

## 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
<b>Residential Activities and Structures</b>			
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*
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	RD	-	-

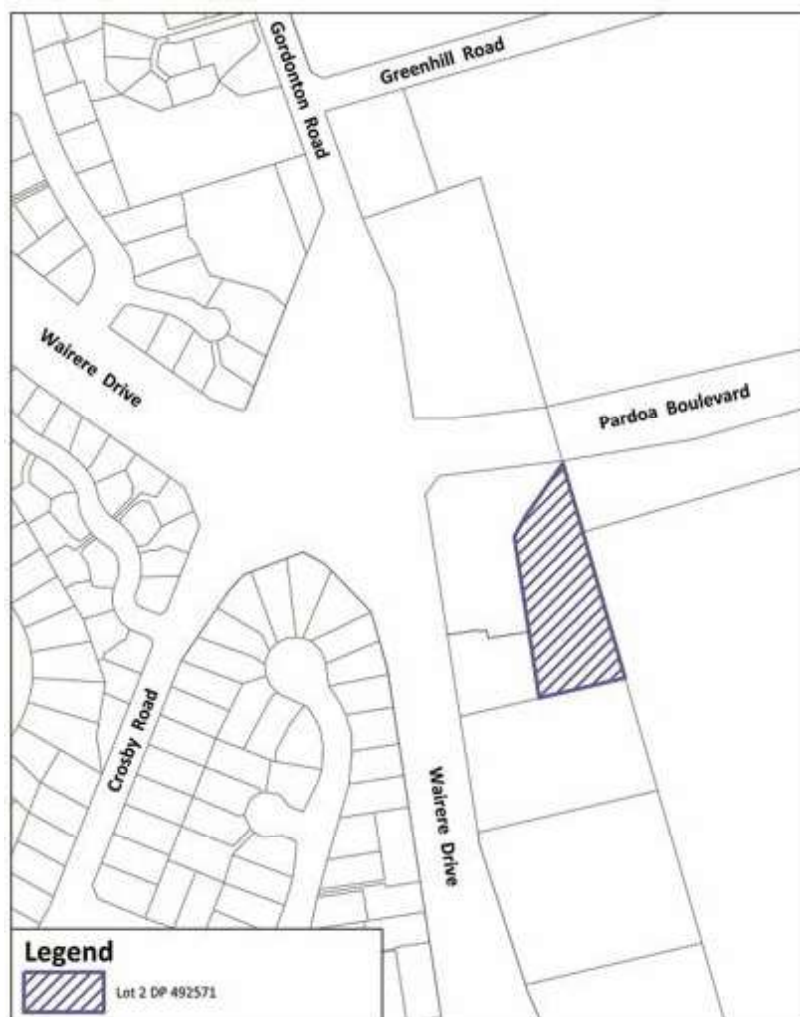
identified in 4.3.1.x			
ra. The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Structure Plan Area where the site <b>is</b> subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below).	-	-	P
rb. The use of buildings for any residential activity in the Percival/Ryburn Roads Ruakura Structure Plan Area where the site <b>is not</b> subject to a restrictive no-complaint covenant in favour of adjoining Industrial Park and Logistics Zoned land (see Note 3 below).	-	-	D
<b>Commercial Activities and Structures</b>			
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
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	-
<b>Community Activities and Structures</b>			
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
<b>All Activities and Structures</b>			
oo. Demolition or removal of <del>existing</del> buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P
pp. Maintenance, <del>and</del> repair <del>of buildings and structures, and</del> alterations and additions to <del>existing</del> 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. <u>Demolition or removal of existing buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas</u>	<u>See Chapter 19 – Historic Heritage</u>		
tt. <u>Maintenance, repair and alterations and additions to existing buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas</u>	<u>See Chapter 19 – Historic Heritage</u>		
uu. <u>Relocated buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas</u>	<u>See Chapter 19 – Historic Heritage</u>		
vv. <u>New buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas</u>	<u>See Chapter 19 – Historic Heritage</u>		

**Note**

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. For any activity not identified above, see Section 1.1.8.1.
3. Refer to Chapter 1.1.9 for activities marked with an asterisk (\*)
4. 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).
5. For the activity status and provisions applying to the demolition or removal of buildings, maintenance and repair of buildings and structures, and alterations and additions to buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage see Chapter 19: Historic Heritage.

