



PC7 (clean – rebuttal version)

4 Residential Zones

4.1 Purpose

- a) The Residential Zones assist in creating a compact City. The Central City Zone also contributes significantly to the residential strategy by providing opportunities for higher-density living in the Central City (see Chapter 7: Central City Zone).
- b) The City has a finite amount of residential land. To accommodate more people, Council needs to develop the land it has more efficiently. The key is to provide a range of section sizes and household choices, including smaller sections and more compact living environments (such as townhouses and apartments), as well as the traditional larger lots with backyards.
- c) This District Plan provides for four Residential Zones (shown on the Planning Maps) that promote opportunities for different dwelling densities.
 - i. General Residential Zone.
 - ii. Residential Intensification Zone.
 - iii. Medium-Density Residential Zone.
 - iv. Large Lot Residential Zone.
- d) The provisions of this chapter are designed to assist in meeting the density targets of the Regional Policy Statement.
- e) The District Plan also provides for special character residential areas in Chapter 5: Special Character Zones.

4.1.1 General Residential Zone

- a) The General Residential Zone provides for most of the traditional housing areas. The zone includes established residential suburbs and some greenfield areas.
- b) This zone is intended to be primarily for residential buildings and activities.
- c) The building form is likely to be low (one or two-storey) single dwellings with a high ratio of on-site open space to building. There is an expectation of a high level of private, on-site amenity. Duplex dwellings are a higher density form of development but are acceptable so long as they maintain a sense of open space and private, on-site amenity.
- d) Larger sites will be able to accommodate an ancillary, self-contained residential unit.

4.1.2 Residential Intensification Zone

- a) The Residential Intensification Zone is applied to existing residential areas that have been identified as suitable to accommodate higher density development.

The intent is to encourage site redevelopment, primarily for multi-level and attached housing. These are expected to deliver good urban design outcomes.

- b) The form of housing is likely to be apartments and town houses.
- c) The Residential Intensification Zone has a Visitor Facilities Area (which can be found on the Planning Map 36B) which recognises the existing visitor accommodation around Ulster Street. This area includes the sites fronting Ulster Street, from Mill Street to Beetham Park and provides for a high-density mix of visitor and permanent residential accommodation in the form of multi-unit and apartment developments. Ancillary activities often accompany visitor accommodation, such as conference facilities and restaurants.
- d) The Residential Intensification Zone in Hamilton East (which can be found on the Planning Maps 45B and 46B) has special rules that recognise and protect elements of the streetscape, including site coverage, building height and wall length. In this area, the focus is on the protection of amenity values – the strong ‘green’ backdrop – rather than the character of the existing buildings. This area is defined by that part of the Residential Intensification Zone:
 - i. South of Te Aroha Street, and
 - ii. West of Peachgrove Road, and
 - iii. North of Albert Street, and
 - iv. East of Memorial Drive to Anzac Parade then east of the Waikato River.

4.1.3 Medium-Density Residential Zone

- a) The Medium-Density Residential Zone applies to identified greenfield areas within the Rototuna, Rotokauri, [Rotokauri North](#), Ruakura and Te Awa Lakes Structure Plan areas. This zone recognises that medium-density housing is more easily achieved when it is comprehensively planned from the start, rather than being retrofitted into an existing urban environment.
- b) A Comprehensive Development Plan or Land Development Consent for Ruakura and Te Awa Lakes must be approved before development in this zone. These plans need to be in general accordance with the relevant Structure Plan and Urban Design Guide.

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4.1.4 Large Lot Residential Zone

- a) The Large Lot Residential Zone recognises that there are certain locations where a lower density is required to manage the effects of residential development in a sustainable manner. The Large Lot Residential Zone is similar in most respects to the General Residential Zone, with the obvious difference being the size of allotments within the Large Lot Residential Zone. The locations and rationale for this zone in these locations are outlined below.
 - i. Ruakura Structure Plan area (SH26)

This location is not serviced and is already characterised by a range of large lot residential and non-residential uses.
 - ii. Ruakura Structure Plan area (Percival/Ryburn Roads)

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

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

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

4.1.5 All Residential Zones

- a) Design and layout of residential sites and buildings are critically important. All residential development must address potential adverse environmental effects and ensure a quality urban environment is achieved through high quality urban design.
- b) Good standards of amenity create a pleasant and attractive living environment, and in doing so contribute to wider neighbourhood amenity. Residential amenity means the many qualities and attributes that allow people to enjoy living where they do – such as visual attributes, sunlight, good access, low noise levels and safety.
- c) All Residential Zones are intended to be primarily for residential purposes and other activities need to maintain residential character and amenity.
- d) In addition to residential activities, some small-scale non-residential activities, such as home-based business and home stays, are appropriate in residential areas. A limited range of non-residential activities that support communities, such as schools and health centres, can potentially establish within the zones. However, this is subject to their compatibility with the existing and anticipated residential character and amenity.

4.2 Objectives and Policies: Residential Zones

Objective	Policies
4.2.1 A range of housing types and densities is available to meet the needs of all communities.	4.2.1a A variety of housing densities and types should be developed, consistent with the: <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.
	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.
	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.
Explanation	
<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</i></p>	

established land-use pattern. The Large Lot Residential Zone identifies areas where topography and existing land uses do not lend themselves to full urbanisation.

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.

Objective	Policies
4.2.2 Efficient use of land and infrastructure.	4.2.2a Residential development shall use land and infrastructure efficiently by: <ol style="list-style-type: none"> Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans. Staging and sequencing the development as indicated by rules or Structure Plans. Otherwise complying with relevant Structure Plans.
	4.2.2b New buildings and activities shall mitigate effects on and from regionally significant infrastructure.
	4.2.2c Residential land uses should be managed to avoid potential effects, such as noise, from arterial transport corridors and state highways.

Explanation

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.

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.

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

Objective	Policies
4.2.3 Residential development produces good on-site amenity.	4.2.3a Residential design shall achieve quality on-site amenity by providing: <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. 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	
<p><i>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.</i></p> <p><i>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, privacy and off-road parking. Incorporation of these features will ensure functional and high-quality living environments for the occupants.</i></p>	

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	
<i>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.</i>	
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: <ul 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	
<p><i>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.</i></p>	
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: <ul 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. iv. Involve no outdoor storage of vehicles, equipment or goods visible from a public place. 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.
	4.2.6d Community facilities and community support activities (including managed care facilities and residential centres) shall: <ul style="list-style-type: none"> i. Serve a local social or cultural need.

	<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> <ul style="list-style-type: none"> i. Effects of noise, glare, odour, dust, smoke, fumes and other nuisances. ii. Effects on traffic, parking, and transport networks.
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> <ul style="list-style-type: none"> i. Incorporating water-sensitive techniques. ii. Reducing the use of reticulated electricity.
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,</i></p>	

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.

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.	4.2.9a Adverse effects of activities that cross zone boundaries shall be managed through setbacks, building design, and landscaping.
	4.2.9b Buildings and structures on the boundary between Residential Zones and public areas shall incorporate CPTED principles.

Explanation

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.

This objective also recognises the importance of the interface between Residential Zones and public areas such as roads and reserves.

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.	4.2.10a Maintain the low density living environment by limiting the subdivision of land for further residential purposes.
	4.2.10b Maintain efficient management of water supply and the treatment and disposal of stormwater and wastewater.

Explanation

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

Objective	Policies
4.2.11 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.

	<p>4.2.13d</p> <p>Development is sensitive to the Waikato River interface through lower density development and building setbacks.</p>
	<p>4.2.13e</p> <p>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.</p>
	<p>4.2.13f</p> <p>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.</p>
<p>Explanation</p> <p><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>	
Objective	Policies
<p>4.2.14</p> <p><u>The Rotokauri North Medium-Density Residential Zone enables a medium-density residential environment which has high</u></p>	<p>4.2.14a</p> <p><u>Enable a medium-density residential urban form and character which is defined by:</u></p> <p>i. <u>Clearly delineating between public and private spaces;</u></p> <p>ii. <u>Ensuring building bulk is located towards the road frontage and side boundaries of lots,</u></p>

