

21 Living Zone Rules

21.1 to 21.3 Introduction

21.1

The rules in this chapter apply in the Living Zone. The Living Zone includes “new residential” areas marked on the [Planning Map](#). All rules apply throughout the zone, including new residential areas, unless otherwise specified. This chapter is divided into:

- Introduction
- Prohibited Activities List
- Land Use
 - Land Use Activities rule table
 - Land Use Effects rule table
 - Building Activities rule table
 - Subdivision Rules

All activities in the Rangitahi Peninsula Structure Plan Area are also subject to rules in Schedule 21C: Rangitahi Living Zone Rules, Structure Plan and Comprehensive Development Plan.

All activities in the Te Kauwhata Structure Plan area are also subject to rules in [Schedule 21A: Te Kauwhata Structure Plan Living Zone Rules](#) and [Schedule 21B: TeKauwhata West Living Zone Rules](#).

21.2

The Living Zone contains standard lot residential and home occupations. Churches, schools and places of assembly are expected in the zone, subject to resource consent. Rules seek to manage activities so that any adverse effects (such as noise) do not detract from the amenity values expected for residential neighbourhoods.

21.3

See [Chapter 18](#) for an explanation of activity types, applications and assessment procedures. Principal reasons for rules are in [Chapter 29](#).

Any activity is permitted if it is not listed as prohibited, and it complies with conditions for permitted activities stated in every row of the rule tables.

Any activity requires resource consent if it fails to comply with a permitted activity condition in any row of the rule tables, or the rules directly state that a resource consent category applies.

Rule tables consist of horizontal rows. Each row contains three cells. In each row, the left-hand cell indicates the subject matter, the middle cell states conditions that must be satisfied for the relevant activity or effect to be a permitted activity, and the right-hand cell states the kind of resource consent application required, if the permitted activity conditions in that row are not complied with.

The rule tables state matters that control is reserved over, and matters to which discretion is restricted, as appropriate. Additional matters of control and discretion, applicable to every rule, are stated in [Chapter 20: General Rules](#).

NOTE:

All activities in the Te Kauwhata Structure Plan area are also subject to rules in [Schedule 21A](#): Te Kauwhata Structure Plan Living Zone Rules and [Schedule 21B](#): Te Kauwhata West Living Zone Rules.

21.5 Prohibited Activities

21.5 The following activities are prohibited activities for which no resource consent shall be granted:

Land Use

- (a) an industrial activity
- (b) deleted
- (c) deleted
- (ca) on-site storage or disposal of solid waste, other than remediation of contaminated land
- (d) hazardous waste storage, reprocessing or disposal
- (e) vegetation that obscures the sight lines of the Raglan navigation beacons for vessels entering Raglan Harbour (Whaingaroa)

Building

- (f) construction or alteration of a building or structure that obscures the sight lines of the Raglan navigation beacons for vessels entering Raglan Harbour (Whaingaroa)
- (g) deleted
- (h) Construction of a building valued at \$15,000 or more on the route of an Indicative Road on the [Planning Map](#).

NOTE: All activities in the Rangitahi Peninsula Structure Plan Area are also subject to rules in [Schedule 21C](#): Rangitahi Living Zone Rules, Structure Plan and Comprehensive Development Plan.

21.10 to 21.73 Other Activities

Editorial Note:

For rules for Telecommunication Facilities on Road Reserves see the National Environmental Standards in [Appendix Od](#).

For rules for Electricity Transmission Activities see the National Environmental Standards in [Appendix Oe](#).

For rules for the following activities which are proposed to occur on land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken, or where it is more likely than not that a HAIL activity is being or has been undertaken, see the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#):

- Removing or replacing a fuel storage system;
- Sampling soil;
- Disturbing soil;

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- **Subdividing land; or**
- **Changing the use of land.**

21.10 to 21.12 Land Use – Activities

21.10 Type of activity

ITEM	PERMITTED	RESOURCE CONSENT
21.10 Type of activity	<p>21.10.1</p> <p>Any activity that complies with all the effects and building rules is a permitted activity if it is a:</p> <ul style="list-style-type: none"> (a) residential activity, or (b) home occupation that meets the conditions for a permitted activity, or (c) temporary event that meets the conditions for a permitted activity, or (d) neighbourhood park or <ul style="list-style-type: none"> (da) network utility, or (db) home stay that provides accommodation for no more than 4 temporary residents, and meets the conditions for a home occupation. 	<p>21.10.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity, except:</p> <ul style="list-style-type: none"> (a) an extractive industry. (aa) a wind energy facility <p>21.10.3</p> <p>Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

21.11 Home occupation

ITEM	PERMITTED	RESOURCE CONSENT
21.11 Home occupation	<p>21.11.1</p> <p>A home occupation is a permitted activity if:</p> <ul style="list-style-type: none"> (a) no more than two people who are not permanent residents of the site are employed at any one time, and (b) the activity does not interfere with neighbours' televisions, radios, telephones or electronic equipment, and (c) the activity does not operate machinery, load or unload vehicles or receive customers or deliveries before 7.30am or after 7.00pm on any day, and (d) storage of materials or machinery associated with the non-residential activity is not visible from a public road or neighbouring residential property. (e) deleted 	<p>21.11.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.12 Temporary event

ITEM	PERMITTED	RESOURCE CONSENT
21.12 Temporary event	<p>21.12.1</p> <p>A temporary event is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the event takes place within a public park, school or community centre, and (b) the event occurs no more than 3 times per year, and (c) it does not involve the assembly of more than 500 people per event, and (d) it operates within the hours of <ul style="list-style-type: none"> (i) 7.30am to 10pm Monday to Saturday, and (ii) 7.30am to 6pm Sunday, and (e) temporary structures are <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs, and (ii) removed no more than 3 days after the end of the event, and (f) the site is returned to its original condition no more than 3 days after the end of the event, and (g) there is no direct site access from a national route or regional arterial road. 	<p>21.12.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.13 to 21.39 Land Use – Effects

21.13 On-site services

ITEM	PERMITTED	RESOURCE CONSENT
21.13 On-site services	<p>21.13.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the site is connected to a telecommunications network and energy supply network, or has a stand-alone energy supply, and (b) the site is <ul style="list-style-type: none"> (i) connected to reticulated water supply, stormwater and wastewater disposal networks where available, that complies with Appendix B (Engineering Standards), or (ii) provided with an alternative method of water supply, stormwater and wastewater disposal that complies with Appendix B (Engineering Standards), and (c) services are placed underground where reticulated services are already underground. 	<p>21.13.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.14 Network utility (excluding aerals)

ITEM	PERMITTED	RESOURCE CONSENT
21.14 Network utility (excluding aerals)	<p>21.14.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) it is not a high-pressure gas line with a gauge pressure of 2000 kilopascals or more, and</p> <p>(b) it is not an electricity line of 110kV or more, and</p> <p>(c) either</p> <p style="padding-left: 40px;">(i) pipes and cables are located underground, or</p> <p style="padding-left: 40px;">(ii) above ground structures for electricity, gas and telecommunications (excluding aerals):</p> <ul style="list-style-type: none"> • do not exceed 10m² in area, and • in road reserves, do not exceed 2.4m in height, and • outside road reserves, do not exceed 2.8m in height, and • are set back at least 1.5m from all boundaries, except for structures on the road reserve or structures that comply with rule 21.50.1(b), and • deleted • do not compromise road or pedestrian safety, and <p>(d) construction of a road complies with the conditions in Appendix A (Traffic) and the conditions in Appendix B (Engineering Standards).</p> <p>(e) deleted</p>	<p>21.14.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.14A Existing electricity and telecommunications lines

ITEM	PERMITTED	RESOURCE CONSENT
21.14 A Existing electricity and telecommunications lines	<p>21.14A.1</p> <p>Despite rules 21.14.1(b), 21.44.1(a) and (b), 21.45, 21.49 and 21.50, the operation, maintenance, minor upgrading and removal of existing electricity and telecommunications lines is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the existing voltage is not increased, and (b) the height of support structures (excluding earthwires, earthpeaks and lightning rods) is not increased, and (c) the ground is reinstated on completion of works. 	<p>21.14A.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.16 Access, vehicle entrance, parking, loading and manoeuvring space

ITEM	PERMITTED	RESOURCE CONSENT
21.16 Access, vehicle entrance, parking, loading and manoeuvring space	<p>21.16.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) access, vehicle entrance, parking, loading, queuing, and manoeuvring space is provided in accordance with Appendix A (Traffic), and (b) any carparks for non-residential activities are set back at least 3m from the road boundary of the site and screened by planting or fencing. 	<p>21.16.2</p> <p>Any activity that does not comply with a condition for a permitted activity requires resource consent as stated in the appendix, or is a discretionary activity if not otherwise specified.</p>

21.17 Vehicle movements

ITEM	PERMITTED	RESOURCE CONSENT
21.17 Vehicle movements	<p>21.17.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) it does not involve more than 30 vehicle movements per day, and (b) no more than 4 of these vehicle movements are heavy vehicle movements. 	<p>21.17.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.18 Noise

ITEM	PERMITTED	RESOURCE CONSENT
21.18 Noise	<p>21.18.1</p> <p>Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site does not exceed:</p> <p>(a) 50dBA (L_{10}), 7am to 7pm, Monday to Saturday, and</p> <p>(b) 45dBA (L_{10}), 7pm to 10pm, Monday to Saturday, and</p> <p>(c) 40dBA (L_{10}), and 65dBA (L_{max}) all other times and public holidays.</p> <p>Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	<p>21.18.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.19 Construction noise

ITEM	PERMITTED	RESOURCE CONSENT
21.19 Construction noise	<p>21.19.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) it is designed and conducted so that construction noise from the activity complies with Appendix N (Construction Noise).</p>	<p>21.19.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.20 Vibration

ITEM	PERMITTED	RESOURCE CONSENT
21.20 Vibration	<p>21.20.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) vibration arising from the activity complies with Appendix I (Ground Vibration).</p>	<p>21.20.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.21 Glare and lighting

ITEM	PERMITTED	RESOURCE CONSENT
21.21 Glare and lighting	<p>21.21.1</p> <p>Any activity is a permitted activity if light spill from artificial lighting, other than a streetlight, navigation light or traffic signal, does not exceed:</p> <p>(a) 10 lux measured vertically at any other site.</p>	<p>21.21.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.22 Dust, smoke, fumes, odour or ground level

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ITEM	PERMITTED	RESOURCE CONSENT
21.22 Dust, smoke, fumes, odour or ground level	<p>21.22.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) there is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site, and</p> <p>(b) stockpiles of loose material are contained or maintained to prevent dispersal of the material into the air, and</p> <p>(ba) earthworks undertaken within 20m of the centreline of an electricity transmission line with a voltage of 110kV or more do not generate adverse effects of dust on the transmission lines or raise the ground level.</p>	<p>21.22.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.23 High frequency electromagnetic field

ITEM	PERMITTED	RESOURCE CONSENT
21.23 High frequency electromagnetic field	<p>21.23.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) any electromagnetic field does not exceed the maximum exposure level in NZS2772.1:1999 Radiofrequency Fields Part I: Maximum exposure levels 3kHz - 300GHz when measured in accordance with NZS6609.2:1990.</p>	<p>21.23.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.24 Earthworks

ITEM	PERMITTED	RESOURCE CONSENT
21.24 Earthworks	<p>21.24.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) are not in the Flood Risk Area except for filling in accordance with rules 21.26 and, <ul style="list-style-type: none"> (aa) are not in the Huntly East Mine Subsidence Area, and (b) comply with Appendix B (Engineering Standards), and (c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) deleted (e) retain sediment on the site through implementation and maintenance of sediment controls, and (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and (g) deleted (ga) deleted (h) do not disturb or move more than 100m³ within a site in a single calendar year, and (i) in relation to the height of any cut or batter face does not exceed 2m, and (j) do not exceed 1000m² in area. <p>Despite (h) to (j), the following earthworks are permitted if they comply with (a) to (ga), and</p> <ul style="list-style-type: none"> (k) the work; <ul style="list-style-type: none"> (i) is part of an approved subdivision, or (ii) is necessary for building works authorised by a building consent and: <ul style="list-style-type: none"> • the area of earthworks is no more than 150% of the area of those building works; 	<p>21.24.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

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	<ul style="list-style-type: none">• occurs on land with an average gradient no steeper than 1:8, or <p>(iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or</p> <p>(iiia) is for construction and maintenance of existing public roads.</p>	
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21.25 Earthworks - filling using imported fill

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.25 Earthworks</p> <ul style="list-style-type: none"> filling using imported fill 	<p>21.25.1 Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling</p> <p style="padding-left: 40px;">(i) that is part of building work approved by a building consent is carried out in accordance with NZS4431:1989 Code of Practice for earth fill for residential development, or</p> <p style="padding-left: 40px;">(ii) that is not part of building work:</p> <ul style="list-style-type: none"> • does not exceed a volume of 20m³ and a depth of 1m, and • does not include a building platform, and • does not include placing fill into an area of significant indigenous vegetation or habitat, or <p style="padding-left: 40px;">(iii) that is for minor upgrading of existing electricity lines does not exceed 50m³.</p>	<p>21.25.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.26 Filling - Flood Risk Area

ITEM	PERMITTED	RESOURCE CONSENT
21.26 Filling <ul style="list-style-type: none"> Flood Risk Area 	21.26.1 Any activity in a Flood Risk Area (excluding Huntly South Assessment Area 1) is a permitted activity if: (a) filling is no more than is necessary to <ul style="list-style-type: none"> (i) provide a foundation for building approved by a building consent, and access to that building, or (ii) enable minor upgrading of existing electricity lines and does not exceed 50m³. 	21.26.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21.27 Deleted

21.28 Impervious Surfaces

ITEM	PERMITTED	RESOURCE CONSENT
21.28 Impervious surfaces	21.28.1 Any activity is a permitted activity if: (a) it does not result in more than 70% of the site having an impervious surface, and (b) stormwater is managed in accordance with Appendix B (Engineering Standards).	21.28.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: <ul style="list-style-type: none"> stormwater runoff effects mitigation including on-site water storage matters referred to in Appendix B (Engineering Standards).

21.29 Deleted

21.30 Contaminated land - remediation

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.30 Contaminated land</p> <ul style="list-style-type: none"> remediation 	<p>21.30.1 Any activity is a permitted activity if:</p> <p>(a) remediation of contaminated land</p> <ul style="list-style-type: none"> (i) does not cause a greater risk to the environment than if the work was not done, and (ii) is not within <ul style="list-style-type: none"> a significant indigenous vegetation or habitat area, or the Landscape Policy Area, or the Flood Risk Area, or 50m of mean high water springs or a water body, and (iii) disposes of removed material in a location approved for the receipt of such material, and (iv) is reported to the Council by the landowner at the completion of the work detailing <ul style="list-style-type: none"> the work done and the results obtained, and the nature and location of remaining contaminated material on-site, and as-built plans and specifications of any permanent containment structure, and <p>(b) the Resource Management (National</p>	<p>21.30.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity except:</p> <p>(a) where compliance with 21.30.1(b)(ii) is not achieved the activity status is determined by the NES.</p>

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	<p>Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of</p>	
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- (i) do not apply to the activity, or
- (ii) do apply and the activity meets the permitted activity requirements set out in Regulation 8 of the NES.

21.31 Hazardous substances

ITEM	PERMITTED	RESOURCE CONSENT
21.31 Hazardous substances	<p>21.31.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) storage or use of hazardous substances complies with Appendix H (Hazardous Substances), or (b) hazardous substances stored or used on the site are <ul style="list-style-type: none"> (i) trade waste in a wastewater or waste treatment facility that complies with Appendix B (Engineering Standards), or (ii) roading materials within a road reserve, or (iii) domestic storage and use of consumer products for domestic purposes, or (iv) consumer products, held for resale to the public in the manufacturers' packaging, or (v) gas or oil pipelines and ancillary equipment, or (vi) fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines, or (vii) small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities, or (viii) fire-fighting substances on emergency vehicles. 	<p>21.31.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.32 Radioactive materials

ITEM	PERMITTED	RESOURCE CONSENT
21.32 Radioactive materials	<p>21.32.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or (b) radioactive materials are confined to domestic appliances. 	<p>21.32.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <ul style="list-style-type: none"> (a) radioactivity does not exceed 10 terabecquerels. <p>21.32.3</p> <p>Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

21.33 Wastewater treatment

ITEM	PERMITTED	RESOURCE CONSENT
21.33 Wastewater treatment	<p>21.33.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) ponds used for processing or storing wastewater are set back at least <ul style="list-style-type: none"> (i) 300m from a dwelling, and (ii) 30m from the site boundary, or (b) a wastewater plant serving 3 or more dwellings, where wastewater treatment is fully enclosed, is set back at least <ul style="list-style-type: none"> (i) 30m from a dwelling, and (ii) 15m from the site boundary. 	<p>21.33.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.34 Plant or animal effluent disposal

ITEM	PERMITTED	RESOURCE CONSENT
21.34 Plant or animal effluent disposal	<p>21.34.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) treatment and application of whey or liquid effluent derived from plants or animals (including disposal onto land by spray irrigation) <ul style="list-style-type: none"> (i) is set back at least 300m from a habitable building, educational facility, marae or community hall, and (ii) is operated at times and in wind conditions so as to mitigate adverse effects. 	<p>21.34.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.35 Notable tree - removal or destruction

ITEM	PERMITTED	RESOURCE CONSENT
21.35 Notable tree <ul style="list-style-type: none"> • removal or destruction 	21.35.1	21.35.2 Removal or destruction of a tree identified in Appendix F (Notable Trees) is a discretionary activity.

21.36 Notable tree - trimming

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.36</p> <p>Notable tree</p> <ul style="list-style-type: none"> trimming 	<p>21.36.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) trimming of a tree identified in Appendix F (Notable Trees) is:</p> <p>(i) either</p> <ul style="list-style-type: none"> to remove dead, dying, diseased, crowded, weakly attached, low-vigour branches and water shoots from a tree crown, or cutting of a branch or root less than 50mm thick (cross section) and no more than 15% of the foliage of the tree is removed, or the balanced removal of lower branches of a tree on road reserve, and <p>(ii) done in accordance with accepted arboricultural practice, and</p> <p>(iii) necessary to protect people's health and safety, or protect structures or utilities.</p>	<p>21.36.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.37 Notable tree - activities within the drip line

ITEM	PERMITTED	RESOURCE CONSENT
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<p>21.37</p> <p>Notable tree</p> <ul style="list-style-type: none"> activities within the drip line 	<p>21.37.1</p> <p>Any activity within the drip line of a tree identified in Appendix F (Notable Trees) is a permitted activity if:</p> <ul style="list-style-type: none"> (a) it does not involve compaction, sealing or soil disturbance, except for sealing of an existing road or footpath, and (b) it does not involve parking or storage of materials, vehicles or machinery, and (c) there is no discharge of an ecotoxic substance, and (d) there is no construction of structures. 	<p>21.37.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> location of activity in relation to the tree timing and manner in which the activity is carried out remedial measures protection of the tree.
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21.38 Signs - advertising signs

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.38 Signs</p> <ul style="list-style-type: none"> • advertising signs 	<p>21.38.1</p> <p>Any activity is a permitted activity if an advertising sign visible from a public place:</p> <ul style="list-style-type: none"> (a) relates to goods or services available on the site, or is a property name sign, and (b) is the only sign on the site, and (c) does not exceed 0.25m², and (d) is not illuminated, flashing or moving, and (e) does not exceed 2m in height, and (f) is not on a road reserve, except for a traffic sign or a safety sign erected by a public authority, and (fa) is not attached to a heritage item listed in Appendix C1 (Historic Heritage Items), site of significance to Maaori, or a tree identified in Appendix F (Notable Trees), except for the purpose of identification. <p>Despite (a), (b) and (c), the following advertising signs are permitted if they comply with (d) to (fa):</p> <ul style="list-style-type: none"> (g) real estate 'for sale' signs relating to the site, provided that there are no more than 3 signs per site and no sign is larger than 1 m². (h) deleted 	<p>21.38.2</p> <p>Any advertising sign that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.39 Sign - effects on traffic

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.39 Sign</p> <ul style="list-style-type: none"> • effects on traffic 	<p>21.39.1</p> <p>Any activity is a permitted activity if an advertising sign directed at drivers:</p> <ul style="list-style-type: none"> (a) does not imitate the content, colour or appearance of traffic control signs, and (b) contains no more than 40 characters or 6 symbols, and (c) has lettering that is at least 124mm high, and (d) is at least 150m from a site entrance, where the sign directs traffic to an entrance, and (e) does not obstruct sight lines of drivers turning into or out of entrances on any site. 	<p>21.39.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.40 to 21.62B Land Use - Building

21.40 Deleted

21.41 Number of dwellings

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.41 Number of dwellings</p>	<p>21.41.1</p> <p>Construction of a dwelling, other than a dependent person's dwelling, is a permitted activity if, after completion:</p> <ul style="list-style-type: none"> (a) there is only one dwelling on the land contained in the certificate of title. 	<p>21.41.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p> <p>Note: Appendix E: Comprehensive Residential Development Guidelines may be relevant to assessment.</p>

21.42 Dependent person's dwelling

ITEM	PERMITTED	RESOURCE CONSENT
21.42 Dependent person's dwelling	<p>21.42.1</p> <p>Construction or alteration of a dependent person's dwelling is a permitted activity if:</p> <ul style="list-style-type: none"> (a) there is only one dependent person's dwelling on the site, and (b) it shares an outdoor living court with the main dwelling on the site, and (c) the site contains a net site area of at least 900m². 	<p>21.42.2</p> <p>Construction or alteration of a dependent person's dwelling that does not comply with a condition for a permitted activity is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> (a) the dwelling is removable. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • amenity values • on-site services • structural design and foundations • removability of dwelling • matters referred to in permitted activity conditions. <p>21.42.3</p> <p>Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

21.43 Minimum site area - dwelling

ITEM	PERMITTED	RESOURCE CONSENT
21.43 Minimum site area • dwelling	<p>21.43.1</p> <p>Construction or alteration of a dwelling is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the site is connected to a reticulated wastewater system, or (b) the net site area is at least 2500m². 	<p>21.43.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity, health and safety, and the environment • wastewater treatment system.

21.44 Building height

ITEM	PERMITTED	RESOURCE CONSENT
21.44 Building height	<p>21.44.1</p> <p>Construction or alteration of a building or structure is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the height does not exceed 7.5m, and (b) the height does not exceed 5m in a Battlefields View Shaft identified on the planning map, and (c) it does not protrude through the obstacle limitation surfaces defined in Chapter 30, Designations (NI, Hamilton Airport), and (d) it does not protrude into the Raglan navigation beacons height restriction plane identified on the planning maps and in Appendix J (Raglan Navigation Beacons Height Restriction Plane). 	<p>21.44.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p> <p>Note: See rule 21.5 for prohibited activities.</p>

21.45 Daylight admission

ITEM	PERMITTED	RESOURCE CONSENT
21.45 Daylight admission	<p>21.45.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the building does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary. 	<p>21.45.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • height of building • design and location of the building • admission of daylight and sunlight to the site and other sites • privacy on other sites • amenity values of the locality.