**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 <sup>2</sup> per residential unit 1000m <sup>2</sup> per residential unit for lots adjoining Waikato Expressway (Designation E90 and E90a)	2500m <sup>2</sup> (SH26) Ruakura Structure Plan area  2ha (Percival/Ryburn Roads) Ruakura Structure Plan area*	350m <sup>2</sup> maximum per residential unit
ii. Duplex dwellings	400m <sup>2</sup> per duplex (200m <sup>2</sup> per unit)	2500m <sup>2</sup> per duplex (1250m <sup>2</sup> per unit)	300m <sup>2</sup> per duplex (150m <sup>2</sup> per unit) 600m <sup>2</sup> maximum per duplex (300m <sup>2</sup> maximum per unit)
iii. Apartment building	-	-	Average net site area of 150m <sup>2</sup> per residential unit
iv. Single dwellings with an ancillary residential unit	600m <sup>2</sup> total for both dwelling and ancillary residential unit	3500m <sup>2</sup> 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 <sup>2</sup> per single dwelling unit 400m <sup>2</sup> per duplex (200m <sup>2</sup> per unit) Apartments –150m <sup>2</sup> per residential unit	-	-
vi. Relocated dwellings	400m <sup>2</sup> per residential unit	2500m <sup>2</sup> per residential unit  2ha per residential unit (Percival/Ryburn Roads) Ruakura Structure Plan area.*	-
vii. Residential centres	75m <sup>2</sup> per resident	300m <sup>2</sup> per resident	50m <sup>2</sup> per resident
viii. Rest homes	75m <sup>2</sup> per resident	300m <sup>2</sup> per resident	50m <sup>2</sup> per resident
ix. Managed care facilities	100m <sup>2</sup> per resident	400m <sup>2</sup> per resident	50m <sup>2</sup> 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 5,000m<sup>2</sup>.

#### 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%
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#### 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

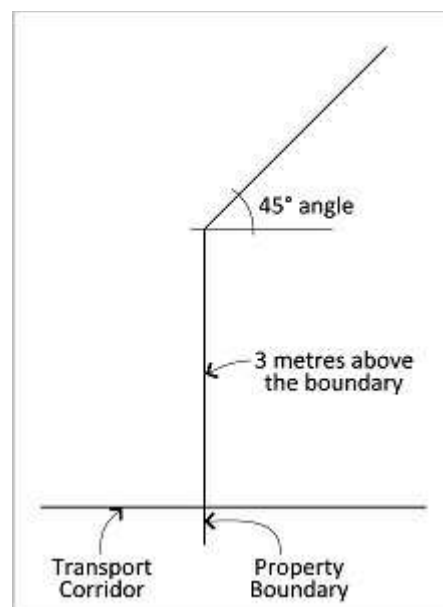
- a. No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries (see 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 1m<sup>2</sup> in area may protrude through the height control plane; and

