



1 Plan Overview

1.1 Introduction

1.1.1 Purpose of the District Plan

The purpose of the Hamilton City District Plan (the District Plan) is to enable the Council to carry out its functions under the Resource Management Act 1991, the purpose of which is to promote the sustainable management of natural and physical resources.

Section 5 of the Resource Management Act 1991 (the Act) defines sustainable management as:

“Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
- b. Safeguarding the life-supporting capacity of air, water, soil and ecosystems;*
and
- c. Avoiding, remedying or mitigating any adverse effects of activities on the environment.”*

The Act defines natural and physical resources to include “land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures”.

1.1.2 Statutory Context of the District Plan and Relationships with Other Plans

1.1.2.1 The Resource Management Act 1991

The District Plan is prepared by Hamilton City Council in response to its obligations under the Act. The District Plan applies to the whole of Hamilton City, as it existed at notification date, and as shown in the Planning Maps. This District Plan will replace the operative Hamilton and Waikato District Plans that previously applied within the boundaries of the City.

The District Plan meets the Council’s functions under the Act, particularly Part 2, Sections 31, 72, 74 and 75 and Schedule 1. Section 31 of the Act sets out Council’s functions in terms of how it is to be put into effect. These are summarised as:

- a) To achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.
- b) Control effects of the use, development or protection of land, including for the purpose of:
 - i. Avoiding or mitigating natural hazards.
 - ii. Matters relating to hazardous substances and the use of contaminated land.
 - iii. The maintenance of indigenous biodiversity.

- c) Control the emission and effects of noise.
- d) Control effects of activities on the surface of lakes and rivers.

This District Plan has been prepared in accordance with Section 32 of the Act.

1.1.2.2 Integration of the Plan with Other Plans and Documents

The Act requires the integrated management of the environment. The District Plan is one tool for the sustainable management of Hamilton City and there are a range of other plans and documents, such as those outlined in Figure 1a that are either implemented through the District Plan or taken into account when preparing it, as a means of achieving sustainable and integrated management of natural and physical resources.

a) National Policy Statements and National Environmental Standards

The Minister for the Environment prepares National Policy Statements and National Environmental Statements. The role of a National Policy Statement is to provide guidance for decision-making and the development of a district plan. At the time of preparing this District Plan the operative policy statements are the:

- New Zealand Coastal Policy Statement 2010
- National Policy Statement for Electricity Transmission 2008
- National Policy Statement for Freshwater Management 2011
- National Policy Statement for Renewable Energy Generation 2011

National Environmental Standards are technical standards relating to the use, development and protection of natural and physical resources, and are a form of regulation. Methods for implementing these standards can be prescribed, which promotes consistent standards, requirements or recommended practices nationally.

National standards override existing provisions in plans that require a lesser standard. However, where a district plan specifies a more stringent standard then that shall prevail over a National Environmental Standard if the National Environmental Standard expressly says that a district plan rule or consent may be more stringent than it. National Environmental Standards in force when this Plan was notified are:

- Air-quality standards
- Sources of human drinking water standard
- Telecommunications facilities
- Electricity transmission
- Assessing and managing contaminants in soil to protect human health

The Act requires that district plans must give effect to National Policy Statements and must not be in conflict with or duplicate a National Environmental Standard.

b) Vision and Strategy for the Waikato River

As part of the Waikato River Settlement between the Crown and Waikato-Tainui, *Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River* ('Vision and Strategy') has been developed. The Vision and Strategy was developed by the Guardians Establishment Committee (which included representatives of the Waikato River iwi and communities), recorded in the

Settlement Act and will be periodically reviewed by the Waikato River Authority. It is the primary direction-setting document for the Waikato River and its catchments which include the lower reaches of the Waipa River.

The Vision and Strategy (April 2011) is set out in Volume 2, Appendix 10: Waikato River Corridor and Gully Systems.

Under Section 11 of the Settlement Act, the Vision and Strategy is deemed in its entirety to be part of the Regional Policy Statement without the need for public consultation. Section 75(3) of the Resource Management Act requires the District Plan to give effect to the Regional Policy Statement.

The Vision and Strategy is to be interpreted in a manner that best furthers the Overarching Purpose of the Waikato River Settlement; To restore and protect the health and wellbeing of the Waikato River for future generations.

The Settlement Act confirms that the Vision and Strategy prevails over any inconsistent provisions of any National Policy Statement or New Zealand Coastal Policy Statement. A rule included in the District Plan for the purposes of giving effect to the Vision and Strategy prevails over a National Environmental Standard or Water Conservation Order if the rule is more stringent.

c) Ruakura Development Plan: Board of Inquiry Decision

Plan Change 1
- Ruakura

In September 2014 a Board of Inquiry confirmed planning provisions for the Ruakura Schedule Area that forms part of the R1 Area transferred to Hamilton City during 2011. The provisions were included in the Hamilton City Operative District Plan: Waikato Section. However, a separate planning process is necessary to incorporate these provisions into the current District Plan. These provisions provide for a major new employment node at Ruakura based around an inland port to capitalise on the area's location adjacent to the Waikato Expressway, Eastern Arterial and the East Coast Rail Line.

de) Future Proof

The Future Proof Strategy is a 50-year vision and implementation plan developed by strategy partners: Waikato Regional Council, Hamilton City Council, Waipa District Council, Waikato District Council, Tainui Waka Alliance and tāngata whenua, with assistance from the NZ Transport Agency. Specifically Future Proof identifies 50-year land supply needs in the Future Proof sub-region (being the territorial authority areas of Hamilton City and Waipa and Waikato Districts) and sequences its release and development according to its ability to be serviced by appropriate infrastructure and to be funded equitably. The Future Proof Strategy includes urban limits in order to anchor the settlement pattern. The urban limits follow the Hamilton City boundary and provide enough land out to 2061. The Future Proof settlement pattern forms the basis of the City's Hamilton Urban Growth Strategy, which the land use pattern within the District Plan is derived from.

ed) Waikato Regional Policy Statement

The Act requires the Waikato Regional Council to prepare a Regional Policy Statement, which provides an overview of regionally significant resource management issues, and sets a broad strategic direction. The District Plan must give effect to the Regional Policy Statement. At the time of notifying the Proposed

District Plan, there was an Operative Regional Policy Statement and a Proposed Regional Policy Statement that was notified in November 2010.

The Proposed Regional Policy Statement, now operative, aims to give statutory effect to the sub-regional settlement pattern contained in the Future Proof Strategy. It includes urban limits, strategic industrial nodes, growth allocations and staging and target residential densities.

fe) Waikato Regional Plans

Waikato Regional Council prepares regional plans to meet its functions under the Act. Regional Plans focus on particular issues and areas and assist the Regional Council in carrying out its functions under the Act. The District Plan cannot be inconsistent with regional plans. Topics where regional and district plans may overlap include earthworks, natural hazards, hazardous substances, air quality and water quality. In these matters, the District Plan concentrates mostly on effects on human health or amenity, whereas the regional plan is more directed at effects on the natural environment.

Where there is an overlap of functions, the Waikato Regional Policy Statement provides guidance by allocating responsibilities between the district and regional councils.

gf) Waikato Region Strategies and Plans

Waikato Regional Council prepares strategies and plans providing policy and actions on specific matters to help the Regional Council carry out its functions under the Act and other legislation. The District Plan must have regard to these strategies and plans. They include:

- Regional Land Transport Strategy
- Regional Public Transport Plan
- Regional Road Safety Strategy
- Regional Walking and Cycling Strategy
- Waikato Regional Energy Strategy
- Central Waikato River Stability Management Strategy
- Waikato Regional Pest Management Strategy

hg) Iwi Planning Documents

The Act requires that planning documents recognised by an iwi authority, such as iwi management plans, be taken into account in the preparation of the District Plan.

Hamilton City Council Plans and Documents

ih) City Strategies

Hamilton City Council, in conjunction with other parties, has developed a number of City Strategies, which provide important direction for this District Plan. Those existing at the time of notifying this District Plan are:

- Access Hamilton
- Active Communities
- Arts Agenda
- Economic Development
- Environmental Sustainability

- Hamilton Urban Growth
- Social Wellbeing

ji) The Long Term Plan

Council is required every three years to prepare a Long Term Plan under the Local Government Act 2002, a plan that covers the following 10 years. The Long Term Plan includes the vision and goals for the City. It also includes what Council is planning on doing and why, how much it will cost, and how it will be funded.

kj) Annual Plan

Council is required to prepare an Annual Plan every year. The Annual Plan contains the proposed annual budget and provides opportunities for public participation in decision-making on costs and funding of Council activities. In years when a Long Term Plan is required, the Long Term Plan constitutes the Annual Plan.

lk) Asset Management Plans

Asset Management Plans describe the strategies and work programmes for Council assets, such as roads, to deliver the required level of service to existing and future users cost-effectively. Asset Management Plans inform the Long Term Plan and Development Contributions Policy.

ml) Development and Financial Contributions Policy

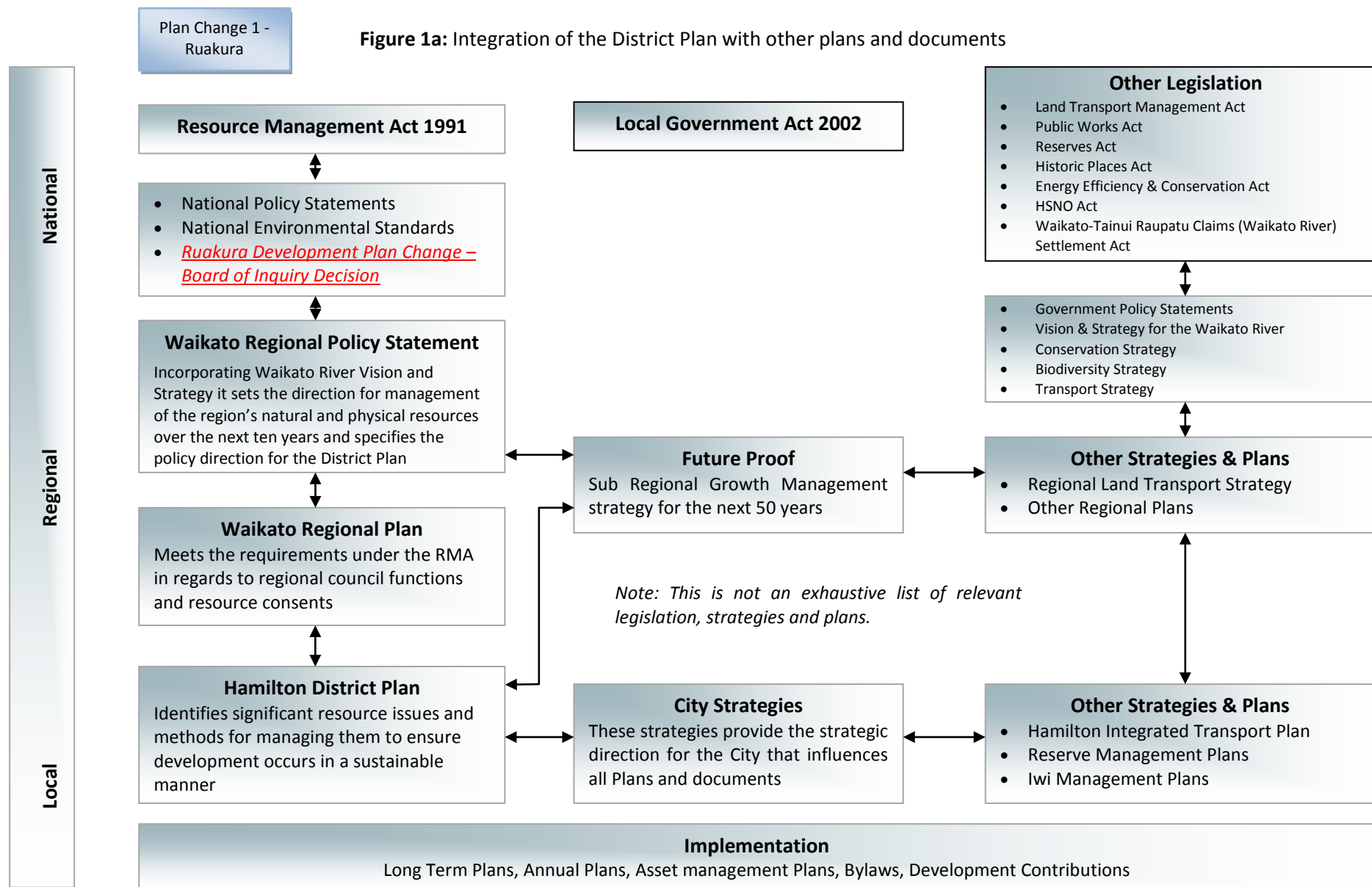
Council's policy on development and financial contributions primarily focuses on development contributions required under the Local Government Act 2002. These are paid by developers to fund new infrastructure. The policy also refers to financial contributions which are required under the Act in specific circumstances. These requirements are detailed in the District Plan.

nm) Hamilton City Infrastructure Technical Specifications

This document contains guidance on engineering practice and design solutions considered to be acceptable means of compliance for infrastructure related standards within the District Plan. In this context it is used for setting conditions of resource consent for subdivision and development. The content is amended from time to time to reflect best practice and new technologies. Public infrastructure is expected to be designed in accordance with the latest specifications in this document.

oh) Vista – Hamilton City Design Guide

Council's design guide *Vista* outlines the City's expectations for better design environments.

Figure 1a: Integration of the District Plan with other plans and documents

1.1.3 Plan Structure

The District Plan is made up of the following sections:

a) Plan Overview

The Plan Overview contains material to assist plan users to understand and interpret the District Plan. The Introduction outlines the purpose of the District Plan, how to use the District Plan, an overview of the resource consent process, the activity status for any activity not mentioned in the District Plan, notification defaults, and an explanation about the rules which are given immediate effect upon notification of the District Plan.

b) Strategic Chapter

This outlines the strategic objectives and policies for the future direction of the City. It is intended that the Objectives and Policies of this chapter provide a hierarchy of district-wide strategic considerations that sit over the Objectives and Policies of specific zones, sites and features.

c) Structure Plan Chapter

This sets out objectives and policies that apply to all Structure Plan areas. When subdivision and/or development are proposed within a Structure Plan area it must be in general accordance with these objectives and policies where relevant.

d) Zone and Other Chapters

These set out the subdivision and financial contribution provisions, planning zones, sites and features of the City and the objectives, policies and rules which apply to each.

e) City Wide Chapter

This outlines the objectives, policies and rules which apply across all planning zones in the City and is broken into sections covering topics such as development suitability, earthworks and vegetation, events and temporary activities, hazardous facilities, landscaping and screening, lighting and glare, network utilities and the electricity national grid corridor, noise and vibration, public art, signs, smoke/fumes/dust and odour, solid waste, Three Waters, transportation, and urban design.

f) District Plan Administration

This appendix is cross-referenced from City-wide and Zone chapters and includes:

- i. Definitions and Terms (1.1)
 - Acronyms Used in the District Plan (1.1.1)

This section lists and defines the acronyms used throughout the District Plan.

- Definitions Used in the District Plan (1.1.2)

This section lists and defines words and phrases that are used throughout the District Plan.

- ii. Information Requirements (1.2)
Information requirements list information that must be provided with a resource consent application. Included is a list of generic information as well as specific information required for identified activities.

- iii. Assessment Criteria (1.3)
 - Guide to Using the Criteria (1.3.1)

This section provides a guide as to how the District Plan Assessment Criteria Section works.

- Controlled Activities – Matters of Control (1.3.2)

This section contains the matters of control for identified controlled activities.

- Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria (1.3.3)

This section contains assessment criteria under subject headings that relate to the 'Matters of Discretion' for Restricted Discretionary activities. Discretionary and Non-Complying Activities will use this criteria where relevant for preparing an application with specific reference to the general criteria in A2.

- iv. Design Guides (1.4)

This section contains design guides which Council may consider to assess the effects of any activity requiring consent as a restricted discretionary, discretionary activity or non-complying activity. These are cross referenced from Appendix 1.3.

- v. Other Methods of Implementation (1.5)

This section lists other methods to achieve the District Plan objectives and policies.

- vi. Existing Use Rights

To show existing use rights apply, one must prove to Council that the activity was legally established, that the effects generated will be the same or similar in character, intensity and scale to those which existed when the activity was established, and that the activity has been continuous.

g) Planning Maps

A separate volume contains planning maps that spatially define zones and features referred to within this text volume. The planning maps identify:

- i. Zones.
- ii. Designation boundaries.
- iii. Features (including scheduled heritage buildings and sites, significant trees, significant natural areas, natural hazard areas, high voltage transmission corridors and character areas).
- iv. Rototuna, Rotokauri, Peacocke and Ruakura Structure Plans (including boundaries, staging and land-use).
- v. Transport Corridor Hierarchy Plan and proposed road closures.
- vi. Hamilton Airport Obstruction Limitation Surface.

h) Section 32 Report

Justification for objectives, policies and rules is contained in the Section 32 Report which is a separate document that accompanies the District Plan.

1.1.4 Structure of Each Chapter

The structure of each of the individual chapters of the District Plan is generally summarised as follows:

a) Purpose

This briefly describes the resource management matters addressed in the Chapter.

b) Objectives

The objectives set the direction Council has taken in response to the issues facing the City, and outline the outcomes that the District Plan seeks.

c) Policies

The policies define the course of action that the Council has adopted to achieve an objective.

d) Rules

A rule is a regulatory method to implement the policies. These are listed in the Activity Status Table and as General Standards and Specific Standards within each chapter. This includes links to other chapters with relevant rules.

e) Restricted Discretionary, Discretionary and Non-Complying Matters of Discretion and Assessment Criteria

This section lists Restricted Assessment activities, specifically identifying what matters discretion has been restricted to, relevant assessment criteria and whether the consent will be processed without the need for public notification or approval by affected persons. The reference headings cross-reference to matters and criteria contained in Appendix 1.3.3: District Plan Administration – Restricted Discretionary, Discretionary and Non-Complying Matters for Discretion and Assessment Criteria.

f) Other Resource Consent Information

This section cross-references to other parts of the District Plan containing relevant information for resource consent applications.

1.1.5 Designations

Designations for public works have been received by the Council and these are noted on the Planning Maps as well as being recorded in Chapter 26: Designations. The provisions of the Act shall apply to these designations.

1.1.6 How to Use this District Plan

The District Plan can tell you whether a particular land use, subdivision or development requires resource consent to be obtained, and if so, which category of consent. This section tells you where to look in the District Plan to find out this information.

In determining if an activity is provided for by this District Plan users should undertake the following steps:

Step 1 – Confirm the zone that applies

- a) Begin with the Planning Maps. Locate your property on the zone maps, e.g. General Residential Zone, Industrial Zone, or Central City Zone.

Step 2 – Confirm if any special site, feature, overlay or designation applies

- a) Use the maps to confirm whether your property has a special site, feature, overlay or designation on it, such as a scheduled heritage building, a notable tree, or a designation.

Step 3 – Confirm the activity status

- a) Go to the relevant chapters for the zone that your property is located in and any site, feature, overlay or designation that applies, and for any general rules that apply.
- b) Look down the list of activities in the Activity Status Table to find your activity. Every activity will be indicated as either a permitted, controlled, restricted discretionary, discretionary, or non-complying activity. If the activity is subject to a site, feature or overlay it may have a different activity status than in the zone Activity Status Table; the activity may also appear in a City wide chapter. Where there are multiple relevant chapters, use the process to determine the activity status detailed in 1.1.8.1.
- c) Read the general and specific standards that follow the table, before deciding the activity class, this may direct you to other chapters to check against other relevant rules. Section 1.1.8.2 explains what activity class applies if an activity does not comply with a standard.
- d) If your activity is a permitted activity, you can proceed without obtaining resource consent provided you comply with any relevant standards.

Note

Existing Use Rights apply, see 1.1.3f)vi.

Step 4 – Apply for resource consent

- a) If your activity is a controlled, restricted discretionary, discretionary or non-complying activity you will need to apply to Council for resource consent.

- b) If your activity is a controlled, restricted discretionary or discretionary activity, the District Plan provides guidance on the assessment criteria which will be applied. These will provide direction on matters to be covered in the resource consent.
- c) Consideration is also given to the objectives and policies of the District Plan.
- d) Applications for resource consents must be made in writing to the Council. Application forms and information brochures are available from Council or are available online. Fees are payable.
- e) Applications must be accompanied by an assessment of any actual or potential effects that the activity may have on the environment, together with any other information required by this District Plan and the Act.
- f) Council recommends that applicants obtain professional advice before making an application. Council staff can assist by providing application forms and general advice on the requirements of the District Plan. Hamilton City Council also has information available online to assist in understanding this District Plan.

1.1.7 Explanation of Activity Classes

Activities in the District Plan are identified as being one of the following. There are no prohibited activities in this District Plan.

Symbol	Activity class	Resource consent details	How identified ¹
P	Permitted activity	Does not require resource consent. (Activity may be regulated under other laws, for example Building Act may require building consent.)	Activity is permitted if listed as P in the relevant Activity Status Table, and the activity complies with the relevant standards specified in rules.
C	Controlled activity	Requires resource consent, which must be granted by Council (with certain exceptions under the Act). Conditions may be imposed by Council on "matters over which the Council reserves control".	Activity is controlled if listed as C in the relevant Activity Status Table, and the activity complies with the relevant standards specified in rules.
RD	Restricted discretionary activity	Requires resource consent, which may be granted with or without conditions, or declined. Council will consider only "matters to which discretion is restricted", which are stated in Volume 2, Appendix 1.2. Conditions of consent are also limited to the matters to which discretion is restricted.	Activity is restricted discretionary if: 1. Listed as RD in the relevant Activity Status Table, or 2. Listed as P or C, but fails to comply with relevant standards, thus becoming restricted discretionary.
D	Discretionary activity	Requires resource consent, which may be granted with or without conditions, or declined. Assessed on a full range of assessment matters referred to in the Act (s104).	Activity is discretionary if listed as D in the Activity Status Table.

NC	Non-complying activity	Requires resource consent. The Council may grant or refuse consent, with or without conditions. The application may be granted if Council is satisfied the adverse effects of the activity on the environment will be minor, or the application is for an activity that won't be contrary to the objectives and policies. Assessed on a full range of assessment matters referred to in the Act.	Activity is non-complying if listed as NC in the relevant Activity Status Table.
Pr	Prohibited activity	Resource consent cannot be applied for the activity and consent cannot be granted.	Activity is prohibited if listed as Pr in the relevant Activity Status Table.

¹Unless specifically stated otherwise in the relevant Chapter or as per 1.1.8.1.

1.1.8 Activity Status Defaults

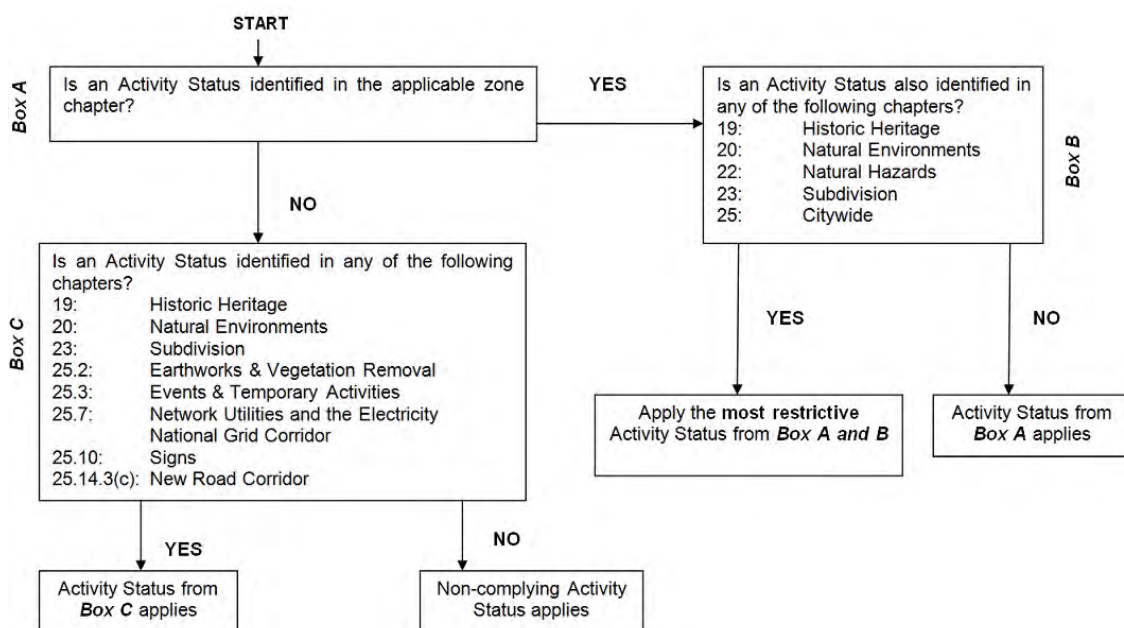
1.1.8.1 Process to Determine Activity Status

The following flowchart is used to work out the Activity Status of a proposal (i.e. Permitted, Controlled, Restricted Discretionary, Discretionary or Non-Complying, see 1.1.7). While this flowchart will be relevant for most proposals there will be some specific situations where other legislation or National Environmental Standards will overrule the result.

Furthermore, the Activity Status may be dependent on the proposal complying with standards (rules) in the Plan. If the proposal fails to comply with these standards then this may alter the Activity Status (see 1.1.8.2).

It is also important to note that a proposal may come under more than one definition (e.g. an Industrial activity may also be a Hazardous Facility).

Figure 1.1.8a: Process to Determine Activity Status



1.1.8.2 Infringement of Standards

Unless specifically stated otherwise in the relevant Activity Status Table:

- a) Permitted activities that infringe any standards will be assessed as a restricted discretionary activity in respect of:
 - i. The effects of non-compliance with those standards.
 - ii. Any criteria identified for those specific standards.
- b) Controlled activities will be granted subject to conditions. Assessment in respect of the conditions will be restricted to the criteria identified in the rule for that specific controlled activity.
- c) Restricted discretionary activities that infringe any standards will be assessed as a Restricted discretionary activity in respect of:
 - i. The effects of non-compliance with those standards.
 - ii. Any criteria identified for those specific standards.
 - iii. Any criteria identified for that specific restricted discretionary activity.
- d) If the activity is subject to a site, feature or overlay which has a different activity status than in the zone Activity Status Table, the more restrictive activity status will apply.

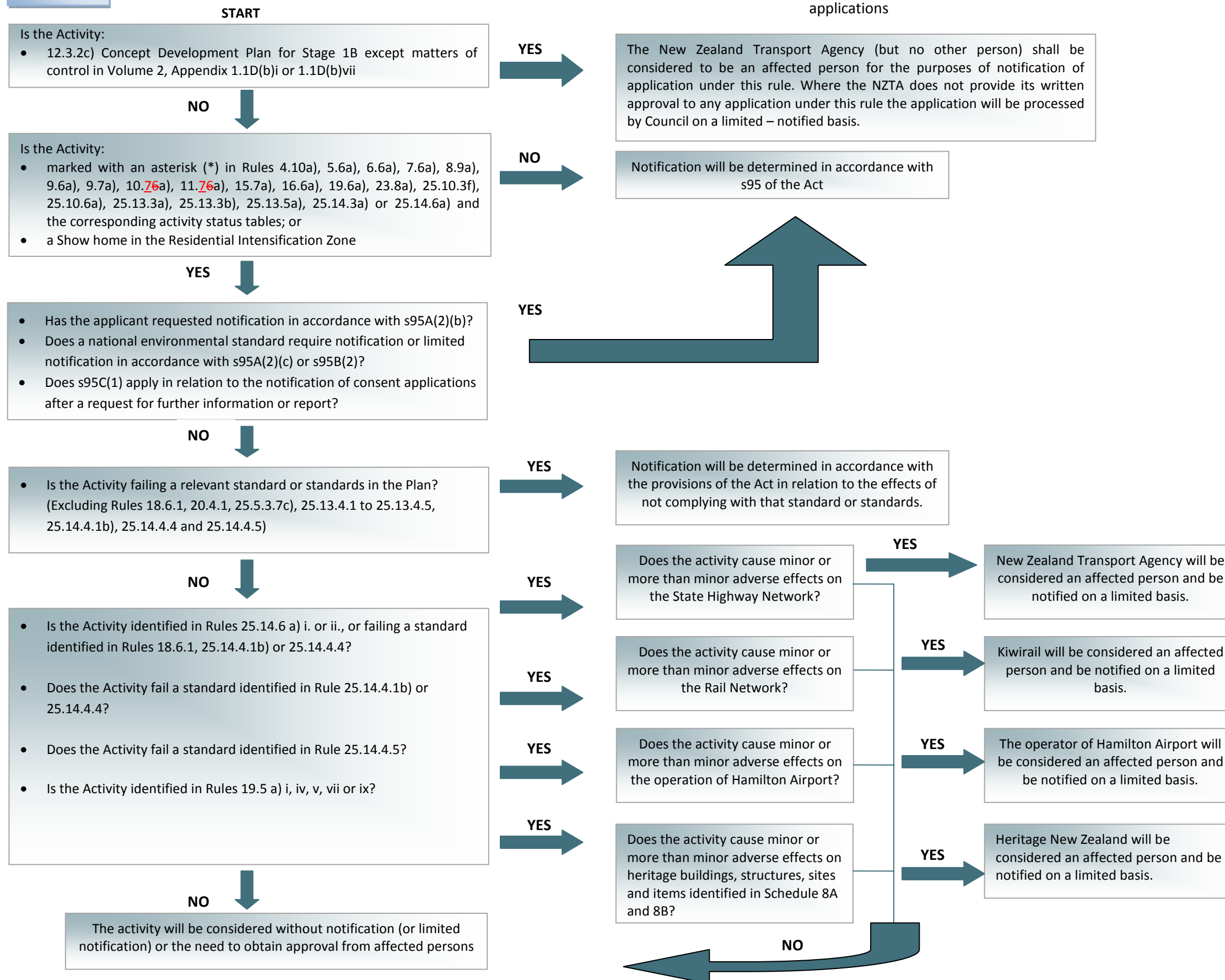
1.1.9 Notification / Non-notification Rules

The following flowchart is used to determine the notification, limited notification, or non-notification of a resource consent application, except where identified specifically in a chapter.

Plan Change 1 -
Ruakura

Plan Change 1
- Ruakura

Figure 1.1.9a Process to determine notification of resource consent applications



1.1.10 Rules Having Early or Delayed Legal Effect

1.1.10.1 Legal Effect of Proposed Plan and Operative Plans

Many of the rules of this Proposed District Plan do not have immediate legal effect. This means that resource consent will not be required for these rules. Following the notification of this document, the Operative Hamilton District Plan and Waikato District Plan will continue to have legal force and will be used to determine if resource consent is required for an activity.

The operative Hamilton District Plan and Waikato District Plan will gradually be replaced by the Proposed District Plan provisions, in accordance with the Act (see section 86F). As a general rule, the old rules will remain in force until decisions are issued, following hearings of submissions to this Plan. Information will be available from Council about the status of particular provisions.

1.1.10.2 Rules Having Immediate Legal Effect

Rules that have immediate legal effect upon notification of this Plan are those that:

- a) Protect or relate to water, air or soil for soil conservation.
- b) Protect areas of significant indigenous vegetation.
- c) Protect areas of significant habitat of indigenous fauna.
- d) Protect historic heritage.

1.1.10.3 Transitional Provisions

The Resource Management Act preserves the interests of applicants who have resource consent applications accepted by Council before 10 July 2014 but decided after that date. However, the Building Act does not preserve the interests of applicants for building consents in the same way. This has unintended implications for applicants who have already submitted their applications and are likely to have to rework their applications with subsequent additional costs. For these reasons, all building consent applications lodged with the Council up to and including 9 July 2014:

- a) shall be required to comply with the rules of the Proposed District Plan which had legal effect on and after 10 December 2013;
- b) shall not be required to comply with the rules of the Proposed District Plan that had legal effect for the first time on and after 10 July 2012.

1.1.11 Local Authority Cross-boundary Issues

Hamilton City Council has boundaries with Waikato and Waipa districts, and Hamilton is within the Waikato region. The issues that could affect, or otherwise involve the neighbouring district and regional councils are:

- a) Implementation of Future Proof.
- b) Waikato River management issues and the implementation of the Vision and Strategy for the Waikato River (refer to 1.1.2.2b), in association with other parties under relevant legislation.
- c) Discharge of contaminants to land, water and air.

- d) Harmonisation of standards and processes, including possible transfer of functions where desirable.
- e) Network utilities that cross territorial boundaries, including land transport and effects of Hamilton International Airport.
- f) Resource consent applications where there will be effects (such as noise or traffic) that go beyond territorial boundaries or where an application for consent straddles a common territorial boundary (such as network utilities).
- g) Provision of recreational facilities and other shared services.
- h) Creating 'economies of scale' which are often necessary to allow territorial authorities or private enterprise to innovate and provide services such as waste management and recycling.
- i) Hazardous facilities.
- j) Reverse sensitivity effects in relation to existing land uses.
- k) Effects of out of zone industrial and / or commercial activities.
- l) Significant Natural Areas, Natural and cultural heritage places, areas and landscapes, that cross territorial boundaries.

The processes that Council will use to resolve any issues that cross territorial boundaries include:

- a) Consult with other councils on consent applications, or plan change requests, where a potential cross-boundary effect may occur or where a potential effect may occur which may fall within the functions of the Regional Council, especially when applications raise matters related to the above issues.
- b) Encourage applicants, where activities have effects beyond the boundaries of the City, or which might give rise to effects that are not within Council's resource management functions, to consult with the affected council.
- c) Liaise with other councils where the effects of activities cross territorial boundaries, to determine the most appropriate methods to achieve integrated resource management outcomes.
- d) Initiate and participate in joint hearings with other councils as needed.
- e) Maintain an ongoing dialogue with other councils to harmonise resource management standards and processes.
- f) Make submissions, where appropriate, on plans and policy statements prepared by other councils.
- g) Identify opportunities for the transfer or sharing of functions between councils, where this would result in more efficient, effective and integrated resource management.

1.1.12 Monitoring

Environmental monitoring can be described as "the deliberate act of observation or surveillance over time with a defined purpose". The purpose of environmental monitoring is to collect enough information to detect and understand changes in the environment. The 'environment' relates to those matters which are identified as

important in the context of the Council's responsibilities under the Resource Management Act 1991 (the Act).

The Act requires Council to undertake monitoring on:

- State of the environment
- Plan effectiveness suitability
- Compliance

There are a number of benefits for the Council in monitoring the environment of the City, these include:

- a) To understand the 'state' or condition of the environment, and to understand the reason for any change (decline or improvement in quality) in the state of environmental resources.
- b) To provide valuable and accurate information for decision making such as resource consent applications, planning and policy decisions.
- c) To assess the effectiveness of the objectives, policies, rules and other methods in the District Plan at achieving specific environmental outcomes, and make changes to improve the effectiveness of the plan.
- d) To provide information suitable for community education to raise awareness of the state of the City's environment, the effects of human activity on the environment and gain support for the methods employed by Council to manage resources.

Council will develop a monitoring strategy that will:

- a) Support its functions and meets its responsibilities under the Act.
- b) Record the level and effectiveness of compliance under the District Plan over time.
- c) Assess the effectiveness of the District Plan in meeting its stated objectives and policies.