21.46 Building coverage

ITEM	PERMITTED	RESOURCE CONSENT
21.46 Building coverage	<p>21.46.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the total building coverage does not exceed 40%. 	<p>21.46.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

21.46A Non-residential building

ITEM	PERMITTED	RESOURCE CONSENT
21.46A Non-residential building	<p>21.46A.1</p> <p>Construction or alteration of a non-residential building is a permitted activity if:</p> <p>(a) the gross floor area of the building does not exceed 70m².</p>	<p>21.46A.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.47 Living court

ITEM	PERMITTED	RESOURCE CONSENT
21.47 Living court	<p>21.47.1</p> <p>Construction or alteration of a dwelling is a permitted activity if:</p> <p>(a) an outdoor living court is provided, and</p> <p>(b) it is for the exclusive use of the occupants of a dwelling, and</p> <p>(c) the living court is readily accessible from a living area of the dwelling, and</p> <p>(d) either</p> <p style="padding-left: 40px;">(i) on the ground floor the living court has a minimum area of 80m² capable of containing a circle of 6m diameter, exclusive of parking and manoeuvring areas and buildings, or</p> <p style="padding-left: 40px;">(ii) a balcony is provided containing at least 15m² and a circle with a diameter of at least 2.4m, if the dwelling does not have a habitable room on the ground floor.</p>	<p>21.47.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.48 Service court

ITEM	PERMITTED	RESOURCE CONSENT
21.48 Service court	<p>21.48.1</p> <p>Construction or alteration of a dwelling is a permitted activity if:</p> <p>(a) a service court with a minimum area of 15m² containing a circle of at least 3m diameter is provided, exclusive of parking and manoeuvring areas and buildings.</p>	<p>21.48.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.49 Building set back - road boundary (local and collector)

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.49</p> <p>Building set back</p> <ul style="list-style-type: none"> road boundary (local and collector) 	<p>21.49.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) In Raglan it is set back at least:</p> <p style="padding-left: 40px;">(i) 6m from the road boundary of the site, and</p> <p style="padding-left: 40px;">(ii) 16m from the centre line of an indicative road</p> <p>(b) In places other than Raglan it is set back at least:</p> <p style="padding-left: 40px;">(i) 3m from the road boundary of the site, and</p> <p style="padding-left: 40px;">(ii) 13m from the centre line of an indicative road.</p>	<p>21.49.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.49A Building set back - State highway road boundary (designated boundary of Waikato Expressway, or national route or regional arterial road)

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.49A Building set back</p> <ul style="list-style-type: none"> State highway road boundary (designated boundary of Waikato Expressway, or national route or regional arterial road) 	<p>21.49A.1 Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least:</p> <ul style="list-style-type: none"> (i) 35m from the designated boundary of the Waikato Expressway, and (ii) 15m from a national route or regional arterial road boundary, or <p>(b) it is a detached non habitable accessory building or attached non habitable garage and:</p> <ul style="list-style-type: none"> (i) it is on a certificate of title issued prior to 25 September 2012 and (ii) is set back at least 15m from the designated boundary of the Waikato Expressway, and (iii) in Raglan 6m from a national route or regional arterial road boundary, or (iv) in places other than Raglan 3m from a national route or regional arterial road boundary. 	<p>21.49A.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.49B Building set back - minor additions - State highway road boundary (designated boundary of Waikato Expressway, or national route or regional arterial road)

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.49B Building set back – minor additions</p> <ul style="list-style-type: none"> State highway road boundary (designated boundary of Waikato Expressway, or national route or regional arterial road) 	<p>21.49B.1 Construction or alteration of a building is a permitted activity if it is a minor addition:</p> <p>(a) to a building existing prior to 25 September 2012, and</p> <p>(i) it is within either or both of the following:</p> <ul style="list-style-type: none"> 35m from the designated boundary of the Waikato Expressway, and 15m of a national route or regional arterial road boundary, and <p>(ii) it is set back:</p> <ul style="list-style-type: none"> in Raglan at least 6m from a national route or regional arterial road boundary, or in places other than Raglan at least 3m from a national route or regional arterial road boundary, and <p>(iii) it is designed and constructed to comply with Appendix M5 (Acoustic Insulation).</p>	<p>21.49B.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.50 Building setbacks - other boundaries

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.50 Building setbacks</p> <ul style="list-style-type: none"> other boundaries 	<p>21.50.1 Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least</p> <ul style="list-style-type: none"> (i) 1.5m from every boundary other than a road boundary, and (ii) 1.5m from every vehicle access to another site, or <p>(b) it is set back less than 1.5m from a boundary and</p> <ul style="list-style-type: none"> (i) it is a non-habitable building, and (ii) the total length of all buildings within 1.5m of the boundary does not exceed 6m, and (iii) it does not have any windows or doors on the side of the building facing the boundary. 	<p>21.50.2 Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> length of building along any boundary height of building daylight admission to adjoining properties privacy.

21.51 Setbacks - wastewater treatment

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.51 Setbacks</p> <ul style="list-style-type: none"> wastewater treatment 	<p>21.51.1 Construction or alteration of a dwelling is a permitted activity if:</p> <p>(a) it is set back at least 300m from the boundary of a site containing a wastewater treatment plant with oxidation ponds, and</p> <p>(b) it is set back at least 30m from a wastewater treatment plant where the treatment process is fully enclosed, and</p> <p>(c) it is set back at least 15m from the boundary of a site containing a wastewater treatment plant where the treatment process is fully enclosed.</p>	<p>21.51.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.51A Setbacks - high voltage electricity transmission lines

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.51A Setbacks</p> <ul style="list-style-type: none"> high voltage electricity transmission lines 	<p>21.51A.1 Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least 20m from the centre line of any electricity transmission line designed to operate at 110kV or more.</p>	<p>21.51A.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> effects of electromagnetic fields extent to which location and orientation of habitable rooms mitigates effects of the lines access to transmission lines for maintenance safety of people and property amenity values of the site effects on integrity of electricity supply including <ul style="list-style-type: none"> - the extent to which compliance will be achieved with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001 - the nature and location of any landscaped amenity areas.

21.52 Building near a lake or river

ITEM	PERMITTED	RESOURCE CONSENT
21.52 Building near a lake or river	<p>21.52.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) the building is set back at least 23m from every lake, river or wetland, and</p> <p>(aa) the building is set back at least 28m from the Waikato River and the Waipa River, and</p> <p>(ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.</p> <p>Despite the above, a public amenity of up to 25m² on an esplanade reserve, a public walkway, or a pump shed are not subject to this rule.</p> <p>Note: Rule 4.2.18.1 Waikato Regional Plan controls building within 10m of artificial watercourses (drains), modified watercourses or rivers within drainage districts and river control scheme areas managed by Waikato Regional Council or Waikato District Council.</p>	<p>21.52.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.53 Building near the coast

ITEM	PERMITTED	RESOURCE CONSENT
21.53 Building near the coast	<p>21.53.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> (a) it is set back at least 23m from mean high water springs, and (b) the floor level of any habitable room is at least 3.7m above Moturiki Datum. 	<p>21.53.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.54 Building in Flood Risk Area

ITEM	PERMITTED	RESOURCE CONSENT
21.54 Building in Flood Risk Area	<p>21.54.1</p> <p>Construction or alteration of a building on land shown on the Planning Map as a Flood Risk Area or other land that is subject to flood hazards is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the floor level of any habitable room is at least 0.3m above the 1% design flood level, and (b) the floor level of any non-habitable room is at least the 1% design flood level, and (c) wastewater and stormwater disposal systems comply with Appendix B (Engineering Standards). 	<p>21.54.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

21.54A Aerials

ITEM	PERMITTED	RESOURCE CONSENT
21.54A Aerials	<p>21.54A.1</p> <p>Despite rules 21.44.1(a) and (b), 21.45 and 21.50, construction or alteration of an aerial and its support structures is a permitted activity if:</p> <p>(a) there are no more than 3 support structures per site, and</p> <p>(b) the height of aerials or support structures does not exceed</p> <p style="padding-left: 40px;">(i) 15m, or</p> <p style="padding-left: 40px;">(ii) 10m in any battlefield view shaft, and</p> <p>(c) aerials and support structures (except for those on a road) are set back at least:</p> <p style="padding-left: 40px;">(i) 6m from road boundaries, or 15m if they exceed 7.5m high, and</p> <p style="padding-left: 40px;">(ii) 1m from other boundaries, and</p> <p>(d) no dish antenna exceeds 2m diameter, and no panel antenna exceeds 2.5m in any dimension, and</p> <p>(e) above 9.5m high</p> <p style="padding-left: 40px;">(i) no support structure exceeds 500mm in any cross-section dimension, and</p> <p style="padding-left: 40px;">(ii) no dish antenna exceeds 1m diameter, and</p> <p>(f) it is not attached to an historic heritage item listed in Appendix CI (Historic Heritage Items), except for a domestic television reception aerial.</p>	<p>21.54A.2</p> <p>Any aerial or support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • amenity values • effects on landscape and streetscape • height and setback • design, safety and appearance • location within site • admission of daylight and sunlight to the site and other sites • matters mentioned in conditions not complied with • effects on the values, context and setting of a heritage item.

21.55 Huntly East Mine Subsidence Area

ITEM	PERMITTED	RESOURCE CONSENT
21.55 Huntly East Mine Subsidence Area	21.55.1	21.55.2 Construction or alteration of a building in Huntly East Mine Subsidence Area is a discretionary activity.

21.56 Comprehensive residential development

ITEM	PERMITTED	RESOURCE CONSENT
21.56 Comprehensive residential development	21.56.1	<p>21.56.2 Construction or alteration of a comprehensive residential development is a discretionary activity if:</p> <ul style="list-style-type: none"> (a) the building height, scale, form and architectural style, and the site layout is consistent with Appendix E (Comprehensive Residential Development Design Guidelines), and (b) there is an average net site area of at least 300m² per dwelling, and (c) the development includes at least 5 dwellings, and (d) total building coverage does not exceed 50%, and (e) the site is connected to a reticulated water supply, stormwater and wastewater disposal system. <p>21.56.3 Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

21.57 Deleted

21.58 Group A heritage item - demolition, removal or relocation

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.58 Group A heritage item</p> <ul style="list-style-type: none"> demolition, removal or relocation 	21.58.1	<p>21.58.2</p> <p>Demolition, removal or relocation of any group A heritage item listed in Appendix C1 (Historic Heritage Item) is a non-complying activity.</p>

21.59 Group B heritage item - demolition, removal or relocation

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.59 Group B heritage item</p> <ul style="list-style-type: none"> demolition, removal, or relocation 	21.59.1	<p>21.59.2</p> <p>Demolition, removal or relocation of any group B heritage item listed in Appendix C1 (Historic Heritage Item) is a discretionary activity.</p>

21.60 All heritage items - alteration - addition

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.60 All heritage items</p> <ul style="list-style-type: none"> alteration addition 	<p>21.60.1</p> <p>Alteration of, or addition to, a heritage item listed in Appendix C1 (Historic Heritage Items), is a permitted activity if:</p> <p>(a) no significant feature of interest is removed, destroyed or damaged, and</p> <p>(b) deleted</p> <p>(c) alterations or additions are not visible from a public place, and</p> <p>(ca) alterations or additions are of similar style, bulk and sympathetic to the original structure.</p>	<p>21.60.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> form, style, materials and appearance effects on heritage values.

21.60A All heritage items - maintenance - repair

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.60A</p> <p>All heritage items</p> <ul style="list-style-type: none"> • maintenance • repair 	<p>21.60A.1</p> <p>Maintenance or repair to a heritage item listed in Appendix C1 (Historic Heritage Items) is a permitted activity if:</p> <p>(a) no significant feature of interest is destroyed or damaged, and</p> <p>(b) replacement materials are the same as, or similar to, the original with the original form, style and appearance.</p>	<p>21.60A.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • form, style, materials and appearance • effects on heritage values.

21.61 All heritage items - site development

ITEM	PERMITTED	RESOURCE CONSENT
<p>21.61</p> <p>All heritage items</p> <ul style="list-style-type: none"> • site development 	<p>21.61.1</p> <p>Development on the site of a heritage item listed in Appendix C1 (Historic Heritage Items) is a permitted activity if:</p> <p>(a) deleted</p> <p>(b) it is set back at least 10m from the heritage item, and</p> <p>(c) a building is not located between the front of the heritage item and the road.</p>	<p>21.61.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on the values, context and setting of the heritage item • location, design, size, materials and finish • landscaping • the relationship of the heritage item with the setting.

21.62 Heritage precinct - Matangi - Huntly

ITEM	CONTROLLED	RESOURCE CONSENT
<p>21.62 Heritage precinct</p> <ul style="list-style-type: none"> • Matangi • Huntly 	<p>21.62.1</p> <p>Construction or alteration of a building in the Matangi heritage precinct or the Huntly heritage precinct identified on the planning map is a controlled activity if</p> <p>(a) the building is set back at least 8m from road boundaries</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • effects on historic heritage, amenity values and character of the precinct • building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix D (Design Guides) • advertising signs attached to the building 	<p>21.62.2</p> <p>Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • Matters that control is reserved over • Setback from road boundaries.

21.62A Relocated building

ITEM	CONTROLLED	RESOURCE CONSENT
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Waikato District Plan - Waikato Section

<p>21.62A Relocated building</p>	<p>21.62A.1 Relocation of a used building to a new site is a controlled activity if:</p> <p>(a) the building is delivered to its final position on the site and connected to its new foundations within 7 days of arrival.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • external appearance • effects on amenity values and natural character of locality • visibility from public places and screening • structural integrity and weatherproofing • maintenance, repair, replacement or decoration of cladding, roofing, porches, decks, baseboards, steps, windows, chimney spaces, spouting and stormwater drains • stormwater management on the site • timetable for works • bond to secure compliance • matters referred to in Appendix B (Engineering Standards) 	<p>21.62A.2 Any activity that does not comply with conditions for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • matters referred to in conditions for controlled activities, • matters that control is reserved over.
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21.62B Acoustic insulation of dwellings - Horotiu Acoustic Amenity Overlay

ITEM	PERMITTED	RESOURCE CONSENT
21.62B Acoustic insulation of dwellings	<p>21.62B.1</p> <p>Construction or alteration of a dwelling within the Horotiu Acoustic Amenity Overlay is a permitted activity if:</p> <p>(a) the building is designed and constructed to comply with Table A - Internal Sound Levels in Appendix M6 (Acoustic Insulation), and</p> <p>(b) it is setback at least 40m from the Industrial Zone boundary.</p>	<p>21.62B.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21.63 to 21.73 Subdivision

Editorial Note

Any subdivision application relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#).

21.63 Allotment size

ITEM	CONTROLLED	RESOURCE CONSENT
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Waikato District Plan - Waikato Section

<p>21.63 Allotment size</p>	<p>21.63.1 Subdivision is a controlled activity if:</p> <p>(a) every allotment, other than a utility allotment or access allotment, has a net site area of at least</p> <ul style="list-style-type: none"> (i) 450m², and (ii) deleted (iii) 2500m² in the case of any allotment that is not connected to a reticulated wastewater system, and <p>(b) deleted</p> <p>(ba) in New Residential Areas shown on the Planning Map, excluding utility allotments and access allotments</p> <ul style="list-style-type: none"> (i) the average net site area of all allotments is at least 600m², and (ii) for every allotment less than 600m², there is one lot of 600m² or more, and <p>(c) a utility allotment does not exceed 50m².</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • shape, location and orientation • variation in allotment sizes • matters referred to in Appendix B (Engineering Standards) • amenity and streetscape • vehicle and pedestrian networks. 	<p>21.63.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>
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21.64 Allotment boundaries

ITEM	CONTROLLED	RESOURCE CONSENT
21.64 Allotment boundaries	<p>21.64.1</p> <p>Subdivision is a controlled activity if the boundary of every allotment is drawn so that:</p> <ul style="list-style-type: none"> (a) existing buildings comply with the permitted activity rules relating to building coverage, set backs, and daylight angles, except to the extent of any non-compliance that existed lawfully prior to the subdivision, and (b) no area of significant indigenous vegetation and habitat, hazard area, contaminated land, dune land, heritage item, site of significance to Maaori, or wetland is divided between allotments, and (c) boundaries avoid any tree listed in Appendix F (Notable Trees). <p>Control reserved over:</p> <ul style="list-style-type: none"> • effects on amenity values of buildings • effects on sites of significance to Maaori • effects on heritage items • effects on any notable trees • amenity and residential character • effects on archaeological sites. 	<p>21.64.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • matters referred to in conditions for controlled activities • matters that control is reserved over.

21.65 Frontage

ITEM	CONTROLLED	RESOURCE CONSENT
21.65 Frontage	<p>21.65.1</p> <p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least 15m. <p>Control reserved over:</p> <ul style="list-style-type: none"> • road efficiency and safety • amenity and streetscape. 	<p>21.65.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21.66 Road access

ITEM	CONTROLLED	RESOURCE CONSENT
21.66 Road access	<p>21.66.1</p> <p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) every allotment is provided with vehicle access to a public road, and (b) the vehicle access complies with Appendix A (Traffic) and Appendix B (Engineering Standards). <p>Control reserved over:</p> <ul style="list-style-type: none"> • adequacy of the access for its intended use • road efficiency and safety • matters referred to in Appendix A (Traffic) and Appendix B (Engineering Standards). 	<p>21.66.2</p> <p>Subdivision that does not comply with a condition for a controlled activity requires resource consent as stated in the relevant appendix, or is a discretionary activity if not otherwise specified.</p>

21.67 Building platform

ITEM	CONTROLLED	RESOURCE CONSENT
21.67 Building platform	<p>21.67.1</p> <p>Subdivision is a controlled activity if every allotment, other than a utility or access allotment, is capable of containing a building platform:</p> <ul style="list-style-type: none"> (a) upon which a dwelling and living court could be sited as a permitted activity, and (b) with <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards, or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards. <p>Control reserved over:</p> <ul style="list-style-type: none"> • subdivision layout • shape of allotments • ability of allotments to accommodate a practical building platform • likely location of future buildings and their potential effects on the environment • avoidance or mitigation of natural hazards • geotechnical suitability for building. 	<p>21.67.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21.68 Earthworks

ITEM	CONTROLLED	RESOURCE CONSENT
21.68 Earthworks	<p>21.68.1</p> <p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) earthworks comply with Appendix B (Engineering Standards), and (b) earthworks and filling are not undertaken on the route of any flow path or in the location of any stormwater attenuation pond shown to be retained on Appendix B, Table BI - Lorenzen Bay Structure Plan Drainage Plan and Technical Specifications. <p>Control reserved over:</p> <ul style="list-style-type: none"> • matters referred to in Appendix B (Engineering Standards) • amenity and streetscape nature and source of fill • location of earthworks and fill • compaction of fill • volume and depth of earthworks and fill • identification of future building platforms • water quality. 	<p>21.68.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21.69 On-site services

ITEM	CONTROLLED	RESOURCE CONSENT
21.69 On-site services	<p>21.69.1</p> <p>Subdivision is a controlled activity if, for every allotment other than a utility or access allotment:</p> <p>(a) provision is made to connect to a telecommunications network and energy supply network, and</p> <p>(b) either</p> <p style="padding-left: 40px;">(i) provision is made to connect to reticulated water supply, stormwater, land drainage and wastewater disposal networks where available, or</p> <p style="padding-left: 40px;">(ii) an alternative method of water supply, stormwater, land drainage and wastewater disposal that complies with Appendix B (Engineering Standards) is provided, and</p> <p>(c) services are placed underground where</p> <p style="padding-left: 40px;">(i) a new road is required as part of the subdivision, or</p> <p style="padding-left: 40px;">(ii) existing services to the site are already placed underground.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • health and safety • amenity values • matters referred to in Appendix B (Engineering Standards) • easements to facilitate development beyond the site. 	<p>21.69.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21.70 Hazard risks policy areas

ITEM	CONTROLLED	RESOURCE CONSENT
21.70 Hazard risks policy areas	<p>21.70.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) the land is not in the Huntly South Assessment Area, Huntly East Mine Subsidence Area, Flood Risk Area.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards in other areas. 	<p>21.70.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21.71 Esplanade reserves and esplanade strips

ITEM	CONTROLLED	RESOURCE CONSENT
21.71 Esplanade reserves and esplanade strips	<p>21.71.1</p> <p>Subdivision is a controlled activity if an esplanade reserve or strip 20m wide (or other width stated in Appendix G Esplanade Priority Areas) is created from every allotment:</p> <p>(a) less than 4ha within 20m of</p> <ul style="list-style-type: none"> (i) mean high water springs, or (ii) the bank of any river whose bed has an average width of 3m or more, or (iii) a lake whose bed has an area of 8ha or more, or <p>(b) 4ha or more within 20m of</p> <ul style="list-style-type: none"> (i) mean high water springs, or (ii) a water body identified in Appendix G (Esplanade Priority Areas). <p>Control reserved over:</p> <ul style="list-style-type: none"> • deleted • the type of esplanade provided - reserve or strip • access to the esplanade reserve or strip • matters provided for in an instrument creating an esplanade strip or access strip • works required prior to vesting any reserve in the Council. 	<p>21.71.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • width of the esplanade reserve or strip • costs and benefits of acquiring the land • matters that control is reserved over.

21.71A Off road walkways

ITEM	CONTROLLED	RESOURCE CONSENT
21.71A Off road walkways	<p>21.71A.1</p> <p>Subdivision is a controlled activity if any walkway shown on the planning map is:</p> <ul style="list-style-type: none"> (a) at least 3 metres wide, and (b) designed for shared pedestrian and cycle use, and (c) generally in accordance with the walkway route shown on the planning maps, and (d) shown on the plan of subdivision and vested in the Council. <p>Control reserved over:</p> <ul style="list-style-type: none"> • alignment • drainage • land stability • amenity matters including batter slopes • connection to reserves. 	<p>21.71A.2</p> <p>Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • alignment of walkway • costs and benefits of acquiring the land • matters that control is reserved over.