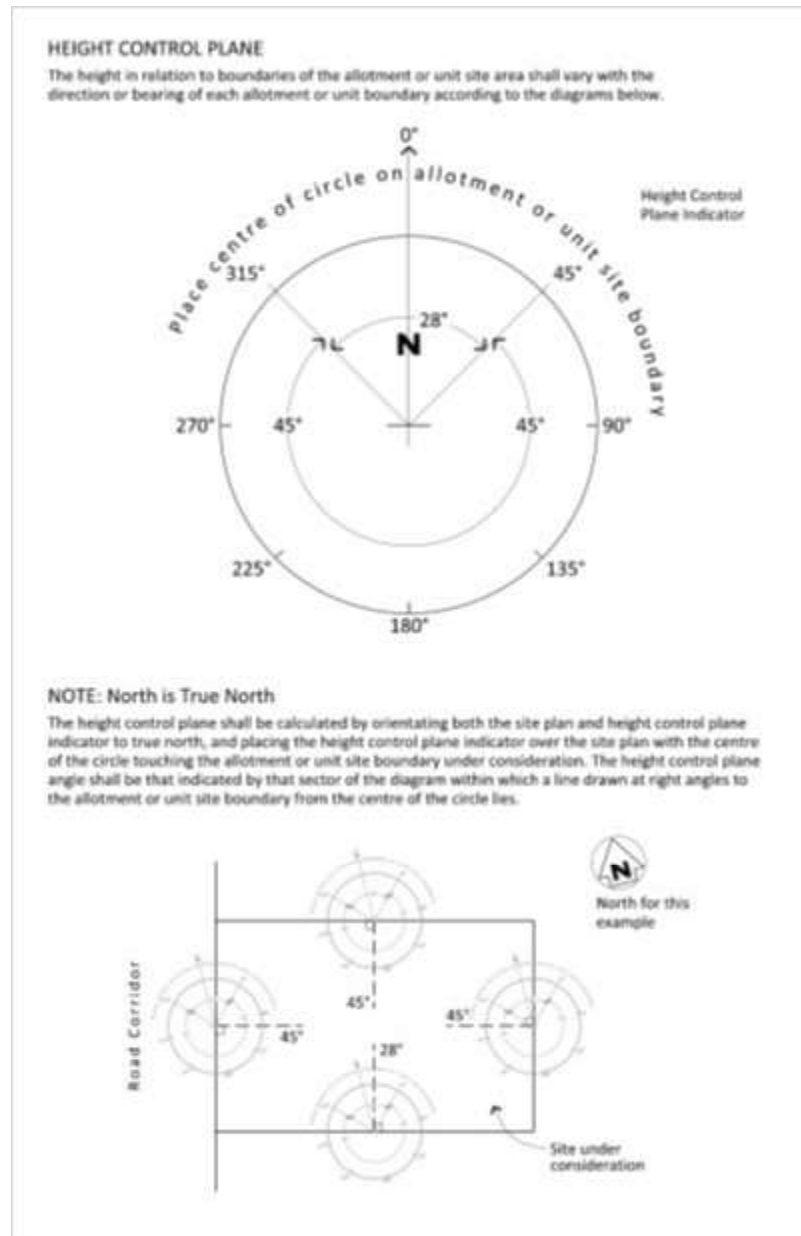
- ii. An aerial as permitted in Volume 1, Chapter 25.7 City-wide – Network Utilities and the Electricity National Grid Corridor may protrude through the height control plane; and
- iii. A gable end, dormer or roof may project beyond the height control plane where:
  - a. Any projection is no greater than 1.5m<sup>2</sup> 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 length 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

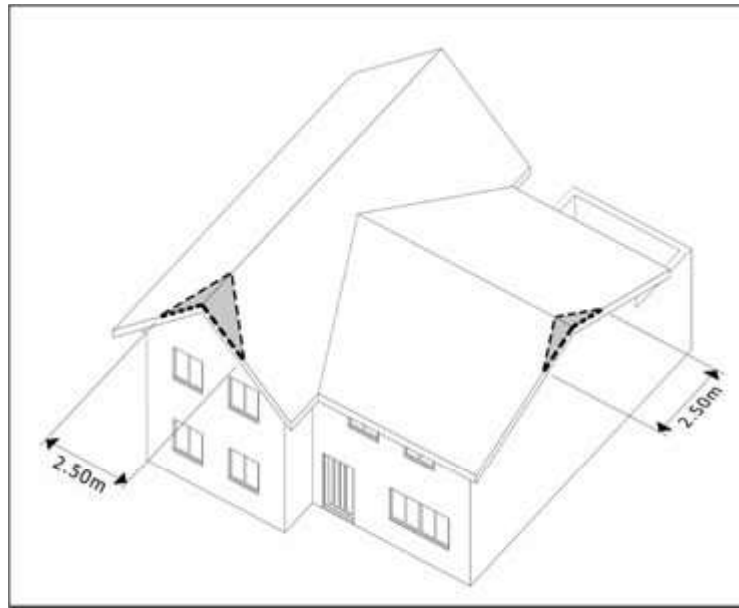


**Figure 4.4.5e:** Height Control Plane





**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: <ol style="list-style-type: none"> <li>1. The location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or</li> <li>2. Construction is underway or completed.</li> </ol>
d. Internal vehicle access serving up to three residential units on a site	No part of a building (including eaves) shall extend over or encroach into an

