This chapter is subject to the following plan changes:

Proposed new text in Notified Plan Change 12 - <u>underlined with green highlighting</u>.

Proposed deleted text in Notified Plan Change 12 - strikethrough with red highlighting.

Recommended amendments to Notified Plan Change 12:

- New text underlined.
- Deleted Operative Plan text strikethrough.
- Deleted Notified Plan Change 12 text strikethrough.

Submission Points relating to recommended amendments.

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.

Terraced housing is a higher density form of development but is acceptable so long as it maintains a sense of open space and private, on-site amenity.

Higher forms of density should be in strategic locations such as adjacent to suburban centres, frequent public transport routes, public open spaces, areas of employment, and other sources of public amenity.

The plan places particular emphasis on achieving attractive and safe streets and public open spaces, as well as an urban tree canopy. As well as managing the effects of development on adjoining neighbouring sites, including visual amenity, privacy and access to daylight, and ensuring a private, high quality on-site amenity and living environment.

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
4.2.2.1 Promote comprehensive and integrated development for the establishment of 4 or more residential dwellings units within the General Residential Zone.	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. 1.2.2.1b Incorporate universal access principles into residential development.

4.2.2.1c

Encourage subdivision and land use to be undertaken concurrently.

4.2.2.1d

Land is developed in general accordance with the relevant structure plan and master planning, including coordination with staging and provision of infrastructure.

Objective

Policies

4.2.2.2

The General Residential Zone and development within it provide for a variety of housing types and sizes that respond to

- i. Housing needs and demand; and
- <u>ii. The neighbourhood's planned urban</u>
 <u>built character, comprising including 1</u>
 <u>to 32 storey single, duplex, and terrace housing residential units buildings.</u>

4.2.2.2a

Enable a variety of housing typologies with a mix of densities within the zone, including 1—and 2 and 3-storey attached and detached residential units.

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):

eEnsure that development with which generates -adverse effects, greater than those enabled by the General Residential Zone on a neighbour, will achieve an equivalent or greater overall standard of on-site amenity for that neighbour that is consistent with the Objectives and Policies for all Residential Zones under 4.1.2. compared to development in accordance with what the General Residential Zone could be reasonably anticipated to result in.

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.

4.2.2.20

Higher-density residential development is located close to neighbourhood centres, parks, open spaces, and other areas of high social amenity.

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4.2.3 Rules – General Residential Zone

4.2.3.1 Activity status table

Activity Status table	General Residential Zone
If the activity is subject to a site, feature or overlay then Chapter 1.1.8 - Activity Status Defauconsidered.	Its, needs to be
a. Accessory building	<u>P</u>
b. Ancillary residential structures	<u>P</u>
<u>b(i). Ancillary Residential Unit</u>	<u>P</u>
c. Emergency housing for up to 10 residents	P
d. Residential activities	P
e. 1 to 3 Up to 2 residential units on a site (excluding Apartment Buildings)	P
f. 4-3 or more residential units on a site (excluding Apartment Buildings)	RD*
g. Apartment Building	<u>D</u>
h. Retirement village	RD*
i. Rest home	RD*
Papakainga containing 1 to 3 residential units	<u>P</u>
j. Papakainga containing 4 or more residential units	RD*
k. Managed care facilities	
 i. up to 109 residents ii. 4011 or more residents (including excluding emergency housing) 	<u>P</u> <u>D</u>
I. Residential Centre	<u>D</u>
Commercial Activities and Structures	
m. Home-based business	<u>P</u>
n. Homestay accommodation	<u>P</u>
o. Show homes	<u>P</u>
p. <u>Childcare facility</u> i. <u>up to 5 children</u> ii. <u>six or more children</u>	<u>P</u> <u>RD</u>
q. <mark>Dairy</mark>	<u>RD</u>
r. <u>Visitor accommodation</u>	RD
s. Tertiary education and specialised training facility	<u>RD</u>
t. <u>Health care service</u>	<u>D</u>