<p><u>levels of amenity and allows for a range of housing typologies.</u></p>	<p><u>with less development within the rear yards (excluding rear lane accessed garaging);</u></p> <p>iii. <u>Ensuring there is sufficient space between the rear of opposing dwellings to provide rear yards for outdoor living with privacy and reasonable solar access ;</u></p> <p>iv. <u>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;</u></p> <p>v. <u>Providing high quality, safe, interconnected and accessible public spaces rather than relying on large private outdoor spaces.</u></p> <p><u>4.2.14b</u> <u>Encourage a diverse range of residential developments (including on 280m² vacant lots, duplexes and apartments);</u></p> <p>i. <u>Near the Business 6 Zone within the Residential Medium-Density Overlay on the Structure Plan Figure 2-8A ; and</u></p> <p>ii. <u>Near collector roads, natural open space, parks and reserves.</u></p> <p><u>4.2.14c</u> <u>Reduce dependence on cars by limiting the number of onsite car parks required for duplexes and apartments.</u></p> <p><u>4.2.14d</u> <u>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.</u></p> <p><u>4.2.14e</u><u>Enable duplex housing on sites where:</u></p> <p>i. <u>There is sufficient road frontage width;</u></p> <p>ii. <u>There is a combined vehicle crossing where vehicle access is not from a rear lane; and</u></p> <p>iii. <u>Car parking dominance and adverse effects of car parking on public space and streetscapes are minimised.</u></p> <p>:-</p> <p><u>4.2.14f</u> <u>Enable apartments that:</u></p>
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	<p>i. <u>Are on sites:</u></p> <p>A. <u>Of a sufficient size and dimension to accommodate the proposed number of residential units; and</u></p> <p>B. <u>Where there is sufficient frontage to public space, and with private space to the rear; and</u></p> <p>ii. <u>Through site layout, building design and landscaping:</u></p> <p>A. <u>Clearly delineate public and private space;</u></p> <p>B. <u>Promote passive surveillance of adjoining public spaces;</u></p> <p>C. <u>Avoid bland featureless elevations, high blank walls and non-permeable fencing to public spaces; and</u></p> <p>D. <u>Orientate habitable rooms, balconies and entrances to public space.</u></p>
	<p><u>4.2.14g</u></p> <p><u>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</u></p>
	<p><u>4.2.14h</u></p> <p><u>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.</u></p>
	<p><u>4.2.14i</u></p> <p><u>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.</u></p>
	<p><u>4.2.14j</u></p> <p><u>Require outdoor living spaces that are:</u></p> <p>i. <u>Commensurate with medium -density development;</u></p> <p>ii. <u>Primarily focused at the rear of dwellings for privacy; and</u></p> <p>iii. <u>Supported by opportunities to utilise front porches for outdoor living (as transitional</u></p>

	<u>spaces and to enable interaction with the street).</u>
	<u>4.2.14k Enable service areas within side and rear yards, carports and garages.</u>
Explanation	
<u>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.</u>	
<u>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.</u>	

4.3 Rules – General Residential, Residential Intensification and Large Lot Residential Zones

4.3.1 Activity Status Table – General Residential Zone, Residential Intensification Zone and Large Lot Residential Zone

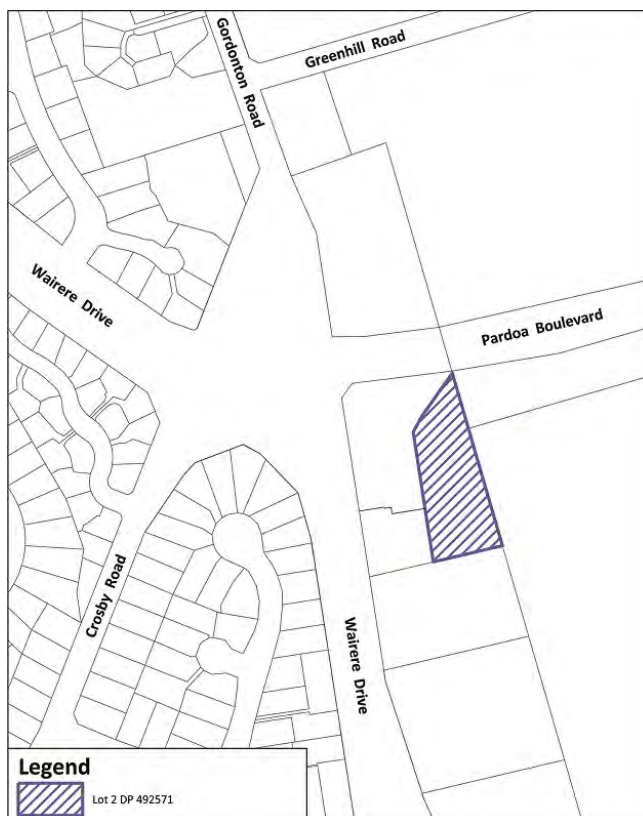
Activity	General Residential Zone	Residential Intensification Zone	Large Lot Residential Zone
Residential Activities and Structures			
a) Accessory building	P	P	P
b) Apartment building	D	RD	D
i. On Lot 2 DP492571 (see Figure 4.3.1)	RD	-	-
ii. Percival and Ryburn Road enclave	-	-	NC
c) Ancillary residential unit	P	NC	P
d) Ancillary residential structures	P	P	P
e) Single dwelling: first residential unit per site	P	D	P
f) Single dwelling: second and subsequent residential unit per site	RD*	D	RD*

Activity	General Residential Zone	Residential Intensification Zone	Large Lot Residential Zone
g) Duplex dwellings	RD* -	RD*	RD*
i. Percival and Ryburn Road enclave		-	NC
h) Integrated Residential Development	RD	NC	NC
i) Managed care facilities			
i. up to 9 residents	P	P	P
ii. up to 10 residents (excluding emergency housing)	D	P	D
iii. 11 or more residents (excluding emergency housing)	D	D	D
j) Emergency housing for up to 10 residents	P	P	P
k) Papakainga	RD*	RD*	RD*
l) Residential activities	P	P	P
m) Residential centre	D	D	D
n) Rest home	RD*	RD*	RD*
o) Farming activities	NC	NC	P
p) Rural industry	NC	NC	D
q) Produce stalls	NC	NC	P
r) New building for the purpose of Health Care Services identified in 4.3.1x)	RD	-	-
ra) The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Structure Plan Area where the site is subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below).	-	-	P
rb) The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Structure Plan Area where the site is not subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below).	-	-	D
Commercial Activities and Structures			
s) Childcare facility			
i. up to 5 children	P	RD	P
ii. six or more children	RD	RD	RD
t) Conference facility	NC	D	NC
u) Conference facility in Visitor Facilities Area	-	P	-
v) Dairy	RD	NC	D

Activity	General Residential Zone	Residential Intensification Zone	Large Lot Residential Zone
w) Health care service	D	D	NC
x) Health care services on Lot1 DP S2537, Flat B DP S43060, Flat 1 DP S43568, Flat 2 S67794 (being at 452, 448B, 444A and 444B Ulster Street), Lot 28 DP S4185 and Lot 27 DP S4185 (being at 3 and 5 Ulrich Avenue)	P	-	-
y) Home-based business	P	P	P
z) Homestay accommodation	P	P	P
aa) Office, other than as a home-based business	NC	NC	NC
bb) Places of assembly	D	D	NC
cc) Restaurant	NC	D	NC
dd) Restaurant ancillary to visitor accommodation in Visitor Facilities Area	-	P	-
ee) Show homes	P	D*	P
ff) Tertiary education and specialised training facility	RD	D	NC
gg) Visitor accommodation	RD	D	D
hh) Visitor accommodation in Visitor Facilities Area	-	P	-
Community Activities and Structures			
ii) Community centre	RD	D	D
jj) Informal recreation	P	P	P
kk) Marae	D	D	D
ll) Organised recreation	P	P	P
mm) Places of worship	RD	D	D
nn) School	D	D	NC
All Activities and Structures			
oo) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P
pp) Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P
qq) Relocated buildings	P	P	P
rr) Emergency service facilities	RD	D	D
ss) Any activity not listed above	NC	NC	NC

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)
3. For the purposes of this rule a “restrictive no-complaint covenant” is defined as a restrictive covenant registered on the Title to the property or a binding agreement to covenant, in favour of the adjoining Industrial Park and Logistics Zoned land by the landowner (and binding any successors in title) not to complain as to effects generated by the lawful establishment and operation of the Industrial Park and Logistics Zoned land (including the inland port).

Figure 4.3.1: Lot 2 DP 492571 (see Rule 4.3.1b)i.)

4.3.2 Rules – Ruakura Structure Plan Area General Residential – Staging

- a) Activities listed in 4.3 Rules – Activity Status Table – 4.3.1 General Residential Zone and Residential Intensification 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.

4.4 Rules – General Standards – General Residential, Residential Intensification Zones and Large Lot Residential Zone

- a) The following standards apply in the General Residential, Residential Intensification Zones and Large Lot Residential Zone only.