(excluding access to an ancillary residential unit)	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"> <li>i. Buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or</li> <li>ii. The written consent of the owners adjoining the relevant setback or setbacks is obtained: or</li> <li>iii. It is proposed to site a building within the 1.5m setback and: <ul style="list-style-type: none"> <li>a. The building is less than 10m<sup>2</sup> in area; and</li> <li>b. The building is less than 2m in height; and</li> <li>c. The building will not be connected to electricity supply; and</li> <li>d. There is no discharge of stormwater onto neighbouring land from the building; and</li> <li>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.</li> </ul> </li> </ul> <p>For Large Lot Residential Zone:</p> <ul style="list-style-type: none"> <li>iv. 5m setback for SH26 and Percival/Ryburn Roads</li> <li>v. 50m for buildings and outdoor hardstands used for housing and feeding animals, including milking sheds and shearing sheds.</li> </ul>

Planning provisions amended by Plan Change 9 that relate to Archaeology, Built Heritage, Historic Heritage Areas and Significant Natural Areas have immediate legal effect upon public notification.

	<p>vi. 250m for residential units set back from the operational area of an existing intensive farm on any other site.</p> <p>vii. 25m from any water body.</p>
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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, except where sites are located within a Historic Heritage Area then the fences and/or walls standard in Chapter 19 Historic Heritage will take preference.
- 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.

