

4.1 Residential Zones

4.1.1 Purpose

All Residential Zones

The Residential Zones assist in creating a compact City. The Central City Zone also contributes significantly to the residential strategy by providing opportunities for higher-density living in the Central City (see Chapter 7: Central City Zone).

The city has a finite amount of residential land. To accommodate more people, Council needs to develop the land it has more efficiently. The key is to provide a range of section sizes and household choices, including smaller sections and more compact living environments (such as townhouses and apartments).

District Plan provides for four Residential Zones (shown on the Planning Maps) that promote opportunities for different dwelling densities and housing typologies. These are:

4.2 General Residential Zone.

4.3 Medium Density Residential Zone.

4.3A Peacocke Medium Density Residential Zone

4.4 High Density Residential Zone.

4.5 Large Lot residential Zone.

The provisions of this chapter are designed to assist in meeting the density targets of the Regional Policy Statement.

Vision and Strategy (Te Ture Whaimana)

The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato is the primary direction-setting document for activities within the Waikato and Waipa River catchments.

Development within the residential zones have the potential to adversely affect the health and well-being of the Waikato River and its tributaries particularly with regards to the potential impacts of increased impervious surfaces, vegetation clearance, earthworks and residential intensification within the Waikato River catchment. Te Ture Whaimana requires betterment (restoration and protection) and this must be proportionate to the impact of the application/development on the catchment.

Historic Heritage

District Plan identifies a number historic heritage buildings and historic heritage areas within the residential areas that will have specific rules for the development of these area to ensure the retention of their historic values(see Chapter 19: Historic Heritage). These areas are identified through an overlay rules within Chapter 19 take preference over Chapter 4.

Residential Precincts

A number of residential precincts have been established within the residential zones where specific objectives, policies and rules have been introduced. A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying residential zone.

Design and layout of residential units and buildings are critically important. All residential development must address potential adverse environmental effects and ensure a quality urban environment is achieved through high quality urban design.

Good standards of amenity create a pleasant and attractive living environment, and in doing so contribute to wider neighbourhood amenity. Residential amenity means the many qualities and attributes that allow people to enjoy living where they do – such as visual attributes, sunlight, good access, low noise levels and safe environment including the provision of usable, practical and function living space both internally and externally.

All Residential Zones are intended to be primarily for residential purposes and other activities need to maintain residential character and amenity.

In addition to residential activities, some small-scale non-residential activities, such as home-based business and home stays, are appropriate in residential areas. A limited range of non-residential activities that support communities, such as schools and health centres, can potentially establish within the zones. However, this is subject to their compatibility with the anticipated residential character and amenity.

4.1.2 Objectives and Policies: All Residential Zones

Objective	Policies
4.1.2.1 Ensure that development within the Residential Zones gives effect to The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato.	4.1.2.1a Avoid development where the direct or cumulative effects on the three waters infrastructure network cannot be mitigated.
	4.1.2.1b Developments and activities in the Residential Zones must give effect to the outcomes in the The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato through developments and activities being designed and operated to protect and restore the health and wellbeing of the River.
	4.1.2.1c The health and wellbeing of the Waikato River is restored and protected by controlling density, building size, site permeability and appropriate mitigation of earthworks, and by maintaining and enhancing access to the Waikato River.
	4.1.2.1d Where development is adjoining gullies that convey stormwater to the Waikato River, a comprehensive treatment train approach to stormwater treatment.

indigenous wetland and landscape planting, and ecological restoration of the gullies will be required to enhance and protect the ecological values of the gully network.

4.1.2.1e

Water-sensitive techniques are incorporated into new development to reduce demand on water supplies, wastewater disposal and to manage stormwater.

Explanation

The 'Te Ture Whaimana o Te Awa o Waikato' – The Vision and Strategy for the Waikato River is the primary direction-setting document for the Waikato River and its catchments. The vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces for generations to come.

Development within the residential zones have the potential to adversely affect the health and well-being of the Waikato River and its tributaries. Te Ture Whaimana o Te Awa o Waikato requires betterment (restoration and protection) therefore the potential impacts of increased impervious surfaces, vegetation clearance, earthworks and residential intensification within the Waikato River catchment need to be avoided, remedied or mitigated.

Objective	Policies
<p>4.1.2.2 Development maximises the use of land by providing a range of housing typologies that are consistent with the neighbourhood's planned urban built character while ensuring the provision of infrastructure services as part of any development.</p>	<p>4.1.2.2a Any development must:</p> <ul style="list-style-type: none"> i. Provide an adequate level of infrastructure and services appropriate for the proposed development. ii. Takes into account and will not compromise the infrastructural needs of anticipated future development. iii. Not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development. iv. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised. v. Uses public infrastructure ahead of private infrastructure where appropriate. <p>4.1.2.2b Residential development will use land and infrastructure efficiently by:</p> <ul style="list-style-type: none"> i. Staging and sequencing development in accordance with the relevant Structure Plan. ii. Otherwise complying with the relevant Structure Plan.

	<p>4.1.2.2c Residential development shall achieve densities that are consistent with the growth management policies of the Waikato Regional Policy Statement and Future Proof.</p>
	<p>4.1.2.2d New buildings and activities shall mitigate effects on and from regionally significant infrastructure</p>
	<p>4.1.2.2e Residential land uses should be managed to avoid potential effects, such as noise, from arterial transport corridors and state highways.</p>
	<p>4.1.2.2f New residential development must be able to be adequately serviced in terms of Three Waters infrastructure, with the exception of the Ruakura Structure Plan area Large Lot Residential Zone.</p>

Explanation

Not only do the residential areas need to have an adequate level of infrastructure available to enable development to occur, but they need to ensure that any development does not undermine that ability to accommodate the anticipated future increase in residential densities in the residential zones.

Development densities provided for within the growth management policies of the Waikato Regional Policy Statement which takes into account policies from Future Proof and the Hamilton Urban Growth Strategy. Complying with staging ensures that infrastructure can be planned in advance of development and the effects of increased densities can be better managed. Infrastructure includes Three Waters and transport networks, as well as social infrastructure like libraries and community halls.

Council will assess any new service connection against the Regional Infrastructure Technical Specifications, the Three Waters Connection Policy, as well as any other relevant matter considered necessary to make a determination on an application to connect.

The use of land can be affected by the presence of infrastructure. Not only does residential development need to have an adequate level of servicing available, but it needs to respond to regionally significant infrastructure, such as telecommunication infrastructure or the national electricity grid, either existing or planned.

The policies recognise the need to manage residential land uses around regionally significant infrastructure, both existing and proposed – both to manage the effects that residential activities and structures can have on the infrastructure, as well as the adverse effects that the infrastructure can have on residential uses.

Objective	Policies
<p>4.1.2.3 The Residential Zones and development within these zones positively contribute to achieving a well-functioning urban environment</p>	<p>4.1.2.3a Apply the Medium Density Residential Standards (MDRS) across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic</p>

<p>that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p>	<p>heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</p> <p>4.1.2.3b Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</p> <p>4.1.2.3c Enable housing to be designed to meet the day-to-day needs of residents.</p> <p>4.1.2.3d Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p>
<p>Objective</p>	<p>Policies</p>
<p>4.1.2.4 Residential activities remain the dominant activity in the Residential Zones and non-residential activities remain compatible with residential amenity values.</p>	<p>4.1.2.4a Manage the effects of non-residential activities, while recognizing that there are social, economic and environmental benefits to be had from locally available non-residential activities within neighbourhoods.</p> <p>4.1.2.4b Home-based businesses must:</p> <ul style="list-style-type: none"> i. Be ancillary to the residential activity of the site. ii. Maintain a residential scale and visual appearance and have operational characteristics that are compatible with residential amenity values. iii. Take place within residential units or ancillary buildings. iv. Involve no outdoor storage of vehicles (other than those associated with staff or customers), equipment or goods visible from a public place. <p>4.1.2.4c Community facilities (including schools) and community support activities (including managed care facilities and residential centres) must:</p> <ul style="list-style-type: none"> i. Serve a local social or cultural need, or wider educational needs for the community. ii. Be compatible with anticipated residential amenity. <p>4.1.2.4d Non-residential activities must only serve the local residential area and be of a size that reflects the anticipated residential amenity of the neighbourhood.</p>

4.1.2.4e

Visitor facilities such as accommodation and conference facilities should be located primarily in the Visitor Facilities Precinct.

Explanation

Non-residential activities have the potential to generate significant adverse effects in residential areas. Provided home-based businesses – where residential uses still occupy the majority of the residential unit – do not generate off-site effects, they are an acceptable form of non-residential activity. Home-based businesses often perform an incubator role that allows small businesses to become established. Once the home-based business has become established and grown to a certain size, it is more appropriate for it to relocate in either a Business or Industrial Zone. The policy seeks to prevent conversion of sites or buildings into purely business use.

Some other non-residential activities may be appropriate in the Residential Zones. These include community facilities that perform a social or cultural function, such as schools, churches and community halls, as well as emergency service facilities.

Objective	Policies
<p>4.1.2.5 Residential development incorporates sustainable features and technologies.</p>	<p>4.1.2.5a Development must encourage the efficient use of energy and water, by:</p> <ul style="list-style-type: none"> i. Incorporating water-sensitive techniques. ii. Off-setting the effects of loss of permeable surface iii. Reducing the use of reticulated electricity. iv. Utilizing solar energy. v. Providing for electric mobility and its associated charging infrastructure.
	<p>4.1.2.5b Ensure development implements methods and technologies to minimise the effects on climate change.</p>

Explanation

This objective encourages new residential dwellings to use water and energy-efficient technologies and both will range in scale appropriate to the building. Residential units, for example, may wish to install solar panels on the roof and install a rainwater tank and provide infrastructure requirements for electric vehicles. Apartment buildings have the ability to incorporate more sophisticated technologies.

Objective	Policies
<p>4.1.2.6 Residential developments are designed and developed to create an attractive and safe urban environment, providing a level of amenity</p>	<p>4.1.2.6a Ensure that all development has a public-‘front’, where neighbours and visitors will access and primarily experience the development from and a private ‘back’, where public access is restricted and by invitation only.</p>

consistent with the planned urban environment:

- i. On site for residents:
- ii. On adjoining sites; and
- iii. For the transport corridor and public open spaces.

Require development to compatibly configure its fronts and backs with those of adjacent development so as to positively contribute the amenity of well-defined public and publicly accessible spaces, and private spaces.

4.1.2.6b

Require buildings and structures adjacent to the boundary of public and publicly accessible areas (including transport corridors) to incorporate CPTED principles.

4.1.2.6c

Building and development design achieves quality on-site amenity by providing:

- i. Buildings located close to the front boundary and/or the boundary adjoining the space that the public will gain access from and which the development will front.
- ii. Visually obvious front doors and habitable room windows facing the public front.
- iii. Practical and functional internal and external living area.
- iv. Private, useable outdoor living areas that are located to the rear of the site where it is practicable to do so
- v. Access to sunlight and daylight throughout the year.
- vi. Adequate service areas to accommodate typical residential living requirements.
- vii. Public access and, where offered, parking and manoeuvring areas on-site contribute positively to on-site amenity and meet the needs, safety and convenience of residents.
- viii. Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development.
- ix. Sufficient outlook to create a sense of visual and acoustic privacy.
- x. Avoidance of the visual dominance of site and building frontages by garages or parking areas.
- xi. Limit the number of vehicle crossings to prioritise pedestrian and cyclist safety and amenity on public roads or publicly accessible spaces used to give access to development.
- xii. Use of private rear / service lanes, separate to the

	<p>space forming the public front, associated with narrow-frontage dwellings so as to achieve (9) and (10).</p> <p>xiii. High quality landscaping to add visual amenity.</p>
	<p>4.1.2.6d Ensure each residential unit is provided with adequate storage space and service areas to accommodate typical residential living requirements.</p>
	<p>4.1.2.6e Ensure development is designed to avoid unreasonable adverse noise effects occurring between residential units or from non-residential activities on the site or from adjoining sites.</p>
	<p>4.1.2.6f Vegetation and trees should be retained wherever possible.</p>
	<p>4.1.2.6g Encourage the siting of buildings to take advantage of aspect, topography and site conditions.</p>
	<p>4.1.2.6h Require the provision of landscaping to mitigate potential adverse effects of activities and to contribute to the overall amenity of residential areas.</p>
	<p>4.1.2.6i Ensure vehicle crossings are minimised on road frontages where narrow dwellings are proposed and where shared paths and separated cycle ways are located.</p>
	<p>4.1.2.6j Ensure any development is well designed and minimises building bulk and visual dominance effects on adjoining sites, including minimising opportunities for overlooking adjoining properties.</p>
<p>Explanation</p>	

Good design of housing is critically important to on-site and off-site amenity, especially where there is higher-density housing. The policies identify the features important for residential development, regardless of what form the dwelling may take, e.g. single, duplex or apartment.

Important design features include access to sunlight, outdoor living space, storage space, space for waste and recycling, visual connectivity to public spaces such as the street, and privacy. Incorporation of these features will ensure functional and high-quality living environments for the occupants.

How buildings relate to a street or public accessible space (such as a private road or accessway) can have a major bearing on people's perception of the safety of an area. Cumulative effects of development should contribute positively to the streetscape and amenity. The urban amenity expected by residents can be positively or negatively altered by development.

Objective	Policies
<p>4.1.2.7 Buildings and activities at the interface of residential zones with significant natural areas will be managed to ensure the ecological values of these areas are protected.</p>	<p>4.1.2.7a Adverse effects of adjoining development on identified significant natural areas shall be managed through limiting earthworks and controlling vegetation maintenance to reduce the impact on their ecological values.</p>
<p>Explanation</p>	

Residential development adjoining areas of significant natural values have the potential to adversely affect the values of these areas and the ecological function and health of these areas as a result these affects needed to be addressed before development can occur.

Objective	Policies
<p>4.1.2.8 Buildings and activities within a Historic Heritage Area will be managed to ensure the heritage values of these areas are retained.</p>	<p>4.1.2.8a Non-residential activities shall only be established within any identified historic heritage area when the activity maintains the heritage values of the area through built form and scale.</p>
<p>Explanation</p>	

Non-residential uses within identified historic heritage areas should be discouraged unless they can retain the historic value of the area through the design of the built form and scale of the proposed activities.

4.2 General Residential Zone

4.2.1 Purpose

The General Residential Zone is the most common residential zone in Hamilton. Its purpose is to provide for housing supply and choice in a manner that balances the amenity values of existing residents with the needs of new members of the community. These provisions are primarily derived from the Government's requirements including through its National Policy Statements and National Environmental Standard.

The zone applies to both existing residential areas and greenfield areas, and it anticipates a wide range of housing types and densities will occur. The zone also provides for residentially compatible business activity including home businesses and other commercial or community activities.

4.2.2 Objectives and Policies: General Residential Zone

Objective	Policies
<p>4.2.2.1 Promote comprehensive and integrated development for the establishment of 4 or more residential dwellings within the General Residential Zone.</p>	<p>4.2.2.1a The development achieves higher density in conjunction with high quality amenity through a comprehensive planning approach that is informed by the relevant structure plan and related rules.</p>
	<p>4.2.2.1b Incorporate universal access principles into residential development.</p>
	<p>4.2.2.1c Encourage subdivision and land use to be undertaken concurrently.</p>
	<p>4.2.2.1d Land is developed in accordance with structure and master planning, including coordination with staging and provision of infrastructure.</p>
Objective	Policies
<p>4.2.2.2 The General Residential Zone and development within it provide for a variety of housing types and sizes that respond to</p> <ul style="list-style-type: none"> i. <u>Housing needs and demand; and</u> ii. <u>The neighbourhood's planned urban built character, including 1 to 3 storey buildings.</u> 	<p>4.2.2.2a Enable a variety of housing typologies with a mix of densities within the zone, including 1, 2 and 3-storey attached and detached residential units.</p>
	<p>4.2.2.2b Recognise that development in accordance with the General Residential Zone will have adverse effects, in some instances substantial, on existing development and neighbours, and (except where a neighbour has provided written approval to a proposal):</p> <ul style="list-style-type: none"> i. <u>Subject to (ii) below, ensure that development with adverse effects, greater than those enabled by the General Residential Zone on a neighbour, will achieve an</u>

	<p>equivalent or greater overall standard of on-site amenity for that neighbour compared to development in accordance with what the General Residential Zone could be reasonably anticipated to result in.</p> <p>ii. Where a proposal cannot satisfy (i) above, avoid adverse effects beyond those that could result from development in accordance with what the General Residential Zone could be reasonably anticipated to result in except where substantial off-setting positive effects are proposed.</p>
	<p>4.2.2.2c Higher-density residential development is located close to neighbourhood centres, parks, open spaces, and other areas of high social amenity.</p>

4.2.3 Rules – General Residential Zone

4.2.3.1 Activity status table

Activity	General Residential Zone
If the activity is subject to a site, feature or overlay then Chapter 1.1.8 - Activity Status Defaults, needs to be considered.	
a. Accessory building	P
b. Ancillary residential structures	P
c. Emergency housing for up to 10 residents	P
d. Residential activities	P
e. 1 to 3 residential units on a site	P
f. 4 or more residential units on a site	RD*
g. Retirement village	RD*
h. Rest home	RD*
i. Papakainga containing 1 to 3 residential units	P

j. <u>Papakainga contain 4 or more residential units</u>	<u>RD*</u>
k. <u>Managed care facilities</u>	<u>P</u>
i. <u>up to 9 residents</u>	<u>D</u>
ii. <u>10 or more residents (excluding emergency housing)</u>	
l. <u>Residential centre</u>	<u>D</u>
Commercial Activities and Structures	
m. <u>Home-based business</u>	<u>P</u>
n. <u>Homestay accommodation</u>	<u>P</u>
o. <u>Show homes</u>	<u>P</u>
p. <u>Childcare facility</u>	<u>P</u>
i. <u>up to 5 children</u>	<u>RD</u>
ii. <u>six or more children</u>	
q. <u>Dairy</u>	<u>RD</u>
r. <u>Visitor accommodation</u>	<u>RD</u>
s. <u>Tertiary education and specialised training facility</u>	<u>RD</u>
t. <u>Health care service</u>	<u>D</u>
u. <u>Places of assembly</u>	<u>D</u>
v. <u>Offices (other than as a home-based business)</u>	<u>NC</u>
w. <u>Service industry</u>	<u>NC</u>
x. <u>Light industry</u>	<u>NC</u>
y. <u>Restaurants</u>	<u>NC</u>
z. <u>Licensed premises</u>	<u>NC</u>
aa. <u>Conference facility</u>	<u>NC</u>
Community Activities and Structures	

bb. <u>Temporary activities</u>	<u>P</u>
cc. <u>Informal recreation</u>	<u>P</u>
dd. <u>Organised recreation</u>	<u>P</u>
ee. <u>Community centre</u>	<u>RD</u>
ff. <u>Places of worship</u>	<u>RD</u>
gg. <u>General recreation</u>	<u>D</u>
hh. <u>Marae (Accept when provided as part of a papakainga development)</u>	<u>D</u>
ii. <u>Marae provided as part of a papakainga development</u>	<u>RD*</u>
jj. <u>School</u>	<u>D</u>
kk. <u>Passenger transport facilities</u>	<u>NC</u>
ll. <u>Club Rooms</u>	<u>NC</u>
All Activities and Structures	
mm. <u>Relocated buildings</u>	<u>P</u>
nn. <u>Relocated buildings within a Historic Heritage Area</u>	<u>See Chapter 19</u>
oo. <u>Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage and buildings within any Historic Heritage Areas scheduled in Volume 8, Schedule 8D)</u>	<u>P</u>
pp. <u>Demolition or removal of heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage and buildings within any Historic Heritage Area, scheduled in Volume 2, Appendix 8, Schedule 8D</u>	<u>See Chapter 19</u>
qq. <u>Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8A, Schedule 8A: Built Heritage and buildings within any Historic Heritage Area scheduled in Volume 8, Schedule 8D)</u>	<u>P</u>

rr. <u>Maintenance, repair and alterations and additions to heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage or buildings within any Historic Heritage Area, scheduled in Volume 8, Schedule 8D</u>	<u>See Chapter 19</u>
ss. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<u>RD</u>
tt. <u>Pruning and maintenance of the canopy of a tree where the trunk is located within a Significant Natural Area that overhangs the boundary of a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<u>P</u>
uu. <u>Health care services on Lot1 DP S2537, Flat B DP S43060, Flat 1 DP S43568, Flat 2 S67794 (being at 452, 448B, 444A and 444B Ulster Street), Lot 28 DP S4185 and Lot 27 DP S4185 (being at 3 and 5 Ulrich Avenue)</u>	<u>P</u>
wv. <u>New building for the purpose of Health Care Services identified in 4.2.3.1.uu.</u>	<u>RD</u>
ww. <u>Emergency service facilities</u>	<u>RD</u>
xx. <u>Any boundary wall/fence equal to or less than 3.5m high as per Rule 4.2.5.7 d.</u>	<u>P</u>
yy. <u>Any boundary wall/fence over 3.5m high as per Rule 4.2.5.7 d.</u>	<u>D</u>

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)
3. Refer to Chapter 1.1.8 for sites subject to a site, feature or overlay

4.2.4 Rules – notification

Except as set out below, all proposals for consent will be subject to the normal notification tests of the RMA 1991 as set out in Chapter 1.1.9:

- Proposals for 1 to 3 dwellings on a site that infringe no more than two of the standards set out in 4.2.5 excluding the height in relation to boundary standard, and where the degree of infringement of each of the standards is no greater than 10% of the standard(s) in question, shall be processed without public or limited notification.
- Proposals for 1 to 3 dwellings on a site that infringe no more than two of the standards set out in 4.2.5 excluding the height in relation to boundary standard but to an extent greater than specified in (i) above, or that infringe the height in relation to boundary standard, or that otherwise infringe three or more of the standards set out in 4.2.5 (including the height in relation to boundary standard), may be limited notified to the owners and occupants of adjoining sites.
- Proposals for 4 or more dwellings that do not comply with one or more of the standards set out in 4.2.5, but where the extent of infringement is greater than 10% of the standard(s) in question and less than 25% of the standard(s) in question may be limited notified to the owners and occupants of

adjoining sites.

- iv. Proposals for 4 or more dwellings that do not comply with one or more of the standards set out in 4.2.5, but where the extent of infringement is greater than 25% of the standard(s) in question may be publicly notified.

4.2.5 Rules – General Standards – General Residential Zone.

The following standards apply in the General Residential Zone, except where sites are located within a:

- i. Historic Heritage Area then any standards in Chapter 19 will take preference.

4.2.5.1 Density

Activity	Net site area (minimums unless otherwise stated)
Residential centres and Rest homes	75m ² per resident
Managed care facilities	100m ² per resident

Note:

Refer to Chapter 25.13 - Three Water Infrastructure Capacity Overlay relating to density requirements.

Refer to Chapter 19 - For activities within any Historic Heritage Areas relating to density requirements.

4.2.5.2 Building Coverage

Activity	Maximum building coverage
a. All residential units (except for terrace housing units and apartment units where onsite parking is provided and accessed by a rear lane then 4.2.5.2. b. applies).	50%
b. Maximum building coverage for any terrace housing units and apartments where onsite parking is provided and accessed by a rear lane	60%
c. All other activities	40%

Notes

Rainwater tanks with a capacity of <10,500 litres are exempt from the calculation of building coverage (Refer to Chapter 25.13).

Refer to Chapter 19 - For activities within any Historic Heritage Areas relating to site coverage.

