmental Protection Overlay

	Environmental Protection Overlay (Zoning maps)
	Flood Susceptibility
	HCC Culvert Block and Associated Flooding
	Gully Slopes >25 (and 10m buffer zone)
	Gully Slopes <25
	Known Sites of Significant Indigenous Vegetation
	Peat Lake Catchments
	Culvert Flood Height (Moturiki Datum)

City Boundary Changes

	Horotiu area incorporated into Hamilton City - July 2011
	Ruakura area incorporated into Hamilton City - July 2011
	Rototuna area incorporated into Hamilton City - July 2011

Notations

	Teacher Housing
	Designated Sites
	Proposed Road Closure
	Proposed Road Closure to Motor Vehicles Only
	High Voltage Electricity Transmission Corridor
	Rototuna High Voltage Transmission Lines - Corridor A
	Rototuna High Voltage Transmission Lines - Corridor B
	High Voltage Transmission Lines
	High Voltage Transmission Line Structures - Poles
	High Voltage Transmission Line Structures - Towers
	Reference to Environment Court
	City Boundary

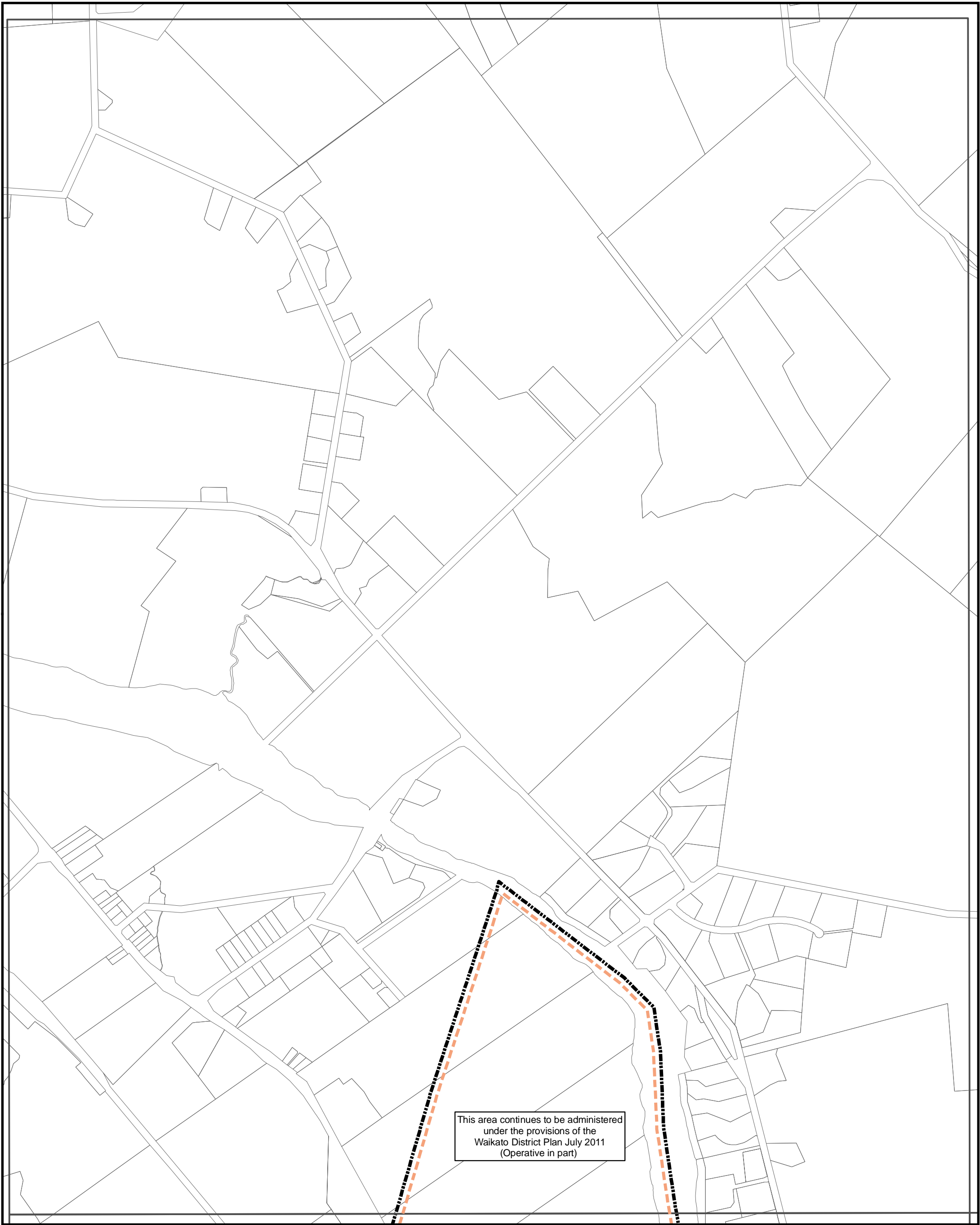


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Map 19 - Road Hierachy
Map 20 - Hamilton Airport Protection Overlay

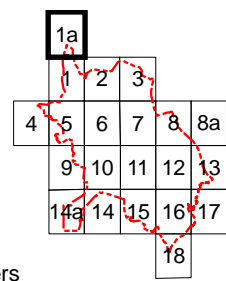


This area continues to be administered under the provisions of the Waikato District Plan July 2011 (Operative in part)



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July 2012

Environmental Protection Overlay
Component Layers

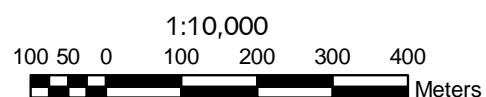


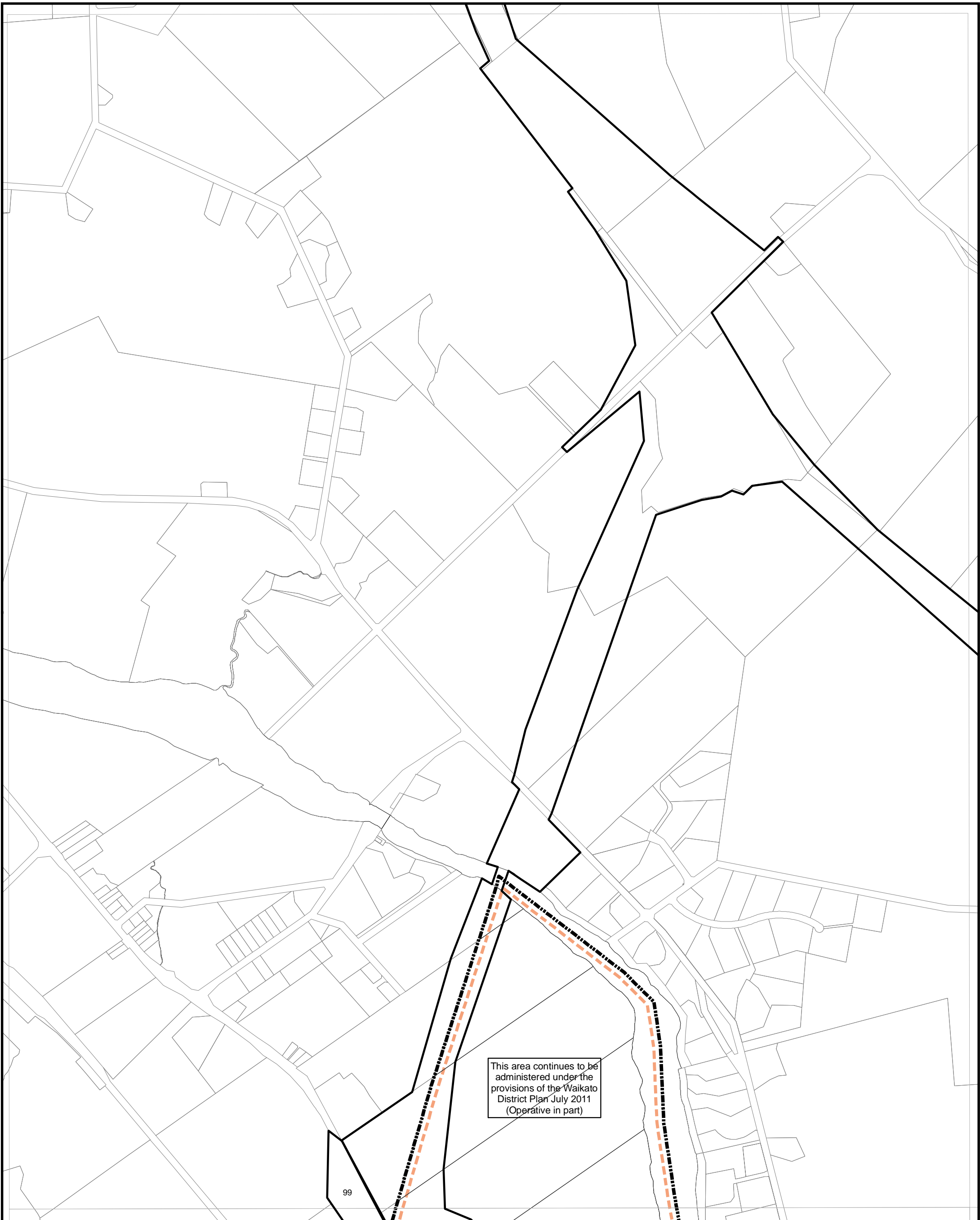
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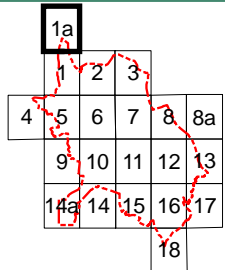
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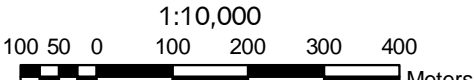
Hamilton City
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July 2012

Zoning Map

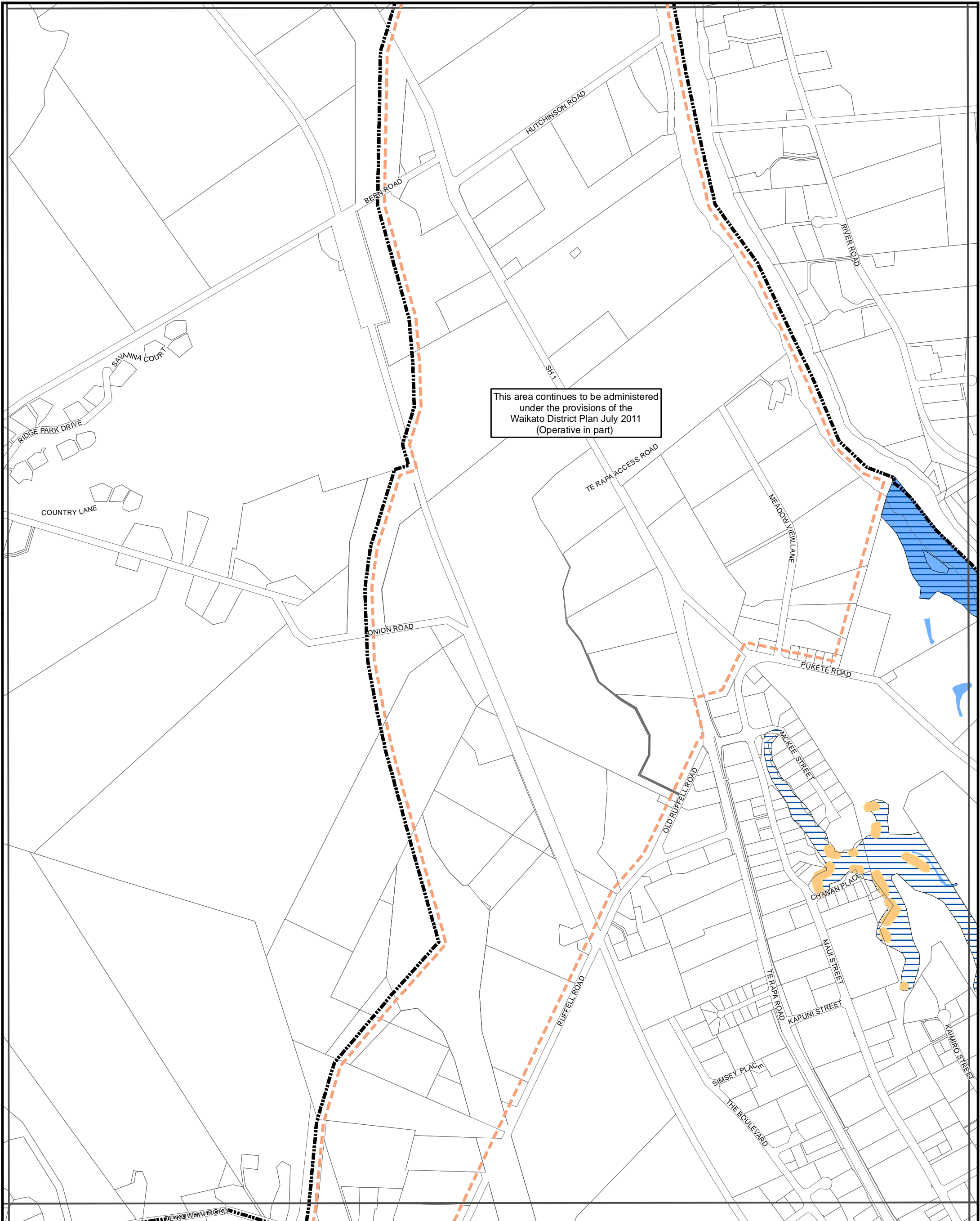


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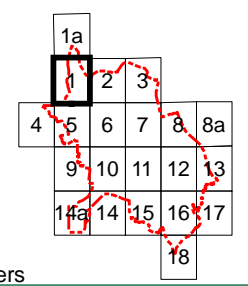


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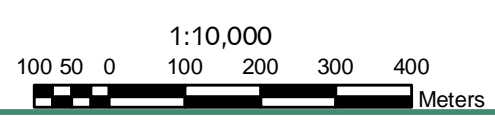


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**Environmental Protection
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 Component Layers**



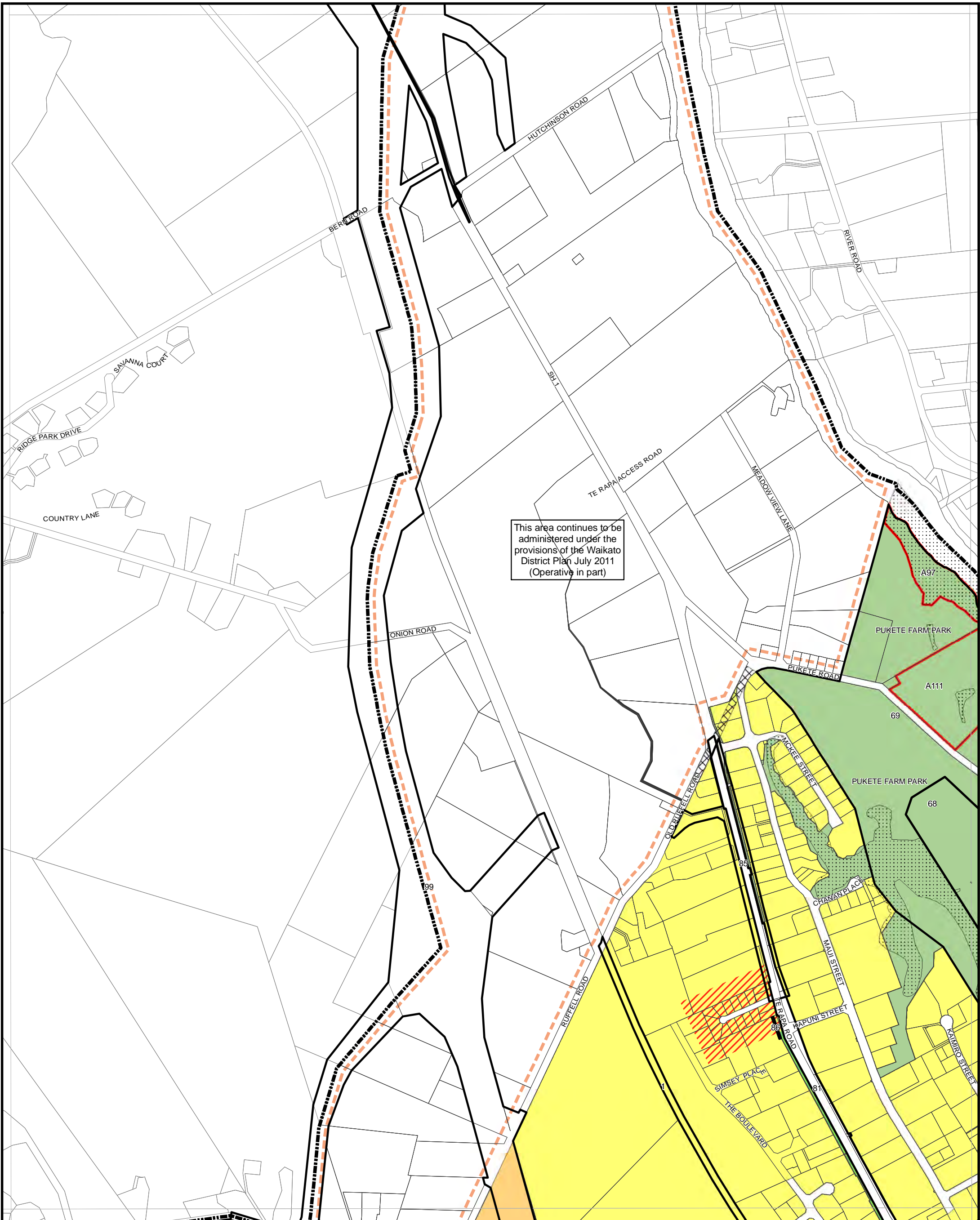
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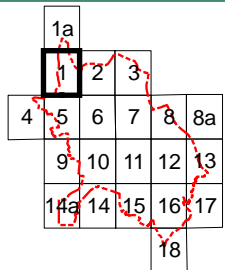


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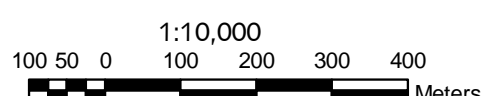


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Zoning Map



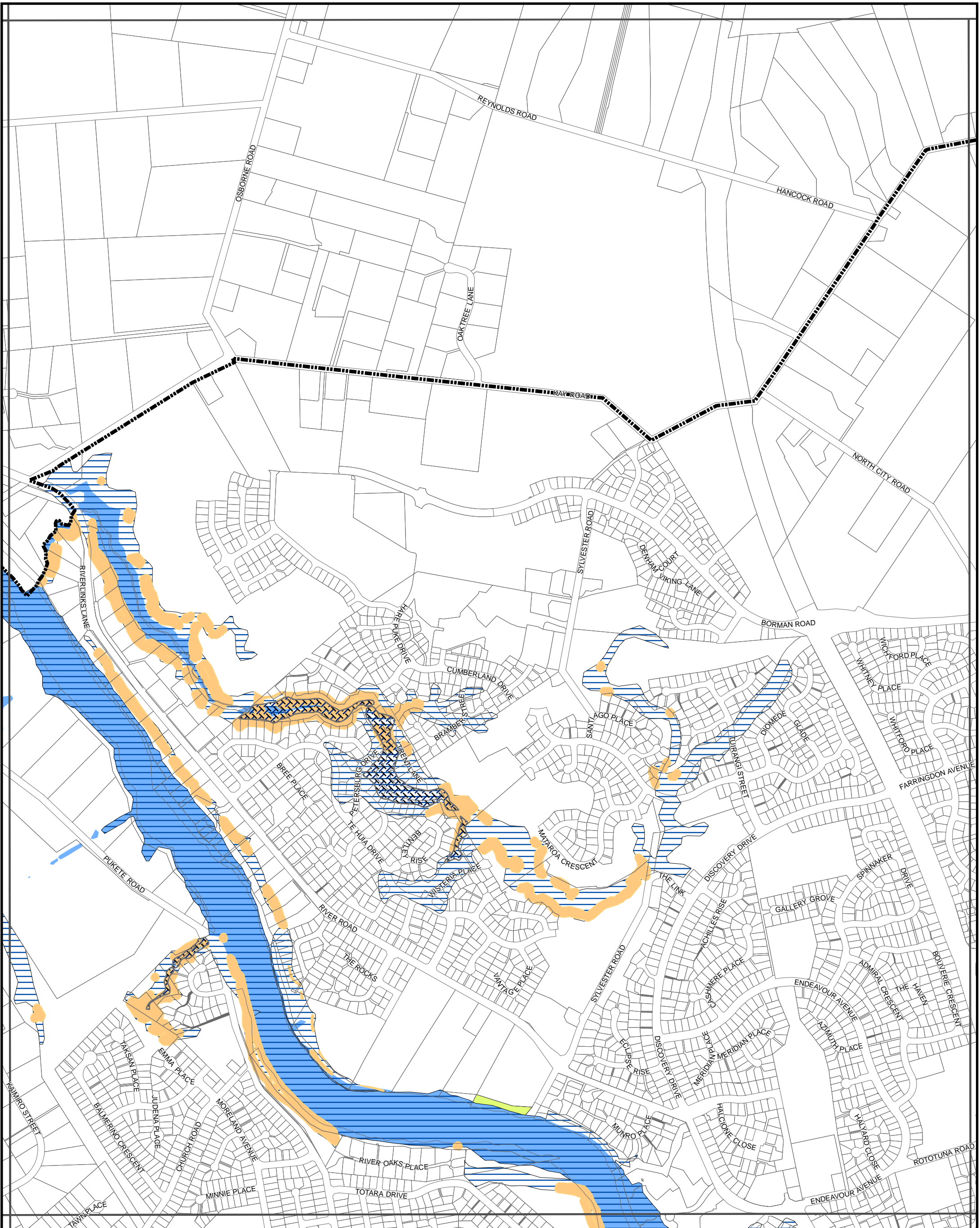
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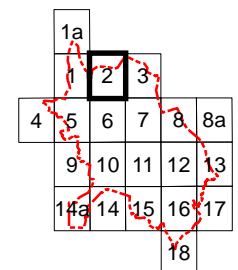
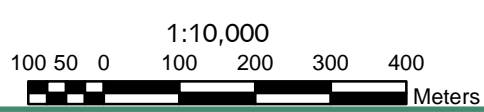