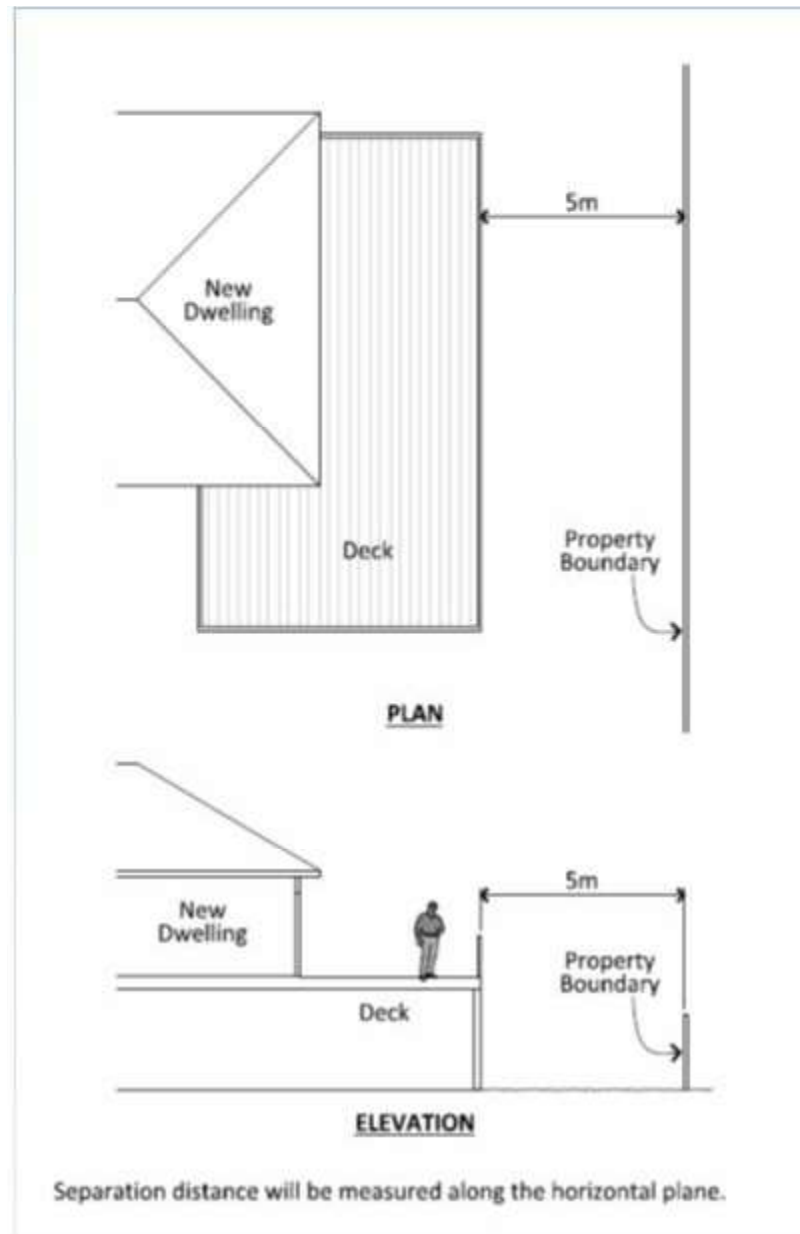
**Note**

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"> <li>• Up to 2 bedrooms- 35m<sup>2</sup>; plus</li> <li>• 10m<sup>2</sup> for each additional bedroom over 2</li> </ul>	Either: <ul style="list-style-type: none"> <li>• No width contributing to the complying area less than 4.0m; or</li> <li>• Capable of containing a 6m circle with no dimension less than 2.5m</li> </ul>
ii. Ancillary residential unit	12m <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	No dimension less than 2.5m
v. Communal open space for apartment buildings in the Residential Intensification Zone	Up to 7 residential units – 12m <sup>2</sup> per unit  8 or more residential units – 8m <sup>2</sup> per unit	Capable of containing a circle with the following diameter: <ul style="list-style-type: none"> <li>• 4-7 residential units – 6m</li> <li>• 8 or more residential units – 8m</li> </ul> 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 Area
b. Every site, including first single dwelling but excluding 4.4.11.d – f	i. At least 15m <sup>2</sup> , and may be made up of two separate areas incorporating <ul style="list-style-type: none"> <li>• 10m<sup>2</sup> for clothes drying (e.g. foldable clothes line)</li> <li>• 5m<sup>2</sup> for rubbish / recycling storage</li> </ul> ii. Minimum dimension 1.5m
c. Second and subsequent residential units, including duplex dwellings	i. Additional 15m <sup>2</sup> , and may be made up of two separate areas incorporating <ul style="list-style-type: none"> <li>• 10m<sup>2</sup> for clothes drying (e.g. foldable clothes line)</li> <li>• 5m<sup>2</sup> for rubbish/recycling storage</li> </ul> ii. Minimum dimension 1.5m iii. Duplex in Residential Intensification Zone Individual or communal <ul style="list-style-type: none"> <li>• 10m<sup>2</sup></li> <li>• Minimum dimension 1.5m</li> </ul>
d. Service area per ancillary residential unit	i. Additional 10m <sup>2</sup> ii. Minimum dimension 1.5m
e. Apartments	Individual or communal: <ul style="list-style-type: none"> <li>i. 10m<sup>2</sup></li> <li>ii. Minimum dimension-1.5m</li> </ul>
f. Community centres, visitor accommodation, conference facilities	i. 10m <sup>2</sup> ii. Minimum dimension 1.5m
g. Dairies (may be indoor or outdoor)	i. Minimum 10m <sup>2</sup> 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



	<p>requirement for them to be moved through the residential unit (excluding garages).</p> <p>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.</p>
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#### 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 <sup>2</sup>
ii. 1 bedroom unit	Minimum 45m <sup>2</sup>
iii. 2 bedroom unit	Minimum 55m <sup>2</sup>
iv. 3 or more bedroom unit	Minimum 90m <sup>2</sup>

- 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 1.2.2-8.9 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)

For the activity status and provisions applying to the demolition or removal, maintenance and repair, and alterations and additions - to buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage see Chapter 19: Historic 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.