4.2.5.3 Permeability and Landscaping

Activity	Standard
a. Permeable surface	Minimum 30% of a site
b. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the total site with grass or plants, and can include the canopy of a tree regardless of the ground	

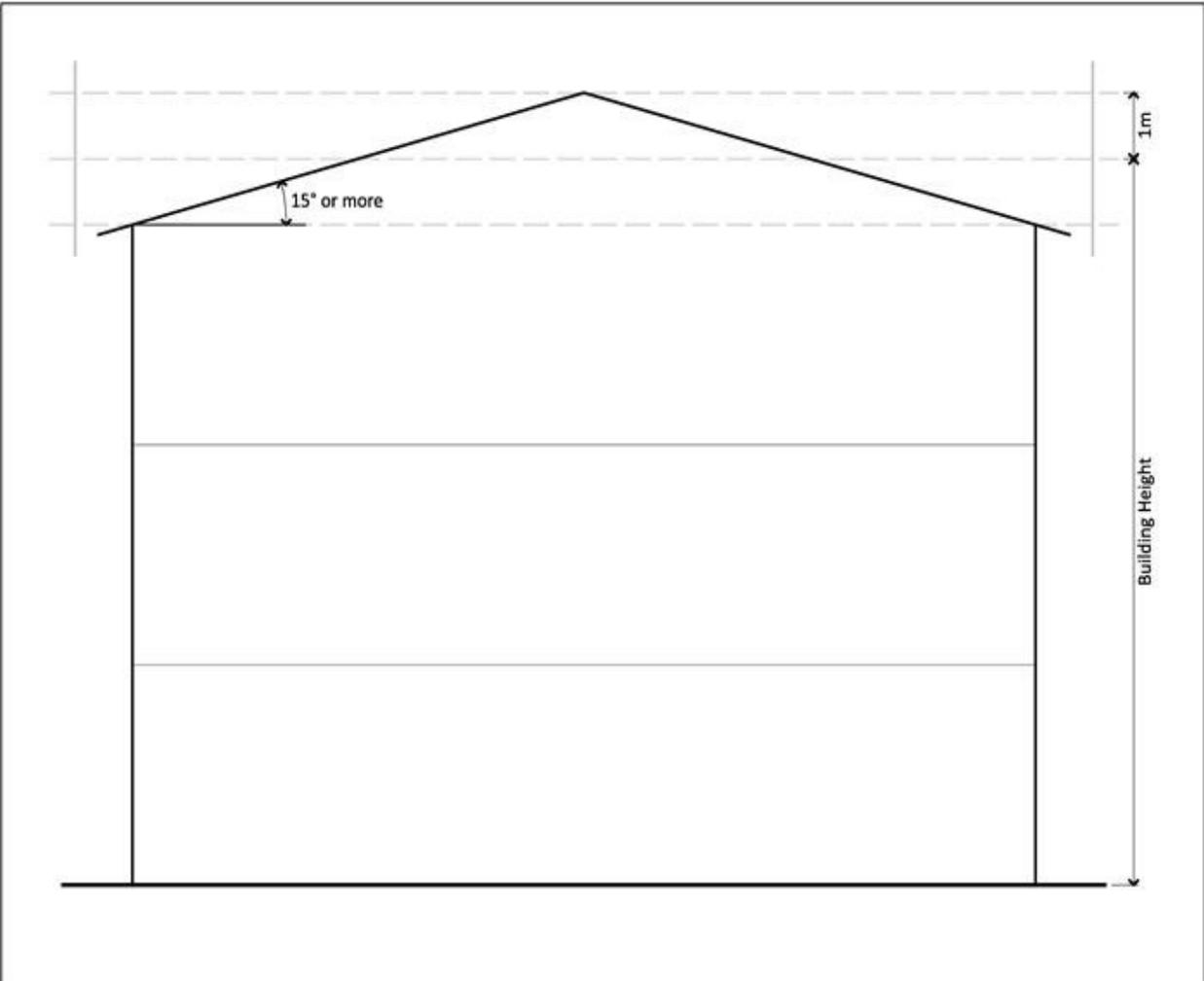
<u>treatment below them.</u>	
c. <u>On front, corner sites and through sites, landscaping planted in grass, shrubs and trees required forward of the front building line.</u>	
i. <u>Single residential units and duplex residential units and apartment buildings</u>	<u>Minimum 50%</u>
ii. <u>Terrace housing with a residential unit frontage width 7.5m or greater</u>	<u>Minimum 40%</u>
iii. <u>Terrace housing with a residential unit frontage width of less than 7.5m</u>	<u>Minimum 30%</u>
d. <u>Urban trees</u> <u>Each development shall provide trees in an unobstructed area within the site, clear of any required vehicle access and manoeuvring, regardless of the ground treatment below the canopy of the tree, at the rate set out below:</u>	
i. <u>Detached residential unit</u>	<u>Two per residential unit.</u>
ii. <u>Duplex residential unit</u>	<u>Two per residential unit.</u>
iii. <u>Terrace housing unit</u>	<u>One per residential unit.</u>
iv. <u>Apartment buildings</u>	<u>Minimum of one tree per site with an additional tree for every 200m² of site area.</u>
v. <u>All other activities</u>	<u>Minimum of one tree per site with an additional tree for every 200m² of site area.</u>
e. <u>Specimen trees shall be planted as per 4.2.5.3d at a planted size of at least 80L.</u>	

Note:

- Requirements set out in 4.2.5.3 a can include the area required in 4.2.5.3 d
- Requirements set out in 4.2.5.3 b can include the area required in 4.2.5.3 c and d
- If the development retains an existing mature tree (or trees) of at least 6m in height within the design, then this can be traded in place of a tree or trees required under 4.2.5.3 d. at a ratio of 1:1.
- The management of stormwater generated from impermeable surfaces is controlled by Rule 25.13.4.2A in the Three Waters Chapter.
- Rainwater tanks with a capacity of <10,500 litres are exempt from the calculation of permeable surface (Refer to Chapter 25.13).
- Refer to Chapter 19 - For activities within any Historic Heritage Areas relating to permeability requirements.

4.2.5.4 Building Height

<u>Activity</u>	<u>Building Height</u>	<u>Maximum Storeys</u>
-----------------	------------------------	------------------------

a. General Residential Zone	11m	3
Buildings must not exceed a building height identified in 4.2.5.4 a, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.		
 <p data-bbox="582 1339 989 1377">Figure 4.2.5.4 a Building Height</p>		

Notes:

Refer to Chapter 19 - For activities within any Historic Heritage Areas relating to building height.

4.2.5.5 Height in Relation to Boundary

General Residential Zone

Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

This standard does not apply to:

- i. A boundary with a road
- ii. Existing or proposed internal boundaries within a site
- iii. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

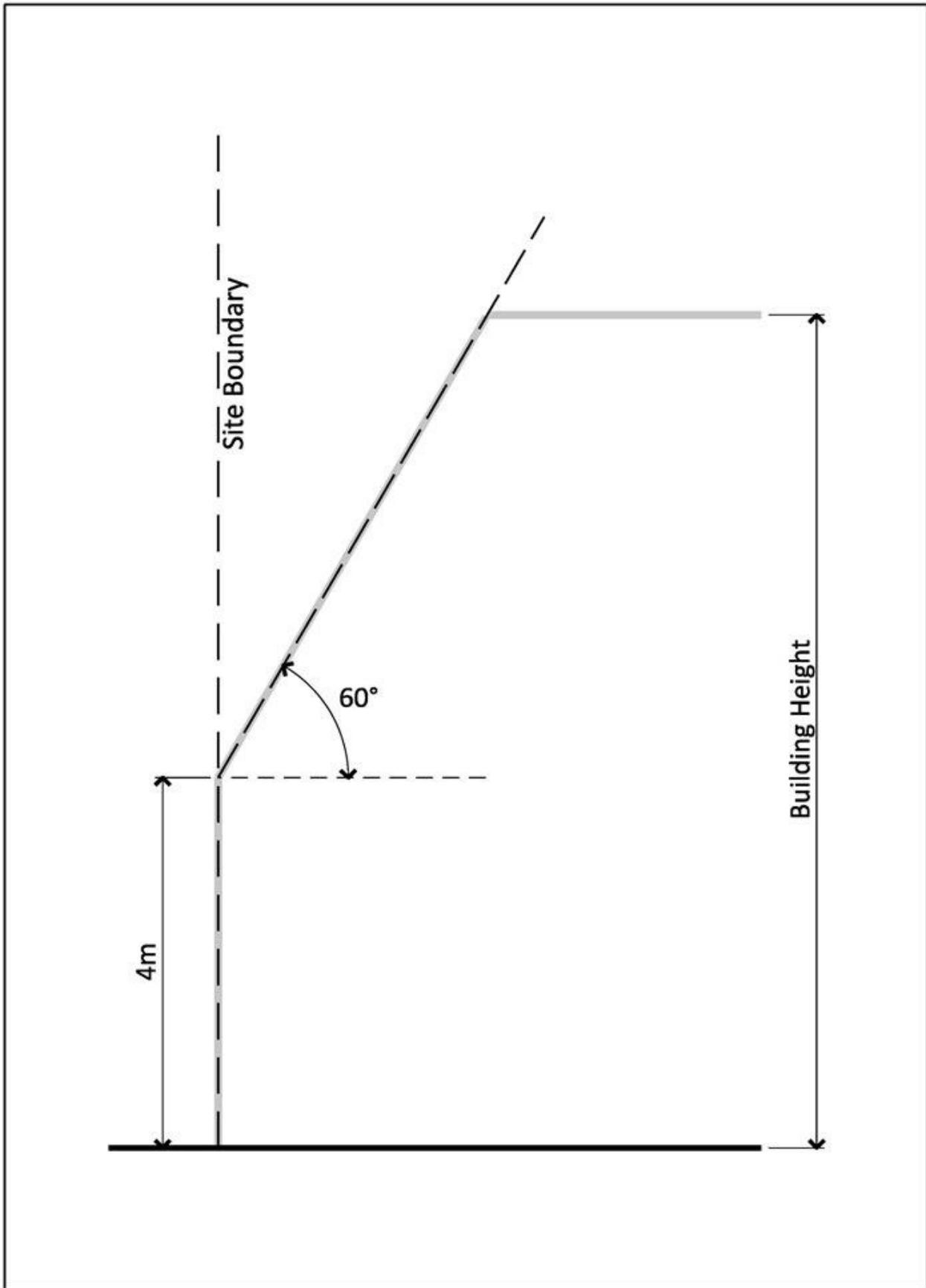


Figure 4.2.5.5 a Height in Relation to Boundary

4.2.5.6 Building Setbacks

Building setback from	Minimum distance
a. <u>Transport corridor boundary</u>	<u>1.5m</u>
b. <u>Where a garage is provided and the garage door or carport facing towards a transport corridor shall be set back from the transport corridor boundary.</u>	<u>5m</u>
c. <u>Side yards</u>	<u>1m</u>
d. <u>One side yard per site where:</u> <ul style="list-style-type: none"> i. <u>Legal provision is made for access and maintenance; and</u> ii. <u>Neighbours consent is obtained; and</u> iii. <u>The opposite side yard is a minimum of 2m. OR, It is a common/party wall</u> 	<u>0m</u>
e. <u>Rear yard</u>	<u>1m</u>
f. <u>Rear yard where it adjoins a rear lane.</u>	<u>0m</u>
g. <u>Side and rear yard setbacks may be reduced where:</u> <ul style="list-style-type: none"> i. <u>The written consent of the owners adjoining the relevant setback or setbacks is obtained; or</u> ii. <u>It is proposed to site a building within the 1m setback and:</u> <ul style="list-style-type: none"> a. <u>The building is less than 10m² in area; and</u> b. <u>The building is less than 2m in height; and</u> c. <u>The building will not be connected to electricity supply; and</u> d. <u>There is no discharge of stormwater onto neighbouring land from the building; and</u> e. <u>No more than one building is established on a site in accordance with this rule; except where notional boundaries are shown for an approved subdivision, one accessory building can exist for each notional lot.</u> 	
h. <u>Internal vehicle access serving up to three residential units on a site (excluding access to an ancillary residential unit).</u>	<u>No part of a building (including eaves) shall extend over or encroach into an internal vehicle access.</u>
i. <u>Internal vehicle access serving more than three residential units on a site</u>	<u>Setback of Residential Units = 1m</u>
j. <u>Waikato Riverbank and Gully Hazard Area</u>	<u>6m (applies to buildings and</u>

	swimming pools)
k. <u>Waikato Expressway (Designation E90 or E90a) (except within the Rototuna North East Residential Precinct)</u>	40m measured from the actual carriageway edge of the Waikato Expressway

The following setbacks shall apply within the Rototuna North East Residential Zone

l. <u>The setback for all habitable buildings within the Rototuna North East Residential Precinct adjoining the Waikato Expressway shall be the 55dBLAeq(24hr) contour line from the Waikato Expressway carriageway boundary determined at the time of subdivision.</u>
m. <u>All non-habitable buildings shall be set back minimum of 10m from the actual carriageway edged of the Waikato Expressway.</u>

Note:

- i. Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.
- ii. The above standards do not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
- iii. Rear and side yard requirements do not apply to rainwater tanks with a capacity of <10,500 litres (Refer to Chapter 25.13.4.2A)
- iv. Refer to Chapter 19 - For activities within any Historic Heritage Areas relating to building setback.

4.2.5.7 Boundary Fences and Walls

Rules	Requirements
e. <u>Front and side boundary fences or walls located forward of the front building line of the residential unit.</u>	Maximum height 1.2m or 1.5m provided 50% of that part over 1.2m is visually permeable.
b. <u>Boundary fences or walls adjoining Open Space Zone.</u>	1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).
c. <u>All other boundary fences or walls.</u>	Maximum height 1.8m
d. <u>Where a retaining wall and front fence are proposed, the maximum height of the combined structure measured from the bottom to top, shall be no more than 1.5m before the following shall apply:</u> <ol style="list-style-type: none"> i. <u>Between 1.5m – 2.5m: A horizontal step at least 1m in depth shall be integrated into the</u> 	

structures no more than 1.2m above the level of the street boundary.

- ii. Between 2.51m – 3.5m: Two horizontal steps, each at least 1m in depth, shall be integrated into the structures no more than 1.2m above the ground level at the base of each ‘step’.
- iii. More than 3.5m: discretionary activity.

e. This rule shall not apply to any fence and/or wall which:

- i. Following construction will be located at or below the natural ground level of the land that existed prior to construction commencing; or
- ii. Is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property boundary not in common ownership.

Note 1.

1. Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.
2. Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.
3. For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and the combined height will be assessed as the overall height of both structures.
4. Refer to Chapter 19 - For activities within a Historic Heritage Areas relating to boundary fences and walls.

4.2.5.8 Public Interface

Public Interface for one to three residential units on a site

- a. Where a residential unit is facing the street it must have:
 - i. A minimum 20% of the street-facing façade at ground level in glazing. This can be in the form of clear-glazed windows or doors.

Public Interface for four or more residential units on a site

- b. Where a residential unit is facing the street it must have:
 - i. A minimum 20% of the street-facing façade at ground level in glazing. This can be in the form of clear-glazed windows or doors.
 - ii. At least one habitable room of the residential unit shall have a clear-glazed window facing the transport corridor from which vision toward the transport corridor is not blocked by any accessory building.
 - iii. For corner and through sites this shall be required only on the frontage from which pedestrian access is provided (front door).
- c. All residential developments comprising 4 or more residential units must have pedestrian access from a transport corridor to the front door of each residential unit, or to the single front door and lobby of an apartment building. This pedestrian access must:
 - i. Be step-free and separate from and clear of any obstructions, carriageway, vehicle parking space (including any parked vehicle overhang or nose-in space), cycle parking space, service

area, loading space, or vehicle manoeuvring area, except:

- A. As provided for in d ii, or
 - B. Where the pedestrian access must cross a carriageway.
- ii. Have lighting to meet the requirements set out in Chapter 25.6.
- d. A pedestrian access serving between 4 and 15 residential units must be at least 1.5m wide, except:
- i. Where the pedestrian access is adjacent to any building wall or fence, it must be at least:
 - A. 1.8m wide, or
 - B. 1.65m wide with a 0.75m wide landscape strip provided on one side of the path between it and either the building wall or the fence, or
 - ii. Where the residential development comprises only 4 or 5 residential units, the pedestrian access may be shared in a carriageway that serves those 4 or 5 residential units only, is at least 3.5m wide, and within a legal width of at least 4m.
- e. A pedestrian access serving more than 15 residential units must be at least 1.8m wide, except where the pedestrian access is adjacent to any building wall or fence, a 0.75m wide landscape strip must be provided on one side of the path between it and either the building wall or the fence.

Note

Landscaping must be in accordance with Rule 25.5.4.4 a-d.

4.2.5.9 Outlook Space

Outlook	
a.	An outlook space must be provided from all habitable room windows.
b.	A principal living room of a dwelling must have an outlook space with a minimum dimension of 4m depth and 4m width.
c.	All other habitable rooms must have an outlook space of 1m in depth and 1m in width.
d.	The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
e.	The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
f.	Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
g.	Outlook spaces required from different rooms within the same building may overlap, and may also overlap where they are on the same wall plane in the case of a multi-storey building.
h.	Outlook spaces may be under or over a balcony.
i.	Outlook spaces must: <ul style="list-style-type: none"> i. Be clear and unobstructed by buildings; and

	ii. <u>Not extend over an outlook spaces or outdoor living space required by another dwelling.</u>
j.	<u>To clarify an outlook space can be:</u> <ol style="list-style-type: none"> <u>Above or below another outlook space (in a vertical configuration):</u> <u>Under buildings, such as balconies; and</u> <u>Over driveways or footpaths within the site, as long as it is not obstructed by structures such as fences.</u>

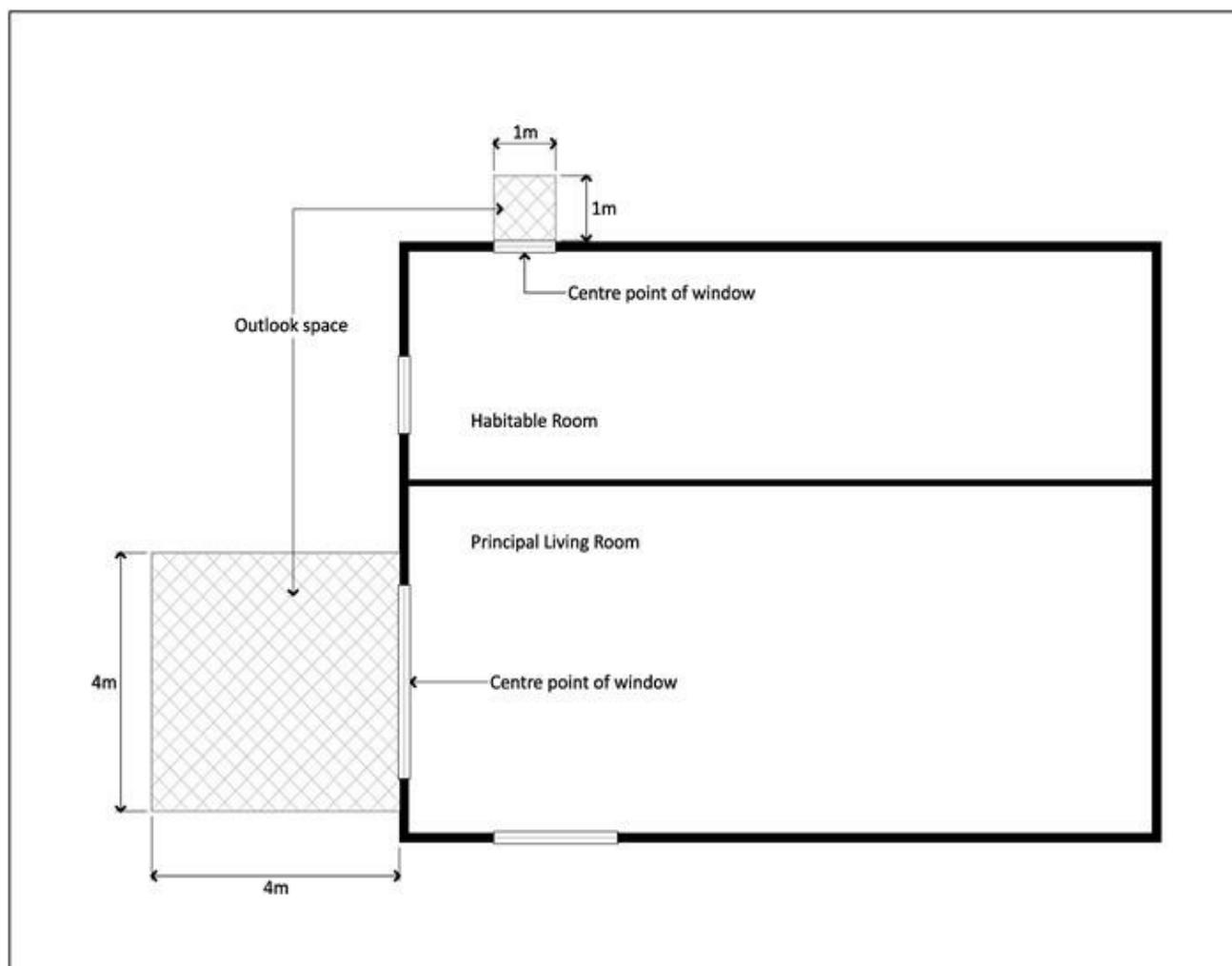


Figure 4.2.5.9 a Outlook

4.2.5.10 Outdoor Living Area

Outdoor living area per residential unit

- a. Outdoor living areas shall have minimum areas and dimensions as follows:

A residential unit at ground floor level must have an outdoor living space that is at least 20m². This may comprise a combination of ground floor, balcony, patio or roof terrace space that:

- i. Where located at ground level, has no dimension less than 3m.
 - ii. Where provided in the form of a balcony, patio or roof terrace, is at least 8m² and has a minimum dimension of 1.8m; and
 - iii. Is accessible from the residential unit, and may be:
 - 1. Grouped cumulatively by area in 1 communally accessible location; or
 - 2. Located directly adjacent to the unit;
 - iv. For four or more residential units, is readily accessible from the principal living room; and
 - v. Is free of buildings, parking spaces, and servicing and manoeuvring areas.
A residential unit above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that
 - i. Is at least 8m² and has a minimum dimension of 1.8 metres.
 - ii. Is accessible from the residential unit, and may be
 - 1. Grouped cumulatively by area in 1 communally accessible location; or
 - 2. Located directly adjacent to the unit.
- b. The above standards do not apply to managed care facilities or rest homes. Refer to Rule 4.2.6.5 and Rule 4.2.6.8

4.2.5.11 Waste Management and Service Areas

Description	Minimum requirements per residential unit
a. <u>Residential Unit</u>	<p><u>All residential units</u></p> <ul style="list-style-type: none"> i. <u>5m² per residential unit.</u> ii. <u>Minimum dimension 1.5m</u> <p><u>For 4 or more residential units the following also apply:</u></p> <ul style="list-style-type: none"> i. <u>No waste storage or collection point shall occur within the front yard setback</u> ii. <u>Spaces can be provided for each individual unit or cumulatively on a communal basis.</u> iii. <u>A Waste Container Management Plan shall be prepared for the site.</u>
b. <u>Community centres and visitor accommodation.</u>	<ul style="list-style-type: none"> i. <u>10m²</u> ii. <u>Minimum dimension 1.5m</u> iii. <u>A Waste Container Management Plan shall be prepared for the</u>

	<u>site.</u>
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- | | |
|---|---|
| <p>c. <u>Dairies (may be indoor or outdoor)</u></p> | <ul style="list-style-type: none"> i. <u>Minimum 10m²</u> ii. <u>Minimum dimension 1.5m</u> iii. <u>Readily accessible to service vehicles</u> iv. <u>Indoor service area separately partitioned</u> v. <u>Outdoor service area; all-weather dust-free surface.</u> vi. <u>A Waste Container Management Plan shall be prepared for the site.</u> |
|---|---|

- | | |
|------------------------------------|--|
| <p>d. <u>All service areas</u></p> | <ul style="list-style-type: none"> i. <u>Clothes drying areas shall have direct access from each residential unit.</u> ii. <u>Service areas shall be screened so they are not visible from a legal road, ground floor of adjoining residential sites, open space zones and public walkways by vegetation or fencing in accordance with Section 25.5.</u> iii. <u>Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages).</u> iv. <u>Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking.</u> v. <u>For any apartment development the storage area for rubbish, recycling, and food scraps must be at ground level or in a basement.</u> vi. <u>The maximum walking distance from any entrance to each residential unit within an apartment building to the storage area for rubbish, recycling and food scraps should not exceed 30 metres (lift travel distance excluded).</u> |
|------------------------------------|--|

<p>e. <u>These standards do not apply to managed care facilities or rest homes. Refer to Rule 4.2.6.5 and Rule 4.2.6.8</u></p>
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Note

Contact Council's Waste and Resource Recovery Team for advice on bin management in the transport corridor.