4.4.1 Density

- a) The minimum or maximum area of land (net site area) required in respect of each residential unit (or resident in the case of residential centres, rest homes and managed care facilities) shall be:

Activity	Net site area (minimums unless otherwise stated)		
	General Residential Zone	Large Lot Residential Zone	Residential Intensification Zone
i. Single dwellings (per residential unit)	400m ² per residential unit 1000m ² per residential unit for lots adjoining Waikato Expressway (Designation E90 and E90a)	2500m ² (SH26) Ruakura Structure Plan area 2ha (Percival/Ryburn Roads) Ruakura Structure Plan area*	350m ² maximum per residential unit
ii. Duplex dwellings	400m ² per duplex (200m ² per unit)	2500m ² per duplex (1250m ² per unit)	300m ² per duplex (150m ² per unit) 600m ² maximum per duplex (300m ² maximum per unit)
iii. Apartment building	-	-	Average net site area of 150m ² per residential unit
iv. Single dwellings with an ancillary residential unit	600m ² total for both dwelling and ancillary residential unit	3500m ² total for both dwelling and ancillary residential unit 2ha for both dwelling and ancillary residential unit (Percival/Ryburn Roads) Ruakura Structure Plan area.*	-
v. Integrated Residential Development	300m ² per single dwelling unit 400m ² per duplex (200m ² per unit) Apartments – 150m ² per residential unit	-	-
vi. Relocated dwellings	400m ² per residential unit	2500m ² per residential unit 2ha per residential unit (Percival/Ryburn Roads) Ruakura Structure Plan area.*	-

vii. Residential centres	75m ² per resident	300m ² per resident	50m ² per resident
viii. Rest homes	75m ² per resident	300m ² per resident	50m ² per resident
ix. Managed care facilities	100m ² per resident	400m ² per resident	50m ² per resident

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

4.4.2 Site Coverage

	General Residential Zone	Large Lot Residential Zone	Residential Intensification Zone
a) Site coverage	Maximum 40%	Maximum 20%	Maximum 50% Hamilton East: Maximum 45%

4.4.3 Permeable Surface

	General Residential Zone	Large Lot Residential Zone	Residential Intensification Zone
a) Front sites, corner sites, through sites only: front setback (required by Rule 4.4.6) to be planted in grass, shrubs or trees	Minimum 50%	Minimum 70%	Minimum 40%
b) Permeability across the entire site (can include area required by Rule 4.4.3(a) above)	Minimum 30%	Minimum 70%	Minimum 20%

4.4.4 Building Height

	General Residential Zone	Large Lot Residential Zone	Residential Intensification Zone
a) Height of buildings	Maximum 10m	Maximum 10m	Maximum 12.5m Hamilton East: 10m Opoia Road: 16m

4.4.5 Height in Relation to Boundary

- a) No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45

degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries (see Figure 4.4.5e below).

Except that:

- i. Where buildings are attached, no height control plane is required between those buildings.
 - ii. Where a boundary adjoins a transport corridor, the 45-degree angle applies to that boundary, measured 3m above the boundary (see Figure 4.4.5d below).
 - iii. Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45 degrees and with this angle measured from 3m above ground level at the midway line or the indicative subdivision boundary.
 - iv. Where the boundary subject to measurement adjoins a legal right of way, access lot or entrance strip, the standard applies from the farthest boundary of that legal right of way, access lot or entrance strip.
 - v. The height in relation to boundary control may be reduced where the written consent of owners adjoining the height in relation to boundary infringement is obtained. This does not apply to public boundaries.
- b) In the Residential Intensification Zone, the height control plane applies only along a zone boundary adjoining the General Residential Zone or any of the Special Character Zones.
- c) The following exemptions apply to Rule 4.4.5(a):
- i. Chimneys, flues and similar projections not exceeding 2m in height and 1m² in area may protrude through the height control plane; and
 - ii. An aerial as permitted in Volume 1, Chapter 25.7 City-wide – Network Utilities and the Electricity National Grid Corridor may protrude through the height control plane; and
 - iii. A gable end, dormer or roof may project beyond the height control plane where:
 - (a) any projection is no greater than 1.5m² in area and no greater than 1m in height; and
 - (b) any projection is no greater than 2.5m cumulatively in length measured along the edge of the roof (see figure 4.4.5f); and
 - (c) no more than two gable end, dormer or roof projections occur on any sites given elevation.

Figure 4.4.5d: Height control plane for a boundary adjoining a transport corridor or access

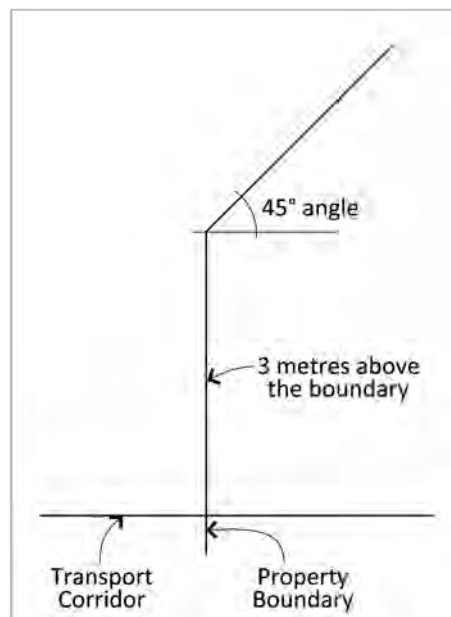


Figure 4.4.5e: Height Control Plane

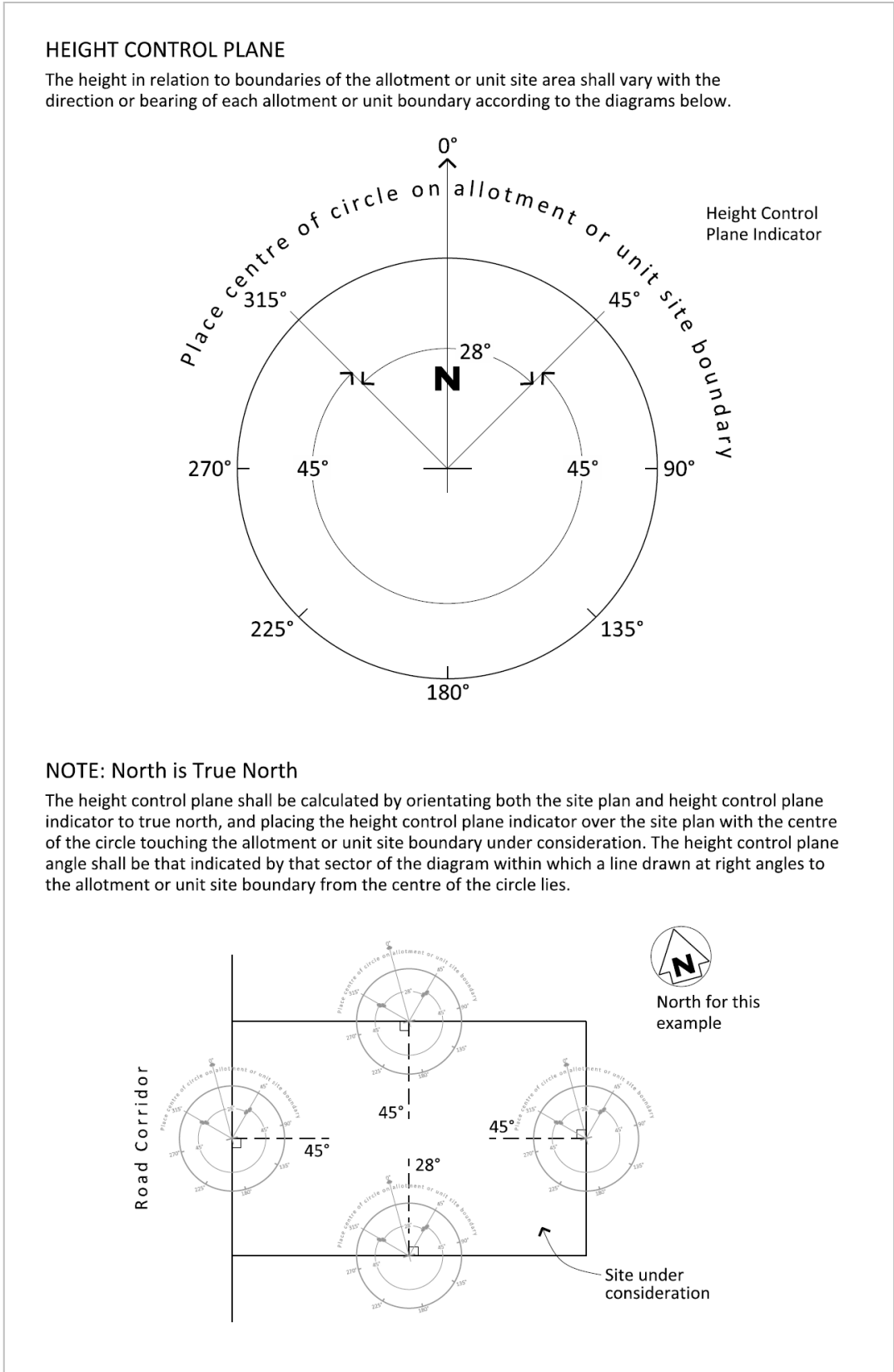
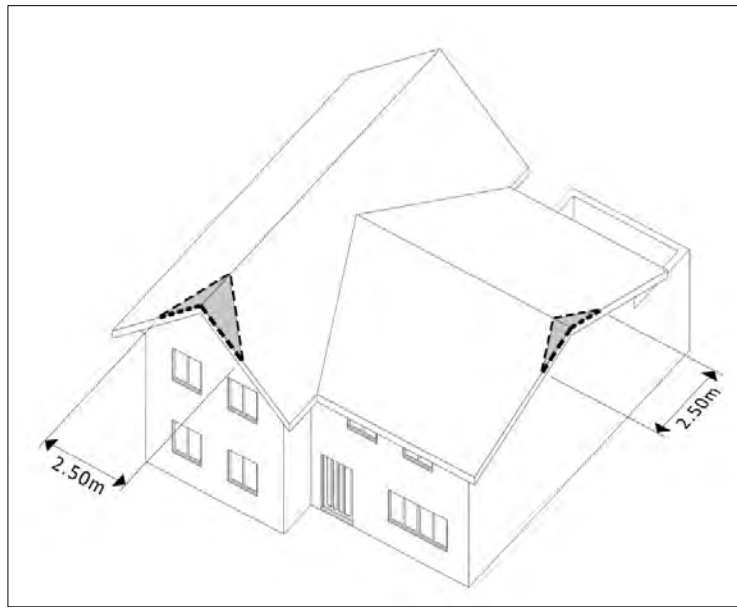