21.72 Land containing heritage items

ITEM	CONTROLLED	RESOURCE CONSENT
21.72 Land containing heritage items	21.72.1	<p>21.72.2</p> <p>Subdivision of land containing a heritage item listed in Appendix C1 (Historic Heritage Item) is a restricted discretionary activity if:</p> <p>(a) the heritage item is wholly contained on one allotment, and</p> <p>(b) the relationship of the heritage item with its setting is maintained.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on the values, context and setting of the heritage item. <p>21.72.3</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

21.73 Traffic generation

ITEM	CONTROLLED	RESOURCE CONSENT
21.73 Traffic generation	<p>21.73.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) traffic generated by likely land uses following the subdivision does not alter the status or function of roads in the road hierarchy identified in Appendix A (Traffic).</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • capacity and quality of the road surface • function of the public road • safety and efficiency of the road network • safety of road users. 	<p>21.73.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • function of the public road • safety of road users • capacity and quality of road surface.

Schedule 21A: Te Kauwhata Structure Plan Living Zone Rules Living Zone, Living Zone (New Residential), Living Zone (Te Kauwhata Ecological)

NOTE: Refer to [Schedule 21B](#) for rules for Te Kauwhata West Living

21A.1 Application of the Schedule

The rules in this schedule apply to the residential zones of the Te Kauwhata Structure Plan Area as shown on the Planning Maps and marked as Living, Living (New Residential) and Te Kauwhata Ecological Living, but excluding the Te Kauwhata Lakeside Precinct Plan Area. All rules in [Chapter 21: Living Zone](#) apply in the Te Kauwhata Structure Plan Area unless otherwise specified below.

21A.2 Rules applying in the Te Kauwhata Structure Plan Area

In addition to the following rules, all rules in [Chapter 21: Living Zone](#) also apply to the structure plan area except for rules [21.24](#), [21.26](#), [21.28](#), [21.43](#), [21.46](#), [21.50](#), [21.63](#), [21.67](#), [21.68](#), [21.69\(b\)](#), [21.70](#), and [21.71A](#).

Rule [21.30](#) does not apply in the Remediation Policy Area.

Editorial Note:

For rules for Telecommunication Facilities on Road Reserves see the National Environmental Standards in [Appendix Od](#).

For rules for Electricity Transmission Activities see the National Environmental Standards in [Appendix Oe](#).

For rules for the following activities which are proposed to occur on land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken, or where it is more likely than not that a HAIL activity is being or has been undertaken, see the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#):

- Removing or replacing a fuel storage system;
- Sampling soil;
- Disturbing soil;
- Subdividing land; or
- Changing the use of land.

21A.3 Land Use - Activities

ITEM	RESTRICTED DISCRETIONARY
21A.3 Remediation Policy Area	<p>21A.3.1 Subdivision, use and development (including remediation) in the Remediation Policy Area is a restricted discretionary activity.</p> <p>Discretion restricted to</p> <ul style="list-style-type: none"> • the nature and extent of contamination of the land • the effects of contamination on buildings, ecological and amenity values, soil quality, surface and groundwater quality and the wider environment • the proposed methodology for the remediation of the land, including the provision and contents of a Remediation Plan prepared by a suitably qualified person • the onsite and offsite risks during and after remediation works • on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on the environment <p>Despite the above, the following are permitted activities:</p> <p>(a) alterations to existing buildings that do not extend the footprint, and</p> <p>(b) subsurface investigations to determine the presence, extent and nature of any contamination, provided that a subsurface sampling report prepared by a suitably qualified person is provided to the Council, and</p> <p>(c) subdivision, use and development if the land has been confirmed as not being contaminated following investigations, and</p> <p style="padding-left: 40px;">(i) an investigation report prepared by a suitably qualified person has been provided to Council, and</p> <p style="padding-left: 40px;">(ii) the Council has approved the investigation report; and</p> <p>(d) subdivision, use and development if the land has been remediated to a standard that is suitable for the intended use in accordance with a Remediation Plan, including a site validation report, that has been approved by Council.</p> <p>Note: For the avoidance of doubt, Rule 21A.3 does not address the actual or potential adverse effects of contaminants in soil on human health as this matter is addressed by the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>

21A.4 to 21A.8 Land Use - Effects

21A.4 Earthworks (including filling using imported fill) - general

ITEM	PERMITTED	RESOURCE CONSENT
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Waikato District Plan - Waikato Section

<p>21A.4 Earthworks (including filling using imported fill) - general</p>	<p>21A.4.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) earthworks are not in a Flood Risk Area except for filling in accordance with rule 21A.6 and, (b) earthworks comply with Appendix B (Engineering Standards), and (c) all exposed earth is revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) earthworks retain sediment on the site through implementation and maintenance of sediment controls, and (e) earthworks do not adversely affect other land through changes in natural water flows or established drainage paths, and (f) deleted (g) earthworks do not disturb archaeological sites or items. 	<p>21A.4.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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21A.5 Earthworks (including filling using imported fill) - location and scale

ITEM	PERMITTED	RESOURCE CONSENT
<p>21A.5 Earthworks (including filling using imported fill) - location and scale</p>	<p>21A.5.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) retaining walls are at least 3m apart and 3m from any existing building, structure or any other fill or cut batter, and (b) retaining walls that are not part of a building foundation <ul style="list-style-type: none"> (i) do not exceed 0.5m in height within 3m of a road boundary, and (ii) do not exceed 1.5m in height elsewhere on the allotment and are at least 1.5m from the boundary and (c) retaining walls that are part of a building foundation do not exceed 2.4m in height, and (d) earthworks are not in an Environmental Protection Policy Area, and (e) earthworks do not disturb or move more than 100m³ within a site in a single calendar year, and (f) earthworks do not cause the height of any batter to exceed 1.5m, and (g) earthworks do not exceed 400m². <p>Despite the above, this rule does not apply to earthworks that are:</p> <ul style="list-style-type: none"> (h) consented as part of an approved subdivision, or (i) a backfill trench for network utilities, and original ground levels are reinstated, or (j) for maintenance of existing public roads, or (k) the removal of soft or unsuitable material and replacement with the equivalent volume of engineering hardfill below and up to 1m beyond a building foundation line for building works authorised by a building consent. 	<p>21A.5.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21A.6 Filling - Flood Risk Area

ITEM	PERMITTED	RESOURCE CONSENT
21A.6 Filling Flood Risk Area	<p>21A.6.1</p> <p>Any activity in a Flood Risk Area is a permitted activity if filling:</p> <p>(a) is no more than is necessary to enable minor upgrading of existing electricity lines and does not exceed 50m³, and</p> <p>(b) complies with Appendix B (Engineering Standards).</p>	<p>21A.6.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21A.7 Impervious surfaces

ITEM	PERMITTED	RESOURCE CONSENT
21A.7 Impervious surfaces	<p>21A.7.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) it does not result in more than 50% of the site having an impervious surface, and</p> <p>(b) stormwater is managed in accordance with Appendix B (Engineering Standards).</p> <p>Note: The impervious surfaces covered in this rule include building coverage as defined in rule 21A.10.</p> <p>Note: Vehicle access and manoeuvring areas shall be assessed as impervious, irrespective of surface.</p>	<p>21A.7.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • stormwater runoff effects • mitigation including on-site water storage • matters referred to in Appendix B (Engineering Standards).

21A.8 Fences

ITEM	PERMITTED	RESOURCE CONSENT
21A.8 Fences	<p>21A.8.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) fences along a road frontage, public open space and side boundaries within 3m of the road:</p> <ul style="list-style-type: none"> (i) do not exceed 1m in height, and (ii) do not exceed 1m in height where a retaining wall and a fence is combined, or (iii) do not exceed 1.8m in height and are of transparent construction. 	<p>21A.8.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • building materials and design • height • effects on amenity • public space visibility.

21A.9 to 21A.15 Land Use - Building

21A.9 Connection to onsite services

ITEM	PERMITTED	RESOURCE CONSENT
21A.9 Connection to onsite services	<p>21A.9.1</p> <p>Construction or alteration of a building is a permitted activity if</p> <p>(a) for a building containing sanitary facilities it is connected to reticulated water supply, stormwater and wastewater disposal networks that comply with Appendix B (Engineering Standards), and</p> <p>(b) for a building exceeding 10sqm stormwater is managed using low impact design features that comply with the requirements of Appendix B: Engineering Standards prior to connecting to the Council network.</p>	<p>21A.9.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

21A.10 Building coverage

ITEM	PERMITTED	RESOURCE CONSENT
21A.10 Building coverage	21A.10.1 Construction or alteration of a building is a permitted activity if: (a) the total building does not exceed 35%.	21A.10.2 Any activity that does not comply with a condition for a permitted activity is a non-complying activity.

21A.11 Living court - position

ITEM	PERMITTED	RESOURCE CONSENT
21A.11 Living court - position	21A.11.1 Construction or alteration of a dwelling is a permitted activity if: (a) an outdoor living court is provided that is located between 45 degrees north east through north to 90 degrees west of the dwelling measured from the southern-most part of the dwelling.	21A.11.1 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21A.12 Garage set back - road boundary

ITEM	PERMITTED	RESOURCE CONSENT
21A.12 Garage set back - road boundary	21A.12.1 Construction or alteration of a building on a lot with a road frontage exceeding 14m is a permitted activity if the garage is set back at least: (a) 6m from the road boundary and set back further than another part of the building if the garage door faces the road.	21A.12.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21A.13 Building setbacks - other boundaries

ITEM	PERMITTED	RESOURCE CONSENT
21A.13 Building setbacks - other boundaries	<p>21A.13.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) on allotments less than 600m² it is set back at least</p> <ul style="list-style-type: none"> (i) 6m from a rear boundary, and (ii) 1.5m from any other boundary not a road boundary, and (iii) 1.5m from every vehicle access to another site, and <p>(b) on allotments greater than 600m² it is set back at least</p> <ul style="list-style-type: none"> (i) 6m from a rear boundary, and (ii) 1.5m from one side boundary other than a road boundary, and (iii) 3m from any other boundary that is not a road boundary, and (iv) 1.5m from every vehicle access to another site, and <p>(c) it is set back less than 1.5m from a boundary and</p> <ul style="list-style-type: none"> (i) it is a non-habitable building, and (ii) the total length of all buildings within 1.5m of the boundary does not exceed 6m, and (iii) it does not have any windows or doors on the side of the building facing the boundary. 	<p>21A.13.2</p> <p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • length of building along any boundary • daylight admission to adjoining properties • privacy • building orientation • Appendix Oga (Urban Design Guide) .

21A.14 Building near an Environmental Protection Policy Area

ITEM	PERMITTED	RESOURCE CONSENT
21A.14 Building near an Environmental Protection Policy Area	21A.14.1 Construction or alteration of a building or building platform is a permitted activity if: (a) it is set back at least 3m from an Environmental Protection Policy Area.	21A.14.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21A.15 Building involving earthworks

ITEM	PERMITTED	RESOURCE CONSENT
21A.15 Building involving earthworks	21A.15.1 Construction or alteration of a building and associated site works are a permitted activity if: (a) earthwork requirements for the building are quantified and disclosed to Council when application is made for building consent, and (b) earthworks comply with the earthworks rules in the land use effects rules section and a method of compliance is provided with the building consent documentation.	21A.15.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21A.16 to 21A.25 Subdivision

21A.16 Subdivision of land containing Environmental Protection Policy Area

ITEM	CONTROLLED	RESOURCE CONSENT
21A.16 Subdivision of land containing Environmental Protection Policy Area	<p>21A.16.1 Subdivision of land containing an Environmental Protection Policy Area is a controlled activity if:</p> <ul style="list-style-type: none"> (a) the subdivision application includes a planting plan prepared by a suitably qualified person for the area in the Environmental Protection Policy Area, and (b) the planting plan is in accordance with 15A.4.4 - Plant species for Environmental Protection Policy Area, and (c) landscaping is undertaken prior to any development being undertaken. <p>Control reserved over:</p> <ul style="list-style-type: none"> • planting plan • vesting of reserve land in Council if appropriate. 	<p>21A.16.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • matters that control is reserved over • effects on amenity values • effects on ecological values.

21A.17 Allotment size Living Zone

ITEM	CONTROLLED	RESOURCE CONSENT
<p>21A.17 Allotment size Living Zone</p>	<p>21A.17.1 Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) every allotment, other than a utility allotment or access allotment, has a net site area of at least 450m², and (b) where the land to be subdivided is greater than 3,000m² in size there is a combination of allotments of which 25% of total allotments are at least 550m², and (c) a utility allotment does not exceed 50m². <p>Control reserved over:</p> <ul style="list-style-type: none"> • compliance with Appendix Oga (Urban Design Guide) including shape, location, orientation and topography • integration and connectivity with the natural surrounding area • amenity and streetscape • variation in allotment sizes • matters referred to in Appendix B (Engineering Standards) • vehicle and pedestrian networks • location and extent of off road walkways • effects on Environmental Protection Policy Area • Te Kauwhata village character. 	<p>21A.17.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21A.18 Allotment size - Living (New Residential)

ITEM	CONTROLLED	RESOURCE CONSENT
<p>21A.18 Allotment size Living (New Residential)</p>	<p>21A.18.1 Subdivision is a controlled activity if:</p> <p>(a) every allotment, other than a utility allotment or access allotment, has a net site area of at least</p> <ul style="list-style-type: none"> (i) 450m², and (ii) the average net site area of all allotments is at least 600m², and (iii) there is combination of allotments of which: <ul style="list-style-type: none"> • 50% of total allotments are at least 550m², and • 25% of total allotments are at least 650m², and <p>(b) a utility allotment does not exceed 50m².</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • compliance with Appendix Oga (Urban Design Guide) including shape, location, orientation and topography • integration and connectivity with the natural surrounding area • amenity and streetscape • variation in allotment sizes • matters referred to in Appendix B (Engineering Standards) • vehicle and pedestrian networks • location and extent of off road walkways • effects on Environmental Protection Policy Area • Te Kauwhata village character. 	<p>21A.18.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21A.19 Allotment size - Living Zone (Te Kauwhata Ecological)

ITEM	CONTROLLED	RESOURCE CONSENT
<p>21A.19 Allotment size Living Zone (Te Kauwhata Ecological)</p>	<p>21A.19.1 Subdivision is a controlled activity if:</p> <p>(a) every allotment, other than a utility allotment or access allotment, has a net site area of</p> <ul style="list-style-type: none"> • at least 750m², and • the average net site area of all allotments is at least 875m² and <p>(b) a utility allotment does not exceed 50m².</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • compliance with Appendix Oga (Urban Design Guide) including shape, location, orientation and topography • integration and connectivity with the natural surrounding area • amenity and streetscape • variation in allotment sizes • matters referred to in Appendix B (Engineering Standards) • vehicle and pedestrian networks • location and extent of off road walkways • geotechnical stability • effects on Environmental Protection Policy Area including ecological values • Te Kauwhata village character. 	<p>21A.19.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21A.20 Rear allotments

ITEM	CONTROLLED	RESOURCE CONSENT
21A.20 Rear allotments	<p>21A.20.1</p> <p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) no more than 5% of allotments created by the subdivision are rear allotments, and (b) accesses to rear allotments do not abut more than one side boundary of a front allotment, and (c) all rear allotments are provided with a separate vehicle access to a public road. <p>Control reserved over:</p> <ul style="list-style-type: none"> • road efficiency and safety • amenity and streetscape • allotment shape • adequacy of access • Te Kauwhata village character • compliance with Appendix Oga (Urban Design Guide). 	<p>21A.20.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21A.21 Building platform

ITEM	CONTROLLED	RESOURCE CONSENT
21A.21 Building platform	<p>21A.21.1</p> <p>Subdivision is a controlled activity if every allotment, other than a utility or access allotment, is capable of containing a building platform:</p> <p>(a) upon which a dwelling and living court could be sited as a permitted activity, and that is:</p> <ul style="list-style-type: none"> (i) a rectangle of at least 250m² with a minimum dimension of 12m exclusive of yards, or (ii) a footprint for a standard single-level dwelling design with a minimum floor area of at least 200m², and <p>(b) that can be created within the following limits:</p> <ul style="list-style-type: none"> (i) earthworks do not exceed 100m³, and (ii) the height of any cut or fill batter does not exceed 1.5m, and (iii) retaining walls are <ul style="list-style-type: none"> • at least 3m apart and • 3m from any existing building, structure or • any other fill or cut batter, and (iv) retaining walls that are not part of a building foundation: <ul style="list-style-type: none"> • do not exceed 0.5m in height within 3m of a road boundary, and • do not exceed 1.5m in height elsewhere on the allotment and are at least 1.5m from the boundary, and (v) retaining walls that are part of a building foundation do not exceed 2.4m in height, and <p>(c) that is not subject to natural hazards, and</p> <p>(d) that is not in an Environmental Protection Policy</p>	<p>21A.21.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • size and shape of building platform • volume, height and location of earthworks • height and location of retaining walls • natural hazard management • matters over which control is reserved • effects on Environmental Protection Policy Area • revegetation.

Area.

Control reserved over:

- compliance with matters contained in [Appendix Oga](#) (Urban Design Guide)
- subdivision layout
- the size, shape and orientation of allotments to accommodate a practical building platform and living court
- likely location of future buildings and their potential effects on the environment
- avoidance or mitigation of natural hazards
- geotechnical suitability for building
- location, length, design and appearance of retaining walls.

21A.22 Earthworks

ITEM	CONTROLLED	RESOURCE CONSENT
21A.22 Earthworks	<p>21A.22.1</p> <p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) earthworks comply with Appendix B (Engineering Standards), and (b) earthworks and filling are not undertaken on the route of any permanent water flow path, (c) all exposed earth is revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) earthworks do not alter the pre-existing contours by more than 1.5m, and (e) earthworks and filling do not occur within an Environmental Protection Policy Area, and (f) deleted (g) retaining walls associated with earthworks are <ul style="list-style-type: none"> (i) at least 3m apart and (ii) 3m from any existing building, structure or any other fill or cut batter, and (h) retaining walls that are not part of a building foundation <ul style="list-style-type: none"> (i) do not exceed 0.5m in height within 3m of a proposed road boundary, and (ii) do not exceed 1.5m in height elsewhere on a proposed allotment and are at least 1.5m from a proposed boundary, and (i) retaining walls that are part of a building foundation do not exceed 2.4m in height <p>Control reserved over:</p> <ul style="list-style-type: none"> • matters referred to in Appendix B (Engineering Standards) • amenity and streetscape • compliance with Appendix Oga (Urban Design Guide) • nature and source of fill • location of earthworks and fill • compaction of fill • volume and depth of earthworks and fill 	<p>21A.22.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • extent of change to the pre-existing landform • location of roads in relation to contours • effects on hydrology and natural hazards • matters over which control is reserved • effects on Environmental Protection Policy Area • revegetation • location, height, length, design and appearance of retaining walls.

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| <ul style="list-style-type: none">• effects on water quality• location, length, design and appearance of retaining walls• final contour• effects on archaeological sites or items. | |
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21A.23 On-site services - piped networks

ITEM	CONTROLLED	RESOURCE CONSENT
21A.23 On-site services - piped networks	<p>21A.23.1</p> <p>Subdivision is a controlled activity if, for every allotment other than a utility or access allotment:</p> <p>(a) provision is made to connect to reticulated water supply, stormwater and wastewater disposal networks that comply with Appendix B (Engineering Standards), and</p> <p>(b) stormwater is managed using low impact design features that comply with the requirements of Appendix B: Engineering Standards prior to connecting to the Council network.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • amenity values • matters referred to in Appendix B (Engineering Standards) • easements to facilitate development beyond the site. • services capacity to form part of a total network. 	<p>21A.23.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21A.24 Hazard risks Policy areas

ITEM	CONTROLLED	RESOURCE CONSENT
21A.24 Hazard risk Policy areas	<p>21A.24.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) no proposed building platforms are in</p> <p>(i) a Flood Risk Area, or</p> <p>(ii) any unmapped area where ponding may occur, or</p> <p>(iii) a flow path.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards • location of building platforms. 	<p>21A.24.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21A.25 Off road walkways

ITEM	CONTROLLED	RESOURCE CONSENT
21A.25 Off road walkways	<p>21A.25.1</p> <p>Subdivision is a controlled activity if any walkway:</p> <ul style="list-style-type: none"> (a) is 8 metres wide, and (b) is designed for shared pedestrian and cycle use, and (c) for connections between roads, unimpeded visibility along the entire length, and (d) is generally in accordance with, but not limited to, the walkway route shown in the planning map, and (e) shown on the plan of subdivision and vested in the Council. <p>Control reserved over:</p> <ul style="list-style-type: none"> • alignment • visibility along the route • drainage • connection to reserves • amenity. 	<p>21A.25.2</p> <p>Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • alignment of walkway • costs and benefits of acquiring the land • matters over which control is reserved.

Schedule 21B Te Kauwhata West Living Zone Rules

21B.1 Application of the Schedule

The rules in this schedule apply to the Te Kauwhata West Living Zone as shown on the [Planning Map](#).

21B.2 Rules applying in the Te Kauwhata West Living Zone

In addition to the following rules, all rules in [Chapter 21: Living Zone](#) also apply to the Te Kauwhata West Living Zone except for rules [21.24](#), [21.26](#), [21.28](#), [21.43](#), [21.46](#), [21.49](#), [21.50](#), [21.63](#), [21.67](#), [21.68](#), [21.69\(b\)](#), [21.70](#), and [21.71A](#).

Rule [21.30](#) does not apply in the Remediation Policy Area.