4.2.5.12 Storage Areas

<p>For apartment developments containing four or more residential units</p>
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- a. Each residential unit shall be provided with a storage area located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.
- b. The storage areas for each residential unit shall meet the following volume requirements:

Unit Type	Minimum storage area volume
i. Studio unit	3m ³
ii. One bedroom unit	4m ³
iii. Two bedroom unit	5m ³
iv. Three or more bedroom unit	6m ³

- c. The minimum dimensions for width and depth shall be 1.2m and the minimum height shall be 1.8m.

4.2.5.13 Accessory Buildings, Vehicle Access and Vehicle Parking

Accessory buildings, vehicle access and vehicle parking for four or more residential units on a site

- a. Any accessory building either attached or detached must be setback at least 1m from the front building line of the residential unit.
- b. Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) equal to or greater than 12m: two single-width or one double-width garage or car port spaces, and one driveway / parking pad up to 6m wide, maximum can be provided.
- c. Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) greater than 7.5m but less than 12m: one single-width garage or car port space, and one driveway / parking pad up to 3.5m wide.
- d. Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) equal to or less than 7.5m: no garage or car port spaces within the dwelling's frontage is permitted and any vehicle access and garaging is to be provided by a rear lane.
- e. For any duplex and/or terrace housing development containing no more than 6 residential units where the individual residential units have a frontage width equal to or less than 7.5m then one external parking pad may be provided in the front yard up to 3.5m wide and no less than 5.5m deep for each residential unit where the following are met:
- It must be an unenclosed parking pad and shall not be enclosed into a carport or garage at any time. Any relating subdivision consent shall record this on the record of title as a consent notice.
 - Access to the parking pads shall be restricted to local roads or publicly accessible on-site access ways of no less than 7m in width.
 - The development must comply with the requirements for permeable surface standards in Rule 4.2.5.3 and the boundary fencing and wall standards in Rule 4.2.5.7, and

- iv. Each residential unit must have at least one habitable room with clear glazed window facing the local road.
- f. Where an on-site vehicle parking area includes more than 4 parking spaces.
 - i. The parking area shall be landscaped at the rate of 1 tree per 5 parking spaces, planted within or immediately adjacent to the parking spaces. 4.2.5.13 f takes preference over the requirements in Rule 25.5.4.6 Internal planting.

Note:

1. The combine width of vehicle crossings and any parking spaces are to be measured along the front boundary where it adjoins the transport corridor.

4.2.5.14 Built Form**Activity**

- a. No wall which is 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 1.8m depth and 4m in length.

4.2.5.15 Universal Access**For applications including 10 or more residential units**

- a. At least 10% of residential units on a site shall be designed to provide convenient wheelchair access including.
 - i. Access from a street to an entry door (which may be a front, back or side door) using gradients no greater than 1:20 and has a level (stepless) transition from inside to outside.
 - ii. Doorways that are at least 810mm (door leaf 860mm) wide to fit a wheelchair
 - iii. At least one bedroom and accessible bathroom be located at ground level and on the same level as the kitchen and living room.

Note: Where the assessment of the number of accessible units results in a fractional number, any fraction under one-half shall be disregarded and fractions of one-half or greater shall be considered as one residential unit.

4.2.6 Rules – Specific Standards**4.2.6.1 Childcare Facility**

- a. The activity shall not be part of a multiple residential unit development.
- b. The activity shall be located on a front, corner or through site.
- c. The activity shall have a maximum gross floor area of all buildings of 250m².

4.2.6.2 Community Centres, Tertiary and Specialised Training Facilities Schools and Places of Worship

a.	Gross floor area of all buildings	Maximum 250m ²
b.	Hours of operation	0700 to 2200 hours
c.	Additional hours for special event (maximum 1 per calendar year)	2200 to 0200 hours
d.	The display or storage of materials, except for permitted signage, shall not be visible from outside the site.	

4.2.6.3 Dairies

a.	Gross floor area of retail	Maximum 100m ²
b.	Hours of operation	0700 to 2200 hours
c.	Located on a corner or through site	

4.2.6.4 Home-based Businesses

For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:

- i. Not involve more than three employees that do not normally reside on the property.
- ii. Not exceed 10m² or 30% of the total gross floor area of buildings on the site, whichever is greatest.
- iii. Not generate any trips by a heavy motor vehicle.
- iv. Do not involve deliveries or the arrival or departure of any persons from the site between the hours of 2000-0700, on any day.
- v. Occur internally within the building.
- vi. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
- vii. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
- viii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- ix. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
- x. Have 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. The sign must be attached to either a fence, wall or building.

4.2.6.5 Managed Care Facilities

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 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:

- i. Proposed number of residents.
- ii. The anticipated number of visitors to the site per week and daily visiting hours.
- iii. Anticipated full time equivalent staff at the facility.
- iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
- v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.

The outdoor living area shall be provided communally which shall comprise:

- i. At least 12m² per resident.
- ii. A minimum dimension of not less than 4m.
- iii. An area capable of containing a 6m diameter circle.
- iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- v. Comprise not more than 35% impermeable surface area.
- vi. For the exclusive use of the residents.
- vii. Readily accessible for all residents.
- viii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.

A service area shall be provided that has:

- i. A minimum area of 20m² with a minimum dimension of 3m.
- ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- iii. A Waste Container Management Plan shall be prepared for the site.

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.

No part of any site or premises used as a managed care facility shall contain a secure unit.

4.2.5.6 Relocated Buildings

- a. Any relocated building intended for use as a dwelling (excluding previously used accessory buildings) must have previously been designed, built and used as a dwelling.
- b. A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building.
- c. All reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- d. The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.

4.2.6.7 Show Homes

- a. Shall be staffed by a maximum number of two staff at any time.
- b. Shall be located on a front, corner or through site.
- c. Shall have a maximum activity duration of two years from the time of first occupation.

4.2.6.8 Rest Homes

- a. Maximum occupancy shall be 10 residents (including live-in staff).
- b. The maximum density for rest homes shall be one person per 75m² of net site area.
- c. An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.
 - ii. Is readily accessible to all residents.
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- d. The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. At least capable of containing a 6m-diameter circle.
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- e. A service area shall be provided with areas and dimensions as follows:

- i. Minimum area of 20m².
- ii. Minimum dimension of 3m.
- iii. Provided that where a fully equipped laundry (both washing and drying machines) is provided in rest home, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- iv. A Waste Container Management Plan shall be prepared for the site.

4.2.6.9 Visitor Accommodation

- a. Maximum occupancy for visitor accommodation shall be 12 guests.
- b. Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant.

4.2.6.10 Pruning and maintenance of a tree where the trunk is located within a Significant Natural Area and the canopy overhangs the boundary of the Significant Natural Area in Schedule 9C (Volume 2, Appendix 9).

- a. Shall comply with the following:
 - i. Maximum amount of foliage to be removed per tree per calendar year is 15%
 - ii. Maximum thickness (cross-section) of any branch or root that may be cut is 50mm.

4.2.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a. In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. <u>Four or more residential units on a site but complying with the standards*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
ii. <u>Infringements of one or more standards – up to 3 residential units on a site*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u> <u>Except in relation to non-compliance with Rule 4.2.5.3 a., where matters of discretion will be</u>

	limited to JJ - Stormwater Quantity and Quality
iii. <u>Infringements of one or more standards – 4 or more residential units on a site</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
iv. <u>Childcare facility for 6 or more children</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
v. <u>Community centre</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Residential Amenity</u>
vi. <u>Dairy</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
vii. <u>Tertiary education and specialised training facility</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
viii. <u>Papakainga*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
ix. <u>Marae provided as part of a papakainga development*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
x. <u>Places of worship</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
xi. <u>Rest home*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Residential Amenity</u>
xii. <u>Visitor accommodation</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
xiii. <u>New building for the purpose of Health Care Services identified in 4.2.3.1.tt</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
xiv. <u>Retirement Village</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
xv. <u>Emergency service facilities</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
xvi. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a Significant Natural Area in Schedule 9C</u>	<ul style="list-style-type: none"> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>

(Volume 2, Appendix 9)

Note

1. *Refer to Chapter 1.1.9 for activities marked with an asterisk.*

4.2.8 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant:

- [Chapter 2: Strategic Framework](#)
- [Chapter 3: Structure Plans](#)
- [Chapter 19: Historic Heritage](#)
- [Chapter 20: Natural Environments](#)
- [Chapter 21: Waikato River Corridor and Gullies](#)
- [Chapter 22: Natural Hazards](#)
- [Chapter 23: Subdivision](#)
- [Chapter 24: Financial Contributions](#)
- [Chapter 25: City-wide](#)

4.2.9 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following:

- [How to Use this District Plan](#)
- [Explanation of Activity Status](#)
- [Activity Status Defaults](#)
- [Notification / Non-notification Rules](#)
- [Rules Having Early or Delayed Effect](#)

Refer to Volume 2, Appendix 1: District Plan Administration for the following:

- [Definitions and Terms Used in the District Plan](#)
- [Information Requirements](#)
- [Controlled Activities – Matters of Control](#)
- [Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria](#)
- [Design Guides](#)
- [Other Methods of Implementation](#)

4.3 Medium Density Residential Zone

4.3.1 Purpose

Its purpose is to provide for housing supply and choice in a manner that meets the future needs of the community. The Medium Density Residential Zone is a reasonably high-intensity zone enabling a greater intensity of development than previously provided for. Medium density development provides a number of benefits, including a more efficient use of land and infrastructure and the ability to foster walkable communities, which provide for access to services, jobs and daily needs within a walkable or cyclable distance. The thresholds of what is anticipated are primarily derived from the Government's requirements including through its National Policy Statements.

Over time, the appearance of the medium density neighbourhoods will change, with development typically up to five storeys in a variety of sizes and forms, including detached dwellings, terrace housing and apartments. It also provides for more housing options, such as one or two person homes, smaller families and opportunities for retirees to downsize. Increased density supports public transport and viable commercial centres, increasing the number of people within a walkable catchment.

The Medium Density Residential Zone applies to existing residential areas that have been identified as suitable to accommodate higher density development. These areas are located to the north of the Central City and adjacent to the following Business Centres:

- Chartwell
- Hamilton East
- Five Cross Roads
- University
- Thomas Road
- Dinsdale
- Glenview
- Nawton

The zone also provides for residentially-compatible business activity including home businesses and other commercial or community activities.

Where resource consent is required for 4 or more dwellings, the plan places particular emphasis on achieving the anticipated urban built character of the Medium Density Residential Zone while achieving attractive and safe street and public open spaces. As well as managing the effects of development on adjoining neighbouring sites, including visual amenity, privacy and access to daylight, and ensuring a high quality on-site living environments.

Ruakura and Te Awa Lakes Residential Precincts

Activities within a Development Area can proceed on a staged basis if stages have been defined as part of the resource consent granted.

Applications for resource consent for a Development Area should be in accordance with the relevant structure plan, relevant design guide, the information requirements in Appendix 1.2.2.8 of Volume 2 and any other relevant rule in the District Plan.

Where an application for resource consent for a Development Area requires consent for a number of activities with a variety of activity status, for the purposes of assessment, the activities will be bundled and the most onerous activity status will apply to the entire application.

Where resource consent for Development Activities is required in the Ruakura and Te Awa Residential

Precinct, these consents should be applied for concurrently to achieve coordinated and integrated development.

Peacocke Precinct

For any development within the Peacocke Precinct Chapter 4A Peacocke Medium Density Residential Zone will apply.

4.3.2 Objectives and Policies: Medium Density Residential Zone

- a. The following objectives and policies do not apply in the Medium Density Zone: Peacocke Precinct (Refer to 4.3A).
- b. Objectives and policies for any of the precincts have primacy over any similar objectives and policies set out in 4.1.2 and 4.3.1.

Objective	Policies
<p>4.3.2.1 Promote comprehensive and integrated development for the development of 4 or more residential units within the Medium Density Residential Zone.</p>	<p>4.3.2.1a The development achieves higher density in conjunction with high quality amenity through a masterplanning approach that is informed by the relevant structure plan and related rules.</p>
	<p>4.3.2.1b Incorporate universal access principles into any development.</p>
	<p>4.3.2.1c Encourage subdivision and land use to be undertaken concurrently.</p>
	<p>4.3.2.1d Land is used in accordance with structure and master planning, including coordination with staging and provision of infrastructure.</p>
	<p>4.3.2.1e Where on site car parking is provided ensure:</p> <ul style="list-style-type: none"> i. Where possible combined vehicle crossing were vehicle access is not from a rear lane; ii. The visual dominance of garage doors and carparking is minimised; iii. That the effects of car parking on public space and streetscapes are minimised by avoiding parking forward of the residential unit; iv. Vehicle crossings are minimised on road frontages where narrow dwellings are proposed and where shared paths and separated cycle ways are located.
	<p>4.3.2.1f Enable residential development that:</p>

	<ul style="list-style-type: none"> i. <u>Are on sites:</u> <ul style="list-style-type: none"> a. <u>Of a sufficient size and dimension to accommodate the proposed number of residential units; and</u> b. <u>Where there is sufficient frontage to public space, and with private space to the rear; and</u> ii. <u>Through site layout, building design and landscaping:</u> <ul style="list-style-type: none"> a. <u>Clearly delineate public and private space;</u> b. <u>Promote passive surveillance of adjoining public spaces;</u> c. <u>Avoid bland featureless elevations, high blank walls and non-permeable fencing to public spaces; and</u> d. <u>Orientate habitable rooms, balconies and entrances to public space.</u>
<p>Objective</p>	<p>Policies</p>
<p>4.3.2.2 <u>The Medium Density Residential Zone and development within it provide for a variety of housing types and sizes that respond to:</u></p> <ul style="list-style-type: none"> i. <u>Housing needs and demand; and</u> ii. <u>The neighbourhood's planned urban built character, including 3 to 5 storey buildings.</u> 	<p>4.3.2.2a <u>Enable a variety of housing typologies with a mix of densities within the zone, including 3 to 5 storey terrace residential units and apartment buildings.</u></p> <p>4.3.2.2b <u>Recognise that development in accordance with the Medium Density Residential Zone will have adverse effects, in some instances substantial, on existing development and neighbours, and (except where a neighbour has provided written approval to a proposal):</u></p> <ul style="list-style-type: none"> i. <u>Subject to (ii) below, ensure that development with adverse effects greater than those enabled by the Medium Density Residential Zone on a neighbour will achieve an equivalent or greater overall standard of on-site amenity for that neighbour compared to development in accordance with what the Medium Density Residential Zone could be reasonably anticipated to result in.</u> ii. <u>Where a proposal cannot satisfy (i) above, avoid adverse effects beyond those that could normally result from development in accordance with what the Medium Density Residential Zone could be reasonably anticipated to result in except where substantial off-setting positive effects.</u> <p>4.3.2.2c <u>Medium density residential development should be located within and close to suburban centres, tertiary education facilities and hospital, and in areas serviced by passenger transport.</u></p>

Ruakura Residential Precinct

Objective	Policies
<p>4.3.2.3 The Medium-Density Residential Zone in the Ruakura Residential Precinct includes an Integrated Retail Development providing services and community facilities capable of meeting the day to day needs of the immediate neighbourhood.</p>	<p>4.3.2.3a An Integrated Retail Development limited in size shall be provided for in a location central to the Ruakura Medium-Density Residential Development.</p>
	<p>4.3.2.3b Activities within the Integrated Retail Development shall principally serve their immediate neighbourhood.</p>
	<p>4.3.2.3c The scale and nature of activities within the Ruakura Integrated Retail Development shall not generate significant adverse amenity effects on surrounding residential areas and transport networks.</p>
<p>Explanation</p>	

The Ruakura Integrated Retail Development Centre will provide a range of everyday goods and services and essentially serve a walk-in population. Being situated in a planned residential area it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values.

Te Awa Lakes Residential Precinct

Objective	Policies
<p>4.3.2.4 The Medium-Density Residential Zone within the Te Awa Lakes Residential Precinct area enables a comprehensively designed residential development incorporating a component of affordable housing and integrated with the adjacent adventure park tourist and recreation attraction, the Waikato River, and nearby communities, all contributing to an attractive gateway to the city.</p>	<p>4.3.2.4a A range of housing types, including higher densities, are enabled to provide a choice of living environments, connected to other communities through multi-modal and non-motorised transport.</p>
	<p>4.3.2.4b The development achieves higher density in conjunction with high quality amenity through a masterplanned approach that is informed by the Te Awa Lakes Structure Plan and related rules.</p>
	<p>4.3.2.4c The development provides affordable housing through the higher density and by specifying that a minimum percentage of new homes do not exceed a maximum purchase price.</p>
	<p>4.3.2.4d Development is sensitive to the Waikato River interface through lower density development and building setbacks.</p>
	<p>4.3.2.4e The development will protect and enhance the ecological and cultural values of the site through protection of an archaeological site, a comprehensive treatment train approach to stormwater treatment, indigenous wetland and landscape planting, maintenance of high water quality in the</p>

lakes and ecological restoration of the adjoining gully that conveys stormwater to the Waikato River.

Explanation

These objective and policies reflect the unique location of the Te Awa Lakes Medium-Density Residential Zone and its integration with the adventure park, the masterplanning that underpins it and the opportunity afforded for it to integrate into its surrounding activities and features and nearby communities, while achieving high levels of residential amenity and ecological protection and enhancement. An important aspect of the policies is to ensure that, as far as practicable, residential development does not result in reverse sensitivity effects on existing and future industrial activities. The zone is consistent with the purpose and principles of the Te Awa Lakes Structure Plan.

Rototuna Town Centre Precinct

<p>4.3.2.5 Residential development within the Medium Density Residential Zone of the Rototuna Town Centre Precinct will be undertaken to ensure a compact, well designed, and functional residential developments with high levels of amenity.</p>	<p>4.3.2.5a Ensure that high and medium residential development establish in the locations shown on the Rototuna Town Centre Precinct.</p>
	<p>4.3.2.5b Use the Rototuna Town Centre Design Guide to implement quality residential design and living environments within the identified medium density residential areas of the Rototuna Town Centre Precinct.</p>
	<p>4.3.2.5c Ensure that residential development within the Rototuna Town Centre Precinct delivers densities consistent with those promoted by the NPS-UD.</p>

Explanation

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 high 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 town centre and that are compatible with surrounding residential areas.

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.

Rotokauri North Residential Precinct

Objective	Policies
<p>4.3.2.6 Development within the Rotokauri North Residential Precinct enables a medium density residential environment which has high levels of amenity and allows for a range of housing typologies.</p>	<p>4.3.2.6a Enable a medium-density residential urban form and character for four or more dwellings which is defined by:</p> <ol style="list-style-type: none"> i. Clearly delineating between public and private spaces; ii. Ensuring building bulk is located towards the road

frontage and side boundaries of lots, with less development within the rear yards (excluding rear lane accessed garaging);

- iii. Ensuring there is sufficient space between the rear of opposing dwellings to provide rear yards for outdoor living with privacy and reasonable solar access;
- iv. Ensuring opportunities for convenient, comfortable and safe interaction at the public space / private property boundary interface through the provision of low fence heights and enabling visually open porch structures extending into the front yard;
- v. Providing high quality, safe, interconnected and accessible public spaces rather than relying on large private outdoor spaces.

4.3.2.6b

Encourage a diverse range of residential developments:

- i. Near the Business 6 Zone within the Residential Medium-Density Overlay on the Structure Plan Figure 2-8A; and
- ii. Near collector roads, natural open space, parks and reserves

4.3.2.6c

Enable higher site coverage for terrace housing and apartments in the Rotokauri North Residential Precinct where any onsite parking is accessed by a rear lane and stormwater is managed appropriately.

4.3.2.6d

Encourage duplex residential units on sites where:

- i. There is sufficient road frontage width;
- ii. There is a combined vehicle crossing where vehicle access is not from a rear lane; and
- iii. Car parking dominance and adverse effects of car parking on public space and streetscapes are minimised.

4.3.2.6e

Encourage terrace housing and apartments that:

- i. Are on sites:
 - a. Of a sufficient size and dimension to accommodate the proposed number of residential units; and
 - b. Where there is sufficient frontage to public space, and with private space to the rear; and

- ii. Through site layout, building design and landscaping:
 - a. Clearly delineate public and private space;
 - b. Promote passive surveillance of adjoining public spaces;
 - c. Avoid bland featureless elevations, high blank walls and non-permeable fencing to public spaces.

4.3.2.6f

Control road façade elements to ensure dwellings relate to the road, including height controls, presence of a front door, sufficient glazing, ability to establish verandas / porches, landscaping provision, fencing heights, garage setbacks, and the control of garage in proportion to the façade width.

4.3.2.6g

Enable the development and use of rear lanes, including opportunities for rear garaging/parking and habitable areas above the garage, especially where lot or dwelling frontage widths are narrow.

4.3.2.6h

Require outdoor living spaces that are:

- i. Commensurate with medium density development; and
- ii. Supported by opportunities to utilise front porches for outdoor living (as transitional spaces and to enable interaction with the street).

4.2.2.6i

Enable service areas within side and rear yards, carports and garages.

Explanation

The objective and policies reflect the overall design approach for the development of the Rotokauri North Residential Precinct, which is to create a well-planned medium-density living environment that enables a variety of lifestyle and housing choices (and therefore a range of price points and provision of affordable housing).

The provisions recognise that the environment seeks to create liveable and useable spaces: dwellings are encouraged to create public fronts which address the street and encourage interaction, and back yards are provided for private outdoor living spaces. The achievement of this pattern of development is important to establishing a high-quality medium-density living environment.

4.3.3 Rules – Medium Density Residential Zone**4.3.3.1 Activity Status Table**

The following activity status table does not apply in the Peacocke Precinct (Refer to 4.3A).