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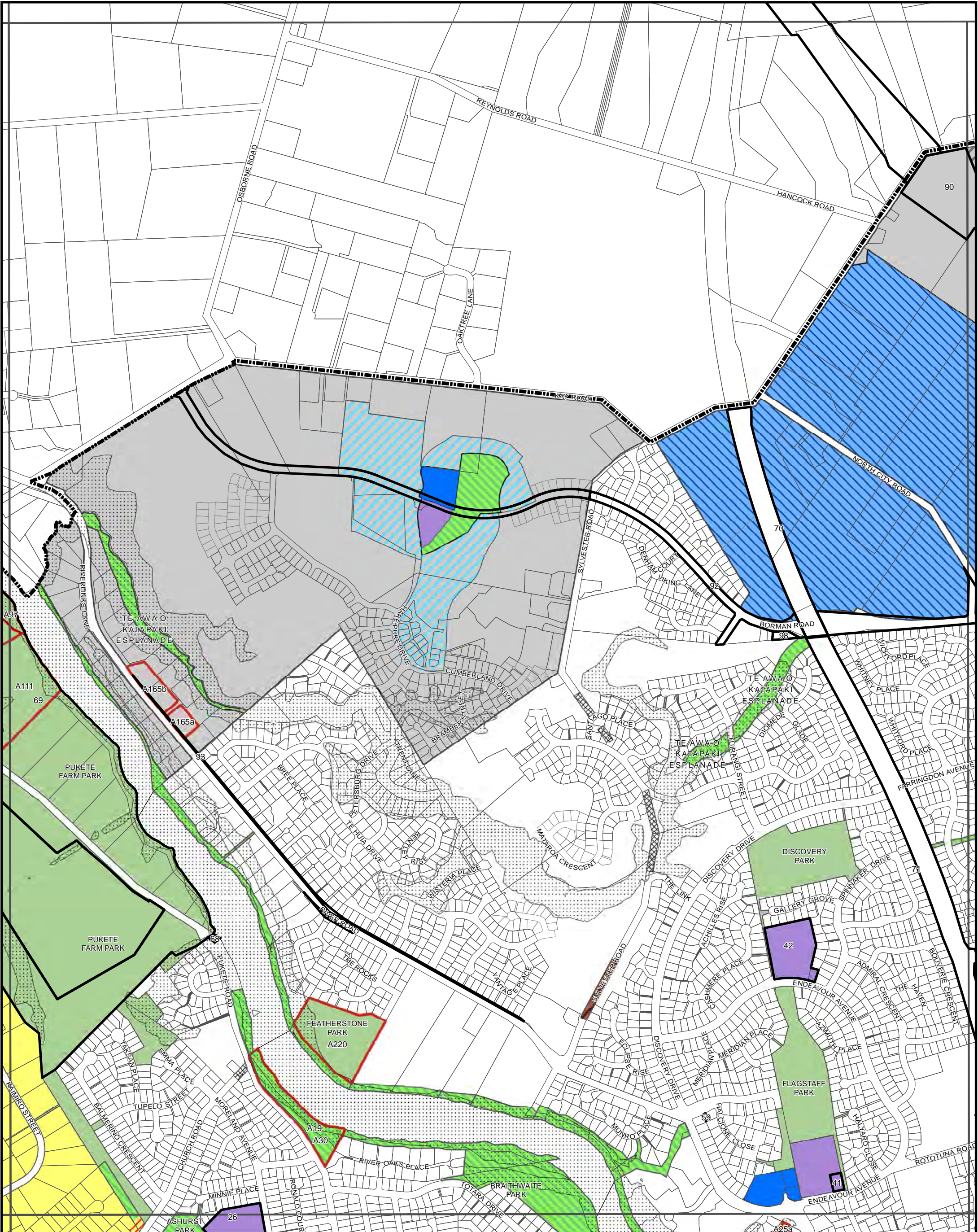


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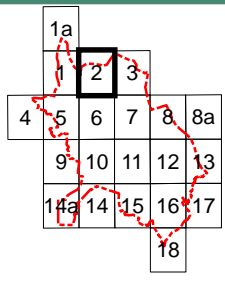
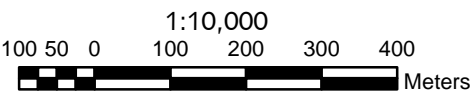


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Zoning Map

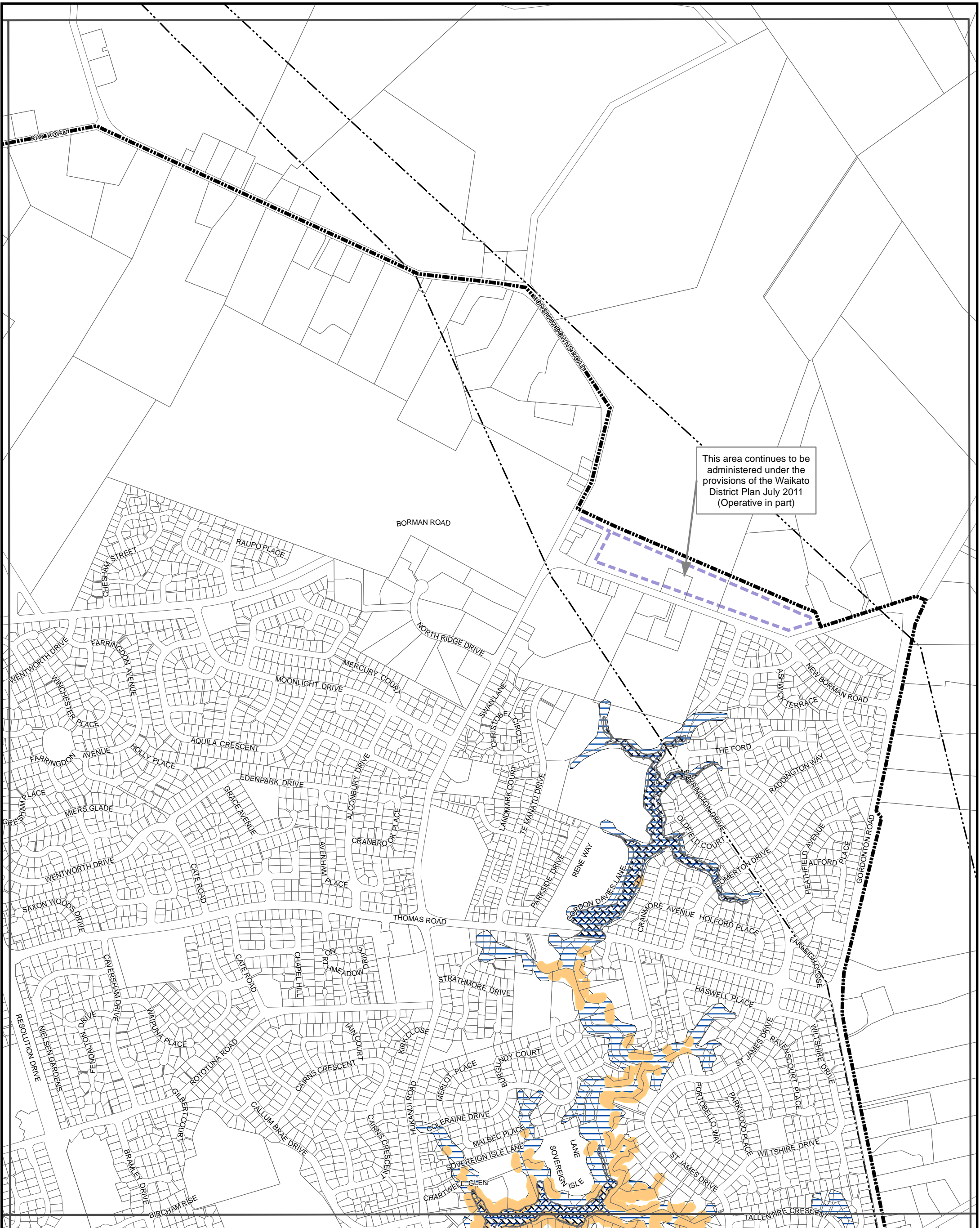


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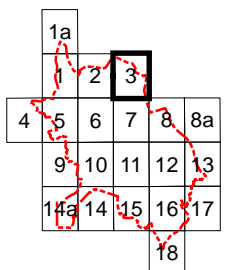


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July 2012

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Component Layers**

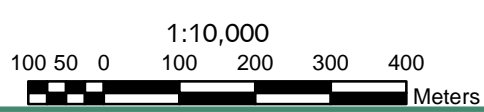


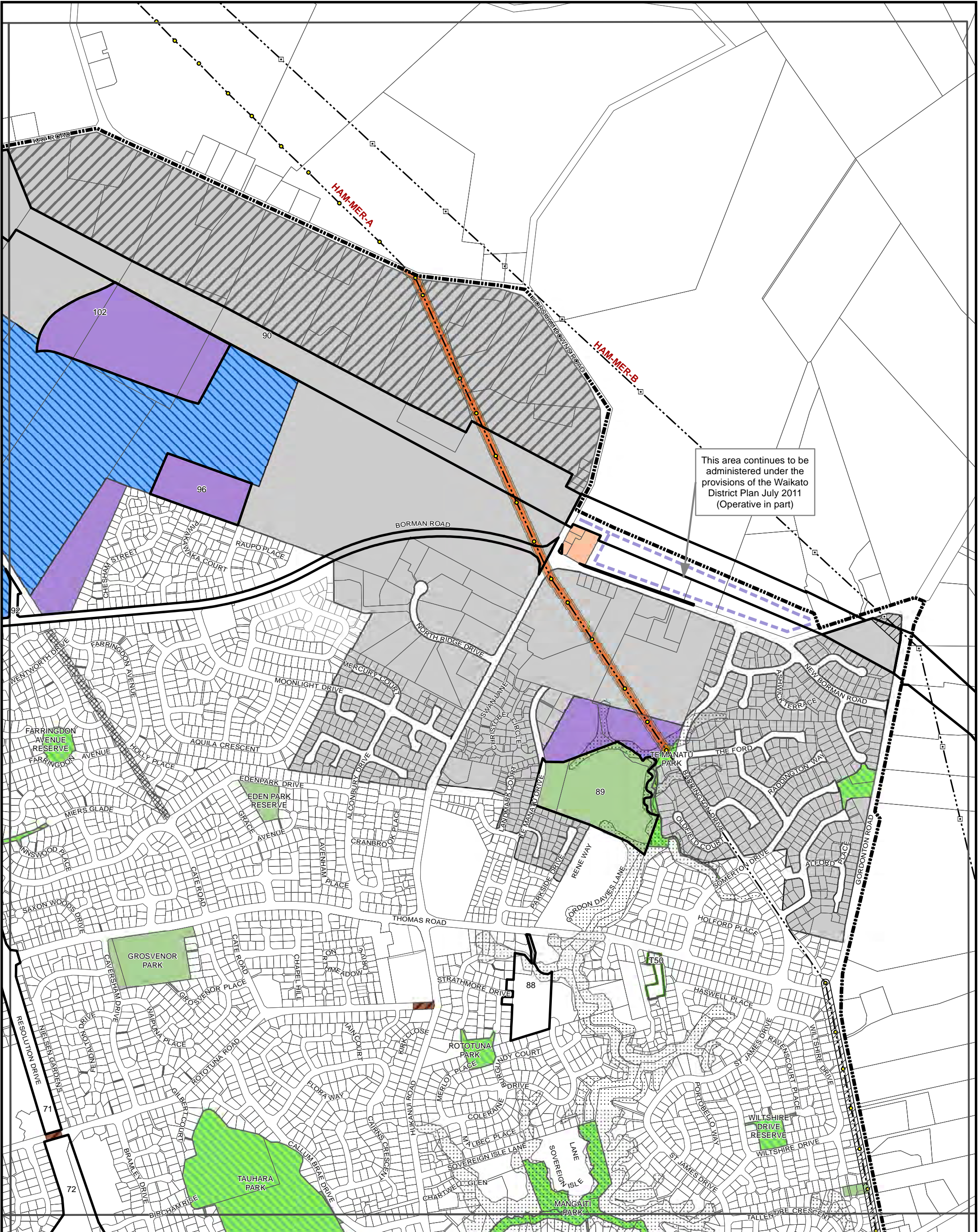
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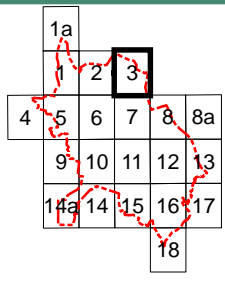
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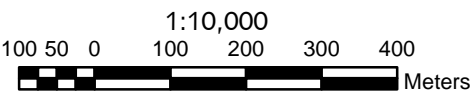


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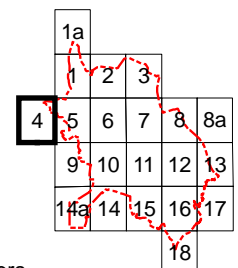
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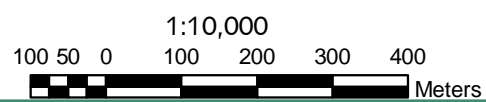
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Component Layers**



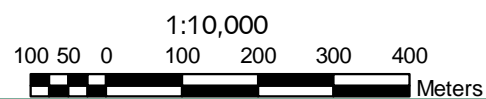
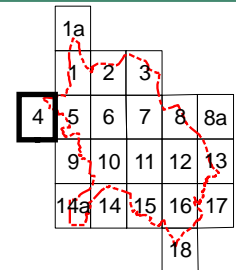
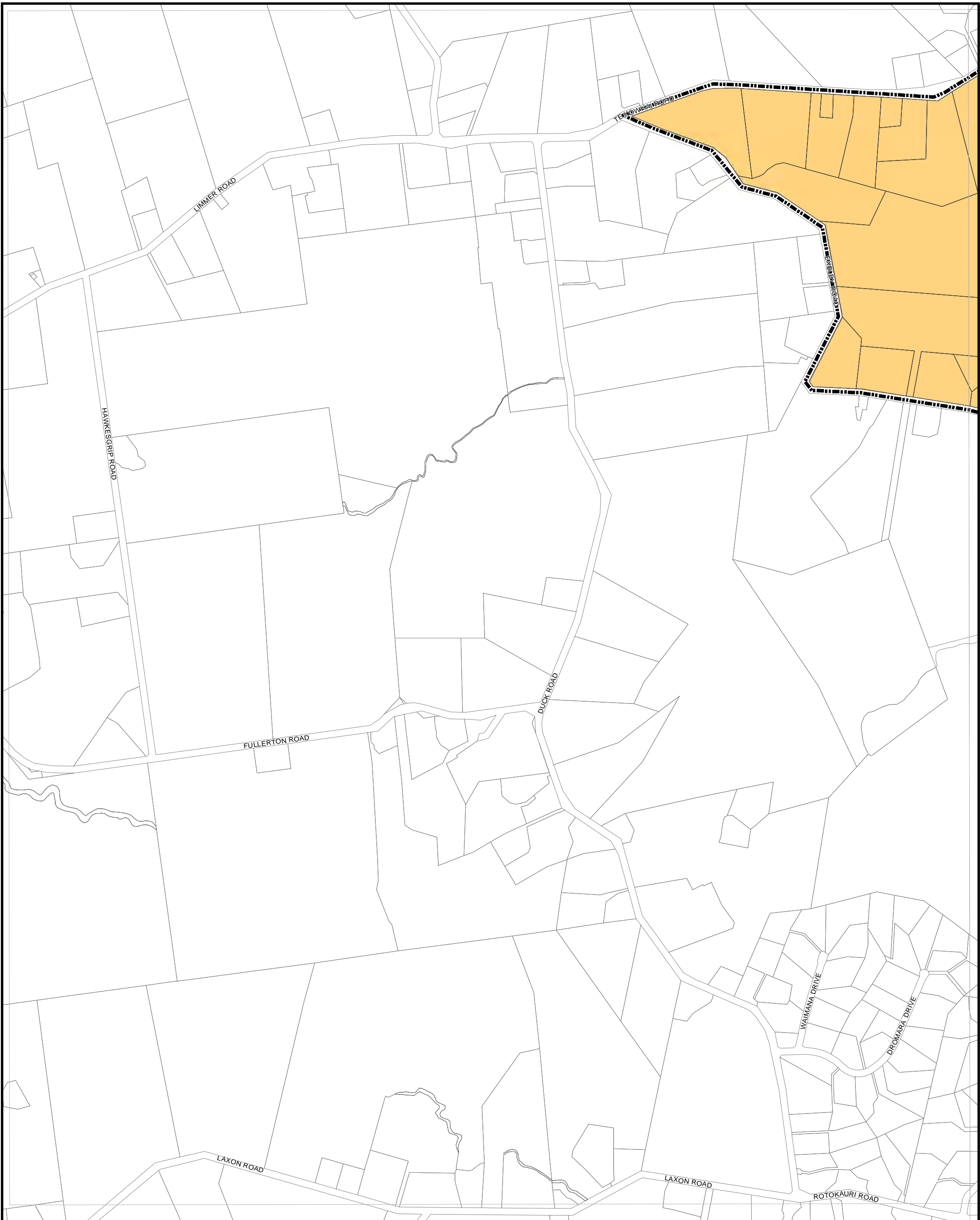
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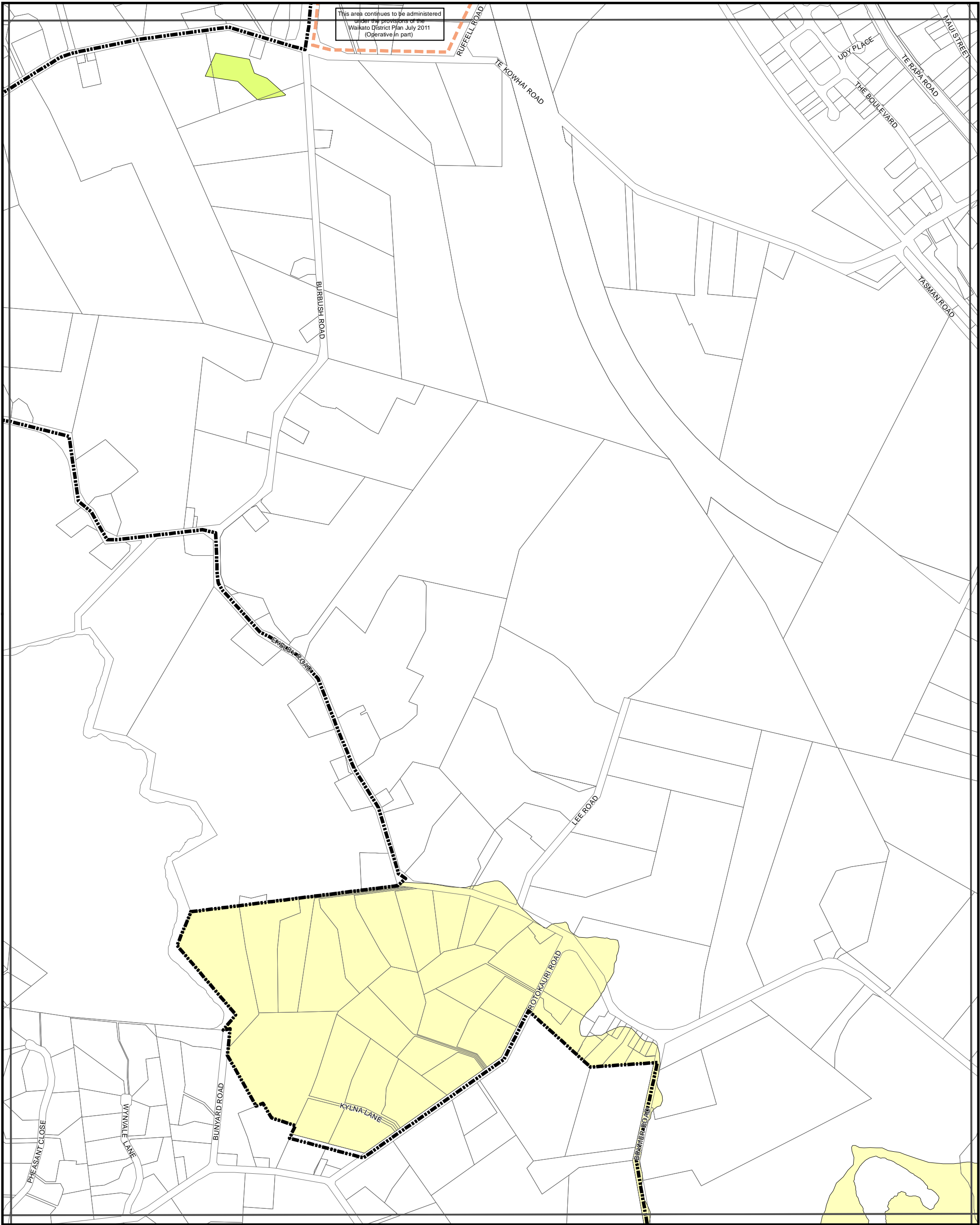
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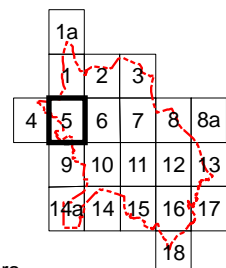