21B.3 and 21B.4 Land Use - Activities

21B.3 Interim landuse

ITEM	PERMITTED	RESOURCE CONSENT
21B.3 Interim landuse	<p>21B.3.1</p> <p>Any activity that complies with all the effects and building rules is a permitted activity if it is:</p> <p>(a) an agricultural, horticultural or viticultural activity in the Te Kauwhata West Living Zone.</p>	<p>21B.3.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21B.4 Remediation Policy Area

ITEM	RESTRICTED DISCRETIONARY	
<p>21B.4 Remediation Policy Area</p>	<p>21B.4.1 Subdivision, use and development (including remediation) in the Remediation Policy Area is a restricted discretionary activity.</p> <p>Discretion restricted to</p> <ul style="list-style-type: none"> • the nature and extent of contamination of the land • the effects of contamination on buildings, ecological and amenity values, soil quality, surface and groundwater quality and the wider environment • the proposed methodology for the remediation of the land, including the provision and contents of a Remediation Plan prepared by a suitably qualified person • the onsite and offsite risks during and after remediation works • on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on the environment <p>Despite the above, the following are permitted activities:</p> <p>(a) alterations to existing buildings that do not extend the footprint, and</p> <p>(b) subsurface investigations to determine the presence, extent and nature of any contamination, provided that a subsurface sampling report prepared by a suitably qualified person is provided to the Council, and</p> <p>(c) subdivision, use and development if the land has been confirmed as not being contaminated following investigations, and</p> <p style="padding-left: 40px;">(i) an investigation report prepared by a suitably qualified person has been provided to Council, and</p> <p style="padding-left: 40px;">(ii) the Council has approved the investigation report; and</p> <p>(d) subdivision, use and development if the land has been remediated to a standard that is suitable for the intended use in accordance with a Remediation Plan, including a site validation report, that has been approved by Council.</p> <p>Note: For the avoidance of doubt, Rule 21B.4 does not address the actual or potential adverse effects of contaminants in soil on human health as this matter is addressed by the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>	

21B.5 to 21B.10 Land Use - Effects

21B.5 Earthworks (including filling using imported fill) - general

ITEM	PERMITTED	RESOURCE CONSENT
21B.5 Earthworks (including filling using imported fill) - general	<p>21B.5.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) earthworks are not in a Flood Risk Area except for filling in accordance with rule 21B.6 and, (b) earthworks comply with Appendix B (Engineering Standards), and (c) all exposed earth is revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) earthworks retain sediment on the site through implementation and maintenance of sediment controls, and (e) earthworks do not adversely affect other land through changes in natural water flows or established drainage paths, and (f) deleted (g) earthworks do not disturb archaeological sites or items. 	<p>21B.5.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21B.6 Earthworks (including filling using imported fill) - location and scale

ITEM	PERMITTED	RESOURCE CONSENT
<p>21B.6 Earthworks (including filling using imported fill) - location and scale</p>	<p>21B.6.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) retaining walls are at least 3m apart and 3m from any existing building, structure or any other fill or cut batter, and (b) retaining walls that are not part of a building foundation <ul style="list-style-type: none"> (i) do not exceed 0.5m in height within 3m of a road boundary, and (ii) do not exceed 1.5m in height elsewhere on the allotment and are at least 1.5m from the boundary and (c) retaining walls that are part of a building foundation do not exceed 2.4m in height, and (d) earthworks are not in an Environmental Protection Policy Area, and (e) earthworks do not disturb or move more than 100m³ within a site in a single calendar year, and (f) earthworks do not cause the height of any batter to exceed 1.5m, and (g) earthworks do not exceed 400m². <p>Despite the above, this rule does not apply to earthworks that are</p> <ul style="list-style-type: none"> (h) consented as part of an approved subdivision, or (i) a backfill trench for network utilities, and original ground levels are reinstated, or (j) for maintenance of existing public roads, or (k) the removal of soft or unsuitable material and replacement with the equivalent volume of engineering hardfill below and up to 1m beyond a building foundation line for building works authorised by a building consent. 	<p>21B.6.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21B.7 Filling Flood Risk Area

ITEM	PERMITTED	RESOURCE CONSENT
21B.7 Filling Flood Risk Area	<p>21B.7.1</p> <p>Any activity in a Flood Risk Area is a permitted activity if filling:</p> <p>(a) is no more than is necessary to enable minor upgrading of existing electricity lines and does not exceed 50m³, and</p> <p>(b) complies with Appendix B (Engineering Standards).</p>	<p>21B.7.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21B.8 Impervious surfaces

ITEM	PERMITTED	RESOURCE CONSENT
21B.8 Impervious surfaces	<p>21B.8.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) on lots with a net site area of 650m² and less than 700m² it does not result in more than 35% of the site being an impervious surface, or</p> <p>(b) on lots with a net site area of 700m² and greater it does not result in more than 40% of the site being an impervious surface, and</p> <p>(c) stormwater is managed in accordance with Appendix B (Engineering Standards).</p> <p>Note: The impervious surfaces covered in this rule include building coverage as defined in rule 21B.12</p> <p>Note: Vehicle access and manoeuvring areas shall be assessed as impervious, irrespective of surface.</p>	<p>21B.8.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • stormwater runoff effects • mitigation including on-site water storage • matters referred to in Appendix B (Engineering Standards).

21B.9 Fences

ITEM	PERMITTED	RESOURCE CONSENT
21B.9 Fences	<p>21B.9.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) fences along a road frontage, public open space and side boundaries within 3m of the road:</p> <ul style="list-style-type: none"> (i) do not exceed 1m in height, and (ii) do not exceed 1m in height where a retaining wall and a fence is combined, or (iii) do not exceed 1.8m in height and are of transparent construction, and <p>(b) fences along the northern boundary of the Te Kauwhata West Living Zone adjacent to the Country Living Zone are of rural post and wire construction, and</p> <p>(c) for lots with frontage to two public roads, the fence fronting the road with the greater traffic volume:</p> <ul style="list-style-type: none"> (i) does not exceed 1 m in height at the corner of the lot, and (ii) does not exceed 0.5m height increments at 5m intervals, and (iii) is of transparent construction. 	<p>21B.9.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • building materials and design • height • effects on amenity • public space visibility.

21B.10 Landscaping - Te Kauwhata Road

ITEM	PERMITTED	RESOURCE CONSENT
<p>21B.10 Landscaping</p> <ul style="list-style-type: none"> Te Kauwhata Road 	<p>21B.10.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) land in the road reserve, between the formed road and the slip lane on Te Kauwhata Road, is planted with species that will achieve an average height of 2m and be of sufficient density to provide visual enhancement.</p>	<p>21B.10.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> plant species width of planting

21B.11 to 21B.17 Land Use - Building

21B.11 Connection to onsite services

ITEM	PERMITTED	RESOURCE CONSENT
<p>21B.11 Connection to onsite services</p>	<p>21B.11.1</p> <p>Construction or alteration of a building is a permitted activity if</p> <p>(a) for a building containing sanitary facilities it is connected to reticulated water supply, stormwater and wastewater disposal networks that comply with Appendix B (Engineering Standards), and</p> <p>(b) for a building exceeding 10sqm stormwater is managed using low impact design features that comply with the requirements of Appendix B: Engineering Standards prior to connecting to the Council network.</p>	<p>21B.11.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

21B.12 Building coverage

ITEM	PERMITTED	RESOURCE CONSENT
21B.12 Building coverage	<p>21B.12.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) the total building coverage on lots with a net site area of 650m² and less than 700m² does not exceed 25%, or</p> <p>(b) the total building coverage on lots with a net site area of 700m² or greater does not exceed 35%.</p>	<p>21B.12.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

21B.13 Living court - position

ITEM	PERMITTED	RESOURCE CONSENT
21B.13 Living court - position	<p>21B.13.1</p> <p>Construction or alteration of a dwelling is a permitted activity if:</p> <p>(a) an outdoor living court is provided that is located between 45 degrees north east through north to 90 degrees west of the dwelling measured from the southern-most part of the dwelling.</p>	<p>21B.13.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21B.14 Garage set back - road boundary

ITEM	PERMITTED	RESOURCE CONSENT
21B.14 Garage set back - road boundary	<p>21B.14.1</p> <p>Construction or alteration of a building on a lot with a road frontage exceeding 14m is a permitted activity if the garage is set back at least:</p> <p>(a) 6m from the road boundary and set back further than another part of the building if the garage door faces the road.</p>	<p>21B.14.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

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21B.15 Building setbacks

ITEM	PERMITTED	RESOURCE CONSENT
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ITEM	PERMITTED	RESOURCE CONSENT
21B.15 Building setbacks	<p>21B.15.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) on allotments less than 600m² it is set back at least</p> <ul style="list-style-type: none"> (i) 6m from a rear boundary, and (ii) 3 m from a road boundary, and (iii) 1.5m from any other boundary not a road boundary, and (iv) 1.5m from every vehicle access to another site, and <p>(b) on allotments 600m² or greater and less than 800m² it is set back at least</p> <ul style="list-style-type: none"> (i) 6m from a rear boundary, and (ii) 6 m from a road boundary (iii) 1.5m from one side boundary other than a road boundary, and (iv) 3m from any other boundary that is not a road boundary, and (v) 1.5m from every vehicle access to another site, and <p>(c) on allotments 800m² or greater it is set back at least</p> <ul style="list-style-type: none"> (i) 6m from a rear boundary, and (ii) 6 m from a road boundary, and (iii) 3m from any other boundary other than a road boundary or a side boundary adjoining the Country Living Zone, and (iv) 6m from a side boundary adjoining the Country Living Zone, and (v) 1.5m from every vehicle access to another site, and <p>(d) it is set back less than 1.5m from a boundary and</p> <ul style="list-style-type: none"> (i) it is a non-habitable building, and (ii) the total length of all buildings within 1.5m of the boundary does not exceed 6m, and (iii) it does not have any windows or doors on the side of the building facing 	<p>21B.15.2</p> <p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • length of building along any boundary • daylight admission to adjoining properties • privacy • building orientation • Appendix Og (Urban Design Guide) .

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ITEM	PERMITTED the boundary.	RESOURCE CONSENT
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21B.16 Building near an Environmental Protection Policy Area

ITEM	PERMITTED	RESOURCE CONSENT
21B.16 Building near an Environmental Protection Policy Area	21B.16.1 Construction or alteration of a building or building platform is a permitted activity if: (a) it is set back at least 3m from an Environmental Protection Policy Area.	21B.16.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21B.17 Building involving earthworks

ITEM	PERMITTED	RESOURCE CONSENT
21B.17 Building involving earthworks	21B.17.1 Construction or alteration of a building and associated site works are a permitted activity if: (a) earthwork requirements for the building are quantified and disclosed to Council when application is made for building consent, and (b) earthworks comply with the earthworks rules in the land use effects rules section and a method of compliance is provided with the building consent documentation.	21B.17.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21B.18 to 21B.28 Subdivision

21B.18 Subdivision of land containing Environmental Protection Policy Area

ITEM	CONTROLLED	RESOURCE CONSENT
21B.18 Subdivision of land containing Environmental Protection Policy Area	21B.18.1 Subdivision of land containing an Environmental Protection Policy Area is a controlled activity if: (a) the subdivision application includes a planting plan prepared by a suitably qualified person for the area in the Environmental Protection Policy Area, and (b) the planting plan is in accordance with 15A.4.4 - Plant species for Environmental Protection Policy Area, and (c) landscaping is undertaken prior to any development being undertaken. Control reserved over: <ul style="list-style-type: none"> planting plan vesting of reserve land in Council if appropriate. 	21B.18.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity. Discretion is restricted to: <ul style="list-style-type: none"> matters that control is reserved over effects on amenity values effects on ecological values.

21B.19 Allotment size

ITEM	CONTROLLED	RESOURCE CONSENT
21B.19 Allotment size	<p>21B.19.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) every allotment, other than a utility allotment or access allotment, has a net site area of</p> <ul style="list-style-type: none"> (i) at least 650m², and (ii) the average net site area of all allotments is at least 875m² and (iii) there is combination of allotments within each neighbourhood block of which: <ul style="list-style-type: none"> • at least 50% are 800m² or greater, and • at least 25% are 900m² or greater, and • 80% of allotments bordering the Country Living Zone have an area of at least 900 m², and <p>(b) a utility allotment does not exceed 50m².</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • compliance with Appendix Og (Urban Design Guide) including shape, location, orientation and topography • integration and connectivity with the natural surrounding area • amenity and streetscape • variation in allotment sizes • matters referred to in Appendix B (Engineering Standards) • vehicle and pedestrian networks • location and extent of off road walkways • geotechnical stability • effects on Environmental Protection Policy Area including ecological values • Te Kauwhata village character. 	<p>21B.19.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21B.20 Rear allotments

ITEM	CONTROLLED	RESOURCE CONSENT
<p>21B.20 Rear allotments</p>	<p>21B.20.1 Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) no more than 10% of allotments per neighbourhood block are rear allotments, and (b) accesses to rear allotments do not abut more than one side boundary of a front allotment, and (c) all rear allotments are provided with a separate vehicle access to a public road, and (d) no more than two adjoining allotments can share a vehicle entranceway. <p>Control reserved over:</p> <ul style="list-style-type: none"> • road efficiency and safety • amenity and streetscape • allotment shape • adequacy of access • Te Kauwhata village character • compliance with Appendix Og (Urban Design Guide). <p>Note: Vehicle access means from the property boundary into the site. Vehicle entranceway means from the road formation to the site boundary.</p>	<p>21B.20.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21B.21 Boundary Country Living Zone

ITEM	controlled	RESOURCE CONSENT
21B.21 Boundary Country Living Zone	<p>21B.21.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) every allotment with a Country Living Zone boundary, other than an access allotment, access leg or utility allotment, has a minimum width along the Country Living Zone boundary of at least 30 metres.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> amenity on adjoining Country Living Zone 	<p>21B.21.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21B.22 Building platform

ITEM	controlled	RESOURCE CONSENT
21B.22 Building platform	<p>21B.22.1</p> <p>Subdivision is a controlled activity if every allotment, other than a utility or access allotment, is capable of containing a building platform:</p> <p>(a) upon which a dwelling and living court could be sited as a permitted activity, and</p> <p>(b) that is:</p> <ul style="list-style-type: none"> (i) a rectangle of at least 250m² with a minimum dimension of 12m exclusive of yards, or (ii) a footprint for a standard single-level dwelling design with a minimum floor area of at least 200m², and <p>(c) that can be created within the following limits:</p> <ul style="list-style-type: none"> (i) earthworks do not exceed 100m³, and (ii) the height of any cut or fill batter does not exceed 1.5m, and (iii) retaining walls are <ul style="list-style-type: none"> • at least 3m apart and • 3m from any existing building, structure or • any other fill or cut batter, and (iv) retaining walls that are not part of a building foundation: <ul style="list-style-type: none"> • do not exceed 0.5m in height within 3m of a road boundary, and • do not exceed 1.5m in height elsewhere on the allotment and are at least 1.5m from the boundary, and (v) retaining walls that are part of a building foundation do not exceed 2.4m in height, and <p>(d) that is not subject to natural hazards, and</p> <p>(e) that is not in an Environmental Protection Policy</p>	<p>21B.22.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • size and shape of building platform • volume, height and location of earthworks • height and location of retaining walls • natural hazard management • matters over which control is reserved • effects on Environmental Protection Policy Area • revegetation.

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ITEM	<p>controlled Area.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • compliance with matters contained in Appendix Og (Urban Design Guide) • subdivision layout • the size, shape and orientation of allotments to accommodate a practical building platform and living court • likely location of future buildings and their potential effects on the environment • avoidance or mitigation of natural hazards • geotechnical suitability for building • location, length, design and appearance of retaining walls. 	RESOURCE CONSENT
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21B.23 Earthworks

ITEM	CONTROLLED	RESOURCE CONSENT
21B.23 Earthworks	<p>21B.23.1</p> <p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) earthworks comply with Appendix B (Engineering Standards), and (b) earthworks and filling are not undertaken on the route of any permanent water flow path, (c) all exposed earth is revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) earthworks do not alter the pre-existing contours by more than 1.5m, and (e) earthworks and filling do not occur within an Environmental Protection Policy Area, and (f) deleted (g) retaining walls associated with earthworks are <ul style="list-style-type: none"> (i) at least 3m apart and (ii) 3m from any existing building, structure or any other fill or cut batter, and (h) retaining walls that are not part of a building foundation <ul style="list-style-type: none"> (i) do not exceed 0.5m in height within 3m of a proposed road boundary, and (ii) do not exceed 1.5m in height elsewhere on a proposed allotment and are at least 1.5m from a proposed boundary, and (i) retaining walls that are part of a building foundation do not exceed 2.4m in height. <p>Control reserved over:</p> <ul style="list-style-type: none"> • matters referred to in Appendix B (Engineering Standards) • amenity and streetscape • compliance with Appendix Og (Urban Design Guide) • nature and source of fill • location of earthworks and fill • compaction of fill • volume and depth of earthworks and fill 	<p>21B.23.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • extent of change to the pre-existing landform • location of roads in relation to contours • effects on hydrology and natural hazards • matters over which control is reserved • effects on Environmental Protection Policy Area • revegetation • location, height, length, design and appearance of retaining walls.

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ITEM	CONTROLLED <ul style="list-style-type: none">• effects on water quality• location, length, design and appearance of retaining walls• final contour• effects on archaeological sites or items.	RESOURCE CONSENT
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21B.24 On-site services - piped networks

ITEM	CONTROLLED	RESOURCE CONSENT
21B.24 On-site services - piped networks	<p>21B.24.1</p> <p>Subdivision is a controlled activity if, for every allotment other than a utility or access allotment:</p> <p>(a) provision is made to connect to reticulated water supply, stormwater and wastewater disposal networks that comply with Appendix B (Engineering Standards), and</p> <p>(b) stormwater is managed using low impact design features that comply with the requirements of Appendix B: Engineering Standards prior to connecting to the Council network.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • amenity values • matters referred to in Appendix B (Engineering Standards) • easements to facilitate development beyond the site. • services capacity to form part of a total network. 	<p>21B.24.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21B.25 Hazard risks Policy areas

ITEM	CONTROLLED	RESOURCE CONSENT
21B.25 Hazard risks Policy areas	<p>21B.25.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) no proposed building platforms are in</p> <p>(i) a Flood Risk Area, or</p> <p>(ii) any unmapped area where ponding may occur, or</p> <p>(iii) a flow path.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards • location of building platforms. 	<p>21B.25.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21B.26 Off road walkways

ITEM	CONTROLLED	RESOURCE CONSENT
21B.26 Off road walkways	<p>21B.26.1</p> <p>Subdivision is a controlled activity if any walkway:</p> <ul style="list-style-type: none"> (a) is 8 metres wide, and (b) is designed for shared pedestrian and cycle use, and (c) for connections between roads, unimpeded visibility along the entire length, and (d) is generally in accordance with, but not limited to, the walkway route shown in the planning map, and (e) shown on the plan of subdivision and vested in the Council. <p>Control reserved over:</p> <ul style="list-style-type: none"> • alignment • visibility along the route • drainage • connection to reserves • amenity. 	<p>21B.26.2</p> <p>Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • alignment of walkway • costs and benefits of acquiring the land • matters over which control is reserved.

21B.27 Landscaping

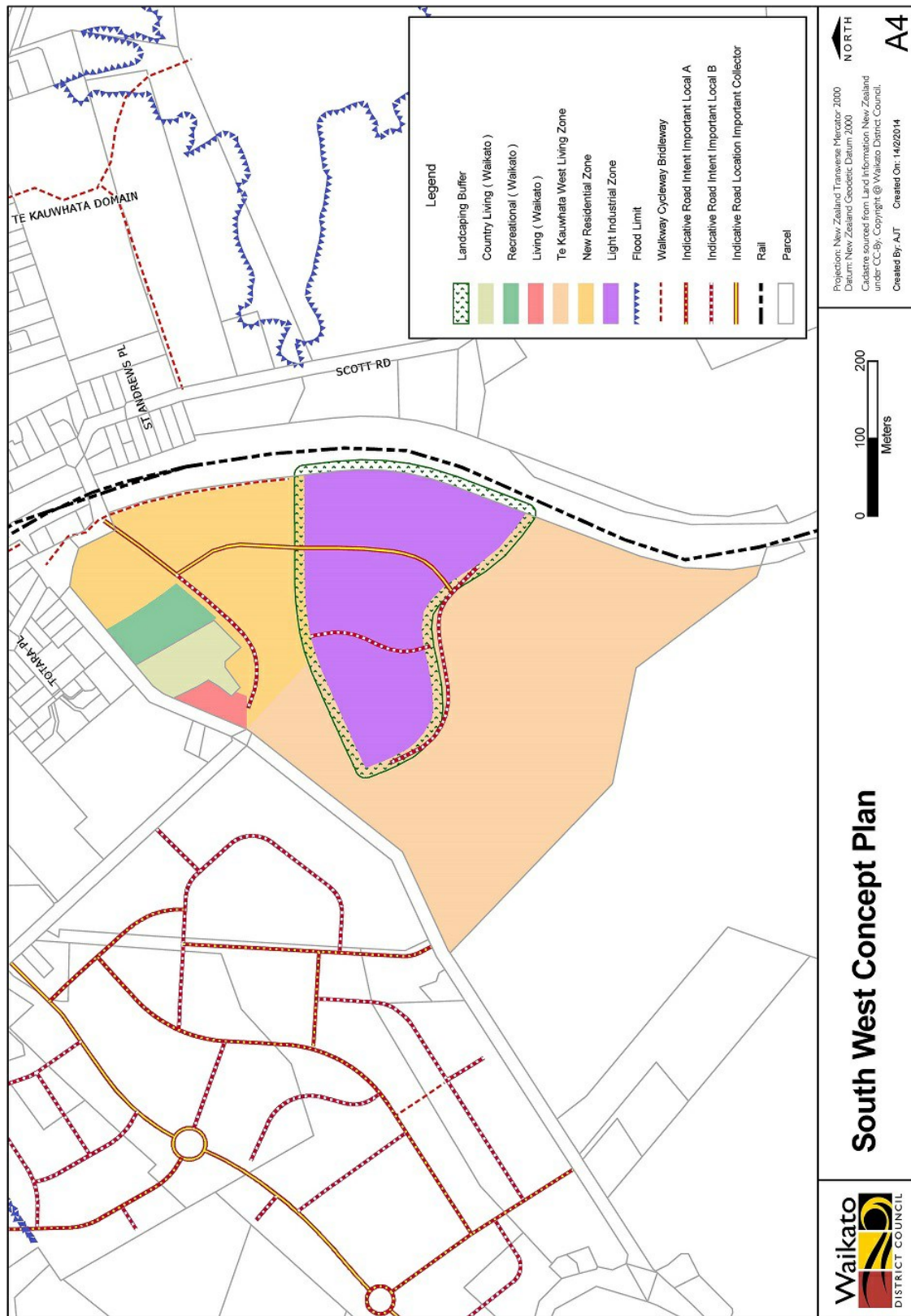
ITEM	CONTROLLED	RESOURCE CONSENT
21B.27 Landscaping	<p>21B.27.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) land within the Te Kauwhata South West Concept Plan 21B.29 identified as a 10m indicative planting strip as shown in the concept plan is planted to achieve an average height of 3m after 5 years and of sufficient density to visually screen the site,</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> planting plan 	<p>21B.27.2</p> <p>Any activity that does not comply with a condition for a controlled activity is a discretionary activity.</p>