Figure 4.4.5f: Exceptions for gable ends, dormers and roof projections

4.4.6 Building Setbacks

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector transport corridors	3m except that where the vehicle entrance for any garage or carport faces toward a transport corridor, it shall be setback a minimum of 5m. 5m Large Lot Residential Zone
b) Transport corridor boundary – arterial transport corridors	5m Except that any garage or carport facing the transport corridor shall be set back a minimum of 8m
c) Waikato Expressway (Designation E90 or E90a)	i. 35m from the designation boundary, or ii. 40m measured from the actual carriageway edge of the Waikato Expressway if: 1. The location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or 2. Construction is underway or completed.
d) Internal vehicle access serving up to three residential units on a site (excluding access to an ancillary residential unit)	No part of a building (including eaves) shall extend over or encroach into an internal vehicle access.
e) Internal vehicle access serving more than three residential units on a site	Setback of Residential Units = 1.5m
f) Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)

g) Any other boundary	<p>1.5m or setbacks may be reduced where:</p> <ul style="list-style-type: none"> i. Buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or ii. The written consent of the owners adjoining the relevant setback or setbacks is obtained: or iii. It is proposed to site a building within the 1.5m setback and: <ul style="list-style-type: none"> (a) The building is less than 10m² in area; and (b) The building is less than 2m in height; and (c) The building will not be connected to electricity supply; and (d) There is no discharge of stormwater onto neighbouring land from the building; and (e) No more than one building is established on a site in accordance with this rule; except where notional boundaries are shown for an approved subdivision, one accessory building can exist for each notional lot. <p>For Large Lot Residential Zone:</p> <ul style="list-style-type: none"> iv. 5m setback for SH26 and Percival/Ryburn Roads v. 50m for buildings and outdoor hardstands used for housing and feeding animals, including milking sheds and shearing sheds. vi. 250m for residential units set back from the operational area of an existing intensive farm on any other site. vii. 25m from any water body.
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Note

1. Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

4.4.7 Interface Between Public and Private

- a) These standards only apply to residential units and accessory buildings on front, corner and through sites that have unit site areas that directly front onto a transport corridor.
- b) Location of accessory building:
 - i) Any accessory building (excluding a carport) that:
 - (a) is located forward of the front building line of a dwelling; and

- (b) does not have a vehicle entrance facing nor opening toward a transport corridor
shall be provided with a window(s) facing the transport corridor which have an area no less than 10% of the façade of the accessory building.
 - ii) Where the accessory building is to be located between any residential unit and a transport corridor, it shall not cover more than 50% of the front façade of the residential unit that is visible at ground level from the transport corridor. For the purpose of assessment:
 - The measurement of the extent that a residential unit and an accessory building is visible, shall be taken from the elevation plans provided to illustrate the proposed development.
 - This standard shall apply regardless of whether there is any screen fencing or planting of the transport corridor boundary existing or proposed.
 - A vehicle entrance is considered to face toward the transport corridor where vehicles reverse straight onto the transport corridor.
- c) At least one habitable room of the residential unit shall have a clear-glazed window facing the transport corridor from which vision toward the transport corridor is not blocked by any accessory building. For corner and through sites this shall be required only on the frontage from which vehicular access is provided.
- d) Residential Intensification Zone – Hamilton East only: No wall of any building parallel to or up to an angle of 30 degrees to any external boundary except the transport corridor frontage shall exceed 15m in length without there being a step in (or out) plan of at least 2m depth and 5m length.

4.4.8 Fences and Walls

- a) Fences and/or walls shall have a maximum height of 1.8m.
- b) The height of any fence and/or wall shall be measured in terms of natural ground level.
- c) Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.
- d) Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.
- e) This rule shall not apply to any fence and/or wall which:
 - (i) Following construction will be located at or below natural ground level of the land that existed prior to construction commencing; or
 - (ii) Is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property not in common ownership.

Note

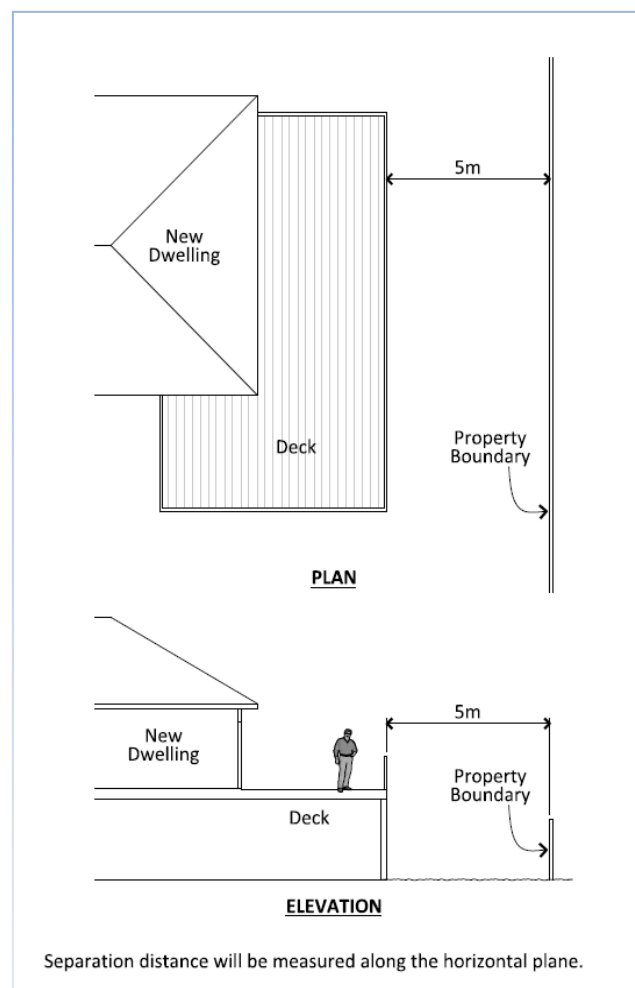
1. For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and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

4.4.9 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 is a minimum of 1.5m.
- b) A balcony at upper-floor level shall be set back at least 5m from all boundaries (see Figure 4.4.9c).

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.

Figure 4.4.9c: Upper-floor setbacks for separation and privacy



4.4.10 Outdoor Living Area

- a) These standards do not apply to managed care facilities or rest homes.
- b) Each residential unit, except for when a communal area is provided, 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.
- c) Communal open space for 4 or more residential units and apartment buildings shall comply with 4.4.10b) iii) as well as being:
 - i. For the shared use of all residents on site, and
 - ii. Readily accessible from all residential units on site.
- d) 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	<ul style="list-style-type: none"> Up to 2 bedrooms- 35m²; plus 10m² for each additional bedroom over 2 	Either: <ul style="list-style-type: none"> No width contributing to the complying area less than 4.0m; or Capable of containing a 6m circle with no dimension less than 2.5m
ii. Ancillary residential unit	12m ²	No dimension less than 2.5m
iii. 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
iv. Apartment buildings and duplex dwellings in the Residential Intensification Zone, where communal open space is not provided	12m ²	No dimension less than 2.5m
v. Communal open space for apartment buildings in the Residential Intensification Zone	Up to 7 residential units – 12m ² per unit 8 or more residential units – 8m ² per unit	Capable of containing a circle with the following diameter: <ul style="list-style-type: none"> 4-7 residential units – 6m 8 or more residential units – 8m No dimension less than 2.5m

- e) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.
- f) In the General Residential Zone, any communal open space shall be optional but cannot contribute more than 50% of the above provisions.