Activity	Medium Density Residential Zone
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If the activity is subject to a site, feature or overlay then Chapter 1.1.8 Activity Status Defaults needs to be considered.

a. <u>Accessory building</u>	<u>P</u>
b. <u>Ancillary residential structures</u>	<u>P</u>
c. <u>Emergency housing for up to 10 residents</u>	<u>P</u>
d. <u>Residential activities</u>	<u>P</u>
e. <u>1 to 3 residential units on a site</u>	<u>P</u>
f. <u>4 or more residential units on a site</u>	<u>RD*</u>
g. <u>Papakainga containing 1 to 3 residential units</u>	<u>P</u>
h. <u>Papakainga containing 4 or more residential units</u>	<u>RD*</u>
i. <u>Rest home (Except within the Ruakura and Rotokauri North Residential Precincts)</u>	<u>RD</u>
j. <u>Rest home within the Ruakura and Rotokauri North Precincts</u>	<u>D</u>
k. <u>Retirement Village</u>	<u>RD</u>
l. <u>Managed care facilities (Except within the Ruakura and Rotokauri North Residential Precincts)</u> i. <u>Up to 9 residents</u> ii. <u>10 or more residents (excluding emergency housing)</u>	<u>P</u> <u>D</u>
m. <u>Managed care facilities within the Ruakura and Rotokauri North Residential Precincts</u>	<u>D</u>
n. <u>Residential centre</u>	<u>D</u>

Commercial Activities and Structures

o. <u>Home-based business</u>	<u>P</u>
p. <u>Homestay accommodation</u>	<u>P</u>
q. <u>Show homes</u>	<u>RD*</u>
r. <u>Childcare facility (Except within the Ruakura and Rotokauri North Residential Precincts)</u> i. <u>Up to 5 children</u> ii. <u>Six or more children</u>	<u>P</u> <u>RD</u>
s. <u>Childcare facility within the Ruakura and Rotokauri North Residential Precincts</u> i. <u>up to 5 children</u> ii. <u>Six or more children</u>	<u>C</u> <u>RD</u>
t. <u>One Integrated Retail Development within the Ruakura Residential Precinct in accordance with the general location identified on Figure 2.14 Ruakura Structure Plan – Land Use (Appendix 2)</u>	<u>RD</u>
u. <u>Dairy (Except within the Ruakura Residential Precinct)</u>	<u>RD</u>
v. <u>Dairy within the Ruakura Residential Precinct</u>	<u>C</u>
w. <u>One Service Station (fronting Pardoia Boulevard – Ruakura Residential Precinct)</u>	<u>D</u>
x. <u>Health care service</u>	<u>D</u>
y. <u>Places of assembly</u>	<u>D</u>
z. <u>Visitor accommodation</u>	<u>D</u>
aa. <u>Offices (other than as a home-based business or except when complying with s.)</u>	<u>NC</u>
bb. <u>Service industry</u>	<u>NC</u>
cc. <u>Light industry</u>	<u>NC</u>
dd. <u>Restaurants</u>	<u>NC</u>
ee. <u>Licensed premises</u>	<u>NC</u>

ff. <u>Conference facility</u>	<u>NC</u>
gg. <u>Tertiary education and specialised training facility</u>	<u>NC</u>
Community Activities and Structures	
hh. <u>Temporary activities</u>	<u>P</u>
ii. <u>Informal recreation</u>	<u>P</u>
jj. <u>Organised recreation</u>	<u>P</u>
kk. <u>Community centre (Except within the Ruakura and Rotokauri North Residential Precincts)</u>	<u>RD</u>
ll. <u>Community centre within the Ruakura and Rotokauri North Residential Precincts</u>	<u>C</u>
mm. <u>General recreation</u>	<u>D</u>
nn. <u>Places of worship</u>	<u>D</u>
oo. <u>Mara (Accept when provided as part of a papakainga development)</u>	<u>D</u>
pp. <u>Marae provided as part of a papakainga development</u>	<u>RD*</u>
qq. <u>School</u>	<u>D</u>
rr. <u>Passenger transport facilities</u>	<u>NC</u>
ss. <u>Club Rooms</u>	<u>NC</u>
All Activities and Structures	
tt. <u>Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>
uu. <u>Demolition or removal of heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage.</u>	<u>See Chapter 19</u>
w. <u>Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>

ww. <u>Maintenance, repair and alterations and additions to heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage.</u>	<u>See Chapter 19</u>
xx. <u>Relocated buildings (Except within the Ruakura and Rotoakuri North Residential Precincts)</u>	<u>NC</u>
yy. <u>Relocated buildings within the Ruakura and Rotokauri North Residential Precincts</u>	<u>C</u>
zz. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a SNA in Schedule 9C (Volume 2, Appendix 9)</u>	<u>RD</u>
aaa. <u>Pruning and maintenance of the canopy of a tree where the trunk is located within a Significant Natural Area that overhangs the boundary of a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<u>P</u>
bbb. <u>Emergency service facilities</u>	<u>D</u>
ccc. <u>Any boundary wall/fence equal to or less than 3.5m high as per Rule 4.3.4.7</u>	<u>P</u>
ddd. <u>Any boundary wall/fence over 3.5m high as per Rule 4.3.4.7 d</u>	<u>D</u>
Development activities within the Ruakura and Te Awa lakes Residential Precincts	
eee. <u>Earthworks and vegetation removal</u>	<u>RD*</u>
fff. <u>Construction of roads, pedestrian paths and cycle routes</u>	<u>RD*</u>
ggg. <u>Installation of three waters infrastructure</u>	<u>RD*</u>
hhh. <u>Works relating to open space establishment</u>	<u>RD*</u>
Development activities - Te Awa Lakes Development Areas Q and R	
iii. <u>Earthworks and vegetation removal</u>	<u>D</u>
jjj. <u>Construction of roads, pedestrian paths and cycle routes</u>	<u>D</u>
kkk. <u>Installation of three waters infrastructure</u>	<u>D</u>
lll. <u>Works relating to open space establishment</u>	<u>D</u>
Note	
1. <u>For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.</u>	

2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

4.3.3.2 Rules – Notification

- a. Except as set out below, all proposals for consent will be subject to the normal notification tests of the RMA:
- i. Proposals for 1, 2 or 3 dwellings on a site that infringe no more than two of the rules in 4.3.3, excluding the height in relation to boundary standard, and where the degree of infringement of each of the standards is no greater than 10% of the standard(s) in question, shall be processed without public or limited notification.
 - ii. Proposals for 1, 2 or 3 dwellings on a site that infringe no more than two of the rules in 4.3.3, excluding the height in relation to boundary standard but to an extent greater than specified in (i) above, or that infringe the height in relation to boundary standard, or that otherwise infringe three or more of the rules in 4.3.3. (including the height in relation to boundary standard), shall be limited notified to the owners and occupants of adjoining sites.
 - iii. Proposals for 4 or more dwellings that do not comply with one or more of the rules in 4.3.3, but where the extent of infringement is greater than 10% of the standard(s) in question and less than 25% of the standard(s) in question shall be limited notified to the owners and occupants of adjoining sites.
 - iv. Proposals for 4 or more dwellings that do not comply with one or more of the rules in 4.3.3, but where the extent of infringement is greater than 25% of the standard(s) in question shall be publicly notified.

4.3.4 Rules – General Standards – Medium Density Residential Zone

- a. The following standards do not apply in the Medium Density Zone: Peacocke Residential Precinct (Refer to 4.3A).

4.3.4.1 Density

Activity	Net site area (minimums unless otherwise stated)
Residential centres	75m ² per resident
Rest homes	50m ² per resident
Managed care facilities	100m ² per resident

Note:

Refer to Chapter 25.13 - Three Waters relating to density requirements within the Three Waters Infrastructure Capacity Overlay

4.3.4.2 Building Coverage

Activity	Building Coverage
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a. <u>All residential units (except for terrace housing units and apartment units where onsite parking is provided and accessed by a rear lane then 4.3.4.2. b. applies).</u>	<u>50%</u>
b. <u>Maximum building coverage for any terrace housing units and apartments where onsite parking is provided and accessed by a rear lane</u>	<u>60%</u>

Note:

Rainwater tanks with a capacity of <10,500 litres are exempt from the calculation of building coverage (Refer to Chapter 25.13).

4.3.4.3 Permeable Surface and Landscaping

Activity	Standard
a. <u>Permeable surface</u>	<u>30%</u>
b. <u>A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the total site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</u>	
c. <u>On front, corner and through sites, landscaping planted in grass, shrubs and trees required forward of the front building line (except sites within the Rotokauri North Residential Precinct).</u>	
i. <u>Single residential unit and duplex residential units and apartment buildings</u>	<u>Minimum 50%</u>
ii. <u>Terrace housing with a residential unit frontage width 7.5m or greater</u>	<u>Minimum 40%</u>
iii. <u>Terrace housing with a residential unit frontage width of less than 7.5m</u>	<u>Minimum 30%</u>
d. <u>Urban trees</u> <u>Each development shall provide trees in an unobstructed area within the site, clear of any required vehicle access and manoeuvring, regardless of the ground treatment below the canopy of the tree, at the rate set out below:</u>	
i. <u>Detached residential unit</u>	<u>Two per residential unit.</u>
ii. <u>Duplex residential units</u>	<u>Two per residential unit</u>
iii. <u>Terrace housing units</u>	<u>One per residential unit</u>
iv. <u>Apartment Buildings</u>	<u>Minimum of one tree per site with an additional tree for every 150m² of site area.</u>
v. <u>All other activities</u>	<u>Minimum of one tree per site with an additional tree for every 200m² of site area.</u>
<u>Specimen trees shall be planted as per 4.3.4.3 d. at a planted size of at least 80L</u>	

Sites within the Rotokauri North Residential Precinct

e.	Permeability forward of the building line of the residential unit (including porch) planted in grass, shrubs and trees:	
	i. Sites 350m ² or larger	Minimum 50%
	ii. Sites less than 350m ²	Minimum 40%

Note:

- Requirements set out in 4.3.4.3 a can include the area required in 4.2.5.3 d.
- Requirements set out in 4.3.4.3 b can include the area required in 4.2.5.3 c and d.
- If the development retains an existing mature tree (or trees) of at least 6m in height each within the design, then this can be traded in place of a tree or trees required under 4.3.4.3 d at a ratio of 1:1.
- The management of stormwater generated from impermeable surfaces is controlled by Rule 25.13.4.2A in the Three Waters Chapter.
- Rainwater tanks with a capacity of <10,500 litres are exempt from the calculation of permeable surface (Refer to Chapter 25.13).

4.3.4.4 Building Height

	Maximum Building Height	Maximum Storeys
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a. Medium Density Residential Zone (Except within the Rotokauri North Residential Precinct)	15m	5
b. Medium Density Residential Zone within the Rotokauri North Residential Precinct	11m	-
c. Rotokauri North Residential Precinct - within the 'Residential Medium Density Overlay' as shown on Figure 2-8A of the Rotokauri North Structure Plan	15m	-

Buildings must not exceed the heights identified in rule 4.3.3.4 a, b or c, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.

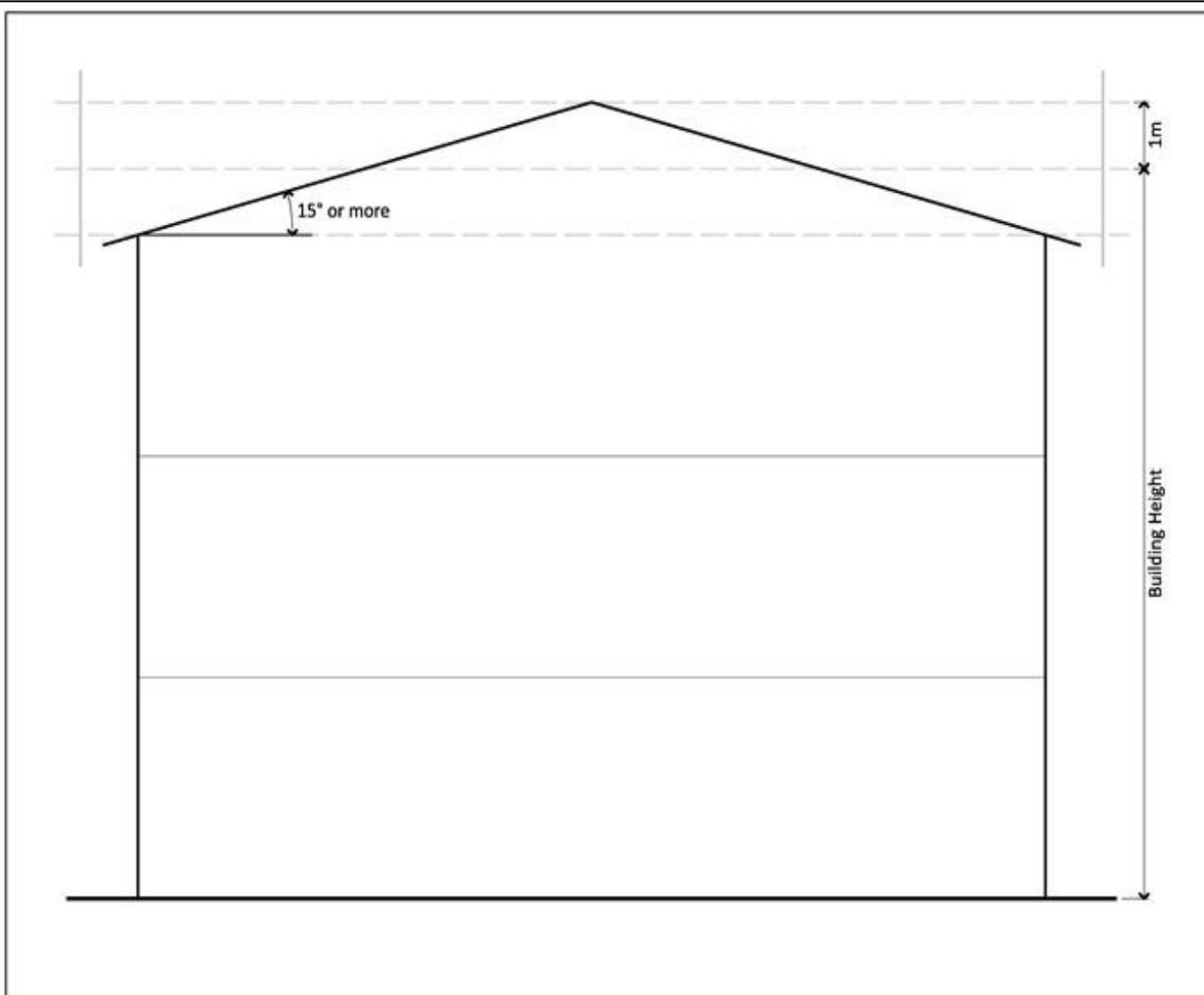


Figure 4.3.4.4 a Building Height.

4.3.4.5 Height in Relation to Boundary

Medium Density Residential - Height in Relation to Boundary (except for sites within the Rotokauri North Residential Precinct containing four or more residential units)

a. For single and duplex residential units on a site:

Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following Figure 4.3.4.5 a. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way

This standard does not apply to:

- i. A boundary with a road;
- ii. Existing or proposed internal boundaries within a site; or
- iii. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed

b. For three or more attached residential units on a site that adjoins a transport corridor, another site in the Medium Density Zone or High Density Zone or the following zones, any Business Zone, any Open Space Zones:

- i. Within the first 20 meters of the site measured from the transport corridor boundary 4.3.4.5 a. will not apply along the side boundaries.
- ii. Within the first 20 meters of the site measured from the transport corridor boundary the following shall apply:
 - a. All parts of a building less than 11m in height (or up to 3 storeys) shall be setback from the side yard boundary a minimum of 1 meter as required by Rule 4.3.4.6 b;
 - b. All parts of a building greater than 11m in height (or greater than 3 storeys) shall be setback from the side boundary a minimum of 4 meters.
- iii. Site that adjoin any other zone then 4.3.4.5 a. will apply.

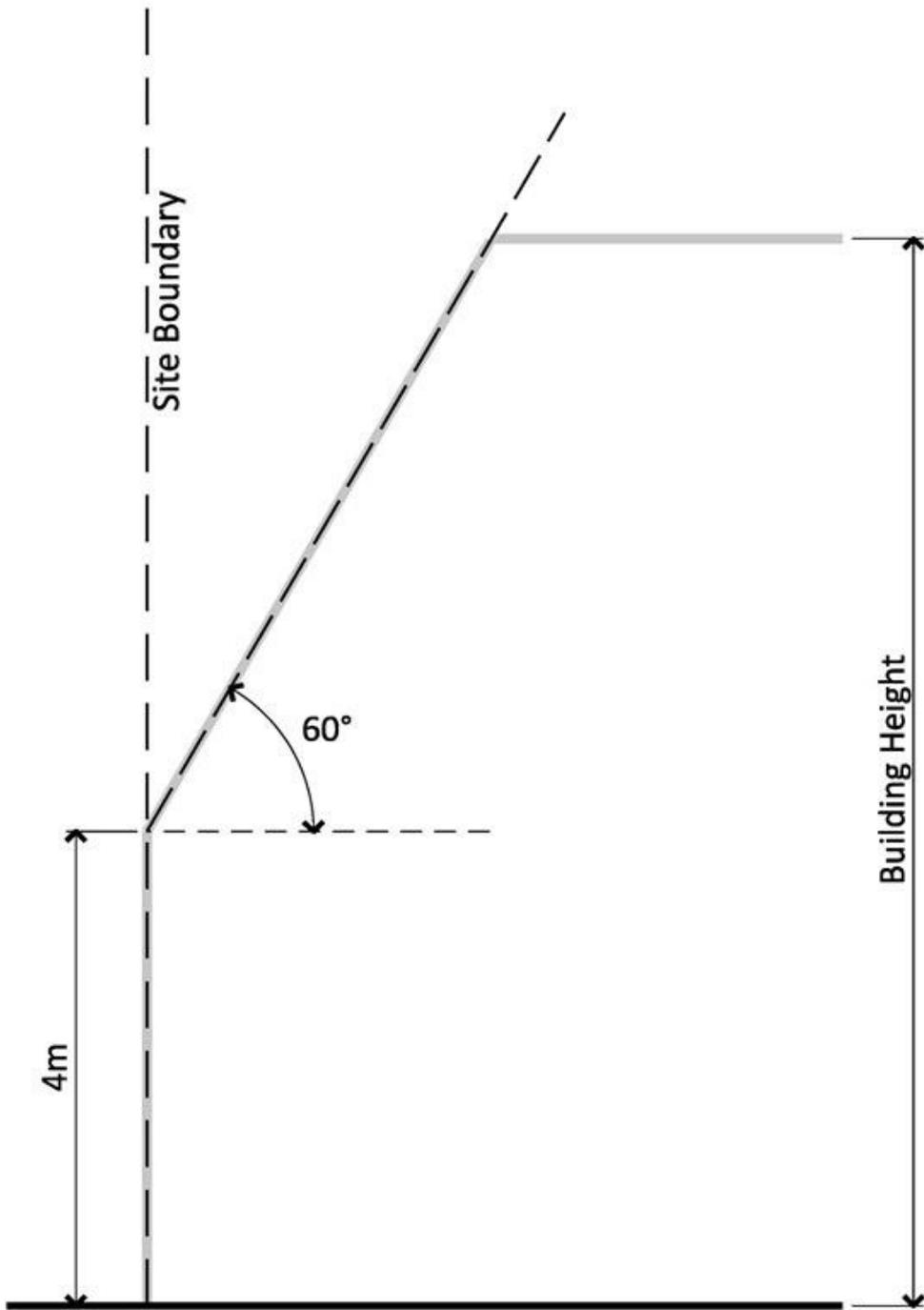


Figure 4.3.4.5 a Height in Relation to Boundary.

Within the Rotokauri North Residential Precinct the following shall apply to sites containing four or more residential units:

- a. **No part of any building shall protrude through a height control plane rising at an angle of either:**
- i. **45 degrees (for east or west boundaries)**
 - ii. **55 degrees (for north boundaries); or**
 - iii. **35 degrees (for southern boundaries).**
This angle is measured from 2.5m above ground level at the relevant boundaries.
- b. **Except that no height control plane shall apply:**
- i. **Where a boundary adjoins a rear lane.**
 - ii. **Where there is existing or proposed internal boundaries within a site.**
 - iii. **Where there is an existing or proposed common wall between two buildings on adjacent sites.**
- c. **The height control plane applies only along any side boundary that is within 8m of the rear boundary, and any rear boundary.**

4.3.4.6 Building Setbacks

Building setback from	Minimum distance
<p>a. Transport Corridor Boundary</p> <ol style="list-style-type: none"> i. A single storey unenclosed verandah / patio / porch space attached to a residential unit ii. Other than provided for above 	<p>1m 1.5m</p>
<p>b. Side yard</p>	<p>1m</p>
<p>c. One side yard per site where:</p> <ol style="list-style-type: none"> i. Legal provision is made for access and maintenance; and ii. Neighbours consent is obtained; and iii. The opposite side yard is a minimum of 2m or iv. It is a common/party wall 	<p>0m</p>
<p>d. Rear yard (except where it adjoins a rear land)</p>	<p>1m</p>
<p>e. Rear yard where it adjoins a rear lane</p>	<p>0m</p>
<p>f. Side and rear yard setbacks may be reduced where:</p> <ol style="list-style-type: none"> i. The written consent of the owners adjoining the relevant setback or setbacks is obtained; or ii. It is proposed to site a building within the 1m setback and: 	

	<ul style="list-style-type: none"> iii. <u>The building is less than 10m² in area; and</u> iv. <u>The building is less than 2m in height; and</u> v. <u>The building will not be connected to electricity supply; and</u> vi. <u>There is no discharge of stormwater onto neighbouring land from the building; and</u> vii. <u>No more than one building is established on a site in accordance with this rule; except where notional boundaries are shown for an approved subdivision, one accessory building can exist for each notional lot.</u> 		
g	<table border="1"> <tr> <td><u>Waikato Riverbank and Gully Hazard Area</u></td> <td><u>6m (applies to buildings and swimming pools)</u></td> </tr> </table>	<u>Waikato Riverbank and Gully Hazard Area</u>	<u>6m (applies to buildings and swimming pools)</u>
<u>Waikato Riverbank and Gully Hazard Area</u>	<u>6m (applies to buildings and swimming pools)</u>		

Setback from the Waikato Expressway within the Rototuna Town Centre Precinct

h.	<u>All buildings within the Rototuna Town Centre Precinct shall be setback a minimum of 15 metres from the boundary of the Waikato Expressway (Designation E90 and E90a).</u>
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In the Rotokauri North Residential Precinct the following applies for four or more residential units on a site:

i.	<u>Rear yard for a building exceeding 5m in height</u>	<u>8m</u>
j.	<u>Rear yard for a building up to 5m in height and single storey only</u>	<u>3m</u>
k.	<u>No rear yard setback applies to a building up to a height of 7m where the site adjoins a rear lane.</u>	

Orientation of residential units in Te Awa Lakes Residential Precinct

l.	<u>Within 200m of the Waikato Expressway carriageway, habitable rooms shall be orientated away from the Expressway.</u>
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Note

- Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.
- Rear and side yard requirements do not apply to rainwater tanks with a capacity of <10,500 litres (Refer to Chapter 25.13).

4.3.4.7 Boundary Fences and Walls

Rules	Requirements		
a.	<table border="1"> <tr> <td><u>Front and side boundary fences or walls located forward of the front building line of the residential unit.</u></td> <td><u>Maximum height 1.2m or 1.5m provided 50% of that part over 1.2m is visually permeable.</u></td> </tr> </table>	<u>Front and side boundary fences or walls located forward of the front building line of the residential unit.</u>	<u>Maximum height 1.2m or 1.5m provided 50% of that part over 1.2m is visually permeable.</u>
<u>Front and side boundary fences or walls located forward of the front building line of the residential unit.</u>	<u>Maximum height 1.2m or 1.5m provided 50% of that part over 1.2m is visually permeable.</u>		
b.	<table border="1"> <tr> <td><u>Boundary fences or walls adjoining Open Space Zone</u></td> <td><u>1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).</u></td> </tr> </table>	<u>Boundary fences or walls adjoining Open Space Zone</u>	<u>1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).</u>
<u>Boundary fences or walls adjoining Open Space Zone</u>	<u>1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).</u>		

c.	All other boundary fences or walls	Maximum height 1.8m
d.	Where a retaining wall and front boundary fence are proposed, the maximum height of the combined structure measured from the bottom to top, shall be no more than 1.5m before the following shall apply:	
	i. Between 1.5m – 2.5m: A horizontal step at least 1m in depth shall be integrated into the structures no more than 1.2m above the level of the street boundary.	
	ii. Between 2.6m – 3.5m: Two horizontal steps, each at least 1m in depth, shall be integrated into the structures no more than 1.2m above the ground level at the base of each 'step'.	
	iii. More than 3.5m: discretionary activity.	
e.	This rule shall not apply to any fence and/or wall which:	
	i. Following construction will be located at or below the natural ground level of the land that existed prior to construction commencing; or	
	ii. Is internal to a proposed development and does not result in any fence or wall which has a height of 2m or more in relation to natural ground level of any adjoining external property boundary not in common ownership.	

For boundary fences and walls the following heights within the Ruakura Residential Precinct also apply

f.	Front and side boundary fences or walls located forward of the front building line of the residential unit surrounding north facing Outdoor Living Areas that face a transport corridor.	1.8m (with 50% or more of the fence visually permeable).
g.	For sites adjoining an Open Space Area as shown on Figure 2-14: Ruakura Structure Plan – Land Use (Appendix 2), fences or walls located between the residential unit and the Area boundary.	1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).

For boundary fences and walls the following heights within the Te Awa Lakes Residential Precinct also apply

h.	Front and side boundary fences or walls located forward of the front building line of the residential unit surrounding north facing Outdoor Living Areas that face a transport corridor.	1.8m (with 50% or more of the fence visually permeable).
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For boundary fences and walls the following heights within the Rotokauri North Residential Precinct also apply

i.	Any boundary fence between a residential unit and a Open Space Zone or open space reserve that will vest in Hamilton City Council shall comply with the following standards:	
	Designed and constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material)	1.2m maximum height
	Materials with 50% or more see-through visibility	1.8m maximum height

Note:

1. Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.
2. Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.
3. For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and the combined height will be assessed as the overall height of both structures.