21B.28 Staged Subdivision

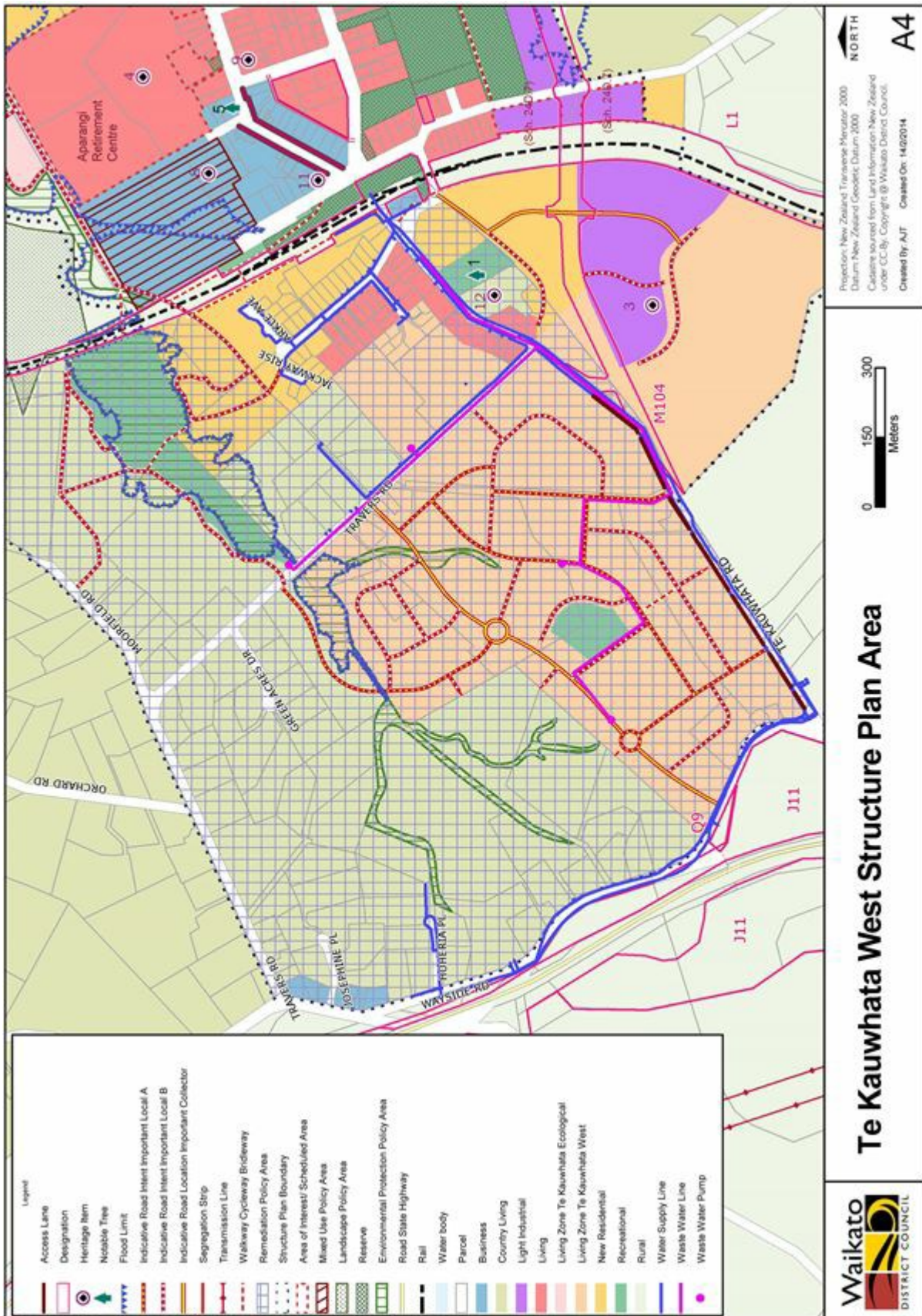
ITEM	CONTROLLED	RESOURCE CONSENT
21B.28 Staged Subdivision	<p>21B.28.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) for any stage other than sub-stage (a) within Stage One, a minimum of 80% of the section 224 certificates have been issued for the lots within the preceding sub-stage as shown on the Te Kauwhata West Living Zone Stage One Staging Plan; and</p> <p>(b) a minimum of 80% of the section 224 certificates have been issued for sub-stage (d) within Stage One before development proceeds within Stage Two as shown on the Te Kauwhata West Living Zone Full Staging Plan.</p> <p>Despite the above, construction of roads and the installation of utility services between the Stages is exempt.</p>	<p>21B.28.2</p> <p>Any activity that does not comply with a condition for a controlled activity is a non-complying activity.</p>

Diagrams - Te Kauwhata

21B.29 Te Kauwhata South West Concept Plan



21B.30 Te Kauwhata West Structure Plan Area



21B.31 Te Kauwhata West Living Zone subdivision staging plan

Figure 1: Te Kauwhata West Living Zone Stage One Staging Plan

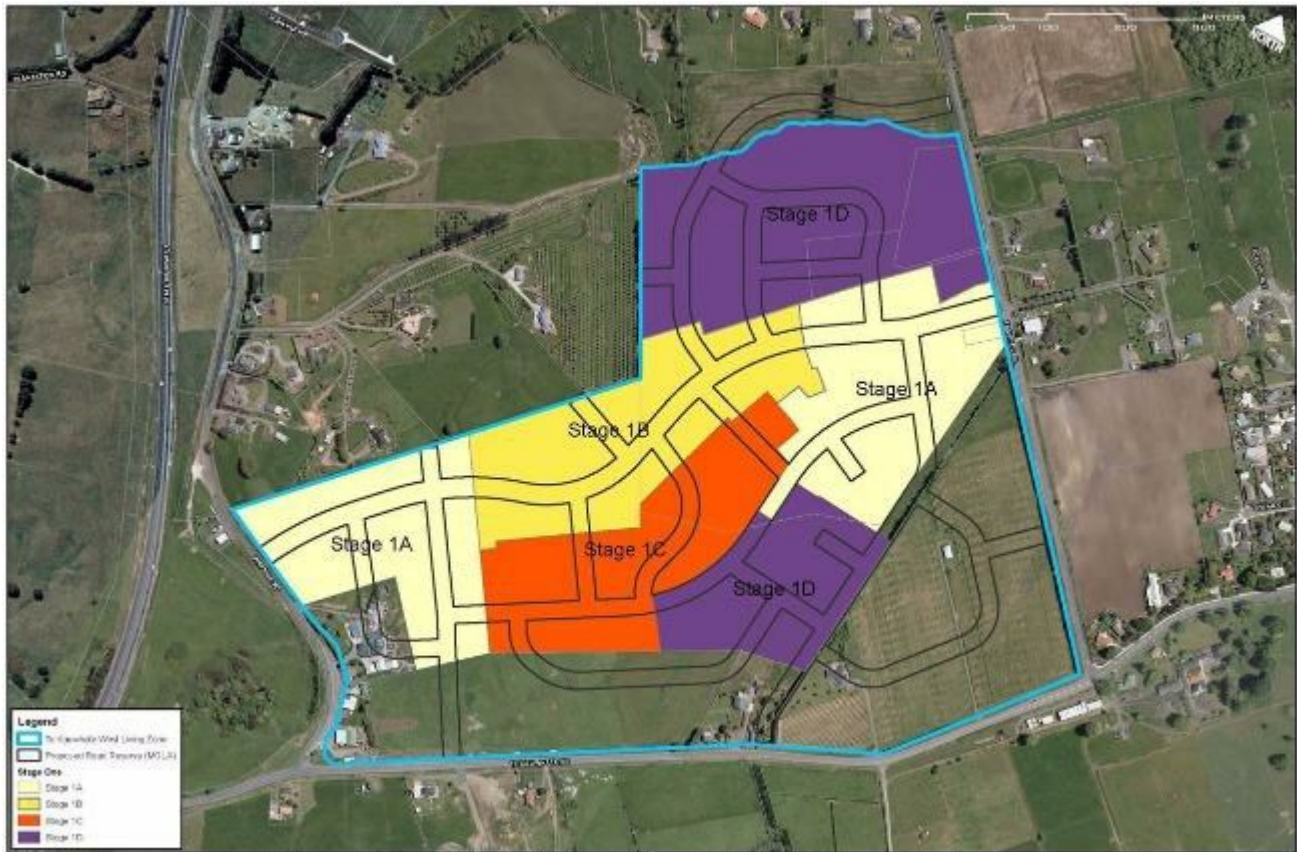
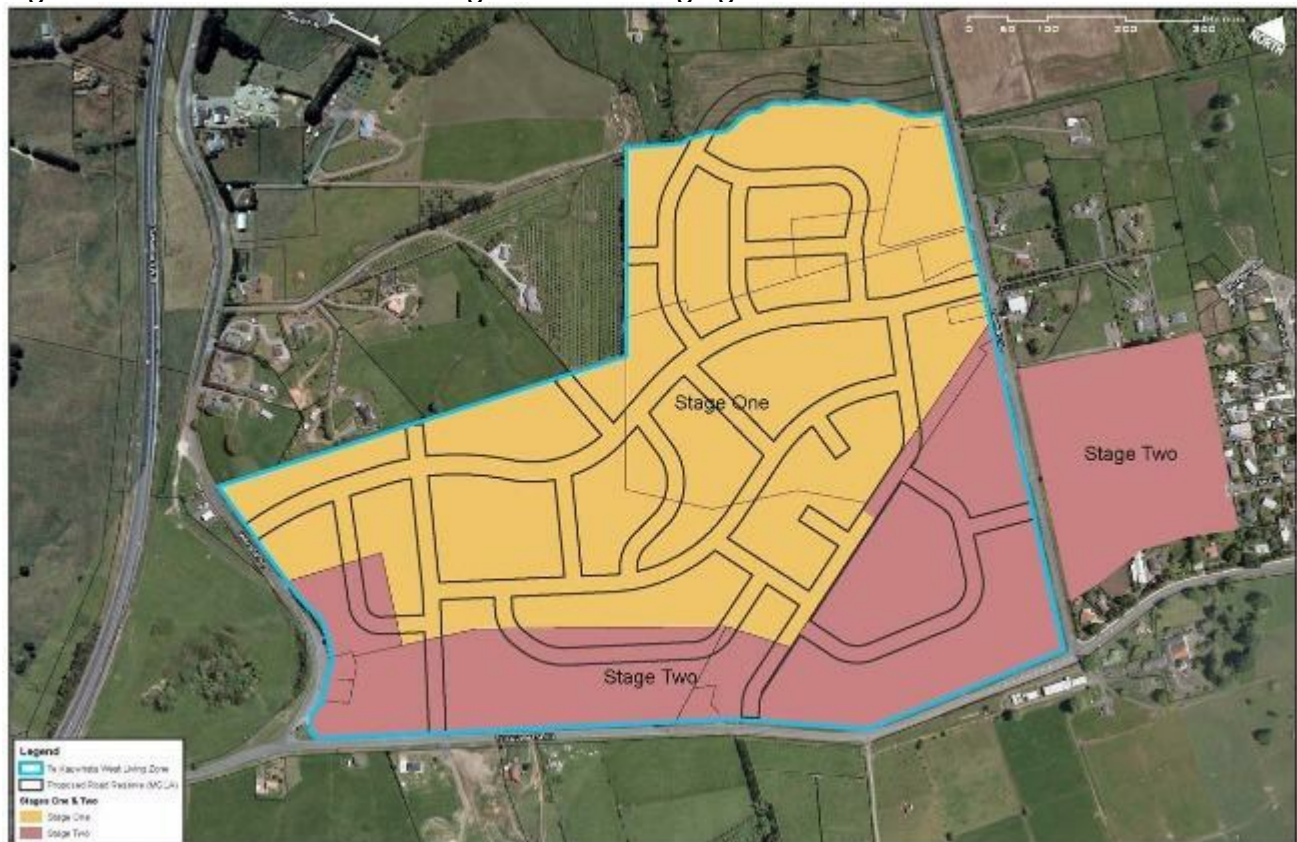


Figure 2: Te Kauwhata West Living Zone Full Staging Plan



Schedule 21C: Rangitahi Living Zone Rules, Structure Plan and Comprehensive Development Plan

21C.1 Application of the Schedule

The rules in this schedule apply to the Rangitahi Living Zone as shown on the Planning Map and as shown in the Rangitahi Peninsula Structure Plan that is included at the end of this Schedule. All rules

in Chapter 21: Living Zone Rules apply in the Rangitahi Peninsula Structure Plan Area unless otherwise specified below.

21C.2 Rules applying in the Rangitahi Peninsula Structure Plan Area

In addition to the following rules, all rules in Chapter 21: Living Zone also apply to the Rangitahi Peninsula Structure Plan Area except for:

- (a) Rules 21.10, 21.17, 21.24, 21.25, 21.41, 21.44, 21.45, 21.46A, 21.49, 21.63, 21.65, A11 and A14.
- (b) Rules 21.67 and 21.71A shall apply to the extent that any of the conditions set out in those rules are not modified by an approved Comprehensive Development Plan.

Comprehensive Development Plan

ITEM	CONTROLLED ACTIVITY	RESOURCE CONSENT
21C.10 Comprehensive Development Plan	<p>21C.10.1</p> <p>A Comprehensive Development Plan (CDP) which is closely similar to the Rangitahi Peninsula Structure Plan in 21C.3 shall be approved as a controlled activity prior to any subdivision or development taking place within the Rangitahi Peninsula Structure Plan Area.</p> <p>A CDP application may be made in stages on a Development Precinct by Development Precinct basis or may be made for the entire Rangitahi Peninsula Structure Plan Area and amendments to an approved CDP may also be approved provided the same requirements as for a CDP in this rule are met.</p> <p>The following variances will be considered as “closely similar to” the Rangitahi Peninsula Structure Plan (the base figures and locations are as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan);</p> <ul style="list-style-type: none"> (a) Development Precinct areas - (hectares) variance up to and including 10%; (b) Development Precinct boundaries –variance up to and including 100m; 	<p>21C.10.3</p> <p>A Comprehensive Development Plan (CDP), or an amendment thereto, that does not meet the requirements of Rule 21C.10.1 and does not exceed the parameters below (using the base figures and locations as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan) shall be a discretionary activity and shall be approved prior to any subdivision or development taking place.</p> <ul style="list-style-type: none"> (a) Development Precinct areas - (hectares) greater than 10% and up to and including 20% variance. (b) Development Precinct boundaries – greater than 100m and up to and including 200m variance. (c) Development Precinct densities – greater than 10% and up to and including 20% variance from the upper and lower end of the range specified. (d) Collector Road locations – greater than 50m and up to and including 100m movement outside of the road reserve. (e) Secondary access location – greater than 30% variance in length. <p>The matters over which Council reserves control shall be used for assessing discretionary activity applications under this rule.</p> <p>21C.10.4</p>

	<p>(c) Development Precinct densities – variance up to and including 10% from the upper and lower end of the range specified; and</p> <p>(d) Collector Road locations – variance up to and including 50m movement outside of the road reserve.</p> <p>(e) Secondary access location – any variance and up to and including 30% variance in length.</p> <p>Exceptions to this requirement to obtain CDP approval are:</p> <ul style="list-style-type: none"> • alterations or additions to existing dwellings, • maintenance of buildings and structures, farm tracks and existing infrastructure, • repair or restoration of any land subject • to erosion or slippage, • implementation of any resource consents which have been granted for the area that the CDP applies to, • planting activity, • walking and bike trail 	<p>A Comprehensive Development Plan (CDP), or an amendment thereto, that does not meet the standards for a discretionary activity, or includes development that would affect land that is subject to an existing or proposed archaeological covenant area, is a non-complying activity.</p> <p>21C.10.5 Prior to approval of a Comprehensive Development Plan, any activity not listed as an exception in 21C.10.1 is a non-complying activity.</p>
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construction except for walking or bike trails located within land that is subject to an existing or proposed archaeological covenant area. Such walking or bike trails shall be subject to the CDP approval process,

- roading connections at each end of the Oporu causeway and bridge for which a resource consent has been granted.

Note:

CDP approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 197. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.

For 21C.10.1 control is reserved over:

- consistency with the Rangitahi Peninsula Structure Plan in [21C.3](#)
- the assessment criteria in [21C.4](#)
- effects on cultural values (having regard to the outcome of any consultation with Tainui Hapuu)
- lot size, access, building locations
- development densities
- provision for ecological features to be protected, restored or enhanced
- proposals for Landscape Restoration policy areas
- existing and future utilities and connections
- existing and indicative roads and their connections
- consistency with any

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	<p>recommendations in the integrated transport assessment</p> <ul style="list-style-type: none"> • consistency with the causeway construction and upgrade of Oporu Rd authorised by the land use consent issued by the Council, reference no LUC0249/06 • provision for public access to the Rangitahi coastal area • provision for public reserves and open space, including linkages between reserves and open space • connectivity to other development areas • location and type of activities including residential, travellers' accommodation and Rangitahi commercial • community facilities. • effects of natural hazards, geotechnical and land contamination • effects on natural character; and • effects on historic heritage <p>21C.10.2</p> <p>Applications for approval of a Comprehensive Development Plan (or amendments thereto) as a controlled activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons, except that Council shall consider Tainui Hapuu an affected party and require that its written approval be obtained or that notice be served on a limited notified basis.</p>	
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Land Use Activities

ITEM	PERMITTED	RESOURCE CONSENT
21C.11	21C.11.1	21C.11.2

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<p>Type of activity</p>	<p>Any activity that complies with all the effects and building rules and is in accordance with the Rangitahi Peninsula Structure Plan in 21C.3 is a permitted activity if it is:</p> <p>A. located on a site for which a CDP has been approved; and</p> <p>B. located within the Development Precincts shown on the Rangitahi Peninsula Structure Plan in 21C.3 and is:</p> <ul style="list-style-type: none"> (a) a residential activity, or (b) a home occupation that meets the conditions for a permitted activity, or (c) a temporary event that meets the conditions for a permitted activity, or (d) a network utility, or (e) a homestay that provides accommodation for no more than 4 temporary residents, and meets the conditions for a permitted activity, or (f) a community activity, provided that the total gross floor area for this activity does not exceed a total of 200m² within the whole of the Rangitahi Peninsula Structure Plan Area, or (g) a Rangitahi commercial activity, provided that the total gross floor area for this activity does not exceed a total of 400m² gross floor area within the whole of the Rangitahi Peninsula Structure Plan Area and no individual premises exceeds 100m² gross floor area; or <p>C. located outside the Development Precincts shown on the Rangitahi Peninsula Structure Plan and is:</p> <ul style="list-style-type: none"> (a) an activity that would be a permitted activity in the Rural zone, or (b) an activity identified on the Rangitahi Peninsula Structure Plan 	<p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity provided that:</p> <ul style="list-style-type: none"> • in the case of Rangitahi commercial activity, the total gross floor area does not exceed 600m² within any of the seven neighbourhoods shown on the Rangitahi Peninsula Structure Plan in 21C.3 or a total gross floor area of 1000m² within the whole of the Structure Plan Area. • in the case of a community activity, the total gross floor area within the Rangitahi Peninsula Structure Plan Area does not exceed 300m² within the whole of the Structure Plan Area. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on the role, function, vitality, viability and amenity of the Raglan town centre • traffic impacts on the safety and efficiency of the road network • consistency with an approved CDP • character and amenity of development within the Rangitahi Structure Plan Area. <p>21C.11.3</p> <p>Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>
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Waikato District Plan - Waikato Section

	outside the Development Precincts.	
21C.12 Vehicle movements	<p>21C.12.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) it does not involve more than 200 vehicle movements per day, and (b) no more than 10 of these movements are heavy vehicle movements, and (c) it is located on a site for which a CDP has been approved. 	<p>21C.12.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • traffic impacts on the safety and efficiency of the road network • traffic impacts on infrastructure condition and expected life • traffic effects on amenity, including noise • consistency with an approved CDP
21C.13 Earthworks	<p>21C.13.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) are not in the Flood Risk Area except for filling, in accordance with rule 21.26, and (b) comply with Appendix B (Engineering Standards), and (c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, or in the cases where the filled area is to be (in part or whole) within a building platform or hard surface area, the base course has been laid and compact within 12 months of the earthworks being commenced, and (d) dispose of any surplus material within the Rangitahi Peninsula Structure Plan Area in 21C.3, and (e) retain sediment on the site through sediment controls, and (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and 	<p>21C.13.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values • visual effects • mitigation measures including sediment control • matters listed in Appendix B • effects on land utilisation • effects on erosion • effects on cultural values • effects on heritage values • consistency with an approved CDP

- (g) that disturb contaminated land include full remediation works, and
- (h) do not disturb or move more than 200m³ within the site in a single calendar year, and
- (i) in relation to the height of any cut or batter face do not exceed 2m, and
- (j) do not exceed 1000m² in total area at any one time.