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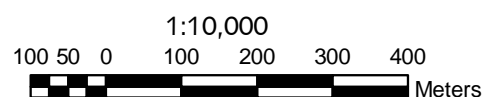
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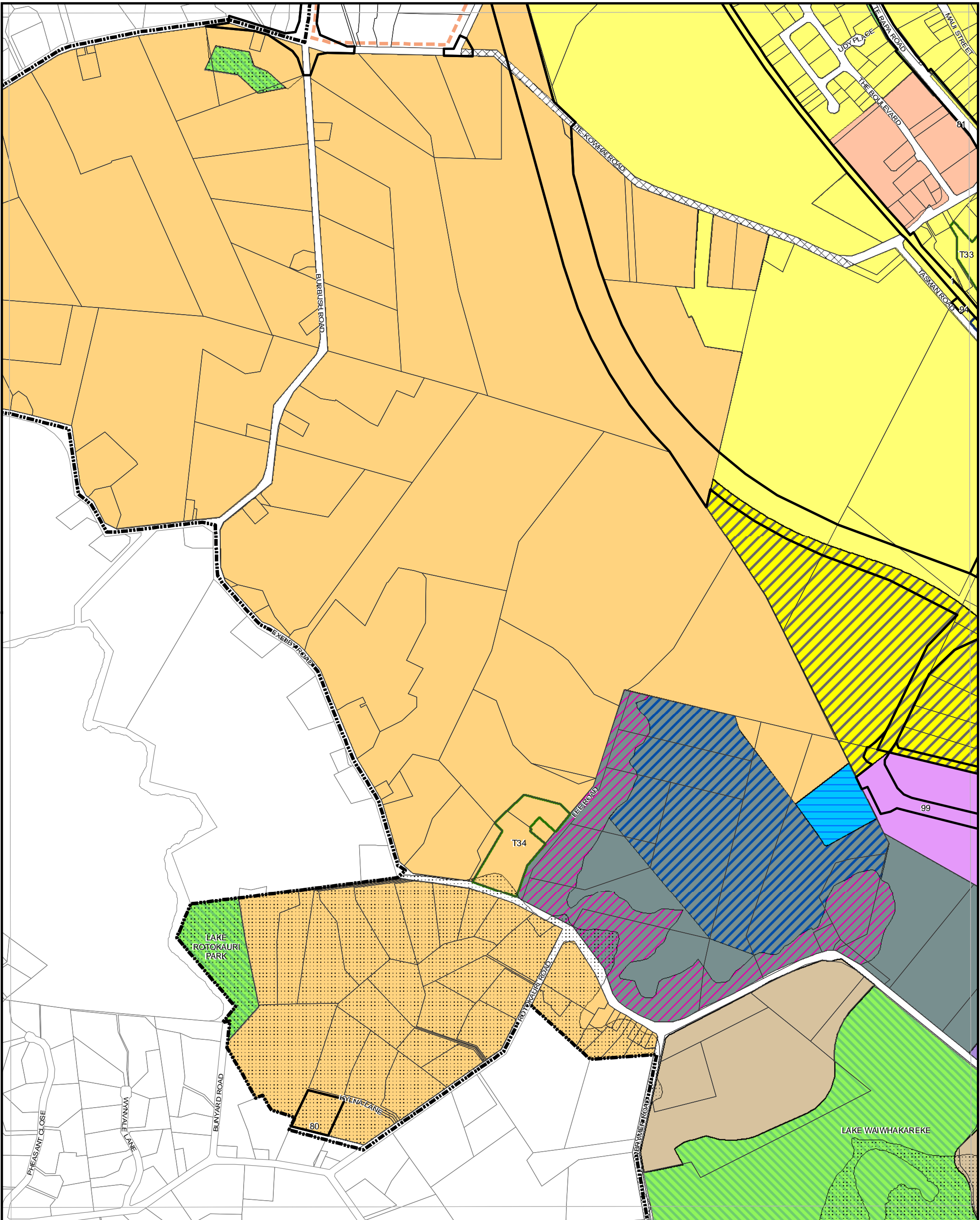
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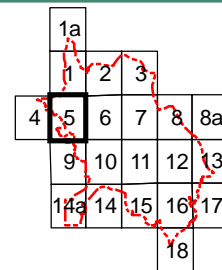
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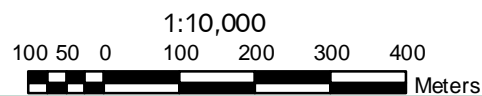


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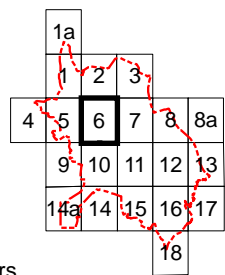
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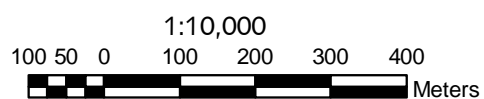
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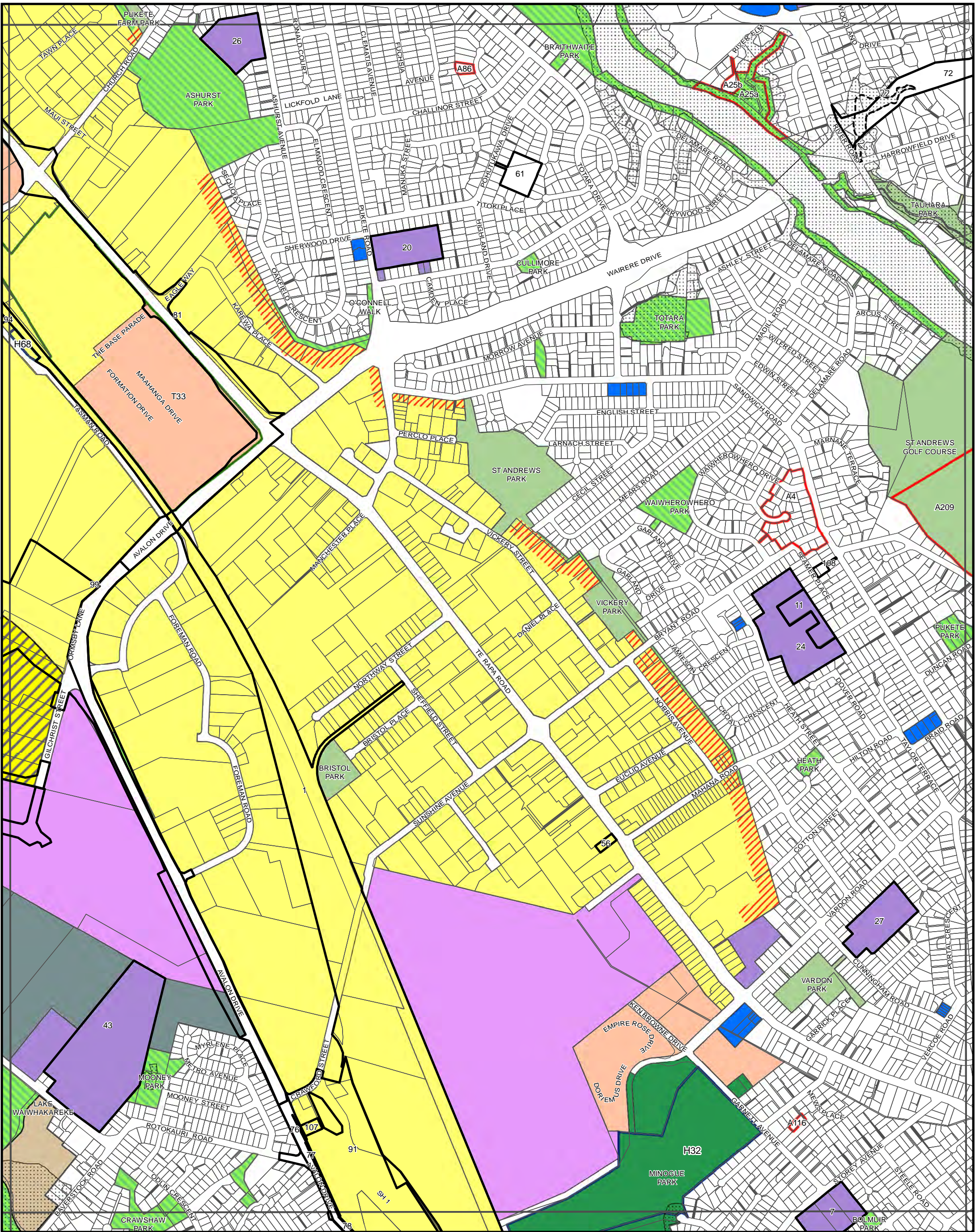
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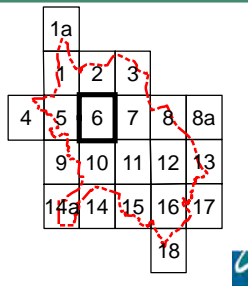
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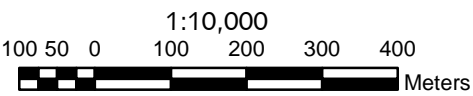
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July 2012

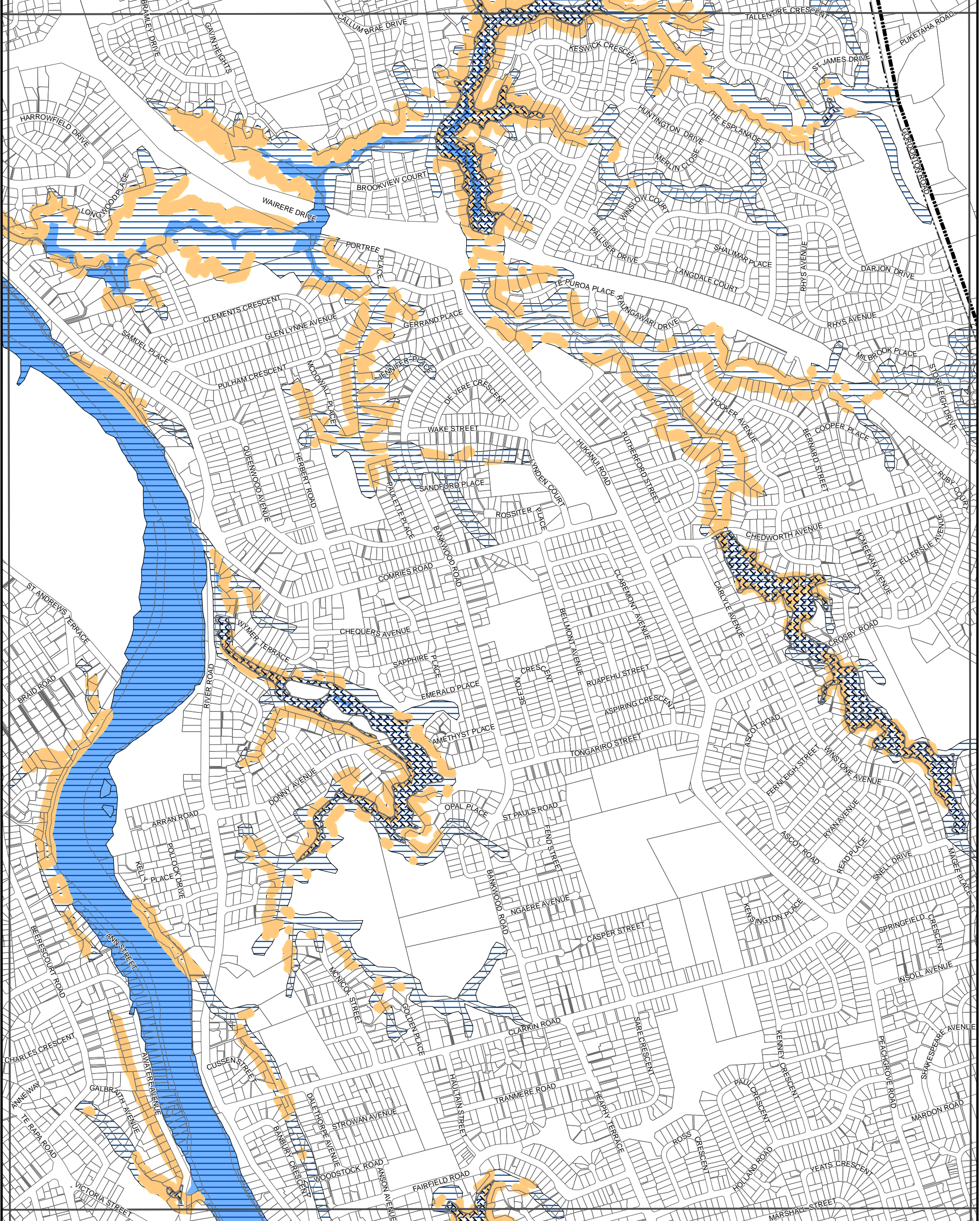
Zoning Map



Map No
6
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 Operative District Plan
 July 2012

**Environmental Protection
 Overlay
 Component Layers**

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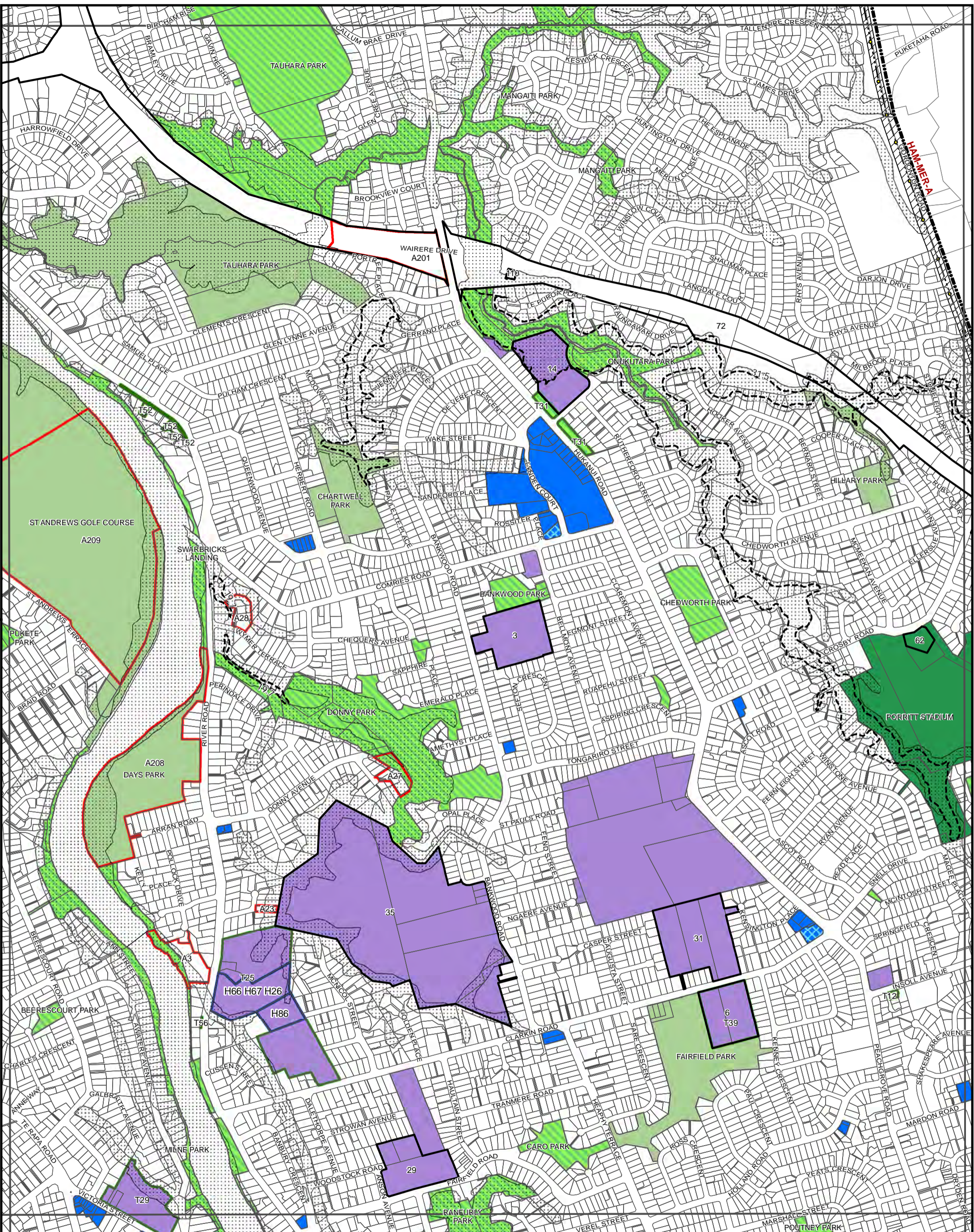
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Last Updated December 2013

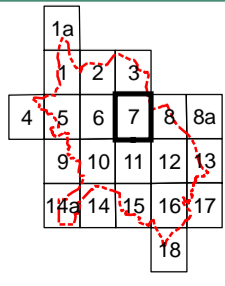
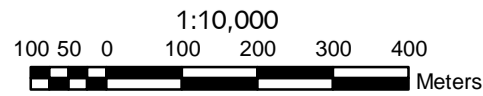