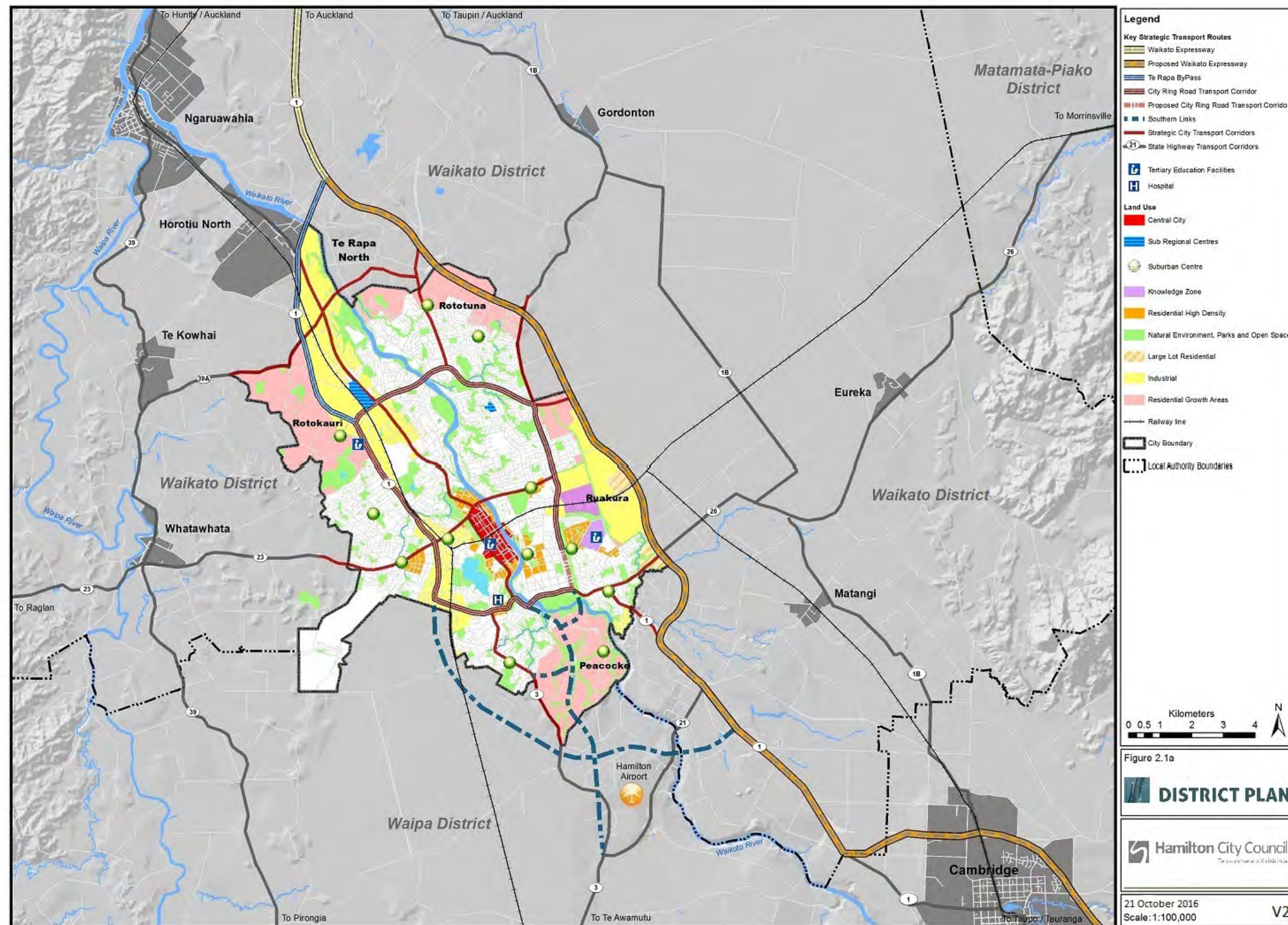


2 Strategic Framework

2.1 Purpose

- a) The principal purpose of this chapter is to provide clear and strong links between the District Plan and the City's Strategies, which are listed in Chapter 1: Plan Overview, Section 1.1.2.2 – Integration of the Plan with Other Plans and Documents. To this end, this chapter sets out the strategic objectives and policies for Hamilton City. Other chapters contain objectives, policies and rules that implement and support this strategic policy framework.
- b) One of the key approaches to achieving a compact city and the sustainable management of physical resources is to recognise the existing and distinctive business centres that will make up a business hierarchy. The overall aim is to maintain the primacy of the Central City as a viable and vibrant metropolitan centre.
- c) The proposed shape and growth of the City is based on the Future Proof growth and implementation strategy and the Hamilton Urban Growth Strategy and is represented in Figure 2.1a below. Both the Future Proof strategy and the Waikato Regional Policy Statement include urban limits in order to give effect to the Future Proof sub-regional settlement pattern. The urban limits aim to achieve a more compact urban form over time. This chapter reinforces the City's strategy of encouraging a compact and sustainable city by increasing development densities within identified urban areas, such as:
 - i. Within the Central City, suburban and neighbourhood centres.
 - ii. Near to hospitals, tertiary education and specialised training facilities.
 - iii. Parks and open spaces.

Figure 2.1a: Hamilton's Plan at a Glance



2.2 Objectives and Policies: Strategic Framework

Any discretionary or non-complying resource consent must consider where relevant the objectives and policies below.

Towards a Sustainable City

Objective	Policies
2.2.1 Hamilton is characterised by an increasingly sustainable urban form.	2.2.1a Development makes use of the identified opportunities for urban intensification.
	2.2.1b Development is designed and located to minimise energy use and carbon dioxide production, by: - Minimising the need for private motor vehicle use. - Encouraging walking, cycling and the use of passenger transport. - Maximising opportunities for people to live, work and play within their local area.
	2.2.1c Land use zoning and subdivision controls will be used as methods to achieve the sustainable use of the City's land resources including providing for separation, proximity and agglomeration of land uses.
Explanation	
<i>Hamilton is growing steadily. The City's strategic documents – the Hamilton Urban Growth Strategy (HUGS), the Waikato Regional Policy Statement, Access Hamilton, Future Proof, and Hamilton's City Design Guide Vista – aim to manage this growth by establishing an increasingly 'compact city', where development is concentrated so land and infrastructure can be provided and used efficiently. The aim is to have at least 50% of new residential growth occur within existing parts of the City in the next 20 years. This growth management will ensure positive effects on physical resources, where less land will be used for housing, where there is better energy efficiency, and an increase in the cost-effectiveness of infrastructure including roads, passenger transport, water services, energy and telecommunications. Public space, including reserves, roads, walkways and cycleways, will complement higher-density areas.</i>	

Objective	Policies
2.2.2 Urban development takes place within areas identified for this purpose in a manner which uses land and infrastructure most efficiently.	2.2.2a Development shall occur in locations that are consistent with the growth management policies of the Waikato Regional Policy Statement.
	2.2.2b Any development that is within an identified growth area is to be undertaken in general accordance with an approved Structure Plan.
	2.2.2c The release of land for urban development will not be allowed unless appropriate infrastructure is available and the servicing of this land does not compromise the efficiency and sustainability of planned infrastructure.
	2.2.2d The subdivision or use of any rural land within an identified growth area shall not compromise future urban development.
Explanation	
<i>Development is to occur as provided for within the growth management policies of the Waikato Regional Policy Statement which takes into account policies from Future Proof and the Hamilton Urban Growth Strategy.</i> <i>Any significant area of new land to be rezoned for urban development is to be supported by Structure Plans that provide information on land use and infrastructure, transport links, management of amenity, ecological, heritage values, natural character, natural hazards, stormwater and tangata whenua values.</i> <i>When the original growth cells identified in the plan are substantially developed, new growth cells will be identified through financially programmed works for infrastructure.</i> <i>Council's Long Term Plan or Annual Plan sets out the programme for providing infrastructure to service growth. Where a developer wishes to pursue development ahead of Council's programmes a development agreement will need to be entered into with Council to ensure that the infrastructure is provided in a way which is efficient and sustainable from a city-wide perspective. In these cases it is anticipated that developers will bear the full costs of infrastructure provision.</i> <i>To ensure infrastructure is available and does not compromise the efficiency and sustainability of planned infrastructure assessments will be undertaken utilising Integrated Catchment Management Plans, Water Impact Assessments, and Integrated Transport Assessments.</i> <i>This approach will enable growth in areas that are not funded for infrastructure to be funded by developers under Development Agreements between all parties. The reason for Council's approach is due to its inability to fund infrastructure necessary to support</i>	

the development of the growth cells all at once. This will enable the sustainable management of growth for the social and economic wellbeing of the community and meeting the needs of future generations.

Urban Design Approach

Objective	Policies
2.2.3 Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context.	2.2.3a Development responds to best practice urban design and sustainable development principles, appropriate to its context.
	2.2.3b Development responds to Low Impact Urban Design and Development and Crime Prevention Through Environmental Design (CPTED) principles.
	2.2.3c Development enhances civic, natural heritage, cultural, ecology and surrounding public space networks.
Explanation	
<i>Sustainability needs to be integrated into urban design to protect and enhance local amenity and reduce deterioration of the environment. Optimising the use of existing space and infrastructure by promoting a safe and compact city, and requiring development to be located so it is integrated with existing facilities, infrastructure, public open spaces and transport corridors and is sympathetic to natural resources will help ensure a sustainable urban environment.</i>	

Central City, Business and Industry

Objective	Policies
2.2.4 Establish and maintain a hierarchy of viable and vibrant business centres that provide a focus for retail, commercial and entertainment activities and serve the social, cultural, environmental and economic needs of the community.	2.2.4a Business activity and development shall locate in the most appropriate centre for its role, according to the following hierarchy: - The Central City is the primary business centre, serving the City and wider region, and is the preferred location for commercial, civic and social activities. - The Base and Chartwell complement the Central City, to serve large parts of the City and adjoining districts, and contain primarily retailing, entertainment and services. - Suburban centres, to provide convenience

Plan Change 1 -
Ruakura

	goods, community services, facilities and employment to serve immediate suburban catchments <u>iv. Ruakura Retail Centre, to serve the Ruakura Structure Plan area and adjacent catchment.</u> iv. Neighbourhood centres, to contain retailing and service activities to serve immediate residential catchments. 2.2.4b The distribution, type, scale and intensity of activities outside the Central City does not undermine the viability, vitality and vibrancy of the Central City, its amenity values, or role in meeting the needs of the region. 2.2.4c Significant large format retail development beyond the identified out of centre zones is not envisaged for the Plan period.
Explanation	
<i>A hierarchy of business centres provides structure and context to the functioning of the urban area and its transport network. It provides a clear framework within which public and private investment can be prioritised and made, and provides a basis for regeneration and intensification initiatives.</i> <i>The Regional Policy Statement calls for the Central City to be recognised and enhanced as the primary commercial, civic and social centre of the Future Proof Area. It encourages the greatest diversity, scale and intensity of activities to encourage and provide for the vitality and amenity of the Central City. It is important to ensure that activities outside the Central City do not undermine the City's core function.</i> <i>The Central City forms the Regional Centre of Hamilton and is the dominant commercial, civic and social centre for the City and region and the focal point for the majority of the City's workforce. However the previous planning framework has enabled an unplanned dispersal of retail and office development which has contributed to the underperformance of some elements of the Central City with consequential effects on its function, amenity and vitality. It is important that future development in other parts of Hamilton does not adversely impact the important role of the Central City as the primary centre for the Waikato region.</i> <i>Retailing activity is a significant component of activities that serve the City and wider region including commerce, government, education, health and medicine and entertainment.</i> <i>City growth and demand projections indicate that the hierarchy of business centres can adequately cater for growth in the Central City, the Sub-Regional and Suburban Centres through a mix of new and more intensive redevelopment of centres.</i>	

Business and Industry

Objective	Policies
2.2.5 Industrial and business activities contribute to the economic, cultural, social and environmental wellbeing and prosperity of the community.	2.2.5a The positive effects of business and industry on economic, cultural, social and environmental wellbeing are encouraged and promoted.
	2.2.5b Business and industrial activities and development uses land allocated and serviced for business and industrial purposes.
	2.2.5c Industrial zoned land shall be safeguarded for industrial purposes.
Explanation	
<i>Industrial and business activities contribute to the economic, social and environmental wellbeing of the community. Sufficient land is required to cater for those activities and should be protected for these purposes.</i>	

Residential Development

Objective	Policies
2.2.6 A range of housing types and densities is available to meet the needs of a diverse range of people and communities.	2.2.6a Residential development provides for a range of household choices and the diversity of cultural and social needs.
	2.2.6b Higher-density residential development is located within and close to the Central City, suburban and neighbourhood centres, hospitals, tertiary education facilities and parks, open spaces, and other areas of high social amenity.
Explanation	
<i>Hamilton Urban Growth Strategy acknowledges the need to balance intensification and differing household needs. Cultural diversity is mentioned in Vista. The Environmental Sustainability Strategy advocates for environmentally sensitive design, to mitigate the effects of increased urban density.</i>	
<i>The District Plan identifies a number of areas around the City that are suitable for medium and higher density residential development, leaving most of the City's existing residential areas unchanged.</i>	

The Waikato River

Objective	Policies
2.2.7 The health and wellbeing of the Waikato River is restored and protected and the River is celebrated as being at the heart of the region's identity and a feature of national importance.	2.2.7a The natural character of the Waikato River, gully system and its margins is preserved and protected from inappropriate subdivision, land use and development.
	2.2.7b The natural, cultural, heritage and amenity values of the Waikato River are protected, enjoyed and enhanced.
	2.2.7c Access and connections with the Waikato River are maintained and enhanced.
	2.2.7d The relationship of Waikato-Tainui with the Waikato River is recognised and provided for, including through a Joint Management Agreement.
	2.2.7e Communities' relationships with the Waikato River, including their economic, social, cultural and spiritual relationships, are restored and protected.
Explanation	
<i>The Waikato River is an outstanding natural feature in Hamilton City and the Waikato region. The river and its margins contain significant habitats of indigenous fauna and vegetation, and it is recognised as an area of high amenity value, with natural, cultural and heritage significance. Restoring, protecting and enhancing the health and wellbeing of the river and its margins are essential to ensure the quality of this resource is available for future generations. The Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 will work in conjunction with the Resource Management Act to provide direction for planning documents to restore and protect the health and wellbeing of the Waikato River for future generations.</i>	

Tangata Whenua: Waikato Tainui

Objective	Policies
2.2.8 Resource management priorities are developed in partnership with tangata whenua.	2.2.8a The relationship tangata whenua have with the City is recognised and promoted.
	2.2.8b Development considers effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area.

	2.2.8c As part of the development process, decisions on land use, subdivision and development include ongoing consultation and collaboration with tangata whenua where appropriate. 2.2.8d Development and the decisions associated with developments where required are to consider any relevant Iwi Management Plan.

Explanation

The relationship between tangata whenua and the whenua awa, moana, maunga, taiao katoa (land, waterways, ocean, and mountains) and wider environment is acknowledged. These objectives and policies seek to ensure that the values, principles, aspirations, roles and responsibilities and the place of tangata whenua are reflected and incorporated into strategy, governance and implementation of the District Plan. The policies envisage involvement of tangata whenua in managing the use, development, and protection of their ancestral taonga.

Waikato-Tainui Te Kauhanganui Incorporated is the recognised Iwi Authority for 33 registered Waikato-Tainui hapu within the rohe of Waikato Tainui. Waikato-Tainui has signed two major settlements with the Crown, the Waikato Raupatu Claims Settlement Act (1995) and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The 1995 Settlement created the Waikato Raupatu Lands Trust and the 2010 Settlement created the Waikato Raupatu River Trust.

It is acknowledged that local hapu Ngaati Waiwere have strong links with the land within the City's boundaries. This hapu occupied Kirikiriroa in the 1830s when missionaries first arrived. Ngaati Waiwere is related to many other Tainui hapu including Ngaati Tamainupo, Ngaati Mahanga, Ngaati Haua, Ngaati Koroki, and Ngaati Mahuta who also have a far reaching relationship to the area.

Objective	Policies
2.2.9 The health and wellbeing of the Waikato River is restored and protected so that it may sustain abundant life and prosperous communities.	2.2.9a Provide programmes of action to achieve targets to improve the health and wellbeing of the Waikato River.
	2.2.9b Promote an integrated, holistic and coordinated approach to the management of the natural, physical, cultural and historic resources of the Waikato River.

Explanation

The 'Te Ture Whaimana o Te Awa o Waikato' – The Vision and Strategy for the Waikato River (refer to Volume 2, Appendix 10) is the primary direction-setting document for the Waikato River and its catchments. The vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces for generations to come.

Hamilton's Identity, Character and Heritage

Objective	Policies
2.2.10 Hamilton's unique character, heritage and identity are reflected in its built environment.	2.2.10a Development is sensitive to and enhances Hamilton's identity and character.
	2.2.10b Development enhances Hamilton's unique character areas, precincts and projects through urban design and public art.
	2.2.10c Development is sensitive to and protects Hamilton's archaeological and cultural heritage sites, structures, areas, landscapes and places.
	2.2.10d Development provides for the protection of historic and cultural heritage from inappropriate subdivision, use and development.
Explanation	
<i>This objective and policies aim to promote characteristics and values that are unique to Hamilton, and seek to ensure that development and growth reflects these. Council plans to develop Local Area Plans to assist in the development of some areas to reflect its character, identity and heritage through quality urban design.</i>	

Natural Environment

Objective	Policies
2.2.11 Protect and enhance natural character, natural features and landscapes, ecosystems and indigenous biodiversity.	2.2.11a Land use and development protects natural character, natural features and landscapes and ecosystems and promotes positive outcomes for indigenous biodiversity in the Waikato region.
	2.2.11b Land use and development maintains the extent and, where possible, enhances ecological corridors.
Explanation	
<i>Ensuring environmental considerations are integrated into the future development of Hamilton is crucial to achieving sustainable management of the City's natural and physical resources. Part 2 of the Act, the Regional Policy Statement and the City's Environmental Sustainability Strategy provide a legislative and policy framework to ensure that environmental considerations are considered at all levels of land use and development. The aim is to improve local amenity, protect and enhance habitats and to ensure efficient use of resources.</i>	

Resource Efficiency

Objective	Policies
2.2.12 Efficient use and development of natural and physical resources, especially land, buildings and infrastructure.	2.2.12a Development enables and encourages waste minimisation and efficient use of resources through design and construction methods.
	2.2.12b Buildings should be designed so they can be adapted in the future for a range of uses.
	2.2.12c Development is designed to consider and adapt to the expected effects of climate change.
	2.2.12d Development enables and encourages the efficient use of resources and recognises the benefits resulting from integrated land use planning.
Explanation	
<i>Efficient use and development of resources is a principle of the Act and contributes to sustainable management. The Regional Policy Statement seeks for the use and development of natural and physical resources to occur at a rate that is efficient and minimises waste. In accordance with this, the City's Access Hamilton and Environmental Sustainability Strategies emphasise that development in Hamilton needs to be managed sustainably. This objective and policies provides the strategic framework to ensure Hamilton can achieve a more sustainable and quality urban environment. It is recognised with the design of buildings that it will not always be possible to adapt to a range of uses. These include specialised buildings for manufacturing and dwellings.</i>	

Integrate Land Use, Transport and Infrastructure

Objective	Policies
2.2.13 Land use and development is integrated with the provision of infrastructure (including transport, Three Waters services and open space).	2.2.13a Development shall not compromise the safe, efficient and effective operation and use of existing or planned infrastructure.
	2.2.13b Development allows for future infrastructure needs, including maintenance, upgrading and co-location where appropriate.
	2.2.13c New development connects well with existing development and infrastructure.

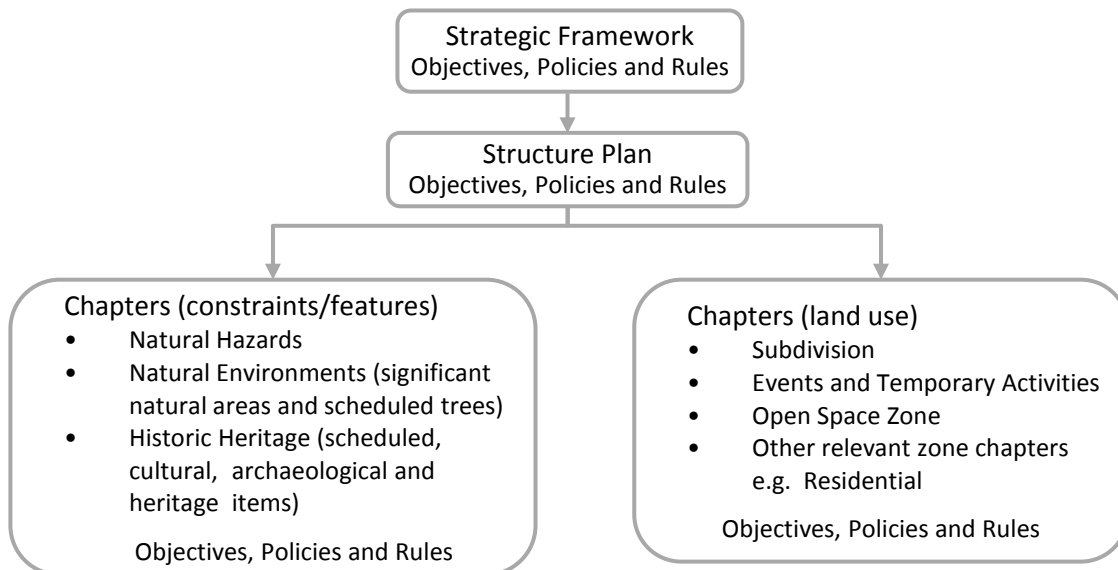
	2.2.13d Development does not result in incompatible adjacent land uses with respect to existing or planned infrastructure.
	2.2.13e Rail, cycle, pedestrian, passenger transport and motorised vehicle networks are well connected and integrated across and beyond the City.
	2.2.13f Development should promote strong connections to, and use of, passenger transport and active modes of transport.
Explanation	
<i>The objective and policies promote sustainable management under the Act and the Regional Policy Statement. Specific to the Hamilton context, the objective and policies derive from several of the City's Strategies, including Access Hamilton, the Environmental Sustainability Strategy, the Economic Development Strategy and the Hamilton Urban Growth Strategy.</i> <i>Council's Long Term Plan or Annual Plan and the National Land Transport Programme sets out the programme for providing infrastructure to service growth. Where a developer wishes to pursue development ahead of Council's or NZTA's programmes, a development agreement will need to be entered into with Council, or NZTA, with respect to the state highway network, to ensure that the infrastructure is provided in a way which is safe, efficient and sustainable from a City-wide and network perspective.</i> <i>The integration of land use, transport and infrastructure is an essential means of ensuring development effectively and efficiently uses resources. Structure plans, Integrated Transport Assessments, Integrated Catchment Management plans, Water Impact Assessments and the Open Space Strategy will be used to ensure development does not compromise existing or planned infrastructure.</i>	



3 Structure Plans

3.1 Purpose

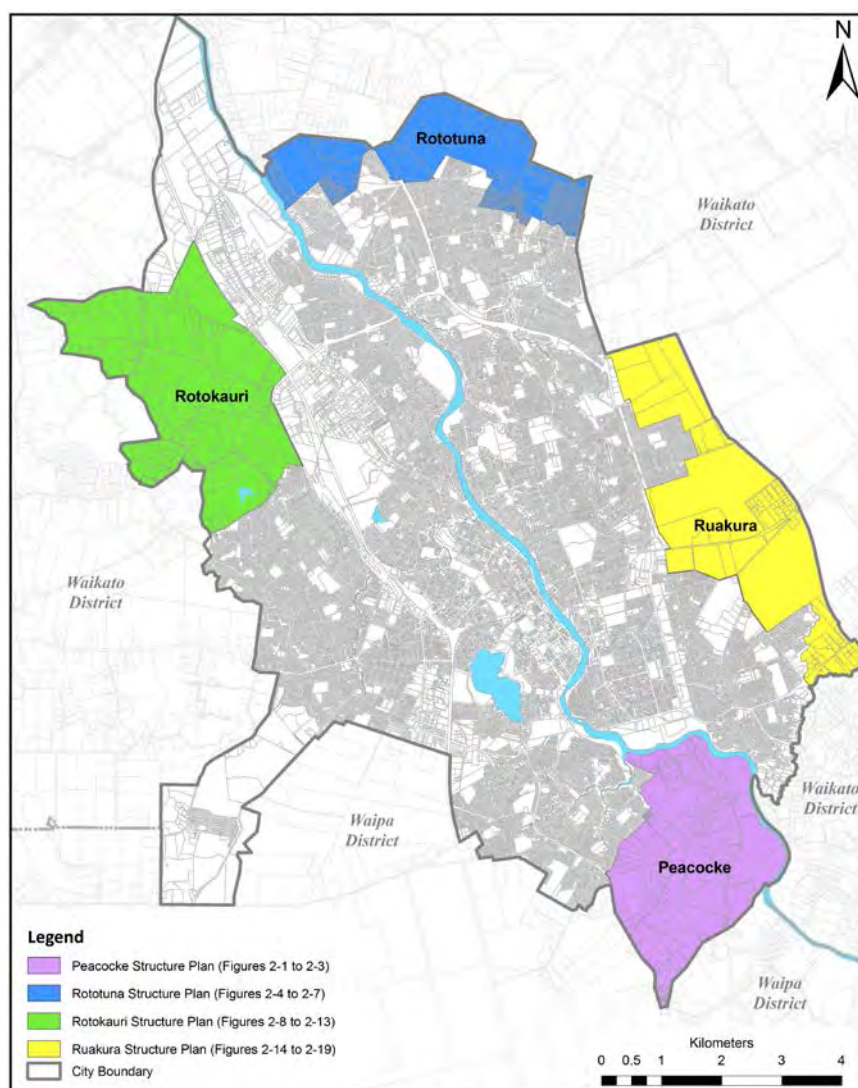
- a) This chapter contains objectives and policies relating to current Structure Plan areas (refer to Volume 2, Appendix 2). It also provides objectives, policies and guiding principles for any future Structure Plans which are predominantly within greenfield areas. This chapter must be read in conjunction with other relevant parts such as the Zones chapters.



- b) A Structure Plan illustrates the proposed layout of a future development area.
- c) The preparation of a Structure Plan is one of the first steps in advancing the development of new urban areas. It illustrates land uses such as residential, commercial, industrial and public open space. Structure plans usually contain broad servicing details such as transport configuration and may include other important key infrastructure features such as Three Waters networks. The level of detail can vary and may also show information such as housing density.
- d) The purpose of a Structure Plan is to plan for the future in an integrated manner by:
- Outlining a vision for the future.
 - Setting out where growth can be accommodated and setting out a future land use pattern.
 - Providing for staging of development.
 - Guiding infrastructure planning including transport corridors, Three Waters, community facilities and public open space.
 - Identifying the financial feasibility of the development from a Council, Infrastructure provider and landowner perspective.

- e) A Structure Plan has two main parts which must be incorporated into the District Plan:
 - i. Guiding principles including objectives and policies specific to the Structure Plan area.
 - ii. Map(s) showing the intended pattern of development. This could include information in respect of the following: transport corridor general location and hierarchy, public reserves and links, areas for preservation, protection or restoration/enhancement, development intensities for residential or other activities, if appropriate, and such other matters as may be relevant to or significant for urban development in the area.
- f) The maps or plans are at a high level of information and do not typically go into such detail as individual lot boundaries or the physical form of buildings and structures. Although a Structure Plan indicates future land uses, the rules that control the development of the land are contained in the District Plan zone chapters.
- g) Currently prepared Structure Plans are incorporated into the District Plan. Future Structure Plans should also be incorporated into the District Plan, either through a variation or plan change.

Figure 3.1a: Structure Plan Locality Guide



3.2 Principles

To provide consistency across the City, Structure Plans should adopt the following principles where appropriate:

- a) Outline planning outcomes for each Structure Plan area, for example:
 - i. Development suitability, including any land-use constraints and opportunities such as natural hazards, topography, soil type, contamination, heritage, infrastructure, reverse sensitivity constraints.
 - ii. The land uses envisaged in the Structure Plan area.
 - iii. Transport network connections and indicative primary transport corridors.
 - iv. Reserves (the location of these may be fixed or indicative depending on context).
 - v. Other major infrastructure where relevant.
 - vi. How existing features of the area, including amenity, landscape, natural character, ecological values, water bodies, high class soils and view catchments, will be managed.
- b) Include indicative maps that illustrate the broad planning outcomes sought.
- c) Achieve the dwelling density targets set out in the Regional Policy Statement.
- d) Provide a high level of connectivity both internally and external to the Structure Plan area.
- e) Recognise, protect and enhance natural, built and cultural heritage.
- f) Avoid patterns of land use and development that:
 - i. Puts vulnerable land uses in areas affected by natural hazards; and
 - ii. Exacerbates or creates new natural hazards.
- g) Integrate seamlessly into the rest of the District Plan by using District Plan mechanisms, including existing:
 - i. Zones.
 - ii. Overlays.
 - iii. Defined terms.
 - iv. Design guides.
 - v. Formatting and style.
- h) Give effect to the Vision and Strategy for the Waikato River.

3.3 Objectives and Policies: Structure Plans

When consent is required for subdivision and/or development within a Structure Plan area, the proposal must consider where relevant the objectives and policies below and any objectives and policies specific to that Structure Plan area (refer to 3.4 to 3.7).

Objective	Policies
3.3.1 Optimised, long-term, positive environmental, economic, social and cultural effects of greenfield development.	3.3.1a Development should be in general accordance with the relevant Structure Plan.
	3.3.1b Development of Structure Plan areas should aim to achieve: i. An overall residential density of 16 dwellings per hectare (excluding transport corridors).
	3.3.1c The design of development should provide population densities that support safe efficient passenger transport and opportunities for walking and cycling.
	3.3.1d Interim land use and development including low density residential development should not compromise the integrity and viability of the land use pattern for the relevant Structure Plan.
Explanation	
<i>The Regional Policy Statement sets dwelling density targets, derived from Future Proof. These will be achieved by managing lot sizes and subdivision yields in Structure Plan areas. Future commercial and industrial land requirements are also identified in the Regional Policy Statement. The targets exclude the Large Lot Residential Zone.</i> <i>Structure Plans are a mechanism for achieving the future land uses and density targets as set out in the Regional Policy Statement and Future Proof.</i> <i>Activities such as land use and subdivision need to be managed in the interim. There is the potential for these to undermine the ability of the Structure Plan area to be implemented.</i>	
Objective	Policies
3.3.2 New urban development is appropriately serviced and properly integrated to minimise City network impacts.	3.3.2a The use of land for urban development will not be allowed unless appropriate infrastructure is provided for and the servicing of this land will maintain the efficiency and sustainability of regionally significant existing and planned infrastructure.

	3.3.2b New development is able to be adequately serviced in terms of Three Waters and transport infrastructure.
	3.3.2c Development is co-ordinated with the provision of infrastructure and social infrastructure.
	3.3.2d Staging and sequencing is in general accordance with any staging indicated on the relevant Structure Plan.
Explanation	
<i>Infrastructure must be planned in advance of development. Infrastructure includes Three Waters and transport networks, as well as social infrastructure such as libraries and community halls. Infrastructure must be provided not only to service one development but must be of an appropriate size to integrate with the existing and future infrastructure networks.</i> <i>Council's Long Term Plan or Annual Plan sets out the programme for providing infrastructure to service growth. Where a developer wishes to pursue development ahead of Council's programmes, a Development Agreement will need to be entered into with Council to ensure that the infrastructure is provided in a way which is efficient and sustainable from a city-wide perspective. In these cases it is anticipated that developers will bear the full costs of infrastructure provision.</i> <i>This approach will enable growth in areas that are not funded for infrastructure to be funded by developers under Development Agreements between all parties. The reason for Council's approach is due to its inability and the inability of other infrastructure providers to invest in infrastructure necessary to support the development of the growth cells all at once. This will enable the sustainable management of growth for the social and economic well-being of the community and meeting the needs of future generations.</i>	
Objective	Policies
3.3.3 Effective and integrated management of Three Waters so as to sustainably manage the impact of development on the City's natural and physical resources.	3.3.3a Three Waters will be managed in accordance with the relevant Integrated Catchment Management Plan.
	3.3.3b Integrated Catchment Management Plans shall be developed to determine how to manage Three Waters in an effective and integrated manner including by: i. Minimising the effects of urban development on downstream receiving waters. ii. Managing the run-off from the different relief and soil types in an integrated manner.

	iii. Sustaining groundwater levels in peat soils as far as practicable. iv. Safeguarding and enhancing the natural functioning and ecological health of freshwater bodies and areas of indigenous vegetation, water features and habitats. v. Retaining a hydrological cycle close to the pre-development hydrological cycle as far as practicable. vi. Maintaining stormwater discharge from the catchment to at or below pre-development levels. vii. Incorporating Low Impact Urban Design and Development (LIUDD) principles. viii. Identifying and incorporating appropriate water-sensitive techniques. ix. Recognising social, economic, environmental and cultural objectives for the catchment.
Explanation	
<i>Integrated Catchment Management Plans allow the collective consideration of all Three Waters.</i> <i>Managing the stormwater effects of future subdivision, use and development is critically important. A full Integrated Catchment Management Plan should be prepared iteratively with the development of each Structure Plan.</i> <i>Effective management of stormwater will maintain or improve the quality of the stormwater entering the receiving environment. This means maintaining flow regimes, re-vegetating riparian margins, minimising the potential for contaminants to enter water bodies, reducing flows into stormwater networks through the adoption of low-impact stormwater design, and ensuring groundwater levels are maintained.</i>	
Objective	Policies
3.3.4 An integrated and efficient pattern of land use and transportation so as to sustainably manage the impact of development on existing and planned transport infrastructure.	3.3.4a Integrated Transport Modelling is undertaken for all Structure Plan areas.
	3.3.4b Movement routes are integrated with surrounding neighbourhoods and existing and planned transport networks.
	3.3.4c Enable connectivity with other undeveloped adjoining sites.
	3.3.4d The transport network supports efficient passenger transport and opportunities for walking and cycling.