Despite (h) to (j), the following earthworks are permitted if they comply with (a) to (g), and (k) the work

- (i) is part of an approved subdivision, or
- (ii) is necessary for building works authorised by a building consent and;
 - the area of earthworks is no more than 150% of the area of those building works; or
 - the earthworks occur on land with an average gradient no steeper than 1:8, or
- (iii) is a back-filled trench for network utilities, or on or offsite utilities within the Rangitahi Peninsula Structure Plan Area and original ground levels are reinstated (such trenches are also exempt from (d)), or
- (iv) is necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Rangitahi

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	<p>Peninsula Structure Plan, and</p> <p>(v) traffic associated with the works is managed in accordance with an approved Construction Traffic Management Plan by the Waikato District Council as the road controlling authority, and</p> <p>(vi) it is located on a site for which a CDP has been approved.</p>	
<p>21C.14 Earthworks</p> <ul style="list-style-type: none"> filling using imported fill 	<p>21C.14.1 Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling</p> <p>(i) that is not part of building work, or construction of roads, or installation of infrastructure:</p> <ul style="list-style-type: none"> does not exceed a volume of 20m³ and a depth of 1m, and does not include a building platform, and does not include placing fill into an area of significant indigenous vegetation or habitat, or <p>(ii) that is for minor upgrading of existing electricity lines and does not exceed 50m³</p>	<p>21C.14.2 Any activity that does not comply with a condition for a permitted activity under 21C.14.1(b) is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> effects on amenity values visual effects effects on indigenous vegetation and habitat mitigation measures including replacement planting where vegetation removal is involved matters listed in Appendix B effects on cultural values effects on heritage values consistency with an approved CDP <p>Any activity that does not comply with 21C.14.1(a) for a permitted activity is a discretionary activity.</p>

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	<p>(iii) where traffic associated with the work uses public roads, is managed in accordance with an approved Construction Traffic Management Plan or authorised in writing by Waikato District Council as the road controlling authority, and</p> <p>(iv) it is on a site for which a CDP has been approved.</p>	
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Land Use - Building

ITEM	PERMITTED	RESOURCE CONSENT
<p>21C.15 Number of dwellings</p>	<p>21C.15.1 Construction of a dwelling, other than a dependent person's dwelling, is a permitted activity if it is on a site for which a CDP has been approved and, after completion:</p> <p>(a) there is only one dwelling on the land contained in the certificate of title; or</p> <p>(b) if more than one dwelling is constructed on land contained in the certificate of title, they are:</p> <p style="padding-left: 40px;">(i) in compliance with the Rangitahi Peninsula Structure Plan in 21C.3 and</p> <p style="padding-left: 40px;">(ii) semi-detached, or in terrace formation.</p>	<p>21C.15.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p> <p>Note: The Comprehensive Residential Development Guidelines in Appendix E provide assessment guidance.</p>

Waikato District Plan - Waikato Section

<p>21C.16 Building height</p>	<p>21C.16.1 Construction or alteration of a building is a permitted activity if the height does not exceed 7.5m and it is on a site for which a CDP has been approved.</p>	<p>21C.16.2 Any activity that does not comply with the condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • design and location of building • building dominance effects • admission of daylight and sunlight to the site and other sites • privacy on other sites • amenity values of the locality • consistency with an approved Comprehensive Development Plan <p>Note: See rule 21.5 for prohibited activities.</p>
<p>21C.17 Daylight admission</p>	<p>21C.17.1 Construction or alteration of a building is a permitted activity if it is on a site for which a CDP has been approved:</p> <p>(a) the building does not protrude through a height control plane rising at an angle of 37° commencing at an elevation of 2.5m above ground level at every point of the site boundary, except that this standard does not apply to party walls located along site boundaries or along boundaries indicated as having a zero setback on the Rangitahi Peninsula Structure Plan in 21C.3. Such boundaries are also to be identified on any Comprehensive Development Plan approved under Rule 21C.10.</p>	<p>21C.17.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • height of building • design and location of building • admission of daylight and sunlight to the site and other sites • privacy on other sites • amenity values of the locality • consistency with an approved CDP

Waikato District Plan - Waikato Section

21C.18 Non- residential building	<p>21C.18.1</p> <p>Construction or alteration of a non-residential building is a permitted activity if it is on a site for which a CDP has been approved, and:</p> <p>(a) it is in accordance with the Rangitahi Peninsula Structure Plan in 21C.3, and</p> <p>(b) the gross floor areas of all non-residential building on a residential site do not exceed 70m²; or</p> <p>(c) the building is located outside the Development Precincts defined in the Rangitahi Peninsula Structure Plan and the building is a permitted activity in the Rural Zone and the gross floor area does not exceed:</p> <p>(i) 400m² on a site having an area of at least 2ha,</p> <p>(ii) or does not exceed 250m² on a site smaller than 2ha.</p>	<p>21C.18.2</p> <p>Any building that does not comply with a condition for a permitted activity is a discretionary activity.</p>
21C.19 Building set back: road boundary	<p>21C.19.1</p> <p>Construction or alteration of a building is a permitted activity if it is on a site for which a CDP has been approved and is set back at least:</p> <p>(a) 3m from the road boundary; or</p> <p>(b) no minimum setback shall apply on the lots shown and described in the Rangitahi Peninsula Structure Plan in 21C.3 (such lots are also to be identified in a Comprehensive Development Plan approved under Rule 21C.10).</p>	<p>21C.19.2</p> <p>Any activity that does not comply with the condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> amenity of neighbouring properties including shadowing, building dominance and privacy streetscape quality consistency with an approved Comprehensive Development Plan

Subdivision

ITEM	CONTROLLED	RESOURCE CONSENT
21C.20 Consistency	<p>21C.20.1</p> <p>Subdivision is a controlled activity if:</p>	<p>21C.20.2</p> <p>Subdivision that does not</p>

Waikato District Plan - Waikato Section

<p>with the Rangitahi Peninsula Structure Plan</p>	<ul style="list-style-type: none"> (a) it is in accordance with the Rangitahi Peninsula Structure Plan in 21C.3 including the density ranges specified therein for each neighbourhood in the Neighbourhood Outcomes Plans; and (b) environmental improvements required by the Rangitahi Peninsula Structure Plan (including, but not limited to restoration planting shown on the Indicative Open Space Framework Plan and provision of walkways and cycleways shown on the Indicative Movement Network Plan) have been implemented to the extent required, or (c) the requisite environmental improvements are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision; and (d) the primary access to the Rangitahi Peninsula Structure Plan Area via an upgraded Oporu Road (inclusive of the Oporu Road/Wainui Road intersection and the bridge/causeway at each end) has been formed; and (e) provision is made for a secondary legal access for all road users when the Oporu Road connection is not available for any reason. A metalled access route protected by easement is sufficient for this purpose. (f) it is on a site for which a CDP has been approved. <p>Control is reserved over:</p> <ul style="list-style-type: none"> (i) extent to which it accords with the Rangitahi Peninsula Structure Plan (ii) extent of variation in allotment sizes from provisions of the Rangitahi Peninsula Structure Plan (iii) matters referred to in Appendix B (Engineering Standards) (iv) amenity and streetscape (v) vehicle and pedestrian networks (vi) implementation of environmental improvements required by the Rangitahi Peninsula Structure Plan (vii) extent to which it is in accordance with the approved CDP 	<p>comply with a condition for a controlled activity is a discretionary activity.</p> <p>Note: The assessment criteria in 21C.5 provide guidance for the approval of a Comprehensive Development Plan but the criteria may also be used to assess any subdivision that is not fully in accordance with the Rangitahi Peninsula Structure Plan.</p>
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<p>21C.21 Frontage</p>	<p>21C.21.1 Subdivision is a controlled activity if:</p> <p>(a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least 20m or complies with the Rangitahi Peninsula Structure Plan. Such boundaries are also to be identified in a Comprehensive Development Plan approved under Rule 21C.10, and</p> <p>(b) it is on a site for which there is an approved CDP.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> • road efficiency and safety • amenity and streetscape. • extent to which it is in accordance with the approved CDP. 	<p>21C.21.2 Subdivision that does not comply with the condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • road efficiency and safety • amenity and streetscape. • consistency with Urban Design Guidelines in an approved Comprehensive Development Plan • extent to which it is in accordance with the approved CDP.
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21C.3 Rangitahi Peninsula Structure Plan

The Rangitahi Peninsula Structure Plan consists of the following indicative plans which are contained in the schedule following Rule 21C.4:

- Plan 1 Structure Plan Area;
- Plan 2 Indicative Land Use Plan (including Development Precincts);
- Plan 3 Indicative Open Space Framework Plan;
- Plan 4 Indicative Movement Network Plan;
- Plan 5 Development Outcomes Plan;
- Plan 6 Neighbourhood Outcomes Plan-Precinct A
- Plan 7 Neighbourhood Outcomes Plan-Precinct B
- Plan 8 Neighbourhood Outcomes Plan-Precinct C
- Plan 9 Neighbourhood Outcomes Plan- Precinct D
- Plan 10 Neighbourhood Outcomes Plan-Precinct E
- Plan 11 Neighbourhood Outcomes Plan-Precinct F
- Plan 12 Neighbourhood Outcomes Plan-Precinct G[**Incorrectly labelled Plan 7g in this Decision Version**]
- Plan 13 Road Details Document

Rangitahi Peninsula Structure Plan



21C.4 Assessment criteria for approval of a Comprehensive Development Plan and any amendments thereto.

Rule [21C.10.1](#) sets out the requirements for a Comprehensive Development Plan to be based on, and be closely similar to, the Rangitahi Peninsula Structure Plan in [21C.3](#) in order to have controlled activity status. The matters listed below are included in Rule [21C.10.1](#) as being matters over which Council reserve control.

In the event that an application is made under Rule [21C.10.4](#) for a Comprehensive Development Plan that does not meet the requirements of Rules [21C.10.1](#) or [21C.10.2](#), then the following assessment criteria shall apply.

The following assessment criteria are presented in a hierarchical format, which reflects the scale of their application and their influence on overall urban form and amenity. Priority should be given to those criteria at the top of the hierarchy (permeability, spatial variety and integration with the natural environment and legibility) that have the greatest influence on large scale, initial site planning matters.

PERMEABILITY

- (i) The road network generally conforms to the configuration shown in the Rangitahi Peninsula Structure Plan in [21C.3](#);
- (ii) The road network allows multiple routes for pedestrians, cyclists and motorists to destinations within the Peninsula;
- (iii) The road network allows for an alternative public access to the Peninsula in the event that the primary access route is unavailable for any reason;
- (iv) The road network allows for future expansion by providing logical connections to future stages, to maintain permeability;
- (v) Block shapes and road alignment respond to natural topography rather than imposing a geometric grid;
- (vi) Pedestrian-only walkways that connect roads are minimised, except where part of a defined movement network and open space framework or otherwise where topography or natural features make a road connection difficult;
- (vii) The road environment encourages walking with separation between footpaths and vehicle carriageways and through the provision of street trees.
- (viii) Rear lots make up less than 10% of lots per neighbourhood block with driveways to rear lots shared by not more than two adjoining lots. This criteria shall not discourage courtyards and rear access arrangements;
- (ix) Road reserve widths reflect the road hierarchy and cross-sections contained in the Rangitahi Peninsula Structure Plan;
- (x) The subdivision plan and section shapes maximise north-south roads and sections with north, east or west facing rear yards;
- (xi) Integration of land use and infrastructure;
- (xii) The type, location, density, staging and trigger requirements of land uses match the location, type, scale, funding and staging of infrastructure required to service the area;
- (xiii) The safe and efficient functioning of existing and planned transport and other infrastructure will be protected and enhanced;
- (xiv) Multi-modal transport links and connectivity, both within the Peninsula and to neighbouring areas and existing transport infrastructure;

SPATIAL VARIETY AND INTEGRATION WITH THE NATURAL ENVIRONMENT

- (xv) Blue corridors (containing watercourses/ponds) and green corridors (reserve networks) are linked to create natural habitat for wildlife species;
- (xvi) Stormwater detention ponds and wetlands are integrated with green corridors and/or public open space where possible;
- (xvii) Recreation reserve areas are bounded by public road to increase public access and surveillance;
- (xviii) Natural landmarks such as ridges, valleys and knolls are used to maintain character and differentiate neighbourhoods from one another;

- (xix) Where modifications to natural landform are needed, these are preferably undertaken at the subdivision stage in a controlled and consistent manner in order to minimise the need for secondary earthworks and sediment discharges and minimise retaining wall heights;
- (xx) Integration with the natural environment – the extent to which the proposal is consistent with Policies [15B.3.22](#) and [15B.3.23](#).

LEGIBILITY

- (xxi) There is a clear visual distinction between the different road types (local, collector) within the subdivision which clearly communicates the road hierarchy;
- (xxii) Site planning avoids the requirement for back fences facing collector roads;
- (xxiii) Pedestrian pathways and cycleways between private lots are designed to clearly “read” as public thoroughfares, are overlooked by neighbouring properties and are straight and short;
- (xxiv) Roads are aligned to highlight existing landmarks;
- (xxv) Streets are visually narrowed by the use of different paving for parking bays.

ROBUSTNESS OF LOT DESIGN

- (xxvi) The effects of block size and shape on the configuration of individual lots has been considered at the initial site planning stage;
- (xxvii) Individual lots are designed to accommodate a variety of uses and building typologies;
- (xxviii) Individual lots are designed such that when built on, dwellings will generally be able to have private outdoor living courts located in rear and/or side yards and oriented towards the north and will be able to receive sunlight;
- (xxix) Subdivisions are designed with regard to the principles of CPTED (Crime Prevention through Environmental Design) and the principles of low impact design.

Schedule 21D: Bankart Street and Wainui Road Business Overlay Area - Rules

Schedule 21E: Te Kauwhata Lakeside Living Zone Rules, Precinct Plan and Comprehensive Subdivision

21E.1 Application of the Schedule

The rules in this schedule apply to the Te Kauwhata Lakeside Living Zone as shown on the Planning Map and as shown in the Te Kauwhata Lakeside Precinct Plan that is included at the end of this Schedule. All rules in Chapter 21: Living Zone Rules apply in the Te Kauwhata Lakeside Precinct Plan Area unless otherwise specified below.

21D.1 Application of the Schedule

In this schedule:

- The Schedule applies to the Bankart Street and Wainui Road Business Overlay Area only as identified on the planning maps.
- "Bankart Street and Wainui Road Business Overlay Area" means the defined areas of land shown on the planning maps and as indicated in further detail in Figure 21D.1.

21D.2 Application of Living Zone Rules

The following rules in Chapter 21: Living Zone do not apply to the Bankart Street Business Overlay Area:

Rules:

- 21.10 - Type of activity
- 21.16 – Access, vehicle entrance, parking, loading and manoeuvring space
- 21.17 – Vehicle movements
- 21.46 – Building coverage
- 21.46A – Non-residential building; and
- 21.49 – Building set back – road boundary

All other Rules in Chapter 21: Living Zone apply to the Bankart Street Business Overlay Area.

21E.2 Rules applying in the Te Kauwhata Lakeside Precinct Plan Area

In addition to the rules in this Schedule 21E, all rules in Chapter 21: Living Zone also apply to the Te Kauwhata Lakeside Precinct Plan Area except for:

Living Rules:

Rules 21.17, 21.24, 21.25, 21.26, 21.41, 21.44, 21.45, 21.46, 21.46A, 21.47, 21.49, 21.52, 21.63, 21.65, 21.67, 21.68, 21.71, 21.71A, 21.72 and 21.73.

Note: Development in the Te Kauwhata Lakeside Precinct Plan Area must comply with the following provisions:

- general provisions of this plan;
- Living Zone (other than those excluded as set out in 21E.2 above);
- Te Kauwhata Structure Plan; and
- the Lakeside Precinct Plan;

or be approved by way of resource consent.

21E.2.1 - 21E.2.9 Comprehensive Subdivision

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
21E.2.1 Comprehensive Subdivision Consent	<p>21E.2.1.1</p> <p>A Comprehensive Subdivision Consent (CS) is a restricted discretionary activity if it:</p> <ul style="list-style-type: none"> (a) is in accordance with Te Kauwhata Lakeside Precinct Plan 21E.3.1, 21E.3.2 and 21E.3.3 as set out in 21E.2.1.1A; and (b) complies with the secondary road access control 21E.2.1.1B; and (c) complies with the site density control 21E.2.1.1C; and (d) complies with the infrastructure requirements 21E.2.1.1D. <p>A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area or may be made for an individual stage or stages provided that an individual stage must be 5ha or more.</p> <p>Note: Subdivision standards 21E.2.22, 21E.2.24 and 21E.2.26 also apply.</p> <p>21E.2.1.1A Precinct Plan Parameters</p> <p>A CS is in accordance with the Precinct Plans identified in 21E.2.1.1 (a) if:</p> <ul style="list-style-type: none"> (a) Primary roads are within 50m of the location shown on the Precinct Plan 21E.3.2; and (b) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and (c) The external boundary of the high density area is within the Living Zone and within 10m of the location shown on Precinct Plan 21E.3.1; and (d) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the 	<p>21E.2.1.3</p> <p>A CS that does not meet the requirements of Rule 21E.2.1.1, and does not exceed parameters (a) to (g) below, shall be a discretionary activity, provided it meets both the Secondary Road Access Control Rule 21E.2.1.1B and Infrastructure Requirements Rule 21E.2.1.1D:</p> <ul style="list-style-type: none"> (a) Primary roads are within 50m -100m of the location shown on Precinct Plan 21E.3.2; and (b) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and (c) The external boundary of the high density area is within the Living Zone and within 10m-20m of the location shown on Precinct Plan 21E.3.1; and (d) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the

residential development; and

- (e) Lakeside Walkway is within 10m of the location shown on Precinct Plan 21E.3.3; and
- (f) Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.1. and
- (g) Indicative areas of open space are within 200m of the location shown on Precinct Plan 21E.3.3.

21E.2.1.1B Secondary Road Access Control

A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be open for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that each independent living unit in a retirement village shall count as one allotment.

For the purpose of 21E.2.1.1B, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living units shall occur at the time of issue of building consent for that unit.

21E.2.1.1C Site Density Control – Residentially-zoned land

A CS must comply with the relevant density provisions below.

Individual site size shall not be less than the following for the identified areas on the Te Kauwhata Lakeside Precinct Plan 21E.3.1.

- (a) Medium Density – a minimum site size of 300m² with a minimum average site size of 450m², subject to (e) below.
- (b) Higher Density – a minimum site size of 225m² with a minimum average site size of 250m². Where a site has legal access to private communal open space, then the percentage of that open space related to the

Lakeside Walkway and the residential development; and

- (e) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 21E.3.3; and
- (f) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 21E.3.1; and
- (g) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 21E.3.3.

The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.

21E.2.1.4

A CS that does not meet the requirements of Rule 21E.2.1.1B Secondary Road Access Control or the Infrastructure Requirements Rule 21E.2.1.1D, shall be a non-complying activity.

21E.2.1.5

A CS that does not meet any of the parameters for a discretionary activity outlined in 21E.2.1.3 (i) – (vii) is a non-complying activity.

number of properties with legal rights to use the private communal open space, will count towards average site size (but not minimum site size).

- (c) Retirement village – Medium Density precinct – a minimum exclusive area for an independent dwelling of 120m².
- (d) Retirement village – Higher Density precinct – no density limit.
- (e) No allotment adjoining Lot 2 DPS 83606 comprised in SA66B/985 and/or Lot 4 DPS 83606 comprised in SA66B/987 shall be smaller than 450m² net site area.

Where the averaging rule applies in (a) and (b) above this shall be calculated as the average of all sites zoned Living, intended for residential purposes, and less than 2000m². Any allotment greater than 2000m² or any allotment primarily intended for roading or public infrastructure shall not be included within the average calculation.

21E.2.1.1D Infrastructure Requirements

A CS must comply with all of the infrastructure requirements below:

- (a) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and
- (b) Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each

individual living unit shall count as one allotment; and

- (c) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and
- (d) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Appendix B (Engineering Standards); and
- (e) Prior to the issue of 224C approval, the infrastructure requirements detailed in (a)-(d) above shall be implemented and operational.

Discretion is reserved over:

- (a) consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3,
- (b) matters identified in the assessment criteria in 21E.4,
- (c) managing the effects of wastewater and stormwater,
- (d) extent of any non-compliance with site density control,
- (e) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard,
- (f) protection, restoration or enhancement of ecological features,
- (g) provision and location of existing and future utilities and connections,
- (h) location of roads and their connections,
- (i) provision for public access to Lake Waikare,
- (j) provision of open space, including linkages between residential areas, open space and Lake Waikare,
- (k) effects of natural hazards (including flooding), geotechnical and land contamination,

- (l) provision of the historic lwi overlay area shown on Precinct Plan 21E.3.3.
- (m) Matters listed in Appendix B (Engineering Standards).

21E.2.1.2

Applications for approval of a Comprehensive Subdivision as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.

Note 1:

CS approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.

Note 2:

The definition of CS is contained in Part 3 Appendix P.

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ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
21E.2.2 Comprehensive Land Development Consent	<p>21E.2.2.1</p> <p>A comprehensive land development consent (CLDC) is a restricted discretionary activity if it:</p> <ul style="list-style-type: none"> (a) is in accordance with the community hub shown on Te Kauwhata Lakeside Precinct Plan 21E.3.1; the roading network, walkways and cycleways shown on Precinct Plan 21E.3.2; and the open space shown on Precinct Plan 21E.3.3 as setout in 21E.2.2.1A; and (b) complies with the secondary road access control 21E.2.2.1B; and (c) complies with the infrastructure requirements 21E.2.2.1C. <p>A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>21E.2.2.1A Precinct Plan Parameters</p> <p>A CLDC is in accordance with the Lakeside Precinct Plans identified in 21E.2.2.1(a) above if:</p> <ul style="list-style-type: none"> (a) Primary roads are within 50m of the location shown on the Precinct Plan 21E.3.2; and (b) Bus route is either on the alignment shown on 21E.3.2 or a continuous alignment that achieves the same circulation; and (c) The external boundary of the high density area within the Living Zone is within 10m of the location shown on Precinct Plan 21E.3.1; and (d) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and (e) Lakeside Walkway is within 10m of the location shown on Precinct Plan 21E.3.3; and 	<p>21E.2.2.3</p> <p>A CLDC that does not meet the requirements of Rule 21E.2.2.1, and does not exceed parameters (a) to (g) below, shall be a discretionary activity, provided it meets both the Secondary Road Access Control Rule 21E.2.2.1B and Infrastructure Requirements Rule 21E.2.2.1C:</p> <ul style="list-style-type: none"> (a) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and (b) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and (c) The external boundary of the high density area within the Living Zone is within 10m-20m of the location shown on Precinct Plan 21E.3.1; and (d) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan 21E.3.3 provided

- (f) Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.1; and
- (g) Indicative areas of open space are within 200m of the location shown on Precinct Plan 21E.3.3.

21E.2.2.1B Secondary Road Access Control

A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that each independent living unit in a retirement village shall count as one allotment.

For the purpose of 21E.2.2.1B, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.

21E.2.2.1C Infrastructure Requirements

A CLDC must comply with the infrastructure requirements as below:

- (a) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and
- (b) Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one

connections are retained between the Lakeside Walkway and the residential development; and

- (e) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 21E.3.3; and
- (f) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 21E.3.1; and
- (g) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 21E.3.3.

The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.

21E.2.2.4

A CLDC that does not meet the requirements of Rule 21E.2.2.1B Secondary Road Access Control or the Infrastructure Requirements Rule 21E.2.2.1C, shall be a non-complying activity.

21E.2.2.5

A CLDC that does not meet any of the parameters for a

allotment; and

- (c) Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and
- (d) Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Appendix B (Engineering Standards); and
- (e) Prior to the issue of any building consent for a dwelling or retirement village, the infrastructure requirements detailed in (a)-(c) above shall be implemented and operational.

Discretion is reserved over:

- (a) consistency with the Te Kauwhata Lakeside Precinct Plans in 21E.3.1, 21E.3.2 and 21E.3.3,
- (b) matters identified in the assessment criteria in 21E.4,
- (c) managing the effects of wastewater and stormwater,
- (d) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard,
- (e) restoration or enhancement of ecological features,
- (f) provision and location of existing and future utilities and connections,
- (g) location of roads and their connections,
- (h) provision for public access to Lake Waikare,
- (i) provision of open space, including linkages between residential areas, open space and Lake Waikare,
- (j) effects of natural hazards (including flooding), geotechnical and land contamination,
- (k) provision of the historic Iwi overlay area shown on Precinct Plan 21E.3.3,

discretionary activity outlined in 21E.2.2.3 (a) to (g) is a non-complying activity.

- (l) matters listed in Appendix B (Engineering Standards).

21E.2.2.2

Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.

Note:

CLDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.