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July 2012

Zoning Map

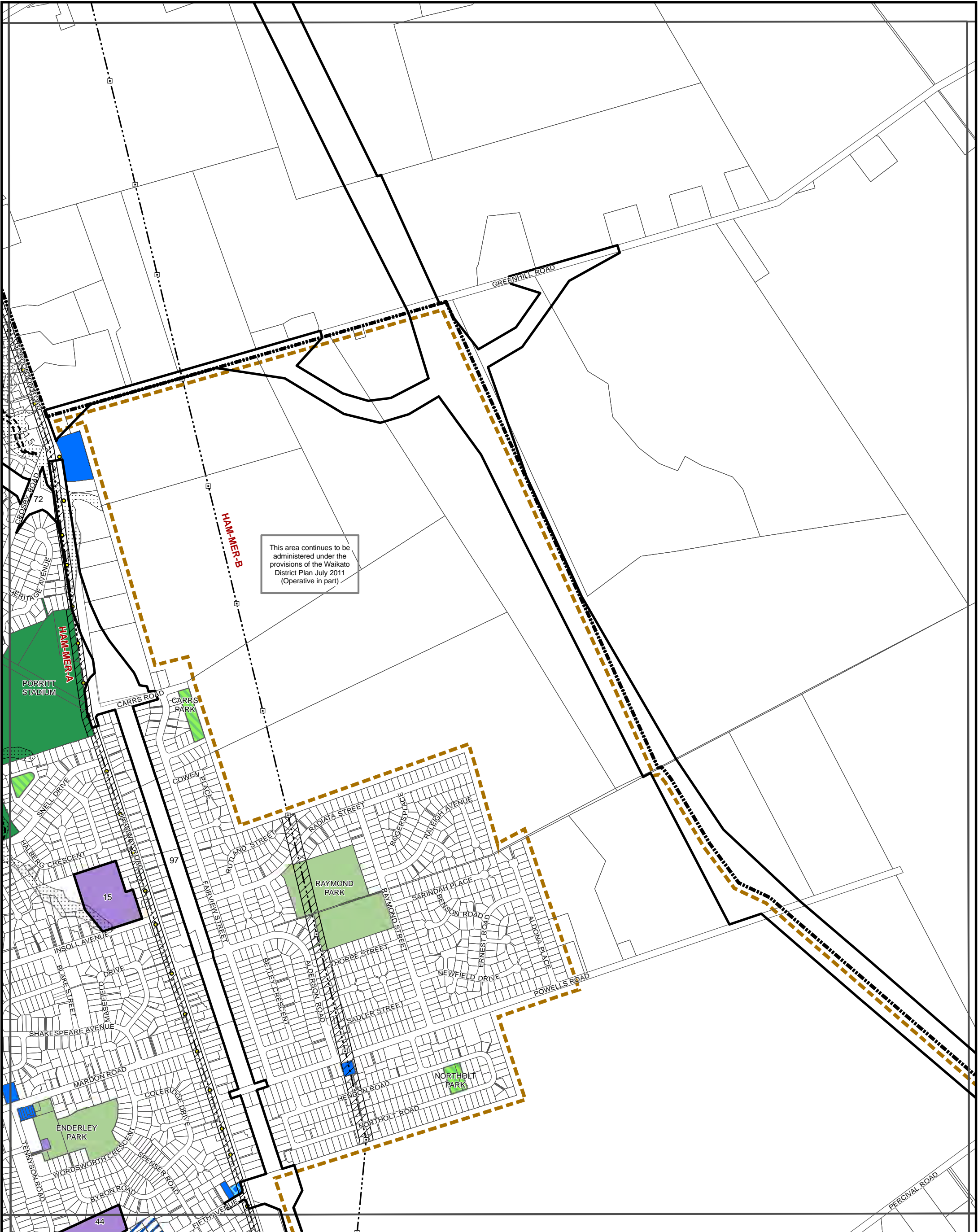


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Last Updated February 2013

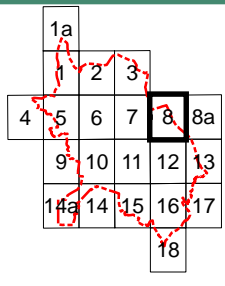


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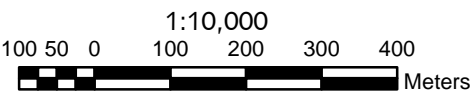


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July 2012

Zoning Map



Map No
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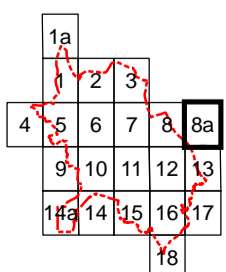
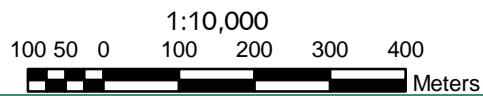


This area continues to be administered under the provisions of the Waikato District Plan July 2011 (Operative in part)



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Operative District Plan
July 2012

Environmental Protection Overlay
Component Layers

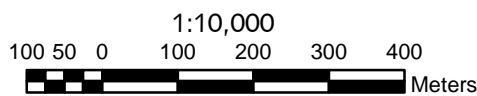
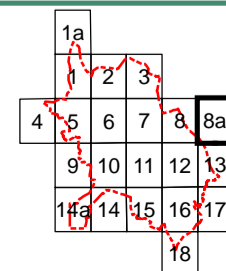
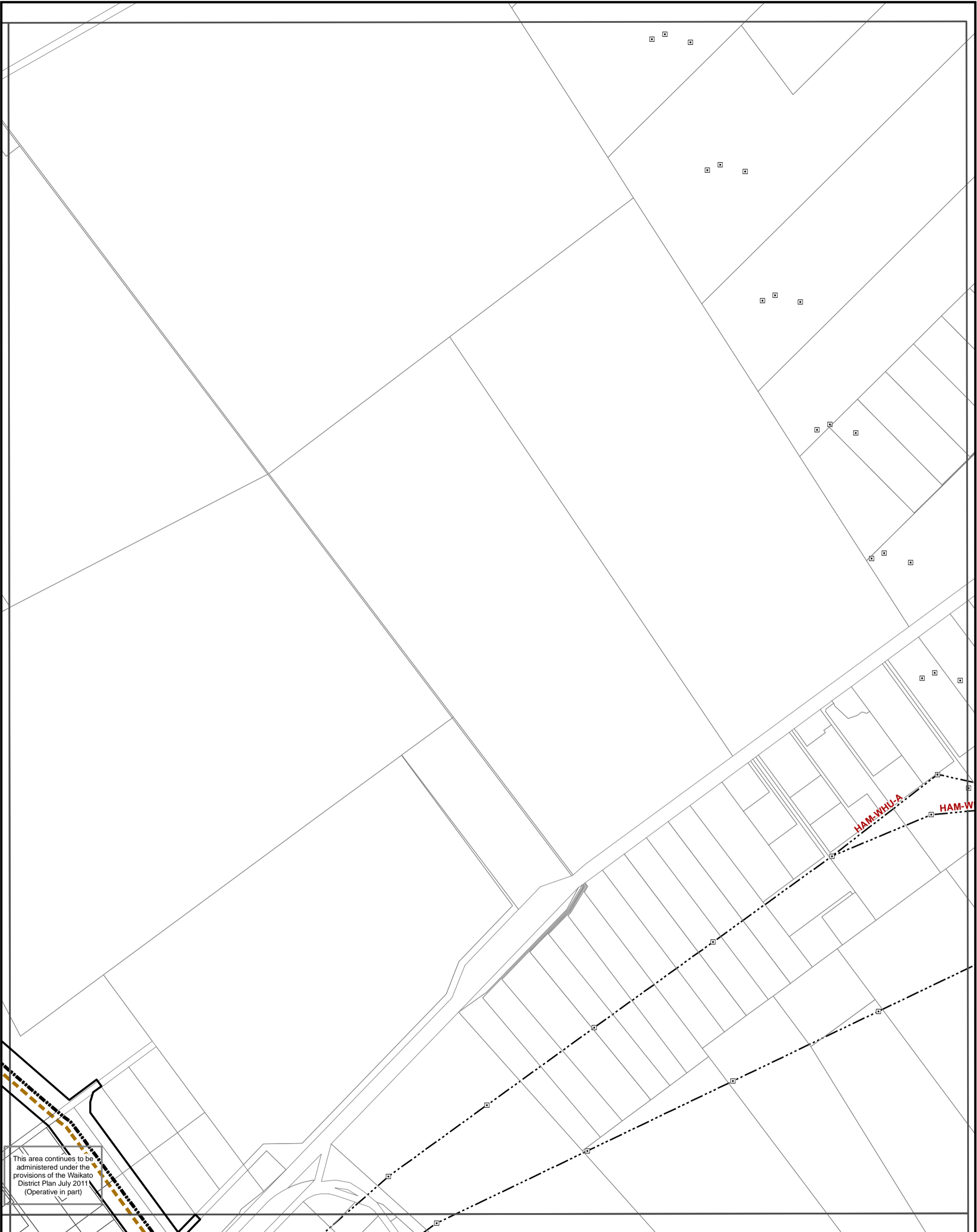


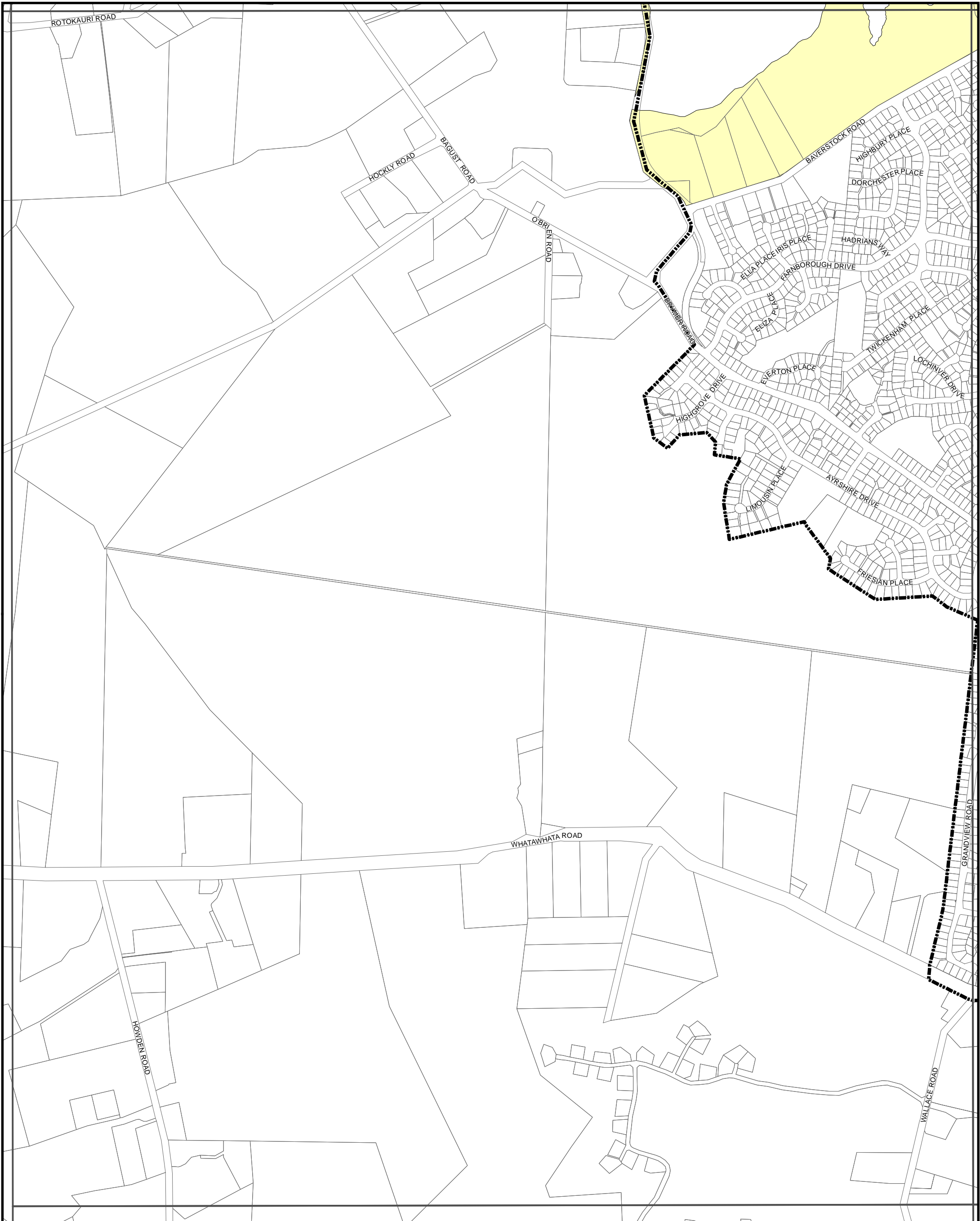
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Map No
8a

Last Updated February 2013



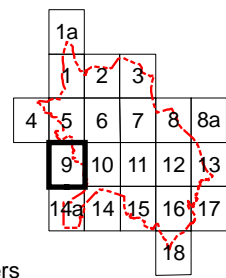
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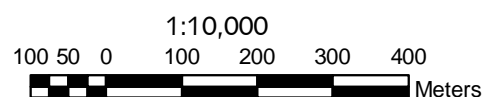
Hamilton City
Operative District Plan
July 2012

**Environmental Protection
Overlay
Component Layers**



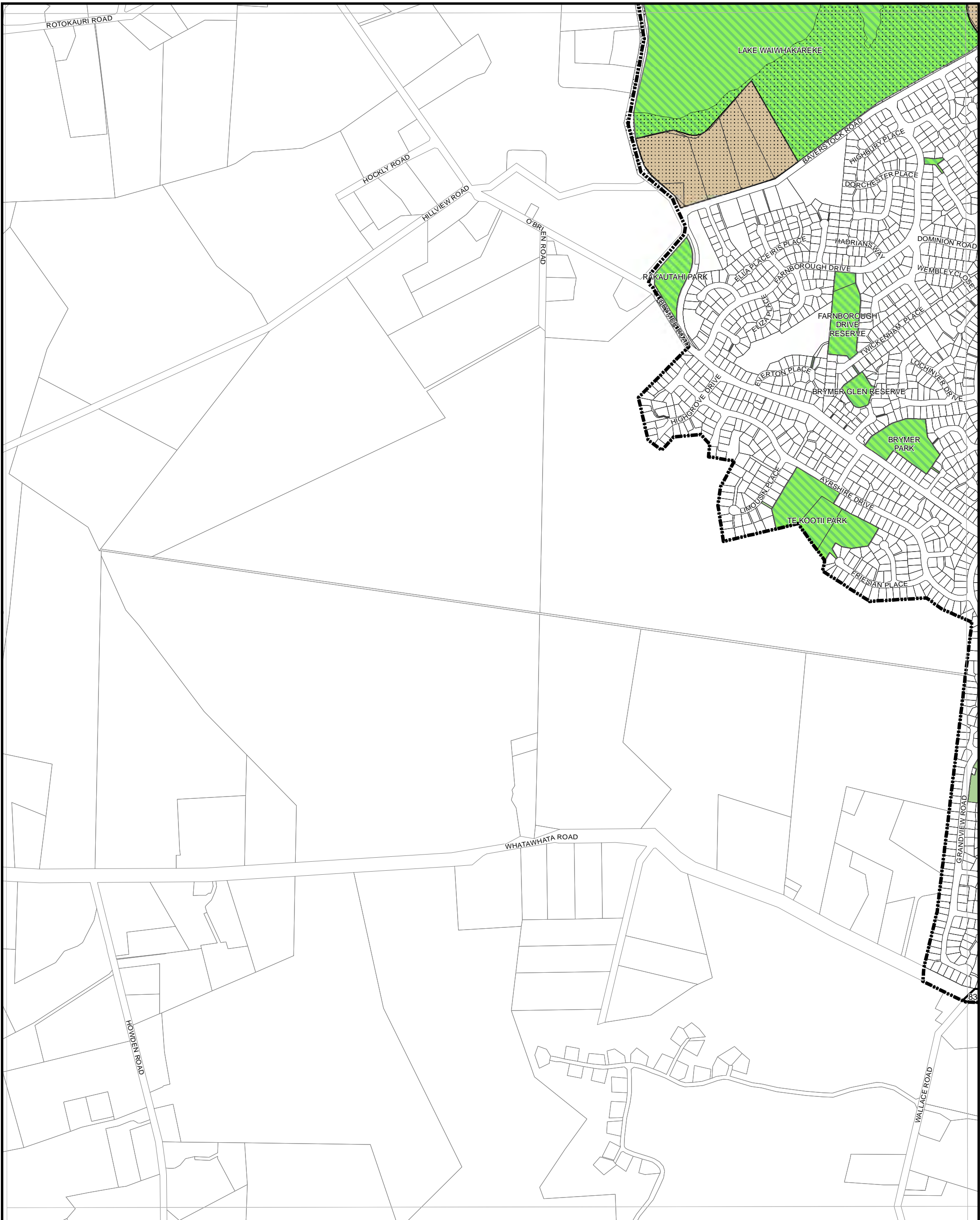
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Last Updated July 2012



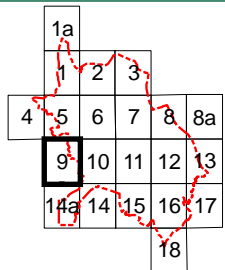
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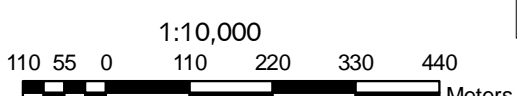


Hamilton City
Operative District Plan
July 2012

Zoning Map



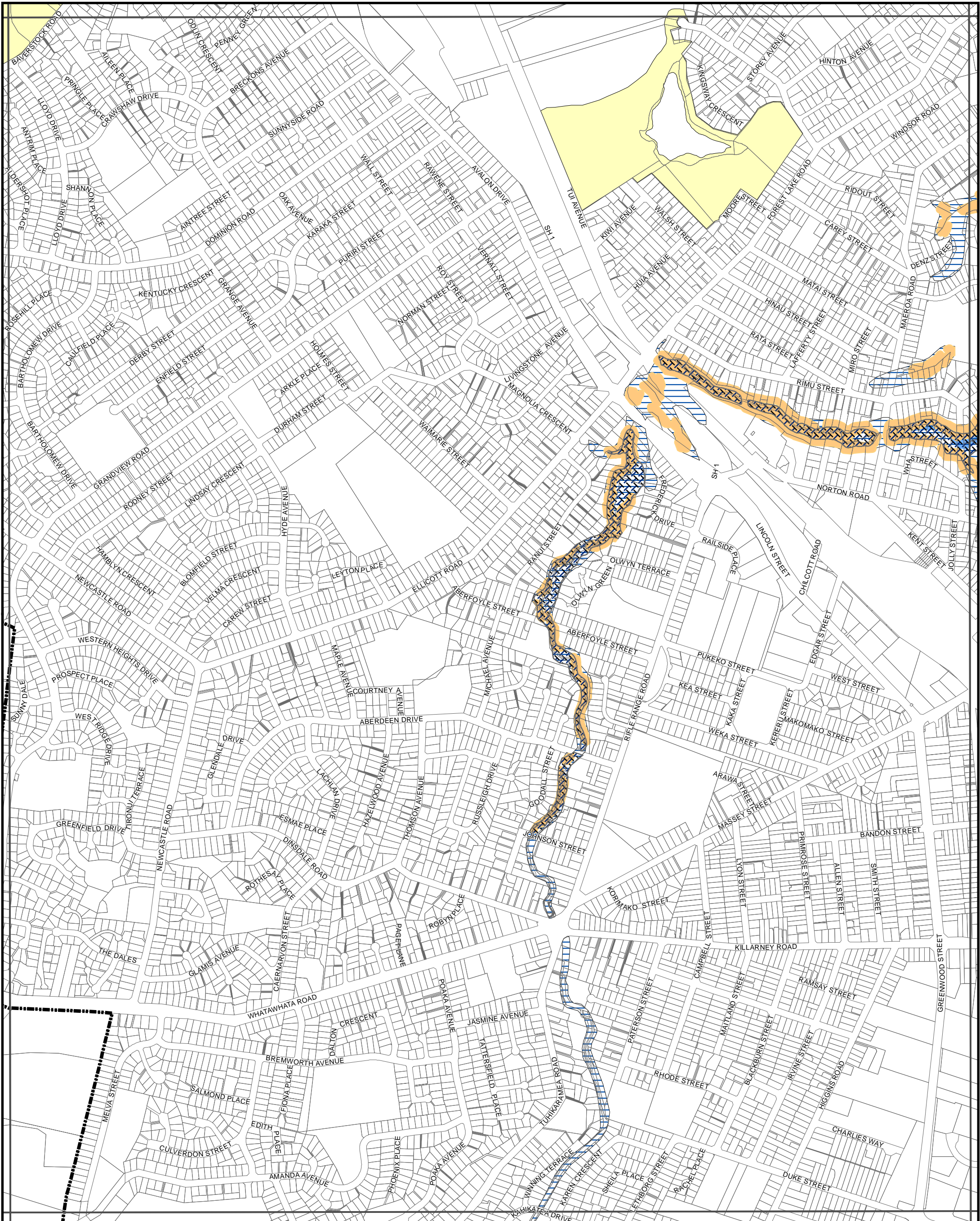
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Map No
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Last Updated July 2012