4.3.4.8 Public Interface**Public interface for one to three residential units on a site**

a.	<p>Where a residential unit is facing the street it must have:</p> <ol style="list-style-type: none"> i. A minimum 20% of the street-facing façade at ground level in glazing. This can be in the form of clear-glazed windows or doors.
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Public Interface for four or more residential units on a site

b.	<p>Where a residential unit is facing the street it must have:</p> <ol style="list-style-type: none"> i. A minimum 20% of the street-facing façade at ground level in glazing. This can be in the form of clear-glazed windows or doors. ii. At least one habitable room of the residential unit shall have a clear-glazed window facing the transport corridor from which vision toward the transport corridor is not blocked by any accessory building. For corner and through sites this shall be required only on the frontage from which pedestrian access to the front door is provided.
c.	<p>All residential developments comprising 4 or more residential units must have pedestrian access from a transport corridor to the front door of each residential unit, or to the single front door and lobby of an apartment building. This pedestrian access must:</p> <ol style="list-style-type: none"> i. Be step-free and separate from and clear of any obstructions, carriageway, vehicle parking space (including any parked vehicle overhang or nose-in space), cycle parking space, service area, loading space, or vehicle manoeuvring area, except: <ol style="list-style-type: none"> A. As provide for in d ii, or B. Where the pedestrian access must cross a carriageway. ii. Have lighting to meet the requirements set out in Chapter 25.6.
d.	<p>A pedestrian access serving between 4 and 15 residential units must be at least 1.5m wide, except:</p> <ol style="list-style-type: none"> i. Where the pedestrian access is adjacent to any building wall or fence, it must be at least: <ol style="list-style-type: none"> A. 1.8m wide, or B. 1.65m wide with a 0.75m wide landscape strip provided on one side of the path between it and either the building wall or the fence, or ii. Where the residential development comprises only 4 or 5 residential units, the pedestrian

	access may be shared in a carriageway that serves those 4 or 5 residential units only, is at least 3.5m wide, and within a legal width of at least 4m.
e.	A pedestrian access serving more than 15 residential units must be at least 1.8m wide, except where the pedestrian access is adjacent to any building wall or fence, a 0.75m wide landscape strip must be provided on one side of the path between it and either the building wall or the fence.

Note

Landscaping must be in accordance with Rule 25.5.4.4 a-d.

For four or more residential units on a site within the Rotokauri North Residential Precinct the following will also apply.

f.	In the Rotokauri North Residential Precinct the principal living rooms or the dining room of a residential unit must have the principal glazing associated with that room facing either the transport corridor frontage, or the rear yard (or rear lane if applicable).
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4.3.4.9 Outlook Space

Outlook for all residential units

a.	An outlook space must be provided from all habitable room windows.
b.	A principal living room of a residential unit must have an outlook space with a minimum dimension of 4m depth and 4m width.
c.	All other habitable rooms must have an outlook space of 1m in depth and 1m in width.
d.	The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
e.	The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
f.	The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
g.	Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
h.	Outlook spaces required from different rooms within the same building may overlap, and may also overlap where they are on the same wall plane in the case of a multi-storey building.
i.	Outlook spaces may be under or over a balcony.
j.	Outlook spaces must: <ul style="list-style-type: none"> i. Be clear and unobstructed by buildings; and ii. Not extend over an outlook spaces or outdoor living space required by another residential unit.
k.	To clarify an outlook space can be: <ul style="list-style-type: none"> i. Above or below another outlook space (in a vertical configuration); ii. Under buildings, such as balconies; and

- iii. Over driveways or footpaths within the site, as long as it is not obstructed by structures such as fences.

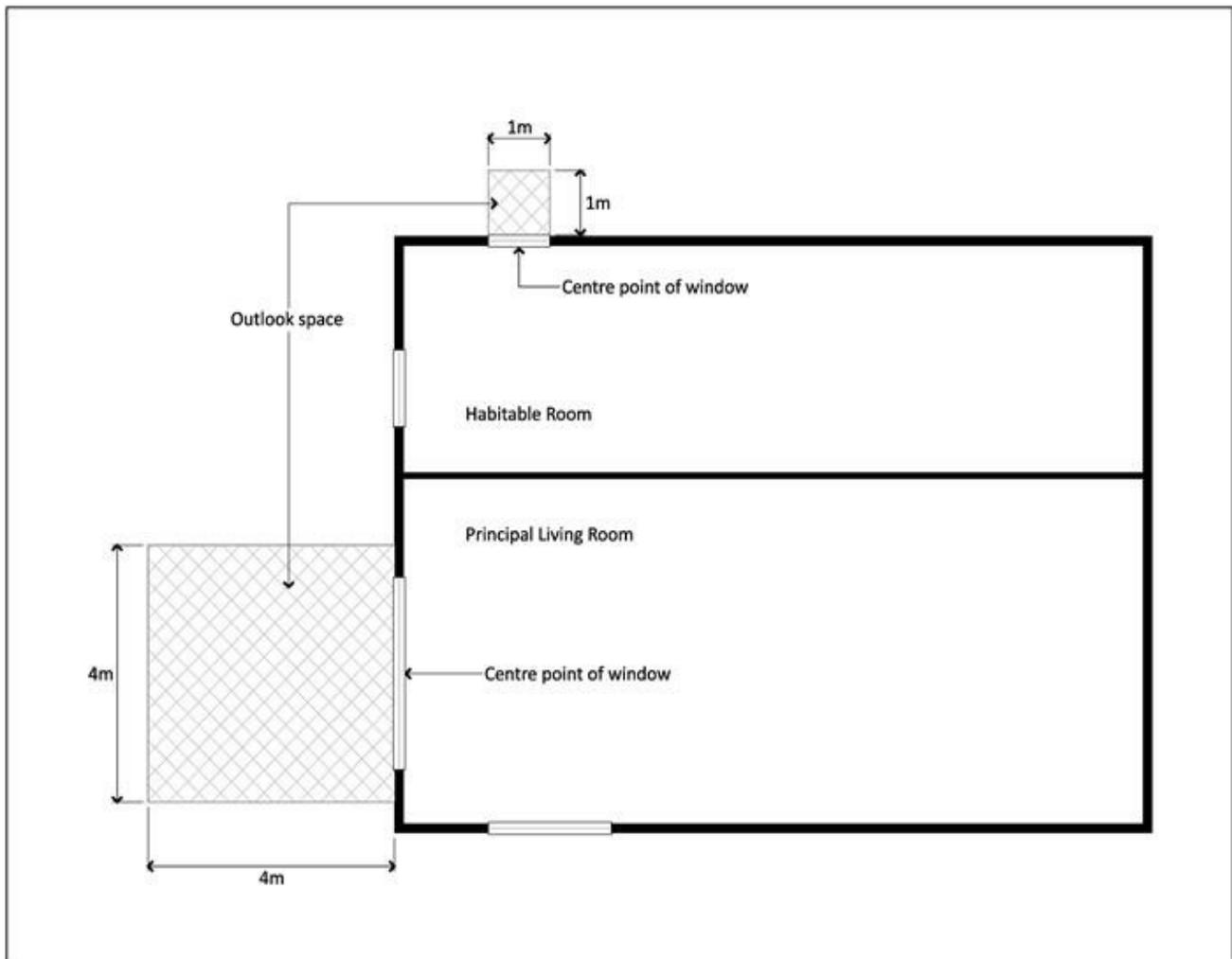


Figure 4.3.4.9 a Outlook Space

Notes:

To clarify an outlook space can be:

1. above or below another outlook space (in a vertical configuration);
2. under buildings, such as balconies; and
3. over driveways or footpaths within the site, as long as it is not obstructed by structures such as fences.

4.3.4.10 Outdoor Living Area

Outdoor living area per residential unit

- a. Outdoor living areas shall have minimum areas and dimensions as follows:
- a. A residential unit at ground floor level must have an outdoor living space that is at least 20m². This may comprise a combination of ground floor, balcony, verandah, porch, patio or roof terrace space that:
 - i. Where located at ground level, has no dimension less than 3m

- ii. Where provided in the form of a balcony, patio, verandah, porch or roof terrace, is at least 8m² and has a minimum dimension of 1.8m; and
 - iii. Is accessible from the residential unit
 - iv. May be:
 - 1. Grouped cumulatively by area in 1 communally accessible location; or
 - 2. Located directly adjacent to the unit;
 - v. For four or more residential units, it is readily accessible from the principal living room; and
 - vi. Is free of buildings, parking spaces, and servicing and manoeuvring areas
- b. A residential unit above ground floor level must have an outdoor living space that is at least 8m² and has a minimum dimension of 1.8 metres. This outdoor space can be provided in the form of a balcony, patio, or roof terrace and:
- i. Must be accessible from the residential unit
 - ii. May be:
 - 1. Grouped cumulatively by area in 1 communally accessible location; or
 - 2. Located directly adjacent to the unit.

Outdoor living area per residential unit In the Rotokauri North Precinct the following applies:

- b. The outdoor living area may comprise two distinct areas where an unenclosed verandah / porch of minimum 8m² and with a minimum dimension of 1.8m is provided at the front of the residential unit on the ground floor, and a minimum 12m² living area with a minimum dimension of 3m is provided to the rear of the residential unit.

The outdoor living area standards in Rule 4.3.4.10 do not apply to managed care facilities or rest homes. See Rule 4.3.5.5 and Rule 4.3.5.8

4.3.4.11 Waste Management and Service Area

Description	Minimum requirements per residential unit.
a. Residential units	All residential units <ul style="list-style-type: none"> i. <u>Minimum of 5m² per residential unit</u> ii. <u>Minimum dimension 1.5m</u> <u>For 4 or more residential units the following shall also apply:</u> <ul style="list-style-type: none"> i. <u>No waste storage or collection point shall occur within the front yard setback</u>

		<ul style="list-style-type: none"> ii. Spaces can be provided for each individual unit or cumulatively on a communal basis iii. A Waste Container Management Plan shall be prepared for the site.
b.	Community centres and visitor accommodation.	<ul style="list-style-type: none"> i. Minimum of 10m² ii. Minimum dimension 1.5m iii. A Waste Container Management Plan shall be prepared for the site.
c.	Dairies (may be indoor or outdoor)	<ul style="list-style-type: none"> i. Minimum 10m² ii. Minimum dimension 1.5m iii. Readily accessible to service vehicles iv. Indoor service area separately partitioned v. Outdoor service area; all-weather dust-free surface vi. A Waste Container Management Plan shall be prepared for the site.
d.	All service areas	<ul style="list-style-type: none"> i. Clothes drying areas shall be readily accessible from each residential unit ii. Service areas shall be screened so they are not visible from a legal road, ground floor of adjoining residential sites, open space zones and public walkways by vegetation or fencing in accordance with Section 25.5 iii. Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages) iv. Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking v. For any apartment development the storage area for rubbish, recycling, and food scraps must be at ground level or in a basement vi. The maximum walking distance from any entrance to each residential unit within an apartment building to the storage area for

		rubbish, recycling and food scraps should not exceed 30 metres (lift travel distance excluded).
e.	The waste management and service area standards in Rule 4.3.4.11 do not apply to managed care facilities or rest homes. See Rule 4.3.5.5 and Rule 4.3.5.8	

Note:

Contact Council's Waste and Resource Recovery Team for advice on waste container management in the transport corridor.

4.3.4.12 Storage Areas

For apartment developments containing four or more residential units

- a. Each residential unit shall be provided with a storage area located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.
- b. The storage areas for each residential unit shall meet the following volume requirements:

Unit Type	Minimum storage area volume
i. Studio unit	3m ³
ii. One bedroom unit	4m ³
iii. Two bedroom unit	5m ³
iv. Three or more bedroom unit	6m ³

- c. The minimum dimensions for width and depth shall be 1.2m and the minimum height shall be 1.8m.

4.3.4.13 Accessory Buildings, Vehicle Access and Vehicle Parking

Accessory buildings, vehicle access and vehicle parking for four or more residential units on a site

a.	Any accessory building either attached and detached must be setback at least 1m from the front building line of the residential unit.
b.	Where a residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) equal to or greater than 12m: two single-width or one double-width garage or car port spaces, and one driveway / parking pad up to 6m wide, maximum can be provided.
c.	Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) greater than 7.5m but less than 12m: one single-width garage or car port space, and one driveway / parking pad up to 3.5m wide may be provided.
d.	Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) equal to or less than 7.5m: no garage or car port spaces within the residential unit's frontage is permitted and any vehicle access and garaging is to be provided by a rear lane (Except when 4.3.4.12 d. or for duplex residential units within the Rotokauri North Residential Precinct, then 4.3.4.12 f. applies).

e.	<p>For any duplex and/or terrace housing development containing no more than 6 residential units where the individual residential units have a frontage width equal to or less than 7.5m then one external parking pad may be provided in the front yard up to 3.5m wide and no less than 5.5m deep for each residential unit where the following are met:</p> <ul style="list-style-type: none"> i. It must be an unenclosed parking pad and shall not be enclosed into a carport or garage at any time; ii. Access to the parking pads shall be restricted to local roads or publicly accessible on-site access ways of no less than 7m in width; iii. The development must comply with the requirements for permeable surface standards in Rule 4.2.5.3 and the boundary fencing and wall standards in Rule 4.3.4.7; and iv. Each residential unit must have at least one habitable room with clear glazed window facing the local road.
f.	<p>Where an on-site vehicle parking area includes more than 4 parking spaces, the parking area shall be</p> <ul style="list-style-type: none"> i. Landscaped at the rate of 1 tree per 5 parking spaces, planted within or immediately adjacent to the parking spaces. <p>Rule 4.3.3.12 f. takes preference over the requirements in Rule 25.5.4.6 Internal planting.</p>

Accessory buildings, vehicle access and vehicle parking for four or more residential units on a site within the Rotokauri North Residential Precinct the following rules also apply

g.	<p>For duplex residential units that have a frontage width facing a local street or a publicly accessible on-site access way with a width equal to or less than 7.5m, and have a habitable room with clear glazed window facing the transport corridor, the following apply:</p> <ul style="list-style-type: none"> i. Each residential unit within the duplex unit may only have one car parking space. It must be an unenclosed parking pad and shall not be enclosed into a carport or garage at any time. The related subdivision consent shall record this on the record of title as a consent notice. ii. The car park for each residential unit must be at least 2.5m x 5.5m, be located next to one another and be accessed from a single double-width vehicle crossing. iii. The vehicle crossing must be located at one side of the site and both parking spaces must be contained within 6.5m of the relevant side boundary. iv. Clauses i to iii do not apply to any duplex dwelling where vehicle access is obtained from a rear lane.
h.	<p>On a site where the transportation corridor boundary is:</p> <ul style="list-style-type: none"> i. 12.5m or greater the garage door width shall not exceed 6m of the front building line. ii. Less than 12.5m, only a single garage door up to 3.5m wide is allowed on the front building line.
i.	<p>If the garage door does not face the transport corridor, a minimum of 20% of the garage façade facing the transport corridor must be glazed. This rule does not apply to garages or carports facing a rear lane.</p>

Note:

1. The combine width of vehicle crossings and any parking spaces are to be measured along the front boundary where it adjoins the transport corridor.

4.3.4.14 Built Form

For any terrace housing or apartment development containing four or more residential units

- a. No wall which is 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 1.8m depth and 4m in length.

4.3.4.15 Universal Access

For applications including 10 or more residential units

a.	<p><u>At least 10% of residential units on a site shall be designed to provide convenient wheelchair access including:</u></p> <ol style="list-style-type: none"> i. <u>Access from a street to an entry door (which may be a front, back or side door) using gradients no greater than 1:20 and has a level (stepless) transitions from inside to outside.</u> ii. <u>Doorways that are at least 810mm (door leaf 860mm) wide to fit a wheelchair.</u> iii. <u>At least one bedroom and accessible bathroom be located at ground level and on the same level as the kitchen and living room.</u> <p><u>Note: Where the assessment of the number of accessible units results in a fractional number, any fraction under one-half shall be disregarded and fractions of one-half or greater shall be considered as one residential unit.</u></p>
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4.3.4.16 River Interface Overlay in Te Awa Lakes Residential Precinct

River interface overlay

a.	<u>The minimum area of land (net site area) required in respect of each residential unit adjoining any existing or proposed esplanade reserve adjacent to the Waikato River shall be 1,000m².</u>
b.	<u>The maximum height of a building or structure is 8m.</u>
c.	<u>The General Residential Zone Rules in 4.2.5.2, 4.2.5.3 and 4.2.5.5 shall apply.</u>
d.	<u>The following rules do not apply to this overlay 4.3.4.1, 4.3.4.2, 4.3.4.3 and 4.3.4.5.</u>

4.3.4.17 Affordable Housing

Affordable housing in the Te Awa Lakes Residential Precinct

a.	<p><u>The total Development Yield for the Te Awa Lakes Residential Precinct shall include affordable residential units that meet the following requirements:</u></p> <ol style="list-style-type: none"> i. <u>At least 10% of the residential units of the total Development Yield of 892 (+/- 10%) shall be sold on the open market at a price that is no more than 90% of the average Hamilton city</u>
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- residential house value, as shown in the most recent June figures published by Quotable Value (www.qv.co.nz) at the date of sale and purchase agreement (to transfer the property to the buyer).
- ii. The buyer must not, at the time of purchase, own a residential unit either solely or jointly with another person (including as a trustee of a trust).
 - iii. All Consent applications shall include details of the location, number and percentage of any affordable housing units or allotments and shall include details of the cumulative total of affordable residential unit sales to date to demonstrate that 10% of affordable residential units of the total Development Yield will be achieved.
 - iv. Where parent fee simple titled sections or 'super lots' for future duplex or apartment units are proposed, the unit yield and future subdivision opportunity for individual fee simple titled sections shall be identified for the purpose of identifying the affordable housing yield in accordance with ii and iii above.
 - v. A consent notice or other legal mechanism shall be placed on the computer freehold register for each affordable residential unit and/or fee simple titled section at the time of subdivision s224 (c) certification, requiring that the provision in 4.3.4.16 a.i above is to be met for three years from the date of issue of title.
 - vi. Not less than 9 of the Development Areas shall include a minimum 10% affordable housing component.

Any non-compliance with this rule shall be a Discretionary Activity.

4.3.4.18 Development Rules in the Ruakura Residential Precinct

- a. Activities listed in 4.3.3.1 Rules – Activity Status Table – Medium Density Residential Zone which are undertaken in the Ruakura Residential Precinct shall comply with Rules 3.7.4.1, 3.7.4.2, 3.7.4.3, 3.7.4.4, 3.7.4.5 and 3.7.5 in Chapter 3: Structure Plans.

4.3.4.19 Development Rules in Te Awa Lakes Residential Precinct

- a. Resource consent applications for activities listed in a) 4.3.3.1 Activity Status Table – Development Activities - Te Awa Lakes Development Areas Q and R shall be obtained for the entire development (which may be staged) of not less than one of the Development Areas in Figure 2-21, together with any adjacent Development Areas or parts of Development Areas, in conjunction with land use, subdivision and development under any other rule of the Medium-Density Residential Zone.
- b. It is anticipated that resource consents for Development Activities will be obtained at the same time to ensure that development within Te Awa Lakes is comprehensively planned from the outset and integrated and coordinated with development yet to occur.
- c. A resource consent application shall provide the information required by Information Requirements 1.2.2.21 – Development Consent - Te Awa Lakes Residential Precinct - Medium-Density Residential Zone (Volume 2, Appendix 1).

d. Resource consent applications will be assessed in accordance with the functions of the Hamilton City Council prescribed in Section 31 of the Resource Management Act. Consents may also be required from Waikato Regional Council under the Waikato Regional Plan e.g. for stormwater discharge.

e. Applications for any restricted discretionary activity identified with an asterisk(*) in the relevant zone chapter shall be considered without notification or the need to obtain approval from affected persons.

f. Resource consent applications shall demonstrate the minimum freeboard heights specified in Rule 22.5.6 c shall be complied with, based on a level of 16.13m RL for the 1% annual exceedance probability event.

g. Activities listed in 4.3.3.1 Rules – Activity Status Table – Medium Density Residential zone which are undertaken in the Te Awa Lakes Structure Plan Area shall comply with rules 3.8.5.1, 3.8.5.2, 3.8.5.3, 3.8.5.4, 3.8.5.5 and 3.8.6 in Chapter 3, Structure Plans.

4.3.5 Rules – Specific Standards

4.3.5.1 Childcare Facility

- The activity shall not be part of a multiple residential unit development.
- The activity shall be located on a front, corner or through site.
- The activity shall have a maximum gross floor area of all buildings of 250m².

4.3.5.2 Community Centres, Tertiary and Specialised Training Facilities Schools and Places of Worship

a.	Gross floor area of all buildings	Maximum 250m ²
b.	Hours of operation	0700 to 2200 hours
c.	Additional hours for special event (maximum 1 per calendar year)	2200 to 0200 hours
d.	The display or storage of materials, except for permitted signage, shall not be visible from outside the site.	

4.3.5.3 Dairies

a.	Gross floor area of retail	Maximum 100m ²
b.	Hours of operation	0700 to 2200 hours
c.	Located on a corner or through site and located on the ground floor of the building.	

4.3.5.4 Home-based Businesses

For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business.

a. Home-based businesses shall:

- i. Not involve more than three employees that do not normally reside on the property.
- ii. Not exceed 10m² or 30% of the total gross floor area of buildings on the site whichever is greatest.
- iii. Not generate any trips by a heavy motor vehicle.
- iv. Not involve deliveries or the arrival or departure of any persons from the Site between the hours of 2000-0700, on any day.
- v. Occur internally within the building.
- vi. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
- vii. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
- viii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- ix. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
- x. Have 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. The sign must be attached to either a fence, wall or building.

4.3.5.5 Managed Care Facilities (Except in the Ruakura and Rotokauri North Residential Precincts)

- a. 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 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.
 - i. Proposed number of residents.
 - ii. The anticipated number of visitors to the site per week and daily visiting hours.
 - iii. Anticipated full time equivalent staff at the facility.
 - iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
 - v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.

- b. The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m diameter circle.
 - iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
 - v. Comprise not more than 35% impermeable surface area.
 - vi. For the exclusive use of the residents.
 - vii. Readily accessible for all residents.
 - viii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- c. A service area shall be provided that has:
 - i. A minimum area of 20m² with a minimum dimension of 3m.
 - ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
 - iii. And a Waste Container Management Plan shall be prepared for the site.
- d. 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.
- e. No part of any site or premises used as a managed care facility shall contain a secure unit.

4.3.5.6 Show Homes

- a. Shall be staffed by a maximum number of two staff at any time.
- b. Shall be located on a front, corner or through site.
- c. Shall have a maximum activity duration of two years from the time of first occupation.

4.3.5.7 Rest Home (Except in the Ruakura and Rotokauri North Residential Precinct)

- a. Maximum occupancy shall be 10 residents (including live-in staff).
- b. The maximum density for rest homes shall be one person per 50m² of net site area.
- c. An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.

- ii. Is readily accessible to all residents.
- iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- d. The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. At least capable of containing a 6m-diameter circle.
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- e. A service area shall be provided with areas and dimensions as follows:
 - i. Minimum area of 20m².
 - ii. Minimum dimension of 3m.
 - iii. Provided that where a fully equipped laundry (both washing and drying machines) is provided in rest home, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
 - iv. And a Waste Container Management Plan shall be prepared for the site.