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ITEM	PERMITTED	RESOURCE CONSENT
21E.2.3 Type of activity	<p>21E.2.3.1</p> <p>Any activity listed below is a permitted activity:</p> <ul style="list-style-type: none"> (a) a residential activity provided that it complies with the secondary road access in this rule, (b) a home occupation that meets the conditions for a permitted activity in Rule 21.11, (c) a temporary event that meets the conditions for a permitted activity in Rule 21.12, (d) a network utility, (e) a homestay that provides accommodation for no more than 4 temporary residents, and meets the conditions for a permitted activity, (f) a community activity, provided that the total gross floor area for community activities does not exceed a total of 2000m² within the whole of the Te Kauwhata Lakeside Precinct Plan Area. <p>Secondary Road Access Control</p> <p>A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be opened for traffic before the number of dwellings including independent living units within a retirement village, in the Lakeside Precinct Plan Area exceeds 400.</p> <p>For the purpose of this rule, exceedance of 400 dwellings shall occur at the time of issue of building consent for a dwelling including an independent living unit within a retirement village.</p> <p>Note: see Rule 21E.2 in relation to the other rules which must be complied with.</p>	<p>21E.2.3.2</p> <p>Any activity listed in (a) to (f) in Rule 21E.2.3.1 that does not comply with a condition for a permitted activity under that rule is a restricted discretionary activity provided that:</p> <ul style="list-style-type: none"> (a) in the case of a community activity, the total gross floor area within the Te Kauwhata Lakeside Precinct Plan Area does not exceed 3000m² within the whole of the Precinct Plan Area; (b) it meets the secondary road access control in Rule 21E.2.3.1. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> (a) effects on the role, function, vitality, viability and amenity of the Te Kauwhata town centre, (b) traffic impacts on the safety and efficiency of the road network, (c) character and amenity of development within the Te Kauwhata Lakeside Precinct Plan Area. <p>21E.2.3.3</p> <p>Any community activity that does not comply with a condition for a restricted</p>

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		<p>discretionary activity under 21E.2.3.2 is a discretionary activity.</p> <p>21E.2.3.4 A residential activity or retirement village that does not meet the requirements of Rule 21E.2.3.1 secondary road access, shall be a non-complying activity.</p>
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ITEM	PERMITTED	RESOURCE CONSENT
21E.2.4 Grazing and pastoral farming.	21E.2.4.1 Grazing of livestock and pastoral farming on sites of 5ha or more is a permitted activity.	21E.2.4.2 Grazing of livestock and pastoral farming on sites of less than 5ha is a discretionary activity.
21E.2.5 Vehicle movements	21E.2.5.1 Any activity is a permitted activity if: (a) it does not involve more than 30 vehicle movements per day, and no more than 4 of these movements are heavy vehicle movements, except that this rule does not apply to a retirement village or vehicles related to construction activity.	21E.2.5.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: <ul style="list-style-type: none"> • traffic impacts on the safety and efficiency of the road network, • traffic impacts on infrastructure condition and expected life, • traffic effects on amenity, including noise.
21E.2.6 Deleted	21E.2.6.1 Deleted	21E.2.6.2 Deleted
21E.2.7 Earthworks (other than earthworks approved as part of a CLDC)	21E.2.7.1 Any activity is a permitted activity if earthworks: (a) do not disturb or move more than 200m ³ within an individual site in a single calendar year except where the maximum area at any one time shall not exceed 400m ² , and	21E.2.7.2 Any activity that does not comply with a condition for a permitted activity is a controlled activity provided it meets the following conditions:

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- (b) in relation to the height of any cut or batter face do not exceed 2m, or
- (c) are necessary for building works authorised by a building consent and:
 - (i) the area of earthworks is no more than 150% of the area of those building works, or
 - (ii) the earthworks occur on land with an average gradient no steeper than 1:8, or
- (d) is a back-filled trench for network utilities, or on or offsite utilities within the Te Kauwhata Lakeside Precinct Plan Area and original ground levels are reinstated, or
- (e) is necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Te Kauwhata Lakeside Precinct Plan, and
- (f) traffic associated with the works is managed in accordance with a Construction Traffic Management Plan approved by the Waikato District Council as the road controlling authority.
- (g) Are not in the flood risk area except for filling in accordance with 21E.2.9; and
- (h) Comply with Appendix B (Engineering Standards), and
- (i) Including any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced; and
- (j) Retain sediment within the construction area through the implementation and maintenance of sediment controls.

Note: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.

- (a) comply with Appendix B (Engineering Standards), and
- (b) do not exceed 5000m² in total area at any one time except that in the case of a retirement village where the maximum area at any one time shall not exceed 1ha; and
- (c) does not involve contaminated land unless that land has been remediated, and
- (d) have erosion and sediment controls in place which will retain sediment on the site, and
- (e) any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, or in the cases where the filled area is to be (in part or whole) within a building platform or hard surface area, the base course has been laid and compacted within 12 months of the earthworks being commenced, and
- (f) any surplus material is disposed of within the Te Kauwhata Lakeside Precinct Plan Area in 21E.3.1, and
- (g) does not adversely

		<p>affect other land through changes in natural water flows or established drainage paths, and</p> <p>(h) if in a Flood Risk Area, are for filling, in accordance with Rule 21E.2.9.1 or rule 21E.2.9.2.</p> <p>21E.2.7.3 Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Control and Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • mitigation measures including sediment control, • matters listed in Appendix B (Engineering Standards), • effects on land utilisation, • effects on erosion, • effects on cultural values, • effects on heritage values, • effects on the Lake Waikare flood plain.
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<p>21E.2.8 Earthworks filling using imported fill (other than earthworks approved as part of a CLDC)</p>	<p>21E.2.8.1 Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling:</p> <p style="padding-left: 40px;">(i) that is not part of building work, or construction of roads, or installation of infrastructure:</p> <p style="padding-left: 80px;">1. does not exceed a volume of 20m³ and a depth of 1m, and</p> <p style="padding-left: 80px;">2. does not include a building platform, and</p> <p style="padding-left: 80px;">3. does not include placing fill into an area of significant indigenous vegetation or habitat, or</p> <p style="padding-left: 40px;">(ii) is for minor upgrading of existing electricity lines and does not exceed 50m³, and</p> <p style="padding-left: 40px;">(iii) where traffic associated with the work uses public roads, is managed in accordance with an approved Construction Traffic Management Plan or authorised in writing by Waikato District Council as the road controlling authority.</p> <p>Note: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p>	<p>21E.2.8.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • effects on indigenous vegetation and habitat, • mitigation measures including replacement planting where vegetation removal is involved, • matters listed in Appendix B (Engineering Standards), • effects on cultural values, • effects on heritage values.
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<p>21E.2.9 Filling: Flood risk area (other than earthworks approved as part of a CLDC)</p>	<p>21E.2.9.1 Any activity in a Flood Risk Area is a permitted activity if:</p> <ul style="list-style-type: none"> (a) filling is no more than is necessary to: <ul style="list-style-type: none"> (i) provide a foundation for building approved by a building consent, and access to that building, or (ii) enable minor upgrading of existing electricity lines and does not exceed 50m³. <p>Note 1: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p>Note 2: Regional earthworks consents may also be needed for works in a high risk erosion area.</p>	<p>21E.2.9.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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21E.2.10 - 21E.2.20 Land Use - Building

ITEM	PERMITTED	RESOURCE CONSENT
21E.2.10 Number of dwellings	<p>21E.2.10.1</p> <p>Construction of a dwelling is a permitted activity if:</p> <p>(a) there is only one dwelling on the land contained in the certificate of title; and</p> <p>(b) it is not a dependent person's dwelling, or independent living unit within a retirement village.</p>	<p>21E.2.10.2</p> <p>Construction of more than one dwelling on land contained in a certificate of title is a restricted discretionary activity if each dwelling is:</p> <p>(a) either semi-detached or terrace houses and meets the following density requirements:</p> <p>(i) Medium Density Precinct one dwelling per 300m²</p> <p>(ii) Higher Density Precinct one dwelling per 225 m²; or</p> <p>(b) part of a retirement village.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> - Design and location of buildings - Amenity values of the locality - Privacy on other sites - Matters referred to in Appendix B (Engineering Standards) - Consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3. <p>21E.2.10.3</p> <p>Any activity that does</p>

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		not comply with a condition for a permitted activity or a restricted discretionary activity is a discretionary activity.
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ITEM	PERMITTED	RESOURCE CONSENT
<p>21E.2.11 Building height</p>	<p>21E.2.11.1 Construction or alteration of a building is a permitted activity:</p> <p>(a) if the height does not exceed 8.0m.</p>	<p>21E.2.11.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • design and location of building, • building dominance effects, • admission of daylight and sunlight to the site and other sites, • privacy on other sites, • amenity values of the locality.

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ITEM	PERMITTED	RESOURCE CONSENT
21E.2.12 Building coverage	<p>21E.2.12.1 Construction or alteration of a building is a permitted activity if:</p> <p>(a) the total building coverage on a site does not exceed 40% in the medium density precinct identified on the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, or</p> <p>(b) the total building coverage on a site does not exceed 65% in the higher density precinct identified on the Te Kauwhata Lakeside Precinct Plan 21E.3.1.</p>	<p>21E.2.12.2 Any activity that does not exceed maximum building coverage control under 23E.2.12.1 by more than an additional 10% is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • design and location of building, • effect of the scale of the building on adjoining sites and the streetscape. <p>21E.2.12.3 Any activity that does not comply with 21E.2.12.2 is a discretionary activity.</p>

ITEM	PERMITTED	RESOURCE CONSENT
21E.2.13 Daylight admission	<p>21E.2.13.1 Construction or alteration of a building is a permitted activity if:</p> <p>Buildings in the Medium Density Precinct</p> <p>(a) The building does not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 2.5m above ground level at every point of the site boundary, except that this standard does not apply to party walls located along site boundaries.</p> <p>Buildings in the High Density Precinct</p> <p>(b) The building does not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 3.5m above ground level at every point of the site boundary within 20m of a street frontage, and 2.5m above ground level at every point on the site boundary greater than 20m from the street frontage; except that this standard does not apply to party walls located along site boundaries.</p>	<p>21E.2.13.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • height of building, • design and location of building, • admission of daylight and sunlight to the site and other sites, • privacy on other sites, • amenity values of the locality.

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ITEM	PERMITTED	RESOURCE CONSENT
21E.2.14 Non-residential building	<p>21E.2.14.1</p> <p>Construction or alteration of a non-residential building which is a permitted activity under 21E.2.3.1 is a permitted activity if:</p> <p>(a) the gross floor area of all non-residential buildings on a residential site does not exceed 300m².</p>	<p>21E.2.14.2</p> <p>Any building that does not comply with the condition for a permitted activity is a discretionary activity.</p>

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ITEM	PERMITTED	RESOURCE CONSENT
21E.2.15 Living Court Medium Density Precinct	<p>21E.2.15.1</p> <p>Construction or alteration of a dwelling in the medium density precinct is a permitted activity if:</p> <ul style="list-style-type: none"> (a) an outdoor living court is provided, and (b) the living court is readily accessible from a living area of the dwelling, and (c) either <ul style="list-style-type: none"> (i) on the ground floor the living court has a minimum area of 60m² capable of containing a circle of 6m diameter, exclusive of parking and manoeuvring areas and buildings and has a minimum width of 2.5m; or (ii) if the dwelling does not have a habitable room on the ground floor, a balcony is provided that meets the following: <ul style="list-style-type: none"> • 10m² with a diameter of at least 2.0m for 1 Bedroom dwellings; or • 15m² with a minimum diameter 2.4m for 2 or more bedroom dwellings. 	<p>21E.2.15.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Outdoor amenity • Functionality of balcony space • Integration of balconies within building design • Privacy and overlooking.

Waikato District Plan - Waikato Section

ITEM	PERMITTED	RESOURCE CONSENT
<p>21E.2.16 <u>Living Court</u> Higher Density Precinct</p>	<p>21E.2.16.1 Construction or alteration of a <u>dwelling</u> in the higher density precinct is a permitted activity if either:</p> <p>(a) it complies with the living court rules for the medium density precinct, except that the ground floor living court must have a minimum area of 50m²; or</p> <p>(b) Communal open space is provided and:</p> <p>(i) the communal open space is accessible from all dwellings the subject of this provision, and</p> <p>(ii) each dwelling has a legal right to use and enjoy the communal open space, and</p> <p>(iii) an on-site private open space is provided where either:</p> <ul style="list-style-type: none"> on the ground floor the living court has a minimum area of 30m² capable of containing a circle of 4m diameter, exclusive of parking and manoeuvring areas and buildings and has a minimum width of 2.5m; or if the dwelling does not have a habitable room on the ground floor, a balcony is provided containing at least 10m² and a circle with a diameter of at least 2.0m. 	<p>21E.2.16.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> Outdoor amenity Functionality of balcony space Integration of balconies within building design Privacy and overlooking.

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ITEM	PERMITTED	RESOURCE CONSENT
21E.2.17 Building Setback Road Boundary	<p>21E.2.17.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least 3m from the road boundary.</p>	<p>21E.2.17.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • amenity of neighbouring properties including shadowing, building dominance and privacy, • streetscape quality.

ITEM	PERMITTED	RESOURCE CONSENT										
21E.2.18 Reverse Sensitivity North Island main trunk rail line (NIMT)	<p>21E.2.18.1</p> <p>Construction or alteration of a building is a permitted activity if it is:</p> <p>(a) a non-habitable accessory building or attached non-habitable garage and is set back at least 5m from any boundary which adjoins the NIMT, or</p> <p>(b) a building other than that specified in (a) above and is set back at least 10m from any boundary which adjoins the NIMT, and</p> <p>(c) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following internal design noise limits shall not be exceeded with all external doors and windows closed.</p> <table><tr><td>Receiving Environment</td><td>LAeq, 1 hour</td></tr><tr><td>Residential - Bedrooms</td><td>35 dB</td></tr><tr><td>Residential - other habitable spaces</td><td>40 dB</td></tr><tr><td>Teaching Spaces</td><td>40 dB</td></tr><tr><td>All other sensitive activity building spaces e.g. - Hospital and Dementia Care Spaces - Commercial Spaces</td><td>To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent)</td></tr></table> <p>For the purpose of this rule, the noise levels generated by rail operations on the NIMT shall be as determined by a qualified acoustic specialist, using methods consistent with New Zealand Standards, within five years prior to the date of the design certificate referred to at the end of this clause (b).</p> <p>This rule only applies to habitable rooms, teaching spaces and sensitive activity building spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance.</p> <p>Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided.</p> <p>The ventilation system installed shall comply with the following:</p> <p>(i) Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB</p>	Receiving Environment	LAeq, 1 hour	Residential - Bedrooms	35 dB	Residential - other habitable spaces	40 dB	Teaching Spaces	40 dB	All other sensitive activity building spaces e.g. - Hospital and Dementia Care Spaces - Commercial Spaces	To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent)	<p>21E.2.18.2</p> <p>Any activity does not cc with a cond permitted a a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none">reverse sensitivity related toNoise se activities 100m of Track: <p>(a) The de, noise attenua achieve noise-s activity.</p> <p>(b) The efl reverse sensitiv the ope the rail and the and sui mitigati measur enable : continu uninter operati rail net</p> <p>(c) A reve sensitiv covenal</p>
Receiving Environment	LAeq, 1 hour											
Residential - Bedrooms	35 dB											
Residential - other habitable spaces	40 dB											
Teaching Spaces	40 dB											
All other sensitive activity building spaces e.g. - Hospital and Dementia Care Spaces - Commercial Spaces	To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent)											

LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or

- (ii) A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms; and
- (iii) The noise level generated by the system must not exceed 40dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; and
- (iv) The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; and
- (v) Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting.

Compliance with this rule shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, at the time of building consent application and

- (d) If located within 40m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.

Receiving Environment	Maximum weighted velocity, V ^{w95}
Sensitive activities/buildings	0.3mm/s

Or

- (e) if located within 20m of the centre line of the nearest rail track within the NIMT and is designed and constructed to ensure the level of vibration from trains shall not exceed the criteria set out in the British Standard BS 7385-2:1993.

Compliance with clause (d) and (e) shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified vibration specialist, at the time of building consent application. Vibration generated by rail operations on the NIMT shall be as determined by a qualified vibration specialist, using methods

- Vibration sensitive activities 40m of a Rail Track:

- (a) The size and location of the building at the site
- (b) Special topography of the building or ground conditions which may mitigate vibratic impacts
- (c) Any character of the place use which may make it difficult to comply with the standard unless
- (d) A review of sensitive covenants

Any restricted discretionary will be limited notified to the operator of network (currently KiwiRail).

Waikato District Plan - Waikato Section

	consistent with New Zealand standards, within five years prior to the date of the design certificate.	
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Waikato District Plan - Waikato Section

ITEM	PERMITTED	RESOURCE CONSENT
21E.2.19 Fences	<p>21E.2.19.1 Construction or alteration of a fence, or a combined fence and retaining wall, is a permitted activity if:</p> <p>(a) Road boundary and road boundary setback: medium density precinct:</p> <p>(i) The fence does not exceed 1.2m in height; and</p> <p>(ii) Any combined fence and retaining wall does not exceed 2.0m in height provided that the fence alone does not exceed 1.2m and 40% of the fence is of a transparent construction.</p> <p>(b) Road boundary and road boundary setback: higher density precinct:</p> <p>(i) Fencing shall not be located on the road boundary or within the road boundary setback except that this does not preclude planting, landscaping or a single pillar used for street numbering and/or letterbox. The maximum height of a single pillar shall be 1.8m with a maximum length of 2m.</p> <p>(c) Other boundaries: medium density precinct and higher density precinct:</p> <p>(i) The fence does not exceed 1.8m in height; and</p> <p>(ii) Any combined fence and retaining wall does not exceed 2.0m in height.</p>	<p>21E.2.19.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • building materials and design • height • effects on amenity • visibility of public space.

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ITEM	PERMITTED	RESOURCE CONSENT
21E.2.20 Overlooking of public spaces	<p>21E.2.20.1 Any dwelling or independent living unit within a retirement village located on a site which fronts a street or public open space is a permitted activity if:</p> <p>(a) at least one habitable room with glazing overlooks the street or public open space, and</p> <p>(b) the area of glazing shall be a minimum of 25% of that part of the wall area of the habitable room which faces the street or public open space.</p>	<p>21E.2.20.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • visibility of public open space; • public safety.

21E.2.21 - 21E.2.27 Subdivision

ITEM	CONTROLLED	RESOURCE CONSENT
<p>21E.2.21 Subdivision (other than approved as part of a CS)</p>	<p>21E.2.21.1 Subdivision on sites less than 5 ha is a controlled activity if:</p> <ul style="list-style-type: none"> (a) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3 as set out in the Precinct Plan Parameters 21E.2.1.1A, (b) environmental improvements required by the Te Kauwhata Lakeside Precinct Plan (including, but not limited to landscaping and provision of walkways and cycleways shown on the Precinct Plan 21E.3.2) have been implemented to the extent required, or (c) the requisite environmental improvements in (b) above are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision. <p>Control is reserved over:</p> <ul style="list-style-type: none"> (a) consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3 (b) matters identified in the assessment criteria in 21E.4, (c) managing the effects of wastewater and stormwater, (d) extent of any non-compliance with site density control, (e) roading network and compliance with a Council approved roading standard, (f) provision and location of existing and future utilities and connections, (g) location of roads and their connections, (h) effects of natural hazards (including flooding), geotechnical and land contamination. 	<p>21E.2.21.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p> <p>Note: The assessment criteria in 21E.4 provide guidance for the approval of a CS but the criteria may also be used to assess any subdivision that is not fully in accordance with the Te Kauwhata Lakeside Precinct Plans.</p>

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ITEM	CONTROLLED	RESOURCE CONSENT
21E.2.22 Frontage	<p>21E.2.22.1 <u>Subdivision</u> is a controlled activity if:</p> <p>(a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least:</p> <p style="padding-left: 40px;">(i) 12m in the Medium Density Precinct shown on Plan 21E.3.2 or</p> <p style="padding-left: 40px;">(ii) 9m in the Higher Density Precinct shown on Plan 21E.3.2 or</p> <p>(b) Subdivision is for an existing or approved housing development.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> • road efficiency and safety, • amenity and streetscape. 	<p>21E.2.22.2 <u>Subdivision</u> that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • road efficiency and safety, • amenity and streetscape.

Waikato District Plan - Waikato Section

ITEM	CONTROLLED	RESOURCE CONSENT
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<p>21E.2.23 Allotment size</p>	<p>21E.2.23.1 <u>Subdivision</u> is a controlled activity if:</p> <p>(a) every allotment, other than a utility allotment or access allotment, has a net site area of at least:</p> <ul style="list-style-type: none"> (i) Medium Density Precinct – a minimum site size of 300m² with an average site size of 450m², subject to (b) below; or (ii) Higher Density Precinct – a minimum site size of 225m², with a minimum average site size of 250m². Where a site has legal access to private communal open space, then the percentage of that open space related to the number of properties with legal rights to use the private communal open space, will count towards the average site size (but not minimum site size); or (iii) 2500m² in the case of any new allotment that is not connected to a reticulated wastewater system. For the avoidance of doubt this rule does not apply to any allotment created prior to 1 January 2017. <p>(b) No allotment adjoining Lot 2 DPS 83606 comprised in SA66B/985 and/or Lot 4 DPS 83606 comprised in SA66B/987 shall be smaller than 450m² net site area.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • shape and orientation, • variation in allotment size, • matters referred to in Appendix B (Engineering Standards), • amenity and streetscape, • vehicle and pedestrian networks. <p>Note: This rule does not apply to the size of independent living units within a retirement village.</p>	<p>21E.2.23.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity in the Medium Density and Higher Density Precincts but a discretionary activity where any allotment is not connected to a reticulated wastewater system and is less than 2,500m².</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • road shape, size and orientation, • variation in allotment size, • matters referred to in Appendix B (Engineering Standards), • amenity and streetscape, • vehicle and pedestrian networks, • Matters identified in 21E.4.
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ITEM	CONTROLLED	RESOURCE CONSENT
21E.2.24 Building platform	<p>21E.2.24.1</p> <p><u>Subdivision</u> is a controlled activity if every allotment, other than a utility or access allotment, is capable of containing a building platform:</p> <p>(a) upon which a dwelling and living court could be sited as a permitted activity or, in the Higher Density Precinct, outdoor living space meets the communal open space Rule 21E.2.16.1 (b), or</p> <p>(b) in the case of vacant sites with no associated building proposal:</p> <p>(i) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards, and</p> <p>(ii) No part of the rectangle is located in an area identified as a stream or flood plain.</p> <p>Control reserved over:</p> <p>(a) subdivision layout,</p> <p>(b) shape of allotments,</p> <p>(c) ability of allotments to accommodate a practical building platform,</p> <p>(d) likely location of future buildings and their potential effects on the environment,</p> <p>(e) avoidance or mitigation of natural hazards</p> <p>geotechnical suitability for building.</p>	<p>21E.2.24.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity in the Higher Density Precinct and a discretionary activity in the Medium Density Precinct.</p>

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ITEM	CONTROLLED	RESOURCE CONSENT
<p>21E.2.25 Earthworks (other than earthworks approved as part of a CS or CLDC)</p>	<p>21E.2.25.1 <u>Subdivision</u> is a controlled activity if:</p> <p>(a) earthworks comply with Appendix B (Engineering Standards), and</p> <p>(b) earthworks and filling are not undertaken on the route of any overland flow path or in the location of any stream.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • matters referred to in Appendix B (Engineering Standards) • amenity and streetscape, nature and source of fill, location of earthworks and fill, • compaction of fill, • volume and depth of earthworks and fill, • identification of future building platforms. 	<p>21E.2.25.2 <u>Subdivision</u> that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • mitigation measures including sediment control, • matters listed in Appendix B (Engineering Standards), effects on land utilisation, • effects on erosion, • effects on cultural values, • effects on heritage values.