- g) Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.

4.4.11 Service Areas

- a) These standards do not apply to managed care facilities or rest homes.

Description	Minimum requirements per Residential
b) Every site, including first single dwelling but excluding 4.4.11(d) – (f)	i. At least 15m ² , and may be made up of two separate areas incorporating <ul style="list-style-type: none"> • 10m² for clothes drying (e.g. foldable clothes line) • 5m² for rubbish / recycling storage ii. Minimum dimension 1.5m
c) Second and subsequent residential units, including duplex dwellings	i. Additional 15m ² , and may be made up of two separate areas incorporating <ul style="list-style-type: none"> • 10m² for clothes drying (e.g. foldable clothes line) • 5m² for rubbish / recycling storage ii. Minimum dimension 1.5m iii. Duplex in Residential Intensification zone Individual or communal <ul style="list-style-type: none"> • 10m² • Minimum dimension 1.5m
d) Service area per ancillary residential unit	i. Additional 10m ² ii. Minimum dimension 1.5m
e) Apartments	Individual or communal: <ul style="list-style-type: none"> i. 10m² ii. Minimum dimension 1.5m
f) Community centres, visitor accommodation, conference facilities	i. 10m ² ii. Minimum dimension 1.5m
g) Dairies (may be indoor or outdoor)	i. Minimum 10m ² ii. Minimum dimension 1.5m iii. Readily accessible to service vehicles iv. Indoor service area separately partitioned v. Outdoor service area; all-weather dust-free surface
h) All service areas	i. Clothes drying areas shall be readily accessible from each residential unit ii. Not visible from a public place unless screened from view by vegetation or fencing in accordance with Section 25.5. iii. Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages). iv. Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking.

4.4.12 Residential Unit Size – Residential Zones

- a) The minimum floor area required in respect of each residential unit (excluding ancillary residential units) in the Residential Intensification Zone and the General Residential Zone 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 55m ²
iv. 3 or more bedroom unit	Minimum 90m ²

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

4.4.13 Provisions in Other Chapters

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

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

4.5 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.

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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:
- Are identified as a non-complying activity in column two (refer to Rule 4.5.3), or
 - 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.

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Rotokauri North Private
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4.5.3

Activity Status Table – Medium-Density Residential Zone (excluding Rotokauri North, Ruakura and Te Awa Lakes)

Activities	Activity Status for a Comprehensive Development Plan and changes in use once consent has been granted <i>Note: See Rule 4.5.2(a) for once consent granted</i>
Residential Activities and Structures	
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
Commercial Activities and Structures	
m) Childcare facility	
i) up to 5 children	D
ii) six or more children	D

Activities	Activity Status for a Comprehensive Development Plan and changes in use once consent has been granted <i>Note: See Rule 4.5.2(a) for once consent granted</i>
	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
Community Activities and Structures	
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
All Activities and Structures	
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
gg) Any activity not listed above	NC

Note

- For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.

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

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Activities	Activity Status	
	<u>Ruakura and Te Awa</u>	<u>Rotokauri North</u>
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*	<u>NA</u>
Land Development Activities in Land Development Plan Areas Q and R in the Te Awa Medium-Density Residential Zone.	D	<u>NA</u>
Residential Activities and Structures		
a) Single dwelling	P	<u>P</u>
b) Duplex dwellings and apartments	RD*	<u>See ff) and hh) below</u>
c) Maintenance, repair, minor alterations and additions to existing buildings	P	<u>P</u>
d) Managed care facilities	D	<u>D</u>
e) Papakainga	RD*	<u>RD*</u>
f) Residential activities	P	<u>P</u>
g) Residential centre	D	<u>D</u>
h) Rest home	D	<u>D</u>
Commercial Activities and Structures		
i) Childcare facility for up to five children	C	<u>C</u>
j) Childcare facility for six or more children	D	<u>D</u>
k) Dairy	C	<u>D</u>
l) Tertiary education and specialised training facility	D	<u>D</u>
m) Health care services	D	<u>D</u>
n) Home-based business	P	<u>P</u>
o) Homestay accommodation	P	<u>P</u>
p) Places of assembly	D	<u>D</u>
q) Show homes	P	<u>P</u>
r) Visitor accommodation	D	<u>D</u>

Activities	Activity Status	
	<u>Ruakura and Te Awa</u>	<u>Rotokauri North</u>
s) One Integrated Retail Development in accordance with the general location identified on Figure 2.14 Ruakura Structure Plan – Land Use (Appendix 2)	RD*	<u>NA</u>
t) One Service Station (fronting Pardoia Boulevard)	D	<u>NA</u>
u) Community centre	C	<u>C</u>
v) General recreation	D	<u>D</u>
w) Informal recreation and ancillary buildings	P	<u>P</u>
x) Marae	D	<u>D</u>
y) Places of worship	D	<u>D</u>
z) School	D	<u>D</u>
aa) Demolition or removal of existing buildings (except heritage buildings)	P	<u>P</u>
bb) Relocated buildings	C	<u>C</u>
cc) Emergency service facilities	D	<u>D</u>
dd) Temporary activities	P	<u>P</u>
<u>Additional Residential activities (applicable to Rotokauri North only)</u>		
<u>ee) An ancillary residential unit (to a single dwelling)</u>		<u>P</u>
<u>ff) One duplex dwelling per lot that complies with Rule 4.7.12 a)</u>		<u>P</u>
<u>gg) One duplex dwelling per lot that complies with Rule 4.7.12.a i. and ii. but not Rule 4.14</u>		<u>RD*</u>
<u>hh) Apartments</u>		<u>RD*</u>
<u>ii) Accessory building</u>		<u>P</u>
<u>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</u>		<u>D</u>

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.

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.

Location	Comprehensive Development Area	Residential Yield – Units per Comprehensive Development Area (+ or - 10%)
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.

Land Development Plan Areas on Figure 2-21	Residential Unit Yield (+ or - 10%)
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.

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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.

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 Rotokauri North Medium-Density Residential Zone

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b) In the Rotokauri North Medium-Density Residential Zone the following shall apply:

- i. No part of any building shall protrude through a height control plane rising at an angle of either:

- 45 degrees (for east or west boundaries),
- 55 degrees (for north boundaries); or
- 35 degrees (for southern boundaries).

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This angle is measured from 2.5m above ground level at the relevant boundaries.

Except that no height control plane shall apply:

- (a) Where a boundary adjoins a rear lane.
- (b) Where there is existing or proposed internal boundaries within a site.
- (c) Where there is an existing or proposed common wall between two buildings on adjacent sites.

- ii. The height control plane applies only along any side boundary that is within 8m of the rear boundary, and any rear boundary.

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

	Medium Density Zone
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%
<u>Sites in the Rotokauri North Medium-Density Residential Zone: Permeability forward of the building line of the dwelling (including porch) planted in grass, shrubs and trees:</u> <ul style="list-style-type: none"> <u>Sites 350m² or larger</u> <u>Sites less than 350m²</u> 	<u>Minimum 50%</u> <u>Minimum 40%</u>

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4.6.6 Site Coverage

- Except as provided for in b), the maximum site coverage within the Rotokauri North Medium-Density Residential Zone and Ruakura Medium-Density Residential Zone is 50%.
- 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%.

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4.6.7 Building Height

- 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.
- The maximum height of any building or structure within the 'Residential Medium Density Overlay' as shown on Figure 2-8A is 14m.

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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
- Chapter 25: City-wide

4.7 Rules – Specific Standards – All Residential Zones

4.7.1 Ancillary Residential Unit

- a) A maximum of one ancillary residential unit per site.
- b) Maximum gross floor area of 60m².
- c) The outdoor living area shall not be included as part of the outdoor living area provided for the principal residential building on site.
- d) In the Rotokauri North Medium Density Residential Zone, an ancillary residential unit shall also meet the following:
 - i) Be located on a site which has two transport corridor boundaries (i.e. a corner lot) and have a separate pedestrian access from a transport corridor boundary; and
 - ii) Where the corner lot adjoins a rear lane the ancillary unit must be located above a garage which fronts a rear lane at least 7m wide.

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4.7.2 Childcare Facility

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

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

a) Gross floor area of all buildings	Maximum 250m ²
b) Hours of operation	0700 to 2200 hours
c) Additional hours for special event (maximum 1 per calendar year)	2200 to 0200 hours

- d) The display or storage of materials, except for permitted signage, shall not be visible from outside the site.