4.3.5.8 Ruakura Residential Precinct - One Integrated Retail Development

(see Figure 2-14 Ruakura Structure Plan – Land use (Appendix 2))

- a. Activities shall only consist of:

- Retail
- Cafes/Restaurants
- Offices
- Healthcare services
- Community facilities
- Childcare facilities

<u>Combined gross floor area of all tenancies</u>	<u>Maximum of 3500m²</u>
<u>Gross floor area per tenancy (excluding offices)</u>	<u>Maximum 399m²</u>
<u>Gross floor area for office tenancies</u>	<u>Maximum 250m²</u>

- b. Only one integrated retail development shall be provided within the Ruakura Structure Plan Area
- c. Maximum Building Height: 14 metres

- d. Where any boundary adjoins a residential boundary, no part of any building shall penetrate a height control plane rising at an angle of 60 degrees beginning at an elevation of 6m above the boundary. Elements such as flues, flagpoles, open balustrades shall be exempt.
- e. Building setbacks
- Front Boundary: 5 metres when fronting an arterial road.
 - Side and Rear Boundaries: 1.5 metres where the boundary adjoins a residential boundary or Open Space Zone.
- f. A maximum building intensity (floor area Ratio) of 1:1 shall apply.
- g. Service Areas

Any building shall provide service areas as follows:

- i. At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater.
 - ii. Any additional service areas shall not:
 - Be less than 5m.
 - Have a minimum dimension of less than 2.5m
 - iii. Any outdoor service area shall be maintained with an all-weather, dust free surface.
 - iv. A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
 - v. Any services area shall not encroach on to areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).
- h. Outdoor storage

Any outdoor storage area used for storage of goods and materials shall: Be laid out and used in a manner that does not conflict with vehicle access.

- i. Be maintained with an all-weather, dust free surface.
 - ii. Be located away from public view or otherwise screened by fencing and landscaping.
 - iii. Not encroach on areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).
- i. No roller doors, or similar, which may obscure windows or entranceways may be installed on the front of any building fronting a public space.

Note

1. Any communal open space is optional and is additional to the above provisions.

4.3.5.9 Pruning and maintenance of a tree where the trunk is located within a Significant Natural Area and the canopy overhangs the boundary of a

SNA in Schedule 9C (Volume 2, Appendix 9)

- a. Shall comply with the following:
- i. Maximum amount of foliage to be removed per tree per calendar year is 15%
 - ii. Maximum thickness (cross-section) of any branch or root that may be cut is 50mm.

4.3.6 Controlled Activities: Matters of Control

In determining any application for resource consent for a controlled activity, the Council shall reserve its control over the following matters.

Activity	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
Childcare facility for up to five children	F – Ruakura
Dairy	F – Ruakura
Community centre	F – Ruakura
Relocated buildings	F – Ruakura

4.3.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. 4 or more dwellings on a site	<ul style="list-style-type: none"> • B – Design and Layout • C - Character and Amenity
ii. Infringements of one or more standards – up to 3 dwellings per site	<ul style="list-style-type: none"> • B – Design and Layout • C - Character and Amenity <p>Except in relation to non-compliance with Rule 4.3.4.3 a, where matters of discretion will be limited to JJ - Stormwater Quantity and Quality.</p>
iii. Infringements of one or more standards – 4 or more dwellings per site	<ul style="list-style-type: none"> • B – Design and Layout • C - Character and Amenity

iv. <u>Childcare facility for 6 or more children</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
v. <u>Community centre (Except in the Ruakura and Rotokauri North Residential Precinct)</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
vi. <u>Dairy</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
vii. <u>Papakainga*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
viii. <u>Marae provided as part of a papakainga development*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
ix. <u>Rest home (Except within the Ruakura and Rotokauri North Residential Precincts)*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
x. <u>Show Home</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
xi. <u>Retirement Village</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
xii. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<ul style="list-style-type: none"> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>
<u>Ruakura Residential Precinct</u>	
xiii. <u>One Integrated Retail Development in accordance with the general location identified on Figure 2-14 Ruakura Structure Plan – Land Use (Appendix 2)*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>H – Function, Vitality, Viability and Amenity of Centres</u> • <u>N – Ruakura and Te Awa Lakes</u>

Note

1. Refer to Chapter 1.1.9 for activities marked with an asterisk.

4.3.8 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant:

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

4.3.9 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following:

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following:

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

4.4 High Density Residential Zone

4.4.1 Purpose

The High Density Residential Zone is predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities. This Zone provides for the greatest heights and densities within Hamilton City, thereby contributing to housing choice. Buildings of at least 6 storeys can be readily anticipated within this Zone, including adjacent to pre-existing 1 to 2 storey detached dwellings. As a result, the character of the Zone is anticipated to change substantially over time.

The Zone is applied in areas that are within a walkable catchment of the edge of the Central City Zone to ensure that residents have convenient access housing, jobs, community services, natural spaces and open spaces by way of public transport or active transport modes.

The High Density Residential Zone has a Visitor Facilities Precinct which recognises the existing visitor accommodation around Ulster Street. This area includes the sites fronting Ulster Street, from Mill Street to Beetham Park and provides for a high-density mix of visitor and permanent residential accommodation in the form of multi-unit and apartment developments. Ancillary activities often accompany visitor accommodation, such as conference facilities and restaurants.

The design and layout of sites and buildings in the High Density Residential Zone are critically important. Resource consent is required to ensure that development provides for high quality urban design and visually attractive buildings, and that adequate on-site amenity and privacy consistent with the expected urban built character of the Zone is provided for.

The Plan places particular emphasis on the importance of development integrating with and positively contributing to the quality, safety, and convenience of publicly accessible spaces. These include publicly-owned roads and parks, but also privately owned spaces that are primarily intended to provide public access to development, and that development in turn fronts on to or addresses.

4.4.2 Objectives and Policies: High Density Residential Zone

Objective	Policies
<p>4.4.2.1 The High Density Residential Zone and development within it:</p> <p>a. Provides for high density living that contributes to housing choice in areas with good accessibility to the Central City via public transport and active modes.</p> <p>b. Provides for a range of housing typologies that are consistent with an intended high density urban character of at least 6 storeys.</p>	<p>4.4.2.1a Enable a variety of housing typologies, including multi-storey apartment buildings.</p> <p>4.4.2.1b Require the height, bulk, density and appearance of development to contribute to a high density urban character of at least 6 storeys.</p>
<p>Explanation</p>	

This objective and associated policies recognise the role and function of the High Density Residential Zone as being able to accommodate high density residential uses, including multi-storey apartment buildings.

The National Policy Statement on Urban Development requires high-growth Councils to enable the provision of high density in areas that are considered to have good access to a range of activities, including employment, recreation and services, by way of active and public transport. The High Density Residential Zone is located in proximity to the Central City, which is the City's primary centre for commercial, civic and social activities, and the region's cultural and recreational hub.

By requiring new developments to contribute to a high density urban character, development within this Zone will collectively contribute to increasing housing choice and variety. Development will also, across time, concentrate the population of Hamilton to support the viability of alternative transportation modes, including active transport and public transport.

Objective	Policies
<p>4.4.2.2 Development within the High Density Residential Zone incorporates best practice urban design principles that contribute to an attractive, liveable and functional high density environment.</p>	<p>4.4.2.2a Enable developments that contribute to a well-designed high density environment, including through the use of height, design and scale, visually interesting roof profiles, recesses and projections, fenestration and façade treatments.</p> <p>4.4.2.2b Require developments adjoining existing pedestrian and cycling thoroughfares (such as walkways) to connect to and interface with these in a manner that is useable, practical and safe.</p> <p>4.4.2.2c Require developments to provide for functional and useable on-site amenities, including accessible storage space that meet household requirements.</p>
<p>Explanation</p>	

This objective and associated policies recognise the importance of best practice urban design in a high density environment. Development within this Zone may require a specific design response in terms of scale, height, materials and form to ensure that it positively contributes to a high density environment.

In situations where developments adjoin existing walkways or thoroughfares, pedestrian and cycling connectivity to these spaces should be provided. Over time, this will enhance the off-road pedestrian and cycling network in this Zone, contribute to neighbourhood permeability and improve connectivity and walkability for users.

It is critical that developments in the High Density Residential Zone are designed to provide functional on-site amenities, including storage space. These spaces should be of a size that are able to meet the demand of the households, and should be located where they be easily accessed, such as the basement or ground floor of the building.

4.4.3 Rules – General Standards – High Density Residential Zone

4.4.3.1 Activity Status Table

Activity	High Density Residential Zone
a. <u>Accessory building</u>	<u>P</u>
b. <u>Ancillary residential structures</u>	<u>P</u>
c. <u>Emergency housing for up to 10 residents</u>	<u>P</u>
d. <u>Residential activities</u>	<u>P</u>
e. <u>One residential unit on a site</u>	<u>NC</u>
f. <u>2 residential units on a site</u>	<u>D</u>
g. <u>3 or more residential units on a site</u>	<u>RD*</u>
h. <u>Papakainga</u>	<u>RD*</u>
i. <u>Rest home</u>	<u>RD*</u>
j. <u>Managed care facilities</u>	<u>P</u>
i. <u>Up to 10 residents (excluding emergency housing)</u>	<u>D</u>
ii. <u>11 or more residents (excluding emergency housing)</u>	
k. <u>Residential centre</u>	<u>D</u>
l. <u>Retirement Village</u>	<u>RD*</u>
Commercial Activities and Structures	
m. <u>Home-based business</u>	<u>P</u>
n. <u>Homestay accommodation</u>	<u>P</u>
o. <u>Show homes</u>	<u>RD</u>
p. <u>Childcare facility</u>	<u>P</u>
i. <u>Up to 5 children</u>	<u>RD</u>
ii. <u>Six or more children</u>	

q. Dairy on the ground floor of a building	RD
r. Dairy on upper floor of a building	NC
s. Health care service	D
t. Places of assembly	D
u. Visitor accommodation outside the Visitors Facilities Precinct	RD
v. Visitor accommodation in the Visitor Facilities Precinct	P
w. Offices (other than as a home-based business)	NC
x. Service industry	NC
y. Light industry	NC
z. Restaurants	D
aa. Restaurants ancillary to visitor accommodation in the Visitor Facilities Precinct	P
bb. Conference facility outside the Visitors Facilities Precinct	D
cc. Conference facility in the Visitors Facilities Precinct	P
dd. Tertiary education and specialised training facility	D
Communities Activities and Structures	
ee. Informal recreation	P
ff. Organised recreation	P
gg. Community centre	D
hh. General recreation	D
ii. Places of worship	D

jj. <u>Marae (Accept when provided as part of a papakainga development)</u>	<u>D</u>
kk. <u>Marae when provided as part of a papakainga development</u>	<u>RD*</u>
ll. <u>School</u>	<u>D</u>
mm. <u>Passenger transport facilities</u>	<u>NC</u>
nn. <u>Clubrooms</u>	<u>NC</u>
All Activities and Structures	
oo. <u>Demolition or removal of a building</u>	<u>P</u>
pp. <u>Maintenance, repair and alterations and additions to existing buildings</u>	<u>P</u>
qq. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a Significant Natural Area (SNA) in Schedule 9C (Volume 2, Appendix 9)</u>	<u>RD</u>
rr. <u>Pruning and maintenance a tree within a Significant Natural Area where the canopy overhangs the boundary of the Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<u>P</u>
ss. <u>Relocated buildings</u>	<u>NC</u>
tt. <u>Emergency service facilities</u>	<u>D</u>
uu. <u>Any boundary wall and fence equal to or less than 1.5m high as per Rule 4.4.5.7</u>	<u>P</u>
vv. <u>Any boundary wall and fence over 3.5m high as per Rule 4.4.5.7</u>	<u>D</u>

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

4.4.4 Rules - Notification

- a. Except as provided for by Section 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the activity status table 4.4.3.1 shall be considered without notification or the need to obtain approval from affected persons.

- b. If the activity marked with an asterisk (*) does not comply with all relevant standards, notification will be determined in accordance with Rule 1.1.9 in Chapter 1.
- c. Notwithstanding clause (a), where an activity identified in Rule 4.4.3 requires resource consent for a Restricted Discretionary Activity under two or more activity descriptions, and only one of the Restricted Discretionary Activities is identified with an asterisk (*), notification of the activity shall be at the Council's discretion in accordance with Section 95A, 95B and 95C of the Act.

4.4.5 Rules - General Standards

4.4.5.1 Density

Activity	Net site area (minimums unless otherwise stated)
a. Terrace housing unit	Maximum net site area of 100m ² per residential unit
b. Apartments	-
c. Residential centres, rest homes, managed care facilities	50m ² per resident

4.4.5.2 Building Coverage

Activity	Maximum building coverage
a. All activities	60%

Note:

Rainwater tanks with a capacity of <10,500 litres are exempt from the calculation of building coverage (Refer to Chapter 25.13)

4.4.5.3 Permeable Surface and Landscaping

Activity	Standard
a. Permeable surface	Minimum 20% of a site
b. A residential unit at ground floor must have a landscaped area of a minimum of 10% of the total site with grass or plants, and can include the canopy of a tree regardless of the ground treatment below them.	
c. Urban trees	Each development shall provide trees in an unobstructed area within the site, clear of any required vehicle access and manoeuvring, regardless of the ground treatment below the canopy of trees, at the rate set out below:

i. Terraces and/or Apartments	Minimum of one tree per site with an additional tree for every 150m ² of site area.
ii. Other activities	Minimum one tree per site with an additional tree for every 200m ² of site area

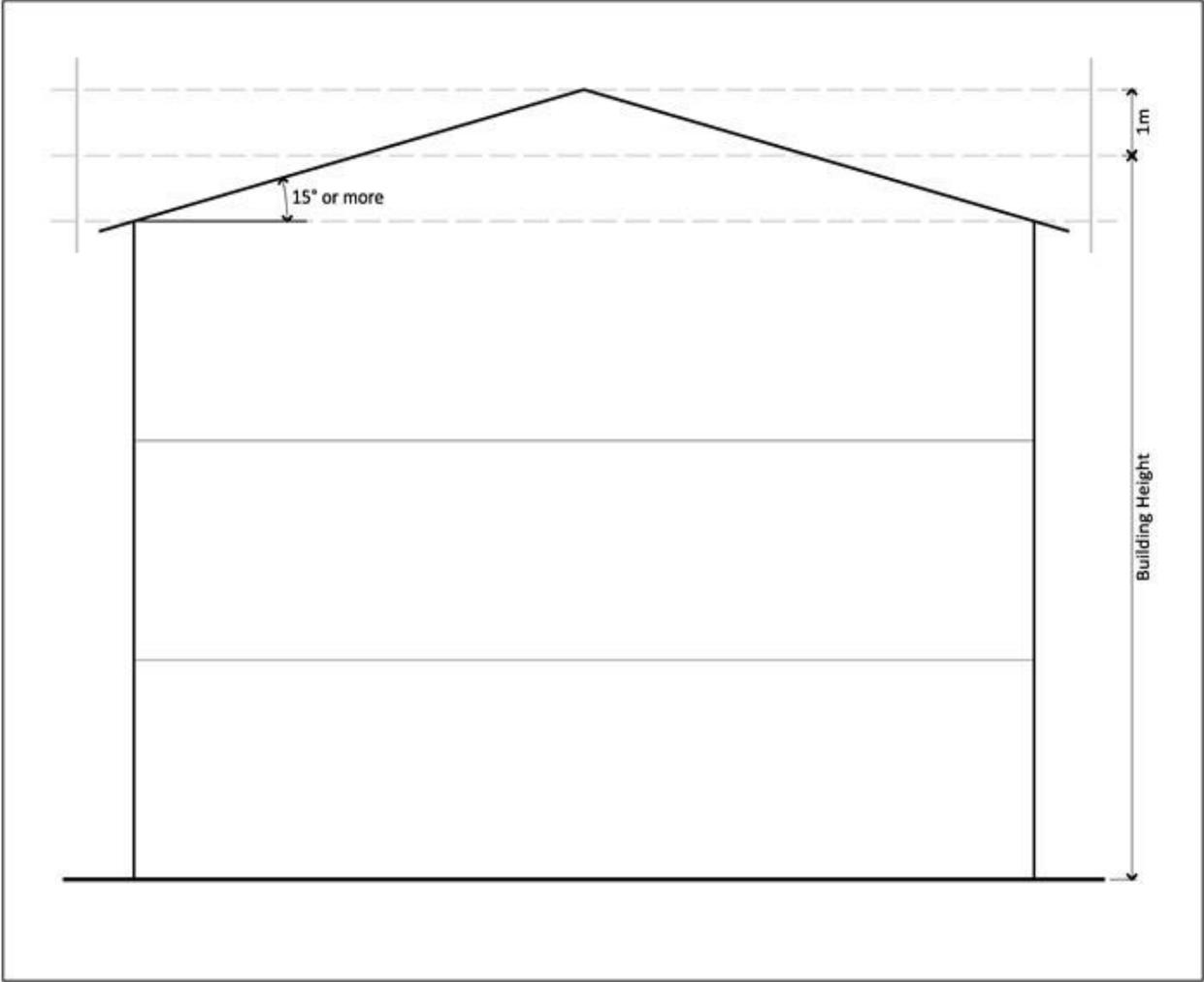
d. Specimen trees shall be planted as per 4.4.5.3 c at a planted size of at least 80L.

Note:

- Requirements set out in 4.4.5.3 a can include the area required in 4.4.5.3 b.
- Requirements set out in 4.4.5.3 b can include the area required in 4.4.5.3 c.
- If the development retains an existing mature tree (or trees) of at least 6m in height within the design, then this can be traded in place of a tree or trees required under 4.4.5.3 c at a ratio of 1:1.
- The management of stormwater generated from impermeable surfaces is controlled by Rule 25.13.4.2A in the Three Waters Chapter.
- Rainwater tanks with a capacity of <10,500 litres are exempt from the calculation of permeable surface (Refer to Chapter 25.13).

4.4.5.4 Building Height

Building height	Building Height	Maximum Storeys
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a. <u>All buildings</u>	<u>21m</u>	<u>-</u>
<p><u>Buildings must not exceed a building height identified in 4.4.5.4 a, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.</u></p>		
 <p style="text-align: center;">Figure 4.4.5.4 a Building Height.</p>		

4.4.5.5 Height in Relation to Boundary

Where the subject site in the High Density Residential Zone adjoins any other Zone

- a. Any buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along the boundaries adjoining any other zone. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way. This standard does not apply to:
- i. A boundary with a transport corridor
 - ii. A boundary with public Open Space Zones

- iii. A boundary with the Central City Zone
- iv. A boundary with any Business zones
- v. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

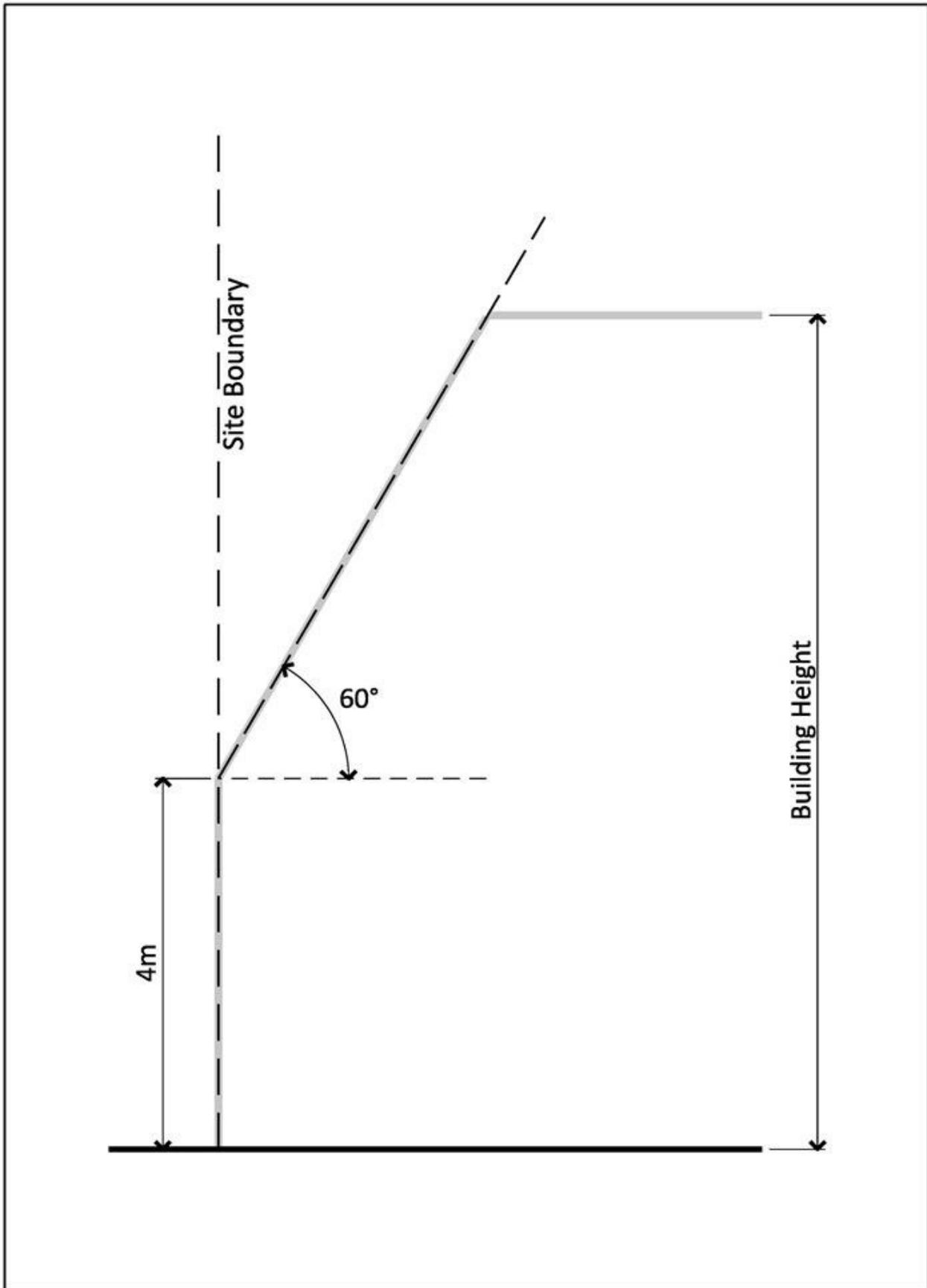


Figure 4.4.5.5 a Height in Relation to Boundary.

4.4.5.6 Building Setbacks

Building setback from	Minimum distance
a. <u>Transport corridor boundary</u>	1m
b. <u>Side yard</u>	1m
c. <u>Rear yard</u>	1m
d. <u>Rear yard where it adjoins a rear lane</u>	0m
e. <u>Internal vehicle access serving up to 3 residential units on a site</u>	No part of a building (including eaves) shall extend over or encroach into an internal vehicle access.
f. <u>Internal vehicle access serving more than 3 residential units on a site</u>	Setback of residential units: 1m
g. <u>Waikato Riverbank and Gully</u>	6m (applies to buildings and swimming pools)

Note

1. Refer to Chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.
2. The above standards do not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
3. Rear and side boundary requirements do not apply to rainwater tanks with a capacity of <10,500 litres (Refer to Chapter 25.13).

4.4.5.7 Fences and Walls

Rule	Maximum Height
a. <u>Transport corridor boundary and side boundary fences or walls located forward of the front building line of the building.</u>	Maximum height 0m
b. <u>Boundary fences or walls adjoining Open Space Zone</u>	Maximum height 1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).
c. <u>All other boundary fences or walls</u>	Maximum height 1.8m

- d. Where a retaining wall and front boundary fence are proposed, the maximum height of the combined structure measured from the bottom to top, shall be no more than 1.5m before the following shall apply:
- i. Between 1.5m and 2.5m: A horizontal step at least 1m in depth shall be integrated into the structure(s) no more than 1.2m above the level of the transport corridor boundary
 - ii. Between 2.51m and 3.5m: Two horizontal steps, each at least 1m in depth, shall be integrated into the structure(s) no more than 1.2m above the ground level at the base of each 'step'.
 - iii. More than 3.5m: Discretionary activity

- e. This rule shall not apply to any fence and/or wall which:
- i. Following construction will be located at or below the natural ground level of the land that existed prior to construction commencing; or
 - ii. Is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property boundary not in common ownership.

Note

1. Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.
2. Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.
3. For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and the combined height will be assessed as the overall height of both structures.

4.4.5.8 Public Interface

Residential units facing the street

- a. Where a residential unit is facing the street it must have:
- i. A minimum 20% of the street-facing façade at ground level in glazing. This can be in the form of clear-glazed windows or doors.
 - ii. At least one habitable room of the residential unit shall have a clear-glazed window facing the transport corridor from which vision toward the transport corridor is not blocked by any accessory building. For corner and through sites this shall be required only on the frontage from which pedestrian access is provided (front door).