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ITEM	CONTROLLED	RESOURCE CONSENT
21E.2.26 Offroad walkways/cycleways	<p>21E.2.26.1</p> <p><u>Subdivision</u> is a controlled activity if any walkway/cycleway is:</p> <ul style="list-style-type: none"> (a) at least 3 metres wide, and (b) designed for shared pedestrian and cycle use, and (c) for connections between roads, has unimpeded visibility along the entire length, and (d) generally in accordance with the walkway route shown on Precinct Plan 21E.3.2 (recognising that the detailed alignment is indicative only), and (e) shown on the plan of subdivision. <p>Control reserved over:</p> <ul style="list-style-type: none"> (a) alignment, (b) drainage, (c) land stability, (d) amenity matters including batter slopes, (e) connection to open spaces, (f) achieving an interconnected walkway network. 	<p>21E.2.26.2</p> <p>Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • alignment of walkway; • costs and benefits of acquiring the land; • matters that control is reserved over.

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ITEM	CONTROLLED	RESOURCE CONSENT
<p>21E.2.27 Provision of infrastructure</p>	<p>21E.2.27.1 Subdivision is a controlled activity if, for every allotment other than a utility, access or open space allotment it meets the infrastructure requirements as below:</p> <ul style="list-style-type: none"> (a) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and (b) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and (c) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Appendix B (Engineering Standards). <p>Control is reserved over:</p> <ul style="list-style-type: none"> • Health and safety • Amenity values • Matters referred to in Appendix B (Engineering Standards) • Easements to facilitate development beyond the site • Matters of discretion identified for Infrastructure in 21E.4. 	<p>21E.2.27.2 Any activity that does not comply with a condition for a controlled activity is a non-complying activity.</p>

Land Use - Activities

21D.10 - Type of activity

ITEM	PERMITTED	RESOURCE CONSENT
21D.10 Type of Activity	<p>21D.10.1</p> <p>Any activity that complies with all the effects and building rules is a permitted activity if it is a:</p> <ul style="list-style-type: none"> (a) Residential activity, or (b) Home occupation that meets the conditions for a permitted activity, or (c) Temporary event that meets the conditions for a permitted activity, or (d) Network utility, or (e) Home stay that provides accommodation for no more than 4 temporary residents and meets the conditions for a home occupation, or (f) Office, or (g) Retail activity 	<p>21D.10.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

21D.16 - Access, vehicle entrance, parking, loading and manoeuvring space

ITEM	PERMITTED	RESOURCE CONSENT
21D.16 Access, vehicle entrance, parking, loading and manoeuvring space	<p>21D.16.1</p> <p>Any activity is a permitted activity of:</p> <ul style="list-style-type: none"> (a) access, vehicle entrance, parking, loading, queuing and manoeuvring space is provided in accordance with Appendix A (Traffic) 	<p>21D.16.2</p> <p>Any activity that does not comply with a condition for a permitted activity requires resource consent as stated in the appendix, or is a discretionary activity if not otherwise specified.</p>

21D.16A - Servicing hours

ITEM	PERMITTED	RESOURCE CONSENT
21D.16A Servicing hours	<p>21D.16A.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the activity does not load or unload vehicles or receive deliveries before 7.30am or after 6.30pm 	<p>21D.16A.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

21D.17 - Vehicle movements

ITEM	PERMITTED	RESOURCE CONSENT
21D.17 Vehicle Movements	21D.17.1 Any activity is a permitted activity if: (a) it does not involve more than 100 vehicle movements per day, and (b) no more than 6 of these vehicle movements are heavy vehicle movements	21D.17.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21D.46 - Building coverage

ITEM	PERMITTED	RESOURCE CONSENT
21D.46 Building coverage	21D.46.1 Construction or alteration of a building is a permitted activity if: (a) the total building coverage does not exceed 50%.	21D.46.2 Any activity that does not comply with a condition for a permitted activity is a non-complying activity.

21D.49 - Building set back road boundary (local and collector)

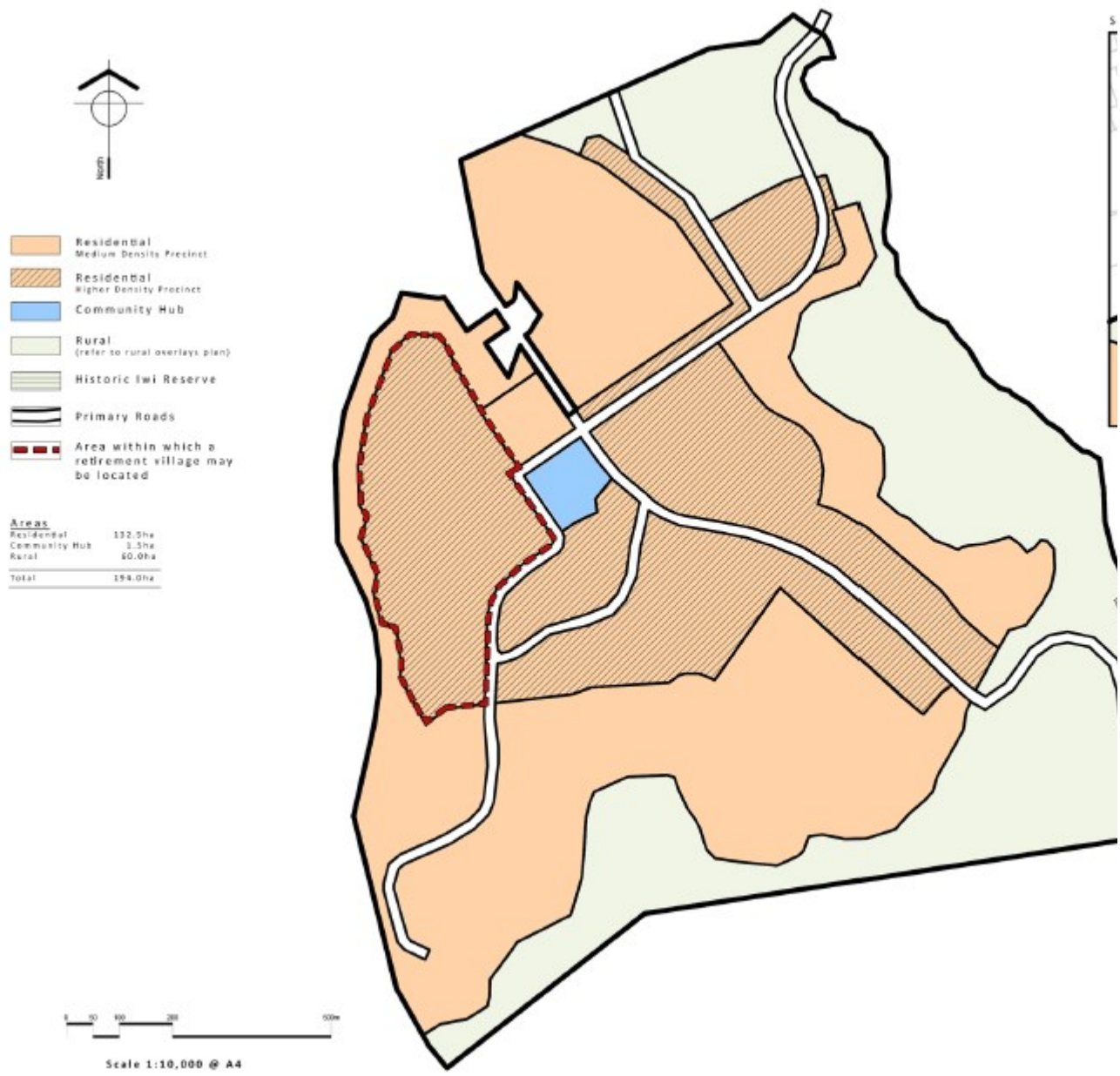
ITEM	PERMITTED	RESOURCE CONSENT
21D.49 Building set back road boundary (local and collector)	21D.49.1 Construction or alteration of a building is a permitted activity if it is set back at least: (a) 3m from the road boundary of the site.	21D.49.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

21E.3 Te Kauwhata Lakeside Precinct Plan

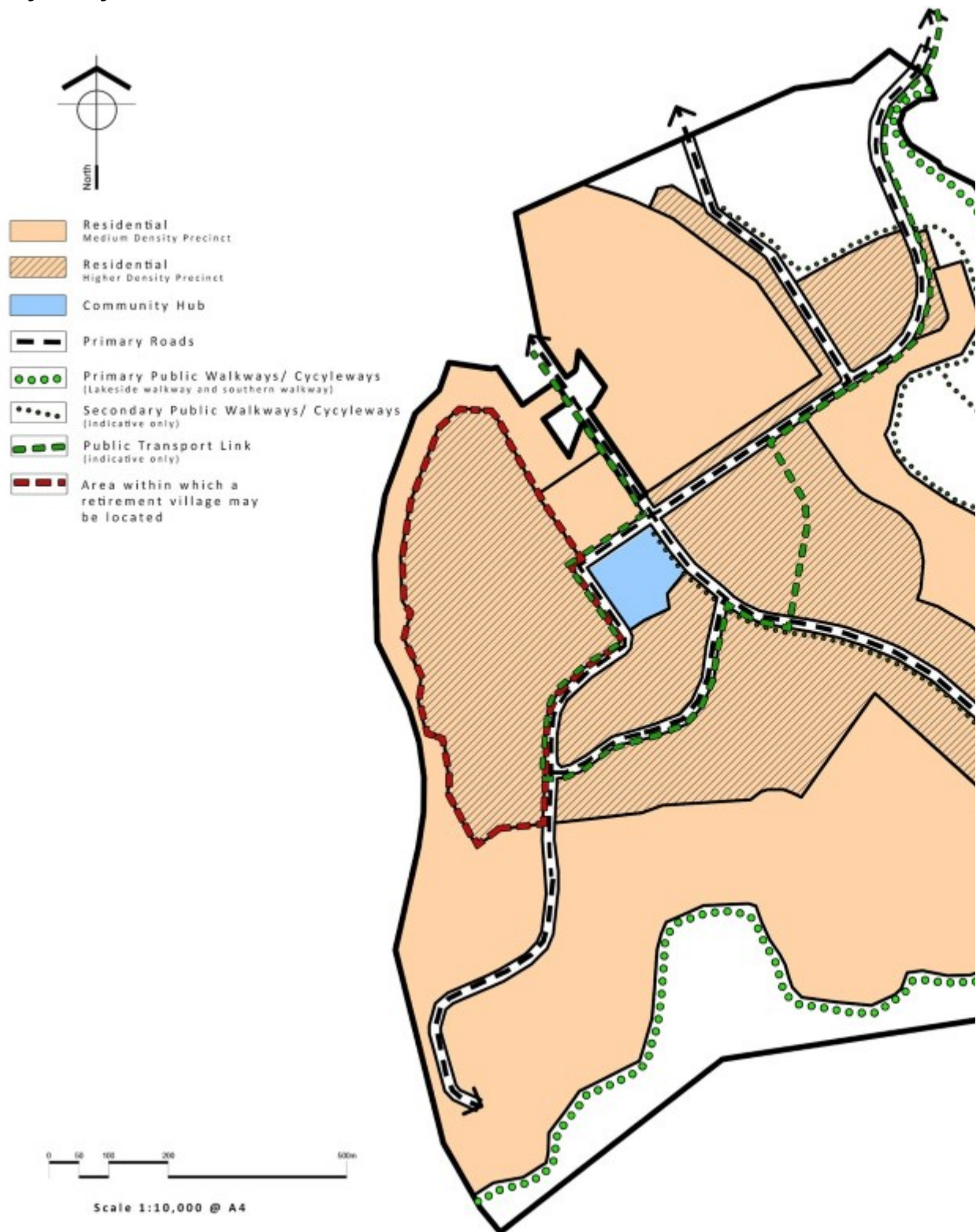
The Te Kauwhata Lakeside Precinct Plan consists of the following plans which are contained in Rule 21E.3.1, 21E.3.2 and 21E.3.1:

- Plan 1 Lakeside Precinct Plan: Precinct Areas
- Plan 2 Lakeside Precinct Plan: Public Transport, Primary RoadNetwork and Walkways/cycleways
- Plan 3 Lakeside Precinct Plan: Rural Zones: Overlays and Open Spaces.

21E.3.1 Lakeside Precinct Plan 1: Precinct Areas



21E.3.2 Lakeside Precinct Plan 2: Public Transport, Primary Road Network and Walkways/cycleways



21E.3.3 Lakeside Precinct Plan 3 Rural Zones Overlays and Open Spaces



21E.4 Assessment criteria for approval of a Comprehensive Subdivision Consent or a Comprehensive Land Development Consent

Any controlled or restricted discretionary activity undertaken under Rule 21E.2.1 and 21E.2.2 (Living Zone), and Rule 23C.3.1 and 23C.4.1 (Business Zone) and 25H.3.1 and 25H.4.1 (Rural Zone) being a Comprehensive Subdivision or a Comprehensive Land Development Consent will be assessed in terms of the following criteria:

Reverse sensitivity: allotments adjoining the North Island Main Trunk Railway

The extent to which issues of reverse sensitivity along the rail embankment are met. Methods to achieve this include no complaints covenants and appropriate noise attenuation controls on buildings.

Permeability

The extent to which:

1. Scott Road provides primary road access to the Lakeside Precinct Plan Area and the upgrade of Scott Road is implemented within Stage I of the development to ensure safe operation and access to existing Scott Road properties is maintained,
2. Enhanced permeability is achieved by opening up a second access to the north-east and connecting to the village, once more than 400 residential allotments are developed in the Lakeside Precinct Plan Area. Where the 400 residential allotments includes a retirement village, then each independent living unit within the retirement village shall count as one allotment,
3. A transport network that is safe, legible, logical and well connected for vehicles, pedestrians and cyclists
4. The primary road network generally conforms to the configuration shown in the Te Kauwhata Lakeside Precinct Plan in 21E.3.2,
5. The walking and cycling network allows for a future alternative public access between the village and the Lakeside Precinct Plan Area,
6. The road network aligns to the stages of the Lakeside development to ensure residential properties are served,
7. A transport network framework which supports practicable block sizes and shapes and road alignment which responds to natural topography rather than imposing a geometric grid,
8. Pedestrian walkways and cycle paths that connect to the existing village, Lake Waikare, and to the development; provide a network throughout the area as indicatively illustrated on Precinct Plan 21E.3.2,
9. The road environment encourages walking with separation between footpaths and vehicle carriageways and through the provision of street trees,
10. Rear allotments make up less than 10% of allotments per neighbourhood block with driveways to rear allotments shared by not more than two adjoining allotments,
11. Road reserve widths reflect the road typologies set out in the Council roading standards;
12. Integration of land use and infrastructure is achieved,
13. The type, location, density, staging and trigger requirements of land uses match the location, type, scale, funding and staging of infrastructure required to service the area,
14. The safe and efficient functioning of planned walkways and cycleways will be protected and enhanced,
15. Any necessary upgrade to the Scott Road and Te Kauwhata Road intersection is required to ensure safe operation of the intersection,
16. The design and layout of the road network takes into account the future provision of public transport.

Spatial variety and integration with the natural environment

The extent to which:

1. the Lake Waikare foreshore is opened up to public access through walkways and cycleways.
2. the importance of the iwi reserve is recognised and the development of open space and the invitation to vest this land in iwi,
3. a network of open spaces is created generally in accordance with the Precinct Plan 21E.3.3,
4. the network of open spaces as shown within Precinct Plan 21E3.3 with complementary open space within the residential development area which demonstrate:
 - a hierarchy,
 - connectivity and legibility;
 - the measures required to respond to flooding and to integrate with a stormwater management plan; and
 - measures to protect any important ecological areas.
5. the creation of a network of green corridors recognises the natural landform and provides amenity,
6. a high standard of stormwater management through a stormwater treatment train which could include on-street swales and/or rain gardens, natural streams and wetlands is achieved,
7. where modifications to natural landform are needed, these are preferably undertaken at the subdivision stage in a controlled and consistent manner in order to minimise the need for secondary earthworks and sediment discharges and minimise retaining wall heights,
8. land within the Te Kauwhata Rural Zone is planted to ensure Lake margins are protected and enhanced through revegetation and enrichment planting appropriate to the locality.
9. landscaping:
 - integrates with the development into the surrounding area and
 - complements the existing landscape character, including the natural character of Lake Waikare, and
 - supports the personal safety of people and enhance pedestrian comfort, and
 - is designed for on-going ease of maintenance.
10. The stormwater and flood management areas have dual ecological corridor functions where appropriate.
11. neighbourhood parks and areas of private communal open space within the Residential Medium Density Precinct and High Density Precinct provide for the amenity and safety of the community in terms of:
 - spatial variety
 - a mix of recreational opportunities
 - accessibility
 - the application of CPTED principles
 - ease and cost of maintenance
 - the management structure of areas of private communal open space.

Urban design and visual amenity

The extent to which:

1. the proposal integrates and connects with the Te Kauwhata Township and the rest of the Lakeside Precinct as shown on the masterplan required by 21E.5.1.
2. the effect of any inconsistency with the Lakeside Precinct Plans on the visual amenity, rural character and urban character of the surrounding visual catchment.
3. the proposed development is consistent with, or allows the implementation of the specific design proposal (as required by 21E.5.6).

Robustness of allotment design

The extent to which:

1. development recognises the distinction between the Medium Density Precinct from the Higher Density Precinct,
2. the effects of allotment size and shape on the configuration of individual allotment has been considered at CS stage,
3. planning for the Lakeside Precinct Plan Area provides a variety of opportunities for different medium and higher density housing typologies,
4. individual allotments are designed such that when built on, dwellings will be able to have private outdoor living areas, part of which may comprise communal open space where the dwelling has legal rights to use such communal open space,
5. subdivisions are designed with regard to the principles of CPTED (Crime Prevention through Environmental Design) and the principles of low impact design,
6. subdivision design, where adjacent to the NIMT, will address reverse sensitivity effects, including traffic noise and vibration.

Infrastructure

The extent to which:

1. all residential development is serviced by wastewater, stormwater, potable water, energy and telecommunication infrastructure,
2. the wastewater upgrade provides a medium and long-term opportunity to enhance water quality in Lake Waikare,
3. wastewater infrastructure has been futureproofed so that the southern end of the Lakeside pipeline could connect into any possible future public wastewater pipeline,
4. stormwater management minimises effects on Lake Waikare and achieves good water quality using street berms and wetlands to manage water quality,
5. roading upgrades to create a second access to the Lakeside Precinct Plan Area once the development exceeds 400 new residential allotments. Where the 400 residential allotments includes a retirement village, then each independent living unit within the retirement village shall count as one allotment,
6. any staging of the development corresponds to the staging and if necessary upgrading of infrastructure,
7. development takes account of overland flow paths,
8. safety measures at the Te Kauwhata Road at-grade level crossing are addressed.

Earthworks

The extent to which

- I. Erosion and sediment controls and the proposed construction methodology will avoid or minimise adverse effects on:
 - (i) water quality including of Lake Waikare;
 - (ii) ecological health including of Lake Waikare;
 - (iii) riparian margins;
 - (iv) the mauri of water.
2. The extent to which the earthworks minimises soil compaction in open space areas, other than where it benefits geotechnical or structural performance.
3. Whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance.
4. Whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
5. The effects of potential changes in flood plain depth, and the extent to which the carrying capacity of the flood plain is maintained.
6. The extent to which works in the flood plain do not exacerbate adverse effects of flooding, particularly on other property.

Contaminated land

1. Assessment of activities involving contaminated land should refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Management of alligator weed in the Rural Zone and any area subject to a 'Restricted Place Notice' issued under the Biosecurity Act 1993.

1. In the Rural zone, and any area subject to a 'Restricted Place Notice' issued under the Biosecurity Act 1993, the extent to which the recommendations of any alligator weed management plan have been taken into account.

Subdivision under 21E.2.21

1. In addition to the above, the extent to which the application is consistent with any approved CS or CLDC.

21E.5 Information requirements

Applications for a Lakeside Precinct Plan Area Comprehensive Subdivision Consent or Comprehensive Land Development Consent

Applications for a Lakeside Precinct Plan Area CS or CLDC shall be accompanied by:

1. a copy of the latest masterplan for the entire Lakeside Precinct Plan Area
2. an urban design assessment which includes:
 - how the proposal integrates with the latest masterplan and the wider Te Kauwhata area
 - an urban form and development response for the Medium Density Precinct and/or the Higher Density Precinct
 - how the area can integrate into existing road and open space networks
3. visual amenity assessment including off and on-site visual amenity effects of potential development
4. detailed geotechnical assessment where one does not already exist for the land the subject of the consent
5. land-use map indicating boundaries of developable areas, uses, connections and compliance with the relevant densities identified in Precinct Plan 21E.1.1
6. specific design proposals for new roads and the upgrading of existing roads
7. an assessment of any works within the flood plain
8. confirmation of sufficient capacity of Council services including water and wastewater
9. land contamination assessment.
10. At each point where development in the Lakeside Precinct will exceed the following triggers, an integrated transport assessment shall be prepared that informs the need for any road or safety upgrades:
 - (a) 400 residential allotments
 - (b) 800 residential allotments
 - (c) 1200 residential allotments
 - (d) 1600 residential allotments

provided that each independent living unit in a retirement village shall count as one allotment.

11. In preparation of the integrated transport assessment, when development in the Lakeside precinct will exceed 800 residential allotments, the integrated transport assessment shall also take into account the Te Kauwhata Level Crossing and include a Level Crossing Safety Impact Assessment, provided that each independent living unit in a retirement village shall count as one allotment.
12. A plan showing the construction area for the purposes of 21E.2.7(j)
13. Results of an Alligator Weed Survey carried out by a suitably qualified person to ascertain the existence of any alligator weed on land subject to an application. Where alligator weed is identified, provide a copy of an alligator weed management plan intended to achieve the eventual eradication of alligator weed from infested areas.

Overall, the reports and assessments accompanying an application for a CS or CLDC approval or amendment are to be sufficiently comprehensive and provide environmental information, analysis and assessments of potential effects on the environment (of development that would be enabled by the CS or CLDC provisions) to adequately inform assessment of the proposed CS or CLDC under sections 95A to

Waikato District Plan - Waikato Section

95E and 104(I) and 104A of the Resource Management Act.