4.7.4 Dairies

a) Gross floor area of retail	Maximum 100m ²
b) Hours of operation	0700 to 2200 hours
c) Building setback from side or rear boundaries	Minimum 5m

4.7.5 Home-based Businesses

- a) For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:
 - i. Employ no more than 2 people, one of whom must reside on the site on a permanent basis.
 - ii. Not exceed 30% of the total gross floor area of buildings on the site.
 - iii. Not generate any trips by a heavy motor vehicle.
 - iv. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours.
 - v. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.

- vi. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
- vii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- viii. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
- ix. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.

4.7.6 Managed Care Facilities

- a) Within one calendar month of its occupancy, the Agency/person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following.
 - i. Proposed number of residents.
 - ii. The anticipated number of visitors to the site per week and daily visiting hours.
 - iii. Anticipated full time equivalent staff at the facility.
 - iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
 - v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- b) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 15m² per resident in the General Residential Zone.
 - ii. At least 12m² per resident in the Residential Intensification Zone.
 - iii. A minimum dimension of not less than 4m.
 - iv. An area capable of containing a 6m diameter circle.
 - v. 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.
 - vi. Comprise not more than 35% impermeable surface area.
 - vii. For the exclusive use of the residents.
 - viii. Readily accessible for all residents.
 - ix. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- c) A service area shall be provided that has:
 - i. A minimum area of 20m² with a minimum dimension of 3m.

- ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- d) Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.
- e) No part of any site or premises used as a managed care facility shall contain a secure unit.

4.7.7 Relocated Buildings

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

4.7.8 Show Homes

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

4.7.9 Rest Homes

- a) Maximum occupancy shall be 10 residents (including live-in staff).
- b) The maximum density for rest homes shall be:
 - i. One person per 75m² of net site area in the General Residential Zone; or
 - ii. One person per 40m² of net site area in the Residential Intensification Zone; or
 - iii. One person per 50m² of net site area in the Medium-Density Residential Zone.
- c) An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.
 - ii. Is readily accessible to all residents.
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.

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

4.7.10 Visitor Accommodation Outside of the Visitor Facilities Area

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

4.7.11 Integrated Residential Development

- 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.

4.7.12 Specific Provisions for Rotokauri North

- a) Permitted Activity standards for a duplex dwelling:
 - i. The allotment shall be a front lot (and not a corner lot) and must have a minimum transport corridor boundary width of 12.5m.
 - ii. The duplex dwelling shall be served via one vehicle crossing only with a maximum width of 6m, except where vehicle access is from a rear lane with none being required.
 - iii. The duplex dwelling and layout shall comply with Rule 4.14.
- b) Restricted Discretionary Activity standards for apartments.
 - i. Where access is to be located from the transport corridor boundary, the allotment shall have a minimum transport corridor boundary width of 20m.

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- ii. Where access is to be provide via a rear lane, the allotment shall have a minimum transport corridor boundary width of 15.5m.

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

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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.

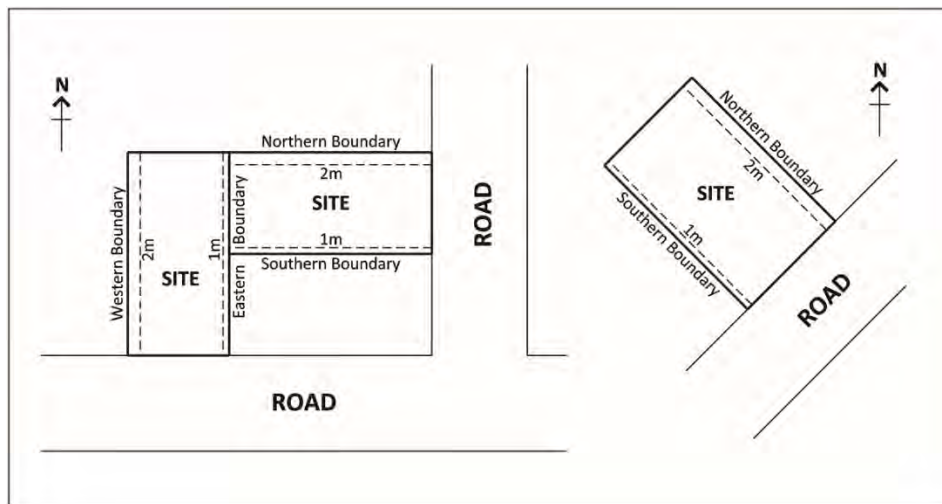
4.8.2 Building Setbacks

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)
<u>f) In the Rotokauri North Medium-Density Residential Zone the following applies:</u>	
i. <u>Transport Corridor boundary:</u> <u>A single storey unenclosed verandah / porch space attached to a building;</u> <u>A garage providing access to a legal road</u> <u>Other than provided for above</u>	<u>1m</u> <u>5m</u> <u>2.8m</u>
ii. <u>Side yards</u>	<u>1m</u>
iii. <u>One side yard where legal provision is made for access for maintenance of the structure or it is a common / party wall.</u>	<u>0m</u>
iv. <u>Rear Yard for:</u> <u>A building exceeding 5m in height</u> <u>A building up to 5m in height and single storey only</u>	<u>8m</u> <u>3m</u>
v. <u>A building up to 7m high where the site adjoins a rear lane</u>	<u>0m</u>

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

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.
- aa) 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.
- b) 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.
- c) 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.
- cc) 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.
- d) 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.
- dd) 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.

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- e) For front sites, the primary entrance on the ground floor shall face the street and provide pedestrian access separated from the driveway.
- f) 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.
- ff) 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).

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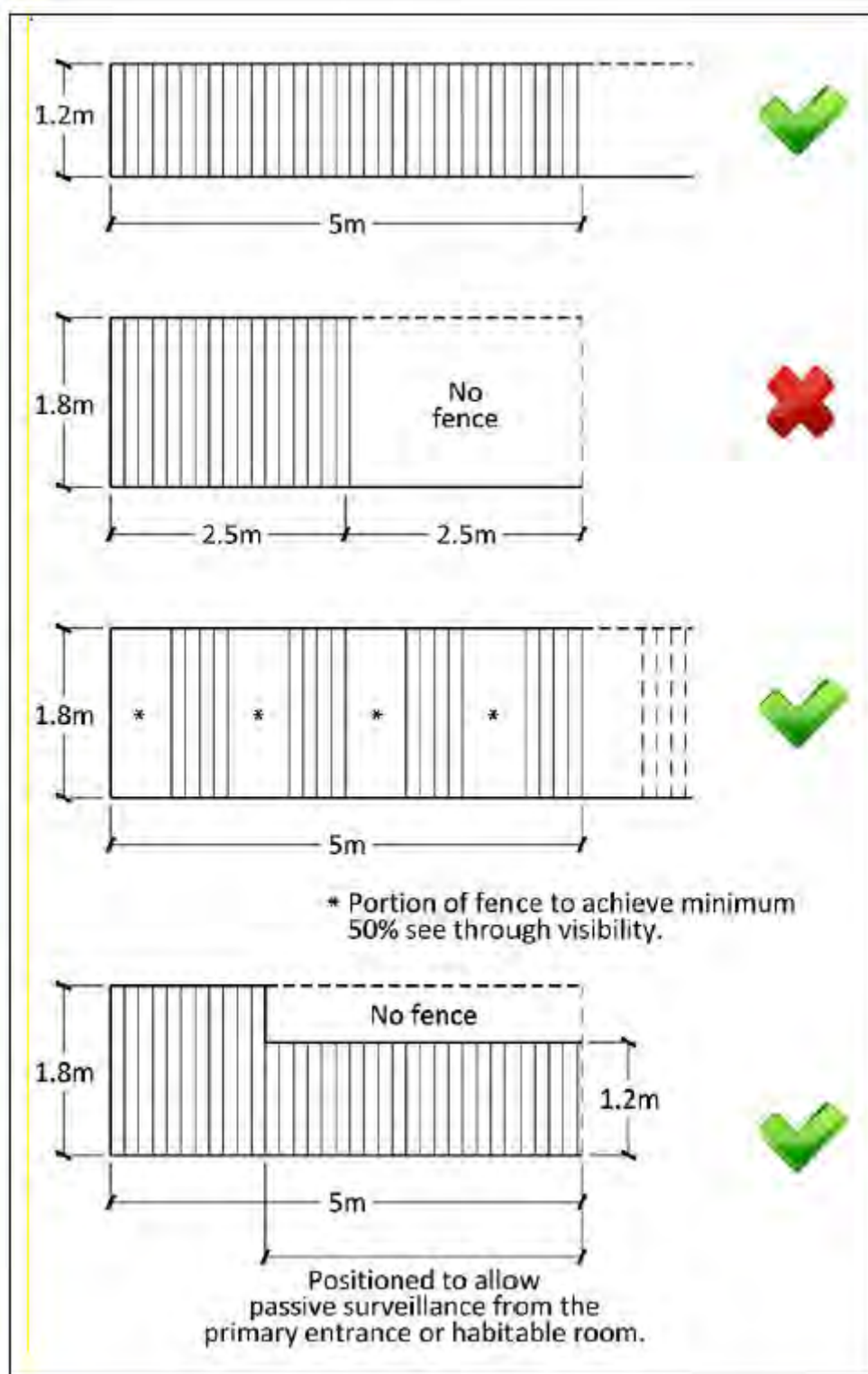
g) Maximum Fence Heights

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.	<u>Except as provided for in v., all other boundary fences or walls</u>	1.8m.
v.	<u>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:</u>	
	<u>A. Designed and constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material)</u>	<u>1.2m maximum height</u>
	<u>B. Materials with 50% or more see-through visibility</u>	<u>1.8m maximum height</u>

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 4.8.4 a) does not apply in the Rotokauri North Medium-Density Residential Zone. 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.