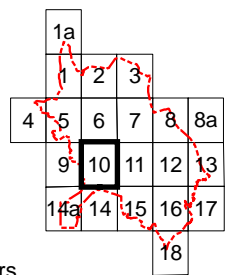


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Operative District Plan
July 2012

**Environmental Protection
Overlay
Component Layers**

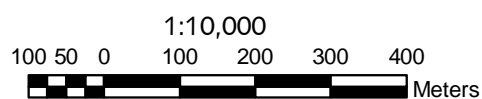


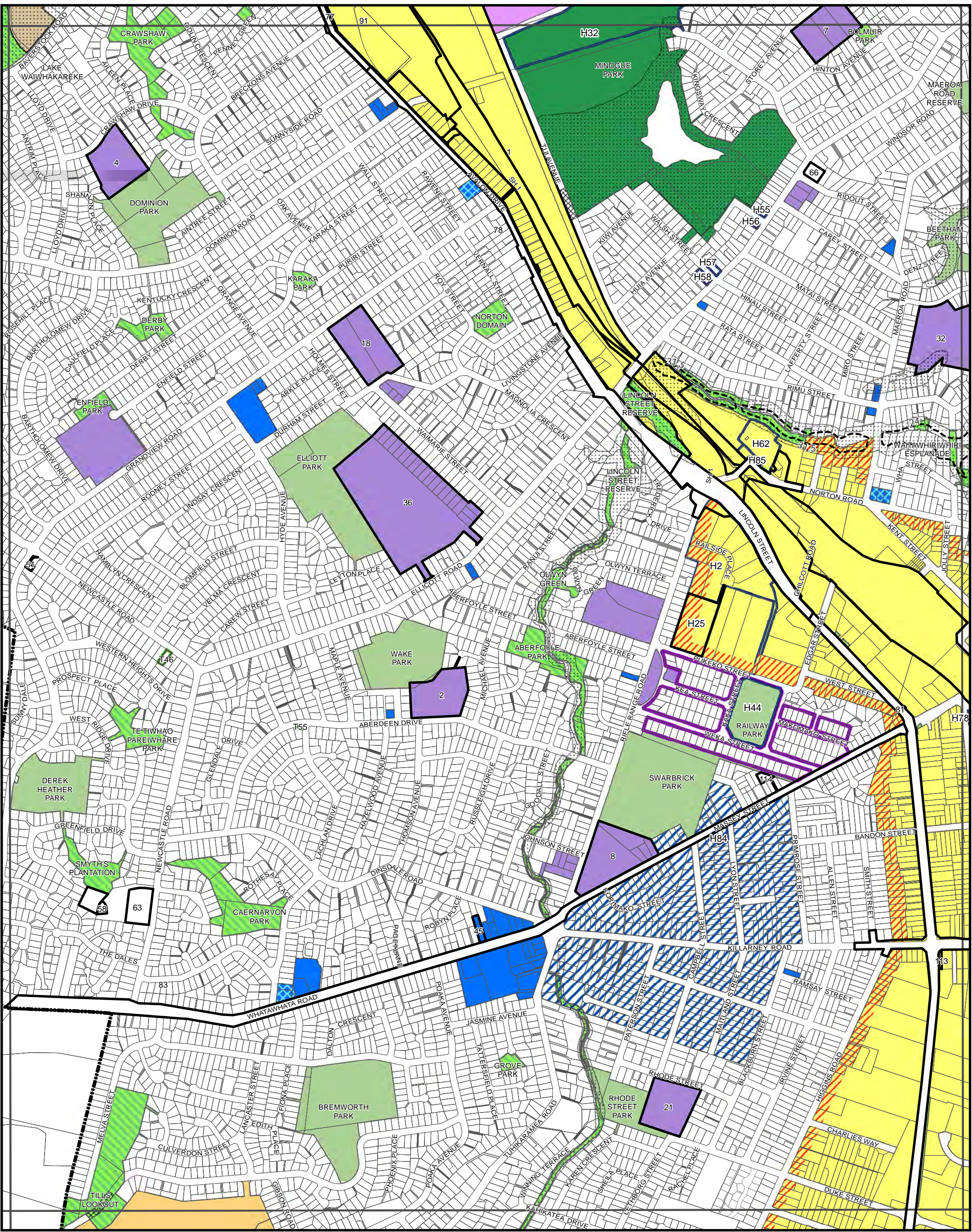
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Last Updated July 2012

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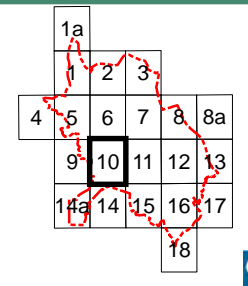
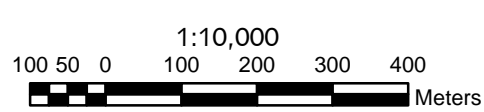
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Hamilton City
Operative District Plan
July 2012

Zoning Map

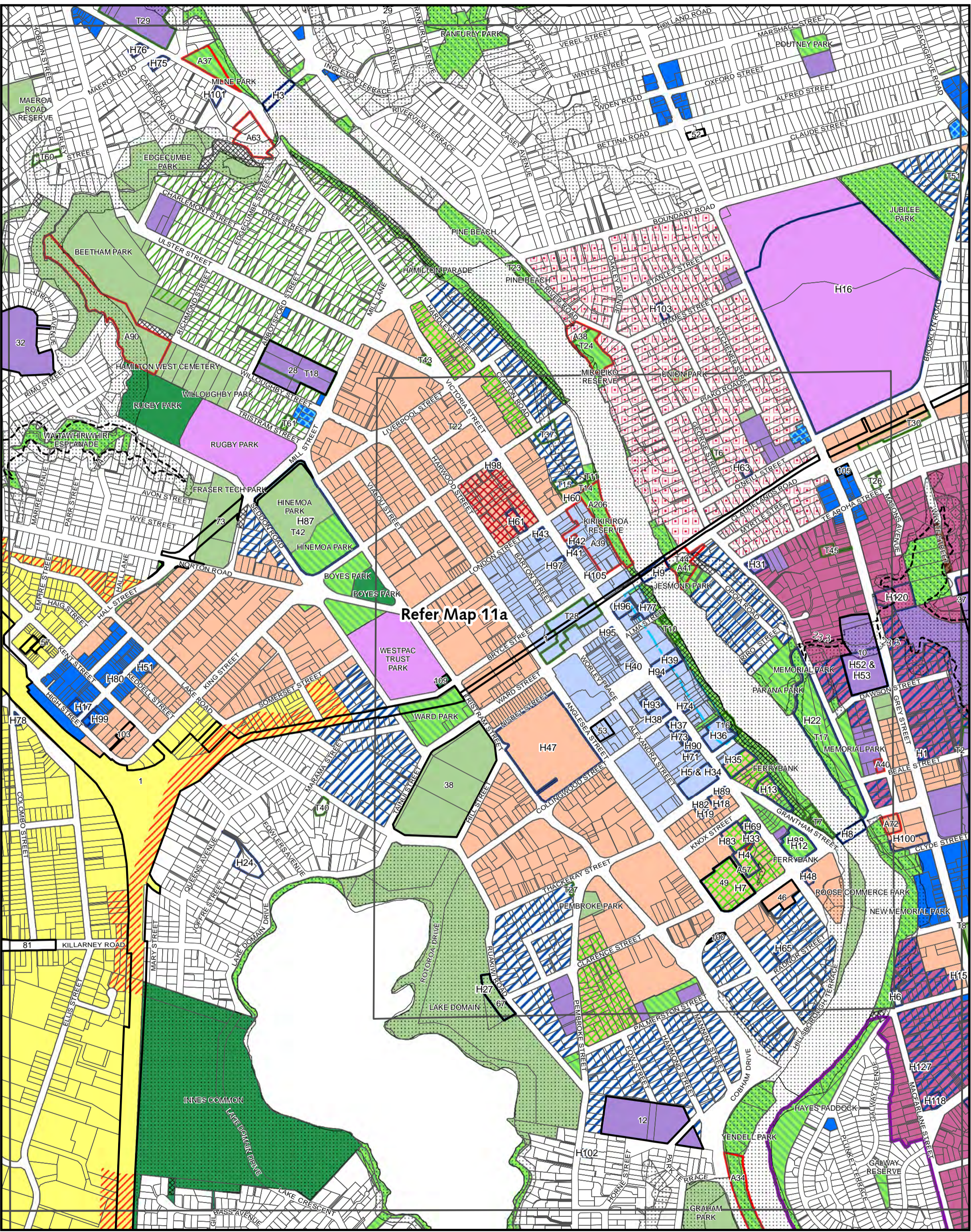


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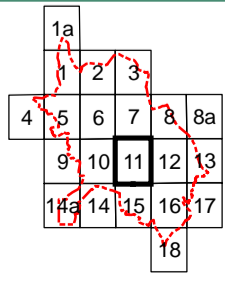


Refer Map 11a

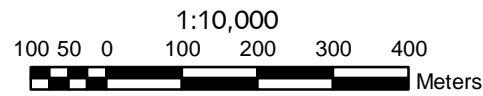


Hamilton City
Operative District Plan
July 2012

Zoning Map



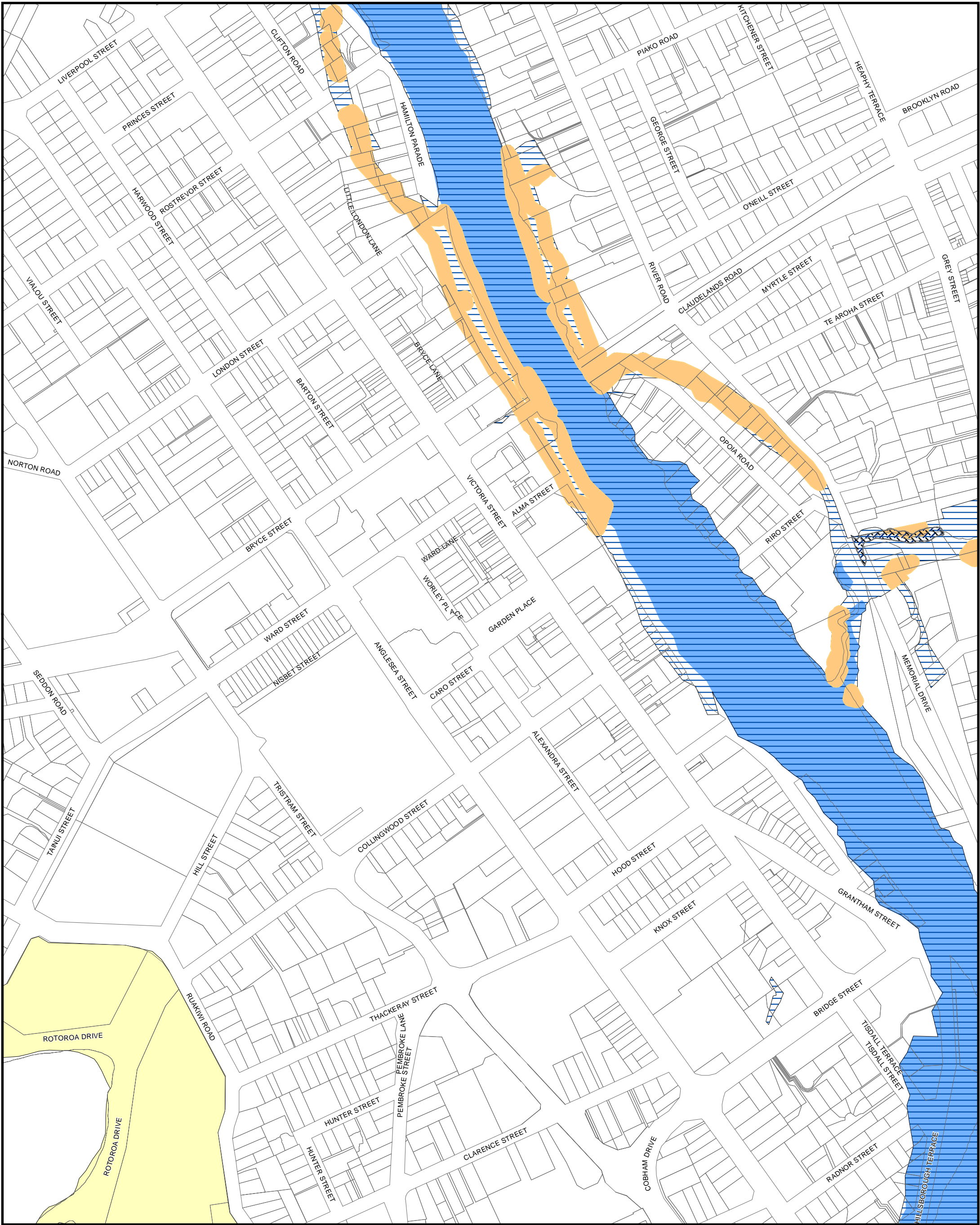
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Last Updated February 2013

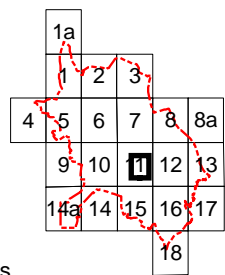


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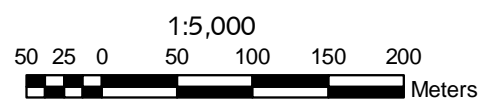
**Environmental Protection
Overlay
Component Layers**



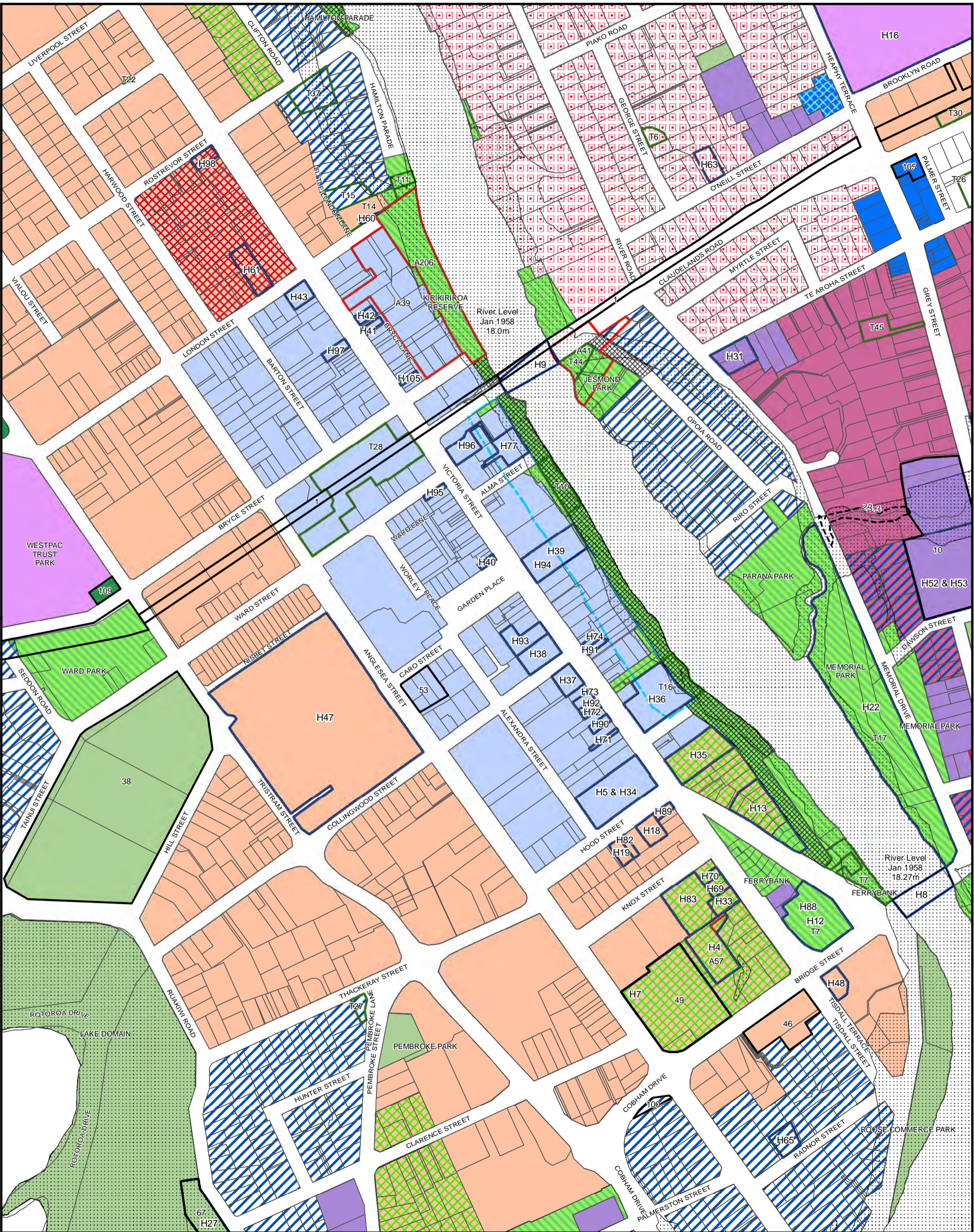
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Map No
11a

Last Updated July 2012

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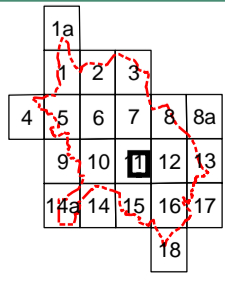


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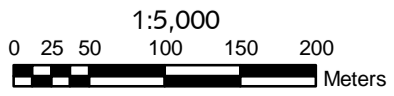


Hamilton City
Operative District Plan
July 2012

Zoning Map

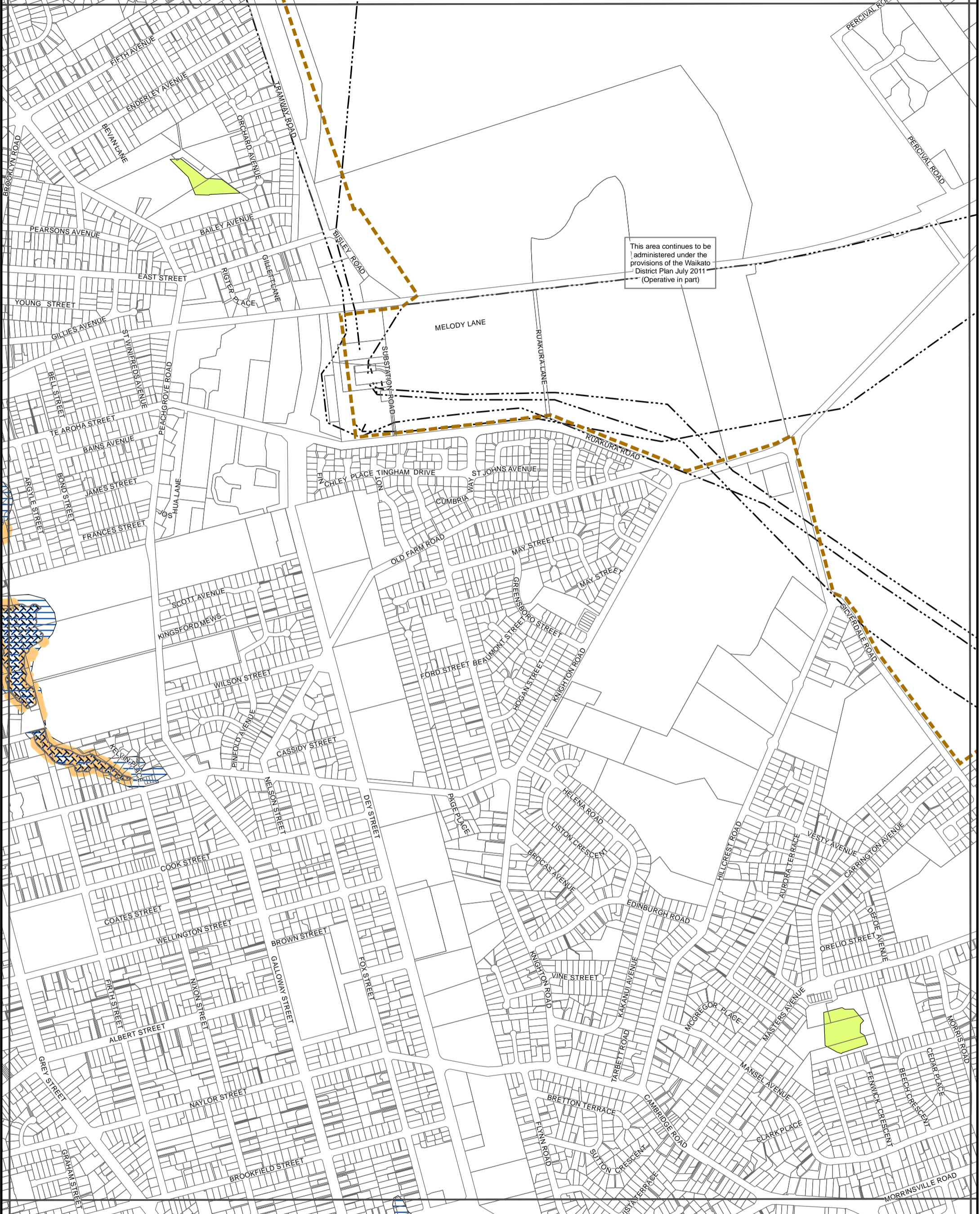


Map No
11a



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Hamilton City Council
Te kauhira o Kiri Kiri