## 4.5.2 Comprehensive Development Plan Process Once Consent Has Been Granted

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

## 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>
<b>Residential Activities and Structures</b>	

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, and repair of buildings and structures, 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
<b>Commercial Activities and Structures</b>	
m. Childcare facility i. up to 5 children ii. six or more children	D D P for changes in use
n. Dairy	D
o. Tertiary education and specialised training facility	NC
p. Health care services	NC
q. Home-based business	D P for changes in use
r. Homestay accommodation	D P for changes in use
s. Offices	NC
t. Places of assembly	NC
u. Show home	D
v. Visitor accommodation	D
<b>Community Activities and Structures</b>	
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
<b>All Activities and Structures</b>	
cc. Demolition or removal of existing buildings (except heritage buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
dd. Relocated buildings	D
ee. Emergency service facilities	D
ff. Temporary activities	P

**Note**

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. For any activity not identified above, see Section 1.1.8.1.
3. For the activity status and provisions applying to the demolition or removal, maintenance and repair, and alterations and additions to buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage see Chapter 19: Historic Heritage.

#### 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

Activities	Activity Status	
	Ruakura and Te Awa	Rotokauri North
<b>Land Development Activities</b> (refer Rule 3.7.4.2 for the Ruakura Medium-Density Residential Zone and Rule 4.5.6 for the Te Awa Lakes Medium-Density Residential Zone)	RD*	NA
Land Development Activities in Land Development Plan Areas Q and R in the Te Awa Medium-Density Residential Zone.	D	NA
<b>Residential Activities and Structures</b>		
a. Single dwelling	P	P
b. Duplex dwellings and apartments	RD*	See ff. and hh. below
c. Maintenance, and repair of buildings and structures, minor alterations and additions to	P	P

existing buildings (except heritage buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage) (see note 1)		
d. Managed care facilities	D	D
e. Papakainga	RD*	RD*
f. Residential activities	P	P
g. Residential centre	D	D
h. Rest home	D	D
<b>Commercial Activities and Structures</b>		
i. Childcare facility for up to five children	C	C
j. Childcare facility for six or more children	D	D
k. Dairy	C	D
l. Tertiary education and specialised training facility	D	D
m. Health care services	D	D
n. Home-based business	P	P
o. Homestay accommodation	P	P
p. Places of assembly	D	D
q. Show homes	P	P
r. Visitor accommodation	D	D
s. One Integrated Retail Development in accordance with the general location identified on Figure 2.14 Ruakura Structure Plan – Land Use (Appendix 2)	RD*	NA
t. One Service Station (fronting Pardoia Boulevard)	D	NA
u. Community centre	C	C
v. General recreation	D	D
w. Informal recreation and ancillary buildings	P	P
x. Marae	D	D
y. Places of worship	D	D
z. School	D	D
aa. Demolition or removal of existing buildings (except heritage buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage) (see note 1)	P	P

bb. Relocated buildings	C	C
cc. Emergency service facilities	D	D
dd. Temporary activities	P	P
Additional Residential activities (applicable to Rotokauri North only)		
ee. An ancillary residential unit (to a single dwelling)		P
ff. One duplex dwelling per lot that complies with Rule 4.7.12a.		P
gg. One duplex dwelling per lot that complies with Rule 4.7.12.a i. and ii. but not Rule 4.14		RD*
hh. Apartments		RD*
ii. Accessory building		P
jj. Any other dwellings(s) not provided above and/or any activity listed in ee., ff., gg. or hh. which does not comply with the relevant standard in 4.7		D

Note:

1. For the activity status and provisions applying to the demolition or removal, maintenance and repair, and alterations and additions to buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage see Chapter 19: Historic Heritage.

#### 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.



## 4.9 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. Protected Root protection zone of a significant notable tree (refer to Volume 2, Appendix 9, Schedule 9D: Significant Notable Trees).
  - ix. Site in Schedule 8B: Group 1 Archaeological and Cultural Sites (refer to Volume 2, Appendix 8, Schedule 8B).
- b. Facilities for the storage and disposal of sewage (septic tanks) or farm effluent shall be sited at least 25m from any natural or artificial water course or any lake.
- c. Facilities for the storage and disposal of farm effluent shall be sited at least:
  - i. 100m from any residential unit on another site.
  - ii. 15m from any site boundary.
  - iii. 150m from any 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 16m<sup>2</sup> 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 off-road hard stand areas for any car parking provided.