Public Interface for 4 or more residential units

- b. All residential developments comprising 4 or more residential units must have pedestrian access from a transport corridor to the front door of each residential unit, or to the single front door and lobby of an apartment building. This pedestrian access must:

- i. Be step-free and separate from and clear of any obstructions, carriageway, vehicle parking space (including any parked vehicle overhang or nose-in space), cycle parking space, service area, loading space, or vehicle manoeuvring area, except:
 - A. As provide for in d ii, or
 - B. Where the pedestrian access must cross a carriageway.
- ii. Have lighting to meet the requirements set out in Chapter 25.6.
- c. A pedestrian access serving between 4 and 15 residential units must be at least 1.5m wide, except:
 - i. Where the pedestrian access is adjacent to any building wall or fence, it must be at least:
 - A. 1.8m wide, or
 - B. 1.65m wide with a 0.75m wide landscape strip provided on one side of the path between it and either the building wall or the fence, or
 - ii. Where the residential development comprises only 4 or 5 residential units, the pedestrian access may be shared in a carriageway that serves those 4 or 5 residential units only, is at least 3.5m wide, and within a legal width of at least 4m.
- d. A pedestrian access serving more than 15 residential units must be at least 1.8m wide, except where the pedestrian access is adjacent to any building wall or fence, a 0.75m wide landscape strip must be provided on one side of the path between it and either the building wall or the fence.

Note

Landscaping must be in accordance with Rule 25.5.4.4 a-d.

4.4.5.9 Outlook Space

Outlook spaces for terraces or apartments

- a. An outlook space must be provided from habitable room windows.
- b. A principal living room of a dwelling must have an outlook space with a minimum dimension of 3m depth and 3m width.
- c. All other habitable rooms must have an outlook space of 1m in depth and 1m in width.
- d. The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
- e. The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
- f. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

- g. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- h. Outlook spaces required from different rooms within the same building may overlap, and may also overlap where they are on the same wall plane in the case of a multi-storey building.
- i. Outlook spaces may be under or over a balcony.
- j. Outlook spaces must:
 - i. Be clear and unobstructed by buildings; and
 - ii. Not extend over an outlook spaces or outdoor living space required by another dwelling.

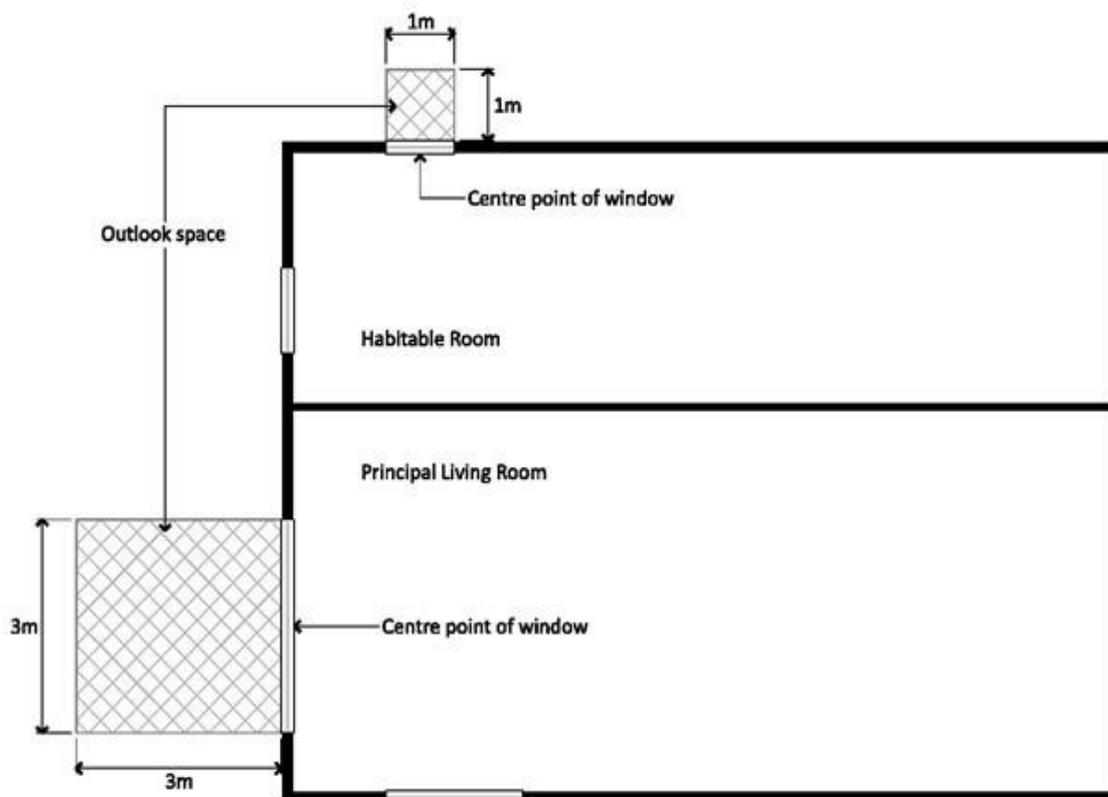


Figure 4.4.5.9 a Outlook

4.4.5.10 Outdoor Living Area

Outdoor Living Area per residential unit

- a. A residential unit at ground floor level must have an outdoor living space that is at least 8m². This may comprise a combination of ground floor, balcony, patio or roof terrace space that:
 - i. Where located at ground level, has no dimension less than 1.8m.
 - ii. Where provided in the form of a balcony, patio or roof terrace, is at least 8m² and has a minimum dimension of 1.8m; and
 - iii. Is accessible from the residential unit, and may be:
 - A. Grouped cumulatively by area in 1 communally accessible location; or
 - B. Located directly adjacent to the unit;
 - iv. For four or more residential units, is readily accessible from the principal living room; and
 - v. Is free of buildings, parking spaces, and servicing and manoeuvring areas.
- b. A residential unit above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:
 - i. Is at least 8m² and has a minimum dimension of 1.8 metres.
 - ii. Is accessible from the residential unit, and may be
 - A. Grouped cumulatively by area in 1 communally accessible location; or
 - B. Located directly adjacent to the unit.
- c. To clarify an outlook space can be:
 - i. Above or below another outlook space (in a vertical configuration)
 - ii. Under buildings, such as balconies; and over driveways or footpaths within the site, as long as it is not obstructed by structures such as fences.
- d. The above standards do not apply to managed care facilities or rest homes. Refer to Rule 4.2.6.5 and Rule 4.2.6.8

4.4.5.11 Waste Management and Service Areas

Description	Minimum Requirements
a. <u>Residential units</u>	<ul style="list-style-type: none"> i. <u>5m² per residential unit.</u> ii. <u>Minimum dimension 1.5m</u> iii. <u>No waste storage or on-site collection point shall occur within the front yard setback or in front of the building</u> iv. <u>Spaces can be provided for each individual unit or cumulatively on a communal basis</u>

	v. <u>A Waste Container Management Plan shall be prepared for the site.</u>
b. <u>Community centres and visitor accommodation.</u>	i. <u>10m</u> ii. <u>Minimum dimension 1.5m</u> iii. <u>A Waste Container Management Plan shall be prepared for the site.</u>
c. <u>Dairies (may be indoor or outdoor)</u>	i. <u>Minimum 10m²</u> ii. <u>Minimum dimension 1.5m</u> iii. <u>Readily accessible to service vehicles</u> iv. <u>Indoor service area separately partitioned</u> v. <u>Outdoor service area; all-weather dust-free surface</u> vi. <u>A Waste Container Management Plan shall be prepared for the site.</u>
d. <u>All service areas</u>	i. <u>Clothes drying areas shall be readily accessible from each residential unit</u> ii. <u>Service areas shall be screened so they are not visible for a legal road, ground floor or adjoining residential sites, Open Space Zones and public walkways by vegetation or fencing in accordance with Chapter 25.2.</u> iii. <u>Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages).</u> iv. <u>Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking.</u> v. <u>For any apartment development, the storage area for rubbish, recycling and food scraps must be at the ground level or in the basement.</u> vi. <u>The maximum walking distance from any entrance to each residential unit within an apartment building to the storage area for</u>

rubbish, recycling and food scraps should not exceed 30m (lift travel distance excluded).

e. These standards do not apply to managed care facilities or rest homes (refer Rule 4.4.6.3 and Rule 4.4.6.4)

Note:

Contact Council's Waste and Resource Recovery Team for advice on bin management in the transport corridor.

4.4.5.12 Storage Areas

For apartment developments

a. Each residential unit shall be provided with a storage area located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.

b. The storage areas for each residential unit shall meet the following volume requirements:

Unit Type	Minimum storage area volume
i. Studio unit	3m ³
ii. One bedroom unit	4m ³
iii. Two bedroom unit	5m ³
iv. Three or more bedroom unit	6m ³

c. The minimum dimensions for width and depth shall be 1.2m and the minimum height shall be 1.8m.

4.4.5.13 Accessory Buildings, Vehicle Access and Vehicle Parking

Accessory buildings, vehicle access and vehicle parking

a. Any accessory building either attached or detached must be set back at least 1m from the front building line of the residential unit.

b. Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) equal to or greater than 12m:

i. Two single-width or one double-width garage or car port spaces, and one driveway / parking pad up to 6m wide, maximum may be provided.

c. Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) greater than 7.5m but less than 12m:

i. One single-width garage or car port space, and one driveway / parking pad up to 3.5m wide may be provided.

d. For terrace housing developments containing no more than 6 terrace housing units, where the

individual residential units have a frontage width equal to or less than 7.5m, then one external parking pad may be provided in the front yard up to 3.5m wide and no less than 5.5m deep for each residential unit where the following are met:

- i. It must be an unenclosed parking pad and shall not be enclosed into a carport or garage at any time.
- ii. Access to the parking pads shall be restricted to local roads or publicly accessible on-site access ways of no less than 7m in width.
- iii. The development must comply with the requirements for permeable surface standards in Rule 4.4.5.3 and the boundary fencing and wall standards in Rule 4.4.5.7, and
- iv. Each residential unit must have at least one habitable room with clear glazed window facing the local road in accordance with Rule 4.4.5.8

e. Where the residential unit has a frontage width facing a street or a publicly accessible on-site access way (for pedestrians) equal to or less than 7.5m:

- i. No garage or car port spaces within the dwelling's frontage is permitted and vehicle access and garaging is to be provided by way of a rear lane.

f. Where an on-site parking area includes more than 4 parking spaces, the parking area shall be

- i. Landscaped at the rate of 1 tree per 5 spaces, planted within or immediately adjacent to the parking spaces.

Rule 4.4.5.13 f takes preference over the requirements in Rule 25.5.4.6 Internal planting.

4.4.5.14 Built Form

For any terrace housing or apartment development containing four or more residential units

- a. no wall which is 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 1.8m depth and 4m in length.
- b. All parts of a building less than 11m in height (or up to 3 storeys) shall be setback from the side and rear boundary a minimum of 1 meter as required by Rule 4.4.5.6 b & c;
- c. All parts of a building greater than 11m in height (or greater than 3 storeys) shall be setback from the side and rear boundary a minimum of 4 meters.

4.4.5.15 Universal Access

For application including 10 or more residential units

- a. At least 10% of residential units on a site shall be designed to provide convenient wheelchair access including:
 - i. Access from a street to an entry door (which may be a front, back or side door) using gradients no greater than 1:20 and has a level (stepless) transitions from inside to outside.

- ii. Doorways that are at least 810mm (door leaf 860mm) wide to fit a wheelchair
- iii. At least one bedroom and accessible bathroom be located on the same level as the kitchen and living room

Note: Where the assessment of the number of accessible units results in a fractional number, any fraction under one-half shall be disregarded and fractions of one-half or greater shall be considered as one residential unit.

4.4.6 Rules - Specific Standards

4.4.6.1 Childcare Facility

- a. The activity shall be located on the ground floor of a building.
- b. The activity shall be located on a front, corner or through site.
- c. The activity shall have a maximum gross floor area of all buildings of 250m².

4.4.6.2 Home-based Businesses

- a. For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:
 - i. Not involve more than three employees that do not normally reside on the property.
 - ii. Not exceed 10m² or 30% of the total gross floor area of buildings on the site, whichever is greatest.
 - iii. Not generate any trips by a heavy motor vehicle.
 - iv. Do not involve deliveries or the arrival or departure of any persons from the Site between the hours of 2000-0700, on any day.
 - v. Occur internally within the building.
 - vi. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
 - vii. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
 - viii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
 - ix. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
 - x. Have 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. The sign must be attached to either a fence, wall or building.

4.4.6.3 Show Home

- a. Shall be staffed by a maximum number of two staff at any time.
- b. Shall be located on a front, corner or through site.
- c. Shall have a maximum activity duration of two years from the time of first occupation.

4.4.6.4 Managed Care Facilities

- a. 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 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:
 - i. Proposed number of residents.
 - ii. The anticipated number of visitors to the site per week and daily visiting hours.
 - iii. Anticipated full time equivalent staff at the facility.
 - iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
 - v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- b. The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m diameter circle.
 - iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
 - v. Comprise not more than 35% impermeable surface area.
 - vi. For the exclusive use of the residents.
 - vii. Readily accessible for all residents
 - viii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- c. A service area shall be provided that has a minimum area of 20m² with a minimum dimension of 3m. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- d. Waste Management and Minimisation Plan shall be prepared for the site.

- e. 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.
- f. No part of any site or premises used as a managed care facility shall contain a secure unit.

4.4.6.5 Rest Homes

- a. Maximum occupancy shall be 10 residents (including live-in staff).
- b. The maximum density for rest homes shall be one person per 50m² of net site area
- c. An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.
 - ii. Is readily accessible to all residents.
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- d. The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident
 - ii. A minimum dimension of not less than 4m.
 - iii. At least capable of containing a 6m-diameter circle.
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- e. A service area shall be provided that has a minimum area of 10m² with a minimum dimension of 1.5m.
- f. A Waste Management and Minimisation Plan shall be prepared for the site.

4.4.6.6 Visitor Accommodation (Outside of the Visitor Facilities Precinct)

- a. Maximum occupancy for visitor accommodation shall be 12 guests.
- b. Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant.

4.4.6.7 Dairy

a.	<u>Gross floor area of retail</u>	<u>Maximum 100m²</u>
b.	<u>Hours of operation</u>	<u>0700 to 2200 hours</u>
c.	<u>Located on a corner or through site and located on the ground floor of the building.</u>	

4.4.6.8 Pruning and maintenance of a tree where the trunk is located within a Significant Natural Area and the canopy overhangs the boundary of a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)

- a. Shall comply with the following:
- i. Maximum amount of foliage to be removed per tree per calendar year is 15%.
 - ii. Maximum thickness (cross-section) of any branch or root that may be cut is 50mm.

4.4.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a. In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
a. <u>3 or more residential units on a site*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u> Except in relation to non-compliance with Rule 4.4.5.3 a., where matters of discretion will be limited to JJ - Stormwater Quantity and Quality
b. <u>Childcare facility for 6 or more children</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
c. <u>Papakāinga*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
d. <u>Marae when provided as part of a papakāinga development*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
e. <u>Rest home*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
f. <u>Retirement village*</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Residential Amenity</u>

g. <u>Visitor accommodation</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
h. <u>Emergency service facilities</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C - Character and Amenity</u>
i. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a SNA in Schedule 9C (Volume 2, Appendix 9)</u>	<ul style="list-style-type: none"> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>

Note

Refer to Chapter 1.1.9 for activities marked with an asterisk

4.4.8 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant:

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

4.4.9 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following:

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following:

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

4.5 Large Lot Residential Zone

4.5.1 Purpose

The Large Lot Residential Zone recognises that there are certain locations where a lower density is required to manage the effects of residential development in a sustainable manner. The Large Lot Residential Zone is similar in most respects to the General Residential Zone, with the obvious difference being the size of allotments within the Large Lot Residential Zone. The locations and rationale for this zone in these locations are outlined below.

Ruakura Structure Plan area (SH26)

This location is not serviced and is already characterised by a range of large lot residential and non-residential uses.

Ruakura Structure Plan area (Percival/Ryburn Roads)

The area bounded by Percival, and Ryburn Roads, the designation for the Waikato Expressway, the East Coast Main Trunk railway (ECMT) and the approved inland port (Logistics Zone, Sub-Area A – see Figure 2-14 Ruakura Structure Plan – Land use (Appendix2)) is characterised by a range of large lot residential uses and some rural activities. This area is not serviced and is not intended to be serviced.

This area is planned in the Ruakura Structure Plan area to transition to the Ruakura Logistics Zone in future district plans. To protect amenity a buffer will be necessary at the interface between the land intended to support the expansion of the inland port and future development in the Industrial Park Zone and the residential area. Interface design control measures are therefore adopted to assist in the protection of the residential amenity resulting from the development of the inland port and related activities adjacent to the enclave. The buffer measures are to be detailed in the relevant Land Development Plan and implemented prior to the land being developed. For the avoidance of doubt, the required vegetation is to have been planted prior to development and have established heights and densities.

The conversion of the rural residential area to a Logistics zoning will require a change or variation to be made to the District Plan when there is sufficient information and certainty about the timing and need for the 'new' zoning. This is consistent with the staged industrial land allocation provided in the Regional Policy Statement.

4.5.2 Objectives and Policies: Large Lot Residential Zone

Objective	Policies
4.5.2.1 Protect the amenity values of the Percival – Ryburn Road Large Lot Residential Zone, while providing for the urbanisation for the Ruakura Structure Plan area.	4.5.2.1a Maintain the low density living environment by limiting the subdivision of land for further residential purposes.
	4.5.2.1b Maintain efficient management of water supply and the treatment and disposal of stormwater and wastewater.
Explanation	

This objective recognises that the area is an established rural residential enclave but that there is a need to manage its subdivision, use and development of future residential land uses given the area's central location and ultimately as part of an inland port which once completed will be of a scale that will make it a regionally significant facility.

Objective	Policies
4.5.2.2 Further development within the Percival /Ryburn Road Large Lot Residential Zone does not compromise future logistics zoning as provided for in the Regional Policy Statement.	4.5.2.2a Manage the transition to a logistics zoning by a variation or change to the District Plan when there is sufficient information and certainty about the timing and need for this zoning.
Explanation	

The large lot residential zoning for the Percival-Ryburn Road area is intended to change to adopt a zoning consistent with the zoning of the adjoining land that serves the operations of the inland port. This will occur as part of a publicly notified planning process.

Objective	Policies
4.5.2.3 The development contributes to good neighbourhood amenity as the area matures.	4.5.2.3a Development in the Large Lot Residential Zones should not detract from or degrade the existing character of the surrounding area.
Explanation	

4.5.3 Rules – Large Lot Residential Zone

4.5.3.1 Activity Status Table

Activity	Large Lot Residential Zone
Residential Activities and Structures	
a. <u>Accessory building</u>	P
b. <u>Ancillary residential structures</u>	P
c. <u>Emergency housing for up to 10 residents</u>	P
d. <u>Ancillary residential unit</u>	P
e. <u>Residential activities (Except the use of buildings in the Percival/Ryburn Roads Ruakura Structure Plan Area – See 4.5.3.12 xx)</u>	P

f. <u>One single residential unit on a site</u>	<u>P</u>
g. <u>2 or more single residential units on a site</u>	<u>RD*</u>
h. <u>Duplex dwelling (2 units) on a single site</u> i. <u>Percival and Ryburn Road enclave</u>	<u>RD*</u> <u>NC</u>
i. <u>Integrated Residential Development</u>	<u>NC</u>
j. <u>Terrace Housing Units</u> i. <u>Percival and Ryburn Road enclave</u>	<u>D</u> <u>NC</u>
k. <u>Apartments</u> i. <u>Percival and Ryburn Road enclave</u>	<u>D</u> <u>NC</u>
l. <u>Papakainga</u>	<u>RD*</u>
m. <u>Rest home</u>	<u>RD*</u>
n. <u>Managed care facilities</u> i. <u>Up to 9 residents</u> ii. <u>10 or more residents (excluding emergency housing)</u>	<u>P</u> <u>D</u>
o. <u>Residential centre</u>	<u>D</u>
<u>Commercial Activities and Structures</u>	
p. <u>Home-based business</u>	<u>P</u>
q. <u>Homestay accommodation</u>	<u>P</u>
r. <u>Show homes</u>	<u>P</u>
s. <u>Childcare facility</u> i. <u>Up to 5 children</u> ii. <u>Six or more children</u>	<u>P</u> <u>RD</u>
t. <u>Dairy</u>	<u>D</u>
u. <u>Health care service</u>	<u>NC</u>

v. <u>Places of assembly</u>	NC
w. <u>Visitor accommodation</u>	D
x. <u>Offices, other than as a home-based business</u>	NC
y. <u>Service industry</u>	NC
z. <u>Light industry</u>	NC
aa. <u>Restaurants</u>	NC
bb. <u>Licensed premises</u>	NC
cc. <u>Conference facility</u>	NC
dd. <u>Tertiary education and specialised training facility</u>	NC
ee. <u>Farming activities</u>	P
ff. <u>Rural industry</u>	D
gg. <u>Produce stalls</u>	P
hh. <u>The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Residential Precinct where the site is subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below).</u>	P
ii. <u>The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Residential Precinct where the site is not subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below).</u>	D
Community Activities and Structures	
jj. <u>Temporary activities</u>	P
kk. <u>Informal recreation</u>	P
ll. <u>Organised recreation</u>	P

m. <u>Community centre</u>	<u>D</u>
nn. <u>General recreation</u>	<u>D</u>
oo. <u>Places of worship</u>	<u>D</u>
pp. <u>Marae</u>	<u>D</u>
qq. <u>School</u>	<u>NC</u>
All Activities and Structures	
rr. <u>Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>
ss. <u>Demolition or removal of heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage</u>	<u>See Chapter 19</u>
tt. <u>Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>
uu. <u>Maintenance, repair and alterations and additions to heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage.</u>	<u>See Chapter 19</u>
w. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<u>RD</u>
ww. <u>Pruning and maintenance of a tree within an Significant Natural Area where the canopy overhangs the boundary of the Significant natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<u>P</u>
xx. <u>Relocated buildings</u>	<u>P</u>
yy. <u>Emergency service facilities</u>	<u>D</u>

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)
3. For the purposes of this rule a “restrictive no-complaint covenant” is defined as a restrictive covenant registered on the Title to the property or a binding agreement to covenant, in favour of the adjoining

Industrial Park and Logistics Zoned land by the landowner (and binding any successors in title) not to complain as to effects generated by the lawful establishment and operation of the Industrial Park and Logistics Zoned land (including the inland port).