Disease of accomplete	_
u. Places of assembly	<u>D</u>
v. Offices (other than as a home-based business)	<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>	NC NC
Community Activities and Structures	
bb. <u>Temporary activities</u>	<u>P</u>
cc. Informal recreation	<u>P</u>
dd. <u>Organised recreation</u>	<u>P</u>
ee. Community centre	<u>RD</u>
ff. Places of worship	RD
gg. <u>General recreation</u>	<u>D</u>
hh. Marae (Accept Except when provided as part of a papakainga development)	<u>D</u>
ii. Marae provided as part of a papakainga development	RD*
jj. <mark>School</mark>	<u>D</u>
kk. Passenger transport facilities Public transport facilities	<u>NC</u>
II. Club Rooms	<u>NC</u>
All Activities and Structures	
mm. Relocated buildings	<u>P</u>
nn. Relocated buildings within a Historic Heritage Area	See Chapter 19
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. 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	See Chapter 19
qq. 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)	P
rr. Maintenance, repair and alterations and additions to heritage buildings scheduled inVolume 2, Appendix 8, Schedule 8A: Built Heritage or buildings within any Historic Heritage Area, scheduled in Volume 8, Schedule 8D	See Chapter 19
ss. 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>RD</u>
tt. Pruning and maintenance of the canopy of a tree where the trunk is located within a	<u>P</u>

Significant Natural Area that overhangs the boundary of a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)	
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 Urlich Avenue)</u>	P
vv. New building for the purpose of Health Care Services identified in 4.2.3.1.uu.	<u>RD</u>
ww. Emergency service facilities	<u>RD</u>
ww. <u>Emergency service facilities</u>xx. <u>Any boundary wall/fence equal to or less than 3.5m high as per Rule 4.2.5.7 d.</u>	RD P

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 (*)
- 3. Refer to Chapter 1.1.8 for sites subject to a site, feature or overlay
- 4. Buildings and structures adjacent to electricity infrastructure in the transport corridor are required to comply with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), irrespective of whether they are permitted by the District Plan.

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:

- i. A pProposal s for 1 to 3 dwellings on a site that infringes 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.
- <u>Hii.</u> A proposal on a site that only infringes the standards set out in 4.2.5.1 Density, shall be processed without public or limited notification regardless of the degree of infringement.
- ii.iii. A pProposals for 1 to 3 dwellings on a site that infringes 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 10% of the standard(s) in question and less than 25% of the standard(s) in question 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.
- <u>iii.iv.</u> 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 on a site that infringe 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

a) For sites outside of the Three Waters Infrastructure Capacity Overlay, the below density standards do not apply

Activity	Average nNet site area (minimums unless otherwise stated)
Any Residential Unit within the Infrastructure capacity overlay	200m ²
Residential centres and Rest homes	75m² per resident
Managed care facilities	100m² per resident

Note:

Refer to the rules in to-Chapter 25.13 - Three Water's relating to density 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 Site Building Coverage

Activity	Maximum site building coverage
a. All residential units (except for terrace hounits and apartment units—where onsite provided and accessed by a rear lane th 4.2.5.2. b. applies).	parking is
b. Maximum building coverage for any terra housing units, and apartments where or parking is provided and accessed by a re	nsite
c. All other activities (Including retirement v	rillages) 40%45%

<u>Notes</u>

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 Impermeable surface Permeability and Landscaping

	Activity	Standard
	a. Permeable Impermeable surface	Minimum 30% of a site Maximum 70% of net site area
b. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the total si area with grass or plants, and can include the canopy of a tree regardless of the ground treatment below them.		
	c. On front, corner sites and through sites, landscapir	ng planted in grass, shrubs and trees required forward of

the front building line. At least 50% of the landscape area shall be provided as a deep soil area

- i. to support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and;
- ii. for all trees, topsoil depth is required to increase to 1m.
- d. While a single contiguous Deep Soil Area (DSA) is preferred, several DSAs may be created of no less than 8m² minimum area and no dimension less than 2m.
- d. e.On front, corner sites and through sites, landscaping planted in grass, shrubs and trees required forward of the front building line.