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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 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:

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	Type of residential unit located entirely above ground (except for carparking and access)	Minimum outdoor living area dimensions
<u>A</u>	<u>A studio unit and one-bedroom residential unit (including an ancillary unit)</u>	<u>5m² and with a minimum dimension of 1.8m</u>
<u>B</u>	<u>A residential unit with two or more bedrooms</u>	<u>8m² and with a minimum dimension of 1.8m</u>

Note

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

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.
d)	

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4.8.6.2 Rotokauri North Medium-Density Residential Zone

Description	Minimum Requirements
a) <u>Residential units – detached dwellings, duplex dwellings</u>	i. <u>At least 10m², and may be made up of two separate areas (to provide for clothes drying and rubbish/recycling storage)</u> ii. <u>Minimum dimension 1.0m</u>
b) <u>Ancillary Residential Unit</u>	i. <u>Additional 5m²</u> ii. <u>Minimum dimension 1.0m</u>

c) <u>All Service areas</u>	<ul style="list-style-type: none"> i. <u>Shall not be located within a front yard.</u> ii. <u>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.</u>
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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.

4.9 Rules – Specific Standards – Large Lot Residential Zone

4.9.1 Effluent Disposal

- a) Areas for the on-site disposal or storage of sewage (septic tanks) or farm effluent shall not be located within a:
 - i. High Flood Hazard Area.
 - ii. Medium Flood Hazard Area.
 - iii. Low Flood Hazard Area.
 - iv. Temple View Flood Hazard Area.
 - v. Culvert Block Flood Hazard Area.
 - vi. Waikato Riverbank and Gully Hazard Area.
 - vii. Significant Natural Area (refer to Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas).
 - viii. Root protection zone of a significant tree (refer to Volume 2, Appendix 9, Schedule 9D: Significant Trees).
 - ix. Site in Schedule 8B: Group 1 Archaeological and Cultural Sites (refer to Volume 2, Appendix 8, Schedule 8B).
- b) Facilities for the storage and disposal of sewage (septic tanks) or farm effluent shall be sited at least 25m from any natural or artificial water course or any lake.

- c) Facilities for the storage and disposal of farm effluent shall be sited at least:
 - i. 100m from any residential unit on another site.
 - ii. 15m from any site boundary.
 - iii. 150m from any Residential Zone or Special Character Zone boundary.

4.9.2 Produce Stalls

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

4.10 Controlled Activities: Matters of Control

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

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

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 4.3.1r)	<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*	<ul style="list-style-type: none"> N – Ruakura and Te Awa Lakes
xv. Duplex dwellings (other than provided for in 4.5.4b) above) and apartments*	<ul style="list-style-type: none"> 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)*	<ul style="list-style-type: none"> B – Design and Layout H – Function, Vitality, Viability and Amenity of Centres N – Ruakura and Te Awa Lakes
xvii. Papakainga*	<ul style="list-style-type: none"> B – Design and Layout N – Ruakura and Te Awa Lakes
Te Awa Lakes Medium-Density Residential Zone	
xviii. Land Development Activities*	<ul style="list-style-type: none"> 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 4.5.4b) above) and apartments*	<ul style="list-style-type: none"> B – Design and Layout N – Ruakura and Te Awa Lakes
xx. Papakainga*	<ul style="list-style-type: none"> B – Design and Layout N – Ruakura and Te Awa Lakes
<u>Rotokauri North Medium-Density Residential Zone</u>	
<u>xxi. Any restricted discretionary activity</u>	<ul style="list-style-type: none"> <u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>O – Rotokauri North</u>

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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.

4.12 Notification Rule for Ruakura Medium-Density Residential Zone

- a) Except as provided for by Section 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the table above and activity status table 4.5.4 shall be considered without notification or the need to obtain approval from affected persons.

- b) Notwithstanding clause (a), where an activity identified in Rule 4.5.4 requires resource consent for a Restricted Discretionary Activity under two or more activity descriptions, and only one of the Restricted Discretionary Activities is identified with an asterisk (*), notification of the activity shall be at the Council's discretion in accordance with Section 95A, 95B and 95C of the Act.

4.13 Other Resource Consent Information

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

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

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

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

4.14 Rotokauri North Acceptable Solutions Code (for duplex dwellings)

4.14.1 Introduction

The Rotokauri North Medium Density Residential Zone enables a specific form of duplex dwelling to promote affordable housing and housing choice in the new neighbourhood. However, to deliver on the zone's urban design outcomes and avoid unacceptable adverse amenity effects, duplex dwellings must be undertaken in a specific manner.

This Design Code sets out the standards that must be complied with to allow duplex dwellings within the Rotokauri North Medium Density Residential Zone to be a Permitted activity (under rules 4.5.4(ff) and 4.7.12(a)).

Other relevant rules within the Rotokauri North Medium Density Residential Zone must also be complied with.

Where the standards specified in this Code are met, the duplex dwelling can be progressed directly to a Building Consent and construction (unless it otherwise triggers the need for resource consent). Subdivision of the duplex dwelling under rule 23.3d can be obtained. To ensure that the subdivision does not occur in the absence of the duplex dwelling being constructed, a condition of consent will be imposed on all such subdivisions delaying the issue of section 224(c) until the duplex dwelling has received and passed a pre-lining inspection from the Council.

4.14.2 Standards

All the following must be complied with for a duplex dwelling to be a permitted activity under rules 4.5.4(ff) and 4.7.12(a).

a) Site Size

- i. The allotment must be at least 12.5m wide and 28m deep.
- ii. The site subject to the duplex dwelling must be a front site and not be subject to a vehicle access restriction in Chapter 25 (unless alternative access is obtained via a rear lane).

b) Car Parking

- i. Each residential unit within the duplex dwelling may only have one car parking space. It must be an unenclosed parking pad and shall not be enclosed into a carport or garage at any time. The related subdivision consent shall record this on the record of title as a consent notice.
- ii. The car park for each residential unit must be at least 2.5m x 5.5m, be located next to one another and be accessed from a single double-width vehicle crossing.
- iii. The vehicle crossing must be located at one side of the site and both parking spaces must be contained within 6.25m of the relevant side boundary.
- iv. Clauses i to iii do not apply to any duplex dwelling where vehicle access is obtained from a rear lane.

c) Building Location and Design

- i. The residential units must be off-set from one another such that one residential unit (the 'back' unit) shall be located no more than 8m back from front boundary (exclusive of any porch/verandah).

- ii. The second residential unit (the 'front' unit), shall be located no more than 4m back from the front boundary (exclusive of any porch/verandah).
- iii. Each residential unit's front door must face the front boundary and be directly accessible from the public footpath. The back residential unit's front door may be screened for privacy from the car park of the front unit.
- iv. Each residential unit shall provide a minimum 1m side yard between the residential unit and the relevant side boundary.

Note

- 1. For interpretation of the above, refer to Figures 4.14.2a) and 4.14.2b). These illustrate acceptable solution plans for a combination of 2, 3 and 4 bedroom residential units.
- 2. It is intended that, as far as possible within the constraints of the standards, the design of each duplex dwelling reflects the individuality of the builder and future occupants. This could be achieved, for example, through the selection of the following building elements:
 - Internal floor plan and unit layout;
 - Façade shape and window design;
 - Roof profile and shape; and
 - Cladding materials and colours.
- 3. The different duplex dwelling designs illustrated in Figures 4.14.2a) and 4.14.2b) could be mixed and matched as desired, or both residential units could have the same design, or a different design that complies with 14.4.2 a)-c) could be used.
- 4. Examples of how different residential unit front facades could be designed are included as Figures 4.14.2c) and 4.14.2d). Examples of how the duplex dwellings could appear in three dimensions are included as Figure 4.14.2e).