	3.3.4e Environmental impacts of building new transport corridor infrastructure are minimised. 3.3.4f Opportunities for improved safety, accessibility, connectivity and efficiency within the transportation network are provided.
Explanation	
<i>Integrated Transport Modelling, utilising the Waikato Regional Transportation Model, is an essential component of the Structure Plan process and land uses and the transport network should be developed iteratively, each informing the other. This modelling should inform any future Integrated Transport Assessment required in structure plan areas.</i> <i>The transport system must cater for movement into the Structure Plan area from other parts of the City, as well as movement within the Structure Plan area itself.</i>	
Objective	Policies
3.3.5 Compatible buildings and activities.	3.3.5a Adverse effects of activities near zone boundaries are managed through setbacks, building design, and landscaping.
	3.3.5b Sensitive land uses avoid adverse effects on and from regionally significant infrastructure and regionally significant industry.
	3.3.5c Development to avoid adverse effects on the safe, efficient and effective operation and use of existing or planned infrastructure.
Explanation	
<i>This objective recognises the importance of managing both structures and activities at the interface of different land uses. This can be managed by zones through setbacks, design of buildings, and landscaping.</i> <i>These policies recognise the need to manage residential and other sensitive land uses around regionally significant infrastructure and industry, existing and proposed. The purpose is to manage the effects that sensitive activities and structures can have on the infrastructure, and the adverse effects that the infrastructure and industry can have on sensitive uses.</i> <i>Regionally significant industry is defined in the Waikato Regional Policy Statement.</i>	

Objective	Policies
3.3.6 Development responds to land suitability including topography, landscape, natural features, soil type, natural hazards, heritage features, adjoining land uses.	3.3.6a The loss of significant vegetation is minimised.
	3.3.6b Large-scale earthworks and modifications to landforms are avoided where possible to ensure development retains features of the landscape identified on structure plans.
	3.3.6c Road layouts adjacent to identified natural features recognise and retain their natural form where practicable.
	3.3.6d The scale and quantum of development and land use type recognises land characteristics and suitability and adjoining land uses.
Explanation <i>Topographical features, significant vegetation, natural features such as soil type, flood hazard, heritage features, bank stability, river and gully systems, adjoining land uses should be identified through the Structure Plan process. Structure planning should acknowledge and appropriately respond to such features.</i>	
Objective	Policies
3.3.7 A range of well-connected, functional public open spaces.	3.3.7a The location and size of public open spaces is provided in accordance with Council's Open Space Plan.
	3.3.7b Recreational activities are considered for co-location with: i. Multifunctional stormwater management. ii. Walkways and cycleways. iii. Cultural and heritage sites. iv. Significant Natural Areas.
	3.3.7c Promote appropriate and improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
Explanation <i>Public open space is usually indicative on Structure Plan maps, and exact sizes and locations will be determined at the time of subdivision consent. The Hamilton City</i>	

Open Space Plan, September 2013 sets out a 50-year strategic direction for Hamilton's parks and open spaces. The Open Space Plan presents a series of goals, priorities and an action plan that responds to the needs, challenges and opportunities facing Hamilton's open spaces.

3.4 Peacocke

- a) The Peacocke area is a 720ha area of rural land to the southeast of the Glenview suburb of Hamilton City. The land was incorporated into the City from the neighbouring Waipa District Council in 1989 for the express purpose of providing for the City's future urban growth.
- b) For this reason the Peacocke Structure Plan has been prepared to provide a resource management framework to guide future use and development of the area and will be used to inform future District Plan changes, develop an infrastructure programme and a basis to provide guidance to development within this Growth Cell prior to the rezoning of the area.
- c) The Peacocke Structure Plan promotes ideas regarding urban design concepts and consideration around urban form, the transport network and the natural environment. These ideas are based on the following key principles:

Contextual Design: Ensure that future development considers the natural environment, built environments and how development fits into the surrounding area as part of the design solution. This will help to establish the quality of development wanted for the area.

Concentration: Ensure that future development is undertaken at an appropriate density and intensity of use that preserves and restores the ecological integrity of the area while improving the quality of life for residents, facilitating a vital economy, and promoting the efficient use of land and community assets.

Accessibility and Connectivity: Ensure that the movement network within the area is legible, permits ease of movement and avoids severing neighbourhoods by ensuring an integrated street network that provides an appropriate block layout that is well connected and integrated with the wider environment.

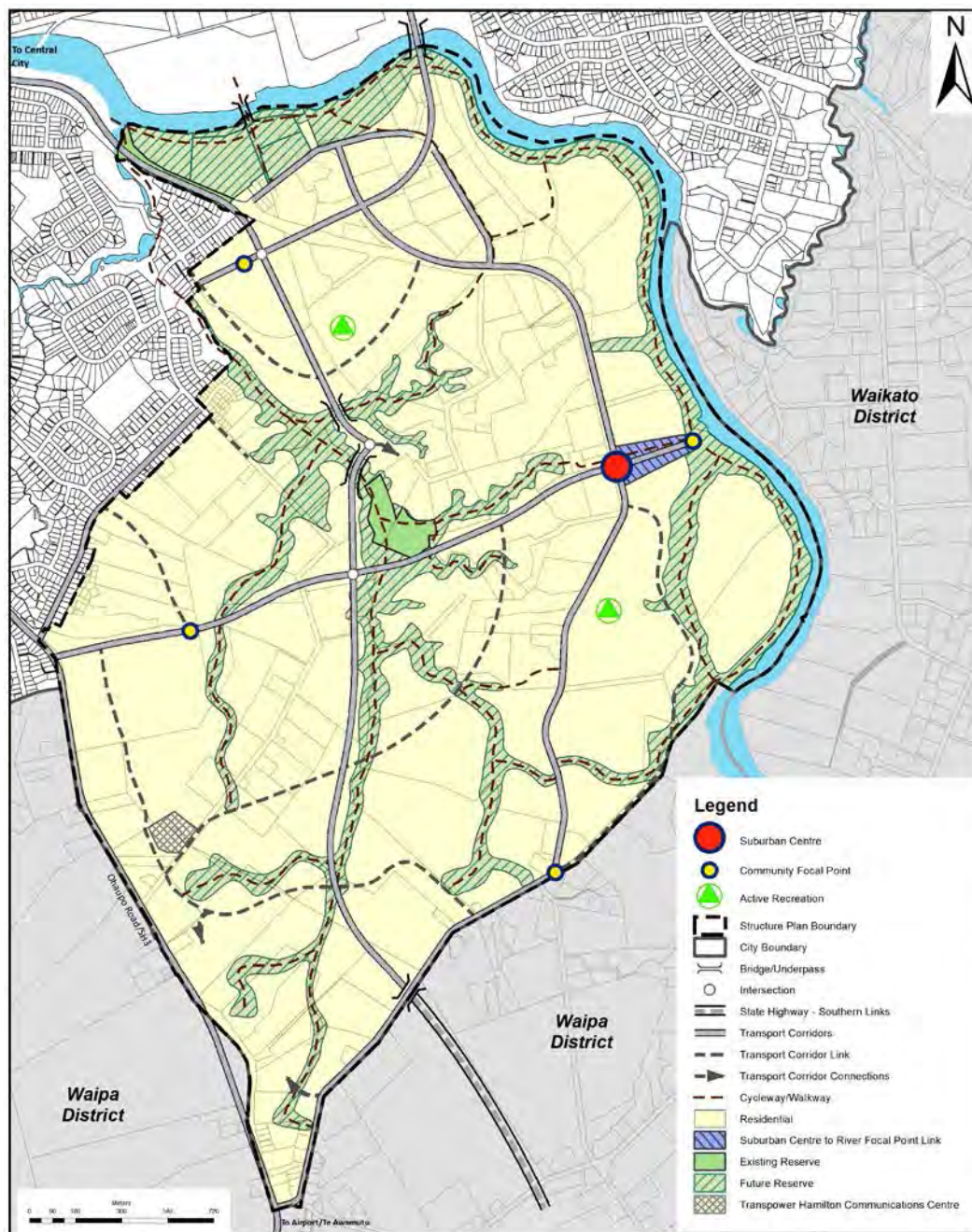
Legibility and Identity: Ensuring that the future layout is easily understood, through the development of routes, neighbourhoods, nodes, edges and landmarks. Provide neighbourhoods with a distinctive character that allows people to experience, and take ownership, of their unique community.

Innovation: Encourage future development within Peacocke to be innovative and implement best practise methods.

Vision

The vision for the Peacocke area is that it will become a high quality urban environment that is based on urban design best practice, social well-being, and environmental responsibility.

The goal for Peacocke is that development will respond positively to its natural setting and built form to develop a number of well connected neighbourhoods based on an urban development concept that respects and restores the area's natural environment.

Figure 3.4a: Peacocke Structure Plan – Land Use

3.4.1 Objectives and Policies

When consent is required for subdivision and/or development within the Peacocke Structure Plan area, the proposal must be in accordance with the objectives and policies below and any general objectives and policies for Structure Plan areas (refer to 3.3).

Peacocke Natural System

To strengthen the natural and ecological environment within Peacocke.

Objectives	Policies
3.4.1.1 Protect and enhance significant natural areas.	3.4.1.1a Protect the physical integrity and ecological and stormwater function of the Mangakotukutuku Gully and Waikato River margins.
	3.4.1.1b Provide an undeveloped open space buffer zone beyond the top edge of the Mangakotukutuku Gully and Waikato River to improve legibility from all parts of the growth cell.
	3.4.1.1c Encourage lower density development (lot sizes of 800m ² +) along the gully network.
	3.4.1.1d Provide for revegetated gullies and river margins.
	3.4.1.1e Manage stormwater to minimise the effect of urban development on Mangakotukutuku stream values and functions, maintain the ability of the stream to continue to provide habitat for threatened aquatic species and minimise adverse effects on the stream water quality and habitat.
3.4.1.2 Create ecological and open space links between gully and river.	3.4.1.2a Provide green corridors between the major arms of the Mangakotukutuku Gully and Waikato River.
	3.4.1.2b Align collector and local street networks to create strong physical and visual connections between the gully system and river.
	3.4.1.2c Provide a green corridor along the Waikato River that provides pedestrian and cycling facilities and amenity.
3.4.1.3 Develop only on suitable slopes and avoid modification of landforms.	3.4.1.3a Slopes steeper than 15 degrees are regarded as unsuitable for development given accessibility, stability and the extent of earthworks required.

Objectives	Policies
	3.4.1.3b Large-scale earthworks and modifications to landforms should be avoided to ensure development responds positively to the landscape and enables the creation of a distinctive urban form.

Peacocke Built Environment

The development of a unique and vibrant urban environment that responds positively to the natural environment, which still portrays liveability, diversity and safety.

Objectives	Policies
3.4.1.4 Integrate movement routes with surrounding neighbourhoods.	3.4.1.4a Extend existing primary movement routes into the growth cell and use new routes to 'stitch' these together. Use these routes to orientate the secondary street network.
	3.4.1.4b Create a high degree of connectivity both within and out of the Structure Plan area.
	3.4.1.4c Enable access to employment, entertainment, retail and recreation through the integrated transport network.
	3.4.1.4d Seek ways to reduce the impact of major movement barriers such as major arterial roads, the Mangakotukutuku Gully and the Waikato River.
3.4.1.5 Ensure that higher density development is linked to social and natural amenity.	3.4.1.5a Increase density around nodes, parks and riverfront areas.
	3.4.1.5b Take advantage of areas of high amenity.
	3.4.1.5c Intersect proposed passenger transport routes with nodes for critical mass of population and efficient interchange capabilities.
	3.4.1.5d Encourage urban form that reduces dependency on the car by focusing on intensification and encouraging walking, cycling and the use of passenger transport.

Objectives	Policies
3.4.1.6 Encourage an overlapping mix of land uses.	3.4.1.6a Provide a wide variety of land use activities within comfortable walking distance of the highest population densities and amenity.
	3.4.1.6b Use mixed use planning rules to encourage a diverse and compatible range of activities, both vertically and horizontally.
3.4.1.7 Provide a public edge to the gully and river.	3.4.1.7a Avoid new development 'turning its back' or privatising edges to major natural features and recreational areas.
	3.4.1.7b Avoid the creation of access barriers to allow for a wide spectrum of the resident population and visitors to physically access or visually interact with these features.
3.4.1.8 Utilise natural promontories and edges to develop distinct urban areas.	3.4.1.8a Use natural features to define neighbourhood edges and inform the development of a diverse range of living environments across the growth cell.
	3.4.1.8b Use these landscape qualities as generators for niche market opportunities.
	3.4.1.8c Focus on the creation of a stimulating river side urban development that is unique to Hamilton.
3.4.1.9 Locate neighbourhood centres within walking distance to recreational areas.	3.4.1.9a Development should be contained in distinctive neighbourhoods that are walkable and safe and linked by a high quality open space network.
3.4.1.10 Future-proof the Peacocke Structure Plan area.	3.4.1.10a Recognition of the role of Peacocke in the City as well as the sub-region.

Peacocke Social Wellbeing

Create an urban form and public realm that encourages strong and vibrant communities and neighbourhoods that are attractive, safe and well connected.

Objectives	Policies
3.4.1.11 Locate large recreation areas on flat sites at the periphery of dense urban areas.	3.4.1.11a Locate formal sports pitches on slopes less than 1:50 and of sufficient coverage to avoid large quantities of cut and fill.
	3.4.1.11b Locate large recreational areas on the periphery of higher density areas where a balance can be struck between proximity and the impact these large areas have on critical population catchments.
	3.4.1.11c Locate formal sports fields on collector or minor arterial routes to ensure the sustainable use of the roading network and limit impact on surrounding neighbourhoods.
3.4.1.12 Develop the neighbourhood as the building block of the area.	3.4.1.12a Establish an integrated network of neighbourhoods, each distinctive and each with its core and sense of place.
	3.4.1.12b Focus neighbourhoods around parks, schools, centres, and main streets.
3.4.1.13 Create a continuous network of open space.	3.4.1.13a Establish a series of green spaces providing connections and meeting places.
	3.4.1.13b Ensure a high level of public access to the Waikato River corridor.
3.4.1.14 Regenerate existing suburbs through shared amenities.	3.4.1.14a Utilise new investment as an opportunity to improve or develop new amenities where deficiencies are recognised and allow new residents to 'tap' into and help sustain existing community structures.
	3.4.1.14b Avoid conflicts with overprovision of amenities and undue competition with existing facilities.
	3.4.1.14c Integrate into the existing urban form and natural and built environments.

Peacocke Cultural Environment

Through urban and environmental design recognise and celebrate historic and cultural features within the Peacocke area.

Objectives	Policies
3.4.1.15 Protect historic and culturally significant sites or features.	3.4.1.15a Respect known pa sites, borrows pits and other cultural associations with waterways and the land, through the creation of protective reserves or enlightening developers to ways of integrating these features into new developments for the benefit of all stakeholders.
	3.4.1.15b Culture and heritage can be generally perpetuated through retaining familiar landmarks and also by non-physical means, such as place names.
3.4.1.16 Protect surrounding rural views behind ridgelines, distance views to the City and regional landscape features.	3.4.1.16a Maintain strategic views from Peacocke Road and the localised knoll near Peacocke Lane to areas outside the growth cell through lower density development and greater building setbacks in these locations.
	3.4.1.16b Restrict the impact of higher density areas on the rural character by generally containing visual effects within the catchment area of the Mangakotukutuku Gully.
	3.4.1.16c Provide greater building setbacks along the Ohaupo and Peacocke Road ridgelines and minimise reverse sensitivity effects of rural activities on urban land uses.
	3.4.1.16d Provide for lower density development (lot sizes of 1000m ² +) in areas of undulating topography.

3.4.2 Structure Plan Components

3.4.2.1 Natural Character Areas

Development within Peacocke needs to respond to the strong landscape features; including the Mangakotukutuku Gully system, the Waikato River Terrace areas, and the Southern Hills area as shown on Figure 2-3 Peacocke Structure Plan, Character Areas and Neighbourhoods in Volume 2, Appendix 2.

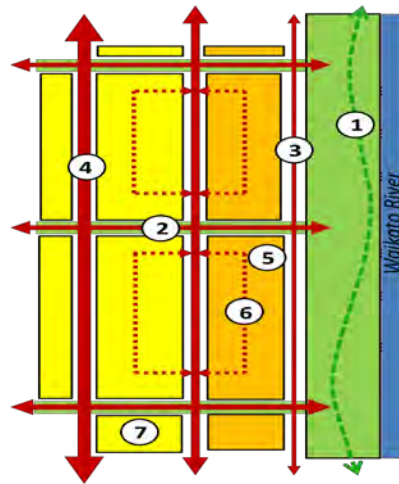
While the urbanisation of the Peacocke area will transform the existing environment, it is essential the extent of earthworks and land modification undertaken is required to ensure that the natural landforms inform the shape of urban development.

As it is the aim to create an interesting and distinctive urban form based on the underlying landform, the Structure Plan has identified three natural character areas that will guide future development of the Peacocke area. These character areas are:

a) Terrace Area

- i. This area is located adjacent to the Waikato River edge and has a high level of amenity. High density residential development would benefit from location in this area. Residential development will be a combination of general residential development, terrace housing and apartments. Development along the river will be required to create a public frontage to a river esplanade by ensuring dwellings front on to the river and the establishment of a local road or access lane that provides public access along the river will create a safe and usable river esplanade (refer to Figure 3.4.2a).
- ii. Public access to the river will be maintained with the development of 'green streets'. Giving priority to pedestrian circulation and open space over other transportation uses may include sidewalk widening, landscaping, traffic calming, and other pedestrian-oriented features. A green street will enhance and expand the public open space in the immediate area, reinforce desired land use, transportation patterns, and linkages down to the river esplanade (refer to Figure 3.4.2a).
- iii. A master plan will be required for the river frontage prior to any development taking place, in order to ensure the large river frontage is fully utilised, creating an interesting and distinctive urban form.

Figure 3.4.2a: Diagram showing the street pattern that encourages increased accessibility to the Waikato River Esplanade



1. River Esplanade – Pedestrian/Cycle network connecting Peacocke to Suburban Centre to Central City
2. 'Green Streets' connecting neighbourhoods to the River Esplanade
3. Local road/access lane fronting River Esplanade providing public access
4. Main traffic route setback from river front
5. Higher density residential development in areas of high amenity
6. Access to residential lots from rear lanes
7. General residential development

b) Gully Area

- i. The environmentally sensitive area of the Mangakotukutuku Gully network runs through the centre of Peacocke. Because of the natural sensitivity of this area lower urban densities are appropriate. Where the topography does not allow connectivity, lots should be arranged around 'cul-de-sac' spurs, limiting the need for the filling in of gullies or the re-contouring land (refer to Figure 3.4.2b).

Figure 3.4.2b: Concept illustrating the use of roading along the gully to make the gully system more legible and reduced densities around the gullies to protect the natural and ecological environment



1. Use cul-de-sacs where connectivity is constrained by topography
2. Roading and Open Space buffer along gully
3. Larger lots along gully 800m² to 1200m²
4. Gully as public reserve land creates a strong feature within the urban fabric

- ii. The visual sensitivity of the Mangakotukutuku Gully network needs to be acknowledged. The heavily incised nature of the Mangakotukutuku Gully means it potentially has poor legibility and little visual relationship with the wider urban form, particularly if privatised and enclosed along its edges. To protect against this, an open space buffer running along the top of the banks,

will allow the gully system to be legible and in turn provide definition to the surrounding urban form (refer to Figure 3.4.2b).

- iii. Conversely local roads should run along the gully edge in as many places as possible with houses on one side of the street only, or the gully edge be maintained as public reserve land (refer to Figure 3.4.2b).
- iv. It is inevitable that some roads will have to cross the gully arms to create a well connected and integrated transport network. However it is envisaged that collector and local roads should generally be routed around the gully arms to minimise modification of the landform and limit ecological damage.
- v. In terms of density of development, lot sizes of between 800m² and 1200m² would be more suitable for land immediately adjoining the gully system (refer to Figure 3.4.2b). This will ensure the amount of impervious surface is reduced and provide opportunities for water sensitive techniques to be used. A reduction in density adjoining the gully system will contribute visually to a more open and distinctive urban form, allowing the gully itself to be the dominant organising feature.

c) Hill Area

- i. The undulating topography in the southern area of Peacocke is proposed for lower overall density (lot sizes of 1000m²+) with higher intensity arranged along the ridgeline. Steep slopes in this area should be kept in their natural form, through active planting of these areas with indigenous plants. Roads and access ways should follow the contours to ensure minimal disturbance of the natural topography.
- ii. The elevated ridges in the southern portion of Peacocke provide a degree of physical and visual containment to the growth cell but they are not prominent skyline ridges needing preservation from urban development. However it is desirable to maintain a more generous open setting along slopes to ensure the views of the hills are not completely obscured. The elevated nature of this area can be used to create distinctiveness.
- iii. The localised knoll to the east of Peacocke Lane is the main highpoint in the northern part of Peacocke. There is an opportunity to utilise this to provide a point of difference through design guidance or the possible development of specific provisions for the area to encourage development to respond to the landform. This may involve lessening the density or creating a different urban form in this area. Avoidance of significant roading through or over such features should also be part of this response.

3.4.3 Nodes

3.4.3.1 Community and Recreation Facilities

- a) In order to achieve a sustainable balance of land use activities it is important to ensure that a range of formal and informal recreational opportunities are provided to meet the diverse needs of the intended growing population of the Peacocke area.
- b) Community facilities such as a public library, passenger transport facilities, schools and other community facilities will be required to support this growing

community over time. When required, these facilities will be developed within or close to the commercial and community focal points identified, to ensure they are easily accessible to the residential areas of Peacocke.

- c) Recreational facilities for the area, including the parks and reserves network need to meet multiple functions. Thus where possible:
 - i. Neighbourhood reserves will be integrated with the gullies,
 - ii. Sports parks may have natural areas, play lots and links to gullies,
 - iii. Riverside reserves will provide for walkways/cycle ways, may have nodes that serve as neighbourhood parks and will incorporate protection of natural areas,
 - iv. All parks will provide landscape amenity, and where possible will support environmental values, and
 - v. Serve as stormwater peak flow detention basins.
- d) The two major sports parks will contain a number of sports pitches (suitable for senior grade play, junior fields and training areas) and an area that serves a neighbourhood park function. Whilst they will primarily serve the local population, they will also form part of the city-wide network of sporting facilities. Two general locations have been shown, the northern park and the eastern park. The need for large, level, well-drained areas that are accessible will be significant factors in determining their precise location. Consideration will also need to be given to amenity issues with adjacent properties.
- e) The sports parks are to be linked into the green corridors which will help to establish a more integrated network of facilities and improve accessibility. Together the sports parks, neighbourhood parks and major features such as the gully network and river corridor will provide a network of recreational facilities catering for the diverse needs of the local community. They will also make a significant contribution to the character and appearance of the area in line with the objectives and policies, creating public open space around key landscape features.
- f) A major reserve area, on the south side of the Waikato River, will create a major recreational node along the riverbank and provide for the expansion of Hamilton Gardens.
- g) Also neighbourhood parks provide a range of informal recreation facilities, including children's play areas. These will complement the range of facilities provided by the sports parks and provide a smaller scale focal point for the local neighbourhoods. They are intended to serve a catchment area with approximately a 500m radius. In order to provide appropriate levels of accessibility and an even distribution of recreational facilities, each neighbourhood should be provided with a park comprising approximately 0.8 hectare.
- h) Where possible neighbourhood parks should incorporate existing natural features and be sited in prominent locations where there is scope for passive surveillance, outlooks and a high degree of accessibility. They may also act as a transitional area between different activities. Neighbourhood parks will have an informal character with little built development. Like the active recreation sports parks, they will be established within residential areas.

- i) Criteria for the location of neighbourhood parks are:
 - i. Distribution across the growth cell,
 - ii. Respond to the local context and work with the existing landscape,
 - iii. Integrate CPTED principles into the development of the parks,
 - iv. Accessibility to a residential catchment,
 - v. Topography,
 - vi. Ability to protect or enhance natural features,
 - vii. Ability to protect cultural and heritage values,
 - viii. Ability to foster positive neighbourhood identity and provide community focal points,
 - ix. Ability to provide off-road linkages between residential neighbourhoods and facilities, and
 - x. Ability to link areas of natural and ecological value.
- j) The exact location of neighbourhood parks will be determined in consultation with landowners at the time of subdivision, taking into account the criteria above and the local road layout.
- k) The indicative riverside reserve network is intended to create a continuous walking and cycling network along the river's edge. A number of areas of particular landscape value have been identified where the reserve has been widened to indicate Council's intention to acquire the land. The desired outcome is a vegetated and accessible riverbank corridor that provides a buffer between urban development and the river. As part of the riverside reserve it is proposed that a park be established adjacent to the proposed community focal point, thus providing further recreation amenity associated within the Suburban Centre.

3.4.3.2 Neighbourhoods

- a) A key urban design principle for Peacocke is well-connected and walkable residential areas. This means that individual residential neighbourhoods are linked well by local and collector roads, and via off-road walkway and cycleway links. The roading network itself should respond positively to the strong topographical features within each character area such as the arms of the Mangakotukutuku Gully.
- b) Walkable neighbourhoods are also about creating attractive residential areas with legibility and clear linkages to key destinations such as the commercial/community nodes where sports parks, schools and community facilities will be located. Residential densities should be increased around these nodes to concentrate more of the population within easy walking distance of key community infrastructure. In this manner an urban form is more likely to be generated that encourages walking and cycling and a reduced reliance on the private car.

3.4.3.3 Commercial/Community Nodes

It is important that the day to day needs of the emerging community of Peacocke is provided for locally and within walking distance of the various residential areas. It is

envisaged that there will be five commercial/community nodes within the Peacocke area.

These Nodes are split into two categories: Suburban Centre and Community Focal Points.

a) Suburban Centre

- i. The Suburban Centre will be the location for a public library, schools, public transport centre and the focus for the majority of commercial activities within Peacocke. It should also be the location for a secondary school, should one be required to serve the Peacocke area. The Suburban Centre is a street-based, mixed-use centre, based around attractive and well functioning public open space and containing a mix of land uses and facilities that would be expected within a conventional suburban centre (refer to Figure 3.4.3a).
- ii. The Suburban Centre's indicative location on a transport route junction will ensure it is easily accessible to the entire growth cell. The size and configuration of the Suburban Centre will be determined in more detail once a retail needs analysis for Peacocke has been developed.
- iii. Residential activity is a key component of the Suburban Centre. Apartment style development will be encouraged within and beside the Suburban Centre. This could take the form of commercial activity at the ground floor with residential above. The benefit of this is that it injects activity and 'life' into these centres outside of normal working hours.
- iv. The location of the Suburban Centre creates a strong link via a pedestrian orientated 'green street' to a community focal point on the Waikato River. The community focal point will focus on hospitality and small boutique retail as well as encouraging the use of the river esplanade and the river as a potential connection between the growth cell and the Central City and other key destinations (refer to Figure 3.4.3a).

Figure 3.4.3a: Concept plan showing the proposed Suburban Centre and its relationship to the river and distribution of land uses

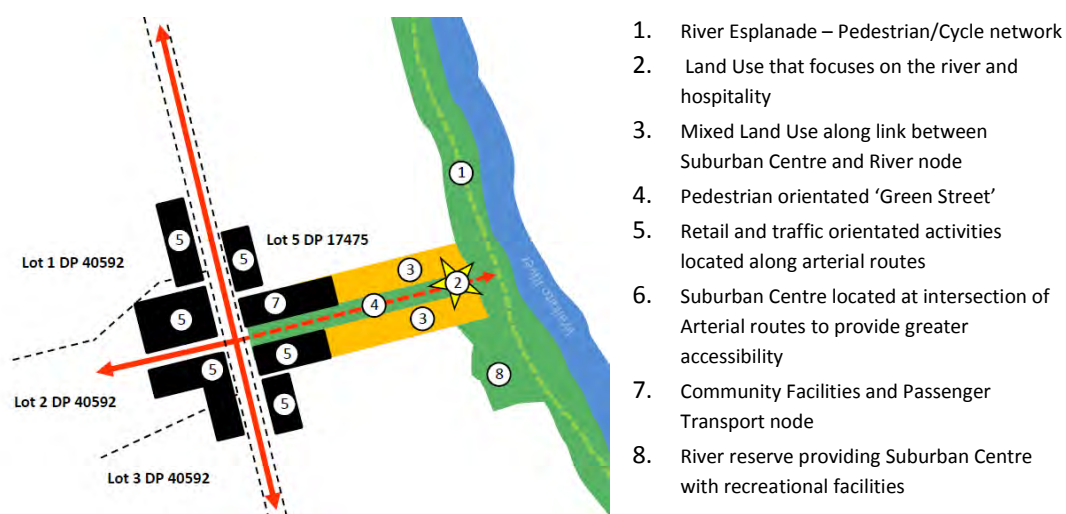


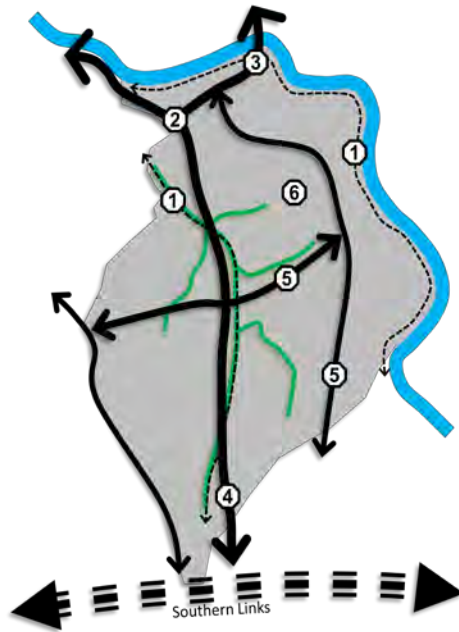
Figure does not define the exact location and extent of the suburban centre and is indicative only.

b) Community Focal Points

- i. These are small in size and serve a local function only. The locations have been chosen to provide a wide distribution across the growth cell maximising the amount of residential land within a five minute walking distance of the centres. The centres are located at junctions to facilitate public transport and accessibility, and adjacent to neighbourhood parks or other open space. These are intended to be the location for future schools in the Peacocke area making them easily accessible from adjoining residential areas. The final make up and location of these community focal points within the neighbourhood will be finalised through the Master Plan process outlined in Volume 2, Appendix 1.2.2.3.

3.4.4 Transport Network

- a) A fundamental urban design principle is the ease of movement to ensure well connected communities. It is essential that transportation routes are designed to give priority to walking and cycling, and facilitate a seamless web of direct and efficient passenger transport routes that connect neighbourhoods with the central area of the City and other key destinations. In considering the final alignment of the Transport Network the alignment of transport routes needs to be taken into account, as identified in Volume 2, Appendix 2, Figure 2-2 Peacocke Structure Plan Staging and Transport Network.
- b) The transport network (refer to Figure 3.4.4a) shown on the Structure Plan is indicative and not intended to show exact alignments. Collector roads in particular are shown conceptually to provide key linkages between different residential neighbourhoods. Their precise alignment will be largely determined as individual subdivisions are progressed.
- c) The transportation network is made up of the following:
 - i. A walkway/cycleway network which wherever possible has been developed as a segregated network (i.e. separated from the carriageway),
 - ii. An arterial transport network which links destinations, and
 - iii. A collector road network which serves to connect residential neighbourhoods together as well as to the arterial roading network.
- d) The distribution of roads across Peacocke is based on this hierarchy through linking key nodes and provides a logical passenger transport network. While in the foreseeable future this will be based on buses, it is intended that the arterial routes can potentially accommodate alternative modes of transport such as light rail.
- e) Furthermore uncertainty around the precise form and function of the Southern Links state highway network also means the roading network needs to be responsive to changing circumstances and priorities. The final alignment of the arterial network within Peacocke will be established through the designation process. Therefore the alignment of some of the arterial routes is highly indicative, especially the southern section of the central major arterial route (refer to Figure 3.4.4a below).

Figure 3.4.4a: Proposed Transport Corridors

The key features of the network are:

1. Walkway and cycleway route linking all parts of Peacocke to the Central City via the Mangakotukutuku Gully and Waikato River corridor
2. 'City Link' major arterial route which traverses through the central portion of Peacocke and links with Cobham Drive at the Cobham Bridge, to provide a direct route to the Central City and hospital
3. 'Eastern Link' major arterial route which branches from the City Link route and crosses the Waikato River near Echo Bank Place linking with Cobham Drive and the Hamilton Ring Road, thus providing a direct route to the eastern side of the City
4. 'City Link' major arterial route forms part of the 'Southern Links' network that will likely connect with Kahikatea Drive in the west, and the Waikato Expressway in the east which provides strong connectivity in all directions
5. Minor arterial network that provides a link between the western and eastern sides of the growth cell, and the main north-south corridor for the eastern part of the growth
6. Collector road network that links individual residential neighbourhoods with each other and with the arterial roading network

3.4.5 Interim Subdivision

- a) The Structure Plan sets the overarching structure and pattern of development, to which an eventual infrastructure programme will need to reflect. While the concepts are flexible in their application to some extent, there are critical elements of infrastructure that must be provided for, within defined corridors.
- b) The probability of the key urban design concepts of the Structure Plan being realised decreases exponentially as the size of allotments decreases. Smaller blocks of land will not be able to achieve the critical mass required to enable neighbourhood centres, or different residential densities to be developed, in a coherent and integrated manner. Essentially this means that the urban form promoted by the Structure Plan may become unachievable if wide-scale interim subdivision occurs.
- c) There is however no fundamental objection to interim development of future growth areas provided the ability for further urban development in an acceptable form is preserved. The provisions within Chapter 23 are intended to manage interim subdivision with these principles in mind.
- d) This approach will provide a more coherent and coordinated response to the interim development pressures that exist, and provide the optimum platform to manage these issues. This ensures that interim development in Peacocke still

enables the City's objective of achieving full urban development in the entirety of the Peacocke area, that is based on good urban design principles and is unique in Hamilton while still providing land owners the opportunity to manage their land sustainably.

3.4.6 Indicative Infrastructural Development Programme

- a) Council's Long Term Plan sets out the infrastructure programme for the City. The infrastructure provision for Peacocke detailed in the Long Term Plan is a programme of roading upgrades, a wastewater storage facility or similar wastewater solution, and extension of water and stormwater services to the area shown as Stage 1 on the Staging plan contained in Volume 2, Appendix 2, Figure 2-2.
- b) Stage 2 of the growth cell does not have an established infrastructure programme within the Long Term Plan. Generally however, it is anticipated that over a 20-25 year period once the necessary bulk trunk infrastructure and transport network has been established (i.e. the installation of a bulk wastewater connection to the existing reticulated network to the north of the Waikato River, and a bridge and transport corridor connection constructed across the Waikato River) to join Peacocke to the City's existing infrastructure networks, development will start. However the development of Stage 2 could be brought forward if the necessary bulk infrastructure and transport networks are constructed outside of the Long Term Plan programme.
- c) The development of Stage 2 is to be staged from the north in the vicinity of the Water Treatment Plant and then proceed in a southerly direction along Peacocke Road.

3.4.6.1 Rule - Proposed Staging of Residential Development

- a) Volume 2, Appendix 2, Figure 2-2 sets out the intended staging of development for Peacocke which at this time consists of a Stage 1 of approximately 85 hectares. The remainder of the growth cell (Stage 2) does not have a staging proposed as infrastructure provision for this area is not within the Long Term Plan.
- b) Development within Stage 1 will be staged as follows:
Stage 1a and Stage 1b will be required to meet the following:
 - i. Stage 1a
Number of dwellings shall be limited to 500.
 - ii. Stage 1b
The development of Stage 1b shall not commence prior to a solution being implemented to mitigate the adverse effects that the combined traffic volumes within Stage 1a and 1b will have on the Dixon Road and State Highway 3 intersection, to the satisfaction of Council.
- c) Any development on Sec 1 SO 57582 or the balance of this parent lot shall be required to:
 - i. Upgrade the existing wastewater network to accommodate any development on the site.

- ii. Implement a solution, which is acceptable to Council, to address the adverse transport effects on Dixon Road/State Highway 3 Intersection from the potential traffic volumes from within Stage 1.
- d) Any development that does not comply with the above will be a non-complying activity.