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 July 2012

**Environmental Protection
 Overlay
 Component Layers**

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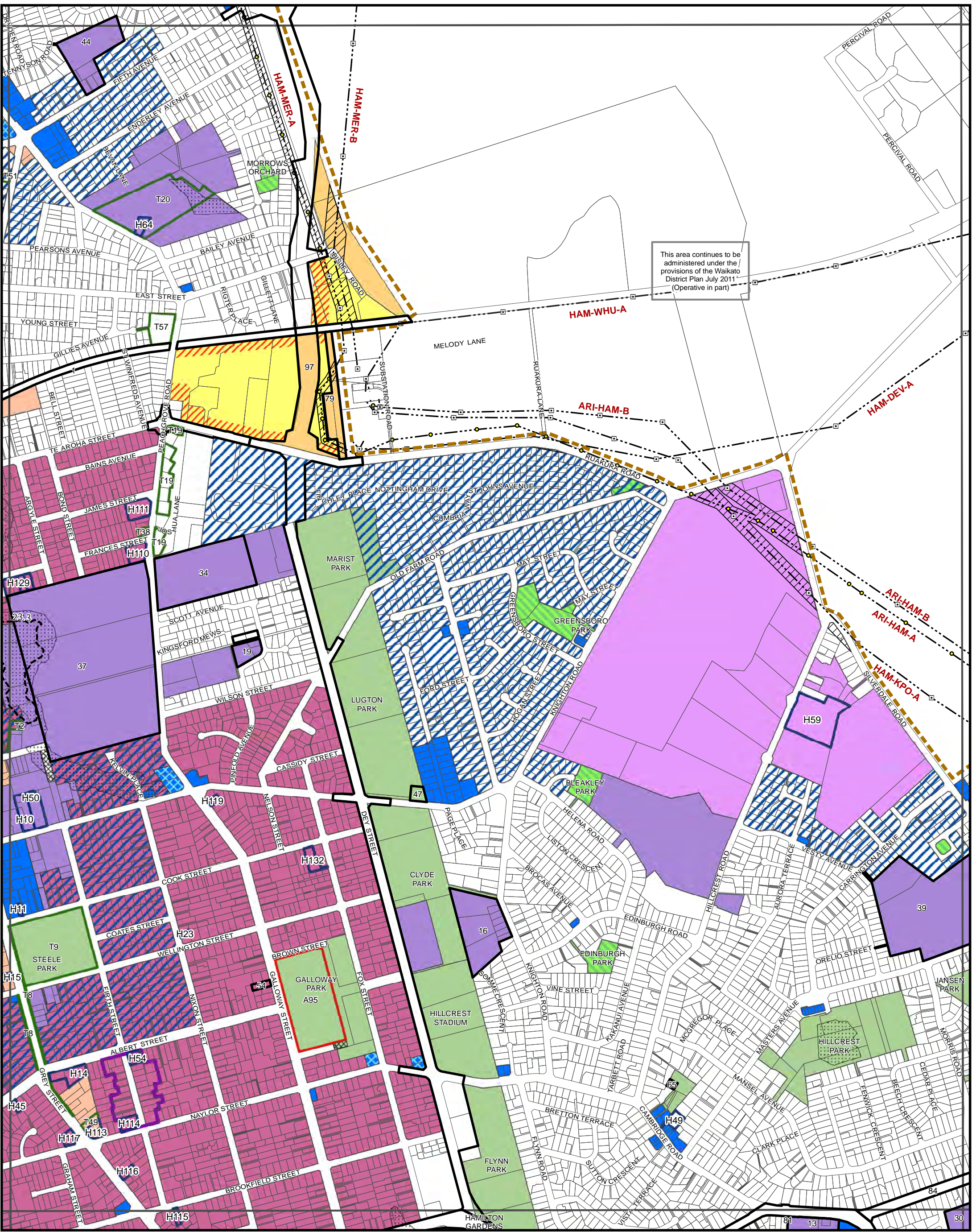
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Map No
12

Last Updated February 2013

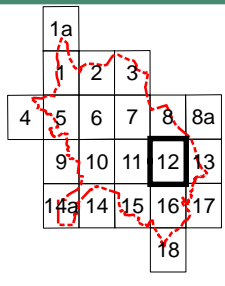


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Operative District Plan
July 2012

Zoning Map

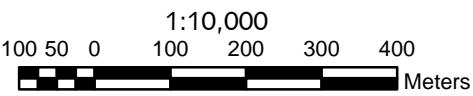


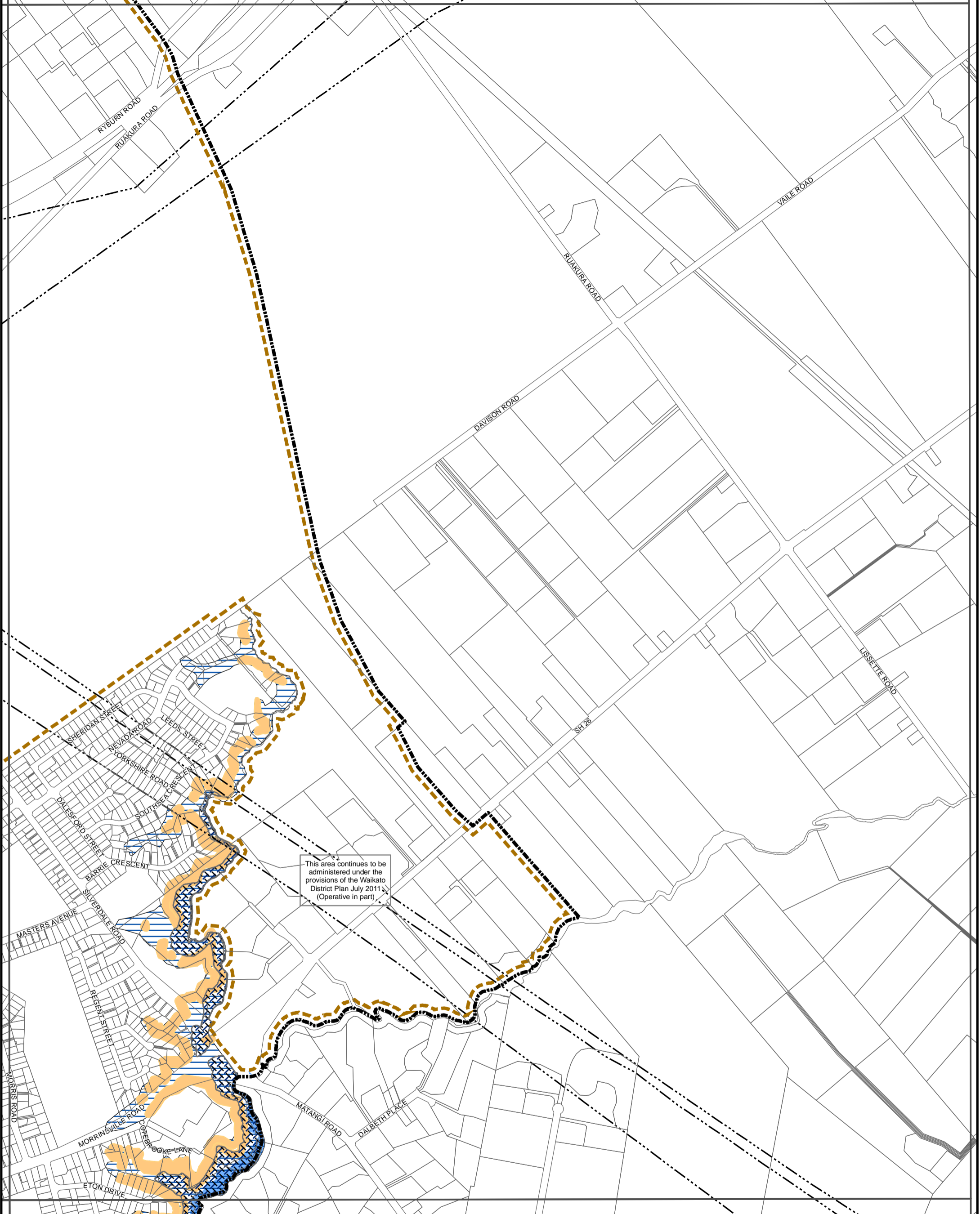
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Last Updated May 2014



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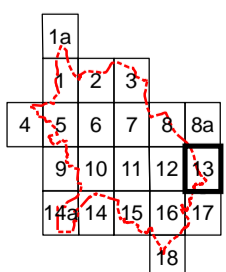
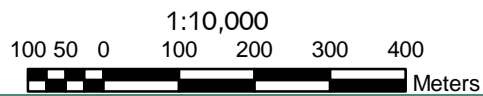




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Operative District Plan
July 2012

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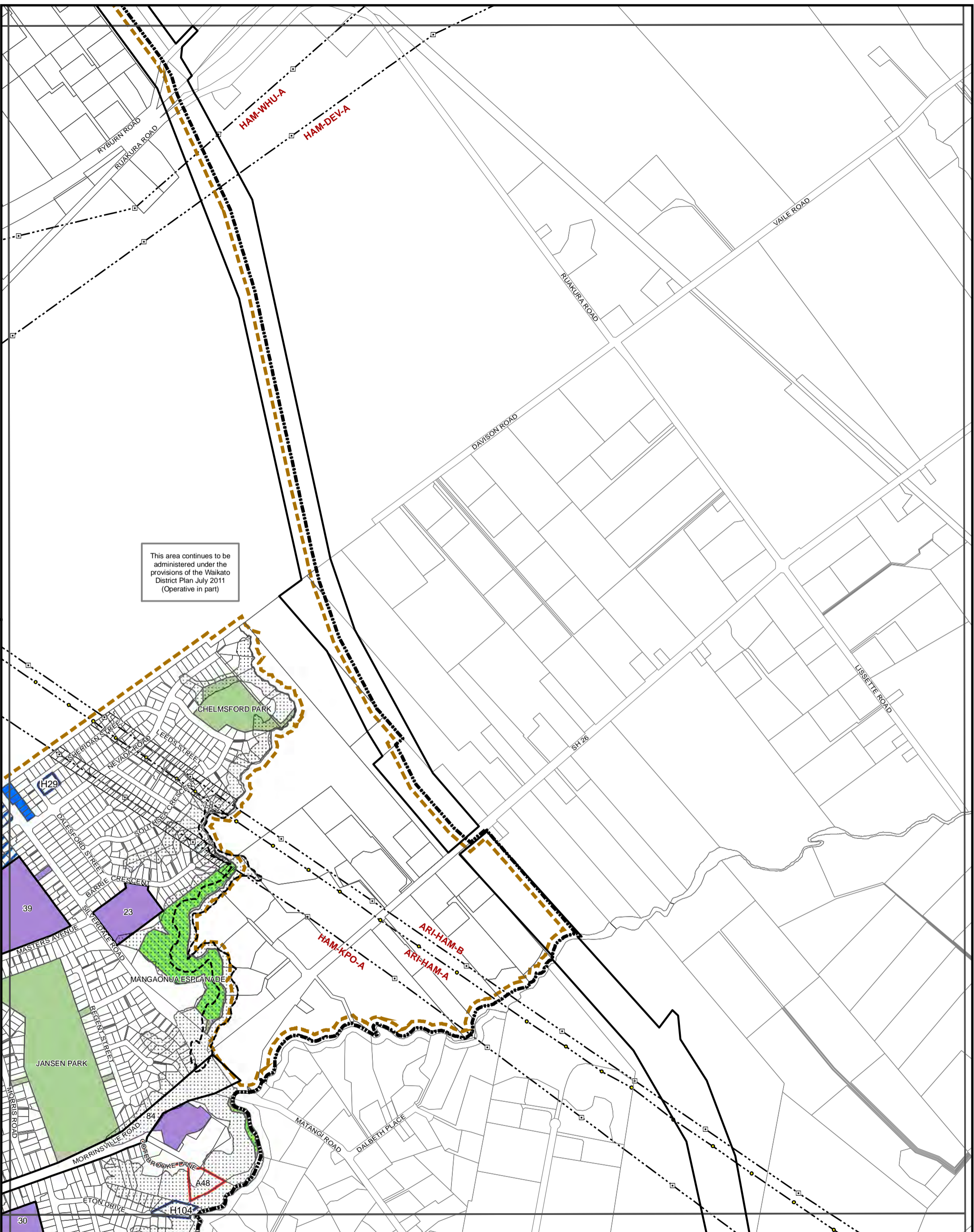
**Environmental Protection
Overlay
Component Layers**



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**Map No
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Last Updated February 2013



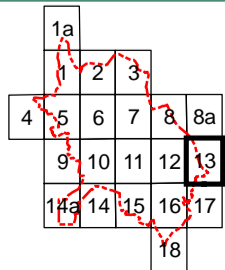


This area continues to be administered under the provisions of the Waikato District Plan July 2011 (Operative in part)



Hamilton City
Operative District Plan
July 2012

Zoning Map

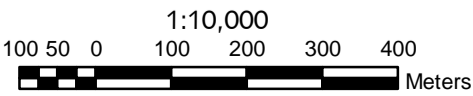


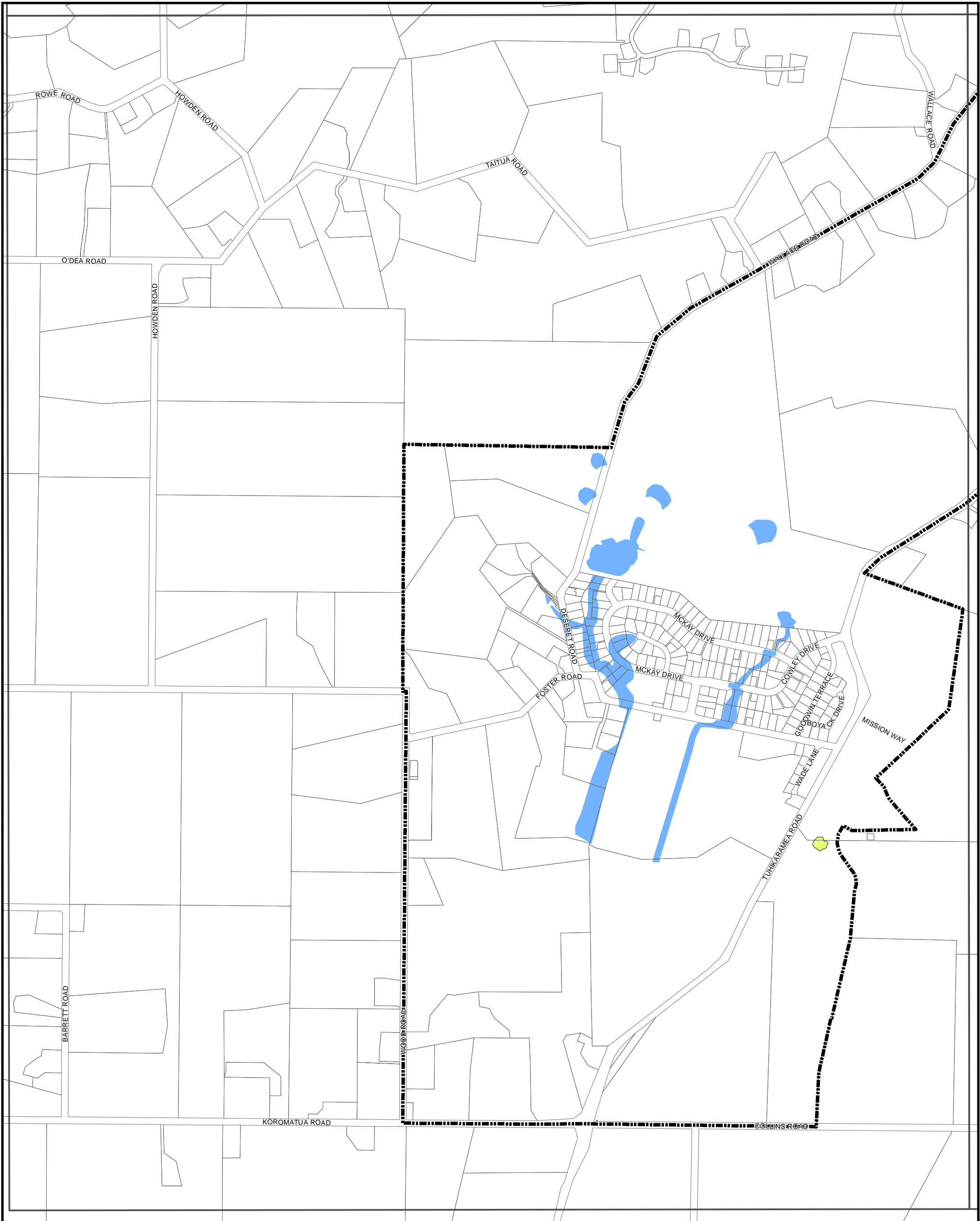
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Last Updated February 2013



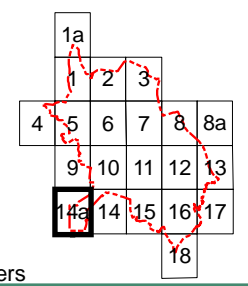
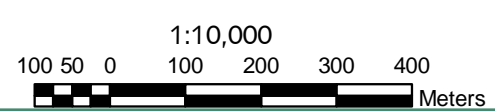
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Operative District Plan
July 2012