i. Single residential units and duplex residential

Minimum 50%

units and apartment buildings

Minimum 40%

ii. Terrace housing with a residential unit frontage width 7.5m or greater

Wilnimum 40%

iii. Terrace housing with a residential unit frontage width of less than 7.5m

Minimum 30%

e. f. Urban trees canopy:

Each residential development shall provide sufficient trees in an unobstructed area within the site, clear of any required vehicle access and manoeuvring, below the canopy of the tree to produce 20% site coverage by tree canopy. Tree canopy cover is calculated on the anticipatory canopy size of the tree at maturity regardless of the ground treatment surface below the canopy of the tree, at the rate set out below:, with trees sized as below:

Tree size with corresponding height and projected canopy size

Tree Size	Tree Height at	Tree canopy cover	Land area (m²)
	maturity (m)	at maturity (m²)	required
<u>Small</u>	<u>0-5</u>	10	3.8
Medium	6-12	<u>67</u>	<u>25.5</u>
Large	13-20	186	70.8
Very Large	20+	<u>250</u>	<u>95.4</u>

Soil volume required for a tree/tree roots (m³) equals the land area (m²) x 1m depth

i. Detached residential unit

Two per residential unit.

ii. Duplex residential unit

Two per residential unit.

iii. Terrace housing unit

One per residential unit.

Apartment buildings

Minimum of one tree per site with an additional tree for every 200m² of site area.

iv. All other activities

Minimum of one tree per site with an additional tree for every 200m² of site area.

- f. g Tree requirements as per 4.2.5.3d can be met by retaining existing mature trees on the site that either contribute fully or in-part to the tree canopy cover required for the net site area.
- h. Specimen trees shall be planted as per 4.2.5.3d at a planted minimum size of at least 80L.

Note:

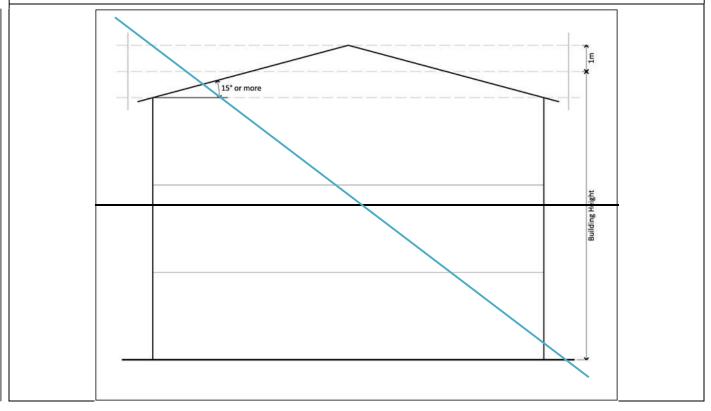
• For the purposes of this rule, the definition of impermeable surfaces is amended by excluding swimming pools, living roofs, and porous or permeable paving, and including sealed or compacted metal driveways and car parking areas'

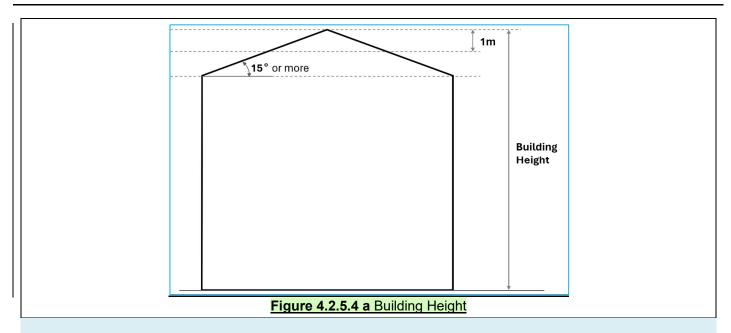
- "Further guidance on impermeable surfaces can be found in the Three Waters Management Practice Notes"
- Requirements set out in 4.2.5.3 a can include the area required in 4.2.5.3 d
- Requirements set out in 4.2.5.3 b can include the area required in 4.2.5.3 c and d
- If the development retains an existing 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-impermeable 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

Activity	Building Height	Maximum Storeys
a. General Residential Zone	<u>104</u> m	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.





Notes:

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

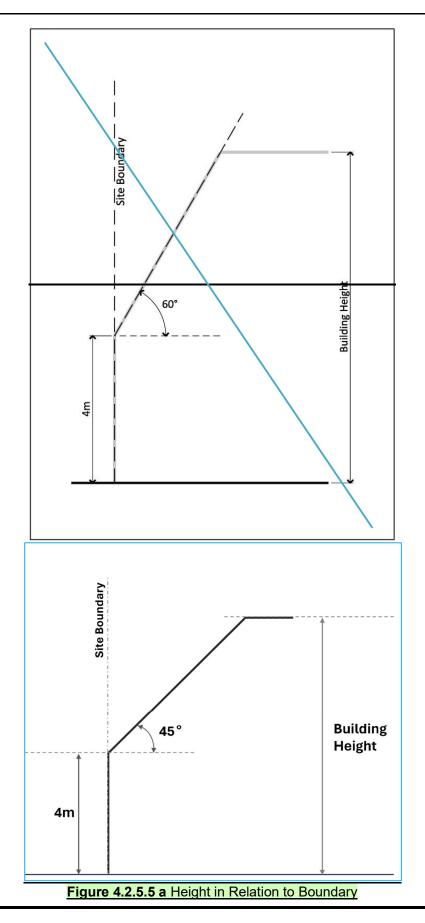
4.2.5.5 Height in Relation to Boundary

General Residential Zone

Buildings must not project beyond a 6045° 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.



4.2.5.6 Building Setbacks

		ng setback from The feature from which setbacks for buildings or other ied features are measured	Minimum setback distance
	a.	Transport corridor boundary i. Local and collector transport corridors	1.5m except where garage doors or carports face a transport corridor, it must be setback 1.5m, or at least 5m
		ii. Arterial transport corridors	<u>5m</u>
	<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>5m</u>
	b.	Side boundary yards	<u>1.5m</u>
	d.	c. One side boundary yard per site where:	<u>0m</u>
		i. Legal provision is made for access and maintenance; and	
		ii. Neighbours consent is obtained; and	
ı		iii. The opposite side yard is a minimum of 2m. OR	
'		<u>i.</u> The setback from the opposite side boundary on the site is at least 2m; and	
		ii. Legal provision is made for access and maintenance; and	
		iii. Neighbours' consent is obtained, or	
		iv. It is a common/party wall	
	d.	Rear boundary yard-(except where it adjoins a rear lane)	<u>1.5</u> m
	e.	Rear boundary vard where it adjoins a rear lane.	Om, except where garage doors or carports face the rear lane, they must be setback either 0m, or at least 5m
اا	f	Except for setbacks from a rear lane for garages or carports. Seside and re	ar boundary vard setbacks may

- <u>f. Except for setbacks from a rear lane for garages or carports, S-side and rear boundary yard setbacks may be reduced where:</u>
 - i. The written consent of the owners of the property adjoining the relevant setback or setbacks is obtained; or
 - ii. It is proposed to site a building within the 1.5m setback from a side or rear boundary and:
 - a. The building is less than 10m² in area; and
 - b. The building is less than 2m in height; and
 - c. The building will not be connected to electricity supply; and

- d. There is no discharge of stormwater onto neighbouring land from the building; and
- e. 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.
- g. Residential buildings must be setback at least 3m from the nearest part of any other residential buildings on the same site, except:
 - . No separation is required between buildings that are attached.
 - <u>ii.</u> Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings on the same site, separation distance may be a minimum of 1.5m.
- h. <u>A balcony at upper-floor level must be setback at least 4m from all boundaries (see Figure 4.2.5.6a), except a boundary to a transport corridor, open space zone, or any of the following that are less than 6m wide: an access way, right-of-way, private way, access lot, or entrance strip.</u>

Deck
Property
Boundary

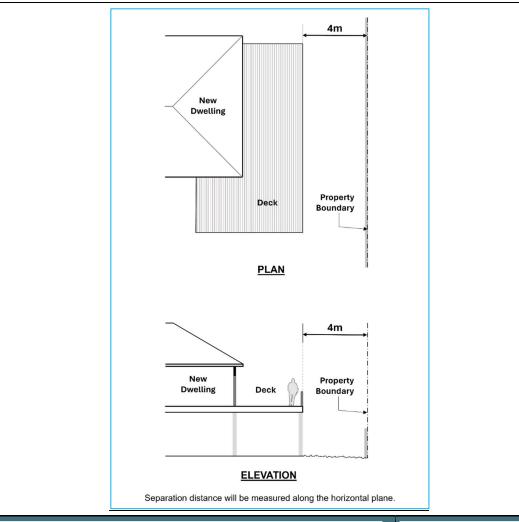
PLAN

Property
Boundary

Property
Boundary
Boundary

Proper

Figure 4.2.5.6 a: Upper-floor setbacks for separation and privacy



	eature from which setbacks for buildings or other specified features leasured	Minimum setback distance
i.	Any internal vehicle access or private way (including access to an ancillary residential unit)	In addition to any requirements in j and k, no part of a building (including eaves) shall extend over or encroach into an internal vehicle access or private way
h <u>i.</u>	Internal vehicle access or private way serving up to two three residential units on a site (excluding including access to an ancillary residential unit).	Om, except where garage doors or carports face the internal vehicle access or private way, they must be setback either 1m or at least 5m. No part of a building (including eaves) shall extend over or encroach into an internal vehicle access.
ik .	Internal vehicle access serving more than two three residential units on a site	Setback of For Rresidential Units =: 1m, except where garage doors or carports face

	the internal vehicle access or private way, they must be setback either 1m or at least 5m.
Waikato Riverbank and Gully Hazard Area	6m (applies to For buildings and swimming pools): 6m
km . The actual carriageway edge of the Waikato Expressway (Designation E90 or E90a) (except within the Rototuna North East Residential Precinct)	40m measured from the actual carriageway edge of the Waikato Expressway

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

- 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.
- Om. All non-habitable buildings shall be set back minimum of 10m from the actual carriageway edged of the Waikato Expressway.

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
Eront and side boundary fences or walls located forward of the front building line of the residential unit.	Maximum height 1.2m or 1.5m provided 50% of that part over 1.2m is visually permeable.
b. Boundary fences or walls adjoining Open Space Zone.	1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).
c. All other boundary fences or walls.	Maximum height 1.8m
d. 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:	

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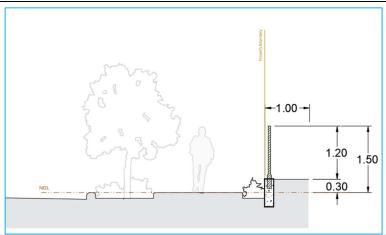


Figure 4.2.5.7(d) Retaining wall and fence height

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.

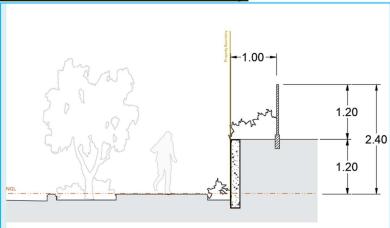


Figure 4.2.5.7(di) Retaining wall and fence height - one step

i-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'.

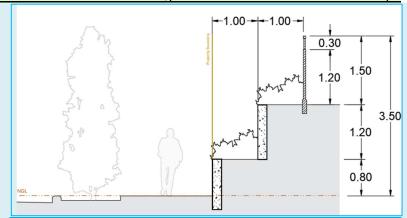


Figure 4.2.5.7(dii) Retaining wall and fence height - two steps

ii.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. <u>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.</u>

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

- a. Any Where a residential unit facing a transport corridor 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. For the purposes of this rule, the area of a single gable facing the street shall not be included in the calculation of the street facing façade area where the internal ceiling height is measured from the highest room:

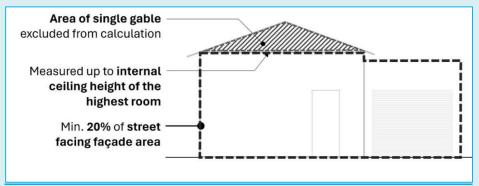


Figure 4.2.5.8 a: Street facing façade area – Single Storey Unit

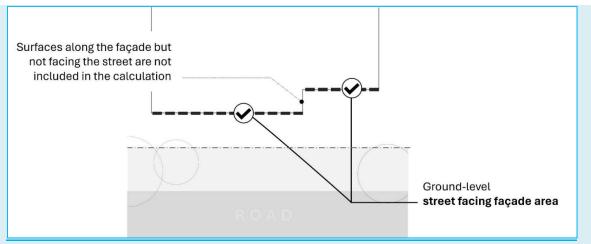
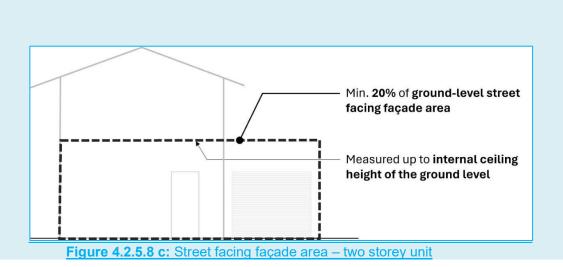


Figure 4.2.5.8 b: Street facing façade area



- 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. At least one habitable room with a clear glazed window facing the transport corridor, not obstructed by an accessory building or fence greater than 1.5m in height.
- iii. A front door located on the street facing façade with direct pedestrian access from the boundary.
- iv. For corner and through sites this the requirements of i to iii above shall be required only on the frontage from which pedestrian access is provided (front door).
- c. In addition to Rule 4.2.5.8 a, all All 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. <u>Be step-free and separate from and clear of any obstructions, carriageway, vehicle parking space</u>
 (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 up to 20 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. <u>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</u>
 - ii. Where the residential development comprises only 4 or 5 or less 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 2045-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 opass			
Out	Outlook			
<u>a.</u>	An outlook space must be provided from all habitable room windows.			
<u>b.</u>	A principal living room of a dwelling must have an outlook space with a minimum dimension of 4m depth and 4m width.			
<u>C.</u>	All other habitable rooms must have an outlook space of 1m in depth and 1m in width.			
<u>d.</u>	The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.			
<u>e.</u>	The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.			
<u>f.</u>	Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.			
<u>g.</u>	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.			
<u>h.</u>	Outlook spaces may be under or over a balcony.			
<u>i.</u>	Outlook spaces must:			
	i. Be clear and unobstructed by buildings and fences that do not comply with Rule 4.2.5.7; and			
	ii. Not extend over an outlook spaces or outdoor living space required by another residential unit dwelling.			
į.	To clarify an outlook space can be:			

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- a. Above or below another outlook space (in a vertical configuration);
- b. Under buildings, such as balconies; and
- c. Over driveways or footpaths within the site, as long as it is not obstructed by structures such as fences.

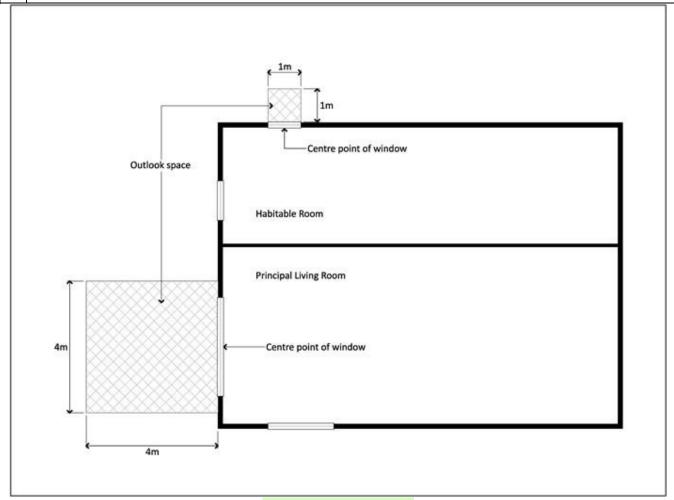


Figure 4.2.5.9 a Outlook

4.2.5.10 Outdoor Living Area

Outdoor living area per residential unit (Excluding Ancillary Residential Units)

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.

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

Is accessible from the residential unit, and may be:

Grouped cumulatively by area in 1 communally accessible location; or

1. Located directly adjacent to the unit;

For four or more residential units, is readily accessible from the principal living room; and

iv. 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. <u>Is at least 8m² and has a minimum dimension of 1.8 metres.</u> Is accessible from the residential unit, and may be

Grouped cumulatively by area in 1 communally accessible location; or

Located directly adjacent to the unit.

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

Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:

- For the exclusive use of each residential unit.
- ii. Readily accessible from a living area inside the residential unit.
- iii. <u>Free of driveways, manoeuvring areas, parking spaces, buildings, accessory buildings and service areas.</u>
 - b. Outdoor living areas shall have areas and dimensions as follows:

Residential Units	Outdoor living area per residential unit	Shape_
Any residential units	 Up to 2 bedrooms- 20m²; plus 10m² for each additional bedroom over 2 	No width contributing to the complying area less than 3.0m

- c. Outdoor living area may comprise a combination of ground floor, balcony, patio or roof terrace space that:
 - i. 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
 - ii. <u>Is readily accessible from the principal living room, and may be:</u>
 - iii. Grouped cumulatively by area in 1 communally accessible location,

The above standards do not apply to managed care facilities or rest homes. Refer to Rule 4.2.6.6 and Rule 4.2.6.9

4.2.5.11 Waste Management and Service Areas

Description	Minimum requirements per residential unit	
a. Residential Unit	All residential units (Excluding Ancillary Residential Units)	
	i. <u>5m² per residential unit.</u>	
	ii. <u>Minimum dimension 1.5m</u>	
	For 4 or more residential units the following also apply:	
	iii. No waste storage or collection point shall occur within the front yard	
	<u>setback</u>	
	Spaces can be provided for each individual unit or cumulatively on a	
	communal basis.	
	For 3 or more residential units the following shall also apply:	
	iv. A Waste Container Management Plan shall be prepared for the site.	
 b. Community centres and visitor accommodation. 	i. <u>10m²</u>	
	ii. <u>Minimum dimension 1.5m</u>	
	iii. A Waste Container Management Plan shall be prepared for the site.	
c. Dairies (may be indoor or	i. Minimum 10m²	
<u>outdoor)</u>	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	i. Clothes drying areas shall have direct access 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. Retirement Villages	i. 5m2 per residential unit ii. Minimum dimension 1.5m iii.A Waste Container Management Plan shall be prepared for the site.
f. These standards do not apply to managed care facilities or rest homes. Refer to Rule 4.2.6.65 and Rule 4.2.6.89	

Note

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

4.2.5.12 Residential Unit Size Storage Areas

The Minimum floor area required of each residential unit (excluding ancillary residential units)

Unit Type	Floor Area
i. <u>Studio unit</u>	<u>35m²</u>
ii. <u>One bedroom unit</u>	<u>45m²</u>
iii. <u>Two bedroom unit</u>	<u>55m²</u>
iv. Three bedroom unit	<u>75m²</u>
v. Four or more bedroom unit	90m²

4.2.5.12 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:

<u>Unit Type</u>	Minimum storage area volume
ii. <u>Studio unit</u>	<u>3m³</u>
iii. One bedroom unit	<u>4m³</u>
iv. <u>Two bedroom unit</u>	<u>5m³</u>
vi. Three or more bedroom unit	<u>6m³</u>

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 equal to or greater than 12m width facing a street transport corridor 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 may be provided.
- c. Where the residential unit has a frontage greater than 7.5m but less than 12m width facing a street transport corridor 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 equal to or less than 7.5m width facing a street transport corridor 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 adjoining a transport corridor and containing no more than 6 residential units where the individual residential units have a frontage width where a residential unit has a frontage 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.

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Any relating subdivision consent shall record this on the record of title as a consent notice,

- ii. Access to the parking pads shall be restricted to local roads local transport corridor or publicly accessible on-site vehicle access ways of no less than 7m in width.
- iii. The development must comply with the requirements for impermeable surface standards in Rule 4.2.5.3 and the boundary fencing and wall standards in Rule 4.2.5.7, and
- iv. The Each residential unit must have at least one habitable room with clear glazed window facing the local read transport corridor or on site vehicle access.
- 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.
- g. There must be no more than one double-width vehicle crossing for each pair of residential units in a duplex or terrace housing development, except that, if the total number of residential units in a terrace housing development is odd, then one residential unit in that development may have its own single-width vehicle crossing.
- h. A double-width vehicle crossing serving two adjoining residential units in a terrace housing or duplex development must be from 5.5m to 6.0m wide and centred on the boundary between the residential units.
- i. A single-width vehicle crossing serving a single residential unit in a terrace housing development, in accordance with Rule 4.2.5.13 g, must be from 3.0m to 3.5m wide.

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.
- a.b. The maximum number of units in a Terrace Housing development is no more than 6 units.

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 Ancillary Residential Unit

a.	A maximum of one ancillary residential unit per site	
b.	Maximum Unit Size	60m ²
C.	Outdoor Living Area (The outdoor living area shall not be included as part of the outdoor living area provided for the principal residential building on site).	12m² with no dimension less than 2.5m
d.	Service Area	5m² Minimum dimensions 1.5m
e.	Where an ancillary residential unit faces the transport corridor, at least one habitable room shall have a clear glazed window facing the transport corridor, not obstructed by an accessory building and have a separate pedestrian access from a transport corridor boundary	

4.2.6.24 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

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

<u>a.</u>	Gross floor area of all buildings	Maximum 250m ²
<u>b.</u>	Hours of operation	0700 to 2200 hours
<u>c.</u>	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.	

4.2.6.43 Dairies

<u>a.</u>	Gross floor area of retail	Maximum 100m ²
<u>b.</u>	Hours of operation	0700 to 2200 hours
C.	Located on a corner or through site Located on a front, corner or through site.	

4.2.6.54 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 full time equivalent (FTE)- 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. <u>Do not involve deliveries or the arrival or departure of any persons from the site between the hours of 2000-0700, on any day.</u>
- 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.

4.2.6.65 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.

4.2.5.76 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.

4.2.6.87 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.

4.2.6.98 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.

4.2.6.109 Visitor Accommodation

- a. Maximum occupancy for visitor accommodation shall be 12 guests.
- b. <u>Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant.</u>
- 4.2.6.101 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. Four or3 or more residential units on a site but complying with the standards* 	 B – Design and Layout C – Character J9 – Three Waters Infrastructure Capacity
_	ii. Infringements of one or more standards – up to 3 residential units on a site*	B – Design and Layout C – Character and Amenity Except in relation to non-compliance with Rule 4.2.5.3 a., matters of discretion will be limited to JJ – Stormwater Quantity and Quality, and/or Rule 4.2.5.1 where matters of discretion will be limited to J9 – Three Waters infrastructure Capacity
	iii. Infringements of one or more standards – 4 or more residential units on a site	B Design and Layout C Character and Amenity

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	• J9 - Three Waters Infrastructure Capacity
iv. Childcare facility for 6 or more children	B – Design and Layout C – Character and Amenity
v. Community centre	B – Design and Layout C – Residential Amenity
vi. <mark>Dairy</mark>	 B – Design and Layout C – Character and Amenity
vii. Tertiary education and specialised training facility	 B – Design and Layout C – Character and Amenity
viii. Papakainga*	 B – Design and Layout C – Character and Amenity
ix. Marae provided as part of a papakainga development*	 B – Design and Layout C – Character and Amenity
x. Places of worship	 B – Design and Layout C – Character and Amenity
xi. Rest home*	 B – Design and Layout C – Residential Amenity
xii. <u>Visitor accommodation</u>	 B – Design and Layout C – Character and Amenity
xiii. New building for the purpose of Health Care Services identified in 4.2.3.1.tt	 B – Design and Layout C – Character and Amenity
xiv. Retirement Village	 B – Design and Layout C – Character and Amenity
xv. Emergency service facilities	B – Design and Layout C – Character and Amenity
xvi. 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)	D – Natural Character and Open Space F – Hazards and Safety

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