3.4.7 Provisions in Other Chapters

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

- Chapter 2: Strategic Framework
- Chapter 5: Special Character Zones
- Chapter 23: Subdivision
- Chapter 25: City-wide
- Volume 2, Appendix 1: District Plan Administration

3.5 Rototuna

- a) The Rototuna Structure Plan area is approximately 490 hectares, and was part of land brought into the City in 1989 to facilitate the City's expansion. The Structure Plan has been developed in order to facilitate an integrated, sustainable approach to the management of the natural and physical resources of the Rototuna growth cell.
- b) The Structure Plan promotes urban design concepts and considerations around urban form, identifying proposed land use elements, key natural and physical resources, transport and other infrastructural requirements, parks and reserves, and any potential constraints to development. The Structure Plan considers treatment of key physical features such as gully systems, ridgelines and naturally elevated topography and the river bank, and management options to protect significant features.
- c) The Structure Plan provides the basis for discussion of development proposals between council and developers. It is not intended to act as a blueprint, but creates a framework to guide development to ensure that the Rototuna area develops in an integrated and sustainable way in line with the Vision for the area, acknowledging that the final form of development of the area will be determined by the physical development within the parameters of the Structure Plan as set out in the District Plan.
- d) The Structure Plan (including the Rototuna Town Centre Concept Plan) needs to be read in conjunction with the Rototuna Town Centre Design Guide, relevant rules, and objectives and policies in the Proposed District Plan. All of these elements must be read and interpreted together to give full understanding and effect to Council's vision for the sustainable management of the natural and physical resources of Rototuna.

Vision

A high quality urban environment that has a local focus, well connected transport modes, a choice of living environments and densities, achieves urban design excellence, and retains significant natural features.

3.5.1 Objectives and Policies

When consent is required for subdivision and/or development within the Rototuna Structure Plan area, the proposal must be in accordance with the objectives and policies below and any general objectives and policies for Structure Plan areas (refer to 3.3).

Objective	Policies
3.5.1.1 Minimisation of stormwater quantity and increased stormwater quality.	3.5.1.1a Development should minimise the amount of stormwater entering the piped drainage system and aid in the replenishment of natural reserves.
	3.5.1.1b Promote onsite management and disposal of stormwater wherever practicable.
	3.5.1.1c Minimise the effects of urban development on the values and functions of the existing hydrological network, water quality and natural habitats.
	3.5.1.1d New development should incorporate a natural environment-based stormwater system.
3.5.1.2 Incorporate low impact urban design measures into developments.	3.5.1.2a Avoid or minimise impervious surfaces, minimise earthworks during construction and utilise vegetation for trapping sediments and pollutants.
3.5.1.3 Create a multi-modal transport network.	3.5.1.3a Provide a transport network which encourages a choice of transport modes which is well connected and fit for purpose.
3.5.1.4 Create high quality urban developments.	3.5.1.4a Encourage increased densities in areas of high amenity and close proximity to community and commercial nodes.
	3.5.1.4b Encourage urban form that reduces dependency on private vehicles.

Objective	Policies
	3.5.1.4c New development should incorporate urban design principles and create high quality and high amenity residential and commercial areas.

3.5.2 Structure Plan Components

The specific land use proposals consist of:

3.5.2.1 Rototuna Town Centre (refer to the Rototuna Town Centre Design Guide in Volume 2, Appendix 1.4.4)

- a) The Rototuna Town Centre is to be located at the corner of Resolution Drive and Borman Road. A Concept Plan for the Rototuna Town Centre has been included within the Structure Plan (refer to Chapter 13 and Volume 2, Appendix 7), which is intended to guide the development of the Rototuna Town Centre. Any development in the Centre is required to be in general accordance with the Concept Plan. In addition, the Rototuna Town Centre Design Guide (Volume 2, Appendix 1.4.4) will be an important tool in guiding design-led development in this area.

3.5.2.2 Rototuna West Neighbourhood Centre

- a) The Rototuna West neighbourhood centre is located at the intersection of Borman Road and Hare Puke Drive, adjacent to the local sports fields and medium density residential. It is intended to be highly accessible to the local population.
- b) The Rototuna West neighbourhood centre is expected to provide for a small number of local convenience stores. Residential accommodation can be located on the first floor to provide added surveillance. The ground floor level will have active frontages facing the street, including extensive use of windows with facades designed to create visual interest and character.
- c) A small amount of convenience parking will be located along the frontage with larger parking areas positioned at the rear of the building/s.
- d) An area of land zoned Medium Density Residential is located around the western sports park and neighbourhood centre. To ensure quality design outcomes and developments that meet residents' living requirements, development in the Medium Density Residential Area can only take place once Council has approved a Comprehensive Development Plan for a specified area. These Plans need to be in general accordance with the Rototuna Structure Plan and the Rototuna Town Centre Design Guide (Volume 2, Appendix 1.4.4).

3.5.2.3 Rototuna North East Character Zone

The Rototuna North East Zone provisions are designed to provide for a mix of densities that are sympathetic to the specific rolling topography of the area, being a mixture of ridgelines, gullies and flat land; along with recognising the relationship of the area to both the Waikato Expressway designation (Designation E90) and the City. This area is the northern most point of the City forming, through its elevated and prominent landscape a defined boundary edge between the City and Waikato District.

Development within this area should adopt urban design principles to achieve residential development with high levels of amenity that responds to the natural landform, without excessive modification of the ridgelines and gullies, as well as to the presence of the future Waikato Expressway along its southern edge. Principles to be adopted include:

- Responding to the context and existing landform of the area
- Avoiding excessive earthworks and landform modification on steeper land
- Locating roads on ridges or in valleys where possible in order to avoid significant areas of cut or fill in these areas
- Locating roads and reserves in locations that provide maximum benefit for public experience and assist with the creation of place and amenity
- On steeper areas achieving areas to the front of sites with less slope to facilitate building development and access, and accommodating the steeper areas through the rear of sites
- Creating block patterns where lots front streets and back onto the backs of other lots
- Achieving a permeable public network in both the street and reserves
- Incorporating visual buffers, including planting, between the Expressway and residential activities
- Utilising land adjacent to the Expressway for public utilities where practicable.

3.5.2.4 Reserves Network

While providing for local and city-wide recreation needs, reserves also form an important part of the walkway/cycleway network.

a) Sports Parks

These provide for formal active recreation at a level to meet the current standard of provision within the City for the anticipated population of the Rototuna Structure Plan area. Each park provides sports fields suitable for senior grade play, junior fields and training areas, and an area that serves a neighbourhood park function. Whilst they will primarily serve the local population, they will also form part of the city-wide network of sporting facilities.

b) Neighbourhood Reserves

These provide a range of informal recreation facilities including children's play areas and will be required as part of the subdivision process and the establishment of residential neighbourhoods. As such they are not indicated specifically on the Structure Plan map. Neighbourhood reserves complement the range of facilities provided by the Sports Parks and provide a smaller scale focal point for the local community. They serve a catchment area of approximately 500m radius and provide for both local amenity and passive recreation.

In order to provide appropriate levels of accessibility and an even distribution of recreational facilities, each neighbourhood should be provided with a park comprising approximately 0.5 hectares.

In the Rototuna North East Character Zone a neighbourhood reserve along the northern edge of the Waikato Expressway is to be established as part of any subdivision. The reserve is to accommodate stormwater treatment ponds and flood control devices, walking and cycling paths across its length (complemented by landscape planting between the paths and the Waikato Expressway designation) and areas for informal recreation, including a children's play ground.

c) Natural Features

Te Awa O Katapaki Gully, Waikato River and local hills including ridgelines to the north and east, are identifiable landscape features within the Rototuna Structure Plan area. The Te Awa O Katapaki Gully has multiple purposes including acting as an ecological corridor, a stormwater management area and a walkway/cycleway. The local hills provide opportunities for open space vistas. Another important landscape feature is the nationally significant Waikato River. A continuous esplanade reserve beside the Waikato River will provide for an extension of the riverside walkway/cycleway network, ecological enhancement and riverbank stabilisation.

New development will not be allowed to privatise the edges of major natural features and recreational areas such as gullies and the Waikato River. Retention of existing vegetation features will be encouraged where these can help structure and characterise the layout of new developments and create an established character to the growth cell, and required where they embody existing indigenous values or contribute to the viability of ecological fragments.

d) View Points

Specific areas have been identified as view points. Where a view point has been identified, it is anticipated that this land will be acquired as reserve, probably with neighbourhood reserve functions, as part of the subdivision and establishment of residential neighbourhoods.

3.5.2.5 Transportation Network

- a) The Structure Plan indicates the location of the minor and major arterial transport corridors. These transport corridors are either existing, designated or yet to be upgraded/constructed.
- b) The Waikato Expressway cuts through the north eastern area of the growth cell. The Expressway corridor is approximately 100m wide, however it is prudent to provide for further mitigation and ensure housing is sited away from the immediate boundary through special setbacks and larger site area requirements. It is expected that Kay Road and Horsham Downs Road will continue to provide access to properties to the north east of the Expressway, while pedestrian/cycle access is anticipated in the location shown on the Rototuna Cycle and Walking Network Plan to link this area to the Rototuna Town Centre, recreation areas and schools to the south of the Rototuna North East Character Zone. It is anticipated that in the long term Resolution Drive will connect to the Expressway.
- c) The Access Hamilton Strategy recognises a future arterial link from the central interchange on the Te Rapa section of the Waikato Expressway to Resolution Drive, being a "Future Northern River Crossing". Its alignment and connections to other networks will be determined by a future notice of requirement process.

- d) Some flexibility is afforded in the alignment of collector streets, but as they have a key role in providing for bus route services, directness will be an important design element to ensure their convenience for bus services. Where possible, use is made of the existing ridgeline transport corridors as future collectors as they provide good connectivity within the area and will help to define local neighbourhoods.
- e) The alignment, form and function of Kay Road has potential to change as part of planning for future expansion. It is therefore desirable that proposed land development accessing or fronting Kay Road is developed in close consultation with City Council staff to enable options for future City expansion. The potential future closure of Kay Road is dependent on surrounding development and alternative property access arrangements. Although it is indicated that parts of Sylvester Road are to be closed in the future, it is important that alternative networks are provided in order to achieve a high degree of connectivity.
- f) It is essential that all necessary transport corridors within developments are formed and vested as part of the initial stage of site development to ensure good connectivity between adjoining sites and the wider Structure Plan area. All transport corridors shown on the Structure Plan are considered to be critical linkages and developments must show how these connections are to be provided in a timely manner such that there is no interim period where a critical connection is not in place despite adjacent land having been developed.
- g) The transport network will be designed to ensure it supports passenger transport services, cycle and pedestrian facilities. In addition, off-road cycle and pedestrian facilities will be integral to the development of the area and a network of off-road facilities is indicated on the Structure Plan.

3.5.2.6 Stormwater

- a) Rototuna is made up of four main catchments, including the Te Awa o Katapaki catchment which is the main catchment, the Kirikiriroa catchment, the Otamangenge catchment and the Waikato River.
- b) Integrated Catchment Management Plans (ICMPs) for all areas of Rototuna will be finalised and will provide a strategic approach to stormwater management throughout the area to ensure that individual stormwater discharge proposals do not adversely affect the ecological values of the receiving water courses. The ICMPs will provide a management framework that ensures that stormwater discharge proposals avoid, remedy or mitigate any adverse effects on the environment.
- c) In the interim, indicative locations for centralised key stormwater management facilities are shown on the Structure Plan. The precise location of these stormwater management facilities will be finalised via detailed catchment management planning and modelling at the time of consent. Stormwater management must provide for the management of all stormwater within the land being developed, together with drainage from the entire catchment upstream of the proposed system as per the requirements of the Hamilton City Council Infrastructure Technical Specifications. Developers will need to demonstrate how stormwater from a development will be discharged to the centralised stormwater management facilities, indicated on the Structure Plan.

- d) There are a number of high level stormwater principles which form the basis for the approach to stormwater management in the Rototuna area:
- i. Stormwater is managed in a manner that minimises the effects of urban development on downstream receiving waters.
 - ii. Stormwater run-off from the different relief and soil types is managed in an integrated manner.
 - iii. Stormwater should, as far as practicable, be used to sustain groundwater levels in peat soils.
 - iv. Stormwater management should seek to safeguard and enhance areas of indigenous vegetation, water features and habitats.
 - v. Stormwater discharges should, as far as practicable, result in a hydrological cycle as close to the pre-development hydrological cycle as possible.

e) **Te Awa o Katapaki Upper Catchment**

In the upper catchment area, appropriate stormwater treatment will involve stormwater management facilities shown indicatively on the Structure Plan, and a centralised drainage reserve/watercourse through the Rototuna Town Centre, with appropriate flow attenuation measures, along with ground soakage.

The central drainage reserve/watercourse of the Rototuna Town Centre has a principal stormwater function but also provides a key green corridor and walkway/cycleway link, and must be designed as an attractive feature. To the north, the watercourse/drainage reserve will connect with the Active Recreation Reserve and provide a green edge to the playing fields and the secondary school to also accommodate shared pedestrian and cycle routes. The Rototuna Town Centre Design Guide refers to requirements around the design of the drainage reserve/ watercourse corridor through the Rototuna Town Centre. The precise form and function of the drainage reserve/watercourse and corridor will be determined by hydrological requirements and controls. Developments must demonstrate how stormwater will be directed to the drainage reserve/watercourse and stormwater management facilities shown on the Structure Plan (refer to Volume 2, Appendix 2, Figures 2-4, 2-5, 2-6 and 2-7) and Concept Plan (refer to Volume 2, Appendix 7, Figure 7-1).

f) **Te Awa o Katapaki Lower Catchment**

In the lower catchment (the south western area of Rototuna) stormwater must be discharged directly to the Te Awa o Katapaki stream or to ground soakage.

g) **Otama-ngenge Catchment**

The area immediately to the south of Kay Road is a separate catchment which drains north into Waikato District. The proposed location of a main centralised pond in the vicinity of the Rototuna West neighbourhood centre is shown on the Structure Plan map. The proposed pond is required in order to facilitate development of the wider area, and will provide an amenity function for the medium-density housing to be located adjacent.

h) **Kirikiroa Catchment**

Subdivisions for most of this catchment have been consented. The Council's Te Manatu Drive Management Facility will receive stormwater from the remaining undeveloped areas of the catchment and no further key stormwater facilities are anticipated to be needed.

i) **Waikato River**

Some direct private stormwater discharge occurs to the Waikato River currently and further subdivision of the existing, predominately large sections would result in applications for new discharges to the River.

3.5.2.7 Water and Wastewater

- a) A new reservoir is planned to be located on Kay Road and connected to the existing bulk water supply network in Wairere Drive. Trunk water networks from the new reservoir to existing Rototuna trunk networks are planned and will progressively be constructed as development occurs. This water network will improve the security of supply and match the demand for all of the Rototuna Structure Plan area.
- b) A wastewater trunk network has been planned to provide wastewater supply for the whole Rototuna Structure Plan area. These networks include other facilities such as pumping station and rising mains. The networks will be progressively constructed as development occurs.
- c) Development of both the water and wastewater trunk networks will be timed to occur with urban development, by both the private sector and the HCC network programmes.
- d) Early interaction with Council by developers is encouraged to enable the construction of these assets to occur in association with proposed urban development.

3.5.2.8 Schools

- a) Within the Rototuna Structure Plan area there are four existing schools, including Rototuna Primary, Waikato Waldorf School, Te Totara School and Hamilton Christian School. There is an existing designation for a secondary school between the sports fields and the Waikato Expressway designation. The location of this secondary school is significant in terms of the role it will play in providing surveillance of the proposed active recreation reserve. Provision of safe walking, cycling and passenger transport links is also critical to the successful functioning of the school.

3.5.3 Provisions in Other Chapters

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

- Chapter 2: Strategic Framework
- Chapter 4: Residential Zones
- Chapter 13: Rototuna Town Centre Zone
- Chapter 16: Community Facilities Zone
- Chapter 23: Subdivision
- Chapter 25: City-wide
- Volume 2, Appendix 1: District Plan Administration

3.6 Rotokauri

- a) Development of the Rotokauri Structure Plan has been guided by the following vision:
- “The sustainable expansion of the City into Rotokauri, through a coherent, integrated and people-focused mixed-use development based on best practice urban design principles.”
- b) In addition to a Structure Plan map indicating the eventual pattern of development within Rotokauri, there are maps indicating the nature and extent of the proposed transportation hierarchy, proposed reserve and open space network, staging plans and a Concept Plan illustrating the relationship between land uses within the suburban centre and future commercial/community focal point.
- c) The Rotokauri Structure Plan provides for urban growth with an eventual population of between 16,000 and 20,000 people. It also provides 280ha of industrial land, employment areas, and a neighbourhood centre in Stage 1 that will act as the principal community focal point based around a suburban shopping centre.

3.6.1 Objectives and Policies

When consent is required for subdivision and/or development within the Rotokauri Structure Plan area, the proposal must be in accordance with the objectives and policies below and any general objectives and policies for Structure Plan areas (refer to Rule 3.3).

Objective	Policies
3.6.1.1 Preservation of key natural features and topography that are characteristic of Rotokauri.	3.6.1.1a Development shall maintain the natural ridgelines.
	3.6.1.1b The central green corridor shall function as the principal stormwater drainage channel and a recreational and transportation corridor connecting the wider network of open spaces and natural features.
Explanation	
<i>The ridgelines of Rotokauri contribute significantly to local character and identity. The relationship of the elevated areas to the flat land containing Lake Waiwhakereke is particularly strong.</i> <i>The flat land is currently crossed with numerous agricultural drains and the extent of these indicates a high water table throughout the lower-lying areas that will need careful and comprehensive management. The proposed central green corridor will be a main feature of future stormwater management.</i>	

Objective	Policies
3.6.1.2 New urban development in Rotokauri is appropriately serviced.	3.6.1.2a Land for development shall not be released until it can be adequately serviced.
Explanation	
<i>Development of the Rotokauri area requires major new infrastructure services and arterial transport network. Provision has been made for this through Council's Long Term Plan and through the programmes of others, such as the NZ Transport Agency. Controls on the release of land are necessary to ensure that development can be adequately serviced and will not have an adverse effect on network services for the remainder of the City.</i>	

3.6.2 Structure Plan Components

3.6.2.1 Suburban Centres Concept Plan

- a) Volume 2, Appendix 2, Figure 2-11 Rotokauri Neighbourhood Centre sets out the elements in proximity to the suburban centre area that are to be specifically considered during the development of the area, to ensure the provision of the interface areas and primary frontages, along with the relationship the area is to have with other key activities.

3.6.2.2 Residential

- a) Residential development is indicated in four distinct residential environments.
 - i. Lake Waiwhakareke Landscape Character Area, which seeks to retain the existing landform and create a strong relationship between residences, the lake and to the Waiwhakareke Heritage Park.
 - ii. The Ridgeline Character Area, which seeks to retain legibility of these locally important landforms in a suburban context.
 - iii. Medium Density and Interface Areas, for localities within walking distance of the suburban centre. Volume 2, Appendix 2, Figure 2-12 Rotokauri Interface Areas illustrates interface areas in which design controls are imposed to ensure that private development enhances the setting of the adjacent public spaces and provides for increased safety through passive surveillance. The specific standards bring development closer to the public spaces, establish strong visual connections and ensure a visual relationship between the public and private realm. The provisions to manage this interface area are set out in Chapter 4: Residential Zones.
 - iv. General Residential.

3.6.2.3 Suburban Centre

- a) The suburban centre is intended to provide for a wide range of activities but with an emphasis on retailing.
- b) The requirement for a Comprehensive Development Plan will ensure that development is fully integrated and will not create areas or features that might present a threat to public safety.

- c) Volume 2, Appendix 2, Figure 2-13 Rotokauri Suburban Centre Primary Frontages identifies primary frontages, within which design controls are imposed to ensure that private development enhances the setting for the adjacent public spaces while providing increased safety through passive surveillance. The provisions to manage these primary frontages are set out in Chapter 6: Business 1 to 7 Zones.
- d) In addition to the suburban centre area, a future neighbourhood centre node is shown in Stage 2 to serve the day-to-day needs of the future residential community within Stage 2.

3.6.2.4 School Sites

The completion of Stage 1 will likely generate a need for a new primary school at a site in an accessible and convenient location. Secondary schooling serves a wider catchment area and a new school is likely to be needed to serve the future population. Accessibility to the catchment is a critical requirement and therefore a position at the hub of the roading network is ideal. To reduce reliance on car travel the location also needs to be well connected by opportunities for walking and cycling and public transport. The site should relate well to the growth of the southern Neighbourhood Centre. It is anticipated that the Ministry of Education will use the designation process to determine precise site boundaries and to fix the location of school buildings.

3.6.2.5 Open Space Network

- a) The open space network develops and connects existing natural features. The Rotokauri open space network comprises:
 - i. Waiwhakareke Natural Heritage Park – this park will re-create a range of eco-systems characteristic of the Waikato before human intervention. It will be of city-wide significance and include habitat creation, research, and provide for public access to a natural environment.
 - ii. Sports parks – each will provide sports fields suitable for senior grade play, junior fields and training areas, and an area that serves a Neighbourhood Park function.
 - iii. Neighbourhood reserves – these provide a range of informal recreation facilities, including children's play areas. As they will be required as part of the subdivision and establishment of residential neighbourhoods, they are not indicated specifically on the Structure Plan map. These will complement the range of facilities provided by the sports parks and provide a smaller scale focal point for the local neighbourhoods. They are intended to serve a catchment area with approximately a 500m radius. In order to provide appropriate levels of accessibility and an even distribution of recreational facilities, each neighbourhood should be provided with a park comprising approximately 0.5 hectare.
 - iv. Neighbourhood centre green – this will provide for a range of informal leisure and recreational activities and provide the commercial centre and high density residential areas around it with access to amenity open space.
- b) Connectivity between these recreational nodes will be provided by a network that will also serve as a stormwater drainage route. The central green corridor, based on the general alignment of the existing main drain, will be a major feature within the Rotokauri environment. The central north-south collector corridor also has a role in providing connectivity between these nodes.

3.6.2.6 Passenger Transport Facility

- a) Stage 1 will be the most sufficiently served by the extension of bus services as the road network is progressively constructed. It is envisaged that longer term, development could support a connection to rail. A location on Tasman Road, adjacent to The Base has been identified as the preferred site to accommodate the progressive development of a bus-based passenger transport facility (PT Facility) and its longer term integration with rail.
- b) There is also the potential for a second PT facility further north at the junction of Te Kowhai Road and Tasman Road, to integrate the passenger transport network with the surrounding land use activities.
- c) Figures 3.6.2a and 3.6.2b illustrate how the establishment of an integrated bus/rail facility could be achieved in the Tasman Road location adjacent to The Base. The illustrations provide for an eventual facility accommodating:
 - i. Space for three urban bus and two long distance coach platforms.
 - ii. Space for a covered waiting area, with conveniences and kiosk.
 - iii. Space for a rail platform.
 - iv. A bus turning circle (in advance of completion of the surrounding road network).
- d) Both of the illustrated locations would eventually require land outside of the current road and rail reserve. Consequently, it is anticipated that the additional land requirements may need to be safeguarded through the designation process. A decision of the timing of each facility and any progress associated with the designation of land will be made through the Long Term Plan process, taking account of projected growth within the area.

3.6.2.7 Transportation Network

- a) The transportation network is based on a hierarchy at the top of which are State Highways and the rail corridor providing for high volume inter-regional traffic and freight movements.
- b) Next in the hierarchy, the arterial transport corridor networks are designed to cater for high-volume traffic and provide the key connections with the wider City and regional network, including the Te Rapa section of the Waikato Expressway. Development of the arterial network is likely to be staged, reflecting the growth in traffic volumes as development occurs. While the necessary transport corridors will be secured in advance, the final design and construction of roads within them will be timed to coincide with demand.
- c) It is anticipated that Council will use the designation process to determine the precise alignment and design of new arterial corridors. Illustrations of the possible road cross-sections in the vicinity of the suburban centre are provided in Figures 3.6.2c-3.6.2g. The locations of where the various cross sections apply are shown on Figure 2-8 and Figure 2-11.
- d) Some collector transport corridor through the Residential zone will be designed to accommodate stormwater swales on the lower-lying areas. An illustration of the possible cross-section for this street is provided in Figure 3.6.2e.

3.6.2.8 Industrial

- a) The Structure Plan provides for two areas of industrial activity separated by the Te Rapa section of the Waikato Expressway. To the east of the Te Rapa section the area is separated from sensitive uses and relates to the existing industrial zone in the Te Rapa/Wairere/Mangaharakeke corridor.
- b) To the west, in the Employment Area, the physical environment includes the central green stormwater and recreational corridor linking Lake Waiwhakareke and Lake Rotokauri. Large parts of the area adjoin the residential zone and have a direct interface with it.

3.6.2.9 Staging

- a) Constraints on the availability of infrastructure and network capacity limit the extent to which land can be released for development. Until capacity and services are available, it is essential the development potential of the remaining Rotokauri area is not compromised by interim development.
- b) Council's Long Term Plan or Annual Plan sets out the programme for providing infrastructure to service growth. Where a developer wishes to pursue development ahead of Council's programmes a Development Agreement will need to be entered into with Council to ensure that the infrastructure is provided in a way which is efficient and sustainable from a city wide perspective. In these cases it is anticipated that developers will bear the full cost of infrastructure provision.

This approach will enable growth in areas that are not funded for infrastructure to be funded by developers under Development Agreements between all parties.

Figure 3.6.2a: The Base Site Layout Plan Stage 1

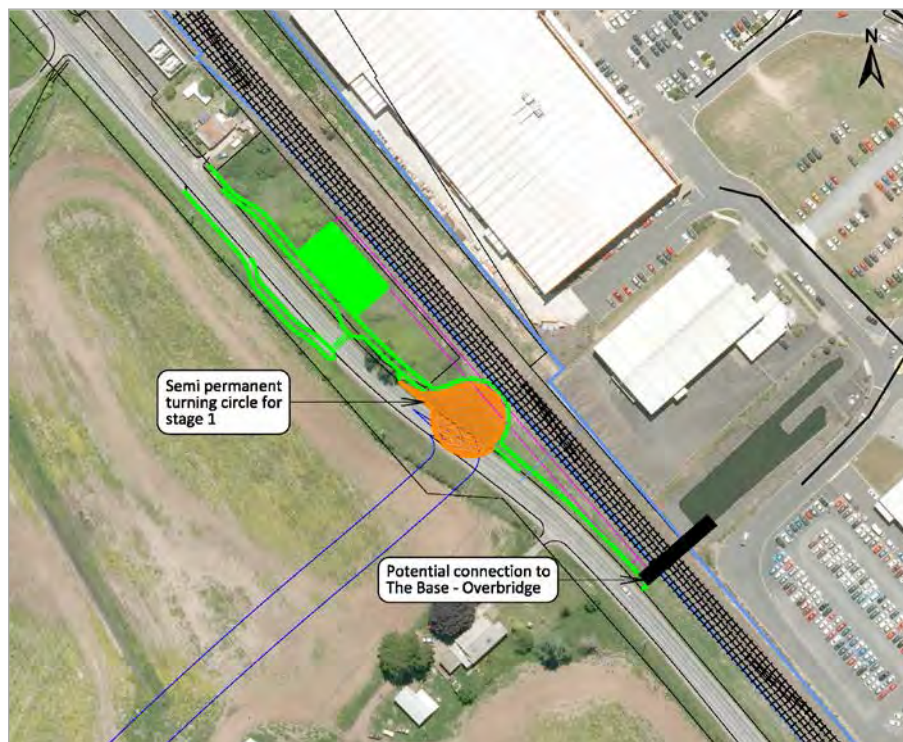


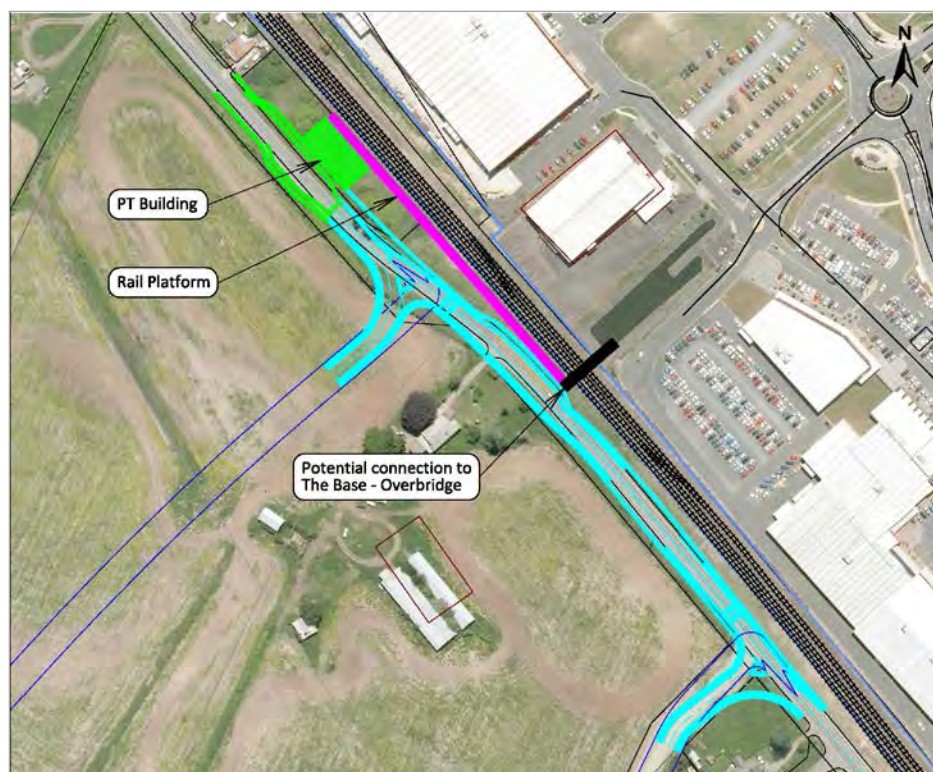
Figure 3.6.2b: The Base Site Layout Development Complex