4.5.4 Rules – General Standards – Large Lot Residential Zone.

4.5.4.1 Density

Activity	Rules – General Standards – Large Lot Residential Zone
Single Residential Unit i. SH26 - Ruakura Structure Plan area ii. Percival/ Ryburn Roads - Ruakura Structure Plan area	2500m ² per residential unit 2ha per residential unit
Single dwellings with an ancillary residential unit	3500m ² total for both dwelling and ancillary residential unit
Duplex Dwelling	2500m ² per duplex (1250m ² per residential unit)
Residential centres	300m ² per resident
Rest homes	300m ² per resident
Managed care facilities	400m ² per resident
Relocated dwelling i. Percival/Ryburn Roads) Ruakura Structure Plan area.	2500m ² per residential unit 2ha per residential unit*

Notes

- Dwellings in the Percival/Ryburn Roads Ruakura Structure Plan area not complying with the density standards in 4.4.1 shall be a non-complying activity.*
- The minimum net site areas marked with a “*” in rule 4.4.1 a above shall not apply to the property at 23 Ryburn Road (lot 8, DP 9210) where one additional dwelling is permitted with a minimum net site area of 5,000m².*

4.5.4.2 Building Coverage

Activity Specific	Standards
Maximum Site Coverage unless:	20%

4.5.4.3 Permeable Surface

Activity	Standards
a. Front sites, corner sites, through sites only: front setback (required by Rule 4.5.4.6) to be planted in grass, shrubs or trees	Minimum 70%
b. Permeability across the entire site (can include area required by Rule 4.5.4.3 a above)	Minimum 70%

4.5.4.4 Building Height

Activity	General Residential Zone
a. Height of buildings	Maximum 10m

4.5.4.5 Height in Relation to Boundary

Large Lot Residential Zone
<p>a. <u>No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries (see Figure 4.5.4.5 b below).</u> <u>Except that:</u></p> <ul style="list-style-type: none"> i. <u>Where buildings are attached, no height control plane is required between those buildings</u> ii. <u>Where a boundary adjoins a transport corridor, the 45-degree angle applies to that boundary, measured 3m above the boundary (see Figure 4.5.4.5 a below).</u> iii. <u>Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45 degrees and with this angle measured from 3m above ground level at the midway line or the indicative subdivision boundary.</u> iv. <u>Where the boundary subject to measurement adjoins a legal right of way, access lot or entrance strip, the standard applies from the farthest boundary of that legal right of way, access lot or entrance strip.</u> v. <u>The height in relation to boundary control may be reduced where the written consent of owners adjoining the height in relation to boundary infringement is obtained. This does not apply to public boundaries.</u>
<p>b. <u>The height in relation to boundary control may be reduced where the written consent of owners adjoining the height in relation to boundary infringement is obtained. This does not apply to public boundaries.</u></p>
<p>c. <u>The following exemptions apply to Rule 4.5.4.5.a:</u></p> <ul style="list-style-type: none"> i. <u>Chimneys, flues and similar projections not exceeding 2m in height and 1m² in area may protrude through the height control plane; and</u> ii. <u>An aerial as permitted in Volume 1, Chapter 25.7 City-wide – Network Utilities and the Electricity National Grid Corridor may protrude through the height control plane; and</u> iii. <u>A gable end, dormer or roof may project beyond the height control plane where:</u> <ul style="list-style-type: none"> A. <u>Any projection is no greater than 1.5m² in area and no greater than 1m in height; and</u> B. <u>Any projection is no greater than 2.5m cumulatively in length measured along the edge</u>

of the roof (see figure 4.5.4.5 c); and

- C. No more than two gable end, dormer or roof projections occur on any sites given elevation.

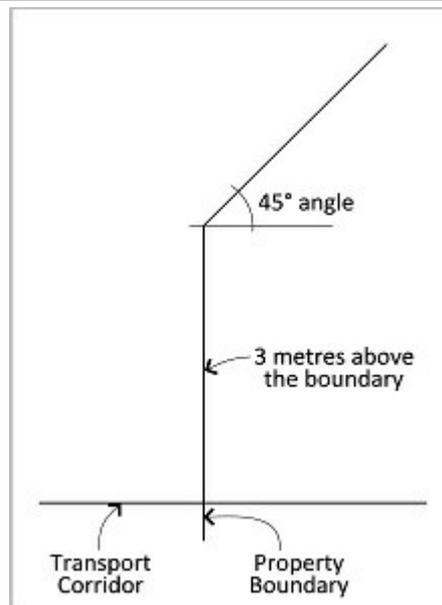


Figure 4.5.4.5 a: Height control plane for a boundary adjoining a transport corridor or access

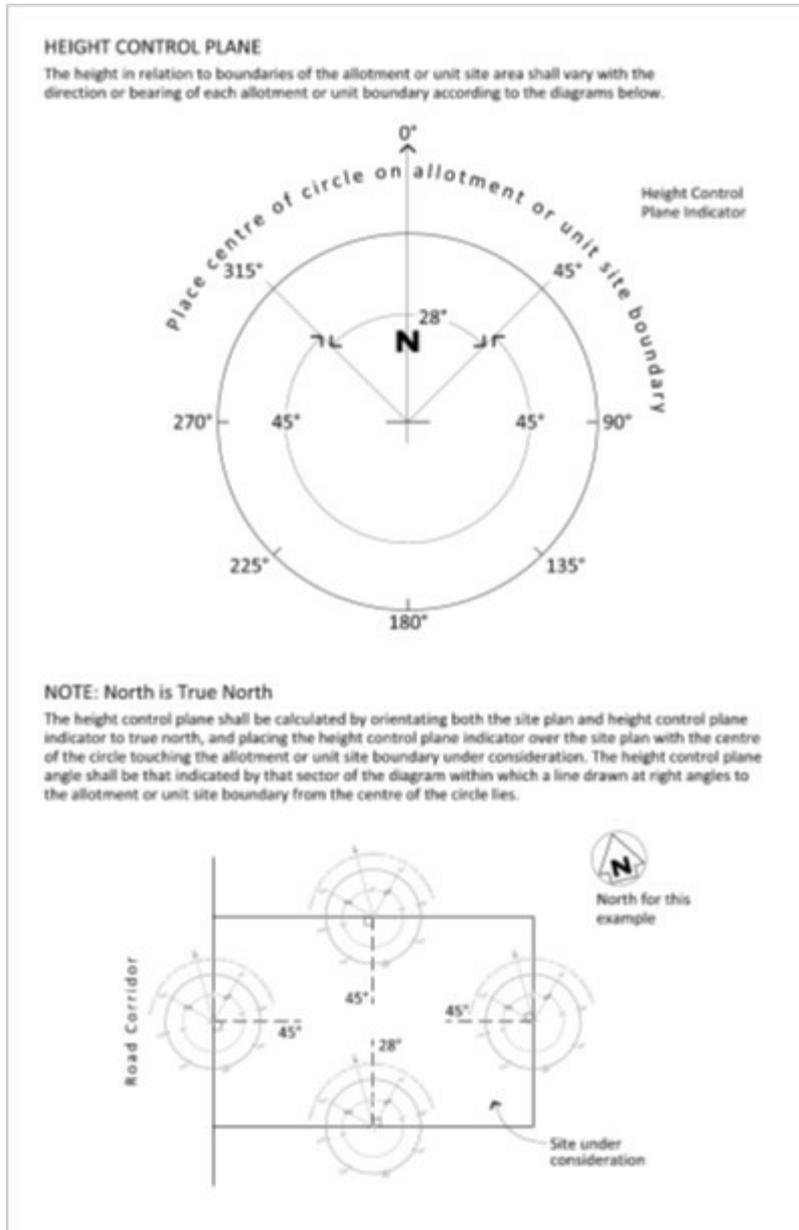


Figure 4.5.4.5 b: Height Control Plane

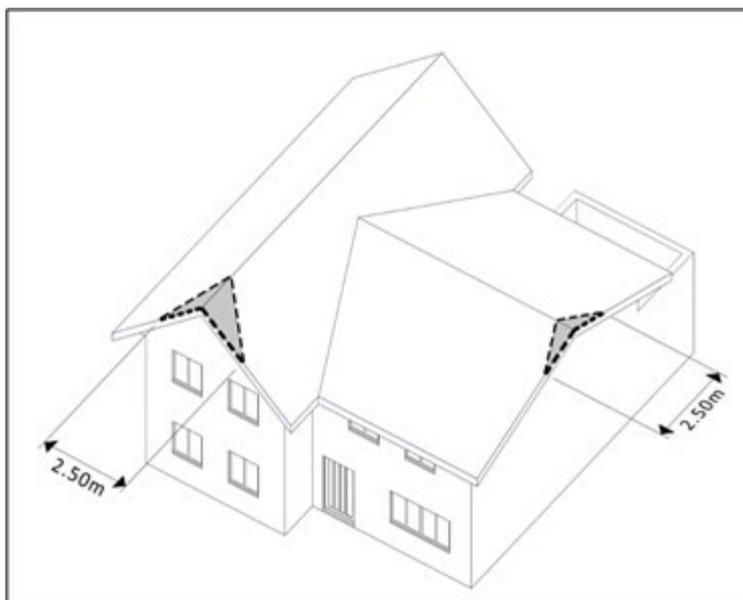


Figure 4.5.4.5 c: Exceptions for gable ends, dormers and roof projections

4.5.4.6 Building Setbacks

Activity	Minimum distance
a. <u>Transport corridor boundary</u>	<u>5m</u>
b. <u>Side yards</u>	<u>1.5m</u>
c. <u>Side yard per site where it is a common/party wall</u>	<u>0m</u>
d. <u>Rear yard</u>	<u>1.5</u>
e. <u>Side and rear yard setbacks may be reduced where:</u> <ul style="list-style-type: none"> i. <u>The written consent of the owners adjoining the relevant setback or setbacks is obtained;</u> <u>or</u> ii. <u>It is proposed to site a building within the 1.5m setback and:</u> <ul style="list-style-type: none"> A. <u>The building is less than 10m² in area; and</u> B. <u>The building is less than 2m in height; and</u> C. <u>The building will not be connected to electricity supply; and</u> D. <u>There is no discharge of stormwater onto neighbouring land from the building; and</u> E. <u>No more than one building is established on a site in accordance with this rule; except where notional boundaries are shown for an approved subdivision, one accessory building can exist for each notional lot</u> 	
f. <u>Any other boundary:</u> <ul style="list-style-type: none"> i. <u>5m setback for SH26 and Percival/Ryburn Roads</u> 	

	<ul style="list-style-type: none"> ii. 50m for buildings and outdoor hardstands used for housing and feeding animals, including milking sheds and shearing sheds. iii. 250m for residential units set back from the operational area of an existing intensive farm on any other site. iv. 25m from any water body. 	
g.	Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)
h.	Waikato Expressway (Designation E90 or E90a)	40m measured from the actual carriageway edge of the Waikato Expressway.

Note

1. of building Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.
2. The above standards do not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
3. Rear and side year setbacks do not apply to rainwater tanks with a capacity of <10,500 litres (Refer to Chapter 25.13).

4.5.4.7 Fences and Walls**Rules**

a.	Boundary fences and/or walls shall have a maximum height of 1.8m.
b.	<p>Where a retaining wall and front fence are proposed, the maximum height of the combined structure measured from the bottom to top, shall be no more than 1.5m before the following shall apply:</p> <ul style="list-style-type: none"> i. Between 1.5m – 2.5m: A horizontal step at least 1m in depth shall be integrated into the structures no more than 1.2m above the level of the street boundary. ii. Between 2.6m – 3.5m: Two horizontal steps, each at least 1m in depth, shall be integrated into the structures no more than 1.2m above the ground level at the base of each 'step'. iii. More than 3.6m: discretionary activity.
c.	Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.
d.	Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.
e.	<p>Rule 4.5.4.7 shall not apply to any fence and/or wall which:</p> <ul style="list-style-type: none"> i. Following construction will be located at or below the natural ground level of the land that existed prior to construction commencing; or

- ii. Is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property boundary not in common ownership.

Note

For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and the combined height will be assessed as the overall height of both structures

4.5.4.8 Residential Buildings – Separation and Privacy

Rules

- a.** Residential buildings shall be set back at least 3m from the nearest part of any other residential building on the same site, except:
- i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings on the same site, separation distance is a minimum of 1.5m.
- b.** A balcony at upper-floor level shall be set back at least 5m from all boundaries (see Figure 4.5.4.8 a). This does not apply to a boundary along a transport corridor, access way, right-of-way, private way, access lot, or entrance strip, less than 6m wide.

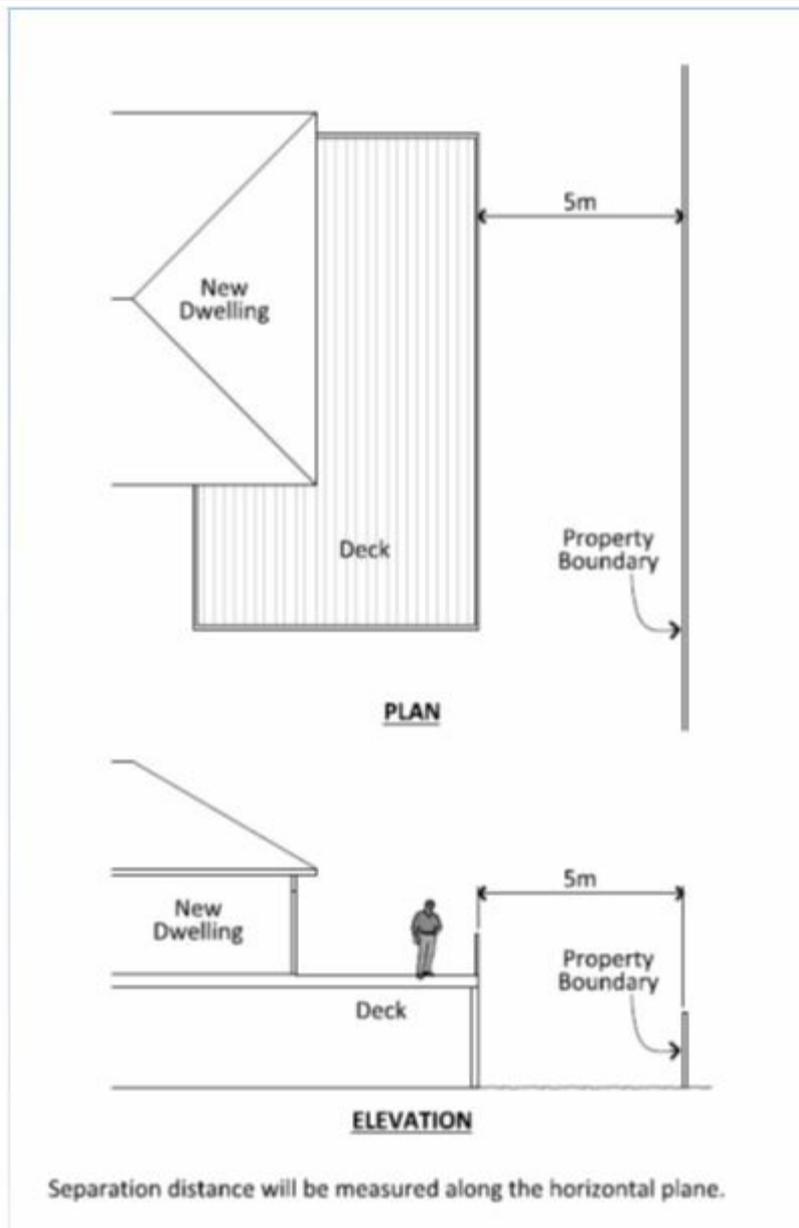


Figure 4.5.4.8 a: Upper-floor setbacks for separation and privacy

4.5.4.9 Interface Between Public and Private

Rules

- a. These standards only apply to residential units and accessory buildings on front, corner and through sites that have unit site areas that directly front onto a transport corridor.
- b. Location of accessory building:
 - i. Any accessory building (excluding a carport) that:
 - A. Is located forward of the front building line of a dwelling; and
 - B. Does not have a vehicle entrance facing nor opening toward a transport corridor
 - C. Shall be provided with a window(s) facing the transport corridor which have an area no less than 10% of the façade of the accessory building.
 - ii. Where the accessory building is to be located between any residential unit and a transport corridor, it shall not cover more than 50% of the front façade of the residential unit that is visible at ground level from the transport corridor for the purpose of assessment.
 - A. The measurement of the extent that a residential unit and any accessory building is visible, shall be taken from the elevation plans provided to illustrate the proposed development.
 - B. This standard shall apply regardless of whether there is any screen fencing or planting of the transport corridor boundary existing or proposed.
 - C. This standard shall apply regardless of whether there is any screen fencing or planting of the transport corridor boundary existing or proposed.
- c. At least one habitable room of the residential unit shall have a clear-glazed window facing the transport corridor from which vision toward the transport corridor is not blocked by any accessory building. For corner and through sites this shall be required only on the frontage from which vehicular access is provided.

4.5.4.10 Outdoor Living Area

Outdoor living area per residential unit

a.	<u>These standards do not apply to managed care facilities or rest homes.</u>
b.	<u>Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is</u>
	<ul style="list-style-type: none"> i. <u>For the exclusive use of each residential unit</u> ii. <u>Readily accessible from a living area inside the residential unit.</u> iii. <u>Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</u>
c.	<u>Communal open space for 4 or more residential units shall comply with 4.5.4.10 b) iii) as well as being:</u>
	<ul style="list-style-type: none"> i. <u>For the shared use of all residents on site, and</u>

	ii. <u>Readily accessible from all residential units on site.</u>		
d.	<u>Outdoor living areas shall have areas and dimensions as follows.</u>		
	<u>Residential Units</u>	<u>Outdoor living area per residential unit</u>	<u>Shape</u>
	i. <u>Including single residential dwellings and duplex dwellings</u>	<ul style="list-style-type: none"> • <u>Up to 2 bedrooms- 35m²; plus</u> • <u>10m² for each additional bedroom over 2</u> 	<u>Either:</u> <ul style="list-style-type: none"> • <u>No width contributing to the complying area less than 4.0m; or</u> • <u>Capable of containing a 6m circle with no dimension less than 2.5m</u>
	ii. <u>Ancillary residential unit</u>	<u>12m²</u>	<u>No dimension less than 2.5m</u>
	iii. <u>Communal open space for 4 or more residential units for the exclusive use of the residential units</u>	<u>12m²</u>	<u>Capable of containing a 8m diameter circle</u>
e.	<u>The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.</u>		
f.	<u>Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.</u>		

4.5.4.11 Service Areas

<u>Activity</u>	<u>Minimum requirements per residential unit</u>
a. <u>Residential units</u>	i. <u>15m² per residential unit and may be made up of two separate areas incorporating</u> <ul style="list-style-type: none"> • <u>10m² for clothes drying (e.g. foldable clothes line)</u> • <u>5m² for rubbish / recycling storage</u> ii. <u>Minimum dimension 1.5m</u>
b. <u>Second and subsequent residential units, including duplex dwellings</u>	i. <u>Additional 15m², and may be made up of two separate areas incorporating</u> <ul style="list-style-type: none"> • <u>10m² for clothes drying</u>

		<p>(e.g. foldable clothes line)</p> <ul style="list-style-type: none"> • 5m² for rubbish / recycling storage <p>ii. Minimum dimension 1.5m</p>
c.	Dairies (may be indoor or outdoor)	<p>i. Minimum 10m²</p> <p>ii. Minimum dimension 1.5m</p> <p>iii. Readily accessible to service vehicles</p> <p>iv. Indoor service area separately partitioned</p> <p>v. Outdoor service area; all-weather dust-free surface</p>
d.	All service areas	<p>i. Clothes drying areas shall be readily accessible from each residential unit</p> <p>ii. Not visible from a public place unless screened from view by vegetation or fencing in accordance with Section 25.5.</p> <p>iii. Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages).</p>
e.	These standards do not apply to managed care facilities or rest homes (See Rules 4.5.5.5. or 4.5.5.8.).	

4.5.5 Rules – Specific Standards

4.5.5.1 Effluent Disposal

- a. Areas for the on-site disposal or storage of sewage (septic tanks) or farm effluent shall not be located within a:

- i. High Flood Hazard Area
 - ii. Medium Flood Hazard Area.
 - iii. Low Flood Hazard Area.
 - iv. Temple View Flood Hazard Area.
 - v. Culvert Block Flood Hazard Area.
 - vi. Waikato Riverbank and Gully Hazard Area.
 - vii. Significant Natural Area (refer to Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas).
 - viii. Root protection zone of a notable tree (refer to Volume 2, Appendix 9, Schedule 9D: Notable Trees).
 - ix. Site in Schedule 8B: Group 1 Archaeological and Cultural Sites (refer to Volume 2, Appendix 8, Schedule 8B).
- b. Facilities for the storage and disposal of sewage (septic tanks) or farm effluent shall be sited at least 25m from any natural or artificial water course or any lake.
 - c. Facilities for the storage and disposal of farm effluent shall be sited at least:
 - i. 100m from any residential unit on another site.
 - ii. 15m from any site boundary.
 - iii. 150m from any General Residential Zone boundary.

4.5.5.2 Produce Stalls

- a. One produce stall shall be allowed per site.
- b. Produce stalls shall not exceed 16m² gross floor area.
- c. Produce sold from a stall shall be grown or made either:
 - i. On the property on which it is offered for sale.
 - ii. On land owned or leased by the vendor of the produce.
 - iii. On land less than 3km from the property on which it is offered for sale.
- d. Produce stalls shall not be established on any site having vehicular access to a major arterial transport corridor or the strategic network.
- e. Produce stalls shall be located to enable two off-road hard stand areas for car parking.

4.5.5.3 Childcare Facility

- a. The activity shall not be part of a multiple residential unit development.
- b. The activity shall be located on a front, corner or through site.
- c. The activity shall have a maximum gross floor area of all buildings of 250m².

4.5.5.4 Home-based Businesses

- a. For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:
 - i. Not involve more than three employees that do not normally reside on the property.
 - ii. Not exceed 10m² or 30% of the total gross floor area of buildings on the site, whichever is greatest.
 - iii. Not generate any trips by a heavy motor vehicle.
 - iv. Do not involve deliveries or the arrival or departure of any persons from the Site between the hours of 20h00-07h00, on any day.
 - v. Occur internally within the building.
 - vi. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
 - vii. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
 - viii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
 - ix. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
 - x. Have 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. The sign must be attached to either a fence, wall or building.

4.5.5.5 Managed Care Facilities

- a. 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 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:
 - i. Proposed number of residents.
 - ii. The anticipated number of visitors to the site per week and daily visiting hours.

- iii. Anticipated full time equivalent staff at the facility.
 - iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
 - v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- b. The outdoor living area shall be provided communally which shall comprise:
- i. At least 12m² per resident
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m diameter circle.
 - iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
 - v. Comprise not more than 35% impermeable surface area.
 - vi. For the exclusive use of the residents.
 - vii. Readily accessible for all residents.
 - viii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- c. A service area shall be provided that has:
- i. A minimum area of 20m² with a minimum dimension of 3m.
 - ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- d. 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.
- e. No part of any site or premises used as a managed care facility shall contain a secure unit.

4.5.5.6 Relocated Buildings

- a. Any relocated building intended for use as a dwelling (excluding previously used accessory buildings) must have previously been designed, built and used as a dwelling.
- b. A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building.
- c. All reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

- d. The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.

4.5.5.7 Show Homes

- a. Shall be staffed by a maximum number of two staff at any time.
- b. Shall be located on a front, corner or through site.
- c. Shall have a maximum activity duration of two years from the time of first occupation.

4.5.5.8 Rest Homes

- a. Maximum occupancy shall be 10 residents (including live-in staff).
- b. The maximum density for rest homes shall be one person per 75m² of net site area.
- c. An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.
 - ii. Is readily accessible to all residents.
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- d. The outdoor living area shall be provided communally which shall comprise:
 - i. At least 8m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. At least capable of containing a 6m-diameter circle.
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- e. A service area shall be provided with areas and dimensions as follows:
 - i. Minimum area of 20m².
 - ii. Minimum dimension of 3m.
 - iii. Provided that where a fully equipped laundry (both washing and drying machines) is provided in rest home, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.

4.5.5.9 Pruning and maintenance of a tree where the trunk is located within

a Significant Natural Area and the canopy overhangs the boundary of the Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)

- a. Shall comply with the following:
- i. Maximum amount of foliage to be removed per tree per calendar year is 15%
 - ii. Maximum thickness (cross-section) of any branch or root that may be cut is 50mm.

4.5.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a. In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. Two or more dwellings on a site *	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
ii. Three or more dwellings on a site but complying with the standards*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
iii. Childcare facility for 6 or more children	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
iv. Community centre	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
v. Dairy	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
vi. Tertiary education and specialised training facility	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
vii. Papakainga*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
viii. Places of worship	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
ix. Rest home*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
x. Show Home	<ul style="list-style-type: none"> • B – Design and Layout

	<ul style="list-style-type: none"> • <u>C – Character and Amenity</u>
xi. <u>Emergency service facilities</u>	<ul style="list-style-type: none"> • <u>B – Design and Layout</u> • <u>C – Character and Amenity</u>
xii. <u>Any earthworks within the root protection zone of a tree where the trunk is located within a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)</u>	<ul style="list-style-type: none"> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u>

Note

Refer to Chapter 1.1.9 for activities marked with an asterisk

4.5.7 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant:

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

4.5.8 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following:

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following:

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation