

Appendix C – Applicant’s Updated District Plan Amendments

4.2 Objectives and Policies: Residential Zones

Objective	Policies
<p>4.2.1 A range of housing types and densities is available to meet the needs of all communities.</p>	<p>4.2.1a A variety of housing densities and types should be developed, consistent with the:</p> <ul style="list-style-type: none"> i. Capacity of the existing infrastructure. ii. Target densities promoted by Future Proof and the Regional Policy Statement. Specifically this means achieving, as a minimum, the following average gross density targets (excluding transport corridors) over time in the Residential zones. <ol style="list-style-type: none"> 1. 16 dwellings per hectare for development (excluding the identified Large Lot Residential Areas). 2. 30 dwellings per hectare for identified intensification areas.
	<p>4.2.1b Higher-density residential development should be located within and close to the Central City, suburban and neighbourhood centres, tertiary education facilities and hospital, and in areas serviced by passenger transport.</p>
	<p>4.2.1c New residential development shall 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>
<p>Explanation</p>	
<p><i>This objective and policies recognise the need for a range of dwelling types and densities to meet the needs of all aspects of the community. These could range from a large family dwelling with plenty of outdoor space to an inner city apartment. Current projections indicate an aging population, as well as an increasing population. Different portions of the community have different housing preferences reflecting income, age, family size, number of children, and cultural factors.</i></p> <p><i>The Regional Policy Statement sets out dwelling density targets, derived from Future Proof. These will be achieved by managing lot sizes in existing developed areas and subdivision yields in Structure Plan areas.</i></p> <p><i>Different density targets are set for greenfield areas and existing urban areas. Greenfield development can be designed to meet a higher-density target from the outset, whereas intensification is harder to achieve in existing urban areas with an established land-use pattern. The Large Lot Residential Zone identifies areas where topography and existing land uses do not lend themselves to full urbanisation.</i></p> <p><i>The policies require residential development to occur only in those areas identified. This approach ensures stability for established parts of the City and that higher density will not occur where it is not identified and provided for.</i></p>	
<p>Objective</p>	<p>Policies</p>

<p>4.2.2 Efficient use of land and infrastructure.</p>	<p>4.2.2a Residential development shall use land and infrastructure efficiently by:</p> <ul style="list-style-type: none"> i. Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans. ii. Staging and sequencing the development as indicated by rules or Structure Plans. iii. Otherwise complying with relevant Structure Plans. <p>4.2.2b New buildings and activities shall mitigate effects on and from regionally significant infrastructure.</p> <p>4.2.2c Residential land uses should be managed to avoid potential effects, such as noise, from arterial transport corridors and state highways.</p>
<p>Explanation</p>	
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
<p>Objective</p>	<p>Policies</p>
<p>4.2.3 Residential development produces good on-site amenity.</p>	<p>4.2.3a Residential design shall achieve quality on-site amenity by providing:</p> <ul style="list-style-type: none"> i. Private, useable outdoor living areas. ii. Access to sunlight and daylight throughout the year. iii. Adequate service areas to accommodate typical residential living requirements. iv. Insulation to minimise adverse noise effects. v. Any parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents.

	vi. Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development.
	4.2.3b Residential sites adjacent to public space shall achieve visual and physical connectivity to these areas.
	4.2.3c Building design and location shall protect the privacy of adjoining dwellings.
	4.2.3d Buildings should be designed to conform to natural topography.
	4.2.3e Development in areas identified for medium and high-density residential activities should be in general accordance with the appropriate Design Assessment Criteria.

Explanation

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.

Objective	Policies
4.2.4 The development contributes to good neighbourhood amenity as the area matures.	4.2.4a The size and scale of buildings and structures shall be compatible with the locality.
	4.2.4b Buildings should be designed so they do not physically dominate or adversely affect the residential character of the neighbourhood.
	4.2.4c Significant vegetation and trees should be preserved wherever possible.
	4.2.4d Garages, carports and vehicle access points shall be sited to ensure the safety of all road users and the safe and efficient function of the transport corridor.
	4.2.4e Development in the General Residential and Large Lot Residential Zones should not detract from or degrade the existing character of the surrounding area.

Explanation

How buildings relate to a street 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. It is important that any new development is sympathetic to an area's existing character and amenity.

Objective	Policies
4.2.5 Protect and enhance the character values of the Hamilton East portion of the Residential Intensification Zone.	4.2.5a Development shall: <ol style="list-style-type: none"> i. Enable redevelopment opportunities. ii. Ensure that the siting and design of development recognises the strong visual relationship with the streetscape. iii. Be provided with landscaping and planting that enhances on-site and local residential amenity. iv. Ensure that extensive areas of hard-surfacing are avoided, wherever practicable. v. Be consistent with the local context, scale and character. vi. Avoid significant adverse effects on the character of the Hamilton East Area.

Explanation

The Hamilton East Residential Intensification Zone includes 2-storey and multi-unit accommodation in the "sausage block" format typical of the 1970s. As a result of this type of development, setbacks and separation distances are less pronounced than in other Hamilton East developments. Setbacks and separation distances are an important feature because front yard planting contributes to the amenity values the strong green backdrop of this area provides. The focus of the District Plan in this area is on the protection of these amenity values rather than the character of the existing buildings. This zone provides for higher levels of development than elsewhere in Hamilton East. The Hamilton East portion of the Residential Intensification Zone is identified in the Planning Maps.

Objective	Policies
4.2.6 Residential activities remain the dominant activity in Residential Zones.	4.2.6a Non-residential activities should not establish in residential areas, unless the adverse effects on all zones are avoided, remedied or mitigated.
	4.2.6b Visitor facilities such as accommodation and conference facilities should be located primarily in the Visitor Facilities Area.
	4.2.6c Home-based businesses shall: <ol style="list-style-type: none"> i. Be ancillary to the residential activity of the site. ii. Avoid adverse effects on the neighbourhood, character, amenity and the transport network. iii. Take place within dwellings or ancillary buildings.

	<p>iv. Involve no outdoor storage of vehicles, equipment or goods visible from a public place.</p> <p>v. Be compatible with the character and amenity of the locality, in terms of location, type and scale of activity, number of visitors to the site, and hours of operation.</p> <p>4.2.6d Community facilities and community support activities (including managed care facilities and residential centres) shall:</p> <p>i. Serve a local social or cultural need.</p> <p>ii. Be compatible with existing and anticipated residential amenity.</p> <p>4.2.6e Non-residential activities shall be of an appropriate size to maintain character of the site.</p>
Explanation	
<p><i>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 dwelling – 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.</i></p> <p><i>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.</i></p>	
Objective	Policies
<p>4.2.7 Activities in Residential Zones are compatible with residential amenity.</p>	<p>4.2.7a Adverse effects of activities on the amenity values of the locality shall be minimised including:</p> <p>i. Effects of noise, glare, odour, dust, smoke, fumes and other nuisances.</p> <p>ii. Effects on traffic, parking, and transport networks.</p>
Explanation	
<p><i>This objective ensures that all activities in Residential Zones must be compatible with the amenity reasonably expected by residents. This covers hours of operation, as well as the by-products of the operation itself.</i></p>	
Objective	Policies
<p>4.2.8 Residential buildings make efficient use of water and energy resources.</p>	<p>4.2.8a Development should encourage the efficient use of energy and water, by:</p>

	<p>i. Incorporating water-sensitive techniques.</p> <p>ii. Reducing the use of reticulated electricity.</p>
Explanation	
<p><i>This objective encourages new residential dwellings to use water and energy-efficient technologies and both will range in scale appropriate to the building. Single dwellings, for example, may wish to install solar panels on the roof and install a rainwater tank. Apartment buildings have the ability to incorporate more sophisticated technologies.</i></p>	
Objective	Policies
4.2.9 Buildings and activities at the interface of Residential Zones with other zones will be compatible with the form and type of development anticipated in the adjacent zone.	<p>4.2.9a Adverse effects of activities that cross zone boundaries shall be managed through setbacks, building design, and landscaping.</p> <p>4.2.9b Buildings and structures on the boundary between Residential Zones and public areas shall incorporate CPTED principles.</p>
Explanation	
<p><i>This objective recognises the importance of managing both structures and activities where Residential Zones adjoin other zones. In most cases this will be reducing the impact that other zones, such as commercial and industrial, have on residential amenity. This can and will be managed by both zones through setbacks, design of buildings, and landscaping.</i></p> <p><i>This objective also recognises the importance of the interface between Residential Zones and public areas such as roads and reserves.</i></p>	
Objective	Policies
4.2.10 Protect the amenity values of the Percival – Ryburn Road Large Lot Residential Zone, while providing for the urbanisation for the Ruakura Structure Plan area.	<p>4.2.10a Maintain the low density living environment by limiting the subdivision of land for further residential purposes.</p> <p>4.2.10b Maintain efficient management of water supply and the treatment and disposal of stormwater and wastewater.</p>
Explanation	
<p><i>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.</i></p>	
Objective	Policies
4.2.11 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.	4.2.11a 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	
<i>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.</i>	
Objective	Policies
4.2.12 The Ruakura Medium-Density Residential Zone includes an Integrated Retail Development providing services and community facilities capable of meeting the day to day needs of the immediate neighbourhood.	4.2.12a An Integrated Retail Development limited in size shall be provided for in a location central to the Ruakura Medium-Density Residential Development.
	4.2.12b Activities within the Integrated Retail Development shall principally serve their immediate neighbourhood.
	4.2.12c 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.

Explanation	
<i>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.</i>	
Objective	Policies
4.2.13 The Te Awa Lakes Medium-Density Residential Zone 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.	4.2.13a 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.
	4.2.13b The development achieves higher density in conjunction with high quality amenity through a masterplanned approach that informs the Te Awa Lakes Structure Plan and related rules.
	4.2.13c 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.
	4.2.13d Development is sensitive to the Waikato River interface through lower density development and building setbacks.
	4.2.13e The development avoids or minimises potential reverse sensitivity effects from its proximity to the adventure park, regionally significant infrastructure, existing industries and future industrial areas through setbacks, building design, open space and landscape treatments.
	4.2.13f

	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 lakes and ecological restoration of the adjoining gully that conveys stormwater to the Waikato River.
Explanation	
<i>This 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.</i>	
<p>4.2.14 The Rotokauri North Medium-Density Residential Zone enables a medium-density residential environment which has high levels of amenity and allows for a range of housing typologies.</p>	<p>4.2.14a Enable a medium-density residential urban form and character which is defined by:</p> <ul 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. <p>4.2.14b Encourage a diverse range of residential developments (including on 280m² vacant lots, duplexes and apartments):</p> <ul style="list-style-type: none"> 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. <p>4.2.14c Reduce dependence on cars by limiting the number of onsite car parks required for duplexes and apartments.</p> <p>4.2.14d</p>

	<p>Enable higher site coverage for apartments in Rotokauri North Medium-Density Residential Zone where onsite parking is accessed by a rear lane and stormwater is managed appropriately.</p>
	<p>4.2.14e Enable duplex housing on sites where:</p> <ul style="list-style-type: none"> 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.
	<p>4.2.14f Enable apartments that:</p> <ul style="list-style-type: none"> i. Are on sites: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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; and D. Orientate habitable rooms, balconies and entrances to public space.
	<p>4.2.14g 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</p>
	<p>4.2.14h 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.</p>
	<p>4.2.14i Enable the development of ancillary residential units in limited circumstances where located on corner sites and above garages accessed from rear lanes, to enhance passive surveillance of a transport corridor or rear lane and protect amenity.</p>
	<p>4.2.14j Require outdoor living spaces that are:</p>

	<p>i. Commensurate with medium density development;</p> <p>ii. Primarily focused at the rear of dwellings for privacy; and</p> <p>iii. Supported by opportunities to utilise front porches for outdoor living (as transitional spaces and to enable interaction with the street).</p>
	<p>4.2.14k Enable service areas within side and rear yards, carports and garages.</p>
<p>Explanation</p>	

The objective and policies reflect the overall design approach for the Rotokauri North Medium-Density Residential Zone, 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) and where car parking dominance is minimised.

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.

Te Rapa Racecourse Medium-Density Residential Precinct

Objective	Policies
<p>4.2.15 A well-functioning urban environment 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>The Te Rapa Racecourse Medium-Density Residential Precinct provides for a variety of housing types and sizes that respond to:</p> <p>a. Housing needs and demand; and</p> <p>b. The neighbourhood's planned urban built character, including up to 4 3- to 5-storey buildings.</p>	<p>4.2.15a Apply the Medium Density Residential Standards (MDRS) across the Precinct except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).</p> <p>4.2.15b Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</p> <p>4.2.15c Enable housing to be designed to meet the day-to-day needs of residents.</p> <p>4.2.15d Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p> <p>4.2.15e Development enables a variety of housing types up to 4.5-storeys, including terrace housing, duplexes and apartments, together with detached residential units.</p>
<p>4.2.16</p>	<p>4.2.16a</p>

Commented [JO1]: Kainga Ora submission 24.2 sought deletion of reference to 3 storeys. As 15m height limit generally translates to 4 stories it is appropriate to amend to refer to that.

Commented [JO2]: Kainga Ora submission 24.2. Consequential.

Commented [JO3]: HCC recommended relocation of this policy as it implements the MDRS in RMA Schedule 3A so is better aligned with Objective 4.2.15 than Objective 4.2.16.

<p>The Te Rapa Racecourse Medium-Density Residential Precinct enables a medium density residential environment with high levels of amenity and connectivity with nearby urban services and development.</p>	<p>Development enables a variety of housing types up to 45 storeys, including terrace housing, duplexes and apartments, together with detached residential units.</p>
	<p>4.2.16ba Development includes open space and landscaped areas for amenity, visual mitigation, stormwater treatment and stormwater overland flow paths.</p>
	<p>4.2.16eb Development is designed to prioritise walking, cycling and micro-mobility, and minimise through traffic.</p>
	<p>4.2.16dc Development is designed to avoid, remedy or mitigate minimize reverse sensitivity effects on the adjacent industrial areas, and the racecourse.</p>
	<p>4.2.16ed Development integrates with and connects to the racecourse and existing residential development, including the rest home and retirement village on the southern boundary.</p>

Commented [JO4]: HCC recommended relocation of this policy to 4.2.15 as it implements the MDRS in RMA Schedule 3A so is better aligned with Objective 4.2.15 than Objective 4.2.16.

Commented [JO5]: HCC recommended amendment

Commented [JO6]: Fonterra submission 3.2, Chartwell Investments submissions 6.1, 6.4; Takanini Rentors submissions 7.1, 7.4; Ecostream submissions 8.1, 8.4. 'Avoid, remedy or mitigate' is more consistent with the wording of WRPS Anticipated Environmental Result IM-AER2 than minimise.

Commented [JO7]: Metlifecare submission 4.3

The Te Rapa Racecourse Medium-Density Residential Precinct applies to land adjacent to the Te Rapa Racecourse. The site is adjacent to the Te Rapa employment area and is well connected to the Garnett Avenue neighbourhood centre, the Minoque Park/Waterworld large scale recreation facility and to public transport services on Te Rapa Road and Garnett Avenue. The racecourse itself is a regionally significant sporting facility that provides open space and amenity for the Precinct. The purpose of the Precinct is to create a high-quality medium density residential development. It will support a walkable community with multi-modal transport options. It integrates with the existing rest home and retirement village and other residential development adjacent to the racecourse on Minoque Drive and Ken Browne Drive.

Commented [JO8]: Metlifecare submission 4.4.

The Te Rapa Racecourse Medium Density Residential Precinct Plan spatially manages the layout of the area, applying place-based provisions, including setbacks to manage reverse sensitivity effects of adjacent industrial land, a roading layout to discourage through traffic, and a development layout to maintain a relationship with the racecourse as an amenity and recreational feature. It includes open space areas to accommodate an existing stormwater overland flow path and a stormwater wetland to treat and attenuate stormwater discharges.

4.5 Rules – Medium-Density Residential Zone

4.5.1 Comprehensive Development Plan Process

- a. The Medium-Density Residential Zone is divided into a number of Comprehensive Development Plan Areas (as shown in Appendix 3). This excludes the Ruakura Structure Plan where Figure 2-16 Ruakura Land Development Plan Areas (Appendix 2) identifies Land Development Plan Areas which are subject to Rules within 3.7.4.2 and the Te Awa Lakes Structure Plan where Figure 2-21 identifies Land Development Plan Areas which are subject to Rules within 3.8.5 and 4.5.6.
- b. Development in the Medium-Density Residential Zone should only occur once a resource consent for a Comprehensive Development Plan for the whole subject area has been granted by Council (refer to Volume 2, Appendix 1.2.2.8 for what is required in a Comprehensive Development Plan). However, there are some activities that can occur as Permitted Activities, subject to compliance with relevant standards in Rule 4.6, before the approval of a Comprehensive Development Plan. These are:
 - i. Maintenance, repair and minor alterations or additions to existing buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
 - ii. Informal recreation and ancillary buildings.
 - iii. Residential activities.
 - iv. Temporary activities.
 - v. Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
- c. A Comprehensive Development Plan must be for a whole Comprehensive Development Plan Area as identified in Volume 2, Appendix 3. Activities within an area can proceed on a staged basis if stages have been defined as part of the consent granted.
- d. Unless otherwise stated, a Comprehensive Development Plan for each area identified requires resource consent as a discretionary activity.
- e. The activity status of a Comprehensive Development Plan application will be classified as non-complying if one or more activities that form part of the application:
 - i. Are identified as a non-complying activity in column two of the Activity Status Table (refer to Rule 4.5.3), or
 - ii. Fail to meet one or more of the standards in Rule 4.6 or Rule 4.8.
- f. All activities listed in column one of Rule 4.5.3 are non-complying activities in the absence of an approved Comprehensive Development Plan unless the activity is listed as permitted in 4.5.1.b.
- g. These rules do not apply to the Rotokauri North Structure Plan area [or the Te Rapa Racecourse Medium-Density Residential Precinct](#).

4.5.2 Comprehensive Development Plan Process Once Consent Has Been Granted

- a. All development in an area subject to a Comprehensive Development Plan that has been granted consent is authorised. Changes to the conditions of a Comprehensive Development Plan consent will be considered as a discretionary activity under section 127 of the Act, except where the proposed changes involve different scale, intensity or character or extend the scope of the original application, in which case a new Comprehensive Development Plan consent is required (refer to 4.5.2b).
- b. For a Comprehensive Development Plan that has been granted consent, any changes in use or changes that involve materially different effects or extend the scope of the original application, will require a new Comprehensive Development Plan consent and will be assessed as the same activity status in the original application for a Comprehensive Development Plan. There are some changes that can occur as permitted activities without the need for a new Comprehensive Development Plan consent, subject to compliance with relevant standards in Rule 4.6.
- c. The activity status of changes in use requiring a new Comprehensive Development Plan consent will be classified as non-complying if one or more activities that form part of the application:
 - i. Are identified as a non-complying activity in column two (refer to Rule 4.5.3), or
 - ii. Fail to meet one or more of the standards in Rule 4.6 or Rule 4.8.
- d. See Chapter 3.7.4.2 for Land Development Consent process in Ruakura. The activity status for Land Development Consents is identified in Rule 4.5.4.
- e. These rules do not apply to the Rotokauri North Structure Plan area [or the Te Rapa Racecourse Medium-Density Residential Precinct](#).

4.5.3 Activity Status Table – Medium-Density Residential Zone (excluding Rotokauri North, [Te Rapa Racecourse Medium-Density Residential Precinct](#), Ruakura and Te Awa Lakes)

a. Accessory buildings		D
b. Apartment buildings		D
c. Ancillary residential unit		D
d. Ancillary residential structures	D P for changes in use	
e. Single dwelling		D
f. Duplex dwellings		D

g. Maintenance, repair, minor alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
h. Managed care facilities	D
i. Papakainga	D
j. Residential activities	P
k. Residential centre	D
l. Rest home	D
m. Childcare facility i. up to 5 children ii. six or more children	D D P for changes in use
n. Dairy	D
o. Tertiary education and specialised training facility	NC
p. Health care services	NC
q. Home-based business	D P for changes in use
r. Homestay accommodation	D P for changes in use
s. Offices	NC
t. Places of assembly	NC
u. Show home	D
v. Visitor accommodation	D
w. Community centre	D
x. General recreation	NC
y. Informal recreation and ancillary buildings	P
z. Marae	D
aa. Places of worship	D
bb. School	NC
cc. Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
dd. Relocated buildings	D
ee. Emergency service facilities	D
ff. Temporary activities	P

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. For any activity not identified above, see Section 1.1.8.1.

4.5.4 Activity Status Table – Rotokauri North Medium-Density Residential Zone, Te Rapa Racecourse Medium-Density Residential Precinct, Ruakura Medium-Density Residential Zone and Te Awa Lakes Medium-Density Residential Zone

		and Te Rapa Racecourse
Land Development Activities (refer Rule 3.7.4.2 for the Ruakura Medium-Density Residential Zone and Rule 4.5.6 for the Te Awa Lakes Medium-Density Residential Zone)	RD*	NA
Land Development Activities in Land Development Plan Areas Q and R in the Te Awa Medium-Density Residential Zone.	D	NA
Residential Activities		
a. Single dwelling	P	P
b. Duplex dwellings and apartments	RD*	See ff. kk. ll. and hh. below
c. Maintenance, repair, minor alterations and additions to existing buildings	P	P
d. Managed care facilities	D	D
e. Papakainga	RD*	RD* Except for Te Rapa Racecourse see mm and nn below
f. Residential activities	P	P
g. Residential centre	D	D
h. Rest home	D	D Except for Te Rapa Racecourse see pp below
Commercial Activities and Structures		
i. Childcare facility for up to five children	C	C
j. Childcare facility for six or more children	D	D
k. Dairy	C	D
l. Tertiary education and specialised training facility	D	D

m. Health care services	D	D
n. Home-based business	P	P
o. Homestay accommodation	P	P
p. Places of assembly	D	D
q. Show homes	P	P
r. Visitor accommodation	D	D
s. One Integrated Retail Development in accordance with the general location identified on Figure 2.14 Ruakura Structure Plan – Land Use (Appendix 2)	RD*	NA
t. One Service Station (fronting Pardoia Boulevard)	D	NA
u. Community centre	C	C
v. General recreation	D	D
w. Informal recreation and ancillary buildings	P	P
x. Marae	D	D Except for Te Rapa Racecourse see rr and ss below
y. Places of worship	D	D
z. School	D	D
aa. Demolition or removal of existing buildings (except heritage buildings)	P	P
bb. Relocated buildings	C	C
cc. Emergency service facilities	D	D
dd. Temporary activities	P	P
Additional Residential activities (applicable to Rotokauri North only)		
ee. An ancillary residential unit (to a single dwelling)		P
ff. One duplex dwelling per lot that complies with Rule 4.7.12a.		P
gg. One duplex dwelling per lot that complies with Rule 4.7.12.a i. and ii. but not Rule 4.14		RD*
hh. Apartments		RD*
ii. Accessory building		P
jj. Any other dwellings(s) not provided above and/or any activity listed in ee., ff., gg. or hh. which does not comply with the relevant standard in 4.7		D

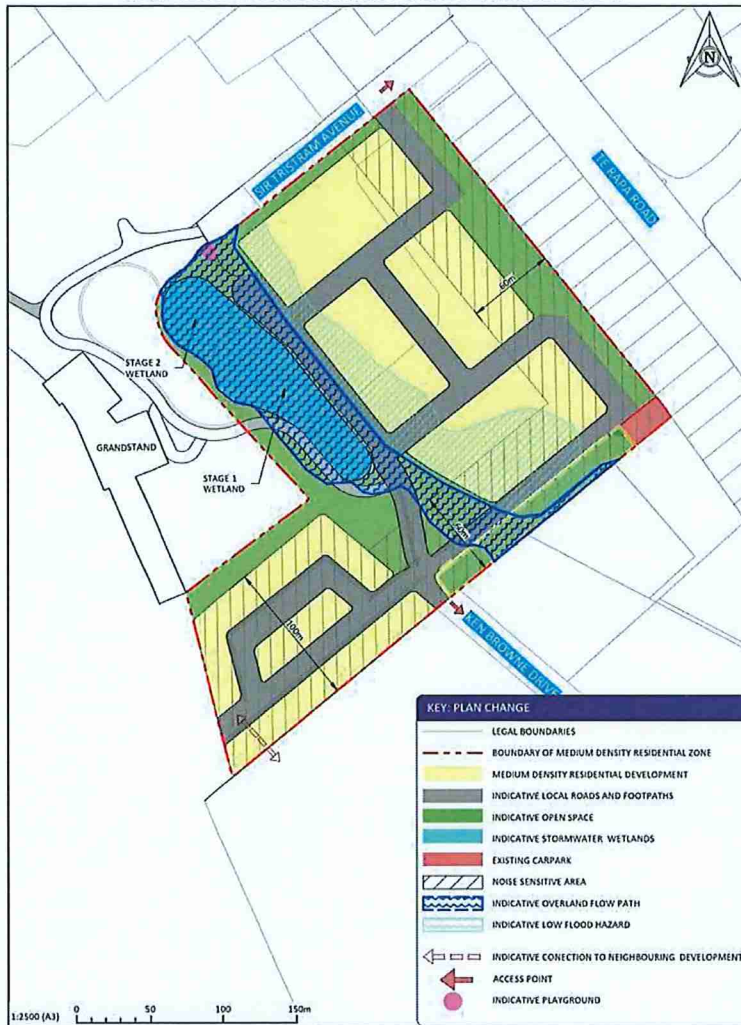
Additional Residential activities (applicable to Te Rapa Racecourse Medium-Density Residential Precinct only)

kk.	<u>One to three residential units per site</u>	<u>P</u>
ll.	<u>Four or more residential units per site</u>	<u>RD</u>
mm.	<u>Papakainga containing 1 to 3 residential units</u>	<u>P</u>
nn.	<u>Papakainga containing 4 or more residential units</u>	<u>RD</u>
oo.	<u>Accessory building</u>	<u>P</u>
pp.	<u>Rest home</u>	<u>RD</u>
qq.	<u>Retirement village</u>	<u>RD</u>
rr.	<u>Marae (except when provided as part of a papakainga development)</u>	<u>D</u>
ss.	<u>Marae provided as part of a papakainga development</u>	<u>RD</u>
tt.	<u>Ancillary residential structures</u>	<u>P</u>
uu.	<u>Any noise sensitive activity residential unit in this table if they are located within the Noise Sensitive Area shown on the Te Rapa Racecourse Medium-Density Residential Precinct Plan (Figure 4.5-1)</u>	<u>RD</u>
vv.	<u>Any residential unit in this table if they are located within the Overland Flow Path shown on the Te Rapa Racecourse Medium-Density Residential Precinct Plan (Figure 4.5-1)</u>	<u>D</u>

Commented [JO1]: Chartwell Investments submissions 6.1, 6.4; Takanini Rentors submissions 7.1, 7.4; Ecostream submissions 8.1, 8.4.

Figure 4.5-1: Te Rapa Racecourse Medium Density Precinct Plan

FIGURE 4.5-1 TE RAPA RACECOURSE MEDIUM DENSITY RESIDENTIAL PRECINCT PLAN



4.5.5 Rule – Ruakura Structure Plan Area – Staging

- a. Notwithstanding Rule 4.5.1 and 4.5.2, activities listed in 4.5.4 Rules – Activity Status Table – Medium-Density Residential Zone which are undertaken in the Ruakura Structure Plan Area 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.

4.5.6 Land Development Plan Rules in Te Awa Lakes Medium-Density Residential Zone

- a. A resource consent for a restricted discretionary activity is required for the following activities in the Te Awa Lakes Medium-Density Residential Zone:
 - i. Preparation of land for development purposes including earthworks and vegetation removal
 - ii. Construction of roads, pedestrian paths and cycle routes
 - iii. Installation of Three Waters infrastructure
 - iv. Works related to the establishment of open space areas and the main linear lake.
- b. Land Development Plan applications for activities listed in a) above shall be obtained for the entire development (which may be staged) of not less than one of the Land Development Plan Areas in Figure 2-21, together with any adjacent Land Development Plan Areas or parts of Land Development Plan Areas, in conjunction with land use, subdivision and development under any other rule of the Te Awa Lakes Medium-Density Residential Zone.
- c. A Land Development Plan application shall provide the information required by Rule 1.2.2.21.
- d. Land Development Plan 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. Land Development Plan 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 4.5.4 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.

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4.6 Rules – General Standards – Medium-Density Residential Zone

4.6.1 Comprehensive or Land Development Plans

- a. All development in an area that is subject to a consented Comprehensive Development Plan shall comply with the terms of that consent.

4.6.2 Development Yield

- a. Comprehensive Development Plans shall demonstrate that the yield achieves within 10% of the residential unit total identified in Comprehensive Development Area Residential Unit Yield.

Rototuna	A	84
	B	28
	C	28
	D	90
	E	36
	F	200
Rotokauri	A	162
	B	143
	C	78
	D	185
	E	44
	F	168

- b. Land Development Plan applications in Land Development Plan Areas (see Figure 2-21, Volume 2, Appendix 2), for the Te Awa Lakes Medium-Density Residential Zone shall demonstrate that the yield for each Land Development Plan Area achieves within 10% of the residential unit yield total identified below.

A	116
B	0
C	162
D	134
E	26
F	42
G	51
H	62
I	0
J	0
K	44

L	47
M	33
N	33
O	32
P	28
Q	42
R	16
S	24
TOTAL	892

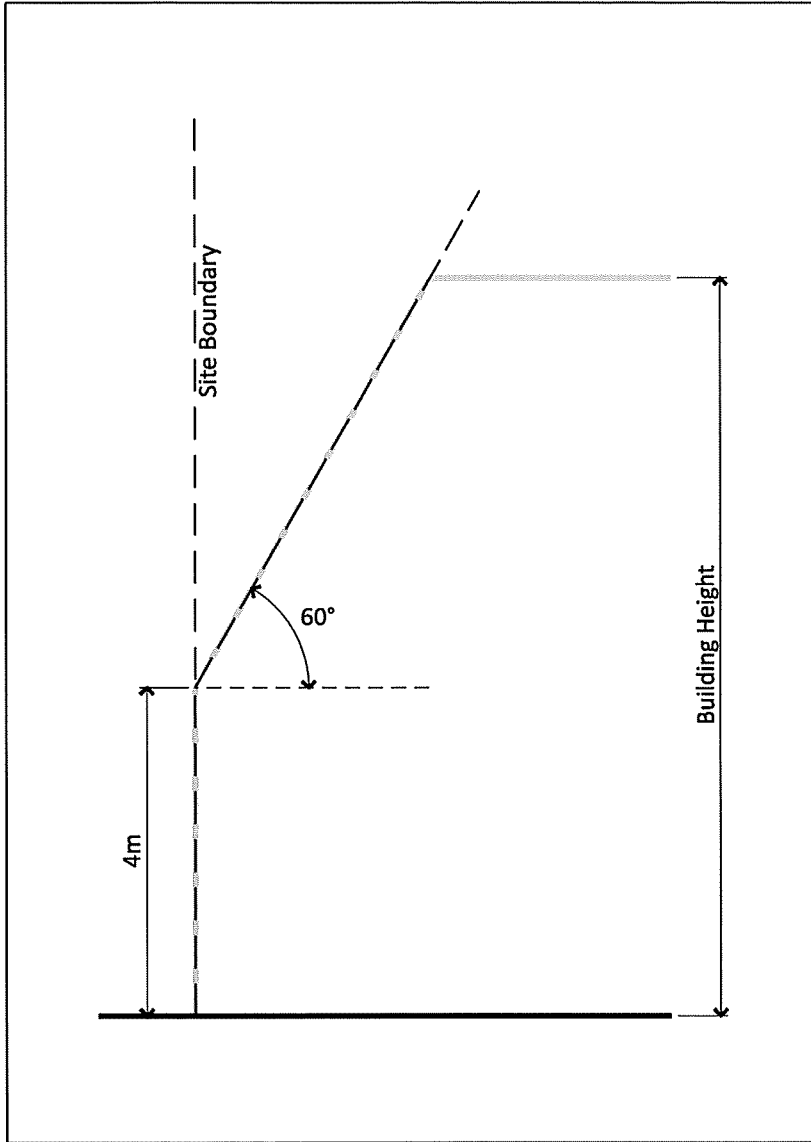
c. No development yield rule is applicable in the Rotokauri North Medium-Density Residential Zone [or the Te Rapa Racecourse Medium-Density Residential Precinct](#).

4.6.3 Height in Relation to Boundary

- a. Where a building is on land that adjoins the General Residential Zone or a Comprehensive Development Plan Area:
- i. 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.
- Except:
- ii. Where buildings are attached, no setback is required between those buildings.
 - iii. Where a boundary adjoins a transport corridor or access, the 45-degree angle applies to that boundary, measured 3m above the boundary.
 - iv. Written consent from the owners and occupiers of the adjoining property or Comprehensive Development Plan area is obtained.

b. In the Te Rapa Racecourse Medium-Density Residential Precinct the following shall apply:

- i. **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 diagram. Where a 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.**



- ii. This standard does not apply to:
- A boundary with a road;
 - Existing or proposed internal boundaries within a site;
 - Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

Commented [JO1]: Kainga Ora submission 24.9. Waikato Racing Club further submission. This height in relation to boundary standard was inadvertently omitted from the notified version of PC13

Note

1. Refer to Figure 4.4.5c for guidance on determining the height control plane when adjoining a transport corridor or access.
2. Rule a. is not applicable in the Rotorua North Medium-Density Residential Zone or the Te Rapa Racecourse Medium Density Residential Precinct.

4.6.4 Residential Unit Size

a. The minimum floor area required in respect of each residential unit shall be:

Form of residential unit	Floor area
i. Studio unit	Minimum 35m ²
ii. 1 bedroom unit	Minimum 45m ²
iii. 2 bedroom unit	Minimum 70m ²
iv. 3 or more bedroom unit	Minimum 90m ²

b. In any one apartment building containing in excess of 20 residential units, the combined number of one bedroom units and studios shall not exceed 70 percent of the total number of apartments within the building.

4.6.5 Permeable Surface

Permeability across the entire site	Minimum 20%
Front, Corner and Through Sites in the Ruakura and Te Awa Lakes Medium-Density Residential Zone: Permeability forward of the building line of the dwelling planted in grass, shrubs and trees.	Minimum 50%
Sites in the Rotorua North Medium-Density Residential Zone: Permeability forward of the building line of the dwelling (including porch) planted in grass, shrubs and trees: <ul style="list-style-type: none"> • Sites 350m² or larger • Sites less than 350m² 	Minimum 50% Minimum 40%
<u>Front, Corner and Through sites in the Te Rapa Medium Density Residential Precinct, landscaping planted in grass, shrubs and trees forward of the front building line:</u> <ol style="list-style-type: none"> i. <u>Single residential unit and duplex residential units and apartment buildings</u> 	<u>Minimum 50%</u>

Commented [JO2]: HCC recommended amendment for consistency with PC12

ii. <u>Three or more attached units with a residential unit frontage width of 7.5m or greater</u>	Minimum 40%
iii. <u>Three or more attached units with a residential unit frontage width of less than 7.5m</u>	Minimum 30%

4.6.6 Site Coverage

- a. Except as provided for in b. and c., the maximum site coverage within the Rotokauri North Medium-Density Residential Zone, the Te Rapa Racecourse Medium-Density Residential Precinct and Ruakura Medium-Density Residential Zone is 50%.
- b. For any apartments in Rotokauri North Medium-Density Residential Zone where onsite parking is accessed by a rear lane the maximum site coverage is 60%.
- c. For any apartments and terrace housing in the Te Rapa Racecourse Medium Density Residential Precinct where onsite parking is provided and accessed by a rear lane, the maximum site coverage is 60%.

4.6.7 Building Height

- a. The maximum height of a building or structure in the Rotokauri North Medium-Density Residential Zone (except within the Residential Medium-Density Overlay), Ruakura Medium-Density Residential Zone and Te Awa Lakes Medium-Density Residential Zone is 10m.
- b. The maximum height of any building or structure within the 'Residential Medium Density Overlay' as shown on Figure 2-8A is 14m.
- c. The maximum height of a building in the Te Rapa Racecourse Medium-Density Residential Precinct is 15m. Buildings must not exceed this height, except that 50% of a building's roof in elevation, measured vertically from the junction between the wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15 degrees or more.

4.6.8 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

Add the following definition to Appendix 1.1 Definitions and Terms;

Terrace Housing in the Te Rapa Racecourse Medium Density Residential zone means a single residential building;

- a. That contains three or more residential units; and
- b. Where the residential units are aligned horizontally side by side; and

Commented [JO3]: Kainga Ora submission 24.11 sought consistency with PC12 which includes terrace housing. Terrace housing is not defined in the ODP. The definition of apartments in ODP is three or more attached residential units, so effectively captures terrace housing. However, given a definition of terrace housing is included in PC12 a consequential definition of terrace housing can be included in PC13 to improve consistency with PC12.

Commented [JO4]: Kainga Ora submission 24.11. Consistent with PC12

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c. Where each residential unit has its own entrance on the ground floor.

Commented [J05]: Kainga Ora submission 24.11. Consequential amendment to include definition from PC12.

4.8 Rules – Specific Standards – Rotokauri North Medium-Density Residential Zone, Te Rapa Racecourse Medium-Density Residential Precinct, Ruakura Medium-Density Residential Zone and Te Awa Lakes Medium-Density Residential Zone

4.8.1 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

Combined gross floor area of all tenancies	Maximum of 3500m ²
Gross floor area per tenancy (excluding offices)	Maximum 399m ²
Gross floor area for office tenancies	Maximum 250m ²

b. Only one integrated retail development shall be provided within the Medium-Density Residential Zone.

c. Maximum Building Height: 10 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 45 degrees beginning at an elevation of 3m 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 5m²
 - 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:

- i. Be laid out and used in a manner that does not conflict with vehicle access.
 - ii. Be maintained with an all-weather, dust free surface.
 - iii. Be located away from public view or otherwise screened by fencing and landscaping.
 - iv. 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.

4.8.2 Building Setbacks

a. Transport corridor boundary – local and collector roads except where a garage provides access to a local or a collector road the garage shall be a minimum of 5m from that transport corridor boundary.	3m
b. Transport corridor boundary – arterial roads	5m
c. Side yards	
i. Side yard east or south	1m
ii. Side yard west or north	2m
iii. As an alternative for either i. or ii. above, a zero lot boundary may be used subject to obtaining neighbours consent which may attach to a dwelling on an adjoining allotment.	
d. Rear yard	3m

e. Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)
f. In the Rotokauri North Medium-Density Residential Zone the following applies:	
i. Transport Corridor boundary A single storey unenclosed verandah / porch space attached to a building; A garage providing access to a legal road Other than provided for above	1m 5m 2.8m
ii. Side yards	1m
iii. One side yard where legal provision is made for access for maintenance of the structure or it is a common / party wall	0m
iv. Rear Yard for: A building exceeding 5m in height A building up to 5m in height and single storey only	8m 3m
v. A building up to 7m high where the site adjoins a rear lane	0m
g. In the Te Rapa Racecourse Medium-Density Residential Precinct the following setbacks apply:	
a. Transport corridor boundary:	
i. A single storey unenclosed verandah/patio/porch space attached to a residential unit	1m minimum
ii. Other than above	1.5m minimum
b. Side yard	1m minimum
c. Rear yard (does not apply to corner sites)	1m minimum
Standards ga, gb and gc above 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.	
d. Side and rear yard setbacks may be reduced where the written consent of the owners adjoining the relevant setback or setbacks is obtained.	
e. In the Te Rapa Racecourse Medium Density Residential Precinct the setback of any noise sensitive activity residential unit from the boundary of industrial zoned land.	30m minimum

Commented [J01]: HCC recommended amendment

Commented [J02]: Chartwell Investments submissions 6.1, 6.4; Takanini Rentors submissions 7.1, 7.4; Ecostream submissions 8.1, 8.4.

Note – refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

Figure 4.8.2: Side Yards

4.8.3 Interface between Public and Private

- a. Except in the Rotokauri North Medium-Density Residential Zone the front wall of all accessory buildings that are detached, including carports and garages, should be no further forward of the front building line of the dwelling than 0.5m.
 - b. In the Rotokauri North Medium-Density Residential Zone any garage or carport must be set back at least 1m from the front building line of the dwelling.
 - c. The front wall of accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door faces the street, be located no further forward of the front building line of the dwelling than 0.5m, except for a single dwelling on a site with a frontage less than 15m wide the garage door shall be setback a minimum of 0.5m from the front building line of the dwelling.
 - d. Maximum garage width of 50% of the front building line of the dwelling on a site with a frontage less than 15m wide except in the Rotokauri North Medium-Density Residential Zone.
 - e. In the Rotokauri North Medium-Density Residential Zone:
 - i. On a site where the transportation corridor boundary is 12.5m or greater the garage door width shall not exceed 6m of the front building line.
 - ii. On a site where the transportation corridor boundary is less than 12.5m, only a single garage door up to 3.2m wide is allowed on the front building line.
 - f. Except in the Rotokauri North Medium-Density Residential Zone any wall, except the wall containing the garage door, of an accessory building facing the street must consist of at
-

least 20% of glazed materials.

- g. In the Rotokauri North Medium-Density Residential Zone, 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.
- h. For front sites, the primary entrance on the ground floor shall face the street and provide pedestrian access separated from the driveway.
- i. At least one habitable room shall have a clear-glazed window facing the street. For corner sites and sites with two transport corridor frontages, this is required only on the transport corridor frontage from which vehicular access is provided.
- j. In the Rotokauri North Medium-Density Residential Zone 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).

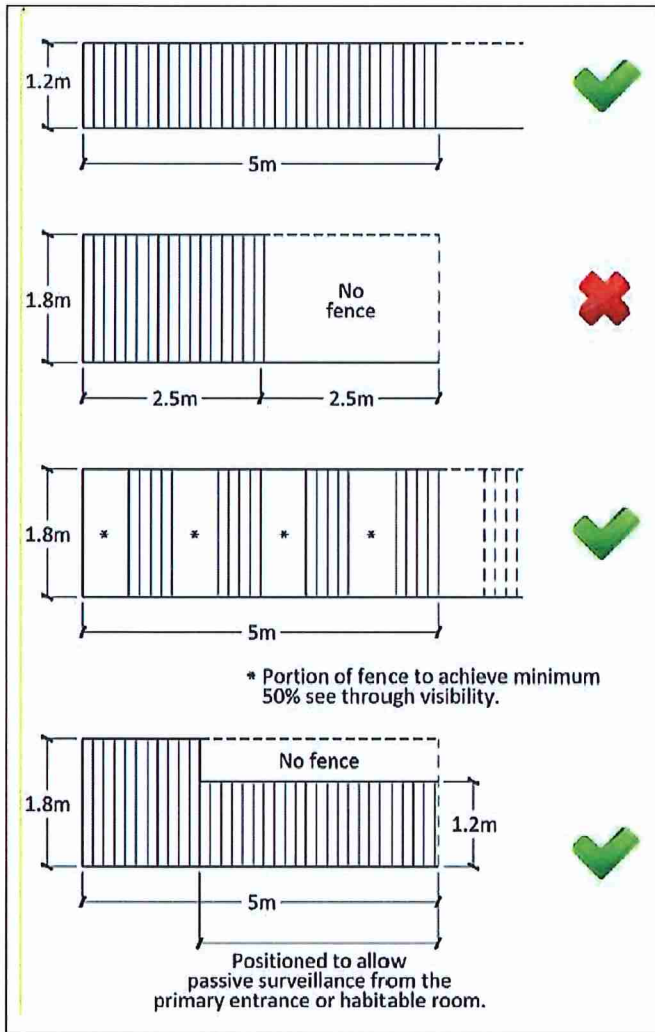
k. In the Te Rapa Racecourse Medium-Density Residential Precinct any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

g. Maximum Fence Heights		
i.	Front and side boundary fences or walls located forward of the front building line of the dwelling.	1.2m
ii.	Front and side boundary fences or walls located forward of the front building line of the dwelling surrounding north facing Outdoor Living Areas that face a transport corridor.	1.8m (with 50% or more of the fence visually permeable).
iii.	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 dwelling and the Area boundary.	1.5m (with 50% permitted at 1.8m provided 50% of that part over 1.5m is visually permeable).
iv.	Except as provided for in v., all other boundary fences or walls	1.8m.
v.	Within Rotokauri North, any fence between a residential unit and Open Space Zone or open space reserve that will vest in Hamilton City Council shall comply with the following standards:	
	A. Designed and constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material)	1.2m maximum height
	B. Materials with 50% or more see-through visibility	1.8m maximum height

Note

1. Refer to Figure 4.8.3h for examples of acceptable solutions.
2. Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% see-through visibility.

Figure 4.8.3h: Examples of acceptable solutions



4.8.4 Residential Buildings – Separation and Privacy

- 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 shall be a minimum of 1.5m.
- b. Rule 4.8.4a. does not apply in the Rotokauri North Medium-Density Residential Zone [or in the Te Rapa Racecourse Medium-Density Residential Precinct](#). In the Rotokauri North Medium-Density Residential Zone, residential buildings which are not attached shall be set back at least 2m from the nearest part of any other residential building on the same site.

4.8.5 Outdoor Living Area

- a. Each residential unit shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Located on a side of the residential unit which faces north of east or west.
- b. Outdoor living areas for residential units shall be a minimum of 40m² capable of containing a 6m diameter circle (except in the Rotokauri North Medium-Density Residential Zone where d. applies [and in the Te Rapa Racecourse Medium-Density Residential Precinct where e. applies](#)) and for ancillary residential units shall be 12m² capable of containing a 2.5m diameter circle.
- c. The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.
- d. In the Rotokauri North Medium-Density Residential Zone the following applies:
 - i. Outdoor living areas for residential units shall be a minimum of 36m² capable of containing a 6m diameter circle; or
 - ii. The outdoor living area may comprise two distinct areas where a porch/verandah of minimum 8m² and with a minimum dimension of 1.8m is provided at the front of the residential unit, and a minimum 30m² living area with a minimum dimension of 5m is provided to the rear of the residential unit.
 - iii. Any residential unit (excluding its carparking and access) located entirely above ground must be provided with an outdoor living area in the form of a balcony or roof terrace that satisfies the following standards:

Type of residential unit located entirely above ground (except for carparking and access)	Minimum outdoor living area dimensions
---	--

A	A studio unit and one-bedroom residential unit (including an ancillary unit)	5m ² and with a minimum dimension of 1.8m
B	A residential unit with two or more bedrooms	8m ² and with a minimum dimension of 1.8m;

Note

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

e. In the Te Rapa Racecourse Medium-Density Residential Precinct the following applies:

a. A residential unit at ground floor level must have an outdoor living area that is at least 20 square metres. This may comprise a combination of and that comprises ground floor, balcony, verandah, porch, patio or roof terrace space that;

Commented [JO3]: Kainga Ora submission 24.1. Consistency with PC12.

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 8 square metres and has a minimum dimension of 1.8m; and

iii. Is accessible from the residential unit; and

iv. May be grouped cumulatively by area in one communally accessible location, or located directly adjacent to the unit; and

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

Commented [JO4]: Kainga Ora submission 24.1. To increase consistency with PC12.

vi. Is free of buildings, parking spaces, and servicing and manoeuvring areas.

b. A residential unit located above ground floor level must have an outdoor living area that is at least 8 square metres and has a minimum dimension of 1.8 metres. This outdoor area can be provided in the form of a balcony, verandah, porch, patio or roof terrace that and;

Commented [JO5]: Kainga Ora submission 24.1. To increase consistency with PC12.

i. Is at least 8 square metres and has a minimum dimension of 1.8 metres; and

Commented [JO6]: Kainga Ora submission 24.1. Deletion is consistent with PC12.

ii. Is Must be accessible from the residential unit; and

iii. May be grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level or located directly adjacent to the unit;

Commented [JO7]: Kainga Ora submission 24.1 To increase consistency with PC12.

c. All noise sensitive activities residential units in the Noise Sensitive Area on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1) must have their outdoor living areas orientated away from the closest Industrial Zone boundaries.

Commented [JO8]: Chartwell Investments submissions 6.1, 6.4; Takanini Rentors submissions 7.1, 7.4; Ecostream submissions 8.1, 8.4.

4.8.6 Service Areas

4.8.6.1 Ruakura Medium-Density Residential Zone and Te Awa Lakes Medium-Density Residential Zone

Description	Minimum Requirements
a. Detached dwellings, duplex dwellings and dwellings in comprehensive residential developments	20m ² Minimum dimension 3m
b. Service area for ancillary residential unit	Additional 10m ² Minimum dimension 2.5m
c. All service areas	Readily accessible from each residential unit, not visible from a public place or in a front yard, or yard adjoining the Transport Corridor Zone or Open Space Zone. To be screened from the street and setback a minimum of 2m from primary building frontage.

4.8.6.2 Rotokauri North Medium-Density Residential Zone [and Te Rapa Racecourse Medium-Density Residential Precinct](#)

Description	Minimum Requirements
a. Residential units – detached dwellings, duplex dwellings	i. At least 10m ² , (except for Te Rapa Racecourse Medium Density Residential Precinct which is at least 5m²) and may be made up of two separate areas (to provide for clothes drying and rubbish/recycling storage) ii. Minimum dimension 1.0m
b. Ancillary Residential Unit	i. Additional 5m ² ii. Minimum dimension 1.0m
c. All service areas	i. Shall not be located within a front yard. ii. Service areas may be located within garages or carports where it is demonstrated that there is enough room to accommodate the minimum area without impeding parking.

4.8.7 River Interface Overlay in Te Awa Lakes Medium-Density Residential Zone

- a. 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.
- b. The maximum height of a building or structure is 8m.
- c. The General Residential Zone Rules in 4.4.2, 4.4.3, 4.4.5, 4.4.6, 4.4.7, 4.4.8, 4.4.9, 4.4.10 and 4.4.11 shall apply.
- d. The following rules do not apply to this overlay 4.8.2, 4.8.3, 4.8.4, 4.8.5 and 4.8.6.

4.8.8 Affordable Housing in Te Awa Lakes Medium-Density Residential Zone

- a. The total Development Yield specified in Rule 4.6.2 shall include affordable dwellings that meet the following requirements;
- i. 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 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 Land Development 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 'superlots' 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 4.8.8.a.i above is to be met for three years from the date of issue of title.
 - vi. Not less than 9 of the Land Development Plan Areas shall include a minimum 10% affordable housing component.

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

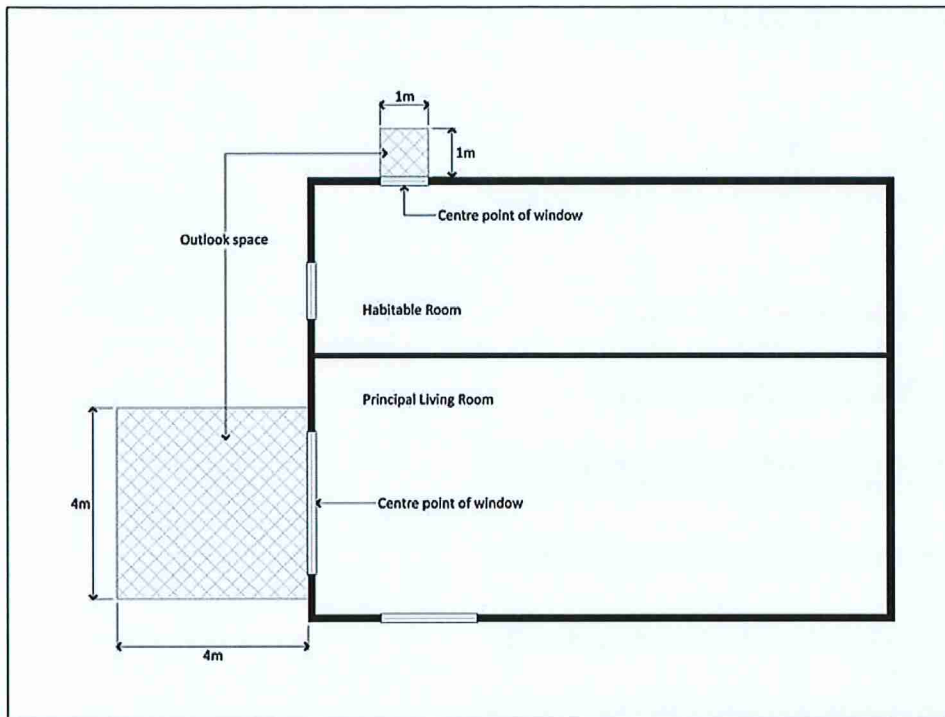
4.8.9 Orientation of Dwellings in Te Awa Lakes Medium-Density Residential zone.

- a. Within 200m of the Waikato Expressway carriageway, habitable rooms in buildings shall be orientated away from the Expressway.

4.8.10 [Outlook space \(per unit\) in the Te Rapa Racecourse Medium Density Residential Precinct](#)

- a. [An outlook space must be provided from all habitable room windows for each residential unit as shown in the diagram below:](#)

Commented [J09]: Kainga Ora submission 24.1 To increase consistency with PC12.



- b. The minimum dimensions for a required outlook space are as follows;
- A principal living room must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and
 - All other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.
- c. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- d. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- e. 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.
- f. Outlook spaces may be under or over a balcony.

Commented [J010]: Kainga Ora submission 24.1 To increase consistency with PC12.

g. ~~Outlook spaces required from different rooms within the same building may overlap.~~

Commented [JO11]: Kainga Ora submission 24.1 To increase consistency with PC12.

h. Outlook spaces must:

i. ~~Be clear and unobstructed by buildings or fences; and~~

Commented [JO12]: Kainga Ora submission 24.1 To increase consistency with PC12.

ii. ~~Not extend over an outlook space or outdoor living space required by another residential unit.~~

i. Outlook spaces may:

i. ~~Be above or below another outlook space (in a vertical configuration)~~

ii. ~~Be under buildings.~~

Commented [JO13]: Kainga Ora submission 24.1 To increase consistency with PC12.

4.8.11 Landscaped area in the Te Rapa Racecourse Medium-Density Residential Precinct

a. ~~A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.~~

b. ~~The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit.~~

4.8.12 Development layout and transport upgrades in the Te Rapa Racecourse Medium-Density Residential Precinct

a. ~~All development must be in general accordance with the development layout on the Te Rapa Racecourse Medium-Density Residential Precinct Plan (Figure 4.5-1), except that the Stage 2 Wetland is not required to be established.~~

b. ~~Prior to the issue of code compliance certificates under section 95 of the Building Act 2004 for more than 60 residential units (or equivalent vehicle movements) or when the internal road network is connected to Sir Tristram Avenue, whichever comes first, the Sir Tristram Avenue/Te Rapa Road intersection must be upgraded to prevent right turns out of Sir Tristram Avenue. The Sir Tristram Avenue/ Te Rapa Road intersection must be upgraded to prevent right turns out of Sir Tristram Avenue either:~~

i. ~~Prior to the issue of code of compliance certificates under section 95 of the Building Act 2004 for more than 60 residential units; or~~

ii. ~~When the internal road network shown on Figure 4.5-1 Te Rapa Racecourse Medium Density Precinct Plan is connected to Sir Tristram Avenue~~

~~whichever comes first.~~

Commented [JO14]: HCC recommended amendment to improve clarity.

c. ~~Prior to the issue of any code compliance certificates under section 95 of the Building Act 2004 for any residential units the existing footpath on Ken Browne Drive must be extended to connect to footpaths within the Precinct.~~

d. ~~When the internal road network is connected to Sir Tristram Avenue;~~

- i. The existing footpath on the northern side of Sir Tristram Avenue must be extended to connect to the bus stop on Te Rapa Road located approximately 110m northwest of Sir Tristram Avenue; and
 - ii. A new walking and cycling shared path must be constructed on the southern side of Sir Tristram Avenue from the road access into the Precinct, along the service lane south-eastwards on Te Rapa Road to a new raised safety platform crossing across the service lane, and to a new mid-block raised safety platform staggered signalized crossing across Te Rapa Road; and
 - iii. No vehicle connection must access shall be provided from Sir Tristram Avenue to Mainstreet Place.
- e. The existing carpark shown on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1) must be used only for access and carparking associated with healthcare services on Lot 13 DPS 6240.
- f. Prior to the issue of any code compliance certificates under section 95 of the Building Act 2004 for any noise sensitive activity the indicative open space area shown on Figure 4.5-1 adjoining Industrial zoned land must be established, and legally secured in perpetuity, inclusive of landscaping and a 1.8m high solid fence on the Industrial zone boundary (except no fence is required where existing buildings in the Industrial zone have a 0m/nil setback from the boundary), in accordance with the relevant information requirements in Rule 1.2.2.24.

Commented [JO15]: HCC recommended amendment to improve clarity

Commented [JO16]: Chartwell Investments submission 6.1, 6.4; Ecostream submission 8.1, 8.4; Takanini Rentors submission 7.1, 7.4; McMac submission 1.2.

4.11 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. Duplex dwellings*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
ii. Apartment buildings	<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. New building for the purpose of Health Care Services identified in 4.3.1.r.	<ul style="list-style-type: none"> • B – Design and Layout
xi. Second and subsequent single dwellings per site*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
xii. Visitor accommodation	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
xiii. Emergency service facilities	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
xiv. Integrated Residential Development	<ul style="list-style-type: none"> • B – Design and Layout

	• C – Character and Amenity
Ruakura Medium-Density Residential Zone	
xiv. Land Development Activities*	• N – Ruakura and Te Awa Lakes
xv. Duplex dwellings (other than provided for in 4.5.4.b) above) and apartments*	• B – Design and Layout • N – Ruakura and Te Awa Lakes
xvi. One Integrated Retail Development in accordance with the general location identified on Figure 2-14 Ruakura Structure Plan – Land Use (Appendix 2)*	• B – Design and Layout • H – Function, Vitality, Viability and Amenity of Centres • N – Ruakura and Te Awa Lakes
xvii. Papakainga*	• B – Design and Layout • N – Ruakura and Te Awa Lakes
Te Awa Lakes Medium-Density Residential Zone	
xviii. Land Development Activities*	• N - Ruakura and Te Awa Lakes • N13 – Te Awa Lakes Earthworks and Remediation • N14 – Te Awa Lakes Earthworks and Remediation in LDP Areas Q and R • F – Hazards and Safety
xix. Duplex dwellings (other than provided for in 4.5.4.b. above) and apartments*	• B – Design and Layout • N – Ruakura and Te Awa Lakes
xx. Papakainga*	• B – Design and Layout • N – Ruakura and Te Awa Lakes
Rotokauri North Medium-Density Residential Zone	
xxi. Any restricted discretionary activity	• B – Design and Layout • C – Character and Amenity • O – Rotokauri North
Te Rapa Racecourse Medium Density Residential Precinct	
xxii. Any restricted discretionary activity	• B – Design and Layout • C – Character and Amenity • P – Te Rapa Racecourse Medium Density Residential Precinct
xxiii. Noise sensitive activities Residential units in the Noise Sensitive Area shown on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1)	• P – Te Rapa Racecourse Medium Density Residential Precinct.

Commented [JO1]: Takanini Rentors submissions 7.1, 7.4; Chartwell Investments submissions 6.1, 6.4; Ecostream submission 8.1, 8.4.

Commented [JO2]:

Commented [JO3R2]: Takanini Rentors submissions 7.1, 7.4; Chartwell Investments submissions 6.1, 6.4; Ecostream submission 8.1, 8.4.

Note

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (*) except for those outlined within the Ruakura Medium-Density Residential Zone which is outlined in 4.12 below.

9 Industrial Zone

9.1 Purpose

- a. The industrial land base in the City is a key economic driver for the regional economy. Industrial land in the City represents a finite and valuable resource that needs to be recognised and protected. There is evidence of considerable retail and office development having occurred in the industrial areas over the last decade resulting in adverse effects on the amenity, viability and vitality of the City Centre.
- b. District Plan provisions are generally enabling and aim to complement the City's commercial activities, both in the Central City zone and in other business centres. This complementary role includes providing locations for industrial activities that are unsuitable for commercial centres, and reducing the potential for non-industrial activities establishing in industrial locations.
- c. The Industrial Zone provisions seek to ensure that industrial land is not occupied by land activities that are non-industrial, unless they are either ancillary to industrial activity, support industrial activities, or are more appropriately located within an industrial environment than a business centre. This will reduce the potential for industrial land to be diluted by non-industrial activities, resulting in pressure for new industrial land to be zoned elsewhere, and for existing industrial land to be rezoned for commercial activity. In limited circumstances, supermarkets may locate out-of-centre in the Industrial Zone provided suitable land is not available within the business centres and where it can be demonstrated that the primacy, function, vitality, and amenity of the centres within the business hierarchy are not undermined.
- d. The rule provisions place restrictions on the scale of retail and office activities in industrial areas. This is in order to manage the potential for significant adverse effects on the Central City arising both individually and cumulatively from out-of-centre development.
- e. The Rotokauri Employment Area, as identified on the Rotokauri Structure Plan, provides for a wide range of light industrial activities in a high amenity environment. This area also provides for the operational needs of the Crawford Street Freight Village.
- f. The Riverlea Industrial Area, as identified in Appendix 6, Figure 6-1, provides for a range of light and service industrial activities. Its location within close proximity to sensitive land uses means that the establishment of heavy industry and noxious or offensive activities is not considered to be desirable or appropriate.
- g. Amenity Protection Areas will be used at the Industrial Zone's interface with Residential and other sensitive areas in order to minimise adverse effects of industrial activities and thereby to maintain amenity values in the adjacent Residential Zone or other sensitive areas.
- h. The Te Rapa corridor is a confined overlay that recognises existing office and retail activities which have been lawfully established under the previous planning regime. It provides for continuation of existing office and retail activities within defined thresholds which reflect the standards in the previous district plan whilst encouraging a return to industrial uses. The expansion of existing activities or establishment of any new or additional retail or office activities/ tenancies is not envisaged in this area.
- i. The area at 980 Te Rapa Road between Maui Street and Eagle Way identified in Fig 9.3a

adjoins open space, residential and commercial activities and is also adjacent to the Te Rapa Sub Regional Centre. This is an area in a state of land use transition from heavy industrial use to more non-industrial type activities. Given its location and surrounding land uses, on those specific lots identified provision is made for managed care facilities; retirement village, rest homes and visitor accommodation providing adverse effects are mitigated.

9.2 Objectives and Policies: Industrial Zone

Objective	Policies
<p>9.2.1 Industrial activities are able to establish and operate within the zone in an efficient and effective manner.</p>	<p>9.2.1a Industrial land is used for industrial activities.</p>
	<p>9.2.1b Except as specifically provided for, non-industrial activities establish and operate only where they are ancillary to industrial activities, support industrial activities, or are consistent with industrial activities.</p>
	<p>9.2.1c While the Industrial Zone is for industrial purposes, specified non-industrial activities may operate in the Greenwood/Kahikatea Corridor and Te Rapa Corridor due to their characteristics; provided that such non-industrial activities do not adversely affect industrial activities in the Industrial Zone, or impact adversely on the strategic role of the Central City and other business centres in the City.</p>
<p>9.2.2 Non-industrial activities which establish and operate within the zone do not undermine the primacy, function, vitality and amenity of the Central City, the sub-regional centres and the function of the lower order centres in the business hierarchy.</p>	<p>9.2.2a Non-industrial activities do not adversely affect industrial activities in the Industrial Zone, or impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other business centres in the City.</p>
	<p>9.2.2b In limited circumstances, new supermarkets may establish in the Industrial Zone where it can be demonstrated that:</p> <ul style="list-style-type: none"> i. suitable land is not available within the business centres; and ii. the potential adverse effects on the primacy, function, vitality, and amenity of the centres within the business hierarchy are avoided.
<p>Explanation</p> <p><i>Activities that are non-industrial and that are provided for in other parts of the City should in general not be carried out within industrial locations. The District Plan sets as the key principle in this regard that industrial land should be preserved for industrial activities, but also includes provision for a range of non-industrial activities considered to be ancillary to industrial activity, that support industrial activities, or specific forms of commercial activity that are acceptable within industrial environments.</i></p> <p><i>Supermarkets are a form of commercial activity envisaged in the Industrial Zone only in limited circumstances. Strategic Framework and Business policies encourage their location within business centres as a priority. Because of the nature of their trade catchments they may be suitable in some industrial areas if Business zoned sites are not available and, having regard to the extent to which effects on business centres (beyond effects</i></p>	

<i>associated with trade competition) are avoided. Businesses that attract a great deal of traffic are encouraged in the Central City and business centres, where they will be more accessible, and where significant public investment has been made in providing amenities and facilities capable of supporting such activities.</i>	
Objective	Policies
9.2.3 The amenity levels of industrial areas are to be enhanced.	9.2.3a Amenity levels within the Industrial Zone are improved with the use of landscaping and screening, restrictions on site layout, enhanced design of buildings, ensuring orientation of buildings towards the site frontage, and enhanced urban design outcomes.
Explanation	
<i>Although lower standards of amenity are often characteristic of industrial locations, Plan provisions aim to enable a general improvement in the amenity of the City's industrial locations. The purpose of this is to create functional and attractive employment areas and to contribute to raising amenity levels within the City generally.</i>	
<i>This is to be achieved through resource consent being required for the construction of new buildings or alterations to existing buildings located on identified transport corridors (other than minor alterations) to ensure improved urban design outcomes on these highly visible locations. There are also requirements for increased landscaping, articulation of building frontages and screening (particularly on the boundary of residential land and reserves), and site layout.</i>	
<i>In relation to the Crawford Street Freight Village, amenity matters are addressed through Objective 9.2.5.</i>	
Objective	Policies
9.2.4 The adverse amenity impacts of industrial activities on residential and open space areas are to be avoided.	9.2.4a The adverse effects of industrial activities are contained within the Industrial Zone boundary to avoid adverse effects on amenity within other zones, particularly the Residential, Special Character and Open Space Zones.
	9.2.4b The establishment of noxious or offensive activities within the Riverlea Industrial Area, or in locations near the boundary with Residential, Special Character and Open Space Zones, where there will be adverse amenity effects on these locations, shall be avoided.
	9.2.4c Additional standards apply to activities within Amenity Protection Areas in order to minimise adverse effects on the amenity of residential sites or other sensitive sites adjacent to land within the Industrial Zone.
Explanation	
<i>Industrial activities can generate adverse amenity effects beyond the boundaries of the zone. These can have a particular impact on residential and open space areas where expectations for amenity are far higher.</i>	
<i>The Amenity Protection Area is a key mechanism to protect residential sites where they are adjacent to land within the Industrial Zone. Industrial properties covered by the Amenity Protection Area are subject to additional standards. Enhanced management of noxious or offensive activities where they are near residential land uses is also a key aspect of the provisions.</i>	
Objective	Policies
9.2.5	9.2.5a

To optimise the benefits of the regionally significant freight village facility at Crawford Street.	Logistics, freight-handling services and supportive activities and infrastructure are provided for within Crawford Street Freight Village.
	9.2.5b Activities sensitive to the adverse affects of logistics and freight-handling facilities avoid locating in proximity to the Crawford Street Freight Village.
	9.2.5c Visual amenity effects at the boundary of the Crawford Street Freight Village with the Mangaharakeke Drive transport corridor are maintained.
Explanation	
<i>The Crawford Street Freight Village is a key regional facility, because it provides connectivity between dairy manufacturing facilities in the region and further afield with the Auckland and Tauranga ports. The facility is a critical component in ensuring the efficiency of dairy manufacturing and export within the region.</i>	
<i>The freight village is designed and operated to achieve the seamless transfer of products from road to rail and includes major storage facilities and infrastructure. Measures designed to address amenity issues at the interface with the Mangaharakeke Drive corridor need to recognise the existing amenity of the area which is dominated by rail facilities on one side and a major arterial route on the other.</i>	
Objective	Policies
9.2.6 Recognise lawfully established existing office and retail activities that have previously located in the Te Rapa Corridor whilst encouraging a return to industrial uses in the future.	9.2.6a Industrial activity is encouraged to locate within the Te Rapa Corridor.
	9.2.6b The continued operation of existing office and retail activities in the Te Rapa Corridor that were lawfully established as permitted activities under the previous planning regime are recognised and provided for.
	9.2.6c Avoid any increase in additional office or retail activities/tenancies.
	9.2.6d Avoid any expansion of existing office or retail activities/tenancies.
Explanation	
<i>Previous district plan provisions allowed office and some retail activity to establish in the Te Rapa Corridor. The overlay recognises and provides for the continued operation of these lawfully established businesses. The provisions aim to encourage a transition to industrial activity, therefore any additional office or retail activities or expansion of these activities is to be discouraged.</i>	
Objective	Policies
9.2.7 Enable the redevelopment of the site in a state of land use transition described as Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 to include provision for managed care facilities; retirement villages, rest	9.2.7a The development of managed care facilities; retirement villages and rest homes and visitor accommodation are managed, located and designed to: i. Avoid adverse effects from surrounding non-residential activities; and

homes and visitor accommodation in a manner that achieves a high level of on-site amenity for those activities whilst ensuring that reverse sensitivity effects on surrounding industrial activities are avoided.	<ul style="list-style-type: none"> ii. Provide a high level of onsite amenity for the activities identified; and iii. Ensure adjacent non-residential activities are not subject to the effects of reverse sensitivity; and iv. Ensure adverse effects on the surrounding residential and open space areas are avoided; and v. Ensure that the interface with adjacent residential and open space uses is treated sensitively.
	<p>9.2.7b Any development on this transitional site shall ensure vehicle and pedestrian access between Karewa Place and Maui Street.</p>
Explanation	
<p><i>The area between Maui Street and Eagle Way adjoins open space, residential, commercial and industrial activities. It is also adjacent to the Te Rapa Sub Regional Centre. The area identified is an area in a state of land use transition from a heavy industrial use to a lighter mix of uses due to its location and the surrounding land uses. The area has been identified as suitable for future re-zoning from industrial to an alternative mixed use zone which is focussed on residential activities. This will support the existing Te Rapa Sub Regional Centre and complement the adjoining open space and residential activities. In light of its transitional character, the site currently presents an opportunity for mixed use development of specified activities that can contribute positively to urban outcomes within this setting.</i></p>	
<p><i>In addition to the general provision for industrial activities, managed care facilities; retirement village, rest homes and visitor accommodation are provided for in this area. These activities, and other non-industrial activities on the site, will need to be located, designed, and managed to ensure reverse sensitivity effects on any adjacent industrial activities are avoided.</i></p>	
<p><i>A comprehensive traffic assessment has established the capacity of the site for development and identified the need for the construction of a new road link between Maui Street and Karewa Place, and specific intersection improvements prior to any development occurring on the site.</i></p>	

9.3

Rules – Activity Status Table

Activity	Industrial	Rotokauri Employment Area
Buildings		
a. New buildings and alterations and additions to existing buildings	P	P
b. Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P
c. Maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P
d. Minor works	P	P
Activities		

e. Industrial activity	P	RD
f. Industrial activity in the Riverlea Industrial Area (Figure 6-1, Appendix 6, Volume 2)	RD	-
g. Light industrial activity Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates <250 vehicle movements per day	P -	- C
h. Service industrial activity Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates <250 vehicle movements per day	P -	- C
i. Any new activity requiring an air discharge consent under the Waikato Regional Plan, where discharge is from a point within 100m of the boundary of any Residential Zone or Special Character Zone <u>or the boundary of the land shown as Medium Density Residential Development on Figure 4.5-1 Te Rapa Racecourse Medium Density Residential Precinct Plan</u>	RD	RD
j. Any noxious or offensive activity greater than 250m from the boundary of any Residential Zone or Special Character Zone <u>or the boundary of the land shown as Medium Density Residential Development on Figure 4.5-1 Te Rapa Racecourse Medium Density Residential Precinct Plan</u> , except within the Riverlea Industrial Area (Figure 6-1, Appendix 6, Volume 2) or Rotokauri Employment Area	RD	
k. Any noxious or offensive activity within 250m of the boundary of any Residential Zone or Special Character Zone <u>or the boundary of the land shown as Medium Density Residential Development on Figure 4.5-1 Te Rapa Racecourse Medium Density Residential Precinct Plan</u> , or within the Riverlea Industrial Area (Figure 6-1, Appendix 6, Volume 2) or Rotokauri Employment Area	NC	NC
l. Ancillary offices	P	P
m. Ancillary retail	P	P
n. Trade and industry training facilities	P	P
o. Food and beverage outlets (no greater than 250m ² gross floor area)	P	P
p. Wholesale retail and trade supplies	P	P
q. Yard-based retail on front sites adjoining the following transport corridors: Te Rapa Road, Avalon Drive, Mangaharakeke Drive, Lincoln Street, Greenwood Street, and Kahikatea Drive (excluding sites separated from the transport corridor by a segregation strip)	P	-
r. Yard-based retail other than as provided for as a permitted activity	RD	RD
s. Building improvement centres	P	P
t. New supermarkets, where the activity complies with the standards in Rule 9.5.5	RD	NC
u. New supermarkets, where the activity fails the standards in Rule 9.5.5	NC	NC
v. Extensions to existing supermarkets, where the activity complies with the	P	NC

Commented [JO1]: Chartwell Investments submission 6.5, Ecostream submission 8.5, Takanini Rentors submission 7.5.

Commented [JO2]: Chartwell Investments submission 6.5, Ecostream submission 8.5, Takanini Rentors submission 7.5.

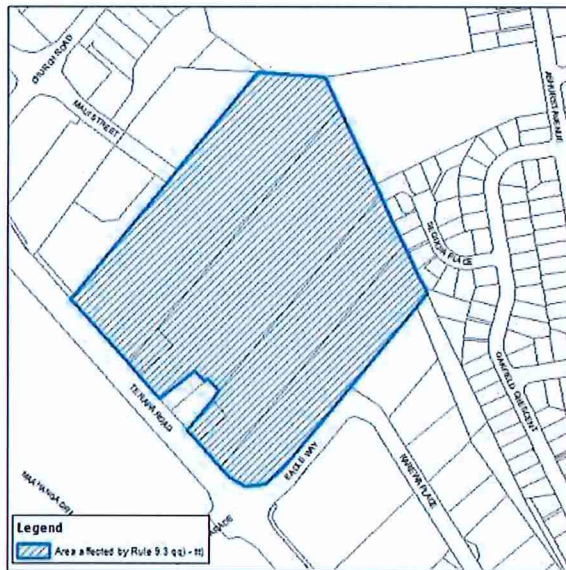
Commented [JO3]: Chartwell Investments submission 6.5, Ecostream submission 8.5, Takanini Rentors submission 7.5.

standard in Rule 9.5.6		
w. Extensions to supermarkets where the activity complies with the standard in Rule 9.5.7	RD	NC
x. Extensions to supermarkets where the activity fails the standard in Rule 9.5.7	NC	NC
y. Healthcare services (where existing at the date of Plan notification)	P	NC
z. Healthcare services other than as provided for as a permitted activity	RD	D
aa. Emergency service facilities	RD	RD
bbb. Passenger transport facilities	P	P
ccc. Transport depot	P	RD
ddd. Transportation service centre	D	D
eee. Transportation service centre in Stage 1B of the Te Rapa North Industrial Zone in accordance with 12.3.3.h)	P	-
fffff. Parking lots and parking buildings	P	RD
ggg. Accessory buildings	P	P
hhh. Motorised recreation activity	P	P
iiiiiii. Drive-through services*	RD	D
jjjjjj. Ancillary residential unit where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates <250 vehicle movements per day	C	C
kkkk. Childcare facilities	RD	RD
lllllll. Any activity identified in Rule 9.3.jj that does not comply with relevant standards in Rules 9.4 and 9.5 or generates 250 or more vehicle movements per day	RD	
mmm. Boarding kennels and catteries	RD	RD
nnn. Gymnasiums	RD	RD
ooo. Places of worship	RD	RD
ppp. Banks less than 200m ²	P	P
qqq. Managed care facilities; retirement villages and rest homes on the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	RD	-
rrrrr. Managed care facilities; retirement villages; and rest homes; outside of the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	NC	-
ssss. Visitor accommodation on the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	D	-
ttttt. Visitor accommodation outside of the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	NC	-

Note

1. Table 15-2d of Volume 2, Appendix 15-2 contains guidance for converting vehicles per day into other units of measure.
2. For any activity not identified above, see Section 1.1.8.1.
3. Refer to Chapter 1.1.9 for activities marked with an (*)

Figure 9.3a: Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 Area affected by Rule 9.3.qq. to tt.



9.3.1 Rules — Activity Status Table for the Greenwood/Kahikatea Corridor

In addition to the activities provided for within the Industrial Zone 9.3 Rules — Activity Status Table, the following shall apply to activities located in the Greenwood/Kahikatea Corridor.

Activity	Greenwood/ Kahikatea Corridor
a. Automotive and marine suppliers	P
b. Mowers and outdoor maintenance equipment retail	P
c. Pool and spa retail	P
d. Equestrian supply retail	P
e. Gymsnasiums	P
f. Hire Centre	P

9.3.2 Rules — Activity Status Table for the Te Rapa Corridor

In addition to the activities provided for within the Industrial Zone 9.3 Rules — Activity Status Table, the following shall apply to activities located in the Te Rapa Corridor.

Activity	Te Rapa Corridor
a. Automotive and marine suppliers	P
b. Mowers and outdoor maintenance equipment retail	P
c. Pool and spa retail	P
d. Equestrian supply retail	P
e. Gymnasiums	P
f. Hire Centre	P
g. Retail activity within the Te Rapa Corridor Area where lawfully established at 10 December 2012 and which meets the standards in Rule 9.5.8 (but excluding sites which were occupied at 10 December 2012 by activities provided for in 9.3 m., o., p., q., r., s., t. - x. and 9.3.2 a.-f.): i. <150m ² GFA per tenancy ii. 151-999m ² GFA per tenancy iii. >1000m ² GFA per tenancy	P NC P
h. Retail activity within the Te Rapa Corridor where established at 10 December 2012 and which fails the standards in Rule 9.5.8 but meets the standards in Rule 9.5.9 (but excluding sites which were occupied at 10 December 2012 by activities provided for in 9.3 m., o., p., q., r., s., t. - x. and 9.3.2 a.-g.): i. <150m ² GFA per tenancy ii. 151-999m ² GFA per tenancy iii. >1000m ² GFA per tenancy	D NC D
i. Retail activity within the Te Rapa Corridor described in h. above, but which fails the standards in Rule 9.5.9	NC
j. Office activity within the Te Rapa Corridor where lawfully established at 10 December 2012 and which meets the standards in Rule 9.5.8	P
k. Office activity within the Te Rapa Corridor where established at 10 December 2012 and which fails the standards in Rule 9.5.8 but meets the standards in Rule 9.5.9	D
l. Office activity within the Te Rapa Corridor described in k. above, but which fails the standards in Rule 9.5.9	NC
m. Expansion of any retail or office activity within the Te Rapa Corridor	NC
n. Establishment of any new retail or office tenancies within the Te Rapa Corridor	NC

Note

1. Table 15-2d of Volume 2, Appendix 15-2 contains guidance for converting vehicles per day into other units of measure.
2. Refer to Chapter 1.1.9 for activities marked with an (*)

9.4 Rules — General Standards

9.4.1 Building Setbacks (Except in the Rotokauri Employment Area and the Crawford Street Freight Village)

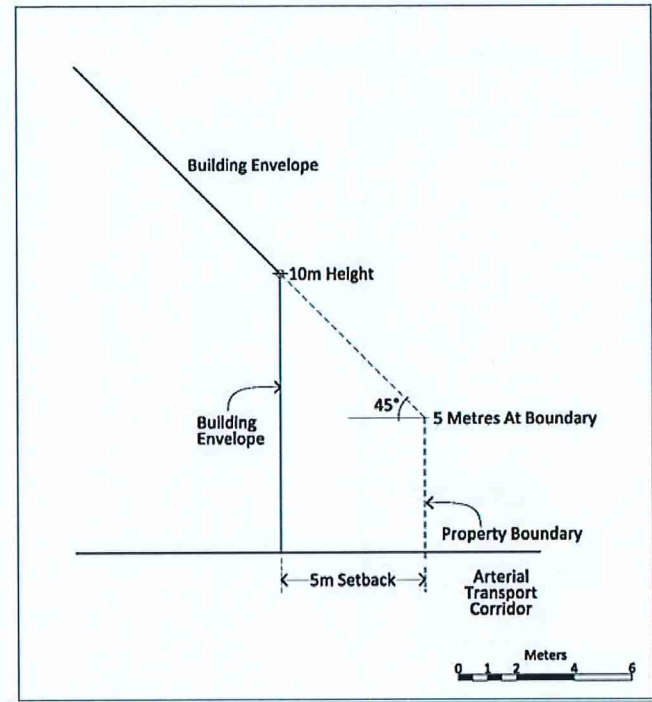
Building setback from	Minimum distance
a. Transport corridor boundary — local and collector transport corridors	3m
b. Transport corridor boundary — arterial transport corridors	i. Any building must be set back a minimum of 5m from the property boundary; and ii. No part of any building may penetrate a building envelope that rises at an angle of 45 degrees starting at an elevation of 5m above the boundary adjoining any arterial transport corridor. Refer to Figure 9.4.1b
c. Waikato Expressway (Designation E90 and E90a)	i. 40m from the edge of the expressway carriageway for protected premises and facilities ii. 15m from designation boundary for other buildings
d. Any boundary adjoining any Residential or Special Character Zone	8m, except as follows: within the Ruakura Structure plan where intervening landscape buffer shown on the Structure Plan map are provided, <u>or any boundary adjoining the Te Rapa Racecourse Medium Density Residential Precinct</u> .
e. Any boundary adjoining any Open Space Zone	3.0m
f. Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)
g. Other boundaries	0m/nil

Commented [JO4]: Chartwell Investments submission 6.5, Takanini Rentors submission 7.5, Ecostream submission 8.5.

Note

1. For Rotokauri Employment area, see 9.5.4.a.i.-v.
2. Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

Figure 9.4.1b: Building envelope for buildings located on an Arterial Transport Corridor



9.4.2 Building Height

<p>a. Maximum building height</p>	<p>20m, except as follows. i. 10m for that part of the building located within the Amenity Protection Area ii. 15m where the site is in the Rotokauri Employment Area</p>
<p>b. Height of container stacking for Crawford Street Freight Village</p>	<p>Maximum 25m</p>
<p>c. Height of lighting towers, poles, aerials, loading ramps, link spans, flagpoles, machinery rooms and cranes and other lifting or stacking equipment for Crawford Street Freight Village</p>	<p>Maximum 35m</p>

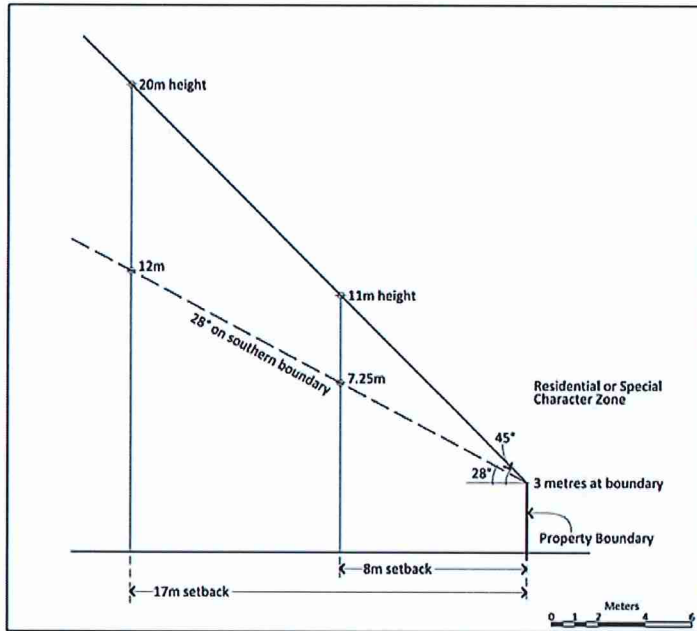
9.4.3 Height in Relation to Boundary

- a. No part of a building may penetrate a height control plane rising at an angle of 45 degrees (except for the southern boundary where it is measured at 28 degrees) starting at an elevation of 3m above the boundary of any adjoining Residential, Special Character or Open Space Zones (refer to Figure 9.4.3b) **except this standard does not apply to any boundary**

adjoining the Te Rapa Racecourse Medium Density Residential Precinct.

Commented [JO5]: Chartwell Investments submission 6.5, Takanini Rentors submission 7.5, Ecostream submission 8.5.

Figure 9.4.3b: Height control plane for boundaries adjoining any Residential, Special Character or Open Space Zones



9.4.4 Site Coverage

a. Within the Amenity Protection Area or the Rotokauri Employment Area	Maximum 75%
b. Outside the Amenity Protection Area	No maximum

Note

1. 100% building coverage will not be possible given the requirements for permeable area, vehicle manoeuvring, and landscaping.

9.4.5 Permeable Surfaces

a. Permeability across the entire site	Minimum 10%
b. The minimum permeable surface area shall not apply in the following circumstances: <ol style="list-style-type: none"> i. When undertaking minor works; or ii. For any change of use that would otherwise be a permitted activity and does not reduce the area of permeable surfaces below what already exists at 10 December 2012. 	

9.4.6 Site Layout (Excluding Crawford Street Freight Village)

- a. No plant or machinery shall be placed on the front of the building or within any building setback (with the exception of machinery displayed for sale, hire, or plant associated with on-site security).

9.4.7 Service and Outdoor Storage Areas

- a. In the Rotokauri Employment Area no outdoor storage shall encroach into the side yard setback.
- b. In the Rotokauri Employment Area no service or outdoor storage area shall be greater than 10% of the gross ground floor area of the building.
- c. In the Rotokauri Employment Area no items stored outdoors shall exceed the height of any screen fence or screen planting or encroach into any buffer/planting strip required under Rule 25.5.3: Landscaping and Screening.
- d. No service or outdoor storage area shall be located between the front of the principal building and the major arterial road from which vehicle access is obtained (whether or not the site is separated from the road by a segregation strip or service lane).

Note

1. With subsection d., yard-based retail activities (including activities identified in Rule 9.3.q and automotive and/or marine suppliers, are not outdoor storage activities.

9.4.8 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

9.5 Rules – Specific Standards

9.5.1 Ancillary Retail and Office activity

- a. When combined, the total area of ancillary office and ancillary retail activity shall not occupy more than the equivalent of 50% of the gross floor area of the principal activity on the site.

9.5.2 Ancillary Office for yard based activity

- a. Where the principal activity is wholly or partly yard based in nature the following may apply as an alternative, but not in addition to, 9.5.1.a:
- i. Ancillary office activity shall not occupy more than 250m² or 10% of the Yard Area of the principal yard based activity on the site, whichever is the lesser.

9.5.3 Buildings on sites adjoining Major Arterial Transport Corridors

- a. The construction of new buildings and alteration or additions to existing buildings which obtain vehicle access to and are visible from a Major Arterial Transport Corridor shall be designed and constructed to meet the following standards:
- i. Any exterior wall of any building which faces toward the Major Arterial Road from which vehicle access is obtained must contain doors or windows which cover a minimum of 30% of the façade.

For the purpose of this standard the wall of a building is considered to face a road if the outside face of the wall is parallel, or at an angle of 45 degrees or less to the Major Arterial Transport Corridor.
 - ii. The main pedestrian entrance of the principal building on the site shall face towards the Major Arterial Transport Corridor from which vehicle access is obtained.
For the purpose of this standard the pedestrian entrance is considered to face a Major Arterial Transport Corridor if the wall in which the entrance is located parallel, or at an angle of 45 degrees or less, to the road.
 - iii. Fences and walls in the front yard setback of the Major Arterial Transport Corridor that vehicle access is obtained from shall not exceed 1.2m in height.
 - iv. No loading spaced shall be located in the front setback of the Major Arterial Transport Corridor that vehicle access is obtained from.

9.5.4 Buildings in the Rotokauri Employment Area

- a. The construction and external alteration of buildings in the Rotokauri Employment Area will be subject to the following standards.
- i. Building setbacks.

Minimum setback from any boundary:
 - 5m
 - 8m for any non-industrial activity
Maximum setback from the front boundary and any boundary of the site adjacent to a major arterial road (except where that is a state highway) whether or not the site is separated from the major arterial road by a segregation strip or service lane:
 - 10m
This standard will be met if any part of the building is in compliance with the rule.

- iv. Any exterior wall of any building which faces a road or area of public space must contain doors or windows which cover a minimum of 30% of the façade. For the purpose of this standard the wall of a building is considered to face a road or area of public space if the outside face of the wall is parallel, or at an angle of 45 degrees or less, to the road or public space.
- v. The main pedestrian entrance of the principal building on the site shall face towards the road to which the site has frontage. Where the site is adjacent to a major arterial road (except where that is a state highway), the main pedestrian entrance shall face that road whether or not the site is segregated from the road by a segregation strip or service lane. Where the site has a dual road frontage the main pedestrian entrance shall face the higher order road (except where that is a state highway), or in the case where both roads are of the same order, the developer shall nominate the street to which the main pedestrian entrance shall face. For the purpose of this standard the pedestrian entrance is considered to face a road if the wall in which the entrance is located is parallel, or at an angle of 45 degrees or less, to the road.
- vi. Fences, walls and structures shall not exceed 1.2m in height in the front setback or where the site boundary adjoins a public space or where the site boundary is adjacent to a major arterial road.
- vii. No loading spaces shall be located in the front setback or in the setback adjacent to a major arterial road.

Note

1. 9.5.4.a.iv and v continue to apply whether or not the site is separated from the road by a segregation strip or service lane.

9.5.5 New supermarkets in the Industrial Zone

- a. Resource consent applications for new supermarkets in the Industrial Zone must provide a Centre Assessment Report which:
 - i. addresses assessment criteria H2; and
 - ii. demonstrates that the proposal will not undermine the role and function of other centres within the localised catchment in the business hierarchy.

9.5.6 Extensions to existing supermarkets in the Industrial Zone

- a. Any extension to a supermarket which was existing and trading at 15 September 2015 shall not exceed 500m² of retail floor space, either in a single stage or cumulatively.

9.5.7 Extensions to supermarkets in the Industrial Zone, not existing at 15 September 2015

- a. Resource consent applications for an extension to a supermarket not existing at 15 September 2015 must be accompanied by a Centre Assessment Report which:
 - i. demonstrates how the proposal will not undermine the role and function of other centres within the localised catchment in the business hierarchy.

9.5.8 Office and retail activities lawfully established at 10 December 2012

- a. Any office or retail activity permitted under 9.3.2 g. or j. shall hold records to prove that the activity was lawfully established and operating at 10 December 2012, including details of the following:
 - i. The gross floor area that was being used for trading at 10 December 2012; and
 - ii. The number of tenancies existing on site at 10 December 2012.

9.5.9 Office and retail activities established at 10 December 2012

- a. Resource consent applications for any office or retail activity which is a discretionary activity under Rule 9.3.2 h. or k. shall provide records to prove that the activity was established and operating at 10 December 2012, including details of the following:
 - i. The gross floor area that was being used for trading at 10 December 2012; and
 - ii. The number of tenancies existing on site at 10 December 2012.
- b. Resource consent applications for office and retail activities provided for as a discretionary activity under Rule 9.3.2 h. or k. must provide a Centre Assessment Report to address the potential effects in terms of the criteria set out in Appendix 1 — Clause 1.3.3H.

9.5.10 Managed care facilities, retirement villages and rest homes in the area identified in Figure 9.3a

- a. Site coverage
Maximum of 50%
- b. Permeable Surface
Minimum of 20%
- c. Height
The maximum height of buildings shall be 15m except that when any building is located in the Amenity Protection Area the maximum height shall be 10m.
- d. Height in relation to boundary
 - i. 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.

Except that:
 - a. Where buildings are attached, no height control plane is required between those buildings
 - b. Where a boundary adjoins a transport corridor or access way, the 45-degree angle applies to that boundary, measured 3m above the boundary

- c. 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 groundlevel at the midway line.

e. Setbacks

- i. Managed care facilities, retirement villages and rest homes shall be set back 30m from the following:
- The boundary of Te Rapa Road;
 - The boundary of any other industrial site; and
 - Any other industrial activity on the same site.

f. Lighting and Glare, Noise and Smoke, Fumes, Odour and Dust

Where the residential activities listed above are established on site, the following standards shall apply in addition to all other relevant city-wide standards:

i. Lighting and Glare

All residential activities shall be located to avoid the spill of light from artificial lighting (excluding street and navigation lights and traffic signals) from other activities in excess of 3 lux (horizontal and vertical) when measured at any point within 1.5m of the boundary of a residential activity.

ii. Noise and Vibration

Residential activities shall be located to ensure that noise from any surrounding activity does not exceed the following limits, when measured within any point within 1.5m of the boundary of the residential activities.

Time of day	Noise level measured in LAeq [15 min]	Noise level measured in LAFmax
0600-0700 hours	45 dB	75 dB
0700-2000 hours	50 dB	-
2000-2300 hours	45 dB	-
2300-0600 hours	40 dB	75 dB

Note

Rule 25.8.3.10 Noise-sensitive Activities — Activities in all Zones applies for all noise sensitive activities.

iii. Smoke, Fumes, Odour and Dust

All residential activities shall be located to avoid objectionable or offensive dust, smoke, fumes or odour from any site including uses on the same site.

g. Hazardous Facilities

- i. Residential activities may only locate within 30m of a Hazardous Facilities where the activity has quantity ratio of <0.2 as per Rule 25.4.5.1.

h. Density

- i. The minimum area of land (net site area) required in respect of each residential unit (in the case of Retirement Villages) or resident (in the case of rest homes and managed care facilities) shall be:

Activity	Minimum net site area
i. Rest homes	50m ² per resident
ii. Managed care facilities	100m ² per resident
iii. Retirement Villages	300m ² per single dwelling unit 400m ² per duplex (200m ² per unit) Apartments — Average net site area of 150m ² per residential unit

- i. Interface between public and private (these standards only apply to front, corner and through sites):

i. Location of accessory building:

- a. All detached accessory buildings shall be located no further forward of the front building line of the dwelling than 0.5m;
- b. Accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door is to face the street, be located no further forward of the front building line of the dwelling than 0.5m;
- c. Accessory buildings that are an integral part of the design and construction of the dwelling, if the garage door is 90 degrees to the street, shall be forward of the front line of the dwelling, by no more than 8m.

- ii. At least one habitable room shall have a clear-glazed window facing the transport corridor. For corner and through sites this shall be required only on the frontage from which vehicular access is provided.

- iii. Fences and walls shall have a maximum height of 1.8m.

j. Residential Buildings — Separation and Privacy

- i. Residential buildings shall be set back at least 3m from the nearest part of any other residential building on the same site, except:

- a. No separation is required between buildings that are attached.
- b. 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.

- ii. A balcony at upper-floor level shall be set back at least 5m from all boundaries (see Figure 4.4.9c).

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.

9.5.10.1 Managed Care Facilities

The following standards shall apply to any Managed Care Facility in the area identified in Figure 9.3a.

- 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. 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.

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

9.5.10.2 Rest Homes

The following standards shall apply to any rest home in the area identified in Figure 9.3a.

- a. The maximum density for rest homes shall be one person per 50m² of net site area.
- b. 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.
- c. 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.
- d. 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.

9.5.10.3 Retirement Villages

The following standards shall apply to any Retirement Village in the area identified in Figure 9.3a.

- a. Minimum site area of 2000m²
 - b. No more than 20% of residential units shall be in the form of apartments
 - c. Required to undertake a Water Impact Assessment, as described in Volume 2, Appendix
-

1.2.2.5

d. Outdoor Living Area

- i. Each residential unit, except for when a communal open space is provided, shall be provided with an outdoor living area that is:
- a. For the exclusive use of each residential unit.
 - b. Readily accessible from a living area inside the residential unit.
 - c. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - d. Located on a side of the residential unit which faces north, east or west. For the purpose of this standard, a side that faces north, east or west means the area to the:
 - West of the westernmost and/or easternmost corners of the dwelling, and/or
 - West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or
 - East of the east facing façade aligned at no more than 15 degrees to the north-south axis.
- ii. Communal open space for 4 or more residential units and apartment buildings shall comply with 4.4.10.b.iii. as well as being:
- a. For the shared use of all residents on site, and
 - b. Readily accessible from all residential units on site.
- iii. Outdoor living areas shall have areas and dimensions as follows.

Residential Units	Outdoor living area per residential unit	Shape
i. Including single residential dwellings and duplex dwellings	60m ²	Capable of containing a 6m diameter circle No dimension less than 2.5m
ii. Communal open space for 4 or more residential units for the exclusive use of the residential units	12m ²	Capable of containing a 8m diameter circle No dimension less than 4m
iii. Apartment Buildings	12m ²	No dimension less than 2.5m

- iv. Any communal open space shall be optional but cannot contribute more than 50% of the above provisions.
- v. Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.

e. Service Areas

Description	Minimum requirements per Residential Area
i. Every site, including first single dwelling but excluding apartments	i. At least 20m ² ii. Minimum dimension 3m
ii. Second and subsequent residential units, including duplex dwellings	i. Additional 20m ² for second and each subsequent residential unit ii. Minimum dimension 3m
iii. Apartments	Individual or communal: i. 10m ² ii. Minimum dimension 2.5m
iv. All service areas	i. Readily accessible from each residential unit ii. Not visible from a public place

9.5.11

Activities on defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044

a. Noise

Any activity locating on defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 after the establishment of any activity listed in 9.5.11 shall ensure that the existing residential activity is not subject to any noise that exceeds the following limits when measured within any point within 1.5m of the boundary of the residential activities.

Time of day	Noise level measured in L _{Aeq} [15 min]	Noise level measured in L _A F _{max}
0600-0700 hours	45 dB	75 dB
0700-2000 hours	50 dB	-
2000-2300 hours	45 dB	-
2300-0600 hours	40 dB	75 dB

For the avoidance of doubt, this standard applies to the defined site and replaces any City-wide noise provisions which may apply to the zone.

b. Hazardous Facilities

Any hazardous facility locating on defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 within 30m of any established activity listed in 9.5.11 shall have a quantity ratio of <0.2 as per Rule 25.4.5.1.

For the avoidance of doubt, this standard applies to the defined site and replaces any City-wide Hazardous Facility provisions which may apply to the zone.

c. Collector Road and Te Rapa Road Intersection

- i. Prior to the commencement of development of managed care facilities, retirement

villages, rest homes or visitor accommodation on the defined site shown on Figure 15-7c:

- a. The Future Road shown on Figure 15-7c to connect between Maui Street and Eagle Way shall be constructed to collector road standard and vested in the Council, and;
- b. The existing through lane on the Eagle Way approach to the Te Rapa Road intersection shall be changed to a shared through and right-turn lane, or other intersection configuration to optimise intersection performance as determined through an ITA.

9.5.12 Building Setbacks in the Crawford Street Freight Village

Building setback from	Minimum distance
a. Transport corridor boundary — local and collector transport corridors	3m
b. Transport corridor boundary — arterial transport corridors	15m
c. Other boundaries	0m/nil

9.6 Controlled Activities: Matters of Control

- a. In determining any application for resource consent for a controlled activity in addition to compliance with the relevant standards within 9.4-9.5 the Council shall have control over the following matters referenced below.

Activity Specific	Matter of Control and Reference Number (Refer to Volume 2, Appendix 1.3.2)
i. Light Industrial*	B Industrial Zone
ii. Service Industrial*	B Industrial Zone
iii. Ancillary residential unit*	B Industrial Zone

Note

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

9.7 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 with 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
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	Reference Number (Refer to Volume 2, Appendix 1.3)
i. Any Industrial activity in the Riverlea Industrial Area or Rotokauri Employment Area	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
ii. Parking lots and parking buildings in the Rotokauri Employment Area	<ul style="list-style-type: none"> • C — Character and Amenity
iii. Emergency services facilities	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
iv. Childcare facilities	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
v. Drive-through services*	<ul style="list-style-type: none"> • M — Drive-through services • C — Character and Amenity • F — Hazards and Safety
vi. Noxious or offensive activities	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
vii. Activities requiring an air-discharge consent	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
viii. Transport depot	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
ix. Health care services other than those provided for as a permitted activity	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
x. Boarding kennels and catteries	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
xi. New supermarkets in the industrial zone	<ul style="list-style-type: none"> • A1 — General Criteria • M — Supermarkets • G — Transport • H2 — Function, Vitality and Amenity of Centres
xii. Extensions to supermarkets not existing at 15 September 2015	<ul style="list-style-type: none"> • A1 — General Criteria • M — Supermarkets • G — Transport
xiii. Managed care facilities; retirement villages and rest homes on the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044	<ul style="list-style-type: none"> • B — Design and Layout • C — Character and Amenity (C1, C2, C10-16) • F — Hazards and Safety • G- Transportation
xiv. Yard based retail	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
xv. Gymnasiums	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety
xvi. Places of worship	<ul style="list-style-type: none"> • C — Character and Amenity • F — Hazards and Safety

9.8 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

Working Version 7/07/2023

23 Subdivision

23.1 Purpose

- a. Subdivision is essentially the process of dividing a parcel of land or a building into one or more further parcels, or changing an existing boundary location. Subdivision by itself is not a use of land, however it often sets the platform for future development and land use.
- b. The development and use of land and buildings can be facilitated by subdivision. As such, the purpose of this chapter is to ensure that subdivision activities within the City are undertaken in a manner that supports the outcomes sought in the underlying zone. It is also to ensure the integrated management of the effects of the use, development or protection of land and associated natural and physical resources.

23.2 Objectives and Policies: Subdivision

Objective	Policies
<p>23.2.1 To ensure that risk to people, the environment and property is not exacerbated by subdivision.</p>	<p>23.2.1a Subdivision:</p> <ol style="list-style-type: none"> i. Does not result in increased risk of erosion, subsidence, slippage or inundation. ii. Minimises any adverse effects on water quality. iii. Ensures that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards. iv. Ensures that any risks associated with soil contamination are appropriately remedied as part of the subdivision process. v. Ensures reverse sensitivity mitigation measures avoid or minimise effects such as noise associated from an arterial transport corridor or State Highway.
<p>Explanation</p> <p><i>The policies ensure that land is suitable for subdivision and will not increase risks to people, the environment and property.</i></p>	
Objective	Policies
<p>23.2.2 Subdivision contributes to the achievement of functional, attractive, sustainable, safe and well designed environments.</p>	<p>23.2.2a Subdivision:</p> <ol style="list-style-type: none"> i. Is in general accordance with Subdivision Design Assessment Criteria to achieve good amenity and design outcomes. ii. Is in general accordance with any relevant Structure Plan.

	<ul style="list-style-type: none"> iii. Is in general accordance with any relevant Integrated Catchment Management Plan. iv. Maintains and, where possible, enhances existing amenity values. v. Promotes energy, water and resource efficiency. vi. Provides for the recreational needs of the community. vii. Discourages cross-lease land ownership. viii. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring. ix. Contributes to the achievement of identified residential yield requirements over time where appropriate. x. Avoids or minimises adverse effects on the safe and efficient operation, maintenance of and access to network utilities and the transport network. xi. Is avoided where significant adverse effects on established network utilities or the transport network are likely to occur. xii. Promotes connectivity and the integration of transport networks. xiii. Provides appropriate facilities for walking, cycling and passenger transport usage. xiv. Provides and enhances public access to and along the margins of the Waikato River and the City's lakes, gullies and rivers. xv. Facilitates good amenity and urban design outcomes by taking existing electricity transmission infrastructure into account in subdivision design, and where possible locating compatible activities such as infrastructure, roads or open space under or in close proximity to electricity transmission infrastructure. xvi. Ensures that a compliant building platform can be accommodated within the subdivided allotment outside of the National Grid Yard.
<p>Explanation</p> <p><i>Subdivision has a lasting impact on the built form and function of a city. These policies require that the subdivision process respond to the range of form and function matters, such as urban design and resource efficiency, identified in the policy in order to achieve good environmental and built form outcomes in Hamilton City.</i></p>	

Objective	Policies
23.2.3 Medium-Density Residential Zone (excluding Rotokauri North) and Rototuna Town Centre Zone areas are developed comprehensively.	23.2.3a Subdivision that creates additional allotments in the Medium-Density Residential Zone (excluding Rotokauri North) or the Rototuna Town Centre Zone does not occur without an approved Comprehensive Development Plan or Land Development Consents for Ruakura and Te Awa Lakes.
Explanation	
<i>Comprehensive Development Plans are a useful tool to ensure a comprehensive approach to the layout and design of medium-density development. The Board of Inquiry Decision for Ruakura included a Land Development Consent process to ensure a comprehensive approach to layout and design within the medium density development occurs.</i>	
Objective	Policies
23.2.4 To ensure the provision of infrastructure services as part of the subdivision process.	23.2.4a Subdivision: <ul style="list-style-type: none"> i. Provides an adequate level of infrastructure and services appropriate for the proposed development. ii. Takes into account and shall not compromise the infrastructural needs of anticipated future development. iii. Does 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.
Explanation	
<i>Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Specifications. The Ruakura Structure Plan area includes two areas of Large Lot Residential Zones which are not anticipated to be serviced with Three Waters infrastructure, and should accommodate on-site servicing. Parts of the Future Urban Zone, where rural uses are to predominate, will also contain on-site servicing.</i>	
Objective	Policies
23.2.5 Subdivision occurs in a manner that recognises historic heritage and natural environments.	23.2.5a Subdivision avoids, remedies or mitigates adverse effects on: <ul style="list-style-type: none"> i. Scheduled heritage items. ii. Scheduled archaeological and cultural sites. iii. Scheduled significant trees.

	<p>iv. Scheduled significant natural areas.</p> <p>v. The Waikato River and gullies and river banks, lakes, rivers and streams.</p>
	<p>23.2.5b Subdivision protects, and where possible enhances any:</p> <p>i. Landforms and natural features.</p> <p>ii. Vegetation.</p>
	<p>23.2.5c Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City's lakes, gullies and rivers.</p>
Explanation	
<i>Subdivision and the associated development of land often involves modification and this has the potential to cause or exacerbate adverse effects. These effects should be managed through the location and design of subdivision.</i>	
Objective	Policies
<p>23.2.6 Subdivision of an existing, or an approved, development shall have suitable instruments in place to manage individual ownership, and any shared rights and interests in common.</p>	<p>23.2.6a To ensure that any subdivision is supported by management structures and legal mechanisms that provides certainty of, and enables effective ongoing, management, maintenance and operation of land, structures, services, apartment buildings, and common areas.</p>
Explanation	
<i>The objective and policy ensures that the type of land tenure proposed is the most appropriate to the nature and configuration of underlying development. In the case of fee simple subdivision of apartment buildings, the means by which shared and common components are to be managed by multiple parties is clearly demonstrated and established at the time of application for subdivision.</i>	
Objective	Policies
<p>23.2.7 Subdivision in Rotokauri North is designed comprehensively to ensure a medium-density environment with a high standard of urban design quality.</p>	<p>23.2.7a Enable subdivision in Rotokauri North that:</p> <p>i. Creates lots that are generally rectangular in shape with a greater depth than width;</p> <p>ii. Provides lots of a suitable shape and size for apartment developments;</p> <p>iii. Forms a well-connected block structure that avoids:</p> <ul style="list-style-type: none"> • rear lots wherever possible; and • culs-de-sac, except where there is no practical alternative (e.g., adjoining the green spine) and pedestrian connectivity can still be achieved; <p>iv. Maximises street or pedestrian frontage to public spaces, including at least one side of streams or drainage</p>

	<p>reserves that are longer than 250m;</p> <p>v. Maximises land efficiency to promote affordable housing while achieving clauses iii and iv above;</p> <p>vi. Can accommodate a permitted activity duplex dwelling.</p>
Explanation	

The objective reflects the overall design approach for Rotokauri North, 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). It recognises that the environment must create liveable and useable spaces. The policies require the development of urban blocks and interconnected roading networks at the time of subdivision, and for dwellings to create public fronts which address the street and encourage interaction, whilst generally ensuring that back yards are provided for private outdoor living spaces.

Achieving the Rotokauri North subdivision pattern of development through lot and urban block layout is important to establishing a high-quality medium-density living environment, and ensuring the integration of subdivision and land use outcomes, particularly where these relate to the creation of vacant fee simple lots and their subsequent development with individual houses.

23.3 Rules – Activity Status Tables

Table 23.3a: General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 7, Industrial, Knowledge, Ruakura Logistics, Ruakura Industrial Park, Future Urban, All Open Space, Major Facilities, Community Facilities and Transport Corridor Zones and All Hazard Areas

Activity	General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 – 7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park Zones	Future Urban Zone	All Open Space Zones, Major Facilities, Community Facilities, Transport Corridor Zones	All Hazard Areas
For Medium-Density Residential, Rototuna Town Centre Zone and Te Rapa North Industrial Zone see Table 23.3b below. For Special Character Zones see Table 23.3c below. For Rotokauri North see Table 23.3d below.				
i. Boundary adjustments	P	RD	P	RD
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing	P	P	P	P

alterations to existing buildings or additional lawfully established buildings				
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD	RD	D
v. Fee simple subdivision* (includes fee simple subdivision of apartment buildings)	RD*	RD*	RD*	D
vi. Cross-lease subdivision	NC	NC	NC	NC
vii. Company-lease subdivision*	RD*	RD*	RD*	D
viii. Unit-title Subdivision*	RD*	RD*	RD*	D
ix. Leasehold Subdivision	RD	RD	RD	D
x. Subdivision involving any allotment within the Electricity National Grid Corridor	RD	RD	RD	D
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, {Link, 10178, Schedules 8A} and 8B	D	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	D	D	D	D

Table 23.3b: Medium-Density Residential Zones (excluding Rotokauri North [and Te Rapa Racecourse Medium-Density Residential Precinct](#)) and Rototuna Town Centre Zones, and Te Rapa North Industrial Zone

Activity	Medium-Density Residential and Rototuna Town Centre Zones		Ruakura and Te Awa Lakes Medium-Density Residential Zone	Te Rapa North Industrial Zone			
	Without an approved CDP	As part of or after a CDP has been approved	With an approved LDC or an LDC with subdivision activity	Deferred Industrial outside of Stage 1A	Within Stage 1A without a CDP	Within Stage 1A after a CDP	Te Rapa Dairy Manufacturing Site?
For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 7,							

Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban, all Open Space, Major Facilities, Community Facilities and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above. For Special Character Zones see Table 23.3c below.							
i. Boundary adjustments Inclusive where no LDC exists for Ruakura and Te Awa Lakes Medium-Density Residential Zone	P	P	P	P	P	P	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor inclusive where no LDC exists for Ruakura and Te Awa Lakes Medium-Density Residential Zone	RD	RD	RD	RD	D	RD	RD
v. Fee simple subdivision	NC	D	RD*	NC	D	RD*	RD*
vi. Cross-lease subdivision*	NC	NC	NC	NC	NC	NC	NC
vii. Company-lease subdivision	NC	RD	RD	NC	D	RD	RD
viii. Unit-title Subdivision*	NC	RD*	RD*	NC	D	RD*	RD*
ix. Leasehold Subdivision	NC	RD	RD	NC	D	RD	RD
x. Subdivision involving any allotment within the	NC	RD	RD	RD	D	RD	RD

Electricity National Grid Corridor							
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedules 8A and 8B	NC	D	D	NC	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	NC	D	D	NC	D	RD	RD

Table 23.3c: Special Character Zones

Activity	All Special Character zones		Special Natural Zone		Rototuna North East Character Zone, Special Residential Zone, Special Heritage Zone and Special Natural Zone	
	Temple View Zone	Peacocke Character Zone	Lot 2 DP425316			
		Without an approved Master Plan	As part of or after a Master Plan has been approved	Without an Approved CDP	As part of an application for a CDP or after a CDP has been approved	
For Medium-Density Residential, Rototuna Town Centre Zone and Te Rapa North Industrial Zone see Table 23.3b above. For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 – 7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban, all Open Space, Major Facilities, Community Facilities, and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above.						
i. Boundary adjustments	RD	RD	RD	RD	RD	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established	P	P	P	-	P	P

buildings						
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	-	-	P
iv. Subdivision to accommodate a: - network utility service or - transport corridor	RD RD	RD RD	RD RD	RD NC	D D	RD RD
v. Fee simple subdivision*	D	-	-	NC	D	RD*
a. Fee Simple Subdivision within the Peacocke Character Zone for lots greater than 10ha	-	RD	RD	-	-	-
b. Fee Simple Subdivision within the Peacocke Character Zone for lots between 10ha and 2ha in the Terrace Area and between 10ha and 5000m ² in the Gully and Hill Areas	-	D	D	-	-	-
c. Fee Simple Subdivision within the Peacocke Character Zone for lots less than 2ha in the Terrace Area and less than 5000m ² in the Gully and Hill Areas	-	NC	D	-	-	-
d. Subdivision within the Peacocke Character Zone to	-	D	D	-	-	-

establish a Master Plan neighbourhood area according to Volume 2, Appendix 2, Figure 2-3 Peacocke Structure Plan – Character Areas and Neighbourhoods						
e. Boundary relocation	-	D	D	D	D	-
vi. Cross-lease subdivision	NC	NC	NC	NC	NC	NC
vii. Company-lease subdivision*	D	NC	D	NC	D	RD*
viii. Unit-Title subdivision*	D	NC	D	NC	D	RD*
ix. Leasehold subdivision	D	NC	D	NC	D	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	-	-	-	-	-	RD
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedule 8A and 8B	D	D	D	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	D	D	D	NC	D	D

Table 23.3d: All zones in Rotokauri North

Activity

Activity Status

i. Boundary adjustments	P
ii. Amendments to unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P
iii. Subdivision to accommodate a network utility service or transport corridor	RD
iv. Cross-lease subdivision	NC
v. Company-lease subdivision*	RD*
vi. Unit-title Subdivision*	RD*
vii. Leasehold Subdivision	RD
viii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	RD
ix. Fee simple subdivision*:	RD*
a. Any subdivision not in accordance with the Rotokauri North Structure Plan (Figure 2-8A)	D
b. Any fee simple subdivision which creates a rear lot	NC
c. Creation of any vacant lots not meeting the minimum lot size specified in Rule 23.7.1 below	NC
d. Creation of any vacant lots not meeting the minimum lot dimensions specified in Rule 23.7.8 below	D
e. Any subdivision not meeting the block layout dimensions or minimum specified in Rule 23.7.8 below	D
f. Any subdivision with access not meeting Rule 23.7.8 below	D
g. Any subdivision to create road to vest that does not meet the minimum widths in 23.7.8	D
x. Any subdivision which results in a permanent cul-de sac	D
xi. Subdivision in accordance with a land use consent	RD*
xii. Subdivision of a duplex which meets Rule 4.7.12.a to create fee simple titles	RD*
xiii. Subdivision of apartments to create fee simple or unit titles.	RD*

Table 23.3e: Te Rapa Racecourse Medium Density Residential Precinct

Activity	Activity Status
i. Boundary adjustments	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P

Commented [J01]: Kainga Ora submission 24.19. Although cross-leases are highly unlikely this amendment is for consistency with PC12.

iii. Subdivision to accommodate a network utility service or transport corridor	RD
iv. Conversion of cross-lease titles into fee simple titles	P
iv. Cross-lease subdivision	NC
v. Company-lease subdivision	RD
vi. Unit-title Subdivision	RD
vii. Leasehold Subdivision	RD
viii. Fee simple subdivision that creates vacant lots	RD
ix. Any subdivision not in general accordance with the Te Rapa Racecourse Medium-Density Residential Precinct Plan (Figure 4.5-1)	D
x. Creation of any vacant lots not complying with the minimum lot size specified in Rule 23.7.1 below	D
xi. Creation of any vacant lots not complying with the minimum lot dimensions specified in Rule 23.7.9 below	D
xii. Any subdivision to create roads to vest or rear lanes that do not meet the minimum widths in Rule 23.7.9 below	D
xiii. Subdivision in accordance with a land use consent that is determined concurrently with the subdivision consent if the applicant for the resource consent demonstrates that: a. It is practicable to construct on every allotment within the proposed subdivision a residential unit as a permitted activity or in accordance with the concurrent land use consent; and b. Each residential unit complies with any other relevant rules in the Te Rapa Racecourse Medium Density Residential Precinct; and c. No vacant allotments are created.	C
xiv. Subdivision of existing duplexes to create fee simple or unit titles	C
xv. Subdivision of existing apartments to create fee simple or unit titles.	C
xvi. Any subdivision to create lots within the Low Flood Hazard Area shown on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1)	RD
xvii. Any subdivision that is not in general accordance with the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1)	RD

Commented [J02]: Kainga Ora submission 24.19. Although cross-leases are highly unlikely this amendment is for consistency with PC12.

Commented [J03]: Metlifecare submission 4.6. Consequential

Note

1. Consultation with Transpower New Zealand Limited (or its successor) is advised when considering subdivision within the Electricity National Grid Corridor. Transpower New Zealand will be an affected party for any development requiring resource consent for a subdivision under or adjacent to high voltage transmission lines.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*).
3. For any activity not identified above, see Section 1.1.8.1.

23.4 Rules – Application of the Transport Corridor Zone

- a. After 13 November 2012 land that is vested in the Council or the Crown as road pursuant to any enactment or provision in this plan, and has been formed as road to Council's required standards, then from the date of formation of the road, the land shall be subject to the rules in the Transport Corridor Zone but shall retain its current zoning.

23.5 Rules – General Standards

23.5.1 Telecommunication, Electricity, Gas and Computer Media

- a. Telecommunication, electricity, gas and ducting for computer media shall be provided at the time of subdivision, in accordance with the requirements of the relevant network utility operator and the relevant standards of the applicable zone.
- b. Telecommunication, electricity, gas and ducting for computer media shall be underground where possible.

Note

1. Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Specifications.

23.5.2 Provision of Esplanade Reserves and Strips

- a. An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of:
 - i. The Waikato River.
 - ii. The margins of Lake Rotoroa (Hamilton Lake).
 - iii. Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.
 - iv. Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then additional land shall be vested to increase the minimum width to 20m.

23.5.3 Provisions in Other Chapters

- a. The provisions of the following chapters apply to activities within this chapter where relevant.
 - Chapter 3: Structure Plans
 - Chapter 25: City-wide

23.6 Rules – Specific Standards

- a. The standards of Rule 23.6 shall not apply to the subdivision of land to accommodate a network utility service.

23.6.1 Subdivision in the Ruakura Structure Plan Area

- a. Any subdivision which creates new allotments in the Ruakura Structure Plan area cannot initiate land use or development which is contrary to Rules 3.7.4.1 to 3.7.4.5 and Rule 3.7.5 of Chapter 3: Structure Plans, except as provided for within the Large Lot Residential Zone.
- b. A consent notice may be registered against the title of any new allotment to ensure compliance with the Ruakura Structure Plan area rules in Rules 3.7.4.1 to 3.7.4.5 and Rule 3.7.5 of Chapter 3: Structure Plans.
- c. Any subdivision which creates new allotments, and is in accordance with (a) and (b) above where applicable, shall be in accordance with the zoning of the land as identified on the Planning Maps and in accordance with Rule 3.7.4.1.

23.6.2 Company Leases and Unit Title Subdivision

- a. Where an allotment is subject to an application for subdivision consent by way of company lease or unit title subdivision the following rules shall apply.
 - i. All existing buildings to which the subdivision relates shall have:
 - Existing use rights.
 - Been erected in accordance with a resource consent or certificate of compliance and building consent has been issued.
 - Comply with any relevant standards.
- b. All areas to be set aside for the exclusive use of each building or unit shall be shown on the survey plan, in addition to any areas to be used for common access or parking or such other purpose.
- c. In all staged subdivisions, provision shall be made for servicing the building or buildings and all proposed future buildings on the allotment.
- d. Where subdivision consent has been approved, no alterations shall be made to the position of the boundary lines delineated on the survey plan, or otherwise defined, without further subdivision consent.
- e. A design report shall be submitted detailing the effects of the proposed subdivision on the existing buildings pursuant to Section 116A of the Building Act 2004.
- f. If alterations to buildings are necessary to fulfil the requirements of the Building Act or conditions of subdivision consent, they shall be undertaken in terms of a building consent and completed before the issue of a certificate under Section 224 of the Resource Management Act 1991. Such alterations shall comply with the relevant standards of the relevant zone and this chapter.

23.6.3 Amendments to a Cross-lease, Company Lease or Unit Title Plan

- a. The amendments shall be for the purpose of showing alterations to existing buildings or additional lawfully established buildings.
- b. The alteration shall be either permitted or otherwise lawfully established.

23.6.4 Cross-lease to Fee Simple Subdivision

- a. The proposed boundaries shall align with those exclusive use area boundaries on the cross-lease plan. Where no exclusive use areas are shown on the cross lease plan the boundaries shall align with the exclusive and established pattern of occupation associated with the existing underlying development.
- b. Where required to protect services, easements shall be provided.
- c. Rule 23.7 – Subdivision Design Standards shall not apply to subdivisions under this rule.
- d. The relevant land use rules in the respective zones (excluding Chapter 25.13 Three Waters) shall not apply to existing legally established buildings.

23.6.5 Leasehold Subdivision

Where an allotment is subject to an application for subdivision consent by way of leasehold subdivision the following rules shall apply where relevant.

- a. Section 23.4 Application of the Transport Corridor
- b. Section 23.5 Rules - General Standards
- c. Section 23.6 Rules - Specific Standards
- d. Section 23.7 Subdivision Design Standards

23.6.6 Boundary Adjustments

- a. Any boundary adjustment shall not result in the creation of additional allotments, except in circumstances where a boundary adjustment creates an additional allotment or allotments which are required to be held together with another allotment or allotments by way of compulsory amalgamation condition.
- b. Any boundary adjustment shall not alter the size of an existing allotment by greater than 10% of the registered allotment size.
- c. Any allotment subject to a boundary adjustment shall comply with all relevant development and performance standards.
- d. Where required to protect services, easements shall be provided.

23.6.7 Subdivision Activities within the Electricity National Grid Corridor

- a. Any subdivision which creates new allotments within the Electricity National Grid Corridor shall

identify a building envelope, compliant with the relevant zone standards and the standards of this Chapter and clear of the National Grid Yard.

- b. Failure to comply with the above standard will result in the proposal being assessed as a non-complying activity.

23.6.8 Subdivision in the Medium-Density Residential Zones and Rototuna Town Centre Zone (excluding Rotokauri North Medium Density Residential Zone and Te Rapa Racecourse Medium Density Residential Precinct)

- a. Subdivision shall only take place in conjunction with a Comprehensive Development Plan or Land Development Plan application or after a Comprehensive Development Plan or Land Development Plan application has been granted. References to Land Development Plan in this rule relate to the Te Awa Lakes Medium-Density Residential Zone.
- b. Allotment area and configuration shall conform to the allotment areas approved as part of the land-use consent.
- c. A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land-use consent.
- d. The standards in Rule 23.6.8.a to c. do not apply to subdivision to accommodate a network utility service or transport corridor.
- e. Subdivision in Land Development Plan Areas Q and R and Area X in the Business 6 Zone, shown on Figure 2-21 in Appendix 2 Structure Plans, that does not comply with a. above is a prohibited activity.

Note

- 1. Refer to Rule 23.6.1 for Medium-Density Residential Subdivision in the Ruakura Structure Plan area

23.6.9 Subdivision in the Te Rapa North Industrial Zone

- a. Subdivision occurring in Stage 1A shall only occur over the following land areas:
 - i. Post the Te Rapa section of the Waikato Expressway being open for public use, and prior to 1 January 2021 no more than 7ha of land shall be able to be subdivided; 7ha only in Stage 1A.
 - ii. After 1 January 2021 a maximum of 23ha of land shall be able to be subdivided, 23ha in Stage 1A, being additional to the 7ha provided for Stage 1A prior to 2021.

23.6.10 Subdivision Within Stage 1 of the Peacocke Structure Plan Area

- a. As part of any subdivision of Sec 1 SO 57582 or the balance of this parent lot, the following infrastructure requirements shall be met and certified by Council.
 - i. Upgrading of the existing wastewater network to provide for future development on the site.
 - ii. Implement a solution at the Dixon Road and State Highway 3 intersection that mitigates

the adverse effects of potential traffic volumes from within Stage 1.

iii. Any subdivision that does not comply with i. and ii. above will be a non-complying activity.

23.6.11 Subdivision in the Peacocke Character Zone

Activity	Standards	
	Terraced Area	Gully Area and Hill Areas
a. Fee Simple Subdivision for lots greater than 10ha	180m frontage onto a formed and sealed legal road forming part of the City's transport network	
b. Fee Simple Subdivision for lots between 10ha and 2ha in the Terrace Area and between 10ha and 5000m ² in the Gully and Hill Areas	1. Lots between 10ha and 2ha i. Only applies to allotments created prior to 1 September 2011 or if the allotment was created by an acquiring authority, or by boundary adjustment ii. Limited to one new lot per parent title, other than for utility and access allotments	2. Lots between 10ha and 5000m ² i. Only applies to allotments created prior to 1 September 2011 or if the allotment was created by a requiring authority, or by boundary adjustment ii. Average lot Size = 1ha iii. Limited to one new lot per parent title other than for utility and access allotments
	Note 1. A simple Integrated Transport Assessment (ITA) is required as part of the subdivision consent information requirements (refer {Link, 6163,Rule 25.14.3}) 2. A Subdivision Concept Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.c)	
c. Fee Simple Subdivision for lots less than 2ha in the Terrace Area and less than 5000m ² in the Gully and Hill Areas	1. Lots Less than 2ha i. Provide full urban infrastructure ii. Connection to the existing wastewater network to the satisfaction of Council iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network	2. Lots less than 5000m ² i. Provide full urban infrastructure ii. Connection to the existing wastewater network to the satisfaction of Council iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network
	Note 1. A Master Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.3)	
d. Boundary Relocation Subdivision	i. Minimum lot size of 5000m ² ii. Shall not create any additional certificates of title. iii. All lots involved in the subdivision shall have formed and legal vehicle access iv. A concept plan shall be prepared showing how the allotments in the subdivision can be subsequently re-subdivided in accordance with Volume 2, Appendix 1.2.2.2	

e. Any subdivision, other than for urban purposes, shall be required to have a consent notice placed on all titles issued from the subdivision (including the parent lot) requiring the payment of any outstanding development contributions prior to the subdivision of the title for urban

purpose being allowed.

- f. Except that the lots approved via subdivision consents (Council Consent Reference Numbers: 11.2009.20620, 11.2009.20621, 11.2099.20769, 11.2009.20770, 11.2007.18574, and 11.2011.22366) granted over the land described as Pt Lot 6 DP 34164, Lot 1 DPS 12991, Lot DPS 78023, Lot 1 DPS 76734, Lot 5 DPS 45202, Lot 2 DP 23381, Lot 5 DP 17475 Lot 8 DP 34164, Allotment 87, Pt Allotment 93 and Pt Allotment 94 Te Rapa PSH, Lot 3 DPS 45202, lots 1, 2 and 3 DPS 40592 and Lots 1, 2, 3, and 4 DPS 81210 can be used to create up to 52 lots for urban purposes without complying with Rule 23.6.10.c.1 or 2 provided that:
- i. A wastewater system sufficient to service urban purposes is provided and certified by Council.
 - ii. A stormwater disposal solution is provided and certified by Council.
 - iii. A Master Plan for the area of not less than one neighbourhood, as identified within Volume 2, Appendix 2, Figure 2-3. Refer to Volume 2, Appendix 1.2.2.3 for information requirements.
 - iv. No further subdivision creating additional allotments is permitted unless Rule 23.6.11.c.1 or 2 is complied with.
- g. Any subdivision for urban purposes that is in accordance with an approved Master Plan shall not be required to prepare an Integrated Catchment Management Plan.
- h. Any subdivision for urban purposes that is in accordance with an approved Master Plan shall not be required to prepare an Integrated Transport Assessment.
- i. Any subdivision within the Peacocke Character Area which does not comply with the standards in Rule 23.6.11 will be a non-complying activity.

23.6.12 Subdivision in the Rototuna North East Character Zone

- a. The maximum development yield shall be 1100 residential units.
- b. The provision of a neighbourhood park area:
 - i. The first subdivision of land adjoining the Waikato Expressway designation (Designation E90) shall submit for approval as part of the subdivision, a neighbourhood park concept plan, consisting of detailed plans and supporting documentation for the entire future reserve area as located on the Rototuna Structure Plan.
 - ii. The neighbourhood park shall:
 - Ensure varied widths no less than 20m.
 - Address and accommodate topographical constraints to ensure usability of the area for informal recreation.
 - Include flat open spaces for informal recreational.
 - Include one area of between 300m² and 800m² for the provision of a children's play

area. The location and design of this plan area shall ensure the safe operation of the playground and shall have regard to any stormwater attenuation areas and the roading and cycling network. Where necessary, additional safety measures will be taken, such as fencing.

- Include landscaping areas to provide an interesting and varied visual amenity for the area. These areas are to include varied vegetated areas (with the exception of the proposed Cycle and Walking access point across the Waikato Expressway, stormwater attenuation areas and identified viewing areas shown on the Rototuna Structure Plan) having a minimum planting width of 2m when parallel to the boundary of the Waikato Expressway, and consisting of native vegetation capable of reaching heights of at least 8m at maturity.
- Reflect the principles of Crime Prevention Through Environmental Design (CPTED).
- Include both a walking and cycling network in accordance with the Rototuna Structure Plan.
- Show how the area will relate to its surrounding area, including the Waikato Expressway.

iii. Any subdivision of land adjoining the Waikato Expressway (Designation E90) shall have regard to and implement the portion of the approved neighbourhood concept plan over the land area the subdivision is for at the time of subdivision.

c. At the time of subdivision of land and only if either the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an Outline Plan of Works approval under S.176A of the RMA; or construction is underway or completed; the following shall be identified on the subdivision plan to be submitted for consent:

- i. A 55dB_LAeq(24hr) contour line from the Waikato Expressway carriageway boundary utilising the following criteria:
 - Traffic flow of 12700 vpd
 - 10%HCV
 - Vehicle speed of 100km/hr (or the posted speed limit if that is lower)
 - Noise mitigation as confirmed by an approved Outline Plan of Works for Designation E90
 - Finished ground levels based on the proposed subdivision design
- ii. Identification of all lots where any boundary is intersected by the 55 dB_LAeq(24hr) contour line.

23.6.13 Subdivision of Lot 2 DP425316 Lake Waiwhakareke Landscape Character Area

Subdivision shall only take place in conjunction with a Comprehensive Development Plan application or after a Comprehensive Development Plan application has been granted.

23.6.14 All Subdivision in the Te Awa Lakes Structure Plan area

- a. A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent relating to the management and eradication of alligator weed.

23.7 Subdivision Design Standards

- a. The standards of Rule 23.7 shall not apply to the subdivision of land to accommodate a network utility service.
- b. The standards of Rule 23.7.1 shall not apply to:
- i. The unit title subdivision of existing lawfully established buildings; or
 - ii. The fee simple subdivision of existing lawfully established duplex dwellings

Provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building or unless otherwise authorised by resource consent.

23.7.1 Allotment Size and Shape

Zone	Minimum Net Site Area	Max Net Site Area	Min Shape Factor
a. General Residential Zone (unless otherwise stated)		400m ²	- 15m-diameter circle
b. General Residential Zone (within the Rototuna Structure Plan Area)		400m ²	- 15m-diameter circle
c. General Residential Zone (adjoining the Waikato Expressway)			1000m ² - -
d. Residential Intensification Zone		350m ²	- -
e. Special Residential Zone	Front, corner or through site – 600m ²		- 15m-diameter circle
	Rear Site – 400m ²		- 15m-diameter circle
f. Large Lot Residential – SH26, Ruakura Structure Plan area		2500m ²	- 15m-diameter circle
g. Large Lot Residential – Percival/Ryburn Rd, Ruakura Structure Plan area	2ha	Except for Lot 8 DP 9210-5000m ²	- Rule 23.7.1.w. applies
h. Rototuna North East Character Zone		500m ²	- 15m-diameter circle
i. Special Heritage Zone (unless otherwise stated)		600m ²	- 15m-diameter circle
j. Special Natural Zone (Lake Waiwhakareke Landscape Character Area)	350m ²	800m ² where a boundary to a site is adjoining the Lake Waiwhakareke Heritage Park or is separated from it only by a road reserve.	15m-diameter circle
k. Special Natural Zone (Ridgeline Character Area)		600m ²	- 15m-diameter circle

l. Peacocke Character Zone (Terrace Area)		200m ²	-	15m-diameter circle Medium-Density Residential – N/A	
m. Peacocke Character Zone (Gully Area)		800m ²	-	15m-diameter circle	
n. Peacocke Character Zone (Hill Area where slopes are less than 5 Degrees)		400m ²	800m ²	15m-diameter circle	
o. Peacocke Character Zone (Hill Area where slopes are greater than 5 Degrees)		800m ²	-	15m-diameter circle	
p. Temple View Zone (Within the Character Areas)		600m ²	-	15m-diameter circle	
q. Temple View Zone (As part of a Duplex within precinct 1, 2, 3 and 4)		Duplex dwelling = 200m ² per unit (400m ² per duplex)		-	-
r. Central City Zone, Knowledge Zone, Business 1 to 7 Zones		1,000m ²	-	20m-diameter circle	
s. Industrial Zone, Rotokauri Employment Area and Riverlea Industrial Area		Front, corner or through site – 1,000m ²		-	Rule 23.7.1.bb. applies
		Rear sites – 500m ²		-	Rule 23.7.1.bb. applies
t. Te Rapa North Industrial Zone		500m ²	-	Rule 23.7.1.bb. applies	
u. Ruakura Logistics Zone		3000m ²	-	Rule 23.7.1.bb. applies	
v. Ruakura Industrial Park Zone	3000m ² Except up to a maximum of 20% of sites for each subdivision stage shall have a minimum net site area of 1000m ² for front sites and 500m ² for rear sites.			-	Rule 23.7.1.bb. applies
w. Ruakura Industrial Park Zone LDP Areas T & G		Front, corner or through site- 1000m ²		-	Rule 23.7.1.bb. applies
		Rear Sites – 500m ²		-	Rule 23.7.1.bb. applies
x. Future Urban Zone		10ha		-	-
y. Te Awa Lakes Medium-Density Residential Zone lots that adjoin any existing or proposed esplanade reserve adjacent to the Waikato River (River Interface Overlay)		1000m ²	-	15m diameter circle	
z. Rotokauri North Medium-Density Residential Zone and Te Rapa Racecourse Medium Density Residential Precinct - applies to vacant lots only				280m ²	

aa. Where the shape factor circle standard applies to any subdivision, unless otherwise specified, each allotment shall be of a shape that can accommodate a circle of the specified diameter in a position which does not infringe any required front yard requirements of the respective zone.

bbb. Allotments in the Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones shall be of such a shape as to contain a 20 meter diameter circle. The circle shall not infringe any required front setback or any setback adjoining a residential, special character or open space zone.

cccc. The location of the shape factor circle for each allotment in the Rototuna North East Character Zone, in addition to Rule 23.7.1.zaa shall be positioned so not to require land modification in

excess of 40m³.

- lddd. Allotments in the Rototuna North East Character Zone, adjoining the Waikato Expressway Designation (Designation E90), and prior to either the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an Outline Plan of Works approval under S.176A of the RMA; or construction is underway or completed the location of the shape factor circle for each allotment shall not infringe the 65m habitable building setback (refer to Figure 5.4.6a).

23.7.2 Subdivision Suitability

- a. All subdivisions creating fee simple allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to amalgamation) are of a size and shape to enable activities anticipated in the zone.
- b. Where allotments are proposed that contain existing development on the existing title,
- i. The applicable general and specific standards for the zone and activity under consideration shall be complied with for each allotment; and
 - ii. The applicable standards in Chapter 25 – City Wide shall be complied with for each allotment.

Note

For the avoidance of doubt, Rule 23.7.2.b does not apply to an infringement that has existing use rights or was approved under a Land Use Resource Consent.

- c. Where allotments are proposed that contain development that has been approved under separate land use consent, compliance with the approved layout shall be achieved as part of the subdivision.

- d. Where b. or c. is not complied with, a concurrent application for land use consent for the identified areas of non-compliance with the applicable general and specific standards, or the approved layout shall be made.

23.7.3 General Residential Zone, and All Special Character Zones

a. Minimum transport corridor boundary length for a front site (except in the Terrace area of the Peacocke Character Zone and within the Character Areas of the Temple View Zone)	15m
b. Minimum transport corridor boundary length for a front site within the Terrace area of the Peacocke Character Zone and within the Character Areas of the Temple View Zone	10m
c. Minimum rear boundary length of a front site	10m
d. Maximum number of allotments served by a single private way	20
e. Minimum private way width serving 1-6 allotments	3.6m
f. Minimum private way width serving 7 – 20 principal units where access forms	6m

common property under a unit title arrangement or, 7-9 units (where access is part of a fee simple subdivision)	
g. Minimum width of vehicle access (to be formed and vested as public road) serving 10-20 fee simple lots	16m
h. Minimum width of vehicle access to be formed and vested as public road: i. Serving more than 20 allotments (Local Road) ii. Serving more than 20 allotments (Collector Road on Structure Plan)	20m 23m
i. Maximum private way gradient	1:5m
j. Maximum private way length	100m (with passing every 50m)
k. Maximum cul-de-sac length, including private way	150m
l. Maximum number of private ways accessing directly on to a cul-de-sac turning head	1
m. Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
n. Maximum pedestrian accessway length through a block	80m
o. Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
p. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-

Note

Standard 23.7.3 only has immediate legal effect when subdivision occurs in the Special Heritage Zone or Heritage Area of the Temple View Zone, as shown on Planning Map 60B.

23.7.4 Large Lot Residential Zone

a. Minimum transport corridor boundary length for a front site	40m
b. Minimum rear boundary length of a front site	10m
c. Maximum number of allotments served by a single private way	6
d. Minimum private way width serving 1-6 allotments	3.6m
e. Public road serving 7 – 20 allotments	16m
f. Public road serving more than 20 allotments (Local Road)	20m
g. Public road serving more than 20 allotments (Collector Road)	23m
h. Maximum private way gradient	1:5m
i. Maximum private way length	100m with passing every 50m

j. Maximum cul-de-sac length	150m
k. Maximum number of private ways accessing directly on to a cul-de-sac turning head	0
l. Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
m. Maximum pedestrian accessway length through a block	80m
n. Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
o. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-

23.7.5 Residential Intensification Zone

a. Minimum transport corridor boundary length for a front site	15m
b. Minimum rear boundary width of a front site	10m
c. Minimum private way width serving 1-4 allotments	3.5m
d. Minimum private way width serving 7 – 20 principal units where access forms common property under a unit title arrangement	6m
e. Minimum width of vehicle access (to be formed and vested as public road) serving 7-20 fee simple lots	16m
f. Minimum width of vehicle access to be formed and vested as public road <ul style="list-style-type: none"> i. Serving more than 20 allotments (Local Road) ii. Serving more than 20 allotments (Collector Road) 	20m 23m
g. Maximum private way gradient	1:5
h. Maximum private way length	100m
i. Maximum pedestrian accessway length through a block	80m
j. Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
k. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-

23.7.6 Business 1 to 7 Zones, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone

a. Minimum transport corridor boundary length	8m
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b. Minimum transport corridor boundary length adjoining a major arterial transport corridor	20m
c. Minimum access or private way width serving an allotment with a net site area of less than 2000m ²	8m
d. Minimum access or private way width serving an allotment with a net site area of 2000m ² –5000m ²	10m
e. Minimum access or private way width serving an allotment with direct access to a major arterial transport corridor	10m
f. Minimum private way width serving 1-5 allotments	10m
g. Maximum private way gradient	1:8
h. Maximum private way length	100m
i. Maximum pedestrian accessway length	80m
j. Minimum pedestrian accessway width	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
k. The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1.a and 25.14.4.1.c shall be demonstrated.	-

23.7.7 Ruakura and Te Awa Lakes Medium-Density Residential Zone

a. Minimum lot width of front and rear boundary for front sites; except up to a maximum of 10% of sites for each subdivision stage shall be no less than 10m.	12m
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23.7.8 Rotokauri North

a. Vacant fee simple residential lots:

i. Minimum transport corridor boundary length	12.5m
ii. Minimum transport corridor boundary length if: <ul style="list-style-type: none"> • A legal mechanism (consent notice) restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width up to 3.2m; OR • A rear lane provides legal vehicle access 	10m
iii. Minimum lot depth	28m
iv. For corner lots only one transport corridor boundary needs to meet the minimum length and the minimum depth needs only be achieved along one side boundary.	

b. Vacant fee simple lot subdivisions:

i. Maximum urban block length	250m
ii. Maximum urban block perimeter (bounded by roads)	750m

iii. For clarity the measurements above may be curvilinear and include frontage to a green linkage or reserve or proposed reserve	
c. All rear lanes and roads:	
i. Minimum legal width of a two-way rear lane	7m
ii. All rear lanes to be formed and drained with a permanent sealed or paved all-weather, dust-free surface and in a manner suitable for the type and quantity of vehicles using the site, except permeable pavements are permitted where hydraulic connectivity of the soil, the depth of the water table below ground level and the freeboard available at the site are appropriate.	
iii. Each rear lane shall: <ul style="list-style-type: none"> • Be connected to a transport corridor at at least two locations. • Have a legal mechanism for ownership and ongoing maintenance of the lane. 	
iv. Local Road minimum legal width (to be vested)	16.6m
v. Collector Road minimum legal width (to be vested)	20.8m

23.7.9 [Te Rapa Racecourse Medium-Density Residential Precinct](#)

- a. All subdivision must be in general accordance with the development layout on the [Te Rapa Racecourse Medium-Density Residential Precinct Plan \(Figure 4.5-1\)](#).
- b. Any subdivision of lots within the Low Flood Hazard Area shown on the [Te Rapa Racecourse Medium-Density Residential Precinct Plan \(Figure 4.5-1\)](#) must include a flood risk assessment report in accordance with the Information Requirements in Volume 2, Appendix 1.2.2.9 that demonstrates that suitable building sites will be created and the resulting level of flood risk is acceptable.
- c. All subdivision must comply with the following standards:

i. Minimum Local Road legal width (to be vested)	16.8m
ii. Minimum legal width of two-way rear lane	7m
iii. Minimum transport corridor boundary length for vacant lots that are front sites	10m
iv. Minimum lot depth for vacant lots that are front sites	28m

Commented [JO4]: HCC recommended amendment for consistency with PC12.

Commented [JO5]: Kainga Ora submission 24.21

Commented [JO6]: Kainga Ora submission 24.21

23.8 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. Boundary adjustments	• C – Character and Amenity

ii. Subdivision involving any allotment within the Electricity National Grid Corridor	<ul style="list-style-type: none"> • I – Network Utilities and Transmission • N – Ruakura
iii. Subdivision in a Hazard Area	<ul style="list-style-type: none"> • F – Hazards and Safety
iv. Subdivision that may require the provision of Esplanade Reserves and Strips	<ul style="list-style-type: none"> • C – Character and Amenity • D – Natural Character and Open Space
v. Subdivision to accommodate a network utility service or transport corridor inclusive where no LDC exists for Ruakura Medium-Density Residential Zone	<ul style="list-style-type: none"> • C – Character and Amenity • I – Network Utilities and Transmission • N – Ruakura
vi. Fee simple subdivision*	<ul style="list-style-type: none"> • C – Character and Amenity
vii. Company-lease subdivision*	<ul style="list-style-type: none"> • C – Character and Amenity
viii. Unit-title subdivision*	<ul style="list-style-type: none"> • C – Character and Amenity
ix. Leasehold Subdivision	<ul style="list-style-type: none"> • C – Character and Amenity
x. Fee Simple Subdivision in the Peacocke Character Zone for lots greater than 10ha	<ul style="list-style-type: none"> • C – Character and Amenity • E – Heritage Values and Special Character
xi. Subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C, within Stage 1A after a CDP in the Te Rapa North Industrial Zone	<ul style="list-style-type: none"> • D – Natural Character and Open Space
xii. Fee Simple subdivision and Boundary Adjustment (within Special Character Zones)	<ul style="list-style-type: none"> • C – Character and Amenity • E – Heritage Values and Special Character
xiii. Subdivision to accommodate a network utility service or transport corridor (within Special Character Zones)	<ul style="list-style-type: none"> • C – Character and Amenity • E – Heritage Values and Special Character • I – Network Utilities and Transmission
xiv. Any restricted discretionary activity subdivision in Rotokauri North (excluding subdivision of a duplex which meets Rule 4.7.12.a)	<ul style="list-style-type: none"> • C - Character and Amenity • O – Rotokauri North
xv. <u>Subdivision in the Te Rapa Racecourse Medium Density Residential Precinct</u>	<ul style="list-style-type: none"> • <u>C- Character and Amenity</u> • <u>P- Te Rapa Racecourse Medium Density Residential Precinct</u>

Note

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

23.9 Other Resource Consent Information

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

Commented [J07]: Chartwell Investments submission 6.5, Takanini Rentors submission 7.5, Ecostream submission 8.5.

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

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25.4 Hazardous Facilities

25.4.1 Purpose

- a. This chapter establishes a city-wide framework for managing hazardous facilities under the Act to avoid or minimise adverse effects and the risks associated with hazardous substances.
- b. "Hazardous facility" is the general term used in this District Plan to describe any site where hazardous substances are stored, used, transported or disposed.
- c. Hazardous substances can be toxic, flammable, highly reactive, corrosive, ecotoxic, radioactive or explosive. Risks to people and the environment arise if the substances react, degrade or are released because of inadequate management or an accidental spill.
- d. Hazardous facilities need to be managed, designed and located appropriately, as well as having processes in place for dealing with accidental spills or the release of hazardous substances.

Note

1. *Some activities involving hazardous substances are excluded from the definition of hazardous facilities. Check the definitions for hazardous substances and hazardous facilities first, to see if this chapter applies. This chapter focuses on the hazardous substances part of any activity. A hazardous facility may have other controls relevant to it that are found in the relevant Zone and city-wide chapters.*
2. *The District Plan is not the sole mechanism for managing the risks associated with the use, storage, transportation and disposal of hazardous substances. Other legislation such as the Hazardous Substances and New Organisms Act 1996, Land Transport Act 1998, Worksafe New Zealand Act 2013 and their regulations, impose additional controls and requirements (e.g. packaging, signage and labelling, transportation).*

25.4.2 Objectives and Policies: Hazardous Facilities

Objective	Policies
25.4.2.1 To protect people, property and the natural environment by avoiding or minimising the adverse effects of storage, use, disposal or transport of hazardous substances.	25.4.2.1a Hazardous facilities shall be located where they do not give rise to levels of risk, including residual risks, which are incompatible with the nature of surrounding land uses or natural environment.
	25.4.2.1b Hazardous facilities shall be designed, constructed and managed to avoid or minimise significant adverse effects, including cumulative effects.
	25.4.2.1c Hazardous facilities shall provide facilities and systems to avoid the contamination of air, land and water (including groundwater, potable water supplies and surface waters) in the event of an accidental spill or release of hazardous substances.
	25.4.2.1d Disposal of hazardous substances shall be undertaken in an environmentally safe manner to minimise the risk of hazardous substances being discharged into the environment.

	<p>25.4.2.1e Hazardous facilities shall be located, designed, installed and managed to avoid adverse effects of natural hazards, e.g. flooding, on the facility so as to reduce the risk of hazardous substances being discharged into the environment as a result of a natural hazard event.</p>
	<p>25.4.2.1f The positive effects that hazardous facilities have on the economic and social wellbeing of the Waikato region and Hamilton should be recognised.</p>
<p>Explanation</p>	
<p><i>While the use of hazardous substances provides benefits to communities by meeting a need for products and services, facilities involving hazardous substances also present risks to the health and safety of people, property and the natural environment, including ecosystems. Hazardous substances can escape into the environment as a result of inadequate management or from an accidental release or spillage. Hazardous facilities and their activities need to be managed well and located appropriately in response to these risks.</i></p> <p><i>Reference to risks includes the consideration of residual risk. In some cases, the residual risk may be of particular concern because of the facility's proximity to sensitive ecological areas or land uses (e.g. residential areas). In these cases the risks of the hazardous facility may outweigh its potential benefits.</i></p> <p><i>Hazardous facilities are spread throughout the community. Some present very low risks because of the nature or small quantities of the hazardous substances held on the site. The District Plan assigns a level of control appropriate to the scale of risk that these activities present.</i></p> <p><i>Hazardous facilities close to each other may generate cumulative risks that are greater than the risk of each individual facility. Where there are multiple hazardous facilities within a constrained area, each facility is to be designed and managed in a manner to minimise adverse effects on each other, as well as beyond the area occupied by hazardous facilities.</i></p> <p><i>The disposal of hazardous substances generates risks to the health of the handlers, waste management facility operators, and communities, as well as risks to the receiving environment. The disposal of hazardous substances to authorised facilities or those serviced by an approved waste contractor will minimise the risk of substances escaping into the environment and generating adverse environmental effects.</i></p> <p><i>Natural hazard events can threaten the containment of hazardous substances. Hazardous facilities are discouraged from areas that are susceptible to natural hazards as a means of managing this risk.</i></p>	
<p>Objective</p>	<p>Policies</p>
<p>25.4.2.2 The operations of established hazardous facilities and the areas within which these facilities are encouraged are protected from significant reverse-sensitivity effects arising from the inappropriate location of sensitive land-use activities.</p>	<p>25.4.2.2a The establishment of sensitive land uses within or near existing hazardous facilities or areas identified for such a facility shall be managed if they would create significant reverse-sensitivity effects that would limit a facility's ability to carry out its operations without unreasonable constraints.</p>
<p>Explanation</p>	
<p><i>Reverse-sensitivity effects arise where a new activity is introduced into an environment which has the potential to limit the operation of existing activities. These new activities are incompatible or otherwise sensitive to the effects of the existing activity. Reverse-sensitivity effects need to be taken into account, particularly for significant hazardous facilities or larger areas of smaller facilities, where residual risks cannot be reduced to</i></p>	

insignificant levels.

Significant established hazardous facilities in the City include the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village. Industrial zoned lands are areas where hazardous facilities are expected to generally establish. Sensitive activities establishing in these areas or in close proximity to established hazardous facilities may constrain the current or future operation of such hazardous facilities.

25.4.3 Rules — Activity Status Table

Activity	Class
Activities Required to Use the Hazardous Facilities Screening Procedure	
a. Any hazardous facility: <ul style="list-style-type: none"> i. Not otherwise identified within this table ii. With a quantity ratio that is equal to or below the quantity ratio for permitted activities in Rule 25.4.5.1 	P
b. Any hazardous facility: <ul style="list-style-type: none"> i. Not otherwise identified within this table ii. With a quantity ratio that is more than the quantity ratio for discretionary activities Rule 25.4.5.1 	D
c. Teaching and research laboratories with a quantity ratio that is more than the quantity ratio for permitted activities in Rule 25.4.5.1 and complying with relevant standards in Rule 25.4.4. This excludes: <ul style="list-style-type: none"> i. Activities undertaken outside the laboratory ii. Bulk hazardous substances storage facilities iii. Field tests 	C
Activity	
Specific Activities Not Required to Use the Hazardous Facilities Screening Procedure	
d. The retail sale of liquid fuel in underground storage tanks with a storage capacity of up to: <ul style="list-style-type: none"> i. 100,000 litres of petrol ii. 50,000 litres of diesel iii. Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved 	C
e. The retail sale of Liquid Petroleum Gas (LPG) with storage capacity of up to: <ul style="list-style-type: none"> i. 6 tonnes (single vessel storage) ii. 1.35 tonnes cumulative capacity (exchange facilities for portable LPG cylinders) iii. Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved 	C
Radioactive material	
f. The use or storage of radioactive materials with a radioactivity level less than that specified as an exempt activity in the Radiation Protection Regulations 1982	P
g. Any activity using, storing or transporting radioactive materials for the medical and dental treatment of patients and the use of such radioactive substances is under the control of a person licensed under the Radiation Protection Regulations 1982	P
h. The use or storage of radioactive material with a radioactivity level more than that specified as	D

an exempt activity in the Radiation Protection Regulations 1982, but less than or equal to 1000 terabecquerel	
i. The use or storage of radioactive material with a radioactivity level more than 1000 terabecquerel	NC
BOD₅ substances	
j. Any storage of high BOD ₅ substances in quantities less than or equal to 10,000 litres (excluding the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park)	P
k. Any storage of high BOD ₅ substances in quantities more than 10,000 litres (excluding the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park)	D
l. Any storage of high BOD ₅ substances in quantities less than or equal to 100,000 kg, or 40,000 kg when within 30m of a water body (the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park only)	P
m. Any storage of high BOD ₅ substances in quantities more than 100,000 kg or 40,000 kg when within 30m of a water body (the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park only)	D
All Hazardous Facilities	
n. Any activity identified in 25.4.3.a., c. to g. and j. within a: <ul style="list-style-type: none"> 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. Geotechnical Waikato Riverbank and Gully Hazard Area 	D
Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village	
o. Any hazardous substances that are complying with the standards in 25.4.4 and 25.4.5.2	P

Note

1. For any activity not identified above, see Section 1.1.8.1.

25.4.4 Rules — General Standards

When a Certificate of Compliance is sought a report by a suitably qualified and experienced practitioner may need to be provided to Council certifying compliance with the standards below, where appropriate.

25.4.4.1 Site Design

- a. Any part of a hazardous facility which is involved in the manufacture, mixing, packaging, storage, loading, unloading, transfer, use or handling of hazardous substances shall be designed, constructed and operated in a manner which avoids:
 - i. Any off-site adverse effects on people, ecosystems, physical structures and other parts

of the environment, unless permitted by a resource consent.

- ii. The contamination of air, land and water (including groundwater, potable water supplies and surface waters) in the event of a spill or other type of release of hazardous substances.

25.4.4.2 Site Layout

- a. The hazardous facility shall be designed to ensure that separation between on-site facilities and the property boundary is sufficient for the protection of neighbouring facilities, land uses and sensitive environments (excluding sites covered by Rule 25.4.5.2).

25.4.4.3 Site Drainage

- a. Site drainage systems shall be designed, constructed and operated in a manner that avoids the entry or discharge of hazardous substances into the stormwater and wastewater networks unless permitted by a network utility operator.
- b. All stormwater grates on the site shall be clearly labelled for stormwater only.

Note

1. Compliance can be achieved using precautionary methods, which may include clearly identified stormwater grates and access holes, roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.

25.4.4.4 Wash-Down Areas

- a. Any part of the hazardous facility site where vehicles, equipment or containers that are, or may have become, contaminated with hazardous substances are washed shall be designed, constructed and managed to avoid any contaminated wash water from:
 - i. Entering or discharging into the stormwater drainage or the wastewater networks unless permitted by a network utility operator.
 - ii. Contaminating land, ground water, any water body or potable water supply.

Note

1. Suitable means of compliance include roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.
2. Council bylaws also apply to the discharge of contaminated wash water from the site.

25.4.4.5 Spill Containment Systems

- a. Any parts of the hazardous facility site where a spill may occur shall be serviced by a suitable spill containment system that shall be:
 - i. Constructed from impervious materials resistant to the hazardous substance(s) used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site; and for above-ground storage of liquid hazardous substances:
 - A. Able to contain the maximum volume of the largest tank on site plus an allowance for stormwater or fire water.

- B. For drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or fire water.
- ii. Able to avoid any spill or other unintentional release of hazardous substances, and any stormwater and fire water that has become contaminated from:
 - A. Entering the stormwater or wastewater drainage system, unless permitted by a network utility operator.
 - B. Contaminating land, ground water, any water body or potable water supply.

Note

1. Suitable means of compliance include graded floors and surfaces, bunding, roofing, sumps, fire-water catchments, overfill protection and alarms, and similar systems.

25.4.4.6 Waste Management

- a. Any hazardous facility generating waste containing hazardous substances shall dispose of these wastes to authorised facilities holding the necessary consents and be serviced by an acceptable waste disposal contractor.

Note

1. Hamilton City Council's Trade Waste Bylaw also applies to the management of waste from such sites.

25.4.4.7 Storage

- a. Hazardous substances shall be stored in a manner that avoids:
 - i. The unintentional release of the hazardous substance.
 - ii. The accumulation of any liquid or solid spills or fugitive vapours and gases in enclosed off-site areas that could result in potentially adverse effects on people, ecosystems or built structures.

25.4.4.8 Storage Tanks — Petroleum Products

- a. Tanks for the storage of petroleum products must be designed, constructed and managed to avoid leaks and spills and resulting adverse effects on people, ecosystems and property. Storage tanks shall be:
 - i. Constructed from impervious materials resistant to the hazardous substances to be stored.
 - ii. Equipped with secondary containment facilities.
 - iii. Serviced by a leak detection or monitoring system which is capable of detecting a failure or breach in the structural integrity in the primary containment vessel.

25.4.5 Rules — Specific Standards

25.4.5.1 Activities Required to be Assessed using the Hazardous Facility Screening Procedure

- a. Hazardous facilities required to comply with this specific standard shall be assessed using
-

the Hazardous Facility Screening Procedure explained in Volume 2, Appendix 12. This process will produce a "quantity ratio" that must be used to determine the activity status of the facility by referring to the table below.

Consent Status Matrix

Zone/Overlay	Activity Status/Consent Status Indices	
	Permitted	Discretionary
a. General Residential Zone b. Residential Intensification Zone c. Medium Density Residential Zone d. Large Lot Residential Zone e. Special Character Zones	≤0.02	>0.02
f. Natural Open Space Zone	≤0.05	>0.05
g. Central City Zone h. Business 4 and 5 Zones i. Transport Corridor Zone j. Rototuna Town Centre Zone k. Business 7 Zone (Frankton Living Overlay only)	≤0.1	>0.1
l. Neighbourhood Open Space Zone m. Sport and Recreation Open Space Zone n. Destination Open Space Zone o. Community Facilities Zone p. Business 1, 2, 3 and 6 Zones q. Industrial Zone (Amenity Protection Area only)	≤0.2	>0.2
r. Business 7 Zone (excluding Frankton Living Overlay)	<0.4	>0.4
s. Major Facilities Zone t. Knowledge Zone (University of Waikato only)	≤0.6	>0.6
	Exception	
	Within 100m of any zone specified in a. to q. of this table, when the thresholds shall be:	
	≤0.3	>0.3
u. Industrial Zone (excluding Amenity Protection Area) <u>except that for Industrial zoned land that has a common boundary with the Te Rapa Racecourse Medium Density Residential Precinct the boundary shown as Medium Density Residential Development on Figure 4.5-1 Te Rapa Racecourse Medium Density Residential Precinct Plan shall be used as the zone boundary.</u>	≤1.0	>1.0
	Exceptions	
	Within 30m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.2	>0.2
	Between 30m and 100m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.75	>0.75
	Within 100m of any zone specified in f) to t) of this	
v. Ruakura Logistics Zone w. Ruakura Industrial Park Zone x. Te Rapa North Industrial Zone y. Future Urban Zone z. Knowledge Zone (excluding University of Waikato)		

Commented [JO1]: Chartwell Investments submission 6.5, Ecostream submission 8.5, Takanini Rentors submission 7.5.

	table, when the thresholds shall be:	
	≤0.75	>0.75

25.4.5.2 Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village

- a. The volumes and quantities of hazardous substances shall not increase by more than 20% from those existing on the sites as at 31 March 2016 and notified to the Council by 1 May 2016.
- b. Any hazardous substance at the Te Rapa Dairy Manufacturing Site shall be stored or used at a minimum of 40m from the site boundary.
- c. Any hazardous substance at the Crawford Street Freight Village shall be stored or used at a minimum of 65m from any boundary of the Residential, Open Space or Major Facilities Zones.
- d. Where there is any non-compliance with the standards listed in a. to c. above the relevant class of the Hazardous Facility Screening Procedure set out in Volume 2, Appendix 12 shall apply.

25.4.6 Controlled Activities: Matters of Control

- a. In determining any application for resource consent for a controlled activity, Council has reserved control over the matters referenced below.

Activity	Matter of Control Reference Number (Refer to Volume 2, Appendix 1.3.2)
i. Teaching and research laboratories with a quantity ratio that is more than the quantity ratio for permitted activities in Rule 25.4.5.1 and complying with relevant standards in Rule 25.4.4 This excludes : <ul style="list-style-type: none"> • Activities undertaken outside the laboratory • Bulk hazardous substances storage facilities • Field tests 	A Hazardous Facilities
ii. The retail sale of liquid fuel in underground storage tanks with a storage capacity of up to: 100,000 litres of petrol 50,000 litres of diesel Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved.	A Hazardous Facilities
iii. The retail sale of Liquid Petroleum Gas (LPG), with storage capacity of up to: 6 tonnes (single vessel storage)	A Hazardous Facilities

1.35 tonnes cumulative capacity (exchange facilities for portable LPG cylinders) Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved.	
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25.4.7 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

Working Version 7/07/2023

25.5 Landscaping and Screening

25.5.1 Purpose

- a. Landscaping provides a range of aesthetic, functional and ecological opportunities for environmental enhancement. This chapter includes standards for screening activities and contributing to the amenity of the streetscape. Landscaping in this context is intended to soften hard surfaces and bleak areas, reduce visual impacts and provide visual unity. The standards also recognise that landscaping can contribute towards improved ecology.

25.5.2 Objectives and Policies: Landscaping and Screening

Objective	Policies
25.5.2.1 To maintain and enhance amenity values within and around development, while contributing to local ecology and cultural connection where possible.	25.5.2.1a Minimise visual impacts of developments in part by providing appropriate screening and planting around activities and between zones.
	25.5.2.1b Encourage the planting of native species where appropriate.
Explanation <i>Screening between zones, activities and particular development features, such as service and storage areas, helps mitigate the visual impact of development and contributes to the amenity of the streetscape.</i>	

25.5.3 Rules — General Standards

25.5.3.1 Landscaping

Landscaping shall be provided in accordance with the following standards.

- a. Activities adjacent to a major arterial transport corridor
- i. A 2m wide planting strip shall be required along any boundary adjacent to a major arterial transport corridor from which vehicle access is obtained.
 - ii. A 2m wide buffer strip shall be required along any boundary adjacent to a major arterial transport corridor from which vehicle access is not obtained.
 - iii. The requirements in i. and ii. shall not apply in the City Centre Zone, all Residential Zones, Special Character Zones and Future Urban Zone.
- b. Activities in the Industrial Zone (including Amenity Protection Area)
- i. A 1.8m high close-boarded or similar solid fence or wall, and a 1m wide buffer strip shall be required along any side or rear boundary with a Residential or Special Character Zone or Open Space Zone, **except for any boundary with the Te Rapa Racecourse Medium Density Residential Precinct; where this standard does not apply,** and
 - ii. A 2m wide planting strip shall be required along any boundary adjoining a transport corridor

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- iii. Where a site is wholly or partially within the Amenity Protection Area, a 1.8m high close-boarded or similar solid fence or wall, and a 5m wide buffer strip shall be required along any side or rear boundary with a Residential or Special Character Zone.
- c. Activities in the Community Facilities and Knowledge Zones
- i. A 2m wide planting strip shall be required along the boundary of a site adjacent to any Residential, Special Character or Open Space Zone, and
- ii. When adjoining a transport corridor, a 30% planting area for the front setback adjoining the transport corridor shall be required.
- iii. The requirements in i. and ii. shall not apply to the ECMT railway and private roads within the Knowledge Zone.
- d. Activities in the Business 1 to 7 Zone
- i. A 2m wide planting strip shall be required along the boundary of a site adjacent to, or facing, any Residential or Special Character Zone.
- e. Activities in the Ruakura Industrial Park Zone
- i. A 1.8m high close-boarded or similar solid fence or wall, and a 2m wide buffer strip shall be required along any side or rear boundary with a Residential or the Knowledge Zone; and
- ii. Either
- A 2m wide planting strip, or
 - Up to a 1.8m permeable fence and 2m wide planting strip
- shall be required along any boundary adjoining an Open Space Zone or transport corridor.
- f. Drive-through services adjacent to a Residential or Special Character Zone
- i. A 1.8m high close-boarded or similar solid fence or wall, shall be required along any side or rear boundary with a Residential or Special Character Zone except for any boundary with the Te Rapa Racecourse Medium Density Residential Precinct; where this standard does not apply, and
- ii. A 2m wide planting strip shall be required along any front boundary facing any Residential or Special Character Zone
- g. Ground-level parking spaces, loading spaces and vehicle storage areas adjacent to a transport corridor
- i. Where ground-level parking, loading spaces and vehicle storage areas (not associated with residential units) are provided within 5m of a boundary of a transport corridor, a 2m wide planting strip shall be required between that area and the transport corridor boundary
- ii. Where ground-level parking spaces associated with residential units are provided within 3m of a boundary of a transport corridor, a 1m wide planting strip shall be required

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between that area and the transport corridor boundary.

h. External ground-level parking spaces in all Zones

- i. Parking areas of more than 10 parking spaces shall be landscaped with tree planting and ground cover planting at a rate consistent with Rule 25.5.4.6
- ii. Parking areas of five or more parking spaces shall have either:
 - A 2m wide planting strip; or
 - Up to a 1.8m high permeable fence and 2m wide planting strip

between the parking area and the boundary with any Open Space Zone; and

- iii. Parking areas of five or more parking spaces shall have either:
 - A 1.8m high close-boarded or similar solid fence or wall or
 - A 2m wide buffer strip

when along the site boundary, between the parking spaces and any Residential or Special Character Zone except for any boundary with the Te Rapa Racecourse Medium Density Residential Precinct where this standard does not apply.

i. Service areas in all Zones

- i. Where service areas are visible from a transport corridor, any other public space, Residential or Special Character Zones (except where provided by ii or iii below) they shall be screened from view with either:
 - A 1.8m high close-boarded or similar solid fence or wall, and a minimum 1m wide buffer strip, or
 - A 2m wide buffer strip

- ii. Service areas associated with residential units shall not be required to be screened from view from other Residential or Special Character zoned land.

- iii. Service areas within the Industrial Zone adjoining the Te Rapa Racecourse Medium Density Residential Precinct shall not be required to be screened from view from the Te Rapa Racecourse Medium Density Residential Precinct.

j. Outdoor storage areas in all Zones

- i. Where outdoor storage areas are visible from a transport corridor, any other public space, Residential or Special Character Zone they shall be screened from view with either:
 - 1.8m high close-boarded or similar solid fence or wall, and a minimum 1m wide buffer strip, or
 - A 2m wide buffer strip

Except that outdoor storage areas in the Industrial Zone adjoining the Te Rapa Racecourse Medium Density Residential Precinct shall not be required to be screened from view from the Te Rapa Racecourse Medium Density Residential Precinct.

k. Activities in the Ruakura Logistics Zone and the Crawford Street Freight Village

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Commented [JO4]: Chartwell Investments submission 6.5, Takanini Rentors submission 7.5, Ecostream submission 8.5

Commented [JO5]: Chartwell Investments submission 6.5, Takanini Rentors submission 7.5, Ecostream submission 8.5

Commented [JO6]: Chartwell Investments submission 6.5, Takanini Rentors submission 7.5, Ecostream submission 8.5

i. Where fencing is required to meet specialised security needs (e.g. Ministry of Agricultural quarantine specifications) a 6m high permeable fence may be used, provided that a 10m planting or buffer strip shall be provided along boundaries with any transport corridor or Open Space Zone.

- A 2m wide planting strip, or
- A 1.2m or 1.8m permeable fence and 2m wide planting strip

shall be required along any boundary adjoining an Open Space Zone or transport corridor

I. Utility Buildings/Cabinets

i. The requirements of Rules 25.5.3.1.a — k. do not apply to the small utility buildings/cabinets not exceeding 10m²/3m high, and network utility support poles and antennas.

25.5.3.2 Implementation

All planting shall be implemented within the first planting season after any buildings and other site works are completed.

25.5.3.3 Planting Strips, Buffer Strips and Planting Areas

Planting strips, buffer strips and planting areas shall not be:

- Required on that part of any boundary required for pedestrian or vehicle access to the site.
- Required within an approach sight distance triangle as outlined in Rule 25.14.4.4.
- Used for outdoor storage, parking or vehicle manoeuvring.

25.5.3.4 Frangible Vegetation

Where a buffer strip or planting strip is to be located within 5m of the carriageway of an arterial transport corridor with a posted speed limit greater than 70 kilometres per hour all vegetation within the strip shall be frangible.

25.5.3.5 Maintenance

All fences and planting required by 25.5.3.1 shall be maintained in a manner to ensure ongoing compliance with relevant standards in this chapter. This will require regular care of planted areas, the timely repair or replacement of damaged fences, and the replacement of dead, dying or diseased planting.

Note

- Guidance on selecting plant species appropriate to the site conditions is available from Council.
- Particular care needs to be taken in selecting and locating specimen trees for planting, for example tree species which tend towards an expansive root system are an inappropriate choice for planting near underground network utilities. Guidance should be sought on appropriate species and local site constraints to ensure that the tree suits the site and any constraints.

25.5.4 Rules — Specific Standards

25.5.4.1 All Fences and Walls

- a. Any fence or wall adjoining a buffer strip or planting strip required by this plan which is located adjacent to a transport corridor or other public space shall be either:
- i. Located so that the buffer or planting strip is between the fence and the external site boundary, and shall be designed to enable access to plantings for maintenance purposes; or
 - ii. Be permeable in accordance with Rule 25.5.4.2 below.

25.5.4.2 Permeable Fences

- a. The following design and dimensions shall apply to permeable fences.

Design requirements	
i. Materials with 50% or more see-through visibility in a consistent manner along the entire length of the fence, or	
i. Materials with 50% or more see-through visibility	6m (Ruakura Logistics Zone only, see Rule 25.5.3.1.k)

Note

1. Refer to Figure 25.5.4a for examples of acceptable and unacceptable fencing solutions.
2. Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% see-through visibility.

25.5.4.3 Buffer Strips

- a. Buffer strips shall be of a permeable nature for stormwater purposes.
- b. Buffer strips shall consist of shrub or hedge planting (hedges are recommended where buffer strip widths are less than 2m) selected and maintained in a manner to ensure a mature height of at least 1.8m and shall be at least 0.5m in height at the time of planting.
- c. Shrub or hedge planting shall be selected, located, provided at a density, and maintained in a manner to ensure that, when mature, a visually impermeable screen of planting is achieved (refer Figure 25.5.4b):
- i. Along the length of the buffer strip, and
 - ii. To a height of at least 1.8m.
- d. Buffer strips shall include specimen trees at the following minimum rates:

Length of the buffer strip	Number of specimen trees
Up to 10m	1
For each additional 10m or part thereof	An additional 1

Except where frangible vegetation is required by Rule 25.5.3.4, in which case frangible trees shall be required instead of specimen trees.

- e. Trees required by 25.5.4.3 shall be selected to ensure they are capable of growing to a mature height of more than 4m and shall be at least 1.8m in height at the time of planting.
- f. Where two or more trees are required by 25.5.4.3.d they shall be spaced along the length of the buffer strip to ensure they are no more than 15m or less than 5m apart (refer Figure 25.5.4c).

25.5.4.4 Planting Strips

- a. Planting strips shall be of a permeable nature for stormwater purposes.
- b. Planting strips shall consist of a combination of groundcover and shrub planting, with shrub planting selected to ensure they are capable of achieving a maximum mature height of 0.8m, and are least 0.4m in height at the time of planting.
- c. Groundcover and shrub planting shall be maintained to ensure they do not exceed a height of 0.8m (refer Figure 25.5.4d).
- d. Groundcover and shrub planting shall be selected, located and provided at a density to ensure that a minimum of 50% of the surface of the planting strip is covered from the time of planting.
- e. Planting strips shall include specimen trees at the following minimum rates.

Length of the planting strip	Number of specimen trees
Up to 10m	1
For each additional 10m or part thereof	An additional 1

Except where frangible vegetation is required by Rule 25.5.3.4, in which case frangible trees shall be required instead of specimen trees.

- f. Trees required by 25.5.4.4.e shall be selected to ensure they are capable of growing to a mature height of more than 4m and shall be at least 1.8m in height at the time of planting.
- g. Where two or more trees are required by 25.5.4.4.e they shall be spaced along the length of the strip to ensure they are no more than 15m, or less than 5m apart (refer Figure 25.5.4c).
- h. All trees shall be maintained to ensure that a clear distance of 2m is achieved between ground level and the tree canopy (refer Figure 25.5.4d). This standard shall not apply until a specimen tree reaches at least 4m high.
- i. Trees within the planting strip shall be selected, located and maintained in a manner so as not to:
 - i. Create traffic safety problems by obscuring visibility for road users or train drivers.
 - ii. Obstruct traffic, official road, or hazard signage.
 - iii. Interfere with transport infrastructure or network utilities.

25.5.4.5 Planting Area

- a. Where a planting area is required, the area shall:
- i. Be of a permeable nature for stormwater purposes.
 - ii. Consist of a combination of groundcovers and shrubs or hedges.
 - iii. Include specimen trees at the following minimum rates:

Length of front boundary	Number of specimen trees
Up to 10m	1
For each additional 10m or part thereof	An additional 1

- iv. Be located in the front setback between the non-residential activity and the adjoining transport corridor boundary.
- v. Include groundcover, shrub or hedge planting that has been selected, located and provided at a density to ensure that a minimum of 30% of the area of the front setback requirement of the relevant zone is covered from the time of planting.

25.5.4.6 Internal Planting

- a. Internal planting shall be located within the sealed area to break up the impermeable expanse of paving and hard surfaces while ensuring pedestrian and vehicle safety. For large areas this will require the internal planting requirements to be split into more than one location.
- b. Internal planting shall consist of a combination of groundcovers and shrubs.
- c. Internal planting shall include specimen trees at the following minimum rates:

Number of parking spaces	Number of specimen trees
Up to 20	1
For each additional 10 spaces or part thereof	An additional 1

- d. Groundcover and shrub planting shall be selected, located and provided at a density to ensure that a minimum of 50% of the surface of the internal planting area is covered from the time of planting (refer Figure 25.5.4e).
- e. Shrub planting shall be selected to ensure it is capable of growing to a mature height of at least 0.5m and shall be at least 0.3m in height at the time of planting.
- f. Trees required by 25.5.4.6.c shall be selected to ensure they are capable of growing to a mature height of more than 4m and shall be at least 1.8m in height at the time of planting.
- g. Trees shall be located within a planting space free from impermeable surfaces with a minimum dimension or diameter of 1.5m diameter.
- h. All planting shall be protected from potential pedestrian and vehicle damage.

Note

1. Suitable means of compliance includes providing formalised pedestrian crossing points, ensuring plant selection and layout does not make crossing difficult, low fencing, or wheel stops (refer Figure 25.5.4f).
2. For larger external ground-level parking spaces in all zones (more than 20 parking spaces) any assessment of landscaping proposals should consider the total site area including landscaping and trees to be planted within planting and/or buffer strips.

Figure 25.5.4a: Examples of acceptable fencing or wall solutions.

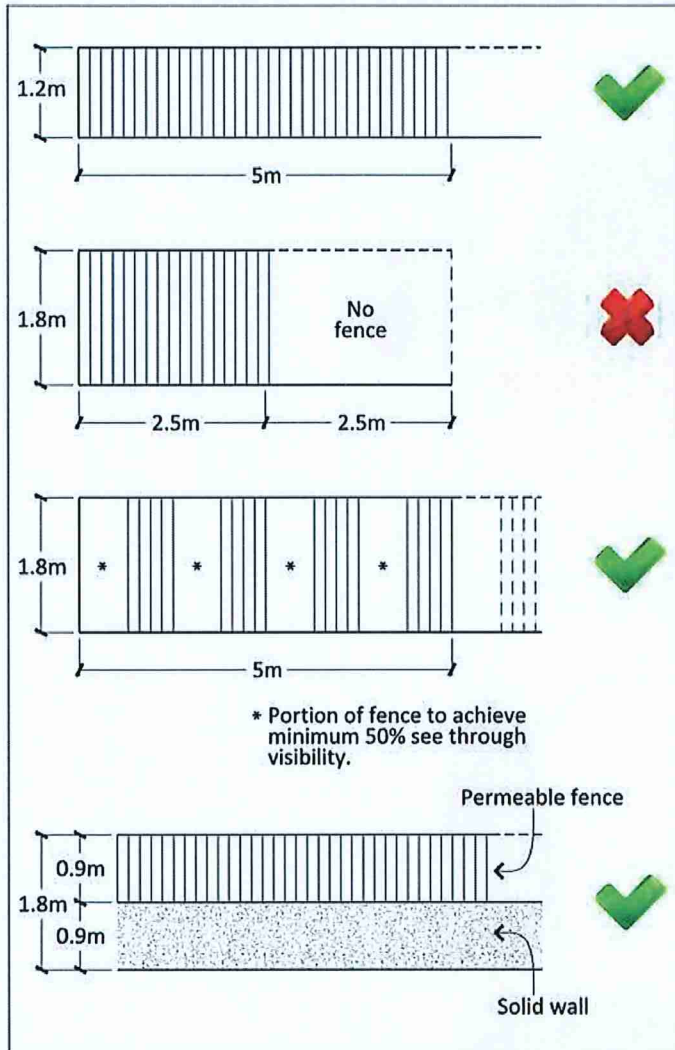


Figure 25.5.4b: Examples of shrub or hedge planting to achieve a visually impermeable screen

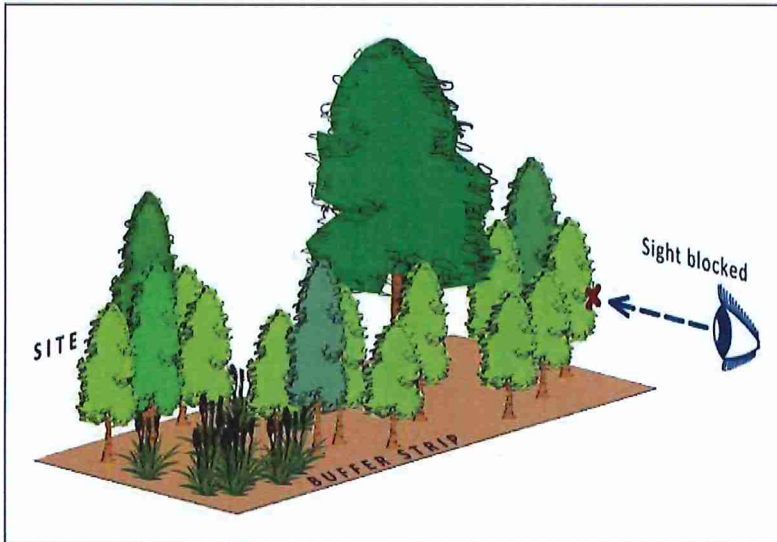


Figure 25.5.4c: Examples of achieving specimen tree spacing

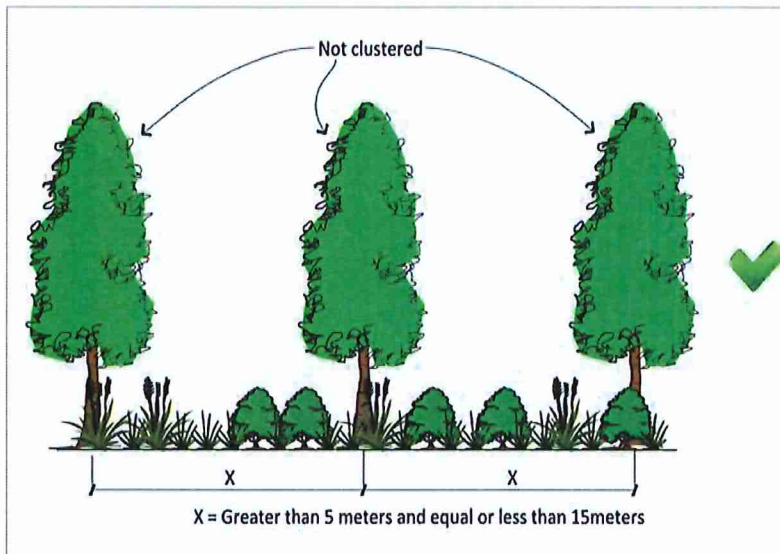


Figure 25.5.4d: Example of well-maintained groundcover

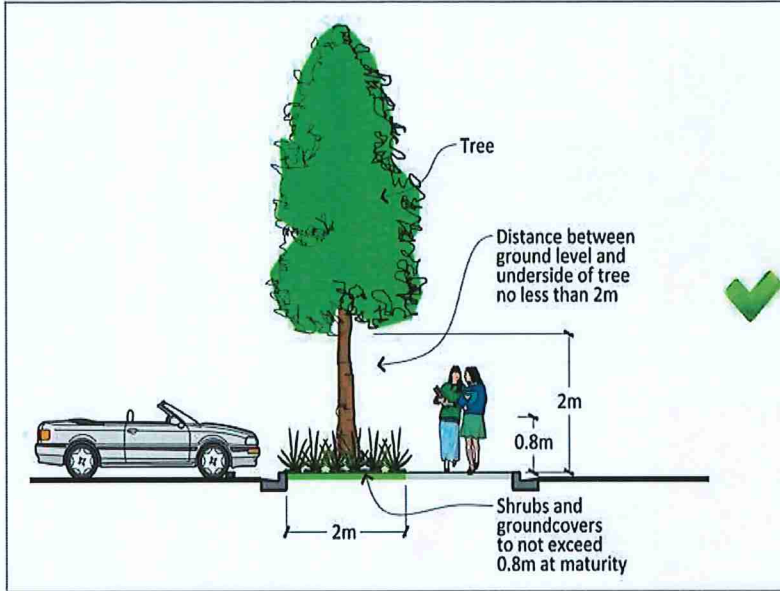


Figure 25.5.4e: Example of achieving ground coverage

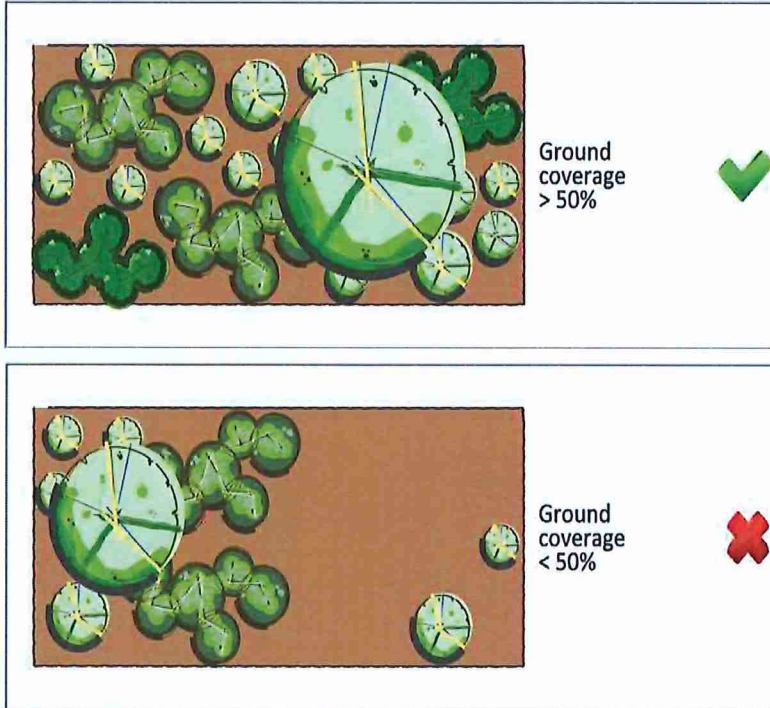
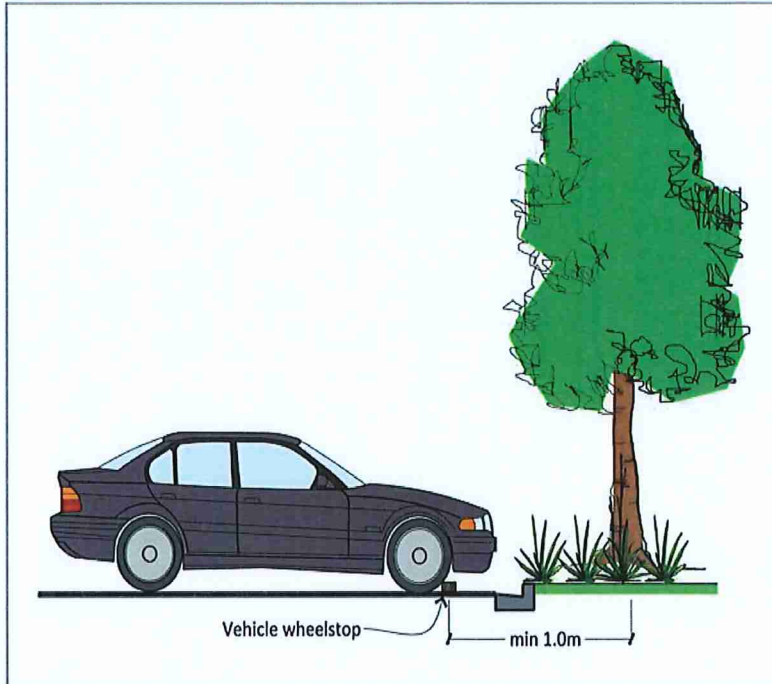


Figure 25.5.4f: Example of methods to protect trees from pedestrian or vehicle damage



25.5.5 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

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25.6 Lighting and Glare

25.6.1 Purpose

- a. Intrusive lighting is lighting that causes a nuisance to other people, usually by glare or light spill on to other people or properties. The District Plan manages these effects to protect amenity and safety values.

25.6.2 Objectives and Policies: Lighting and Glare

Objective	Policies
25.6.2.1 An environment free from the adverse effects of intrusive lighting.	25.6.2.1a Ensure that light spill and glare do not detract from the amenity values of other properties, compromise traffic safety, or have a negative effect on people's health and general welfare.
Explanation <i>Intrusive lighting may include light from floodlights, security lights and activities such as welding. Light spill and glare have the potential to disturb people's sleep, which could adversely affect their health and general welfare. Unlike other adverse effects of activities, like smoke or noise, which are difficult to contain completely, light spill is reasonably simple to avoid by correct aiming or baffling (shading) of the light source.</i>	

25.6.3 Rules — General Standards

- a. Artificial lighting shall not result in illumination on transport corridors which may dazzle or distract transport corridor users or train drivers, or interfere with any traffic aids or signals. The relevant clauses of Australian Standard AS4282 1997 Control of the Obtrusive Effects of Outdoor Lighting shall apply with respect to the effect of artificial lighting on traffic.
- b. Lighting designed to illuminate public spaces and transport corridors, including roads, public car parks and amenity areas, shall be designed in accordance with the Australian and New Zealand AS/NZS suite of standards.

Note

1. Acceptable means of compliance for the provision, design and construction of transport corridor lighting is contained within the Hamilton City Infrastructure Technical Specifications.

25.6.4 Rules — Specific Standards

25.6.4.1 Residential, Special Character, Future Urban and Community Facilities Zones

- a. For any activity in any Residential or Special Character Zones, or the Future Urban or Community Facilities Zones, the spill of light from artificial lighting (excluding street and navigation lights and traffic signals) on to any other site shall not exceed 3 lux (horizontal and vertical) when measured or calculated at points 1.5m within the boundary of any other site.

25.6.4.2 Open Space Zones

- a. Light spill from artificial lighting (excluding street and navigation lights and traffic signals) used in Open Space Zones shall comply with the following standards.

Location of light source (site in Open Space Zone)	Where measured	Standard
i. Sport and Recreation, Neighbourhood, and Natural Open Space Zones	Measured horizontally or vertically, at points 1.5m within the boundary of any other site	Maximum 3 lux
ii. Destination Open Space Zone	Measured horizontally or vertically, at points 1.5m within the boundary of any other site, except as stated in iii below	Maximum 10 lux
iii. Destination Open Space Zone	Measured horizontally or vertically, at points 1.5m within the boundary of any site in the Community Facilities Zone and Future Urban Zone or any Residential, Special Character or other open space zones	Maximum 3 lux

25.6.4.3 Major Facilities Zone and Knowledge Zone

- a. The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) in the Major Facilities Zone and Knowledge Zone on to any other site in any Residential, Special Character, Open Space, Community Facilities or Future Urban Zones, shall not exceed 3 lux (horizontal and vertical) when measured at points 1.5m within the boundary of the other site, except as provided for in Rule 25.6.4.3.c and 25.6.4.3.d.
- b. The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) in the Major Facilities Zone and Knowledge Zone on to any other site in any zone not specified in Rule 25.6.4.3.a shall not exceed 10 lux (horizontal and vertical) when measured at points 1.5m within the boundary of the other site, except as provided for in Rule 25.6.4.3.c and 25.6.4.3.d.

c. Seddon Park

- i. The flood lights shall not be used at more than 29 night-time events per year.
- ii. The lights on the lighting towers shall not be used after:
 - 2230 Monday to Thursday inclusive
 - 2300 Friday to Sunday inclusive

However, the lights may remain on for the purpose of crowd dispersal for a period of up to one hour after the event or one hour after the time specified above, whichever is the earlier. Except on New Year's Eve when flood lights may be used for crowd dispersal up to 0030 on the following day (January 1).

- iii. The level of lighting from Seddon Park shall not exceed 100 lux at all property boundaries.

d. Waikato Stadium

- i. The flood lights shall not be used at more than 35 night-time events per year.
- ii. The lights on the lighting towers shall not be used after:

- 2230 Monday to Thursday inclusive
- 2300 Friday to Sunday inclusive

However, the lights may remain on for the purpose of crowd dispersal for a period of up to one hour after the event or one hour after the time specified above, whichever is the earlier.

- iii. The level of lighting from Waikato Stadium shall not exceed 100 lux at all property boundaries.

25.6.4.4 All Other Zones

- a. The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) on to any other site shall not exceed 10 lux (horizontal and vertical) when measured or calculated at points 1.5m within the boundary of any other site. In the case of contiguous sites held in the same ownership for the same activity, the spill of light shall be measured or calculated at points 1.5m within the boundary of any other site beyond the boundary of the land holding.
- b. The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) on to any site in the Residential, Special Character, Open Space, Community Facilities or Future Urban Zones shall not exceed 3 lux (horizontal and vertical) when measured or calculated at points 1.5m within the boundary of any other site so zoned, except that in the Te Rapa Racecourse Medium Density Residential Precinct the spill of light shall be measured or calculated at points 31.5m within any boundary that adjoins industrial zoned land.

Commented [JO1]: Chartwell Investments submission 6.5, Takanini Rentors submission 7.5, Ecostream submission 8.5.

25.6.5 Other Resource Consent Information

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

How to Use this District Plan
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 Other Methods of Implementation

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25.8 Noise and Vibration

25.8.1 Purpose

- a. Noise and vibration can have an adverse effect on amenity values, adversely affecting people's health, interfering with communication and disturbing sleep and concentration. Under the Act, noise includes vibration, so the objectives and policies on noise cover vibration as well, unless the context requires otherwise.
- b. District Plan standards for noise are important in determining when resource consents will be required for land uses and the assessment of applications. The District Plan provisions are subject to Section 16 of the Act, which requires everyone carrying out activities to adopt the best practicable option to ensure that noise does not exceed a reasonable level.
- c. The duty to adopt the best practicable option is not always avoided by compliance with a District Plan rule on noise. Noise may be deemed to be unreasonable even though the District Plan does not require resource consent. Enforcement action for unreasonable noise will usually be based on the noise enforcement provisions of the Act, but may be based on exceeding the District Plan standards.

25.8.2 Objectives and Policies: Noise and Vibration

Objective	Policies
25.8.2.1 Activities have minimal adverse noise and vibration effects on other activities and sites, consistent with the amenity values of the receiving environment.	25.8.2.1a The amenity values of the surrounding neighbourhood and adjoining activities, especially noise-sensitive activities, shall be protected from the effects of unreasonable noise.
	25.8.2.1b Construction, maintenance and demolition activities shall be required to minimise potential adverse effects on the surrounding neighbourhood and adjoining activities.
	25.8.2.1c Noise effects arising from new and altered roads should be managed using best practicable options to ensure noise levels received by existing premises and facilities that are sensitive to noise are reasonable.
	25.8.2.1d Commercial, industrial and community activities shall ensure that noise received at the boundary of Residential and Special Character Zones is consistent with the residential noise environment.
	25.8.2.1e Noise from non-residential activities in residential areas shall not unduly adversely affect residential amenity values.
	25.8.2.1f Temporary events shall minimise noise impacts on residential activities when taking into account the level and duration of the noise.

Explanation	
<p><i>The policies ensure that noise levels will be appropriately managed to protect the amenity values of receiving environments.</i></p> <p><i>Management of the interface between areas is important to ensure that noise is within a reasonable expectation for the zoning and noise levels meet accepted minimum standards for the receiving environment. Within industrial and commercial areas, higher noise levels are accepted, but will be controlled to prevent unreasonable noise from transferring between sites.</i></p> <p><i>The policies will capture changes to the noise environment arising from new and altered roads. The Plan aims to limit people's exposure to traffic noise from new transport corridors by reducing noise at the source, and requiring insulation for new development beside busy transport corridors (see Objective 25.8.2.2).</i></p> <p><i>Many construction activities are inherently noisy but methods are available which can control the emission and impact of this noise. Noise experienced during construction is of a temporary nature and provided that noise at inconvenient times can be mitigated or avoided, reasonable levels of construction noise can be accommodated.</i></p>	
Objective	Policies
<p>25.8.2.2 Reduce reverse-sensitivity effects arising from new noise-sensitive activities locating:</p> <ul style="list-style-type: none"> i. Within the Central City, Business, Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones. ii. Near to transport networks. iii. Within a defined helinoise boundary. iv. Within the noise emission boundary of the Te Rapa Dairy Manufacturing Site. v. Within the Te Awa Lakes Structure Plan Area, recognising the proximity of Te Awa Lakes residential development to regionally significant and other industry (including industry located in the Waikato District) and regionally significant infrastructure. 	<p>25.8.2.2a Noise-sensitive activities locating within the Central City, Business, Industrial, Ruakura Logistics, Te Rapa North, Te Awa Lakes Major Facilities and Ruakura Industrial Park Zones or within an existing defined helinoise boundary or within the Te Rapa Dairy Manufacturing Site Noise Emission Boundary should include design and materials to reduce interior noise to acceptable levels.</p>
	<p>25.8.2.2b Noise-sensitive activities locating near transport corridors that carry high traffic volumes, or railways, should include design and materials to reduce interior noise to acceptable levels.</p>
	<p>25.8.2.2c Noise-sensitive activities located within the Rototuna North East Character Zone adjacent to the Waikato Expressway (Designation E90) within the habitable building setback should provide sufficient acoustic treatment to protect its residential noise environment.</p>
	<p>25.8.2.2d In the Te Awa Lakes Business 6 zone, residential activities and associated outdoor living areas shall be set back from Hutchinson Road to avoid or minimise the potential for reverse sensitivity effects on regionally significant and other industry.</p>
Explanation	
<p><i>The objectives and policies recognise that some areas of the City contain a diverse range of activities, and that there is increased potential for conflict over noise, particularly when noise-sensitive activities locate near existing noisy activities.</i></p> <p><i>The objective and policies recognise that noise-sensitive activities establishing in these areas will require appropriate design and materials, such as acoustic insulation, to achieve an acceptable internal noise environment.</i></p> <p><i>The objectives and policies also recognise that the noise levels within the Te Rapa Dairy Manufacturing Site Noise Emission Boundary were agreed through an appeal settlement on the Waikato District Plan and the area around the Dairy Manufacturing Site was subsequently transferred into Hamilton City. Noise sensitive activities locating within the Dairy Manufacturing Site Noise Emission Boundary need to be aware of the existing noise levels within the Noise Emission Boundary.</i></p> <p><i>In the Rototuna North East Character Zone, the use of a specific building setback provision pre and post the</i></p>	

construction of the Waikato Expressway (Designation E90) negates the need for additional acoustic mitigation of dwellings beyond the setback and provides protection for the outdoor amenity of residential properties within the setback. However, habitable buildings located within the setback do have an increased potential to be affected. Accordingly noise-sensitive activities establishing in this area will require appropriate design and materials, such as acoustic insulation, to achieve an acceptable internal noise environment.

Objective	Policies
25.8.2.3 Reduce reverse-sensitivity vibration effects arising from new development locating near to the rail transport network.	25.8.2.3a New buildings locating near to the rail network should include design and materials to reduce vibration to acceptable levels.
Explanation	
<i>The objectives and policies recognise that in some areas of the City near to the rail network there is potential for vibration effects. The objective aims to ensure that new buildings locating near to the rail are designed to recognise the environment in which they are located.</i>	

25.8.3 Rules – Specific Standards

25.8.3.1 Measurement and Assessment of Noise

- a. Noise levels shall be measured in accordance with NZS 6801:2008 “Acoustics – Measurement of Environmental Sound” and assessed in accordance with NZS 6802:2008 ‘Acoustics – Environmental Noise’. These apply unless otherwise stated.

25.8.3.2 Construction Noise

- a. All construction noise shall comply with the relevant noise levels stated in NZS6803: 1999, section 7.2 ‘Recommended numerical limits for construction noise’ and shall be measured and assessed in accordance with NZS 6803:1999 ‘Acoustics – Construction Noise’.

25.8.3.3 Construction Vibration

- a. Construction vibration received by any building on any other site shall comply with the provisions of and be measured and assessed in accordance with German Standard DIN 4150-3:1999 Structural vibration – Effects of vibration on structures.

25.8.3.4 Design and Construction of New and Altered Roads

- a. Application of this standard.
 - i. This standard shall apply only to new and altered roads predicted to carry at least 2000 annual average daily traffic (AADT) at the design year.
- b. This standard shall not apply:
 - i. In circumstances where NZS 6806: 2010 does not apply, as listed in paragraph 1.3.1 of NZS 6806: 2010.
 - ii. To local transport corridors identified within Volume 2, Appendix 15-4, Figures 15-4b to 15-4f.
 - iii. To altered roads where the vertical or horizontal alignment changes relate solely to

providing pedestrian footpaths, cycleways, dedicated passenger transport or high-occupancy vehicle lanes, vehicle stopping or parking whereby that part of the carriageway dedicated to usual vehicle movement does not move closer to any protected premises and facilities.

- c. Road-traffic noise shall be measured and assessed in accordance with NZS 6806:2010 'Acoustics – Road traffic noise – New and altered roads'.
- d. Subject to 25.8.3.4.a and b. above, new or altered roads are designed and constructed to mitigate road-traffic noise in compliance with NZS 6806: 2010 'Acoustics – Road traffic noise – New and altered roads'.

Note

1. This rule mainly affects road controlling authorities such as Council and the New Zealand Transport Authority, but sometimes may affect a private developer building or altering a road in a subdivision designed to carry the requisite traffic volumes. The practical effect of the standard is that traffic noise received at 'protected premises and facilities' will be reduced by design features such as quieter road surfaces.

25.8.3.5 Helicopter Landing Area Noise

- a. Helicopter noise from helicopter landing areas shall be measured and assessed in accordance with NZS 6807:1994 'Noise management and land-use planning for helicopter landing areas'.

Note

- 1. An activity that does not comply with NZS6807:1994 in Rule 25.8.3.5 will require consent, and the operator may be required to establish a helinoise boundary around the helicopter landing area, as described in NZS 6807:1994 via a change to the District Plan in accordance with the first schedule of the Act. Any new 'noise-sensitive activities' inside a defined helinoise boundary may be subject to the noise insulation requirements of NZS 6807:1994.
- 2. In addition to District Plan requirements, helicopter operation is subject to civil aviation controls.

25.8.3.6 Events and Temporary Activities

- a. The relevant zone noise standards shall apply to all events and temporary activities, except as provided in Rule 25.3.5.2.c and 25.3.5.3.e.

25.8.3.7 Noise Performance Standards for Activities in all Zones Except Major Facilities, Knowledge, Open Space, Ruakura Logistics and Ruakura Industrial Park Zones and sites in Industrial Zones that have a common boundary with the Te Rapa Racecourse Medium-Density Residential Precinct

- a. Activities in all Zones except Major Facilities, Knowledge, Open Space, Ruakura Logistics and Ruakura Industrial Park Zones, and sites in Industrial Zones that have a common boundary with the Te Rapa Racecourse Medium-Density Residential Precinct, shall not exceed the following noise levels at any point within the boundary of any other site in the:

- i. Residential Zones.
- ii. Special Character Zone.

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Commented [J01]: Consequential amendment

iii. 0600 – 0700 hours	45 dB	75 dB
iv. 0700 – 2000 hours	50 dB	-
v. 2000 – 2300 hours	45 dB	-
vi. 2300 – 0600 hours	40 dB	75 dB
vii. 2300 – 0600, within that part of Te Awa Lakes Medium-Density Residential zone located within 200m of the carriageway of the Waikato Expressway	45dB	75 dB

b. Activities in all zones except the Major Facilities, Knowledge and Open Space Zones shall not exceed the following noise levels at any point within the notional boundary of any other site in the Future Urban Zone.

i. 0700 – 2200 hours	55 dB	-
ii. 2200 – 0700 hours	40 dB	75 dB

c. Any activity within the Industrial and Te Rapa North Industrial zones shall not exceed a noise level of 65dBA (LAeq [15 min]) at any point within the boundary of any other site within that zone. This standard does not apply to sites held in common ownership with the site containing the activity generating the noise. This standard applies to Stage 1A of the Te Rapa North Industrial Zone, but does not apply to the remainder of the Te Rapa North Industrial Zone until such time as the Deferred Industrial Zone overlay is removed.

d. Activities in the Te Awa Lakes Business 6 Zone shall not exceed the following levels within any other Business 6 zoned site or within any site in the Te Awa Lakes Visitor Accommodation Overlay area:

0700 – 2300 hours	60 dB	-
2300 – 0700 hours	55 dB	75 dB
	60 dB at 63 Hz Leq	
	55 dB at 125 Hz Leq	

The 63Hz and 125Hz octave band limits shall not apply to fixed mechanical plant. Adjustments for noise containing Special Audible Characteristics in accordance with New Zealand Standards NZS 6802:2008 "Acoustics – Environmental Noise" only apply to A-weighted levels.

e. [Activities in Industrial Zones that have a common boundary with the Te Rapa Racecourse Medium-Density Residential Precinct shall not exceed a noise level of 65dB LAeq at any point within the boundary of the Te Rapa Racecourse Medium-Density Residential Precinct.](#)

f. Application of this standard.

- i. This standard does not apply to activities provided for by Rule 25.3.5.2.c and 25.3.5.3.e.
- ii. This standard does not apply to helicopter noise at helicopter landing areas, road traffic

noise, or construction noise.

- iii. This standard does not apply to residential activities, including the use of garden equipment (such as lawnmowers, chainsaws or wood chippers) ancillary to residential activities. Short duration use at reasonable times will usually be acceptable.
- iv. This standard does not apply to noise from temporary emergency use of generators for continued power supply provided that the best practicable option to control the noise is adopted.
- v. This standard does not apply to activities within the Te Rapa Dairy Manufacturing Site.
- vi. This standard applies to all other activities, including home-based businesses, pool pumps, air conditioning units and domestic wind turbines.

Note

1. *The Te Rapa North Deferred Industrial Area, excluding Stage 1A, is assessed against the Future Urban noise standards until such time as the Deferred Industrial Zone overlay is removed.*

25.8.3.8 Te Rapa Dairy Manufacturing Site Noise Emission Boundary

- a. Any activity within the Te Rapa Dairy Manufacturing Site shall be designed and conducted so that noise from site activities, other than construction noise, measured at the Te Rapa Dairy Manufacturing Site Noise Emission Boundary shown on Planning Maps 1B, 2B, 6B and 7B and Figure 6-4 in Volume 2 shall not exceed 45 dB LAeq (15 min).

25.8.3.9 Noise Performance Standards for Activities in the Major Facilities Zone, Knowledge Zone and Open Space Zones

- a. Activities within the Major Facilities Zone, Knowledge Zone and Open Space Zones shall not exceed the following noise levels at any point within the notional boundary of any other site within the:
 - i. Future Urban Zone.

Or, any point within the boundary of any other site in the:
 - ii. Residential Zones.
 - iii. Special Character Zone.

iv. 0700 – 2300 hours	55dB	-
v. 2300 – 0600 hours	40dB	75 dB
vi. 0600 – 0700 hours	45dB	75 dB

- vii. Rule 25.8.3.9.a.vi shall not apply to the Knowledge Zone and the Ruakura Open Space Zone (excluding Lot 3 DPS 66853), in which case the application of night noise limit of

Rule 25.8.3.9a.v shall be extended to apply between the hours of 2300 hours to 0700 hours.

- viii. Activities on any site within Te Awa Lakes Major Facilities Zone must not exceed $L_{Aeq}(15min)$ 65 dB at any point within the boundary of any other site within Te Awa Lakes Major Facilities Zone.
- b. Rule 25.8.3.9.a shall not apply to crowd noise from events.
- c. For Seddon Park, Waikato Stadium, Claudelands Events Centre and Te Rapa Racecourse the noise standards outlined in Rule 25.8.3.9.a shall apply except for six days per calendar year when the following standards shall apply.
- i. The noise (including practice or testing) does not exceed the following noise levels at any point within the boundary of any site in the:
- Residential Zone
 - Special Character Zone

ii. 1000 – 2300 hours	75 dB 70 dB at 63Hz 65 dB at 125Hz	85 dB
iii. On New Year's Eve these noise levels shall apply up to 0030 hours the following day (January 1).		

- iv. Rule 25.8.3.9.c.i shall not apply to crowd noise from events.
- v. The noise event does not exceed four hours' duration, except on two of the six occasions when the duration of the noise event must not exceed seven hours, exclusive of practice and sound checks.
- vi. Practice or testing involving the use of electronic sound amplification must not exceed two hours.
- vii. The public is notified at least 14 days before the noise event, including information about:
- The nature of the noise event and the fact that the noise limits for general activities may be exceeded.
 - Proposed dates and start and finish time of the event itself, and the expected times of any testing or practice.
 - Contact details before and during the noise event.
 - Possible alternative dates in the event of postponement.