Figure 3.6.2c: Rotokauri Cross-sections – Major Arterial

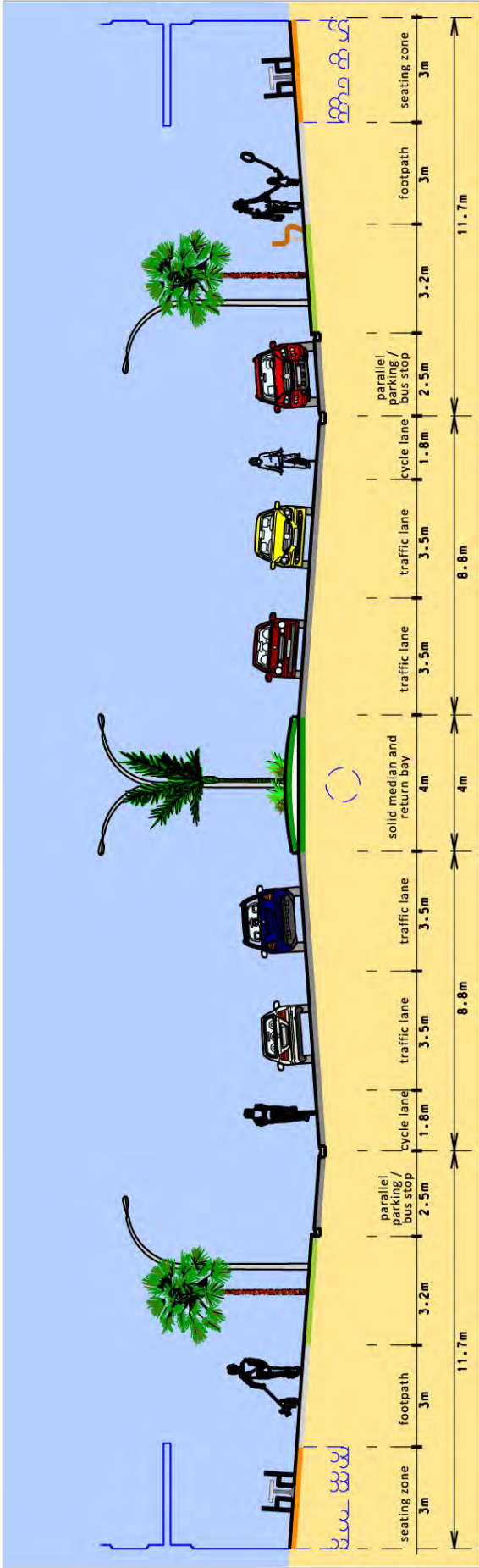


Figure 3.6.2d: Rotokauri Cross-sections – Minor Arterial

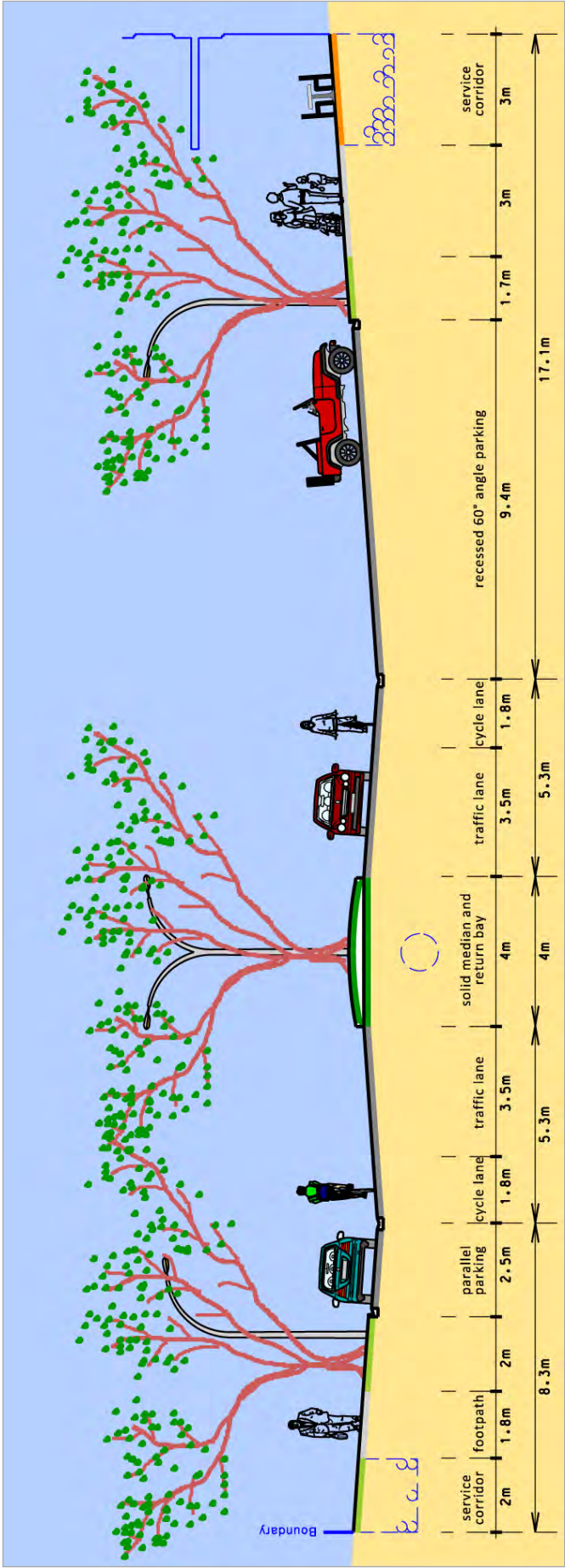


Figure 3.6.2e: Rotokauri Cross-sections - Collector

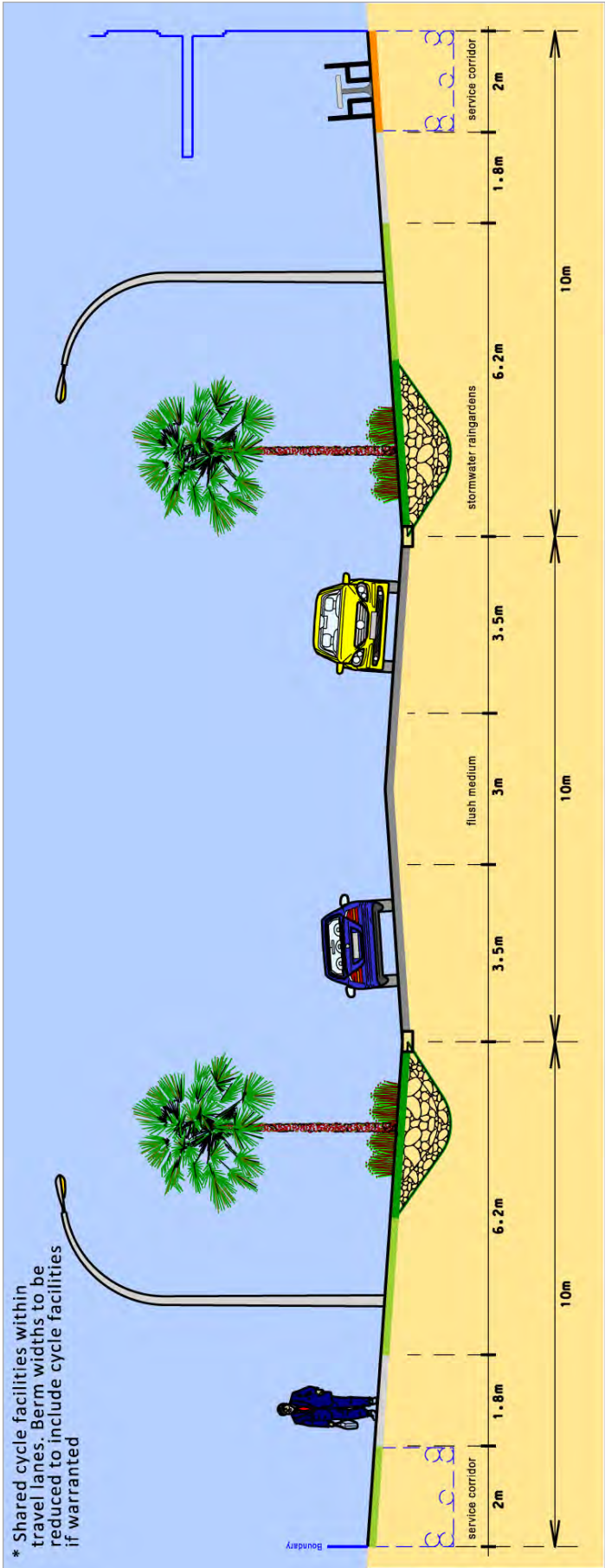


Figure 3.6.2f: Rotokauri Cross-sections - Local

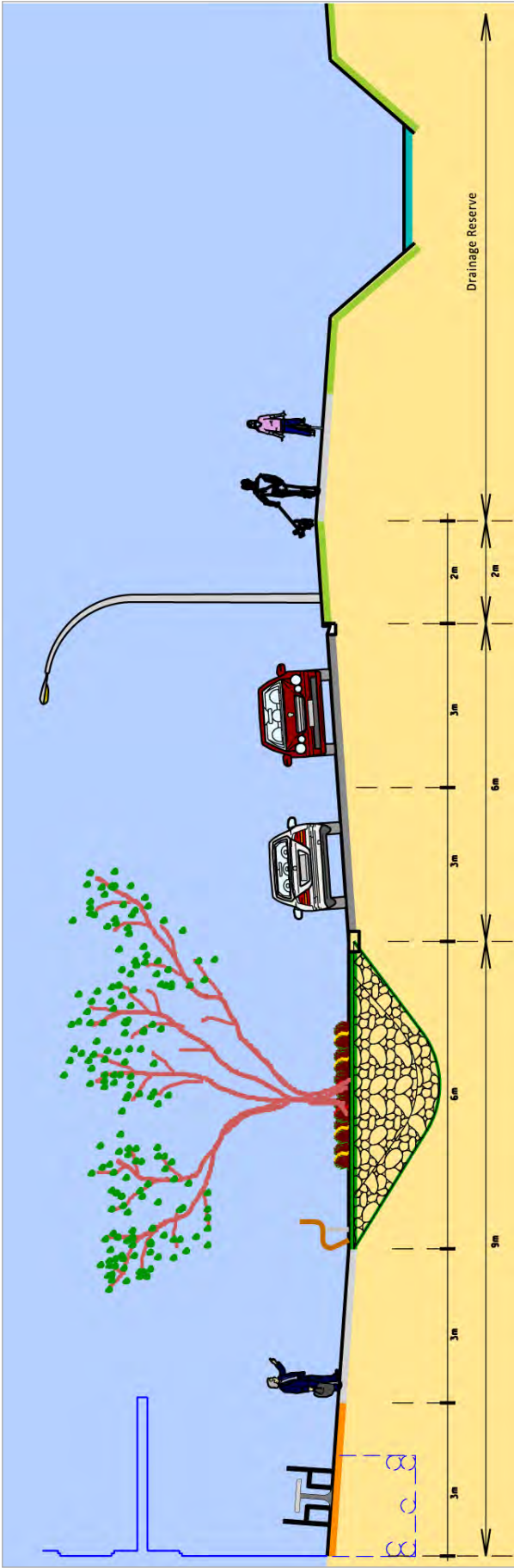
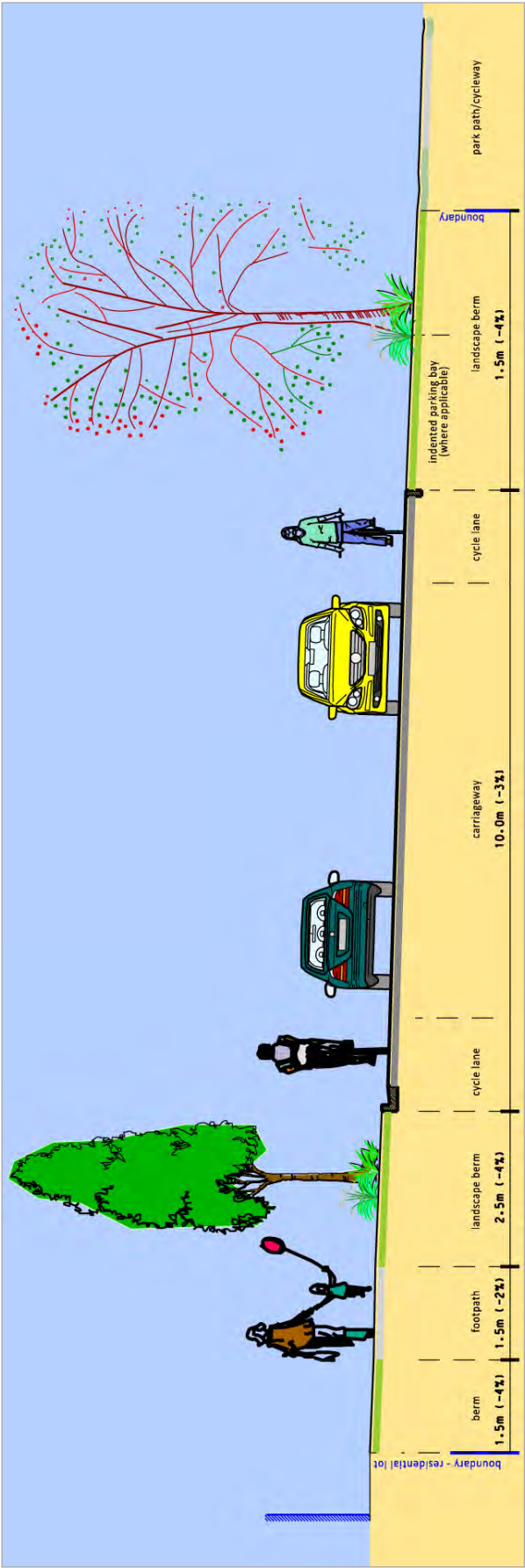


Figure 3.6.2g: Rotokauri Cross-sections – Park Edge Street



3.6.3 Indicative Infrastructural Development Programme (Volume 2, Appendix 2, Figure 2-9)

3.6.3.1 Water, Wastewater and Stormwater Services

- a) Progressive development will be serviced by generally extending water supply, wastewater and stormwater services as indicated in the following sections. There is a strong relationship between the routes needed for the three water services and the alignment of proposed roads, as the programme aims to align works as closely as possible to deliver a coordinated and efficient infrastructure programme.
- b) **Water Supply**
 - i. The Rotokauri area is characterised by elevated hill terrain with several high areas above ridge line (RL) 50 metres. These elevated areas require a higher pressure water supply than is typically required in Hamilton, so it is intended that a special high-pressure water supply zone will be created to provide an adequate level of service. A pressure boost pumping station will be built near the intersection on Baverstock and Brymer Roads with the high-pressure zone pipeline extending northwards along Brymer, Rotokauri and Exelby Roads, and eastwards as necessary to supply the areas of hill terrain.
 - ii. The flat low lying terrain will be supplied by extending existing watermains northwards and westwards from Rotokauri Road, the intersection of Te Wetini Drive/Arthur Porter Drive/Wairere Drive, Tasman Road, and the Te Kowhai Road Tasman Road intersection. Generally the new pipelines required will be installed in conjunction with roadway construction.
- c) **Wastewater**
 - i. A new wastewater interceptor pipeline has already been laid from the Pukete Wastewater Treatment Plant westwards across the railway line and along the Te Rapa section of the Waikato Expressway. This pipeline is intended to be the main wastewater pipeline for the whole of the Rotokauri area. The pipeline will be extended westwards beyond the Te Rapa section to Te Wetini Drive, and then southwards. Ultimately this pipeline will also be used to supplement the western interceptor in its role of conveying wastewater from southern and western parts of the City. Lateral pipelines laid both westwards and eastwards to this interceptor pipeline will provide servicing to the proposed employment and residential areas. The laterals may require pumping stations to traverse the central green drainage corridor.
- d) **Stormwater**
 - i. Rotokauri poses some special challenges in managing stormwater; there are no natural outfalls for stormwater in the area. Rotokauri has three main sub-catchments:
 - Mangaheka
 - Lake Rotokauri
 - Ohote

Figure 3.6.3a identifies the indicative location of the boundaries of the three sub-catchments within the broader Rotokauri Catchment. The final location of these sub-catchments' boundaries will be determined following the completion of the full Integrated Catchment Management Plan (ICMP) for the Rotokauri catchment, in accordance with the Council's Comprehensive Stormwater Discharge Consent.

The integrated catchment management plan for Rotokauri will be developed to include the strategic and integrated approach to stormwater management throughout the Rotokauri growth cell. The integrated catchment management plan will provide a management framework that ensures that individual stormwater discharge proposals will not adversely affect the ecological values of the receiving watercourses and lakes. The following principles will be used to guide the formulation of the integrated catchment management plan.

- Stormwater is managed in a manner that minimises the effects of urban development on downstream receiving waters.
- Stormwater is managed to ensure that water being disposed of into Lake Rotokauri does not further degrade that water body.
- Areas of significant indigenous vegetation, water features and habitats will be safeguarded and enhanced.
- A combination of low impact stormwater design solutions and conventional piped drains will be utilised in an integrated manner to suit the soil and topographical characteristics of particular areas.

ii. **Mangaheka Catchment**

This catchment comprises land to the east of the Te Rapa section. The Mangaheka catchment stormwater management will comprise the following key elements:

- Managed flows will be directed into the existing Mangaheka Stream drainage network;
- A series of open swales discharging into a stormwater detention wetlands with individual lot and piped trunk drainage directed into the swales.

iii. **Lake Rotokauri Catchment**

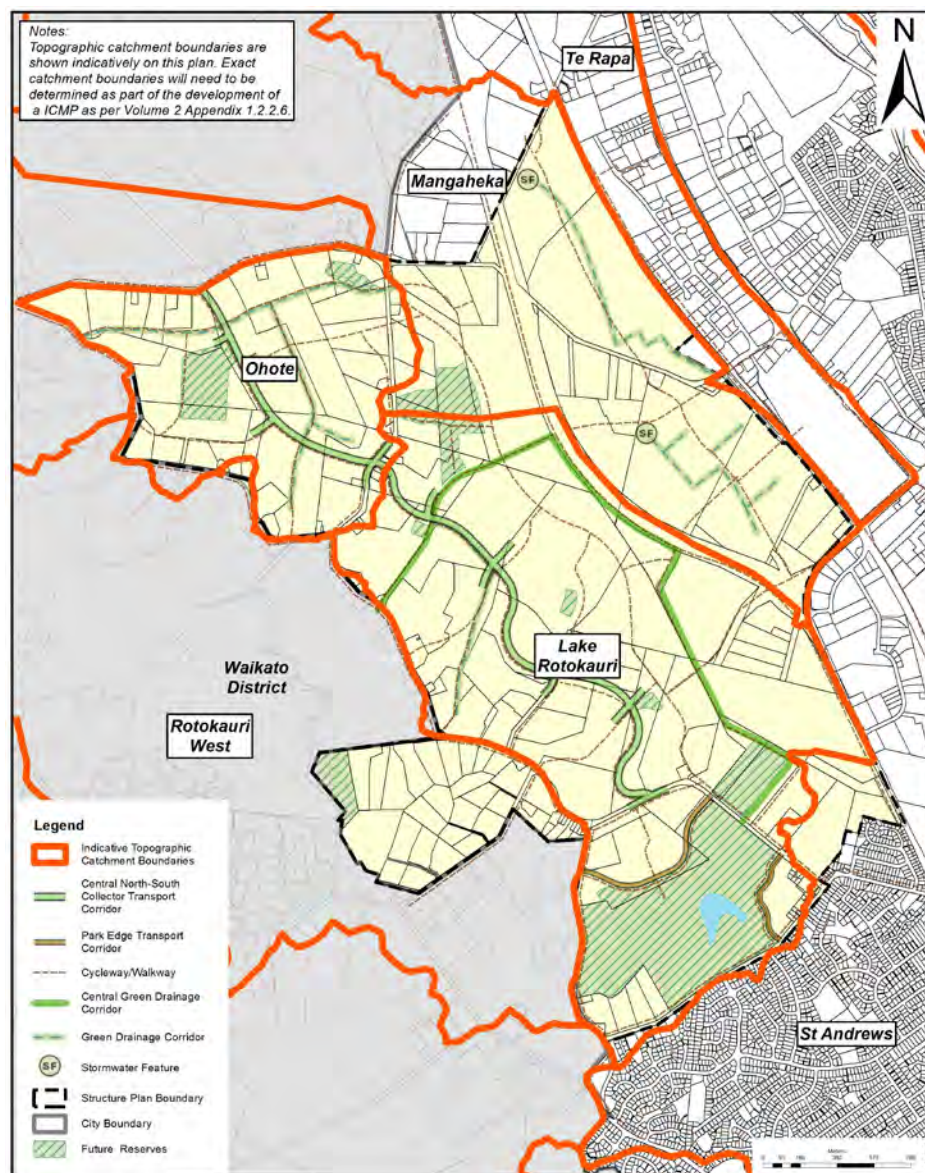
This catchment comprises the bulk of the Rotokauri Structure Plan area to the west of the Te Rapa section, extending north to the northern-most extent of the central green corridor. A key part of the stormwater drainage plan is to provide constructed floodways through the area. Overland-flow swales, wetlands and conventional piped drains will collect stormwater and discharge to the floodways. The floodways will be sized to store stormwater during storms with controlled release to receiving waters in Lake Rotokauri, and Te Kowhai and Te Rapa streams. The flat topography will be characterised by shallow drains and high groundwater levels. Conventional piped stormwater drains will be used on the hill terrain discharging to the collector swales on the flat land.

The existing open drain from Lake Waiwhakareke to Lake Rotokauri will serve as the main drain in the greater part of the developed Rotokauri catchment, although it will be subject to some adjustment to its alignment to achieve an improved relationship to eventual land use. This floodway is intended to be a

component of an 'ecological corridor' between the two lakes effectively linking Waiwhakareke heritage reserve with Lake Rotokauri. The ecological corridor will also provide planted open space, walking and cycling pathways. The improved drainage channel and ecological corridor will be formed as development takes place along its length. The floodway needs to have continuity of shape and alignment from one property to the next.

iv. Ohote Catchment

The Ohote Catchment comprises an area at the northern extent of the structure plan area, to the west of the Te Rapa section and north of the central green corridor. This catchment will be treated similarly to the Lake Rotokauri catchment except its discharge location is to the existing culvert to the northern end of Exelby Road. The east-west green drainage corridor parallel to Te Kowhai Road will be sized to accommodate the full Ohote catchment.

Figure 3.6.3a: Rotokauri Catchment Boundaries

3.6.3.2 Roading

- The Rotokauri Structure Plan area has a critical relationship to the City's arterial transport network. Te Rapa Road, Wairere Drive and Mangaharakeke Drive are heavily trafficked and growth is anticipated as the routes are the key corridors to the City's industrialised 'western corridor' and direct access to key regional facilities such as the Central City, the hospital, educational campuses and the inland freight village at Crawford Street.
- Traffic growth assessments support the development of Stage 1A based on specific transport corridors and connections being in place.
- The works necessary to support the development of State 1A consist of the following package.
 - Collector Road connection between Ruffell Road and Te Kowhai Road. (Developer to provide.)

- ii. Collector Road connection between Te Wetini Drive/Arthur Porter Drive/Wairere Drive intersection and Te Kowhai Road at a point 300m west of the North Island Main Trunk Railway (NIMTR). (Developer to provide.)
- iii. Te Wetini/Akoranga intersection to Rotokauri Road arterial connection.
- iv. Rotokauri Road urban upgrade between Baverstock Road and new Rotokauri residential arterial.
- d) The release of land beyond Stage 1A will be contingent upon the availability of network capacity which may arise as a result of traffic generation being less than anticipated in the traffic growth assessments, or from completion of new infrastructure. Proposals for the development of land in 'Area B' on Figure 15-8a will require careful scrutiny to ensure that adequate network capacity exists to support the development, or will be provided as part of the development and they will not compromise the development of land in 'Area A' on Figure 15-8a. Development will require:
 - i. Construction of the Rotokauri Minor Arterial Road northwards from the neighbourhood centre, to connect with the extension of the Te Kowhai Road arterial shown on Diagram 15-8b.
 - ii. The following roading upgrades will be required to service the specific residential growth cells adjacent to Baverstock Road, Brymer Road, Exelby Road, Rotokauri Road and Lee Road. The works are to be undertaken in generally the following sequence as identified on Figure 15-8b:
 - A. Upgrade of western end of Baverstock Road including the intersection of Brymer Road and north to the Hamilton Zoo entrance.
 - B. Upgrade of Rotokauri Road between the new residential arterial transport corridor and Brymer Road.
 - C. Upgrade of Brymer Road from the Hamilton Zoo entrance, northwards to Lee Road.
 - D. Upgrade of Lee Road.
- e) The development of land outside Areas 'A' and 'B' (Figure 15-8a) will need to coincide with the northwards extension of Rotokauri Minor Arterial Road to connect with Te Kowhai Road at the City Boundary.

3.6.4 Provisions in Other Chapters

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

- Chapter 2: Strategic Framework
- Chapter 4: Residential Zone
- Chapter 15: Open Space Zones
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gully Systems
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide
- Volume 2, Appendix 1: District Plan Administration

3.7 Ruakura

Plan Change 1 -
Ruakura

The Ruakura Structure Plan area is approximately 822 hectares, and was subject to a boundary adjustment on 1 July 2011 transferring the area into Hamilton City.

- a) Development of the Ruakura Structure Plan has been guided by the following vision.
 - i. The expansion of the City to provide a significant new employment area based around the development of a regional logistics hub which will form a catalyst for further development and attract a wider range of business to the City.
 - ii. Maximise the use of existing infrastructure investment, including the railway network, and align land use patterns with the area's planned infrastructure investment to achieve integrated transport and land use development; with an emphasis on logistics and freight.
 - iii. Create opportunities for the ongoing development of research, learning and innovation activities; and in doing so recognising the importance of the University of Waikato, the AgResearch Campus and the Waikato Innovation Park to the City and the Region.
 - iv. Develop comprehensively planned areas of residential housing connecting with Fairview Downs, providing a range of housing choice and affordability.
 - v. Configure land uses around a comprehensive network of well-connected open spaces that will perform a range of functions including stormwater and ecological management, providing pedestrian and cycle routesways, and enabling passive and informal recreation.
 - vi. An area of new development within the City which is integrated and complimentary with the existing and planned land use pattern for the City.
- b) The Ruakura Structure Plan provides ~~373405~~ha of employment land incorporating an inland port, freight and logistics hub and other employment land. It also provides 77ha for research and innovation activities, allowing for the expansion of the existing Waikato Innovation Park and maximising opportunities for connectivity and interaction between the University of Waikato and AgResearch.
- c) The Ruakura Structure Plan provides for an eventual population of approximately 1800 households. It also includes the development of the Ruakura Retail Centre which will have unique characteristics and functions to warrant its own classification within the business hierarchy for the City. Located within the Knowledge Zone the centre one neighbourhood centre; which will also support the zone's perform a role as the principal focal point for research and innovation activities, provide retail services to these activities and to adjacent suburbs and will anchor; and provides for a future passenger transport interchange at its northern end.
- d) The Structure Plan creates employment opportunities centred on an inland port and freight and logistics hub and is a strong economic anchor for the City and region, but does not compromise the function, viability and vibrancy of the Central City.
- e) The Structure Plan sets out the development concept for the long-term growth of Ruakura over the period to 2061. The area's progressive development will be triggered by the co-ordinated provision of Ruakura Strategic key-iinfrastructure

including transport corridors, and extensions to Three Waters supply. Ruakura Strategic Key-i Infrastructure which is to be provided in advance of certain development includes:

- i. A wastewater-~~drainage~~ network.
 - ii. Water storage and supply network-~~infrastructure~~.
 - iii. Stormwater management network~~features~~.
 - iv. Transport corridor, pedestrian and cycleway connections.
- f) The relevant Ruakura Structure Plan Figures in Appendix 2 indicate the eventual pattern of development within Ruakura and include:
- i. Figure 2-14 Ruakura Structure Plan – which shows the land use zoning and open space areas;
 - ii. Figures 2-15 A and B Ruakura Strategic Infrastructure;
 - A. Which shows the strategic infrastructure for the transport network within the Ruakura Structure Plan
 - B. Which shows the strategic three waters network within the Ruakura Structure Plan
 - iii. Figure 2-16 Ruakura Land Development Plan Areas – which shows the different areas for staged development within the Ruakura Structure Plan;
 - iv. Figure 2-17 Inland Port Building Setbacks and Landscape Controls – which shows the setbacks and controls for the Inland Port; and
 - v. Figure 2-18 Cyclist and Pedestrian Network Plan – which shows the connectivity of the proposed and existing cycle and pedestrian network within the Ruakura Structure Plan and to surrounding areas.
- g) The Land Development Plan (3.7.3.2) is the key tool to aid the staged process for urbanisation in the Ruakura Structure Plan. All land use, subdivision and development for urban purposes will require resource consent first, being the provision of below ground or at ground infrastructure and services before built development will be considered.
- h) In addition Staging and Traffic Requirements (3.7.3.3) are provided that aligns with the strategic land allocation for industrial development in the Waikato Regional Policy Statement. This is to ensure that the arterial network has capacity and the safety, efficiency and functioning of the transport network is maintained through the progressive release of land for development.
- i) Land use in the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area will roll out in three stages in accordance with the Regional Policy Statement's industrial land allocation in the Future Proof Area which is as follows:

Industrial Land Allocation in the Future Proof Area

Strategic Industrial Nodes located in Central Future Proof area (based on gross developable area) ¹	Industrial land allocation and staging (ha)			Total allocation
	2010 to 2021	2021 to 2041	2041 to 2061	2010 to 2061 (ha)
Rotokauri	85	90	90	265
Ruakura	80	115 ²	210 ²	405
Te Rapa North	14	46	25	85
Horotiu	56	84	10	150
Hamilton Airport	74	10	40	124
Huntly and Rotowaro	8	8	7	23
Hautapu	20	30	46	96
TOTAL HA	337	383	428	1148

¹ Gross Developable Area includes land for building footprint, parking, landscaping, open space, bulk and location requirements and land for infrastructure including transport corridors, stormwater and wastewater facilities.

² Development beyond the 2021 period is subject to completion of the Hamilton section of the Waikato Expressway.

- ~~i. The allocation of industrial land shown above may be amended in accordance with Implementation Methods 6.13.2 Land Release and 6.13.3 Criteria for Alternative Land Release as contained in the Regional Policy Statement.~~
- ii. The three stages of land use and development in the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area are provided for in Rule 3.7.3.34 of this District Plan.
- ~~ii. The 405ha identified above comprises the Ruakura Inland Port and logistics zone (approximately 195ha) and general industrial land (approximately 210 ha). The staging and timing identified provides for Stage 1 of the Inland Port and logistics zone (shown as A on Figure 2-16 Ruakura Land Development Plan Areas) and up to 30 hectares of general industrial development to 2021. The Ruakura Structure Plan is linked to the development of Hamilton section of the Waikato Expressway. Further development beyond the initial 80ha identified for the 2010-2021 period should not occur until the Hamilton section of the Waikato Expressway is completed and connected to the Ruakura land in a manner that does not undermine the efficient functioning and safety of the transport network, or another infrastructure solution has been demonstrated to satisfy the relevant criteria for alternative land release in Method 6.13.3 of the Proposed Waikato Regional Policy Statement.~~
- gi) Land use in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area will roll out in two stages, in accordance with the provision of available existing and strategic ~~transport~~ network infrastructure.

The two stages of land use and development in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area are provided for in Rule 3.7.3.5 of this District Plan.

- ~~h) Land use in Precinct C the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area will roll out in two stages, in order to avoid reverse sensitivity issues otherwise potentially affecting the development of land and establishment of land use in the Ruakura Logistics Zone accordance with the provision of Ruakura Strategic Infrastructure and associated network connections.~~

~~The two stages of land use and development in the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area are provided for in Rule 3.7.3.6 of this District Plan.~~

- ~~i) The Ruakura Structure Plan map identified as Volume 2, Appendix 2, Figure 2-14 indicates the eventual pattern of development within Ruakura. There are also maps in Volume 2, Appendix 2, Figures 2-15 to 2-18 indicating the nature and extent of the proposed transportation hierarchy, and walkways and cycleways, and the Three Waters infrastructure.~~

Note

- ~~l) 1. The boundaries of zones for the proposed land uses within the Ruakura Structure Plan are defined by the planning maps. The Ruakura Open Space Zone is fixed on Figure 2-14. Future Neighbourhood Reserves are indicative. However, some boundaries of the Neighbourhood Open Space Zone shown on the planning maps are indicative only. The final location of the ecological link and neighbourhood reserves within the Ruakura Medium Density Residential Zone and General Residential Zone will be addressed as part of a Land Development Plan application., because the extent of the zone is linked to the vesting of proposed transport corridors (refer Rule 15.4 in the Chapter 15: Open Space Zones).~~

3.7.1 Structure Plan Components

3.7.1.1 Ruakura Logistics Zone – Inland Port

- a) Ruakura is strategically located to satisfy increasing national demand for facilities to efficiently handle freight, particularly that originating at the Port of Tauranga and the Port of Auckland.
- b) The proposed port will be intermodal so freight can be transferred from and to rail and road transport. Railway facilities include sidings, platforms, container hardstand areas, lighting towers, security infrastructure and fire and hazardous substance management facilities. It also involves infrastructure including CCTV, communications and data management infrastructure and stormwater management.
- c) A full diamond interchange from the Waikato Expressway will ~~Negotiation on the most appropriate interchange to~~ service the road-based freight traffic associated with the inland port. ~~is on-going.~~ In the initial phase, it is envisaged that the inland port will consist of primarily road-based freight until the rail infrastructure is developed.

3.7.1.2 Ruakura Logistics Zone – Logistics

- a) This generally comprises large warehouse buildings and large areas of hardstand. Logistics and freight-handling activities include all aspects of freight handling.
- b) Due to the costs involved in developing the inland port, and the nature of the infrastructure (such as security and MAF/Customs facilities), it is important that the freight and logistics area is occupied by businesses which use the facilities provided by the inland port rather than more general industrial or employment activities.

3.7.1.3 Ruakura Industrial Park Zone

- a) Beyond the area identified for the inland port and logistics is more general industrial land for a wider range of employment and economic activities. This land use is facilitated through a new Industrial Park Zone which encourages industrial activities that support the primary purpose of a port and logistic area, while avoiding offensive and noxious activities. It is intended that this industrial area will deliver a higher standard of amenity than would ordinarily be associated with an industrial zone.

3.7.1.4 Knowledge Zone

- a) The Knowledge Zone provides further employment opportunities and is situated to capitalise on the location of the Waikato Innovation Park, AgResearch Campus and the University of Waikato. The Knowledge Zone is divided into Precincts which reflect these significant land uses. It will provide for a comprehensive range of education, research and development activities with supporting retail and mixed-use activities, all set within a strong landscaped precinct.
- b) The Knowledge Zone is strategically important. ~~While as-although~~ the existing Waikato Innovation Park, University and AgResearch Campus are all located within reasonably close proximity, they lack strong connectivity and a common focal area. There are significant opportunities to create an environment which supports the existing primary economic base of the region, along with the potential for new research and innovation activities related to the inland port and logistics hub, in a manner which does not compromise the Central City.

3.7.1.5 Ruakura Retail Neighbourhood Centre

- a) The development of the Knowledge Zone provides the opportunity to create further complementary activities in a form that can enhance connectivity and encourage better interaction between existing land uses. The key to achieving these outcomes is the creation of a new north-south link between the University and AgResearch Campus. This area will jointly link the existing activity as well as providing services and ancillary activities. Within this area, it is also proposed to make provision for ~~a retail centre to serve Ruakura and adjacent areas while not undermining the primacy, function and vitality of the Central City, locally based retail activity~~, centred upon a 'main street' and public plaza, incorporating a potential passenger transport hub to the Central City.

3.7.1.6 Residential Zones

- a) The Ruakura residential area provides for a mixture of development that aligns ~~accords~~ with the densities proposed for General Residential, Medium-Density Residential and Large Lot Residential Zones. The intention is to provide an area

with various housing choices, including site size and housing typologies, including an emphasis on affordable housing. Residential development in the General Residential and Medium-Density Residential Zones is positioned to maximise existing connectivity from Fairview Downs and the Hamilton Ring Road. One Integrated Retail Development is provided for within the Ruakura Medium Density Residential Zone to serve the surrounding catchment (see Figure 2-16 in Appendix 2).

- b) The area bounded by Percival and Ryburn Roads and the Waikato Expressway is identified on the structure plan for logistics, to ensure the utilisation of existing and future planned infrastructure. There are a number of existing dwellings within this area, and as the staging identifies that development ~~will not~~ be required until at least 2021 a Large Lot Residential Zone has been put in place to retain amenity provisions within this area until such time as a future plan change rezones the land for logistics purposes. Mitigation measures ~~s-controls~~ apply to the Inland Port and the Logistics Zone to also assist in retaining the amenity of this area in the interim. ~~Any further fragmentation of the land is discouraged.~~

3.7.1.7 Transportation Network

- ~~a) The Waikato Expressway forms the eastern boundary of the Structure Plan area. Possible interchanges to this Expressway are located in the Structure Plan area. The objective of those interchanges is to provide connectivity with the City's strategic transport network and access to the inland port and industrial areas.~~
- ~~b) Adjacent to the spine road corridor is an open space corridor of a similar width which incorporates a range of functions, including stormwater reserve, walkways and cycleways.~~

The transport network to service the Structure Plan area comprises of the following hierarchy, which describes the form and function of the various routes:

- a) The **Waikato Expressway** forms the eastern boundary of the Structure Plan area. There are two interchanges to the Waikato Expressway connecting to major arterials within the City's network at the Greenhill Link Road interchange in the north, and the re-aligned Ruakura Road interchange in the south.
- b) **Greenhill Link Road** will initially be two-lane with provision for a four-lane major arterial City Gateway route connecting the Waikato Expressway to the City's Ring Road at Wairere Drive/Crosby Road roundabout. Access is provided via the Spine Road intersection. Strategic water and wastewater infrastructure will co-locate in this corridor.
- c) The **Spine Road North** is a minor arterial to the north of Greenhill Link Road and provides strategic connectivity to the future residential development in the north. This will be a two-lane minor arterial road, with direct property access on the western side and intersection only access on the eastern side of the Spine Road. The corridor will provide for public transport, on-street parking, a shared walking and cycle path and swales for stormwater management. Strategic wastewater and water infrastructure will co-locate within the corridor, coupled with the underground 110kv Transpower transmission line.
- d) The **Spine Road (central)** will be a two-lane minor arterial road south of Greenhill Link Road to the Fifth Avenue extension. The form and function of this road is to

primarily service residential and industrial development through intersection access. The corridor provides for public transport, parking, shared footpath and cycle path and a swale area for stormwater management. Strategic wastewater and water infrastructure will co-locate within this corridor, coupled with the underground 110kv Transpower transmission line.

- e) **Fifth Avenue Extension** will initially be two-lane with provision for a four-lane major arterial road extending the Cross City Connector arterial network from Wairere Drive to the Spine Road. The corridor provides for public transport, a shared walking and cycle path and a swale area for stormwater management.
- f) The **Spine Road** (south) will initially be two-lane with provision for a four-lane major arterial road from Fifth Avenue south to Ruakura Road West. This extends the Cross City Connector arterial to the Ruakura Industrial Park area. This section includes a four-lane road bridge over the East Coast Main Trunk Railway. At ground level, the corridor provides for public transport, shared footpath and cycleway and a swale area for stormwater management. Strategic wastewater and water infrastructure will co-locate within the corridor.
- g) **Ruakura Road** (urban) will continue to function as a two-lane minor arterial road between the Wairere Drive Ring Road and the Spine Road. The corridor provides for public transport and shared footpath and cycle path.
- h) **Ruakura Road West** will initially be a two-lane minor arterial road with provision for a four-lane major arterial City Gateway route, connecting the Spine Road major arterial to the Waikato Expressway. A series of signalised intersections will provide access to the Inland Port and Ruakura Logistics Zone north. A signalised intersection also provides access to the Ruakura Logistics and Ruakura Industrial Park Zones and the proposed service centre to the south. The corridor provides for public transport, shared footpath and cycle path and swale area for stormwater management.

The Collector road network below the arterial network shows indicative connections but will be assessed at each Land Development Plan stage to ensure transport connectivity between development areas and the greater structure plan.