**Environmental Protection
Overlay
Component Layers**

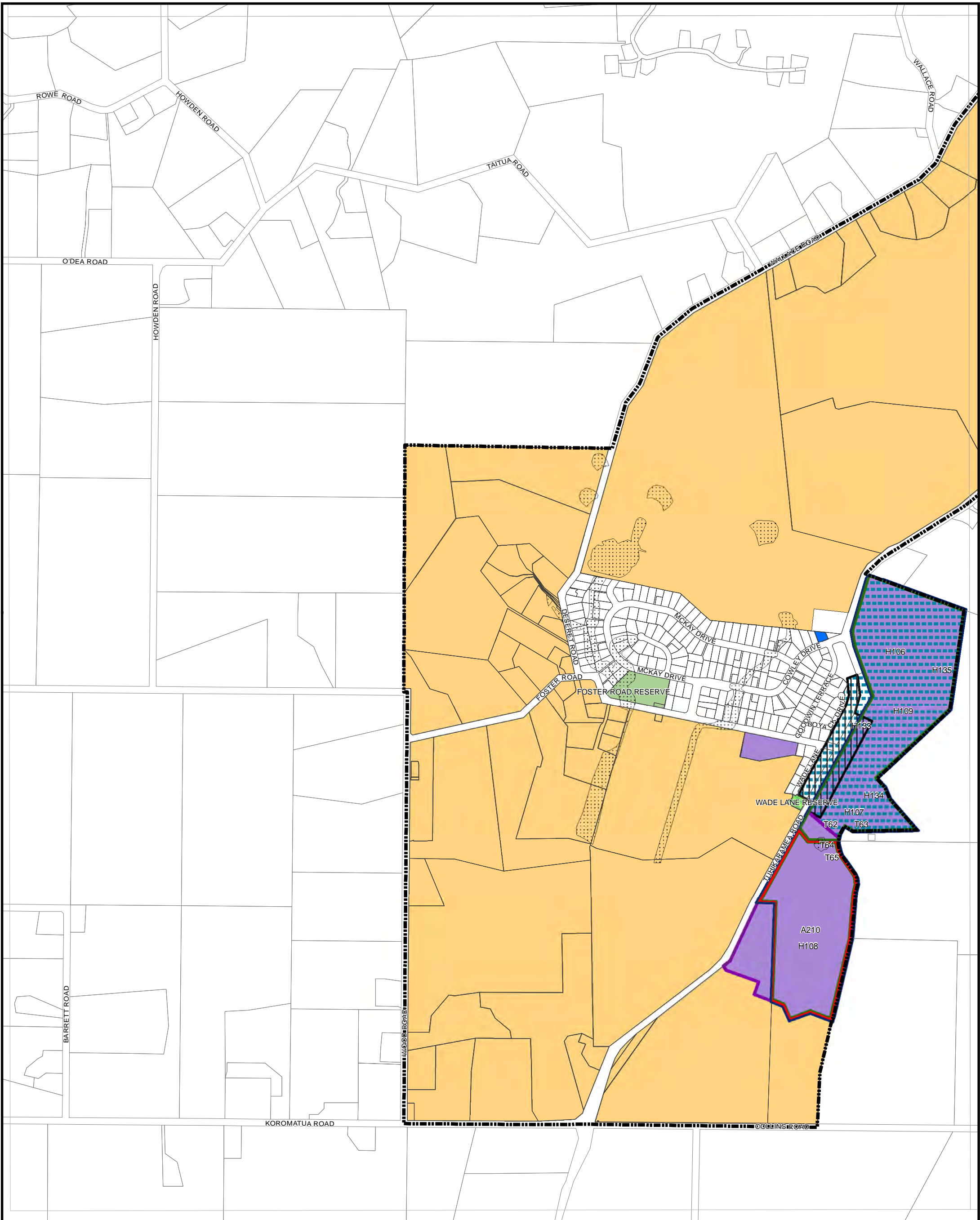


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Last Updated July 2012

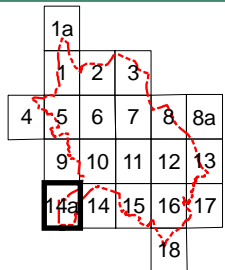


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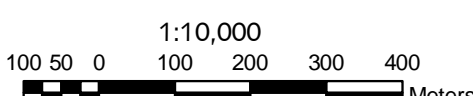
Hamilton City
Operative District Plan
July 2012

Zoning Map



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Map No
14a

Last Updated July 2012

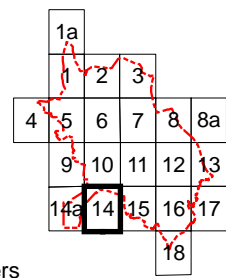


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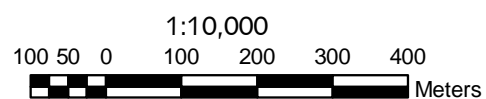
Hamilton City
Operative District Plan
July 2012

**Environmental Protection
Overlay
Component Layers**

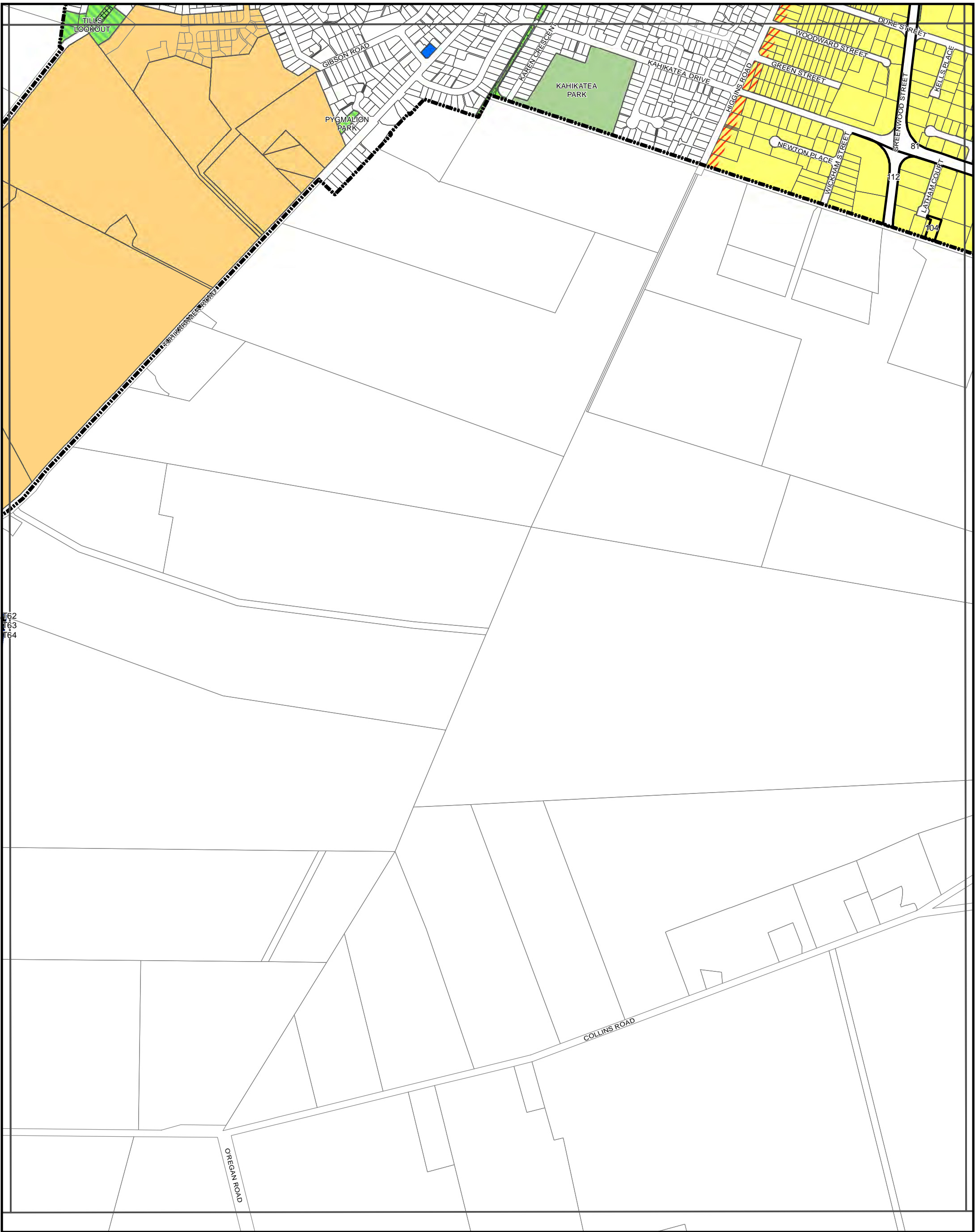


Map No
14

Last Updated July 2012



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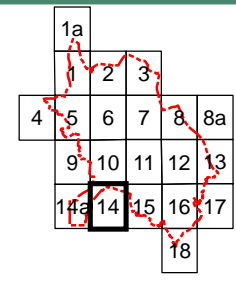
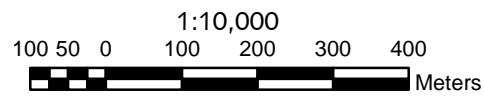


T62
T63
T64



Hamilton City
Operative District Plan
July 2012

Zoning Map

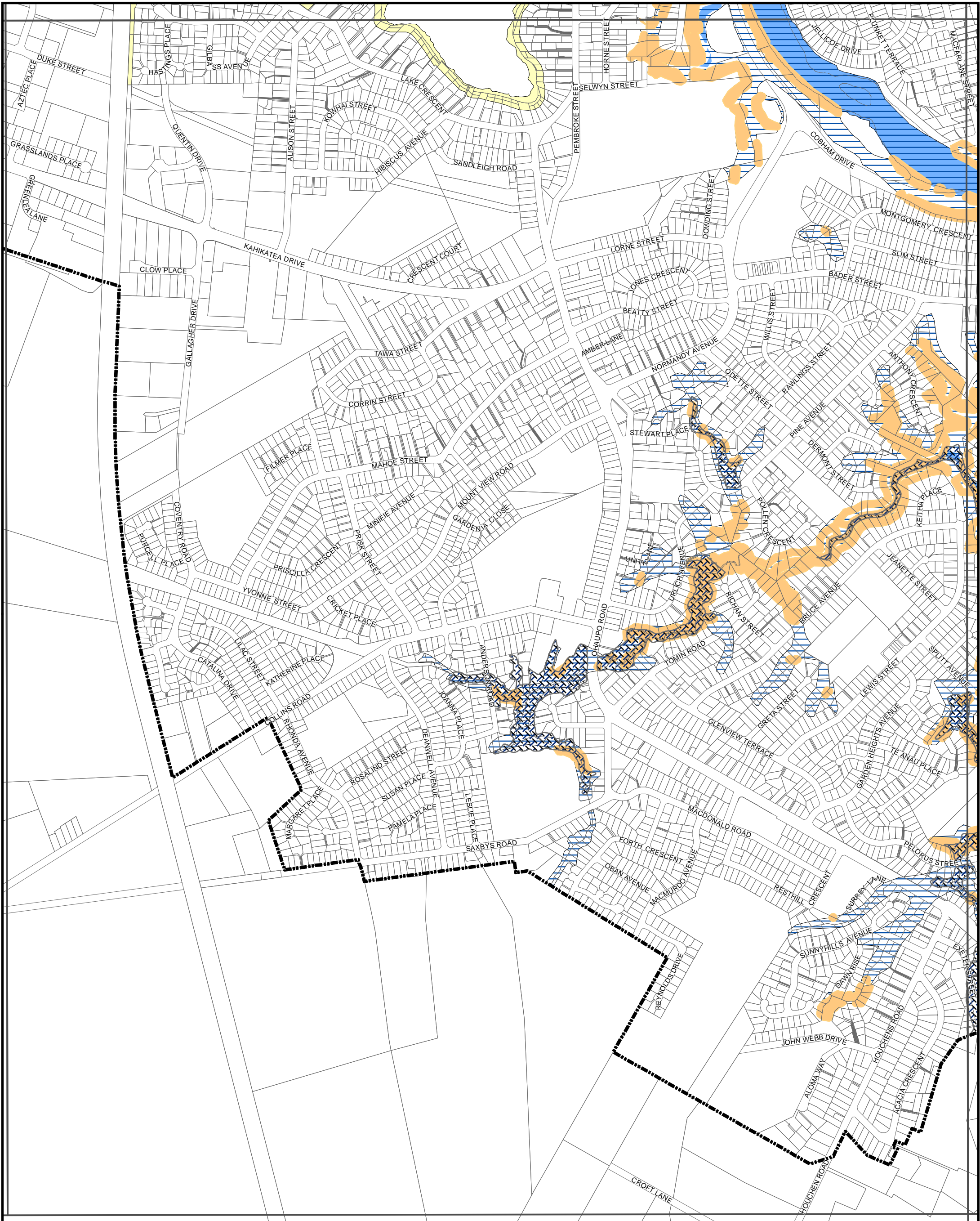


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Map No
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Last Updated March 2016



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Operative District Plan
July 2012

**Environmental Protection
Overlay
Component Layers**

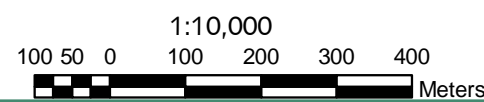
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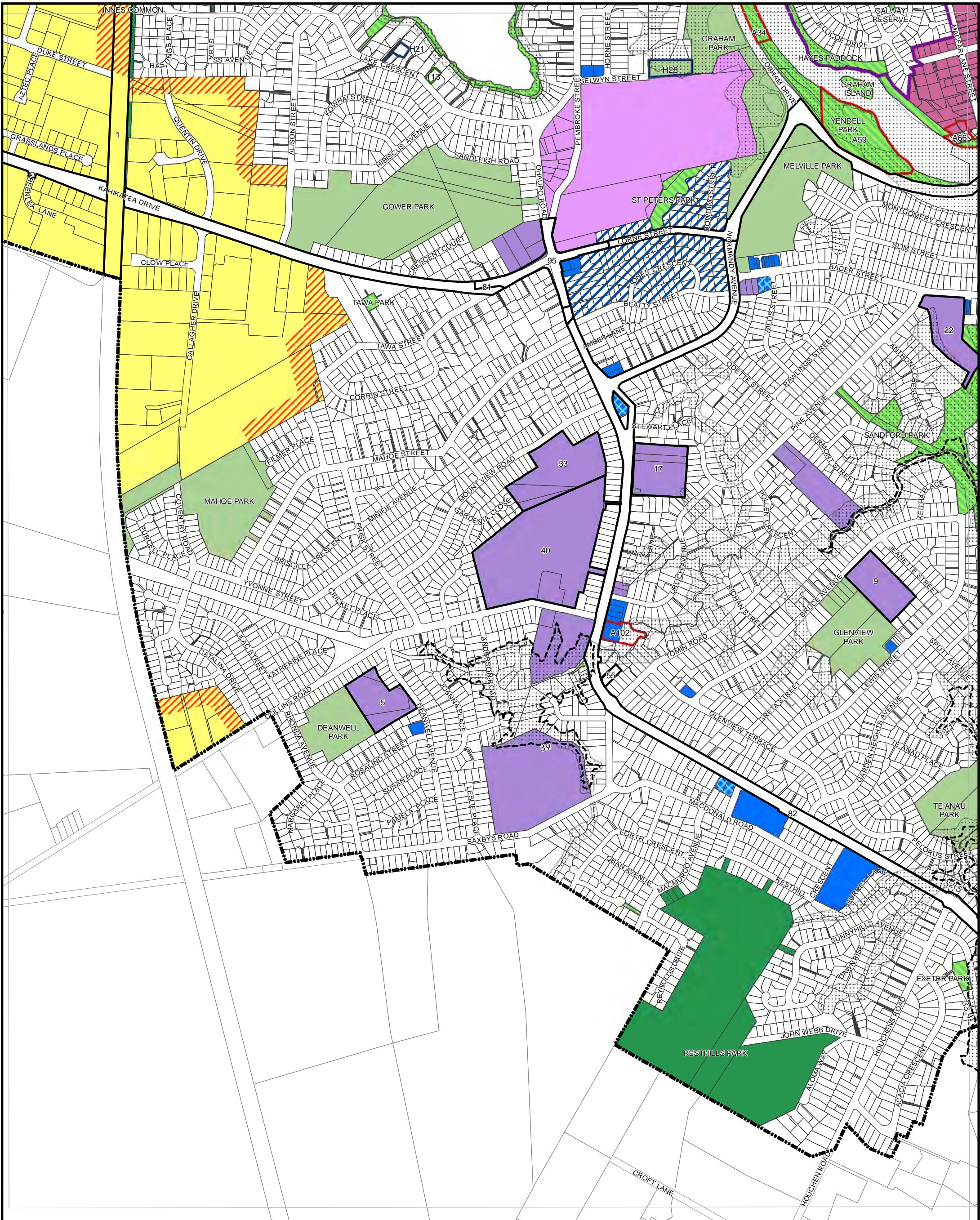
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Last Updated July 2012



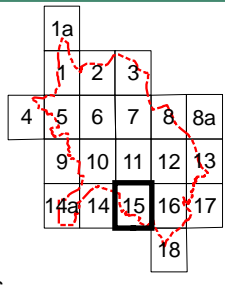
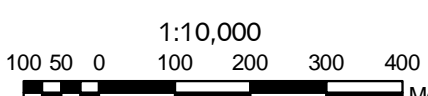
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Operative District Plan
July 2012

Zoning Map

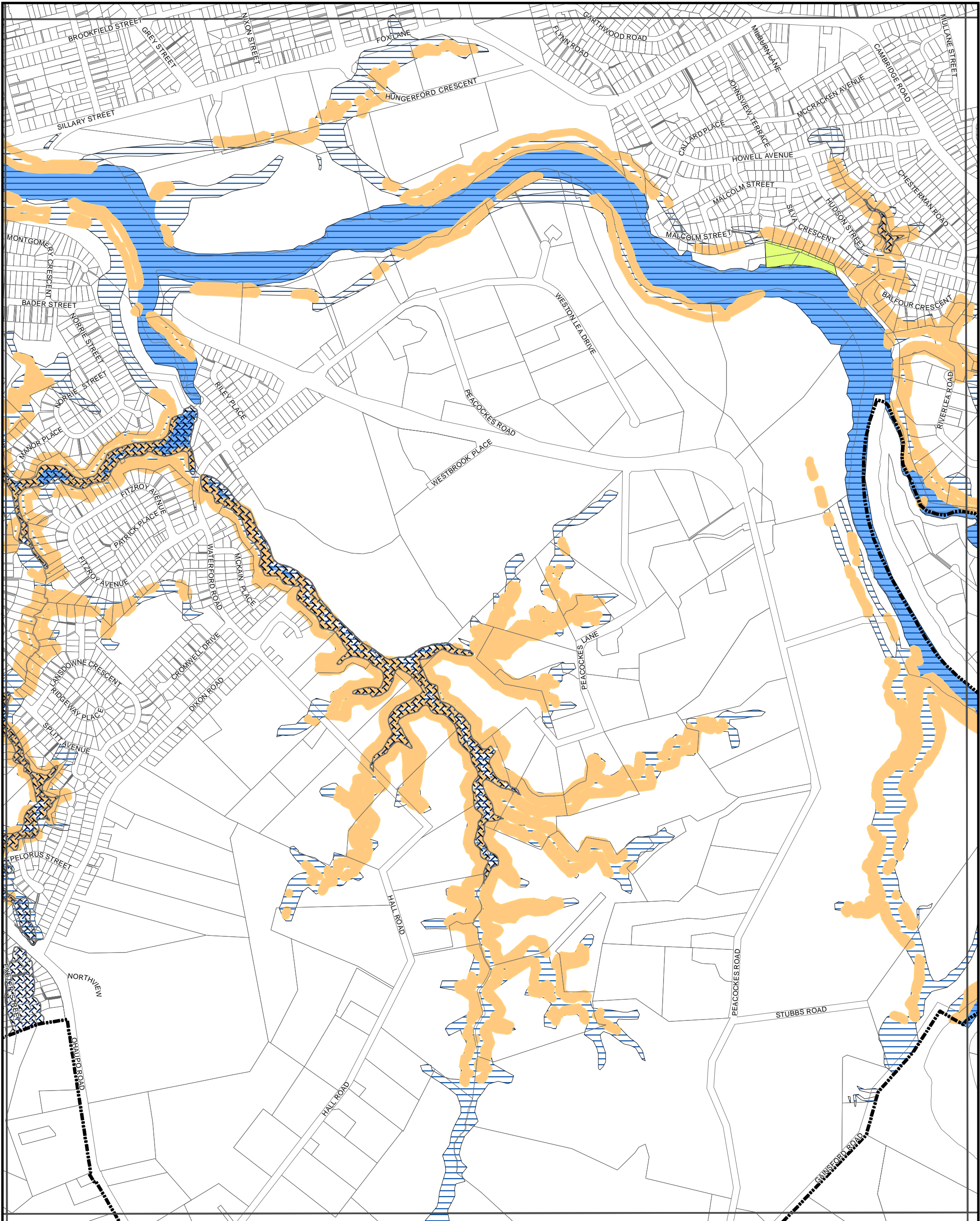


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Map No
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Last Updated July 2012



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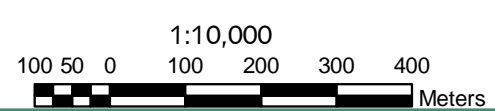