Note

1. A suitable method for achieving compliance with this standard is the publishing of a public notice containing the required information in a newspaper with a circulation that covers the entire area affected by the proposal.

viii. Provide a noise management plan to Council at least one month before the event to demonstrate compliance with the relevant noise standards.

d. Application of this standard:

- i. This standard does not apply to activities provided for by Rule 25.3.5.2.c and 25.3.5.3.e
- ii. This standard does not apply in relation to noise received from the Te Rapa Racecourse at [the Te Rapa Racecourse Medium-Density Residential Precinct](#) or the following existing sites on Minogue Drive.
 - Pt Lot 1 DP 311765
 - Lot 5 DP 443687
 - Section 3 SO 318174
- iii. This standard does not apply to noise from helicopter noise at helicopter landing areas, road traffic noise, or construction noise.

25.8.3.10

Noise-sensitive Activities – Activities in all Zones except Ruakura Logistics Zone, Ruakura Industrial Park Zone and the Knowledge Zone

- a. The standards in Rule 25.8.3.10.e, f. and g. shall apply to the construction of new buildings to be used for noise-sensitive activities and to additions of habitable rooms to existing buildings, within:
 - i. The Central City Zone, Business 1 to 7 Zones, Industrial Zone, Te Rapa North Industrial Zone, the Te Rapa Dairy Manufacturing Site Noise Emission Boundary, Rototuna Town Centre Zone and the Te Awa Lakes Business 6 Zone and the Te Awa Lakes Major Facilities Zone [and within the area shown as Noise Sensitive Area on the Te Rapa Racecourse Medium-Density Residential Precinct Plan \(Figure 4.5.1\)](#).
 - ii. All sites, near existing and proposed transport corridors that carry high traffic volumes, as defined in 25.8.3.10.b, and c. below.
 - iii. All sites, near a railway line, as defined in 25.8.3.10.d below.
 - iv. The Rototuna North East Character Zone, where the residential activity is within the 55dB $L_{Aeq}(24hr)$ contour line from the Waikato Expressway, established via subdivision in accordance with 23.6.12.c Where habitable rooms are located outside of the 55dB $L_{Aeq}(24hr)$ contour, no acoustic treatment is required even if one or more boundaries of the lot is intersected by the noise contour.
- b. "Near existing and proposed transport corridors that carry high traffic volumes" applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway (not being a state highway) of:
 - i. Either:
 - Any existing arterial transport corridor or any of the following collector transport corridors
 - Bader Street

Commented [JO2]: HCC recommendation; replaced with additional assessment criteria in 1.3.3 P as all noise sensitive activities are RDA in the Noise Sensitive Area.

- Bankwood Road- South of Comries Road
- Beerescourt Road
- Brooklyn Road
- Bryant Road
- Cambridge Road
- Clyde Street- East of Wairere Drive
- Collins Road- West of Ohaupo Road
- Comries Road
- Grandview Road- Avalon Drive to Hyde Street
- Knighton Road- Clyde Street to Ruakura Road
- Maeroa Road- Ulster Street to Norton Road
- Naylor Street- Grey Street to Wairere Drive
- New Castle Road
- Palmerston Street- Pembroke Street to Cobham Drive
- Pukete Road
- Rifle Range Road
- Sandwich Road
- Seddon Road- Tainui Street to Norton Road
- Silverdale Road

Note

For the avoidance of doubt, only the Collector or Arterial portion of the transport corridors listed above are covered by this rule.

Or

On transport corridors that carry an average annual daily traffic level (AADT) of

- 5,000 AADT where the posted speed limit is ≤ 50 km/hr.
 - 2,000 AADT where the posted speed limit is > 50 km/hr
- ii. A designated transport corridor that is predicted to carry an annual average daily traffic level (AADT) at the design year of at least:

- 5,000 AADT where the posted speed limit is ≤ 50 km/hr.
 - 2,000 AADT where the posted speed limit is > 50 km/hr.
- iii. Under Rule 25.8.3.10b.ii the 40m distance shall be measured from either:
- a. The nearest designation boundary if the location of the carriageway has not been confirmed in writing by the Requiring Authority or through an outline plan of works approval under s176A of the RMA; or
 - b. The nearest location of the carriage way confirmed if the location has been confirmed in writing by the Requiring Authority or through an outline plan of works approval under s176 of the RMA.
- c. "Near existing and proposed transport corridors that carry high traffic volumes" also applies to noise sensitive activities where the building line of the building containing the activity is within:
- i. 100m of the Waikato Expressway (Designations E90, E90a, E99a and E81a), except that this standard does not apply to:
 - 1. the land zoned Rototuna North East Character Zone – see Rule 25.8.3.10a.iv above; or
 - 2. feeder roads serving the expressway interchanges where the noise sensitive activity is more than 100m from the Waikato Expressway proper or any of its interchanges; or
 - ii. 80m of any other state highway where the speed limit is equal to or greater than 70km/hour, or where the speed limit is less than 70 km/hour and the AADT is at least 10,000 vehicle per day; or
 - iii. 40m of any state highway where the speed limit is less than 70km/hour and the AADT is less than 10,000 vehicles per day;
 - iv. Where the distances specified in i., ii. and iii. above shall be measured from the edge of the carriageway, or the designation boundary if the carriageway location has not been confirmed in writing by the Requiring Authority; and
 - v. Where the speed limit specified in ii. and iii. above shall be the posted speed limit in the case of an existing state highway, or the speed limit confirmed in writing by the Requiring Authority for a proposed state highway; and
 - vi. Where the AADT specified in ii. and iii. above shall be the current AADT for an existing state highway, or the predicted AADT in the design year confirmed in writing by the Requiring Authority for a proposed state highway.
- d. "Near a railway line" applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the boundary of a designation for Railway Purposes (Designations F1 and F1a).
- e. Where this standard applies (as defined by Rule 25.8.3.10.a to d. above) any habitable room

in the building containing the noise sensitive activity shall be protected from noise arising from outside the building by ensuring the building is designed and constructed to meet an indoor design sound level of 35dB L_{Aeq} (24hr) in bedrooms and 40dB L_{Aeq} (24hr) in all other habitable rooms. Where only 25.8.3.10.a. applies, the outdoor noise level shall be the level incidental on the residential activity based on the noise level prediction parameters in Rule 23.6.12.c except that for buildings in the Te Rapa Racecourse Medium-Density Residential Precinct the outdoor noise level incidental on the building shall be based on the noise limit in Rule 25.8.3.7 d.

f. Compliance with Rule 25.8.3.10.e shall be achieved by:

- i. An acoustic design certificate that describes the proposed design of the building that will achieve compliance with the internal noise design standards in Rule 25.8.3.10.e.; or
- ii. An existing solid building or landform blocking the line of sight from all parts of all windows and doors of any new habitable room(s) to any part of the carriageway, or the designation if the carriageway location has not been confirmed in writing by the Requiring Authority, within the relevant distance specified in:
 1. Rule 25.8.3.10.b for transport corridors that are not state highway, or
 2. Rule 25.8.3.10.c for transport corridors that are state highway, and any habitable room is set back at least 40m from any part of the carriageway, or the designation if the carriageway location has not been confirmed in writing by the Requiring Authority.

g. Where the internal noise design standards in Rule 25.8.3.10.e can only be achieved in a habitable room with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 – Ventilation of the New Zealand Building Code 2011.

25.8.3.11 Noise-sensitive Activities – Ruakura Logistics Zone, Ruakura Industrial Park Zone and Knowledge Zone

- a. Buildings to be used for noise-sensitive activities shall not be constructed with any part of the building within 40m of the designation for the Waikato Expressway. This requirement shall not apply to the feeder roads serving the Pardoia Boulevard and Ruakura interchanges.
- b. The following standards in this rule shall apply to the construction of new and altered buildings to be used for noise-sensitive activities within:
 - i. The Ruakura Logistics Zone, the Ruakura Industrial Park Zone and the Knowledge Zone.
 - ii. All sites, near existing and proposed transport corridors that carry high traffic volumes, as defined in Rule 25.8.3.11.c and d. below.
 - iii. All sites, near a railway line, as defined in Rule 25.8.3.11.e below.
- c. "Near existing and proposed transport corridors that carry high traffic volumes" applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway of:
 - i. All existing transport corridors, and

Commented [J03]: HCC recommendation; replaced with additional assessment criteria in 1.3.3 P as all noise sensitive activities are RDA in the Noise Sensitive Area.

- ii. Designated transport corridors (where the designation defines the location of the carriageway), that are predicted to carry an annual average daily traffic level (AADT) at the design year of at least:
 - 5,000 AADT where the posted speed limit is ≤ 50 km/hr.
 - 2,000 AADT where the posted speed limit is > 50 km/hr.
- d. "Near existing and proposed transport corridors that carry high traffic volumes" also applies to noise-sensitive activities where the building line of the building containing the activity is within 100m of the boundary with the Waikato Expressway designation, except for parts of the feeder roads serving the Pardoia Boulevard and Ruakura Interchanges beyond 100m from these interchanges"
- e. "Near a railway line" applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the boundary of a designation for Railway Purposes.
- f. Where this standard applies, either:
 - Any room in a building shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the minimum performance standard of $D_{2m,nT,w} + C_{tr} > 30$ dB, or
 - Where only Rule 25.8.3.11.b.ii. and iii. apply, an acoustic design certificate signed by a suitably qualified acoustic engineer shall state the outdoor noise levels will not exceed 55 dB $L_{Aeq}(1h)$ for rail noise or 57 dB $L_{Aeq}(24h)$ for road-traffic noise at the building facade.
- g. Where Rule 25.8.3.11.f applies, a supplementary source of air shall be provided to achieve a minimum ventilation as specified in Section G4 Ventilation of the New Zealand Building Code 2011 and provide cooling. The ventilation system shall generate less than 35dB L_{Aeq} measured at 1 metre from the internal grill/diffuser.

25.8.3.12 Operational Vibration from Rail Lines – Activities in All Zones

- a. Any new building developed for a vibration sensitive activity within 20m of a boundary of a designation for railway purposes shall comply with Class C vibration limits in NS 8176E:2005 – Vibration and Shock: Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.
- b. Where Rule 25.8.3.12.a applies a design report prepared by an acoustics engineer, demonstrating compliance with the vibration criteria, shall be submitted to the Council prior to construction of the building.

Note

1. *Some properties more than 20m from a rail line may experience vibration from passing trains. Factors such as soil ground conditions, distance from rail lines and building design will affect the amount of vibration received. For more information, professional advice can be sought from engineers before undertaking building work near the rail corridor.*

25.8.3.13 Noise Performance Standards for Activities in the Ruakura Logistics and Ruakura Industrial

Park Zones

a. Activities shall not exceed the following noise limits

- i. At or within the notional boundary of any residential unit on any other site within the Ruakura Logistics Zone or within the Ryburn Road and Percival Road Large Lot Residential Zone (as identified in Appendix 14-1).
- ii. At or within the boundary of any site in the Residential Zones and Knowledge Zone, except as provided for in i. above.

0700 – 2000 hours	55 dB	-
2000 – 2300 hours	50 dB	-
2300 – 0700 hours	40 dB	75 dB

- b. Any activity within the Ruakura Logistics and Ruakura Industrial Park Zones shall not exceed a noise limit of 70dB (L_{Aeq} [15 min]) within the boundary of any other site within that Zone. This standard does not apply to sites held in common ownership with the site containing the activity generating the noise.
- c. Application of this standard.
 - i. This standard does not apply to temporary activities.
 - ii. This standard does not apply to noise from helicopters at helicopter landing areas, road noise, or construction.
 - iii. This standard does not apply to residential activities, the use of garden equipment (such as lawnmowers, chainsaws or wood chippers) ancillary to residential activities. Short duration use at reasonable times will be acceptable.
 - iv. This standard applies to all other activities, including home-based businesses, pool pumps, air conditioning units and site based wind turbines.
 - v. Assessment of the standard shall be in accordance with NZS6801:2008 and NZS6802:2008 including a reference time interval (t) of 15 minutes.
- d. A noise barrier shall be provided to ensure that the noise limits in Rule 25.8.3.13.a are met and in accordance with the following:
 - i. The barrier shall be constructed at, or to the north of, the northern-most limit of the Inland Port operations area (Sub Area A (Inland Port)) and in any other locations necessary to ensure the noise limits in Rule 25.8.3.13.a will be met.
 - ii. The barrier may be constructed in stages to suit staged development of the Inland Port (Sub Area A (Inland Port)).
 - iii. The barrier shall be designed and constructed in accordance with best practice and certified by a suitably qualified expert.

- iv. The barrier shall be designed to avoid or minimise the reflection of noise from passing trains onto residential properties on Ryburn Road.
- v. The noise barrier shall form part of the Noise Management Plan for each stage of development of the Inland Port (Sub Area A (Inland Port)).

25.8.3.14 Non-Conformity with Standards in the Ruakura Logistics Zone

- a. Any activity in the Inland Port (Sub Area A (Inland Port)) which is between 40 dBL_{Aeq}(15 min) and 45 dBL_{Aeq}(15 min) between 2300 and 0700 hours when measured under 25.8.3.13.a is a restricted discretionary activity. This shall be considered without notification or the need to obtain approval from affected persons, except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act.
- b. Any activity in the Inland Port (Sub Area A (Inland Port)) which exceeds 45 dBL_{Aeq}(15 min) between 2300 and 0700 hours when measured under 25.8.3.13.a is a non-complying activity.

25.8.4 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

7/07/2023 Working Version

1.2 Information Requirements

Where noted and relevant the following information may be required to be supplied with applications for resource consents and certificates of compliance.

Any information and plans provided must be in writing and in sufficient detail and accuracy to enable a full assessment of compliance with the District Plan and to evaluate any environmental effects of the proposal.

Note

1. *Wherever possible application material should also be provided in an electronic format. Checklists, forms, templates and guides are available from Council. Further general guidance on the Act and its processes is available from the Ministry for the Environment website: www.mfe.govt.nz/rma/index.html*

1.2.1 All Applications

The following information must be supplied with all applications for resource consent and certificates of compliance, as relevant, at the time of lodgement.

a. Description of the proposal

An introductory background providing a clear description of:

- i. The proposed activity and how it is intended to operate (including information such as hours of use, numbers of users, etc).
- ii. The proposed use of all existing and proposed buildings on the site.
- iii. The current use of the site.
- iv. Resource consents applied for, identifying what aspects of the proposal do not comply with relevant standards and assessment criteria within the District Plan (including any plan changes or variations).

b. Legal description of the subject site

- i. Street address, legal description and allotment area(s) of the subject site.
- ii. A copy of the current Certificate of Title(s) for the subject site and documents detailing any associated:
 - Consent notices
 - Easement documents
 - Hamilton City Council covenants
 - Building line restrictions

Note

1. *Certificates of Title may be obtained from Land Information New Zealand. Please ensure that the Certificate of Title consists of both the cover page and attached pages showing the survey plan.*

c. Locality plan

A locality plan or aerial photograph showing the physical location of the subject site in relation to adjoining roads and sites.

Note

1. One copy at a scale of 1:500 is required with all applications.

d. Site plan/s

Showing the following.

- i. North point.
- ii. Allotment boundaries and dimensions.
- iii. Date the plans were drawn.
- iv. Any historic or natural feature identified in Appendix 8 or Appendix 9 as follows:
 - Schedule 8A: Built Heritage (structures, buildings and associated sites)
 - Schedule 8B: Group 1 Archaeological and Cultural Sites
 - Schedule 8C: Group 2 Archaeological and Cultural Sites
 - Schedule 9C: Significant Natural Areas
 - Schedule 9D: Significant Trees
- v. Other natural features (e.g. wetlands, springs, streams, location of banks).
- vi. Frontages to public road (noting the road's hierarchy in the Transport Corridor Hierarchy Plans in Appendix 15, Figures 15-4b to 15-4f).
- vii. Locations and layout of existing and proposed buildings (including key dimensions from buildings to boundaries).
- viii. Floor plans showing the internal room layout and identifying the floor area and any habitable rooms (the outline of any upper storey should be indicated on the site plan).
- ix. Access and vehicle crossings from road boundaries to any parking, loading and manoeuvring areas.
- x. Location of buildings on adjoining sites.
- xi. Location, layout and dimensions of existing and proposed:
 - Any parking spaces (cars, motorbikes, bicycle, accessible)
 - Loading spaces
 - Service areas
 - Living court areas
 - Storage areas
- xii. Location, layout, dimensions and description of existing (noting any that are to be retained or removed) and any proposed:

- D. Burbush Road;
 - E. Exelby Road between Rotokauri North and the Rotokauri Road / Exelby Road intersection inclusive; and
 - F. Exelby Road / Lee Road intersection.
- ii. Evidence of the following consultation and responses to the issues raised in that consultation:
- A. Consultation with Waikato District Council on the parts of Exelby Road and Te Kowhai Road that are in that Council's jurisdiction.
 - B. Consultation with Waka Kotahi (the New Zealand Transport Agency) regarding the interface with SH39 including any intersections.
 - C. Consultation with the owner(s) of 336, 338 and 360 Te Kowhai Road in relation to the intersection design planned in proximity with particular regard to achieving safe access to these properties and ensuring the intersection design does not exacerbate existing water runoff/flooding that occurs at the southern frontage of these properties.
- iii. An ITA addressing the intersections listed in clause i shall be provided where the cumulative total of consented lots/units reach 700.

1.2.2.24

Te Rapa Racecourse Medium Density Residential Precinct

- a. All subdivision applications that include subdivision of land to create any of the open spaces shown on the Te Rapa Racecourse Medium-Density Residential Precinct Plan (Figure 4.5-1) must include a landscape plan for that area of open space that includes:
- i. Landscape design for areas of public open space and stormwater management
 - ii. Details of landscape treatment to integrate the site with the Te Rapa Racecourse and to provide a visual buffer between the Precinct and adjoining Industrial-zoned land, including trees capable of growing to heights to achieve visual screening to the extent practicable;
 - iii. Details of plant types and species, including use of indigenous plants wherever practicable;
 - iv. Details of solid fencing not less than 1.8m high on any common boundary with Industrial zoned land;
 - v. Identification of any areas for public access and areas that are not public and the legal mechanisms to secure and maintain public access;
 - vi. Details of any trees on Sir Tristram Avenue that need to be removed to provide access, and details of replacement tree planting.

- vii. Details of implementation and ongoing maintenance plans and maintenance responsibilities for open space areas, and
- viii. Evidence of consistency with any other landscape plans approved under this rule.

Commented [JO1]: Addition to improve clarity

Assessment Criteria

1.3

1.3.1 Guide to Using the Criteria

This chapter provides a range of Assessment Criteria that are to be used, where relevant, in the assessment of activities that require resource consent.

Specifically:

1. Controlled Activities will be assessed against the matters over which Council has reserved control. The assessment criteria are provided within section 1.3.2 with the section headings being the Matters of Control.
2. Restricted Discretionary Activities that are restricted solely due to failed standards will be assessed against the effects resulting from an activity not complying with any relevant standard(s) in this District Plan (refer section 1.3.3.A1 of this appendix).

To assist with assessing the effects of the non-compliance, there may be specific criteria within {Link, 9193,section 1.3.3 of this appendix that could be of use in assessing the application.

3. Restricted Discretionary Activities that are restricted solely due to being listed in the chapters as a Restricted Discretionary Activity will be assessed against the specific matters of discretion which are identified against each activity in the chapter.
4. Restricted Discretionary Activities that are restricted by virtue of being listed in the chapter as a Controlled Activity and also fail standards will be assessed against the relevant criteria as outlined in points 1 & 2 above.
5. Restricted Discretionary Activities that are restricted by virtue of being listed in the chapter as a Restricted Discretionary Activity and also fail standards will be assessed against the relevant criteria as outlined in points 2 and 3 above.
6. Discretionary and Non-Complying Activities may use the criteria in {Link, 9193,section 1.3.3 as a guide with specific reference to the general criteria in A2.

1.3.2 Controlled Activities – Matters of Control

The following section contains matters over which Council has reserved control for Controlled activities. These are referenced in other parts of the District Plan.

Note

1. Example: chapters in this District Plan may include a section titled "Controlled Activities – Matters of Control" and a table like the example below.

Activity	Matter of Control Reference Number
	(Refer to Volume 2, Appendix 1.1)

i. Teaching and research laboratories	A. Hazardous Facilities
---------------------------------------	-------------------------

In this example the controlled activity is "i. Teaching and research laboratories". The matters of control are identified by the reference "A". These references align with the lists below. In this example "A" is associated with Hazardous Facilities with the relevant matters of control listed beneath.

A.	Hazardous Facilities
	The extent to which the effects on, and risks to, the health and safety of people, property and the environment are appropriately managed, including:
i.	Matters referred to in the relevant standards in Rule 25.4.4 of Chapter 25.4 City-wide – Hazardous Facilities.
ii.	Safe access to and from the transport network.
iii.	Effects due to the sensitivity of the surrounding natural, human and physical environment.
iv.	Separation distances and the type of environment/number of people potentially at risk from the proposed facility.
v.	Potential hazards and exposure pathways arising from the proposed facility.
vi.	Potential cumulative hazards presented in conjunction with neighbouring facilities.
vii.	Proposed: <ul style="list-style-type: none"> • Fire safety and fire water management • Spill contingency and emergency planning • Monitoring and maintenance schedules • Waste disposal management • Hazardous substance transport arrangements
viii.	Compliance with relevant Standards and Codes of Practice.
ix.	Any other measures to avoid or mitigate risks posed by the activity.

O	Rotokauri North	
O1	a.	The landscape buffer and associated planting will provide visual amenity and screening between State Highway 39 (SH39) and Rotokauri North and contribute to indigenous biodiversity.
	b.	The extent to which the proposed private legal entity that will own the landscape buffer will ensure the buffer's on-going protection and maintenance.
O2	For the creation of a private rear lane, the extent to which:	
	a.	An appropriate legal mechanism for ownership and ongoing maintenance of the lane will be established, and including any requirement for indemnity for collection of solid waste and recycling (where these are proposed to enter the rear lane).
	b.	The lane is designed to accommodate the passage of large rigid trucks such as fire, furniture removal, refuse and recycling-collection trucks (where these are proposed to enter the rear lane).
	c.	The rear lane's design including traffic calming measures to promote slow vehicle speeds and provide a safe shared space.
O3	All restricted discretionary, discretionary and non-complying activities	
	a.	The extent to which the proposal gives effect to the objectives and policies of the Rotokauri North Structure Plan within Chapters 3, 4 and 23.
	b.	The extent to which the proposal avoids, remedies or mitigates adverse effects on, or where possible enhances, any significant habitats of indigenous fauna.
	c.	Provides for, is consistent with, or could prejudice or foreclose options for, future development of the elements identified on the Structure Plan
	d.	Restores and enhances aquatic and terrestrial ecological values associated with springs, streams, waterways, wetlands and their margins in Rotokauri North.
	e.	Restores and enhances the natural, cultural, heritage and amenity values of Rotokauri North's open spaces.
	f.	Recognises and provides for mana whenua values and relationships with Rotokauri North and their aspirations for the area, including interpretation of the landscape's significance, protection and preservation of sites of significance.
	g.	Reflects the area's character and heritage.
	h.	Has been planned with the active involvement of mana whenua.
	i.	The design and construction of walking and cycling infrastructure, including in the Green Spine, and the extent to which this infrastructure provides alternative means of travel to the private car, and for recreational use, and connects to the transport network.
j.	The extent that subdivision provides an interconnected transport network that achieves pedestrian and cycle connectivity east to west and vice versa (particularly in the northern half of the structure plan area) to avoid these movements on SH39.	
O4	For any subdivision of a duplex which meets Rule 4.7.12.a, the Council will restrict its discretion to the following matters:	
	a.	Whether the sites can be appropriately serviced for infrastructure and access.
O5	For any duplex complying with Rule 4.7.12.a.i and ii but not the Rotokauri North Acceptable Solutions Code in Rule 4.14 the Council will restrict its discretion to the following matter:	

	a.	Whether the alternatives provided will result in the same or a better urban design outcome than that envisaged by the Rotokauri North Acceptable Solutions Code.
O6	The creation or upgrading of all or part of a Collector or Minor Arterial transport corridor:	
	a.	The extent to which the design has allowed for the provision of public transport to be included in the transport corridor (including facilities for pedestrians to cross roads to access public transport stops, carriageway width, turning facilities, accessible bus stops) as identified indicatively on Figure 2-9C.
	b.	The outcome of any consultation with the Waikato Regional Council regarding public transport.
O7	Where service areas are for apartments consideration will be given to:	
	a.	Whether sufficient space can be provided for service activities and rubbish collection such that each unit has either individual space or access to appropriately sized communal spaces.
	b.	Whether sufficient screening can be achieved for communal areas of rubbish storage particularly where these can be viewed from public spaces.
O8	a.	Neighbourhood parks should be dispersed within Rotokauri North so that no residential unit is more than 500 metres walking distance from a neighbourhood park, or any other park and/or reserve which provides for the same or a similar level of passive and active recreation opportunity.
	b.	Neighbourhood parks should generally be: approximately 5000 m ² in area; have at least 50% of the total neighbourhood park boundary to a transport corridor frontage (unless accommodated within the Green Spine); on land that is generally flat and able to accommodate a 30m ² area.
O9	Where stormwater infrastructure is provided "commensurate with that required to service that stage of development", the stormwater infrastructure being provided: <ul style="list-style-type: none"> • Is consistent with the sub-catchment ICMP required by Rule 3.6.A.4.2e.i.; • Includes an adequate area to establish the Rotokauri North Structure Plan's 'green spine' concept; • Meets the storage volume, conveyance and treatment requirements of the sub-catchment ICMP required by Rule 3.6.A.4.2e.i.; and • Addresses any interim and permanent stormwater related effects on flow, water levels, water quality and ecology on the upstream and downstream areas. 	
P	Te Rapa Racecourse Medium-Density Residential Precinct	
	a.	<u>The extent to which buildings in the Noise Sensitive Area shown on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1) adjacent to industrial zoned land</u> <ol style="list-style-type: none"> <u>create a contiguous built form so as to act as an acoustic barrier between the Industrial zoned land and the balance of the Precinct;</u> <u>locate outdoor living areas that are orientated away from the adjoining Industrial zoned land;</u>
	b.	<u>The extent to which the subdivision and development layout and building design</u> <ol style="list-style-type: none"> <u>gives effect to Objective 4.2.16 and Policies 4.2.16 a-e;</u> <u>is consistent with the development layout on Figure 4.5-1;</u>

Commented [JO1]: Deleted to increase certainty as this provision applies across all of the NSA

Commented [JO2]: Chartwell Investments submission 6.4, Takanini Rentors submission 7.4, Ecostream submission 8.4.

Commented [JO3]: Chartwell Investments submission 6.4, Takanini Rentors submission 7.4, Ecostream submission 8.4.

		<ul style="list-style-type: none"> iii. <u>does not foreclose options for future development of the balance of the Te Rapa Racecourse land;</u> iv. <u>implements Crime Prevention Through Environmental Design (CPTED) principles;</u> v. <u>integrates landscape design with the adjacent Te Rapa Racecourse;</u> vi. <u>provides a landscaped open space land visual buffer between residential development and the adjacent Industrial zoned land;</u> vii. <u>avoids incompatible development within the Overland Flow Path area identified on Figure 4.5-1);</u> viii. <u>avoids or mitigates the effects of flooding on people, property and the environment within the Low Flood Hazard area identified on Figure 4.5-1);</u> ix. <u>implements any recommendations of the flood risk assessment prepared in accordance with 23.7.9.b);</u> x. <u>have been designed so that potential reverse sensitivity effects on nearby industrial activities and the racecourse are avoided, remedied or mitigated;</u> xi. <u>includes appropriate legal mechanisms to secure the indicative open space area adjoining the Industrial zone as a buffer to manage potential reverse sensitivity effects in perpetuity.</u>
c.		<p><u>The extent to which noise sensitive activities within the Noise Sensitive Area shown on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1) are protected from noise arising from outside the building by ensuring that:</u></p> <ul style="list-style-type: none"> i. <u>the building is designed and constructed to meet an indoor design sound level of 35dB LAeq (24hr) in bedrooms and 40 dB LAeq (24hr) in all other habitable rooms; and</u> ii. <u>when calculating the indoor sound level for i above the outdoor noise level incidental on the noise sensitive activity is calculated using the rule 25.8.3.7 e noise limit of 65dB LAeq (24hr) at the nearest industrial zone boundary, including any relevant noise level reduction from distance, screening and/or orientation in relation to that Industrial zone boundary; and</u> iii. <u>an acoustic design certificate is provided that describes the proposed design of the building to achieve the internal noise design levels in i above; and</u> iv. <u>where the internal design levels in i above can only be achieved in a habitable room with windows and doors closed, an alternative ventilation system is installed that complies with the requirements of Section G4 – Ventilation of the New Zealand Building Code 2011.</u>

Commented [JO4]: Chartwell Investments submission 6.1, 6.4; Takanini Rentors submission 7.1, 7.4; Ecostream submission 8.1, 8.4.

Commented [JO5]: McMac submission 1.4

Commented [JO6]: McMac submission 1.4

Commented [JO7]: McMac submission 1.4

Commented [JO8]: Kainga Ora submission 24.18. Fonterra submission 3.2, Chartwell Investments submission 6.4, Takanini Rentors submission 7.4, Ecostream submission 8.4.

Commented [JO9]: Chartwell Investments submission 6.1, 6.4; Takanini Rentors submission 7.1, 7.4, Ecostream submission 8.1, 8.4.

Commented [JO10]: Chartwell Investments submission 6.4, Takanini Rentors submission 7.4, Ecostream submission 8.4. As all noise sensitive activities in the NSA are RDA these additional criteria provide specific guidance on treatment, while recognising flexibility is needed to accommodate a variety of situations within the NSA.