3.7.1.8 ~~3.7.1.8~~ Open Space Network

Figure 2-14 shows the Ruakura open space network. This is intended to accommodate and provide for a range of functions including stormwater and ecological management, a well-connected pedestrian and cycleway network linking open space land, neighbourhood reserves for passive and informal recreation, and amenity strips between different activity zones. The following are key components of the open space network:

- a) **Greenway** – the green corridor that runs from the north west along the link road and down adjacent to the Spine Road to link to open space along Silverdale Road and the Mangaonua gully to the south. The greenway includes linear wetlands and vegetated margins, storage basins, low-flow channels, indigenous vegetation plantings, and buffer and interface amenity planting. The greenway will also provide for other functions including pedestrian and cyclist paths, and passive recreation such as seating areas.
- b) **Gullies** – at the northern end (Kirikiri Stream headwaters) and southern end (Mangaonua gully) of the structure plan area are gullies which will be protected in the same manner as those across the rest of the City in accordance with Chapter 21 Waikato River and Gully Systems.

- c) Visual amenity and buffer between incompatible activities – open space areas and planting shall provide an effective/suitable buffer, between different types of land uses.
 - d) Neighbourhood reserves - these provide a range of informal recreation facilities including children's play areas, kick around area, and spaces for passive recreation.
 - e) Connectivity – open space at Ruakura is intended to contribute to a well-connected network for pedestrians and cyclists.
-
- ~~a) At the northern and southern ends of the Structure Plan area are gullies which will be protected in the same manner as those across the rest of the City. The layout of the residential area has been designed to provide opportunities for the restoration and enhancement of the northern gully.~~
 - ~~b) The primary open space network is the open space corridor adjoining the spine road corridor being the major arterial transport corridor running north to south. A number of smaller connected open spaces are provided to serve the needs of the local communities. The residential area still has over 15ha proposed to become open space – representing some 10% of the residential area. Existing facilities in the wider area means there is no need for a large active recreation sports park. The open space network within the Structure Plan aims to enhance the local recreation needs of the area's working and residential communities.~~

3.7.1.9 Stormwater

- ~~a) The Structure Plan shows indicative locations for centralised key stormwater management facilities. Many will be located along the open space corridor next to the spine road or underneath the national grid transmission lines where other land uses are limited. The precise location of these stormwater facilities will be finalised through detailed catchment management planning and modelling. Opportunities for public access and enhanced recreational opportunities will be created where possible.~~
 - ~~b) Stormwater management must provide for the management of all stormwater within the land being developed, together with drainage from the entire catchment upstream of the proposed system.~~
-
- a) The structure plan sits across four hydrological catchments, being the Kirikiriroa, Komakorau, Hamilton East and Mangaonua catchments. Due to the flat topography, most public stormwater devices will be provided for within the swale/linear wetland network adjacent to the transport network or underneath the national grid transmission lines where opportunities for other land uses are limited. In addition to these linear wetlands and swales, on-site stormwater management devices will also be required to mitigate effects of development. The precise nature and location of these stormwater facilities will be finalised through detailed catchment management planning and modelling, and undertaken as part of preparing Land Development Plans for the growth cell or arising from an approved Integrated Catchment Management Plan.
 - b) Stormwater must be managed in an integrated manner across all catchments with individual developments contributing towards wider network and catchment outcomes.

- c) Figure 2-15B shows the recommended stormwater discharge points to the existing two catchments (excluding Komakorau and Hamilton East). Discharge consents will be required from the Waikato Regional Council prior to the discharge of any stormwater into these catchments from the Structure Plan area.*

3.7.1.10 Water and Wastewater

- a) Analysis has been undertaken around the existing network in regards to the potable water network and the system design required. This concluded that a boosted single reservoir network would meet demand and level of service requirements for the development of the Structure Plan.*
- b) Analysis has been undertaken for wastewater in relation to the Structure Plan. A sewer main with sufficient capacity for the land uses proposed for the site, as well as providing enough capacity for future possible connections from other external developments and growth areas, must be provided. It is proposed to position the sewer trunk main along the main spine road with adjacent laterals from sub-catchments and external sites feeding into the system along its length. The sewer trunk main extends from the southern end to the northwest corner of the Structure Plan Area, where it will connect into the existing reticulation in Wairere Drive.*
- a) A single reservoir is proposed to meet the demand and level of service requirements for the entire development of the structure plan. The single reservoir will also need to support the wider existing and future City needs. Figure 2-15B Ruakura Strategic Infrastructure shows an indicative location for a reservoir, at the highest point of the structure plan area within the existing AgResearch site, and indicative bulk mains connecting to the City network at Wairere Drive and Peachgrove Road. The development of the strategic infrastructure and the supporting bulk and trunk network will be secured through Land Development Plans. It is expected the bulk and trunk network will be located within the vested transport corridor.*
- b) Any Land Development Plan application will need to be supported by an assessment of options taking account of the whole of life costs for any proposed public infrastructure.*
- c) The strategic wastewater solution at Wairere Drive/Crosby Road has been developed to service future development needs for both the Ruakura Structure Plan and Peacocke Structure Plan areas. This wastewater interceptor is to be extended east and then south along the Spine Road and to Ruakura Road. Beyond the Ruakura Structure Plan the wastewater interceptor will continue to service planned intensification areas for the City.*
- d) Provision shall be made to extend the wastewater interceptor across the Waikato River and into the Peacocke Structure Plan area in a manner envisaged by Council's Wastewater Master Plan.*
- e) It is Council's expectation that the entire structure plan area will be serviced in a manner that seeks to avoid the need for any vested pumping stations.*

3.7.1.11 Indicative Infrastructure Development Programme

- a) Figures 2-15A and B illustrate the Ruakura Strategic Infrastructure necessary to support the growth cell. Rules 3.7.3.3 and 3.7.3.4 detail the nature and staging of*

transportation and three waters infrastructure requirements. Land Development Plans are expected to further refine these transportation and three waters infrastructure needs. It is expected that the provision of the planned strategic three waters infrastructure network would be integrated, constructed and vested concurrent with the development of the transport network (in particular the incremental development of the Spine Road).

- b) Where strategic infrastructure is developed on land not held by Council, easements in gross in favour of Hamilton City Council will be required to secure access to any public infrastructure. It is Council's expectation that all Ruakura Strategic Infrastructure will be vested in Council.

3.7.1.12 Connections to Ruakura Strategic Infrastructure

- a) The Structure Plan sets the overarching pattern of development, which is supported by strategic infrastructure. While the concepts are flexible in their application to some extent, the pattern of development shall be sequenced in a manner that reflects the Ruakura Strategic Infrastructure as shown on Figures 2-15A and B. There are critical elements of strategic infrastructure that must be provided for within defined corridors and localities (see Figures 2-15A and B).
- b) Prior to the operation of the Ruakura Reservoir, water supply is available for up to 1250 residential lots in the north of the growth cell. There is no interim water capacity for the remainder of the Ruakura Structure Plan. Once the reservoir is operational, existing and subsequent development within the Structure Plan will be required to connect to the distribution network from the reservoir which will be serviced from both the existing main connections at Wairere Drive and Peachgrove Road.
- c) There is no interim wastewater capacity within the City's existing wastewater network to accommodate growth in the Ruakura Structure Plan area. All wastewater is to be disposed via a wastewater service which will be extended south along the Spine Road corridor through Land Development Plan applications. All Land Development Plan applications shall demonstrate how they provide for immediate and or future connections to the Ruakura Strategic Infrastructure.

3.7.2 Objectives and Policies

When consent is required for subdivision and/or development within the Ruakura Structure Plan area, the proposal must be in accordance with the objectives and policies below and any general objectives and policies for Structure Plan areas (refer to 3.3).

Objective	Policies
3.7.2.1 Land within the Ruakura Structure Plan Area will be developed in <u>general</u> accordance with the vision for the Ruakura Structure Plan set out in 3.7 and 3.7.1.	3.7.2.1a The expansion of the City to provide a significant new employment area based around the development of a regional logistics hub which will form a catalyst for further development and attract a wider range of business to the City.
	3.7.2.1b Maximise the use of existing infrastructure investment, including the railway network, and

Objective	Policies
	align land-use patterns with the area's planned infrastructure investment to achieve integrated transport and land use development; with an emphasis on logistics and freight. 3.7.2.1c Create opportunities for the ongoing development of research, learning and innovation activities; recognising the importance of the University of Waikato, the AgResearch Campus and the Waikato Innovation Park to the City and the Region. 3.7.2.1d Develop comprehensively planned areas of residential housing connecting with Fairview Downs, providing a range of housing choice and affordability. 3.7.2.1e Configure land uses around a comprehensive network of well-connected open spaces that will perform a range of functions including <u>recreation</u>, <u>stormwater management</u>, <u>cycle ways</u> <u>and</u> <u>walkways</u>, <u>ecological</u> and <u>amenity-recreation</u>. 3.7.2.1f An area of new development within the City which is integrated and complementary to the existing and planned land use pattern for the City.
<u>3.7.2.2</u> <u>Development and land use activities in the Ruakura Structure Plan are designed, developed and implemented in a manner which protects the amenity values of surrounding communities and facilities, while providing for urbanisation.</u>	<u>3.7.2.2a</u> <u>Development and land use will:</u> <u>i. Ensure an appropriate level of urban residential amenity in relation to existing and future residential activities; and</u> <u>ii. Ensure an appropriate level of amenity in relation to existing and future facilities in the University of Waikato, Waikato Innovation Park and AgResearch.</u> <u>This will be achieved by:</u> <u>i. Mitigating the adverse effects of noise, vibration, lighting, glare, odour, dust, and air emissions; and</u> <u>ii. Ensuring attractively designed buildings and landscaped frontages to key public frontages; and</u> <u>iii. Screening and landscaping adjoining sensitive activities.</u>

Objective	Policies
	<u>3.7.2.2b</u> <u>Land use, subdivision and development of the Ruakura Structure Plan will be undertaken in accordance with Figures 2-14, 2-15A and B, 2-16, 2-17 and 2-18 outlined in Appendix 2 Structure Plans.</u> <u>3.7.2.2c</u> <u>Interim land use and development in the Ruakura Structure Plan will not compromise the integrity and viability of the land use pattern of the Ruakura Structure Plan.</u> <u>3.7.2.2d</u> <u>The positive effects of logistics, industry, knowledge, residential and open space activities on economic, cultural, social and environmental wellbeing will be encouraged and promoted by providing for these activities.</u> <u>3.7.2.2e</u> <u>Logistics, industry, knowledge, residential and open space activities and development will use land allocated and serviced for these purposes in accordance Figures 2-14, 2-15A and B, 2-16 and 2-17 outlined in Appendix 2 Structure Plans.</u> <u>3.7.2.2f</u> <u>Logistics, industry, knowledge, residential and open space land identified on Figure 2-14 will be safeguarded for these purposes.</u> <u>3.7.2.2g</u> <u>Industrial land will be released in a staged manner together with the development of the Inland Port to ensure that co-location and agglomeration benefits of the Inland Port are able to be realised.</u>
<u>3.7.2.3</u> <u>New urban development within the Ruakura Structure Plan is serviced and integrated with the existing and future infrastructure network (including roads and Three Waters) to manage impacts on the network and manage the impacts of infrastructure on new urban development.</u>	<u>3.7.2.3a</u> <u>Land within the Ruakura Structure Plan will not be developed until adequate infrastructure is provided and a commitment to the development of the Ruakura Strategic Infrastructure by an appropriate legal mechanism.</u> <u>3.7.2.3b</u> <u>Staging and sequencing will ensure the capacity of roading and Three Waters infrastructure is not exceeded.</u>

Objective	Policies
	<u>3.7.2.3c</u> <u>The use and development of land for urban development is inappropriate unless a Land Development Plan has been approved by the Council and is supported by the development of Ruakura Strategic Infrastructure.</u> <u>3.7.2.3d</u> <u>Development will not compromise the safe, efficient and effective operation and use of existing or planned infrastructure.</u> <u>3.7.2.3e</u> <u>Development will not result in incompatible adjacent land uses with respect to existing or planned infrastructure.</u>
<u>3.7.2.4</u> <u>An integrated and efficient pattern of land use and transportation so as to sustainably manage the impact of development on existing and planned transport infrastructure including Ruakura Strategic Infrastructure.</u>	<u>3.7.2.4a</u> <u>Integrated Transport Assessments will be undertaken for each Land Development Plan area, and for high traffic generating activities, to manage impacts on existing and planned transport infrastructure.</u> <u>3.7.2.4b</u> <u>The transport network supports efficient passenger transport and walking and cycling, including grade separate facilities on arterial routes.</u> <u>3.7.2.4c</u> <u>Staged development is coordinated with the extension and/or construction of the Spine Road and provides ongoing connectivity to the existing and future transport network.</u> <u>3.7.2.4d</u> <u>Road stopping procedures for parts of Ruakura Road and Percival Road will be required under the Local Government Act to enable the expansion of the Inland Port. The principles to be adhered to, for any alternative access proposal, include (to the extent possible):</u> <u>i. A route which provides for travel in the general direction of Hillcrest and Silverdale without significant detours in terms of distance, travel times or connectivity;</u> <u>ii. A route which enables use of alternative modes of transport (particularly walking and cycling); and</u> <u>iii. A route which avoids severance effects for the Percival / Ryburn Road community.</u>

Objective	Policies
	<u>3.7.2.4e</u> <u>Opportunities for improved safety, accessibility, connectivity and efficiency within the transportation network are provided including grade separated facilities on arterial routes.</u>
<u>3.7.2.5</u> <u>Development maintains or enhances indigenous biodiversity values and mitigates adverse effects on indigenous biodiversity.</u>	<u>3.7.2.5a</u> <u>Development will avoid adverse effects on significant indigenous biodiversity in the first instance, and where effects cannot be avoided, they should be remedied, mitigated or offset in order to maintain indigenous biodiversity values.</u>
	<u>3.7.2.5b</u> <u>Protect, and where appropriate enhance, the water quality of adjacent streams and gully systems in order to maintain or enhance indigenous biodiversity values.</u>
	<u>3.7.2.5c</u> <u>Improved indigenous biodiversity outcomes through restoration and enhancement will be encouraged.</u>
	<u>3.7.2.5d</u> <u>Create a greenway which provides opportunities for improved habitat and ecological benefits in the Ruakura Structure Plan and in the downstream receiving environment. The greenway in the Ruakura Open Space Zones, Ruakura Open Space Area and road reserves shall include linear wetlands, their vegetated margins, storage basins, low flow channels, indigenous vegetation planting and amenity planting.</u>
	<u>3.7.2.5e</u> <u>Retain and re-establish viable populations of the black mudfish, longfin eel, shortfin eel, and indigenous lizards within the Ruakura Structure Plan, by the establishment and management of linear wetlands and riparian vegetation.</u>
	<u>3.7.2.5f</u> <u>The Land Development Plan will include methods to ensure maintenance or enhancement of indigenous biodiversity values and mitigation of adverse effects on indigenous biodiversity.</u>
<u>3.7.2.6</u> <u>Land use and development in the Ruakura Structure Plan occurs in a manner which does</u>	<u>3.7.2.6a</u> <u>The distribution, type, scale and intensity of commercial development in the Ruakura Structure Plan will not undermine the vitality, functions, and</u>

Objective	Policies
<u>not compromise the vitality, functions and amenity of the central city and maintains a hierarchy of business centres in Hamilton.</u>	<u>amenity of the central city.</u>
~~3.7.2.2 Land use and development within the Ruakura Structure Plan area will occur in a manner which does not compromise the function, viability or vibrancy of the Central City.~~	~~3.7.2.2a The distribution, type, scale and intensity of development within the Ruakura Structure Plan area shall not undermine the viability, vitality and vibrancy of the Central City.~~
3.7.2.73 The creation of a regionally significant logistics hub in Hamilton.	3.7.2.73a Logistics, freight handling services and supportive activities and infrastructure shall be provided for in the Ruakura Logistics Zone.
	3.7.2.73b The positive environmental economic and social effects of logistics and freight handling activities and infrastructure shall be recognised and supported.
3.7.2.84 The continued development of a research, education, innovation and technological activity precinct in a manner which does not compromise the Central City.	3.7.2.84a Research, education, innovation and technological activities and supporting activities and infrastructure shall be supported and co-located within the Ruakura Innovation Zone.
	3.7.2.84b The manufacture and development of prototype goods, where such activities will complement the primary role of research, education and innovation, shall be provided for.
	3.7.2.84c Activities ancillary to and which support the primary purpose of the zone, such as retail and community activities, shall be recognised and provided for.
	3.7.2.84d The shared use of infrastructure, including car parking and buildings to maximise efficiencies of use, shall be encouraged.

Objective	Policies
3.7.2.95 The creation of a high quality Industrial Park in Ruakura.	3.7.2.95a Industrial development shall be well designed and of high quality in the Ruakura Industrial Park Zone.
	3.7.2.95b No provision is made for noxious or offensive industrial activities within the Ruakura Industrial Park Zone.
3.7.2.106 An integrated, well-planned residential environment.	3.7.2.106a Residential areas shall be comprehensively planned and developed in co-ordination with transport network connections.
	3.7.2.106b Residential areas shall be integrated with and connected to Fairview Downs.
	3.7.2.106c A range of housing choice and affordability shall be provided.
3.7.2.117 A centre for locally based retail facilities capable of meeting the day to day needs of the immediate surrounding neighbourhoods.	3.7.2.117a Activities within the neighbourhood centre shall principally serve the immediate neighbourhood.
	3.7.2.117b The scale and nature of activities within the neighbourhood centre shall not generate significant adverse amenity effects on the surrounding residential area and transport network.

3.7.3 Rules

3.7.3.1 Ruakura Structure Plan Area

All land use and development within the Ruakura Structure Plan ~~Area~~ shall be in general accordance with:

- a) The Ruakura Structure Plan as set out in section 3.7 of this Chapter, and
- b) Ruakura Structure Plan ~~Figures Maps~~ in Volume 2, Appendix 2, Figures 2-14 to 2-189.
- c) Land Development 3.7.3.2
- d) Staging and Traffic Requirements 3.7.3.3
- e) Ruakura Strategic Infrastructure Requirements 3.7.3.4
- f) General Matters 3.7.3.5.

3.7.3.2 Land Development Plan

3.7.3.2.1 Consent for Land Development

-
- a) A resource consent for a restricted discretionary activity is required for the following activities associated with the urbanisation of land in the Ruakura Structure Plan:
- i. Preparation of land for development purposes including earthworks and vegetation removal.
 - ii. Construction of roads, pedestrian paths and cycle routes.
 - iii. Installation of Three Waters infrastructure (including linear wetlands and storage basins).
 - iv. Works related to the establishment of open space networks.
 - v. Screen planting associated with the Inland Port (Sub Area A (Inland Port)).
- b) The Ruakura Structure Plan is divided into a number of Land Development Plan Areas (as shown in Figure 2-16 in Appendix 2 Structure Plans).
- ~~a) Consent for the urbanisation of land involving the activities listed in Rule 3.7.3.2.1 shall be obtained for the entire or staged section of these areas prior to land use, subdivision and development under any other rule of the Ruakura Structure Plan.~~
- c) Land development and new buildings in the absence of a Land Development Plan is Non Complying.
- d) The boundaries of the Land Development Plan areas may be altered to a minor extent as part of detailed design work for the Land Development application, but not to exclude the Spine Road from the area. For the purpose of the administration of this provision, a boundary alteration will be considered 'minor' if the land use in the extended area and the effects arising from that land use are, or are likely to be of the same or similar scale, character and intensity as the original Land Development Plan area.
- e) A Land Development Plan shall provide the following information as detailed in Appendix 1.2.2.25 Information Requirements – Land Development Plans:
- i. General Requirements;
 - ii. Concept Layout Plan;
 - iii. Landscape Concept and Enhancement Plan (including a Native Fish Management Plan and Native Lizard Management Plan as required);
 - iv. Water Impact Assessment;
 - v. Integrated Transport Assessment;
 - vi. Mitigation of Adverse Land Development Effects on Habitats;
 - vii. Medium Density Residential Zone (where relevant); and
 - viii. Open Space Provisions
 - ix. Ruakura Strategic Infrastructure (as shown on Figures 2-15A and B)
- f) Where staged development of any Land Development Area is sought then the following indicative information for the balance area shall be provided:
-

- i. The location and width of proposed roads and carriageways and their integration with the existing and future transport network;
- ii. The location of proposed Ruakura Strategic Infrastructure to ensure connectivity across the entire structure plan and adjacent Land Development Plan areas.
- iii. The National Grid electricity transmission network;
- iv. Where the Land Development Plan contains any part of the Inland Port (Sub Area A (Inland Port)) indicative layout plan showing internal roads, hardstand and impermeable areas, crossing points under transmission lines, indicative building locations, future rail sidings and connections to the East Coast Main Trunk railway and clearances between finished surface levels of the Inland Port and the National Grid electricity transmission network;
- v. The location and size of storm water treatment and control measures; and
- vi. The location, size and purpose of open spaces.
- g) Land Development Plans will be assessed in accordance with the functions of the Hamilton City Council prescribed in Section 31 of the Resource Management Act. Consents may also be required from Waikato Regional Council under the Waikato Regional Plan e.g. for stormwater discharge.

3.7.3.2.2 Water Impact Assessment

- a) A Water Impact Assessment based on anticipated development in the Land Development Plan that includes the following:
 - i. How the proposal is consistent with, or otherwise complies with, the recommendations, measures and targets of any approved Integrated Catchment Management Plan.
 - ii. Where there is no approved Integrated Catchment Management Plan, how the proposal is consistent with the development of and gives effect to Ruakura Strategic Infrastructure including as shown on Figures 2-15A and B in Appendix 2 for the entire structure plan area.
 - iii. How the Land Development Plan provides for the eventual diversion of any temporary connections to strategic infrastructure, including timing or triggers for such diversions.
 - iv. An assessment of any potential effects (including cumulative effects) of the development in relation to its catchment. In particular, the assessment should include consideration of potential construction effects and the potential effects of new stormwater devices on adjacent private property.
 - v. Details of what water-sensitive techniques are proposed and methods of implementation.
 - vi. Details of the expected water efficiency benefits arising from the proposed water-sensitive techniques compared to the same development without using those water-sensitive techniques.
 - vii. Details of how the water-sensitive techniques will be operated and maintained to ensure ongoing water efficiency benefits.

- viii. Confirmation of available Three Waters infrastructure and capacity, existing and proposed, to appropriately service anticipated development in the Land Development Plan area and the wider structure plan area.
- ix. Details of the water demand (flow and pressure) and water sources.
- x. An assessment of the effect that any staged or interim development and infrastructure has on the strategic network described in Figures 2-15A and B including an assessment of when any diversion to that strategic network is required to restore the city wide network capacity that was being used on an interim basis.

3.7.3.2.3 Notification Rule

- a) Except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in section 4.5.4 of Residential Zones, 8.3.2, 8.3.3 and 8.9 of Knowledge Zone, 10.3, 10.6 or 10.7 of Ruakura Logistics Zone or 11.3, 11.6 or 11.7 of Ruakura Industrial Park Zone shall be considered without notification or the need to obtain approval from affected persons except that applications for activities generating 1500 or more vehicle movements per day shall be limited notified to the following unless they have given their affected party approval:
 - New Zealand Transport Agency, Waikato Regional Council and Waikato District Council.

Further to clause (a), all activities within the Inland Port (Sub Area A (Inland Port)) classified as a Restricted Discretionary Activity by Rule 25.8.3.14a) shall be considered without notification or the need to obtain approval from affected persons.

3.7.3.3 Staging and Traffic Requirements

- a) The staging conditions relate to the provisions of the PRPS and in particular Table 6-2 which sets out the strategic industrial land allocation for the Waikato Region. Ruakura is identified for the staged release of land to provide for up to 405ha of industrial land by 2061. The rules are aimed at ensuring compliance with this land release but still picking up key triggers and levels of tolerance where network upgrades and other constraints lie.
- b) Due to the size of the site and the development timescale the roll out of, and specific mix of Ruakura Logistics to Ruakura Industrial Park land uses, is not yet understood. Ruakura Logistics activities are expected to have a significantly lower level of traffic generation than Industrial Park Activities. As such a sliding scale of impacts and a range of development options have been encapsulated in the rules while the location and final layout of these activities are fixed, the take up of the land will depend on the market demand and, as such, some staging flexibility is appropriate.
- c) It is noted that the Industrial Stage 2 development and the Precinct C development within the Knowledge Zone are subject to the Waikato Expressway (Hamilton

section) being completed and connected to the Ruakura Structure Plan or suitable arterial network capacity being demonstrated or established in a manner that maintains the efficiency, safety and functioning of the transport network. It is considered that where construction is underway and a completion date is available some flexibility on further land release may be appropriate to ensure benefits are obtained from infrastructure at the earliest possible date and development to cater for market demand is not unduly delayed.

d) Spine Road construction trigger

The Spine Road (central) shall be extended south from Greenhill Link Road as LDP applications are lodged for Areas I, L, M and K to the boundary of the Medium Density Residential Zone. The full extent of the Spine Road within each LDP area will be constructed as part of the LDP application.

The Spine Road (central) shall be extended south as LDP applications are lodged for Areas T and S. The full extent of the Spine Road within each LDP area will be constructed as part of the LDP application.

- Development shall not commence in LDP Area G until the Spine Road is constructed along the full extent of LDP Area T.
- Development shall not commence in LDP Area R until the Spine Road is constructed along the full extent of LDP Area S.

The Spine Road (south) shall be extended south from the general residential zone boundary to Ruakura Road West and be subject to the following sequencing constraints:

- Development shall not commence in LDP Areas D, F or P until such time as the Spine Road (south) is constructed.

3.7.3.3.1 Industrial Land Stage 1 Rule (PRPS 2021 Allocation)

a) Up to 80 hectares of land within the Ruakura Structure Plan may be developed before 1 January 2021, with general industrial not exceeding 30 hectares. This can be made up with a combination of the following land allocations:

Ruakura Logistics Zone

- i. up to 20 ha of Ruakura Logistics Zone; or
- ii. up to 40 ha of land in Ruakura Logistics Zone subject to:
 - a. Signalisation of the existing intersection of Ruakura Road/Knighton Road; and
 - b. Signalisation of the intersection of Ruakura Road/Silverdale Road; and
 - c. Total weekday average peak hour generation for the area for each morning and evening peak periods based on a minimum two week continuous traffic count is less than 180 vph.
- iii. up to 80 ha of Ruakura Logistics Zone subject to:

- a. Signalisation of the existing intersection of Ruakura Road/Knighton Road; and
- b. Signalisation of the intersection of Ruakura Road/Silverdale Road; and
- c. Ruakura Road being realigned and connected from the existing Ruakura Road (east of Silverdale Road) to the existing Ruakura Road (north of Vaile Road), and open to traffic; and
- d. Formation of a priority controlled intersection where the realigned Ruakura Road meets the old Ruakura Road in the block between Holland Road and Vaile Road; and
- e. Total weekday average peak hour generation for the Ruakura Logistics Zone for each morning and evening peak periods based on a minimum two week continuous traffic count is less than 180 vph.

Ruakura Industrial Park Zone

and/or

- iv). Up to 16 ha of Ruakura Industrial Park Zone to the north of AgResearch, provided the overall level of development within the Industrial Land Stage 1 shall not exceed 80 ha; or
- v). Up to 30 ha of land within the Ruakura Industrial Park Zone to the north of AgResearch, provided the overall level of development within the Industrial Land Stage 1 shall not exceed 80 ha; and
 - a) Total weekday average peak hour generation for the Zone for each morning and evening peak periods based on a minimum two week continuous traffic count is less than 15 vph per gross developed hectare; and
 - b) An approved Land Development Plan for Land Development Plan Area A being stage 1 of the Inland Port, south of the East Coast Main Trunk railway and west of Percival Road, and associated logistics activities; and
 - c) Commencement of development within Land Development Plan Area A (being Stage 1 of the Inland Port (Sub Area A (Inland Port))) and associated logistics activities). For the purpose of this rule commencement of development will be as a minimum, water, and wastewater connections, stormwater solutions and transportation access to the Inland Port consistent with the approved Land Development Plan for the Inland Port, and consistent with any staging and interim infrastructure solution provided for in the Land Development Plan. These connections will be identified on the Land Development Plan.

3.7.3.3.2 Industrial Land Stage 2 Rule (PRPS 2021 - 2041 Allocation)

- a) An additional 115ha of land within the Ruakura Logistics Zone and Ruakura Industrial Park Zone may be developed post 1 January 2021 subject to:
 - i. The Waikato Expressway (Hamilton section) having been completed and directly connected to the Ruakura Structure Plan, via an interchange at a realignment of

Ruakura Road and the direct connection between Greenhill Interchange and Wairere Drive.

- ii. Weekday average peak hour traffic volume, including the traffic generated by the proposed development, not exceeding 1,200 vehicles per hour (vph) (one way) on Ruakura Road (east of Wairere Drive) and 1,400 vph (one-way) on Wairere Drive (south of Ruakura Road). Where the volume is in excess of either of these thresholds this area can be developed only when the Spine Road is connected and open to traffic from Ruakura Road to Fifth Avenue Extension.
- iii. The traffic generation and network performance for Stage 1 Activities is in accordance with Rule 3.7.3.3.1.

3.7.3.3.3 The Knowledge Zone Precinct C (including the Ruakura Retail Centre, but excluding Precincts A, B and D) Staging Rule

- a) Up to 16 ha of land within Precinct C (including the Ruakura Retail Centre) may be developed subject to the following criteria.
 - i. A connection being formed between Precinct C and Ruakura Retail Centre and the signalised intersection of Ruakura/Knighton Roads.
 - ii. Weekday average peak hour traffic volume, including the traffic generated by the proposed development, not exceeding 1,200 vehicles per hour (vph) (one way) on Ruakura Road (east of Wairere Drive) and 1,400 vph (one-way) on Wairere Drive (south of Ruakura Road). Where the volume is in excess of either of these thresholds this area can only be developed when the Spine Road is connected and open to traffic from Ruakura Road to Fifth Avenue Extension.
 - Or
 - iii. Suitable arterial network capacity can be demonstrated or established in a manner that maintains the efficiency, safety and functioning of the transport network.
- Provided that:
- iv. No more than 5ha can be developed unless the Spine Road is connected and open to traffic from Ruakura Road to Fifth Avenue Extension.

3.7.3.3.4 Medium Density Residential Staging Rule

- a) Except as provided for in (c) below up to 150 dwellings can be constructed in the Medium Density Residential Zone.
- b) Development in excess of 150 dwellings can occur in the northern Medium Density Residential Zone subject to a transport connection being established to the E1 Arterial Road at the Wairere/Crosby/Gordonton Road roundabout.
- c) There is no staging for the Medium Density Residential Zone adjoining Silverdale Road.

3.7.3.3.5 General Residential Staging

- a) There is no staging for the General Residential Zone.

3.7.3.3.6 Staging Activity Status

- a) Any application for resource consent not in accordance with Rules 3.7.3.3.1 – 3.7.3.3.5 is a discretionary activity.

The Council's discretion shall include, but not be limited to, the following matters:

- i. Demonstration that any development is consistent with the Industrial Land Allocation or alternative land release criteria specified in any operative or proposed Regional Policy Statement including any approved alternative land release provided for.
 - ii. Appropriate provision being made for mitigation works to ensure that development does not result in long term adverse effects on the efficiency, safety and functioning of the transport network. The timing of any other planned local network upgrades that would contribute to the offset of the effects of traffic generation.
 - iii. Whether there is certainty of timing over the construction of the Hamilton section of the Waikato Expressway and the extent to which this enables a departure from the provisions of Rule 3.7.3.3.1.
 - iv. The ITA matters for discretion set out in Appendix 1.3.3 N) Ruakura.
 - v. For industrial development in excess of 16ha in the Industrial Park Zone north of AgResearch or for any industrial development outside of this area: whether a Land Development Plan for Area A (being Stage 1 of the Inland Port (Sub Area A (Inland Port)) and associated logistics activities) has been approved and the necessary infrastructure connections for the Inland Port are in place.
- b) Except as provided for by Section 95A (2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act, an application under this rule shall be considered without notification or the need to obtain approval from affected persons except that the application shall be limited notified to the following unless the persons have given their affected party approval:
- New Zealand Transport Agency, Waikato Regional Council and Waikato District Council.

3.7.3.3.7 Traffic Generation

Traffic Generation Consent Requirements

- a) Any activity triggering trip generation thresholds of 1500 vehicles per day (vpd) requires resource consent as a restricted discretionary activity.
- b) This rule does not apply to events and temporary activities where a temporary traffic management plan has been approved by the relevant road controlling authority.

3.7.3.2 Integrated Catchment Management Plan

- a) An Integrated Catchment Management Plan which is consistent with the requirements of Chapter 4: Residential Zones, Chapter 8: Knowledge Zone, Chapter 10: Ruakura Logistics Zone and Chapter 11: Ruakura Industrial Park Zone, and complies with the requirements of Volume 2, Appendix 1.5.5 is a pre-requisite to all land use and development within the Ruakura Structure Plan Area.

~~3.7.3.4.3~~ ***Ruakura Strategic Infrastructure***

All land use and development within the Ruakura Structure Plan shall be subject to the following:

3.7.3.4.1 Potable Water Supply

a) All development within the Structure Plan shall be connected to the Ruakura water reservoir via a new distribution network in a manner consistent with the Ruakura Strategic Infrastructure, with the following exception:

- Prior to the operation of the Ruakura reservoir, up to 1250 residential lots may be serviced from the existing Greenhill Link / Wairere Drive water connection. Once the Ruakura water reservoir is operational, all existing and proposed residential development within the structure plan area shall be connected to the reservoir via a new distribution network.*

3.7.3.4.2 Wastewater Network

a) All development within the structure plan area shall discharge to the Ruakura Strategic Infrastructure wastewater network.

3.7.3.4.3 Stormwater Network

a) All stormwater management infrastructure shall be in accordance with an approved ICMP where available.

b) In absence of an approved ICMP, stormwater management infrastructure shall be subject to specific catchment management planning and reflect the preferred stormwater discharge points on Figure 2-15B.