Hamilton City
 Operative District Plan
 July 2012

**Environmental Protection
 Overlay
 Component Layers**

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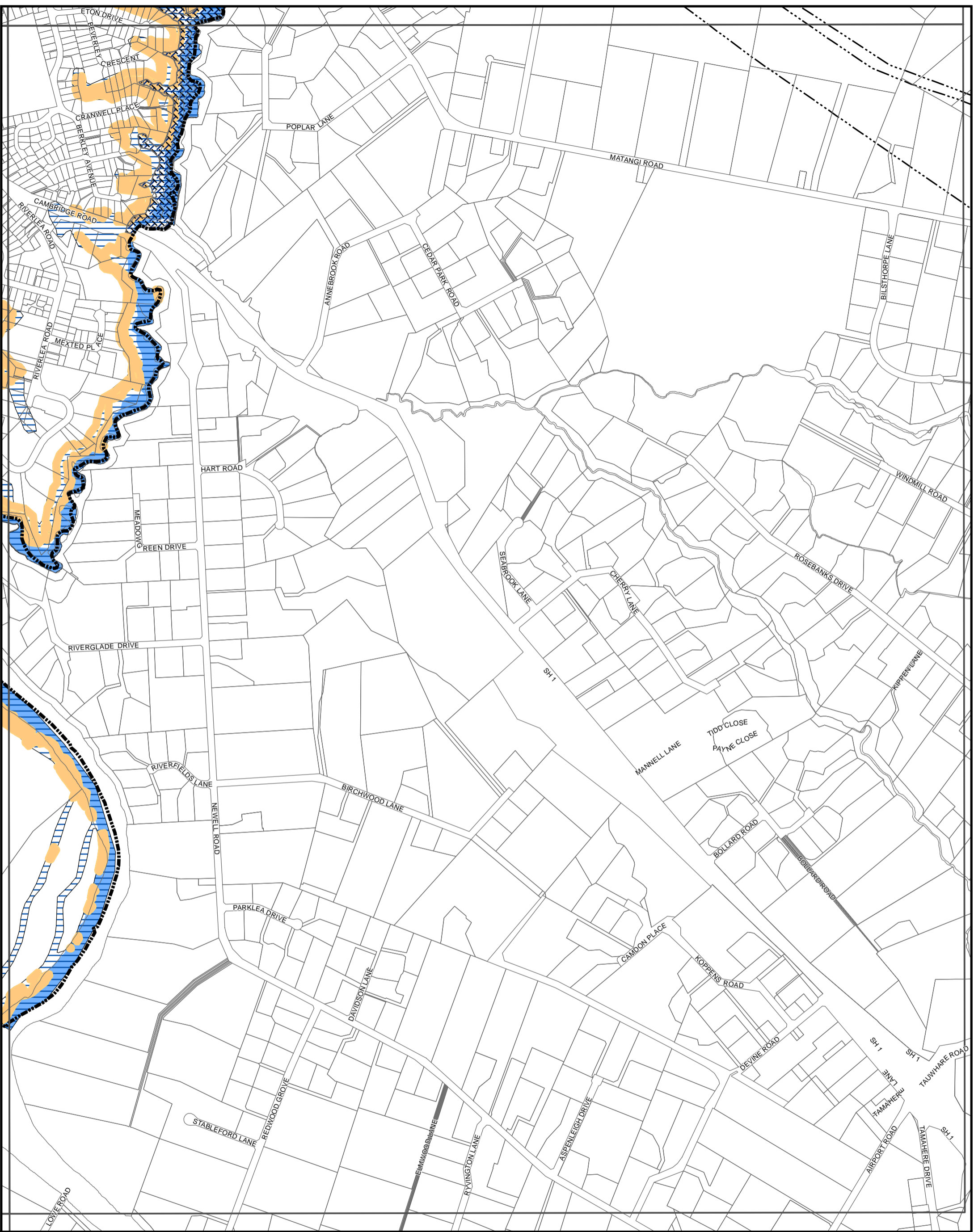
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 Map No
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Last Updated July 2012

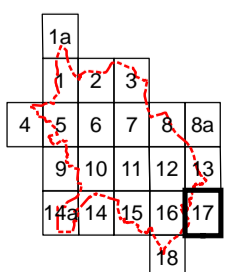
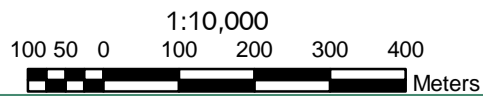


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Operative District Plan
July 2012

**Environmental Protection
Overlay
Component Layers**

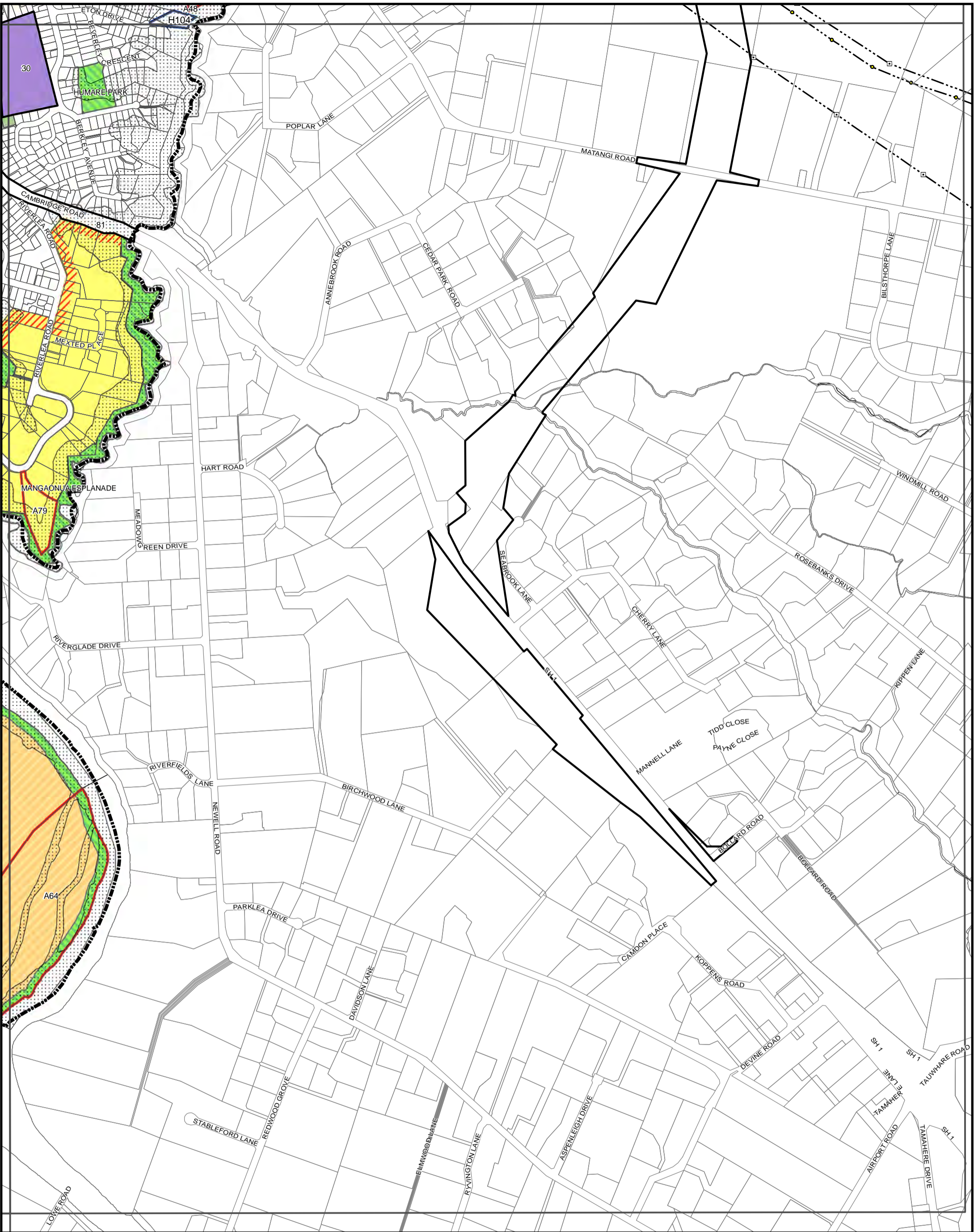


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Map No
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Last Updated February 2013

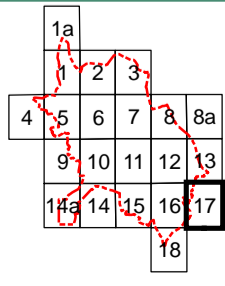


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July 2012

Zoning Map

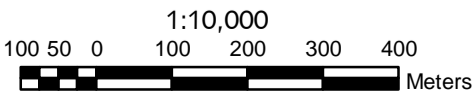


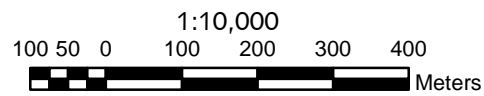
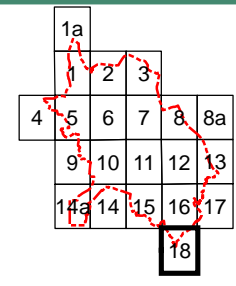
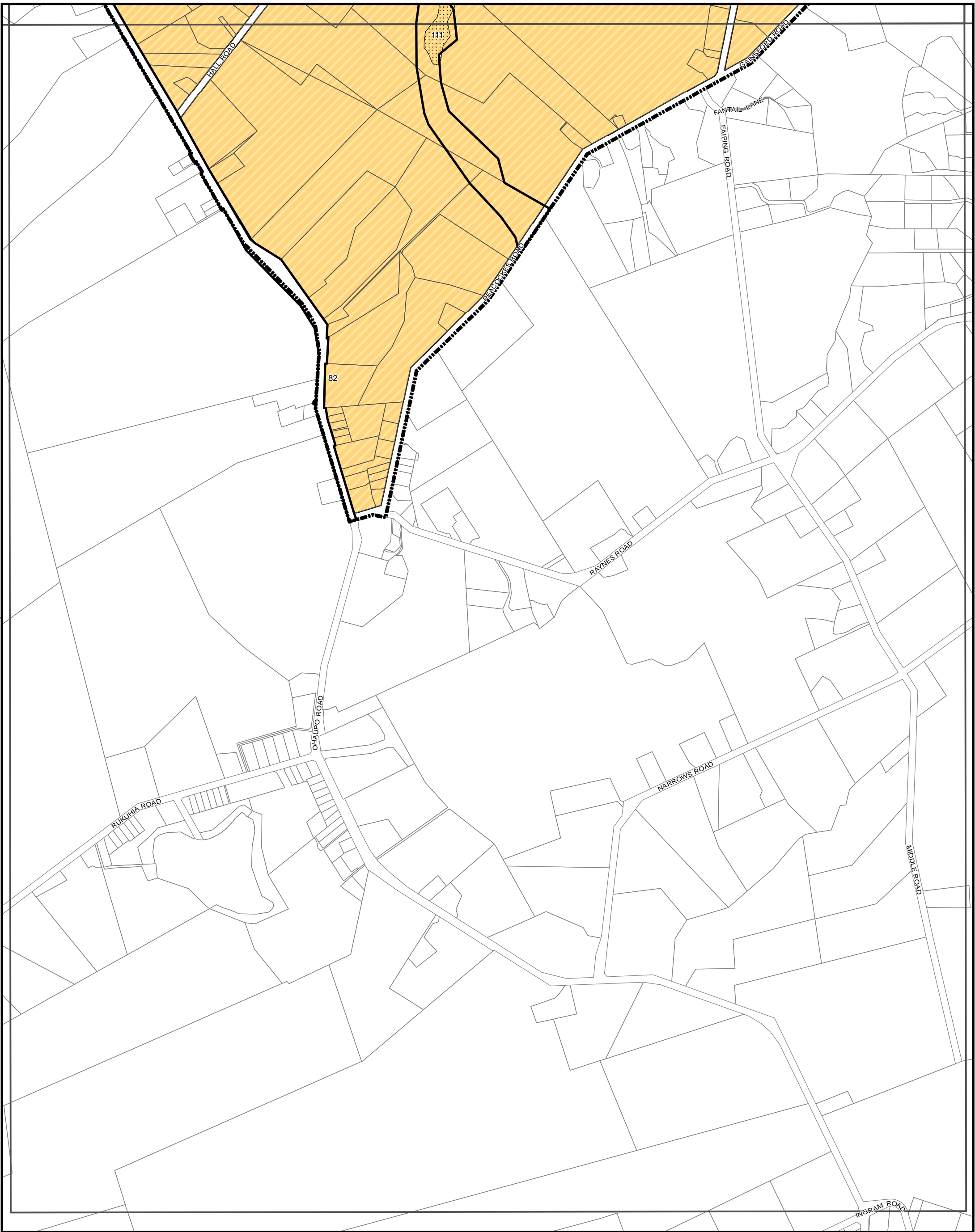
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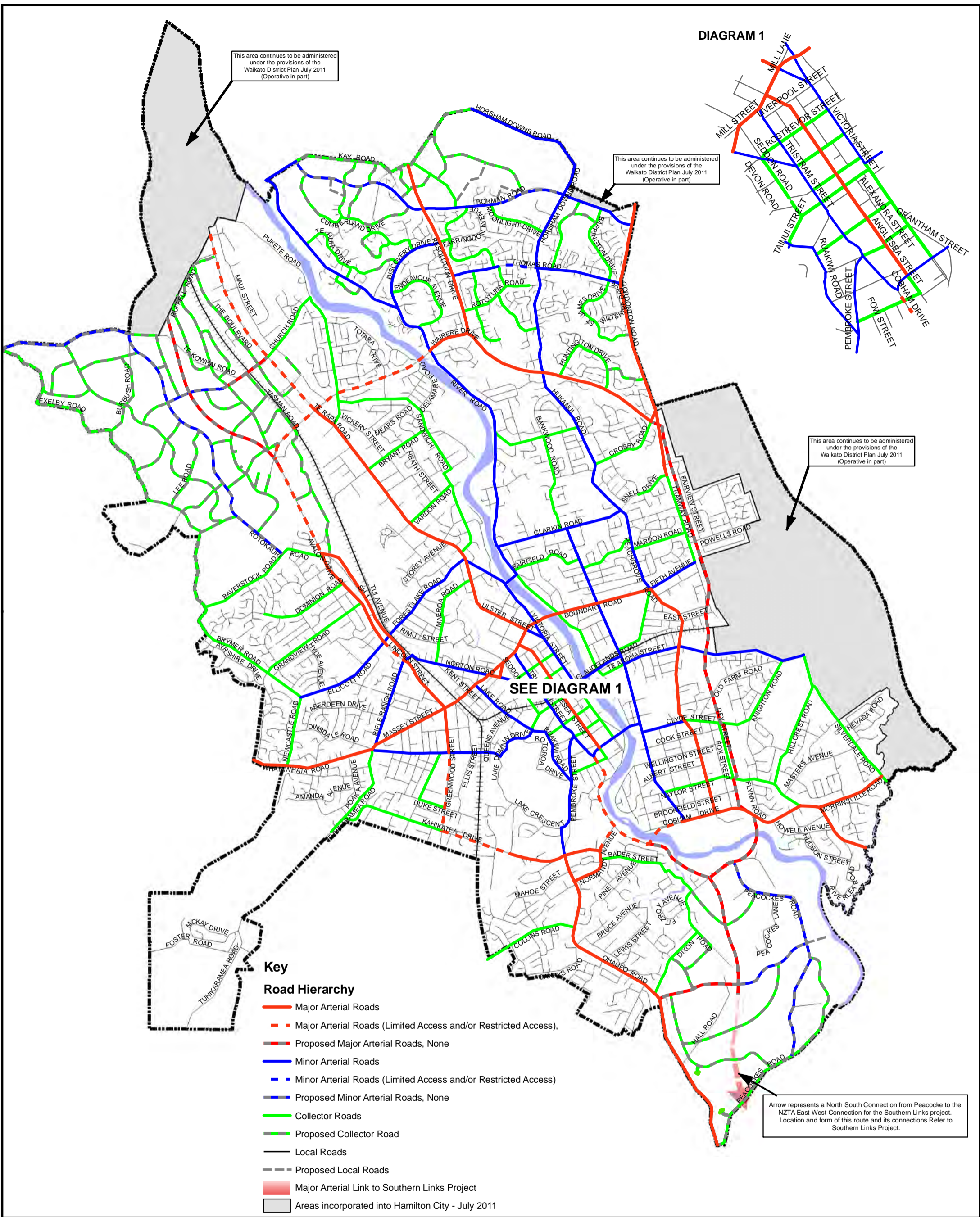
Last Updated February 2013

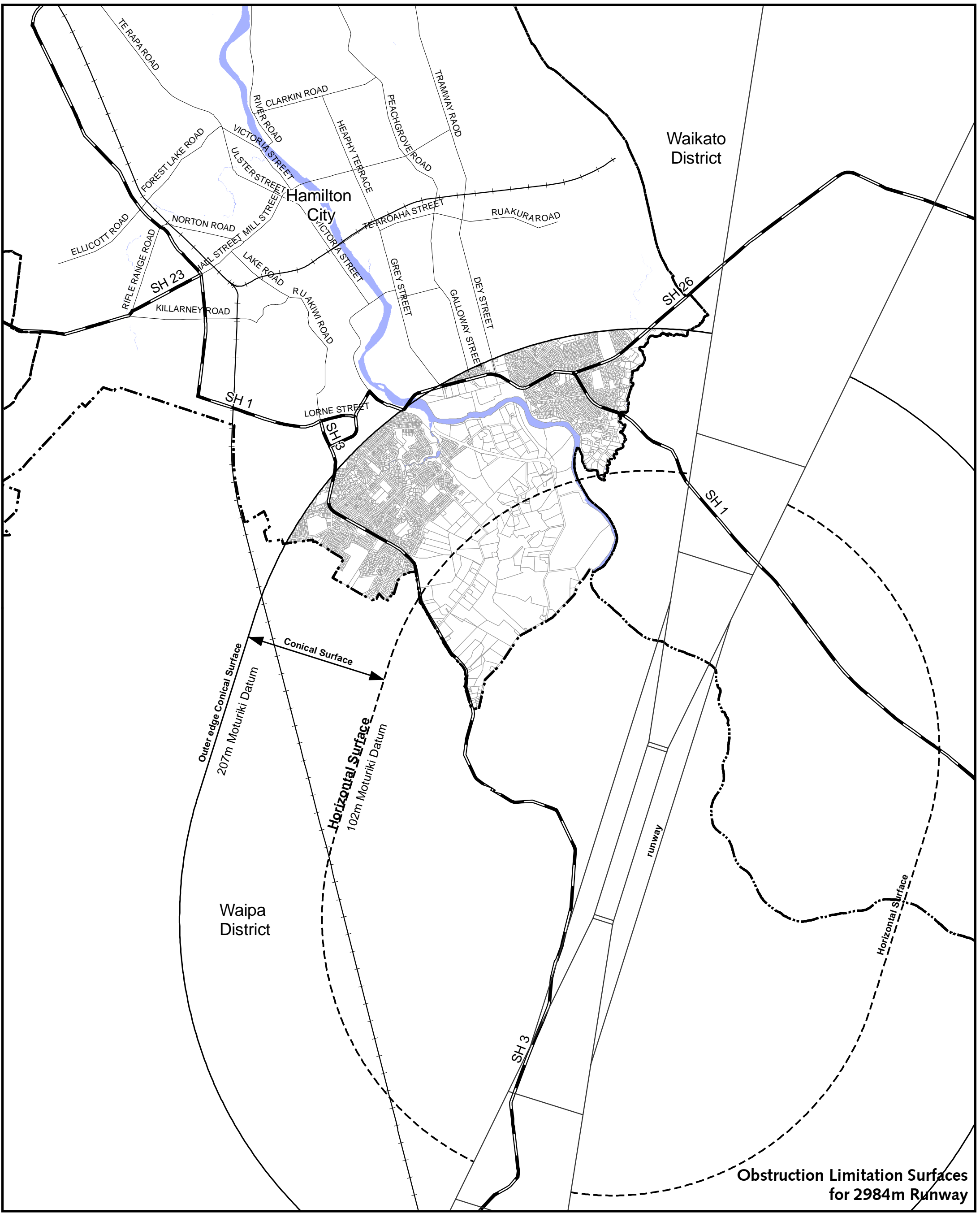
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Operative District Plan
July 2012

**Hamilton Airport
Protection Overlay**



Map No
20

1:50,000
525262.5 0 525 1,050 1,575 2,100
Meters

Last Updated July 2012



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