FIGURE 4.14.2a) – EXAMPLE OF ACCEPTABLE DUPLEX DWELLING LAYOUT (1-STOREY / 2-BEDROOM + 2-STOREY / 3-BEDROOM)

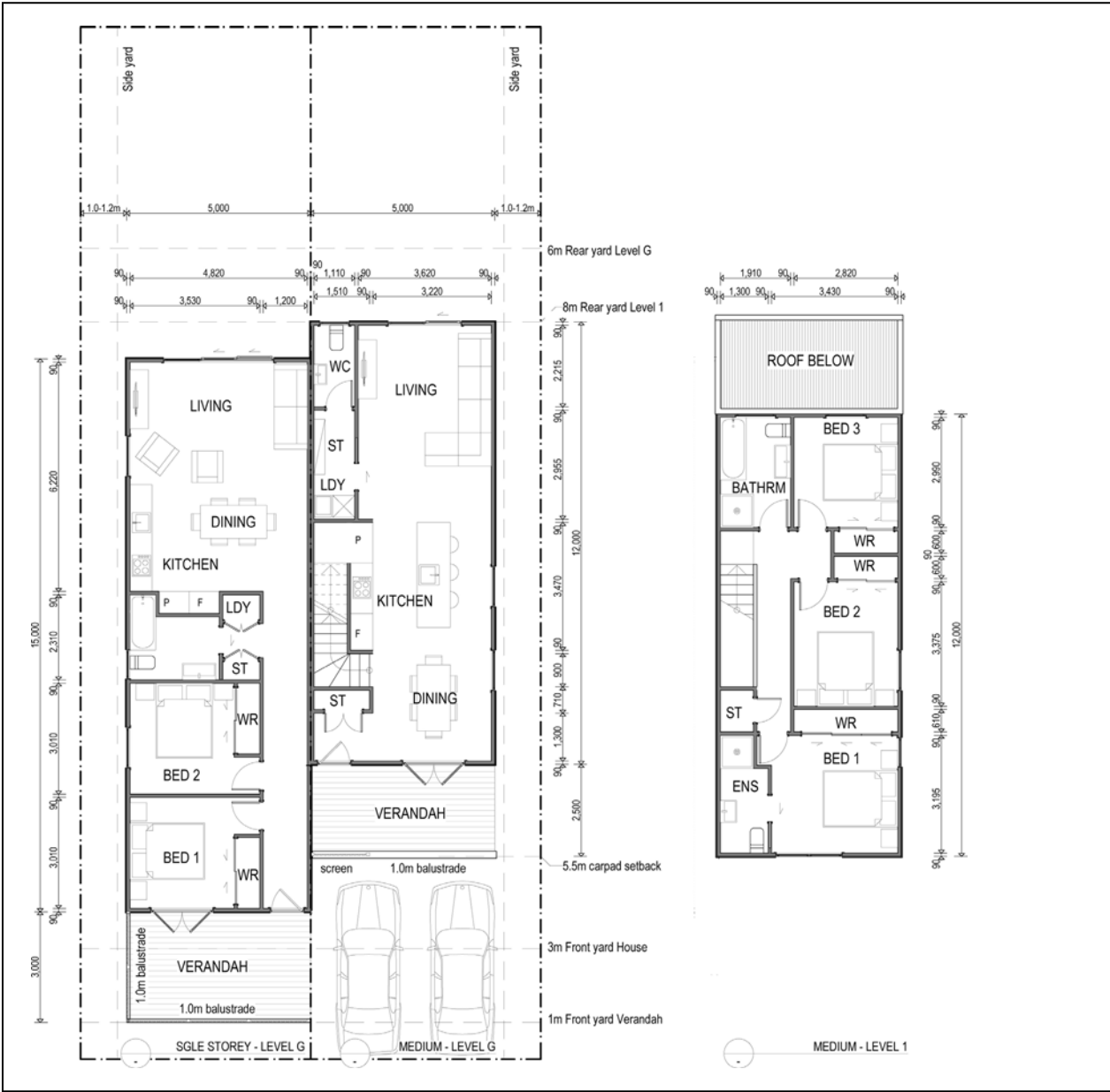


FIGURE 4.14.2b) - EXAMPLE OF ACCEPTABLE DUPLEX DWELLING LAYOUT (2-STOREY / 4-BEDROOM + 2-STOREY / 2-BEDROOM)

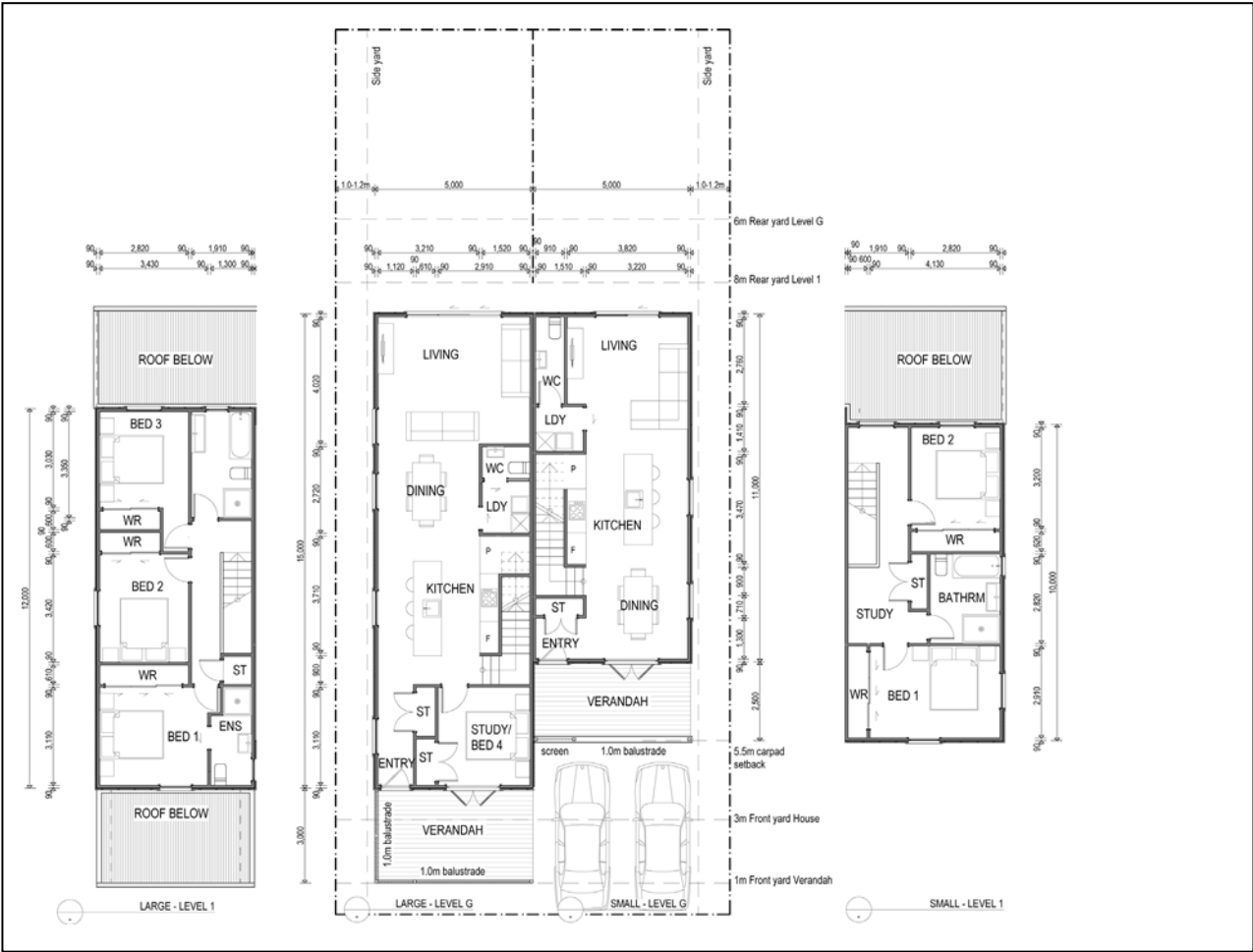


FIGURE 4.14.2c) – EXAMPLE OF DUPLEX DWELLINGS FRONT FAÇADE DESIGN VARIANTS (PERMITTED)



FIGURE 4.14.2d) – EXAMPLE OF DUPLEX DWELLING FRONT FAÇADE DESIGN VARIANTS (PERMITTED)



FIGURE 4.14.2e) – EXAMPLE OF DUPLEX RESIDENTIAL UNITS – PHOTOSIMULATION