3.7.3.4.4 General Matters

All land use and development within the Ruakura Structure Plan Area shall be subject to all infrastructure requirements identified as part of the assessment criteria set out in the relevant rules of:

- a) Chapter 4: Residential Zones
- b) Chapter 8: Knowledge Zone
- c) Chapter 10: Ruakura Logistics Zone
- d) Chapter 11: Ruakura Industrial Park Zone

e) Chapter 15: Open Space Zones

ef) Volume 2, Appendix 1.3.32 Restricted Discretionary Activity – Matters for Discretion and Assessment Criteria

~~3.7.3.4~~ ***Staging Rules for Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area***

~~a) Stage 1 Rule~~

~~All land use and development within the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area shall be subject to all of the following criteria:~~

- ~~i. — A total of no more than 80 hectares of land is to be developed before 1 January 2021.~~
- ~~ii. — Up to 80 hectares of land may be developed for port and logistics land use.~~
- ~~iii. — Up to 20 hectares of land may be developed for industrial land use provided that the ratio between allocated industrial land use and port and logistics land use is no more than 1:4.~~
- ~~iv. — Port and logistics land use shall be located in the Ruakura Logistics Zone in the area south of the east coast main trunk railway line.~~
- ~~v. — Industrial land use shall be located in the Ruakura Industrial Park Zone south of the east coast main trunk railway line or the industrial park area immediately north of the Knowledge Zone (i.e. west of the north-south spine road).~~

~~b) — Stage 2 Rule~~

~~All land use and development within the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan Area in Stage 2 shall be subject to all of the following criteria.~~

- ~~i. — All connections between the City's transport network in the Ruakura Structure Plan Area and the completed Hamilton section of the Waikato Expressway being complete and operational.~~
- ~~ii. — A transport connection must be established during Stage 2 between the Ruakura Industrial Park Zone and the Ruakura Logistics Zone with the transport connection to be established between the Wairere/Crosby/Gordonton Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan Area.~~
- ~~iii. — No more than 115 hectares of land is to be developed between 2 January 2021 and 1 January 2041.~~

~~c) — Stage 3 Rule~~

~~All land use and development within the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan area in Stage 3 shall be subject to the following criteria.~~

- ~~i. — No more than 210 hectares of land is to be developed between 2 January 2041 and 1 January 2061.~~

3.7.3.5 Staging Rules for General Residential Zone and Medium Density Residential Zone in the Ruakura Structure Plan Area (refer Volume 2, Appendix 2, Figure 2-19)

~~a) — Stage 1A Rule~~

~~Development of land in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of all of the following criteria.~~

- ~~i. — Between 1 and 200 residential units can be constructed in Stage 1A.~~
- ~~ii. — No more than 100 residential units can be constructed in Stage 1A in the main area of land zoned General Residential and Medium Density Residential Zones in the Ruakura Structure Plan Area.~~

- iii. ~~No more than 200 residential units are to be constructed in Stage 1A before a transport connection must be established and operating between Stage 1 and the Wairere Eastern Arterial at the Wairere/Crosby/Gordonton Road roundabout.~~

~~b) — Stage 1B Rule~~

~~Development of land in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of all of the following criteria.~~

- i. ~~Up to 175 residential units can be constructed in Stage 1B, provided that a transport connection has already been established and is operating between Stage 1 and the Wairere Eastern Arterial at the Wairere/Crosby/Gordonton Road roundabout.~~
- ii. ~~No more than 175 residential units can be constructed in Stage 1B before a transport connection must be established and operating between the Wairere/Crosby/Gordonton Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan Area. See Appendix 2: Structure Plans, Figure 2-6: Ruakura Residential Staging for identification of the Southern boundary of the General Residential Zone.~~

~~c) — Stage 2 Rule~~

~~Development of land in the General Residential Zone and the Medium Density Residential Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of the following criteria.~~

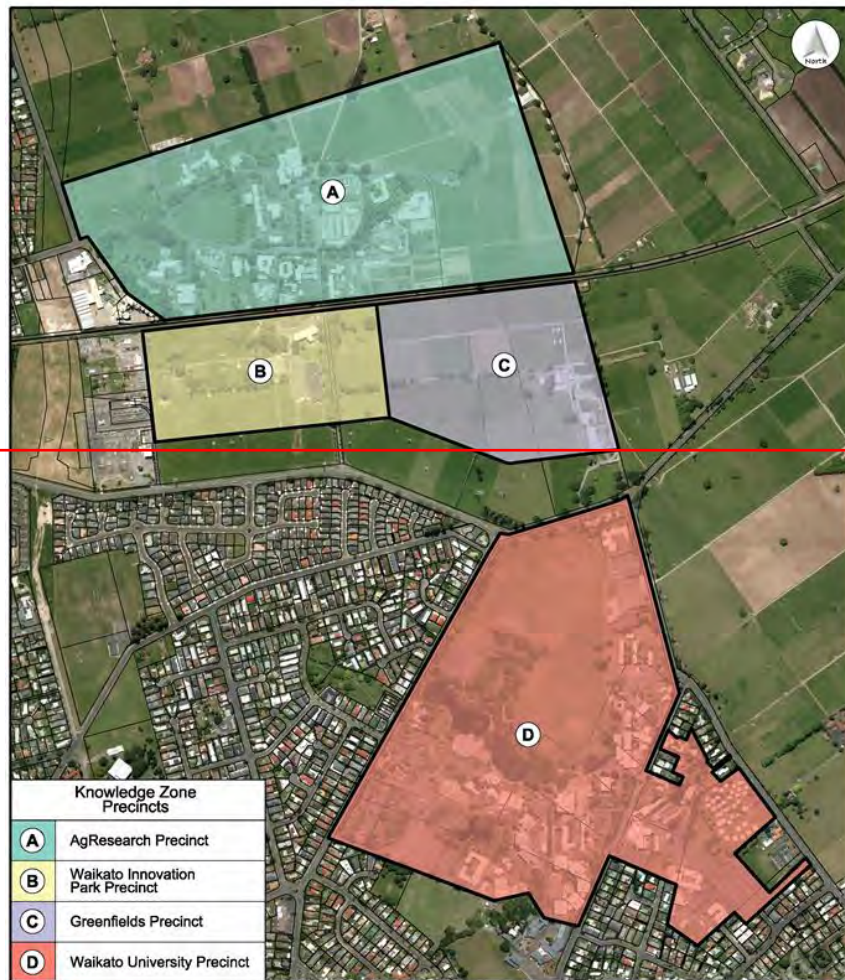
- i. ~~Up to 1,426 residential units can be constructed in Stage 2, provided that a transport connection has already been established and is operating between the Wairere/Crosby/Gordonton Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan Area.~~

~~3.7.3.6 — Staging Rule for the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area~~

~~a) — Staging Rule~~

~~Development of land in the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area shall be subject to satisfaction of all of the following criteria.~~

- i. ~~Development of land in sub-precinct A, B and D shown in Figure 3.7.3a may occur at any time.~~
- ii. ~~Development of land in sub-precinct C shown in Figure 3.7.3a shall not occur before 2041.~~

Figure 3.7.3a: Knowledge Zone Precincts

3.7.4 Provisions in Other Chapters

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

- Chapter 4: Residential Zone
- Chapter 8: Knowledge Zone
- Chapter 10: Ruakura Logistics Zone
- Chapter 11: Ruakura Industrial Park Zone
- Chapter 15: Open Space Zones
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gully Systems
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide
- Volume 2, Appendix 1: District Plan Administration



4 Residential Zones

4.1 Purpose

- a) The Residential Zones assist in creating a compact City. The Central City Zone also contributes significantly to the residential strategy by providing opportunities for higher-density living in the Central City (see Chapter 7: Central City Zone).
- b) The City has a finite amount of residential land. To accommodate more people, Council needs to develop the land it has more efficiently. The key is to provide a range of section sizes and household choices, including smaller sections and more compact living environments (such as townhouses and apartments), as well as the traditional larger lots with backyards.
- c) This District Plan provides for four Residential Zones (shown on the Planning Maps) that promote opportunities for different dwelling densities.
 - i. General Residential Zone.
 - ii. Residential Intensification Zone.
 - iii. Medium-Density Residential Zone.
 - iv. Large Lot Residential Zone.
- d) The provisions of this chapter are designed to assist in meeting the density targets of the Regional Policy Statement.
- e) The District Plan also provides for special character residential areas in Chapter 5: Special Character Zones.
- f) A Land Development Plan prepared in accordance with Rule 3.7.3.2 must be approved by Hamilton City Council before development can occur in the Ruakura Medium Density Residential Zone.

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4.1.1 General Residential Zone

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

4.1.2 Residential Intensification Zone

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

The intent is to encourage site redevelopment, primarily for multi-level and attached housing. These are expected to be on larger or amalgamated sites to allow sufficient room for good urban design.

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

4.1.3 Medium-Density Residential Zone

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

4.1.4 Large Lot Residential Zone

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

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

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

There are approximately twenty-three existing houses and a number of subdivided but undeveloped properties in the enclave. The houses and outdoor living areas tend to be oriented to the north and north-east and away from the western leg of Percival Road, and to the north-west and north in relation to the northern leg of Percival Road. Typically the houses are more than 30 metres from the zone boundary. Percival Road has the character of a quiet country road being a cul de sac. It joins to Ruakura Road to provide the sole link to the wider City network and the community facilities in the eastern suburbs.

A feature of the area is a more-or-less continuous row of plane trees adjacent to the western leg of Percival Road and a more limited and shorter row of plane trees on the northern leg of Percival Road.

This area is also planned in the Ruakura Structure Plan to transition to the Ruakura Logistics Zone in future district plans. ~~Future subdivision of this area into further large lot residential lots, therefore, is not encouraged.~~ However, to protect amenity a buffer will be necessary at the interface between the land intended to support the expansion of the inland port and future development in the Industrial Park Zone and the residential area. Interface design control measures are therefore adopted in 10.5.4 and 11.5.3 to mitigate the potential and actual effects on residential amenity resulting from the development of the inland port and related activities adjacent to the enclave. Establishment of the buffer is a pre-condition to future development of the inland port in this area and is a requirement of the relevant Land Development Plan.

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

4.1.5 All Residential Zones

- a) Design and layout of residential sites and buildings are critically important. All residential development must address potential adverse environmental effects and ensure a quality urban environment is achieved through high quality urban design.
- b) Good standards of amenity create a pleasant and attractive living environment, and in doing so contribute to wider neighbourhood amenity. Residential amenity means the many qualities and attributes that allow people to enjoy living where they do – such as visual attributes, sunlight, good access, low noise levels and safety.
- c) All Residential Zones are intended to be primarily for residential purposes and other activities need to maintain residential character and amenity.

- d) In addition to residential activities, some small-scale non-residential activities, such as home-based business and home stays, are appropriate in residential areas. A limited range of non-residential activities that support communities, such as schools and health centres, can potentially establish within the zones. However, this is subject to their compatibility with the existing and anticipated residential character and amenity.

4.2 Objectives and Policies: Residential Zones

Objective	Policies
4.2.1 A range of housing types and densities is available to meet the needs of all communities.	4.2.1a A variety of housing densities and types should be developed, consistent with the: i. Capacity of the existing infrastructure. ii. Target densities promoted by Future Proof and the Regional Policy Statement. Specifically this means achieving, as a minimum, the following average gross density targets (excluding transport corridors) over time in the Residential zones. 1. 16 dwellings per hectare for development (excluding the identified Large Lot Residential Areas). 2. 30 dwellings per hectare for identified intensification areas.
	4.2.1b Higher-density residential development should be located within and close to the Central City, suburban and neighbourhood centres, tertiary education facilities and hospital, and in areas serviced by passenger transport.
	4.2.1c New residential development shall be able to be adequately serviced in terms of Three Waters infrastructure, with the exception of the Ruakura Structure Plan Large Lot Residential Zone.
Explanation	
<i>This objective and policies recognise the need for a range of dwelling types and densities to meet the needs of all aspects of the community. These could range from a large family dwelling with plenty of outdoor space to an inner city apartment. Current projections indicate an aging population, as well as an increasing population. Different portions of the community have different housing preferences reflecting income, age, family size, number of children, and cultural factors.</i> <i>The Regional Policy Statement sets out dwelling density targets, derived from Future</i>	

Proof. These will be achieved by managing lot sizes in existing developed areas and subdivision yields in Structure Plan areas.

Different density targets are set for greenfield areas and existing urban areas. Greenfield development can be designed to meet a higher-density target from the outset, whereas intensification is harder to achieve in existing urban areas with an established land-use pattern. The Large Lot Residential Zone identifies areas where topography and existing land uses do not lend themselves to full urbanisation.

The policies require residential development to occur only in those areas identified. This approach ensures stability for established parts of the City and that higher density will not occur where it is not identified and provided for.

Objective	Policies
4.2.2 Efficient use of land and infrastructure.	4.2.2a Residential development shall use land and infrastructure efficiently by: i. Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans. ii. Staging and sequencing the development as indicated by rules or Structure Plans. iii. Otherwise complying with relevant Structure Plans.
	4.2.2b New buildings and activities shall mitigate effects on and from regionally significant infrastructure.
	4.2.2c Residential land uses should be managed to avoid potential effects, such as noise, from arterial transport corridors and state highways.

Explanation

The use of land can be affected by the presence of infrastructure. Not only does residential development need to have an adequate level of servicing available, but it needs to respond to regionally significant infrastructure, such as telecommunication infrastructure or the national electricity grid, either existing or planned.

Complying with staging ensures that infrastructure can be planned in advance of development and the effects of increased densities can be better managed. Infrastructure includes Three Waters and transport networks, as well as social infrastructure like libraries and community halls.

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

Objective	Policies
4.2.3 Residential development produces good on-site amenity.	4.2.3a Residential design shall achieve quality on-site amenity by providing: i. Private, useable outdoor living areas. ii. Access to sunlight and daylight throughout the year. iii. Adequate service areas to accommodate typical residential living requirements. iv. Insulation to minimise adverse noise effects. v. Parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents. vi. Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development.
	4.2.3b Residential sites adjacent to public space shall achieve visual and physical connectivity to these areas.
	4.2.3c Building design and location shall protect the privacy of adjoining dwellings.
	4.2.3d Buildings should be designed to conform to natural topography.
	4.2.3e Development in areas identified for medium and high-density residential activities should be in general accordance with the appropriate Design Assessment Criteria.
Explanation	
<i>Good design of housing is critically important to on-site and off-site amenity, especially where there is higher-density housing. The policies identify the features important for residential development, regardless of what form the dwelling may take, e.g. single, duplex or apartment.</i> <i>Important design features include access to sunlight, outdoor living space, storage space, space for waste and recycling, visual connectivity to public spaces such as the street, privacy and off-road parking. Incorporation of these features will ensure functional and high-quality living environments for the occupants.</i>	
Objective	Policies

4.2.4 The development contributes to good neighbourhood amenity as the area matures.	4.2.4a The size and scale of buildings and structures shall be compatible with the locality.
	4.2.4b Buildings should be designed so they do not physically dominate or adversely affect the residential character of the neighbourhood.
	4.2.4c Significant vegetation and trees should be preserved wherever possible.
	4.2.4d Garages, carports and vehicle access points shall be sited to ensure the safety of all road users and the safe and efficient function of the transport corridor.
	4.2.4e Development in the General Residential and Large Lot Residential Zones should not detract from or degrade the existing character of the surrounding area.
Explanation	
<i>How buildings relate to a street can have a major bearing on people's perception of the safety of an area. Cumulative effects of development should contribute positively to the streetscape and amenity. The urban amenity expected by residents can be positively or negatively altered by development. It is important that any new development is sympathetic to an area's existing character and amenity.</i>	
Objective	Policies
4.2.5 Protect and enhance the character values of the Hamilton East portion of the Residential Intensification Zone.	4.2.5a Development shall: i. Enable redevelopment opportunities. ii. Ensure that the siting and design of development recognises the strong visual relationship with the streetscape. iii. Be provided with landscaping and planting that enhances on-site and local residential amenity. iv. Ensure that extensive areas of hard-surfacing are avoided, wherever practicable. v. Be consistent with the local context, scale and character. vi. Avoid significant adverse effects on the character of the Hamilton East Area.

Explanation	
<i>The Hamilton East Residential Intensification Zone includes 2-storey and multi-unit accommodation in the “sausage block” format typical of the 1970s. As a result of this type of development, setbacks and separation distances are less pronounced than in other Hamilton East developments. Setbacks and separation distances are an important feature because front yard planting contributes to the amenity values the strong green backdrop of this area provides. The focus of the District Plan in this area is on the protection of these amenity values rather than the character of the existing buildings. This zone provides for higher levels of development than elsewhere in Hamilton East. The Hamilton East portion of the Residential Intensification Zone is identified in the Planning Maps.</i>	
Objective	Policies
4.2.6 Residential activities remain the dominant activity in Residential Zones.	4.2.6a Non-residential activities should not establish in residential areas, unless the adverse effects on all zones are avoided, remedied or mitigated.
	4.2.6b Visitor facilities such as accommodation and conference facilities should be located primarily in the Visitor Facilities Area.
	4.2.6c Home-based businesses shall: i. Be ancillary to the residential activity of the site. ii. Avoid adverse effects on the neighbourhood, character, amenity and the transport network. iii. Take place within dwellings or ancillary buildings. iv. Involve no outdoor storage of vehicles, equipment or goods visible from a public place. v. Be compatible with the character and amenity of the locality, in terms of location, type and scale of activity, number of visitors to the site, and hours of operation.
	4.2.6d Community facilities and community support activities (including managed care facilities and residential centres) shall: i. Serve a local social or cultural need. ii. Be compatible with existing and anticipated residential amenity.

	4.2.6e Non-residential activities shall be of an appropriate size to maintain character of the site.
Explanation <i>Non-residential activities have the potential to generate significant adverse effects in residential areas. Provided home-based businesses – where residential uses still occupy the majority of the dwelling – do not generate off-site effects, they are an acceptable form of non-residential activity. Home-based businesses often perform an incubator role that allows small businesses to become established. Once the home-based business has become established and grown to a certain size, it is more appropriate for it to relocate in either a Business or Industrial Zone. The policy seeks to prevent conversion of sites or buildings into purely business use.</i> <i>Some other non-residential activities may be appropriate in the Residential Zones. These include community facilities that perform a social or cultural function, such as schools, churches and community halls, as well as emergency service facilities.</i>	
Objective	Policies
4.2.7 Activities in Residential Zones are compatible with residential amenity.	4.2.7a Adverse effects of activities on the amenity values of the locality shall be minimised including: i. Effects of noise, glare, odour, dust, smoke, fumes and other nuisances. ii. Effects on traffic, parking, and transport networks.
Explanation <i>This objective ensures that all activities in Residential Zones must be compatible with the amenity reasonably expected by residents. This covers hours of operation, as well as the by-products of the operation itself.</i>	
Objective	Policies
4.2.8 Residential buildings make efficient use of water and energy resources.	4.2.8a Development should encourage the efficient use of energy and water, by: i. Incorporating water-sensitive techniques. ii. Reducing the use of reticulated electricity.
Explanation <i>This objective encourages new residential dwellings to use water and energy-efficient technologies and both will range in scale appropriate to the building. Single dwellings, for example, may wish to install solar panels on the roof and install a rainwater tank. Apartment buildings have the ability to incorporate more sophisticated technologies.</i>	

Objective	Policies
4.2.9 Buildings and activities at the interface of Residential Zones with other zones will be compatible with the form and type of development anticipated in the adjacent zone.	4.2.9a Adverse effects of activities that cross zone boundaries shall be managed through setbacks, building design, and landscaping.
	4.2.9b Buildings and structures on the boundary between Residential Zones and public areas shall incorporate CPTED principles.
Explanation <i>This objective recognises the importance of managing both structures and activities where Residential Zones adjoin other zones. In most cases this will be reducing the impact that other zones, such as commercial and industrial, have on residential amenity. This can and will be managed by both zones through setbacks, design of buildings, and landscaping.</i> <i>This objective also recognises the importance of the interface between Residential Zones and public areas such as roads and reserves.</i>	
Objective	Policies
4.2.10 <u>Protect the amenity values of the Percival – Ryburn Road Large Lot Residential enclave, while providing for the urbanisation of the balance area consistent with the vision for the Ruakura Structure Plan Area.</u>	4.2.10a <u>Maintain the low density living environment by limiting the subdivision of land for further residential purposes.</u>
	4.2.10b <u>Minimise future adverse amenity effects on the surrounding environment associated with the development of the inland port and its facilities.</u>
	4.2.10c <u>Maintain efficient on-site management or collectively operated services for wastewater and stormwater treatment and disposal, and water supply to protect the environment.</u>
	4.2.10d <u>Establish and maintain a buffer of effective screen planting along the full length of the boundary of Percival Road capable of screening most of the building bulk of development associated with activities in any Logistics (Sub-Area B) Zone and the Industrial Park Zone (see Rules 10.5.4 and 11.5.3).</u>

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	<u>4.2.10e</u> <u>Incorporate the rows of plane trees and any replacement trees as an integral part of the landscaped buffer as a mature element able to intercept sight lines of the upper portions of buildings associated with activities in any Logistics (Sub-Area B) Zone and Industrial Park Zone.</u>
<u>Explanation</u> <u>This objective recognises that the area is an established rural residential enclave but that there is a need to manage the intensity of future residential land uses given the area's central location as part of an inland port which once completed will be of a scale that will make it a regionally significant facility.</u>	
<u>Objective</u>	<u>Policies</u>
<u>4.2.11</u> <u>Further development within the Large Lot Residential Enclave does not compromise any long-term future employment zoning of that land.</u>	<u>4.2.11a</u> <u>Manage the conversion of the established large lot residential enclave to a Logistics zoning to meet the expansion plans of the inland port by requiring a variation or change to the District Plan when there is sufficient information and certainty about the timing and need for this zoning.</u>
<u>Explanation</u> <u>The large lot residential zoning for the Percival-Ryburn Road area will change in the future to adopt a zoning consistent with the zoning of the adjoining land that serves the operations of the inland port. This will occur as part of a publicly notified planning process.</u>	
<u>Objective</u>	<u>Policies</u>
<u>4.2.12</u> <u>The Medium Density Residential Zone includes an Integrated Retail Development providing services and community facilities capable of meeting the day to day needs of the immediate neighbourhood.</u>	<u>4.2.12a</u> <u>An Integrated Retail Development limited in size shall be provided for in a location central to the Medium Density Residential Development.</u> <u>4.2.12b</u> <u>Activities within the Integrated Retail Development shall principally serve their immediate neighbourhood.</u> <u>4.2.12c</u> <u>The scale and nature of activities within the Integrated Retail Development shall not generate significant adverse amenity effects on surrounding residential areas and transport networks.</u>
<u>Explanation</u> <u>The Integrated Retail Development Centre will provide a limited range of everyday</u>	

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goods and services and essentially serve a walk-in population. Being situated in a planned residential area it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values.

The Integrated Retail Development Centre is small in land area and shop sizes are typically between 100-400m² GFA.

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

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

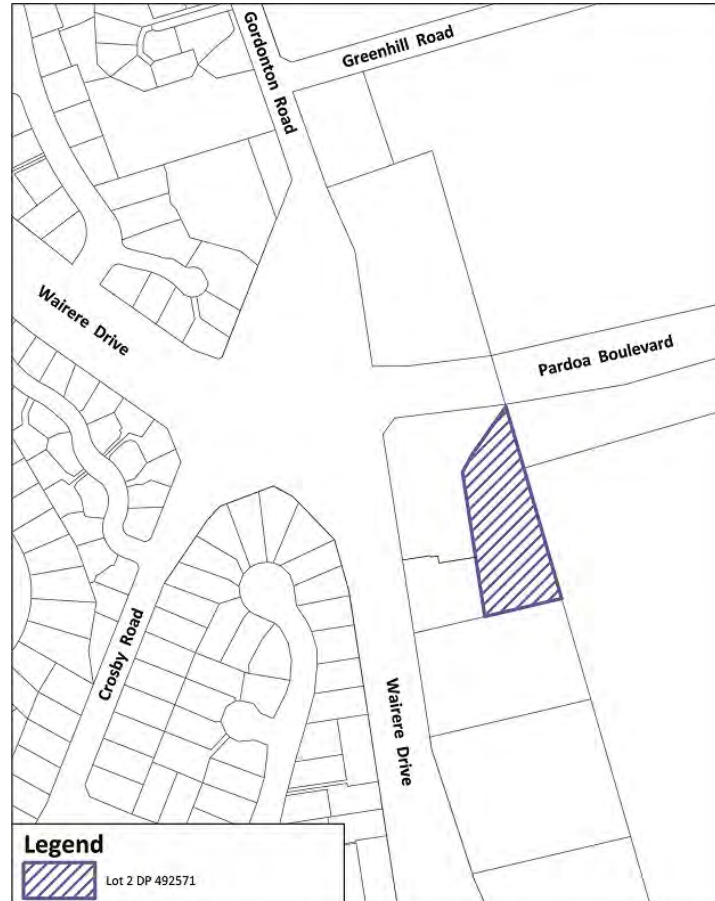
Activity	General Residential Zone	Residential Intensification Zone	Large Lot Residential Zone
Residential Activities and Structures			
a) Accessory building	P	P	P
b) Apartment building	D	RD	D
i. On Lot 2 DP492571 (see Figure 4.3.1)	RD	-	-
c) Ancillary residential unit	P	NC	P
d) Ancillary residential structures	P	P	P
e) Single dwelling: first residential unit per site	P	D	P
f) Single dwelling: second and subsequent residential unit per site	RD*	D	RD*
g) Duplex dwellings	RD*	RD*	RD*
h) Integrated Residential Development	RD	NC	NC
i) Managed care facilities			
i. up to 9 residents	P	P	P
ii. up to 10 residents (excluding emergency housing)	D	P	D
iii. 11 or more residents (excluding emergency housing)	D	D	D
j) Emergency housing for up to 10 residents	P	P	P
k) Papakainga	RD*	RD*	RD*
l) Residential activities	P	P	P
m) Residential centre	D	D	D
n) Rest home	RD*	RD*	RD*
o) Farming activities	NC	NC	P
p) Rural industry	NC	NC	D

Activity	General Residential Zone	Residential Intensification Zone	Large Lot Residential Zone
q) Produce stalls	NC	NC	P
r) New building for the purpose of Health Care Services identified in 4.3.1x)	RD	-	-
Commercial Activities and Structures			
s) Childcare facility			
i. up to 5 children	P	RD	P
ii. six or more children	RD	RD	RD
t) Conference facility	NC	D	NC
u) Conference facility in Visitor Facilities Area	-	P	-
v) Dairy	RD	NC	D
w) Health care service	D	D	NC
x) Health care services on Lot1 DP S2537, Flat B DP S43060, Flat 1 DP S43568, Flat 2 S67794 (being at 452, 448B, 444A and 444B Ulster Street), Lot 28 DP S4185 and Lot 27 DP S4185 (being at 3 and 5 Urlich Avenue)	P	-	-
y) Home-based business	P	P	P
z) Homestay accommodation	P	P	P
aa) Office, other than as a home-based business	NC	NC	NC
bb) Places of assembly	D	D	NC
cc) Restaurant	NC	D	NC
dd) Restaurant ancillary to visitor accommodation in Visitor Facilities Area	-	P	-
ee) Show homes	P	D*	P
ff) Tertiary education and specialised training facility	RD	D	NC
gg) Visitor accommodation	RD	D	D
hh) Visitor accommodation in Visitor Facilities Area	-	P	-
Community Activities and Structures			
ii) Community centre	RD	D	D
jj) Informal recreation	P	P	P
kk) Marae	D	D	D
ll) Organised recreation	P	P	P
mm) Places of worship	RD	D	D
nn) School	D	D	NC

Activity	General Residential Zone	Residential Intensification Zone	Large Lot Residential Zone
All Activities and Structures			
oo) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P
pp) Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P
qq) Relocated buildings	P	P	P
rr) Emergency service facilities	RD	D	D

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)
3. For any activity not identified above see Section 1.1.8.1.

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

4.3.2 Rules – Ruakura Structure Plan Area General Residential – Staging

- a) Activities listed in 4.3 Rules – Activity Status Table – 4.3.1 General Residential Zone and Residential Intensification Zone which are undertaken in the Ruakura Structure Plan Area shall comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5, 3.7.3.6 and 3.7.4, ~~3.7.3.5 and 3.7.3.7~~ in Chapter 3: Structure Plans.

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

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

4.4.1 Density

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

Activity	Net site area (minimums unless otherwise stated)		
	General Residential Zone	Large Lot Residential Zone	Residential Intensification Zone
i. Single dwellings (per residential unit)	400m ² per residential unit 1000m ² per residential unit for lots adjoining Waikato Expressway (Designation E90 and E90a)	2500m ² (SH26) Ruakura Structure Plan ~~5000 m² 2ha~~ (Percival/ Ryburn Roads) Ruakura Structure Plan	350m ² maximum per residential unit
ii. Duplex dwellings	400m ² per duplex (200m ² per unit)	2500m ² per duplex (1250m ² per unit)	300m ² per duplex (150m ² per unit) 600m ² maximum per duplex (300m ² maximum per unit)
iii. Apartment building	-	-	Average net site area of 150m ² per residential unit
iv. Single dwellings with an ancillary residential unit	600m ² total for both dwelling and ancillary residential unit	3500m ² total for both dwelling and ancillary residential unit	-

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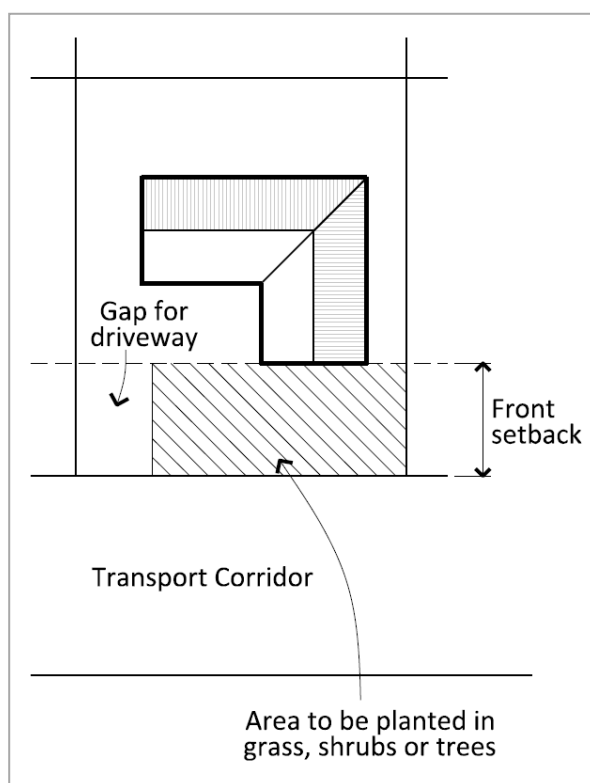
v. Integrated Residential Development	300m ² per single dwelling unit 400m ² per duplex (200m ² per unit) Apartments – Average net site area of 150m ² per residential unit	-	-
vi. Relocated dwellings	400m ² per residential unit	2500m ² per residential unit	-
vii. Residential centres	75m ² per resident	300m ² per resident	50m ² per resident
viii. Rest homes	75m ² per resident	300m ² per resident	50m ² per resident
ix. Managed care facilities	100m ² per resident	400m ² per resident	50m ² per resident

4.4.2 Site Coverage

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

4.4.3 Permeable Surface

	General Residential Zone	Large Lot Residential Zone	Residential Intensification Zone
a) Front sites, corner sites, through sites only: permeability of the front setback, excluding vehicle and access provisions (required by Rule 4.4.6) be planted in grass, shrubs or trees (see Figure 4.4.3c)	100%	Minimum 70%	100%
b) Permeability across the entire site (can include area required by Rule 4.4.3(a) above)	Minimum 30%	Minimum 70%	Minimum 20%

Figure 4.4.3c: Planting requirement in the Front Setback

4.4.4 Building Height

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

4.4.5 Height in Relation to Boundary

- a) No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries (see Figure 4.4.5d below).

Except that:

- Where buildings are attached, no setback is required between those buildings.
- Where a boundary adjoins a transport corridor or access way, the 45-degree angle applies to that boundary, measured 3m above the boundary (see Figure 4.4.5c below).
- Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45

degrees and with this angle measured from 3m above ground level at the midway line.

- b) In the Residential Intensification Zone, the height control plane applies only along a zone boundary adjoining the General Residential Zone or any of the Special Character Zones.

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

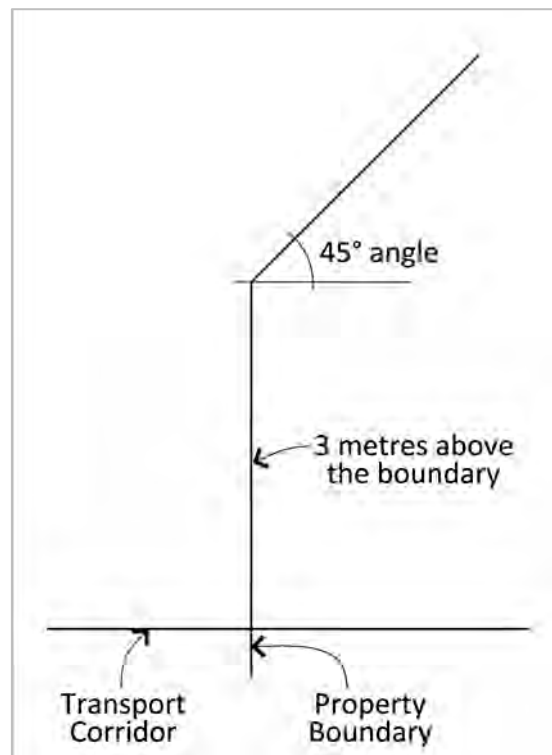
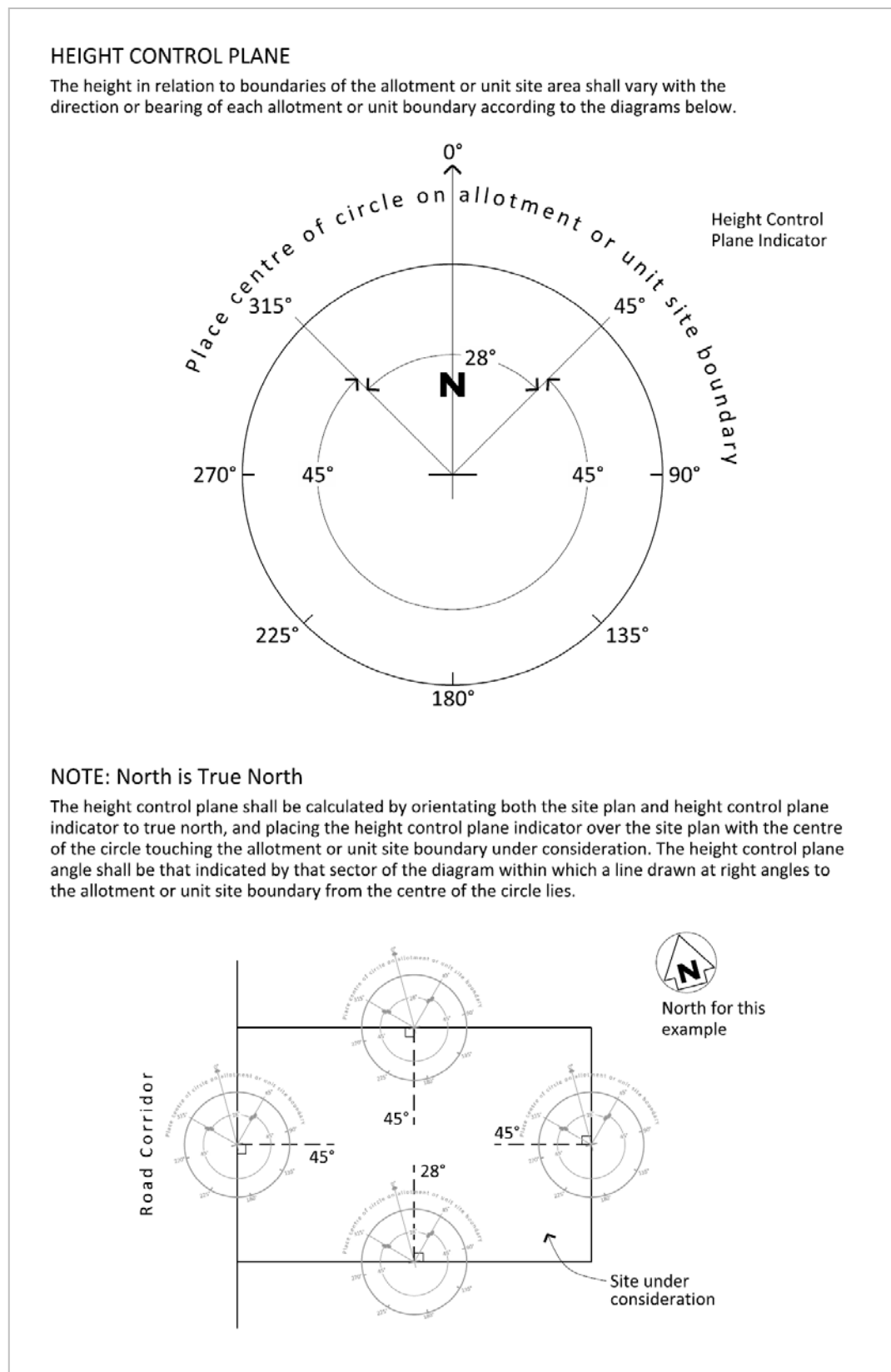


Figure 4.4.5d: Height Control Plane

4.4.6 Building Setbacks

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector transport corridors	3m 5m Large Lot Residential Zone
b) Transport corridor boundary – arterial transport corridors	5m Except that any garage or carport facing the transport corridor shall be set back a minimum of 8m
c) Waikato Expressway (Designation E90 or E90a)	i. 35m from the designation boundary, or ii. 40m measured from the actual carriageway edge of the Waikato Expressway if: - The location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or - Construction is underway or completed.
d) Internal vehicle access serving more than one residential unit on a site (excluding access to an ancillary residential unit)	1.5m or setback may be reduced where the written consent of the owners and/or occupiers of the shared site is obtained.
e) Any other boundary	1.5m or setbacks may be reduced where: - Buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or - The written consent of the owners adjoining the relevant setback or setbacks is obtained. For Large Lot Residential Zone: 5m setback for SH26 and Percival/Ryburn Roads 50m for buildings and outdoor hardstands used for housing and feeding animals, including milking sheds and shearing sheds. 250m for residential units set back from the operational area of an existing intensive farm on any other site. 25m from any water body.

Note

- See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

4.4.7 Interface Between Public and Private

- a) These standards only apply to front, corner and through sites.
- b) Location of accessory building:
 - i. All detached accessory buildings shall be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7f);
 - ii. Accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door is to face the street, be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7e);
 - iii. Accessory buildings that are an integral part of the design and construction of the dwelling, if the garage door is 90 degrees to the street, shall be forward of the front line of the dwelling (see Figure 4.4.7e), by no more than 8m.
- c) At least one habitable room shall have a clear-glazed window facing the transport corridor. For corner and through sites this shall be required only on the frontage from which vehicular access is provided.
- d) Residential Intensification Zone – Hamilton East only: No wall of any building parallel to or up to an angle of 30 degrees to any external boundary except the transport corridor frontage shall exceed 15m in length without there being a step in (or out) plan of at least 2m depth and 5m length.

Figure 4.4.7e: Setback for accessory buildings – example of an accessory building that is an integral part of the design

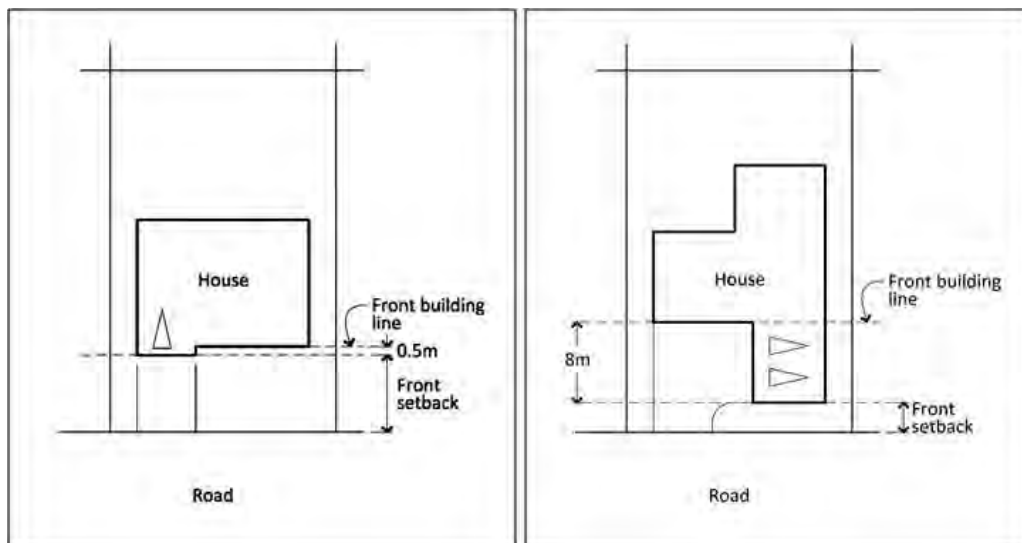
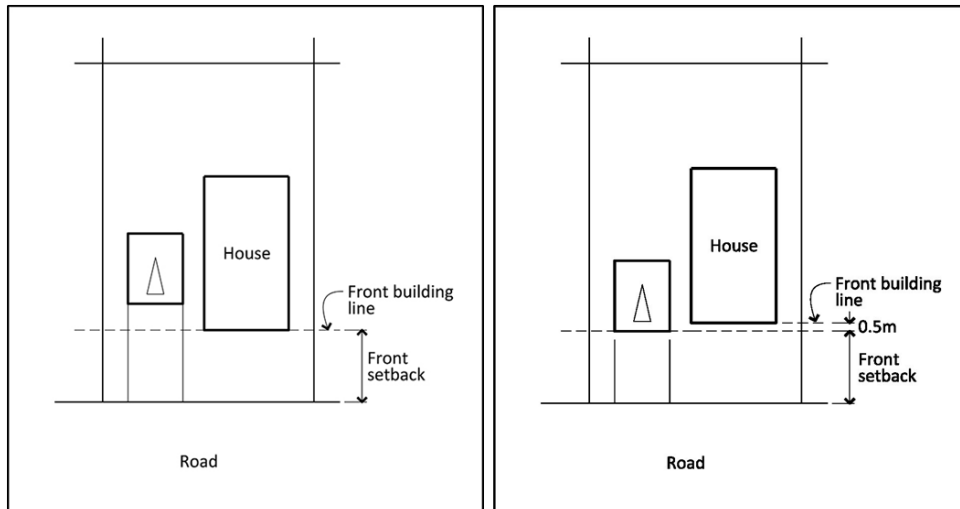


Figure 4.4.7f: Setback for accessory buildings – example of a detached accessory building



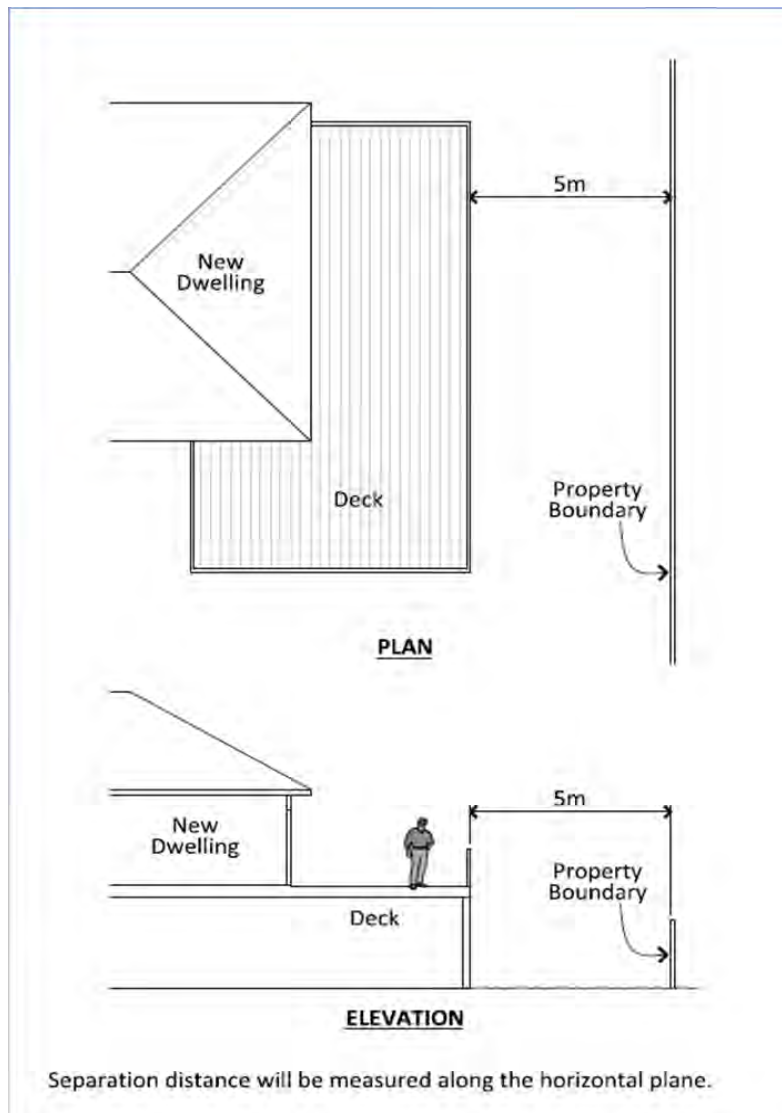
4.4.8 Fences and Walls

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

4.4.9 Residential Buildings – Separation and Privacy

- a) Residential buildings shall be set back at least 3m from the nearest part of any other residential building, except:
 - i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings, separation distance is a minimum of 1.5m.
- b) A balcony at upper-floor level shall be set back at least 5m from all boundaries (see Figure 4.4.9c).

This does not apply to a boundary along a transport corridor, access way, right-of-way, private way, access lot, or entrance strip, less than 6m wide.

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

4.4.10 Outdoor Living Area

- a) These standards do not apply to managed care facilities or rest homes.
- b) Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Located on a side of the residential unit which faces north, east or west (refer Figure 4.4.10h). For the purpose of this standard, a side that faces north, east or west means the area to the:
 - West of the westernmost and/or easternmost corners of the dwelling, and/or

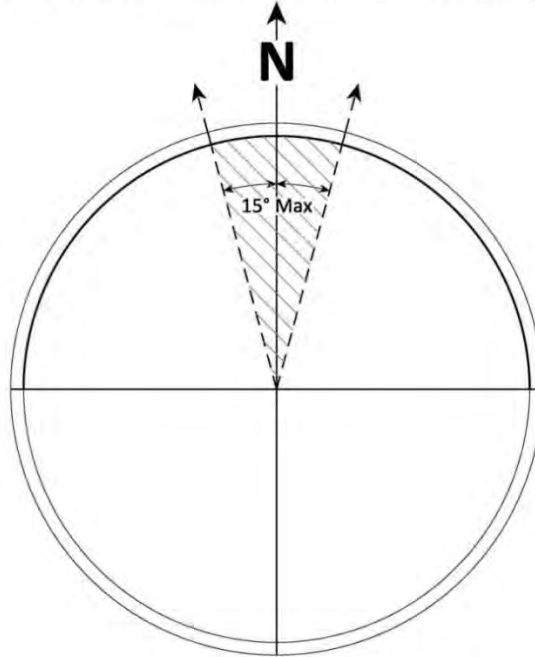
- West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or
 - East of the east facing façade aligned at no more than 15 degrees to the north-south axis.
- c) Communal open space for 4 or more residential units and apartment buildings shall comply with 4.4.10b) iii) and iv) as well as being:
- i. For the shared use of all residents on site, and
 - ii. Readily accessible from all residential units on site.
- d) Outdoor living areas shall have areas and dimensions as follows.

Residential units	Outdoor living area per residential unit	Shape
i. Including single residential dwellings and duplex dwellings	60m ²	Capable of containing a 6m diameter circle No dimension less than 2.5m
ii. Ancillary residential unit	12m ²	No dimension less than 2.5m
iii. Communal open space for 4 or more residential units for the exclusive use of the residential units	12m ²	Capable of containing a 8m diameter circle No dimension less than 4m
iv. Apartment buildings and duplex dwellings in the Residential Intensification Zone, where communal open space is not provided	12m ²	No dimension less than 2.5m
v. Communal open space for apartment buildings in the Residential Intensification Zone	Up to 7 residential units – 12m ² per unit 8 or more residential units – 8m ² per unit	Capable of containing a circle with the following diameter: • 4-7 residential units – 6m • 8 or more residential units – 8m No dimension less than 2.5m

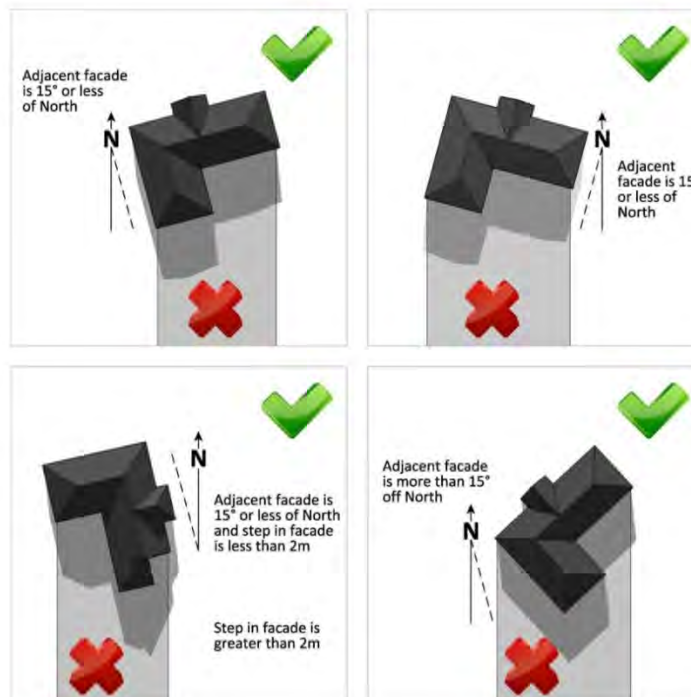
- e) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.
- f) In the General Residential Zone, any communal open space shall be optional but cannot contribute more than 50% of the above provisions.
- g) Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.

Figure 4.4.10h: Outdoor living area – north, east or west**OUT DOOR LIVING AREA**

The location of the outdoor living area for a dwelling will vary based on the dwelling's orientation.

**Diagram A: Outdoor Living Area indicator****Note: North is True North**

To determine if a dwelling's façade is aligned no more than 15° to the north-south axis, the north point of the Outdoor Living Area Indicator (Diagram A) should be aligned with the north point shown on the site plan. If façade is within the 15° off set, then that façade should be included as part of the area used to locate outdoor living areas (See diagrams below). If a façade has an in step or out step of more than 2m the façade south of that point should be excluded.



4.4.11 Service Areas

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

Description	Minimum requirements per Residential Area
b) Every site, including first single dwelling but excluding 4.4.11(d) – (f)	i. At least 20m ² ii. Minimum dimension 3m
c) Second and subsequent residential units, including duplex dwellings	i. Additional 20m ² for second and each subsequent residential unit ii. Minimum dimension 3m
d) Service area per ancillary residential unit	i. Additional 10m ² ii. Minimum dimension 2.5m
e) Apartments	Individual or communal: i. 10m ² ii. Minimum dimension 2.5m
f) Community centres, visitor accommodation, conference facilities	i. 10m ² ii. Minimum dimension 2.5m
g) Dairies (may be indoor or outdoor)	i. Minimum 10m ² ii. Minimum dimension 2.5m iii. Readily accessible to service vehicles iv. Indoor service area separately partitioned v. Outdoor service area; all-weather dust-free surface
h) All service areas	i. Readily accessible from each residential unit ii. Not visible from a public place

4.4.12 Residential Unit Size – Residential Intensification Zone

- a) The minimum floor area required in respect of each residential unit in the Residential Intensification Zone shall be:

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

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

4.4.13 Provisions in Other Chapters

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

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

4.5 Rules – Medium-Density Residential Zone

4.5.1 Comprehensive Development Plan Process

- a) The Medium-Density Residential Zone is divided into a number of Comprehensive Development Plan Areas (as shown in Appendix 3). *This excludes the Ruakura Structure Plan where Figure 2-16 identifies Land Development Plan Areas which are subject to Rules within 3.7.3.2.*
- b) Development in the Medium-Density Residential Zone should only occur once a resource consent for a Comprehensive Development Plan for the whole subject area has been granted by Council (refer to Volume 2, Appendix 1.2.2.8 for what is required in a Comprehensive Development Plan). However, there are some activities that can occur as Permitted Activities, subject to compliance with relevant standards in Rule 4.6, before the approval of a Comprehensive Development Plan. These are:
 - i. Maintenance, repair and minor alterations or additions to existing buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
 - ii. Informal recreation and ancillary buildings.
 - iii. Residential activities.
 - iv. Temporary activities.
 - v. Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
- c) A Comprehensive Development Plan must be for a whole Comprehensive Development Plan Area as identified in Volume 2, Appendix 3. Activities within an area can proceed on a staged basis if stages have been defined as part of the consent granted.
- d) Unless otherwise stated, a Comprehensive Development Plan for each area identified requires resource consent as a discretionary activity.

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- e) The activity status of a Comprehensive Development Plan application will be classified as non-complying if one or more activities that form part of the application:
 - i. Are identified as a non-complying activity in column two of the Activity Status Table (refer to Rule 4.5.3), or
 - ii. Fail to meet one or more of the standards in Rule 4.6 or Rule 4.8.
- f) All activities listed in column one of Rule 4.5.3 are non-complying activities in the absence of an approved Comprehensive Development Plan unless the activity is listed as permitted in 4.5.1(b).

4.5.2 Comprehensive Development Plan Process Once Consent Has Been Granted

- a) All development in an area subject to a Comprehensive Development Plan that has been granted consent is authorised. Changes to the conditions of a Comprehensive Development Plan consent will be considered as a discretionary activity under section 127 of the Act, except where the proposed changes involve different scale, intensity or character or extend the scope of the original application, in which case a new Comprehensive Development Plan consent is required (refer to 4.5.2b).
- b) For a Comprehensive Development Plan that has been granted consent, any changes in use or changes that involve materially different effects or extend the scope of the original application, will require a new Comprehensive Development Plan consent and will be assessed as the same activity status in the original application for a Comprehensive Development Plan. There are some changes that can occur as permitted activities without the need for a new Comprehensive Development Plan consent, subject to compliance with relevant standards in Rule 4.6.
- c) The activity status of changes in use requiring a new Comprehensive Development Plan consent will be classified as non-complying if one or more activities that form part of the application:
 - i. Are identified as a non-complying activity in column two (refer to Rule 4.5.3), or
 - ii. Fail to meet one or more of the standards in Rule 4.6 or Rule 4.8.

- d) See Chapter 3.7.3.2 for Land Development Plan process in Ruakura. The activity statuses for Land Development Plans are identified in the relevant chapter for Medium Density Residential Zone.

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4.5.3 Activity Status Table – Medium-Density Residential Zone (excluding Ruakura)

Activities	Activity Status for a Comprehensive Development Plan and changes in use once consent has been granted <i>Note: See Rule 4.5.2(a) for once consent granted</i>
Residential Activities and Structures	
a) Accessory buildings	D
b) Apartment buildings	D
c) Ancillary residential unit	D
d) Ancillary residential structures	D P for changes in use
e) Single dwelling	D
f) Duplex dwellings	D
g) Maintenance, repair, minor alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
h) Managed care facilities	D
i) Papakainga	D
j) Residential activities	P
k) Residential centre	D
l) Rest home	D
Commercial Activities and Structures	
m) Childcare facility i) up to 5 children ii) six or more children	D D P for changes in use
n) Dairy	D
o) Tertiary education and specialised training facility	NC
p) Health care services	NC
q) Home-based business	D P for changes in use
r) Homestay accommodation	D P for changes in use

Activities	Activity Status for a Comprehensive Development Plan and changes in use once consent has been granted <i>Note: See Rule 4.5.2(a) for once consent granted</i>
s) Offices	NC
t) Places of assembly	NC
u) Show home	D
v) Visitor accommodation	D
w) Integrated Retail Development (Ruakura CDP Area A only)	D
Community Activities and Structures	
x) Community centre	D
y) General recreation	NC
z) Informal recreation and ancillary buildings	P
aa) Marae	D
bb) Places of worship	D
cc) School	NC
All Activities and Structures	
dd) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
ee) Relocated buildings	D
ff) Emergency service facilities	D
gg) Temporary activities	P

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. For any activity not identified above see Section 1.1.8.1.

4.5.4 Activity Status Table – Ruakura Medium-Density Residential Zone

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<u>Activities</u>	<u>Activity Status</u>
<u>Land Development Activities (refer Rule 3.7.3.2)</u>	<u>RD*</u>
<u>Residential Activities and Structures</u>	

<u>Activities</u>	<u>Activity Status</u>
<u>a) Residential buildings on sites 400m² or greater</u>	<u>P</u>
<u>b) Residential buildings on sites 399m² or less</u>	<u>RD*</u>
<u>c) Semi-detached, duplex and terrace housing</u>	<u>RD*</u>
<u>d) Maintenance, repair, minor alterations and additions to existing buildings</u>	<u>P</u>
<u>e) Managed care facilities</u>	<u>D</u>
<u>f) Papakainga</u>	<u>D</u>
<u>g) Residential activities</u>	<u>P</u>
<u>h) Residential centre</u>	<u>D</u>
<u>i) Rest home</u>	<u>D</u>
<u>Commercial Activities and Structures</u>	
<u>j) Childcare facility for up to five children</u>	<u>C</u>
<u>k) Childcare facility for six or more children</u>	<u>D</u>
<u>l) Dairy</u>	<u>C</u>
<u>m) Tertiary education and specialised training facility</u>	<u>D</u>
<u>n) Health care services</u>	<u>D</u>
<u>o) Home-based business</u>	<u>P</u>
<u>p) Homestay accommodation</u>	<u>P</u>
<u>q) Places of assembly</u>	<u>D</u>
<u>r) Show homes</u>	<u>P</u>
<u>s) Visitor accommodation</u>	<u>D</u>
<u>t) One Integrated Retail Development in accordance with the general location identified on Figure 2.14 in Appendix 2</u>	<u>RD*</u>
<u>u) One Service Station (fronting the Wairere Drive Expressway link road)</u>	<u>D</u>
<u>v) Community centre</u>	<u>C</u>
<u>w) General recreation</u>	<u>D</u>
<u>x) Informal recreation and ancillary buildings</u>	<u>P</u>
<u>y) Marae</u>	<u>D</u>
<u>z) Places of worship</u>	<u>D</u>
<u>aa) School</u>	<u>D</u>
<u>bb) Demolition or removal of existing buildings (except heritage buildings)</u>	<u>P</u>
<u>cc) Relocated buildings</u>	<u>C</u>

<u>Activities</u>	<u>Activity Status</u>
<u>dd) Emergency service facilities</u>	<u>D</u>
<u>ee) Temporary activities</u>	<u>P</u>

4.5.54 Rule – Ruakura Structure Plan Area – Staging

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- a) Notwithstanding Rule 4.5.1 and 4.5.2, activities listed in ~~4.5.34.5.4~~ Rules – Activity Status Table – Medium-Density Residential Zone which are undertaken in the Ruakura Structure Plan Area shall comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.~~45~~, 3.7.3.5, 3.7.3.6 and 3.7.43.7.3.7 in Chapter 3: Structure Plans.

4.6 Rules – General Standards – Medium-Density Residential Zone

4.6.1 Comprehensive Development Plans

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

4.6.2 Development Yield

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

Location	Comprehensive Development Area	Residential Yield – Units per Comprehensive Development Area (+ or - 10%)
Rototuna	A	84
	B	28
	C	28
	D	90
	E	36
	F	200
Rotokauri	A	162
	B	143
	C	78
	D	185
	E	44
	F	168
~~Ruakura~~	~~A~~	~~275~~
	~~B~~	~~350~~
	~~C~~	~~300~~
	~~D~~	~~250~~

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Location	Comprehensive Development Area	Residential Yield – Units per Comprehensive Development Area (+ or - 10%)
	£	124

4.6.3 Height in Relation to Boundary

- a) Where a building is on land that adjoins the General Residential Zone or a Comprehensive Development Plan Area:
- No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries.

Except:

- Where buildings are attached, no setback is required between those buildings.
- Where a boundary adjoins a transport corridor or access, the 45-degree angle applies to that boundary, measured 3m above the boundary.
- Written consent from the owners and occupiers of the adjoining property or Comprehensive Development Plan area is obtained.

Note

- Refer to Figure 4.4.5c for guidance on determining the height control plane when adjoining a transport corridor or access.

4.6.4 Residential Unit Size

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

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

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

4.6.5 Permeable Surface

	Medium Density Zone
Permeability across the entire site	Minimum 20%
<u>Front Sites only in the Ruakura Medium Density Residential Zone: Permeability forward of the building line of the dwelling planted in grass, shrubs and trees.</u>	<u>Minimum 50%</u>

4.6.6 Site Coverage

The maximum site coverage within the *Ruakura Medium Density Residential Zone* is 50%.

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4.6.7 Building Height

The maximum height of a building or structure in the *Ruakura Medium Density Residential Zone* is 10m.

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4.6.8 Provisions in Other Chapters

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

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

4.7 Rules – Specific Standards – All Residential Zones

4.7.1 Ancillary Residential Unit

- a) A maximum of one ancillary residential unit per site.
- b) Maximum gross floor area of 60m².
- c) The outdoor living area shall not be included as part of the outdoor living area provided for the principal residential building on site.

4.7.2 Childcare Facility

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

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

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

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

4.7.4 Dairies

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

4.7.5 Home-based Businesses

- a) For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:
- Employ no more than 2 people, one of whom must reside on the site on a permanent basis.
 - Not exceed 30% of the total gross floor area of buildings on the site.
 - Not generate any trips by a heavy motor vehicle.
 - Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours.
 - Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
 - Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
 - Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
 - Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
 - Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.

4.7.6 Managed Care Facilities

- a) Within one calendar month of its occupancy, the Agency/person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following.
- Proposed number of residents.
 - The anticipated number of visitors to the site per week and daily visiting hours.
 - Anticipated full time equivalent staff at the facility.
 - Regular and emergency contact details to enable prompt and effective contact if necessary.
 - The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.

- b) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 15m² per resident in the General Residential Zone.
 - ii. At least 12m² per resident in the Residential Intensification Zone.
 - iii. A minimum dimension of not less than 4m.
 - iv. An area capable of containing a 6m diameter circle.
 - v. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
 - vi. Comprise not more than 35% impermeable surface area.
 - vii. For the exclusive use of the residents.
 - viii. Readily accessible for all residents.
 - ix. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- c) A service area shall be provided that has:
 - i. A minimum area of 20m² with a minimum dimension of 3m.
 - ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- d) Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.
- e) No part of any site or premises used as a managed care facility shall contain a secure unit.

4.7.7 Relocated Buildings

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

4.7.8 Show Homes

- a) Shall be staffed by a maximum number of two staff at any time.
- b) Shall be located on a front, corner or through site.

- c) Shall have a maximum activity duration of two years from the time of first occupation.

4.7.9 Rest Homes

- a) Maximum occupancy shall be 10 residents (including live-in staff).
- b) The maximum density for rest homes shall be:
 - i. One person per 75m² of net site area in the General Residential Zone; or
 - ii. One person per 40m² of net site area in the Residential Intensification Zone; or
 - iii. One person per 50m² of net site area in the Medium-Density Residential Zone.
- c) An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.
 - ii. Is readily accessible to all residents.
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- d) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. At least capable of containing a 6m-diameter circle.
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- e) A service area shall be provided with areas and dimensions as follows:
 - i. Minimum area of 20m².
 - ii. Minimum dimension of 3m.
 - iii. Provided that where a fully equipped laundry (both washing and drying machines) is provided in rest home, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.

4.7.10 Visitor Accommodation Outside of the Visitor Facilities Area

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

4.7.11 Integrated Residential Development

- a) Minimum site area of 2000m².
- b) No more than 20% of residential units shall be in the form of apartments.
- c) Required to undertake a Water Impact Assessment, as described in Volume 2, Appendix 1.2.2.5.

4.8

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Rules – Specific Standards – Ruakura Medium-Density Residential Zone

4.8.1 Integrated Retail Development (Ruakura CDP Area A only)

a) ~~Activities shall be integrated with residential development and only consist of:~~

- ~~• Retail~~
- ~~• Cafes~~
- ~~• Offices~~
- ~~• Healthcare services~~

~~i. Combined gross floor area of all tenancies~~	~~Maximum of 1500m²~~
~~ii. Gross floor area per tenancy~~	~~Maximum of one up to 300m² (excluding offices)~~ ~~Maximum 250m² for offices~~
~~iii. Minimum per tenancy~~	~~150m²~~

b) ~~Only one integrated retail development shall be provided within the CDP Area A.~~

4.8.1 One Integrated Retail Development (*see Figure 2-14 in Appendix 2*)

a) Activities shall only consist of:

- Retail
- Cafes/Restaurants
- Offices
- Healthcare services
- Community facilities
- Childcare facilities

<u>Combined gross floor area of all tenancies</u>	<u>Maximum of 3500m²</u>
<u>Gross floor area per tenancy (excluding offices)</u>	<u>Maximum 399m²</u>
<u>Gross floor area for office tenancies</u>	<u>Maximum 250m²</u>

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

c) Maximum Building Height: 10 metres

d) Where any boundary adjoins a residential boundary, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary. Elements such as flues, flagpoles, open balustrades shall be exempt.

e) Building setbacks

Front Boundary: 5 metres when fronting an arterial road.

Side and Rear Boundaries: 1.5 metres where the boundary adjoins a residential boundary or Open Space Zone.

f) A maximum building intensity (floor area Ratio) of 1:1 shall apply.

g) Service Areas

Any building shall provide service areas as follows:

i. At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater.

ii. Any additional service areas shall not:

- Be less than 5m²
- Have a minimum dimension of less than 2.5m

iii. Any outdoor service area shall be maintained with an all-weather, dust free surface.

iv. A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.

v. Any services area shall not encroach on to areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).

h) Outdoor storage

Any outdoor storage area used for storage of goods and materials shall:

i. Be laid out and used in a manner that does not conflict with vehicle access.

ii. Be maintained with an all-weather, dust free surface.

iii. Be located away from public view or otherwise screened by fencing and landscaping.

iv. Not encroach on areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).

i) No roller doors, or similar, which may obscure windows or entranceways may be installed on the front of any building fronting a public space.

4.8.2 Building Setbacks

a) <u>Transport corridor boundary – local and collector roads</u>	<u>3m</u>
b) <u>Transport corridor boundary – arterial roads</u>	<u>5m</u>
c) <u>Boundary of a Land Development Area or Area Boundary</u>	<u>1.5m</u>

4.8.3 Interface between Public and Private

a) The front wall of all accessory buildings that are detached, including carports and garages, should be no further forward of the front building line of the dwelling than 0.5m.

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- b) The front wall of accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door faces the street, be located no further forward of the front building line of the dwelling than 0.5m.
- c) Any wall, except the wall containing the garage door, of an accessory building facing the street must consist of at least 20% of glazed materials.
- d) Front yard landscaping and planting shall allow visibility between the dwelling and public space.
- e) For front sites, the primary entrance on the ground floor shall face the street.
- f) At least one principal room shall have a clear-glazed window facing the street. For corner sites and sites with two transport corridor frontages, this is required only on the transport corridor frontage from which vehicular access is provided.
- g) Fences shall be a maximum height of 1.2m for the following circumstances:
 - i. Front and side boundary fences or walls located forward of the front building line of the dwelling.
 - ii. For sites adjoining an Open Space Area, fences or walls located between the dwelling and the Area boundary.
 - iii. All other boundary fences shall have a maximum height of 1.8m.

4.8.4 Residential Buildings – Separation and Privacy

- a) Residential buildings shall be set back at least 3m from the nearest part of any other residential building, except:
 - i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings, separation distance shall be a minimum of 1.5m.

4.8.5 Outdoor Living Area

- a) Each residential unit shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Located on a side of the residential unit which faces north of east or west.
- b) Outdoor living areas for residential units shall be a minimum of 40m² capable of containing a 6m-diameter circle and for ancillary residential units shall be 12m² capable of containing a 2.5m-diameter circle.
- c) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.

Note

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

4.8.6 Service Areas

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<u>Description</u>	<u>Minimum Requirements</u>
a) <u>Detached dwellings, duplex dwellings and dwellings in comprehensive residential developments</u>	<u>20m²</u> <u>Minimum dimension 3m</u>
b) <u>Service area for ancillary residential unit</u>	<u>Additional 10m²</u> <u>Minimum dimension 2.5m</u>
c) <u>All service areas</u>	<u>Readily accessible from each residential unit, not visible from a public place</u>

4.9 Rules – Specific Standards – Large Lot Residential Zone

4.9.1 Effluent Disposal

- a) Areas for the on-site disposal or storage of sewage (septic tanks) or farm effluent shall not be located within a:
 - i. High Flood Hazard Area.
 - ii. Medium Flood Hazard Area.
 - iii. Low Flood Hazard Area.
 - iv. Temple View Flood Hazard Area.
 - v. Culvert Block Flood Hazard Area.
 - vi. Waikato Riverbank and Gully Hazard Area.
 - vii. Significant Natural Area (refer to Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas).
 - viii. Root protection zone of a significant tree (refer to Volume 2, Appendix 9, Schedule 9D: Significant Trees).
 - ix. Site in Schedule 8B: Group 1 Archaeological and Cultural Sites (refer to Volume 2, Appendix 8, Schedule 8B).
- b) Facilities for the storage and disposal of sewage (septic tanks) or farm effluent shall be sited at least 25m from any natural or artificial water course or any lake.
- c) Facilities for the storage and disposal of farm effluent shall be sited at least:
 - i. 100m from any residential unit on another site.
 - ii. 15m from any site boundary.
 - iii. 150m from any Residential Zone or Special Character Zone boundary.

4.9.2 Produce Stalls

- a) One produce stall shall be allowed per site.
- b) Produce stalls shall not exceed 16m² gross floor area.
- c) Produce sold from a stall shall be grown or made either:

- i. On the property on which it is offered for sale.
- ii. On land owned or leased by the vendor of the produce.
- iii. On land less than 3km from the property on which it is offered for sale.
- d) Produce stalls shall not be established on any site having vehicular access to a major arterial transport corridor or the strategic network.
- e) Produce stalls shall be located to enable two off-road hard stand areas for car parking.

4.10 Controlled Activities: Matters of Control

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

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

4.110 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

<u>Activity Specific</u>	<u>Matter of Discretion and Assessment Criteria Reference Number</u> (Refer to Volume 2, Appendix 1.3)
i. Duplex dwellings*	• B – Design and Layout • C – Character and Amenity
ii. Apartment buildings	• B – Design and Layout • C – Character and Amenity

iii. Childcare facility for 6 or more children	• B – Design and Layout • C – Character and Amenity
iv. Community centre	• B – Design and Layout • C – Character and Amenity
v. Dairy	• B – Design and Layout • C – Character and Amenity
vi. Tertiary education and specialised training facility	• B – Design and Layout • C – Character and Amenity
vii. Papakainga*	• B – Design and Layout • C – Character and Amenity
viii. Places of worship	• B – Design and Layout • C – Character and Amenity
ix. Rest home*	• B – Design and Layout • C – Character and Amenity
x. New building for the purpose of Health Care Services identified in 4.3.1v)	• B – Design and Layout
xi. Second and subsequent single dwellings per site*	• B – Design and Layout • C – Character and Amenity
xii. Visitor accommodation	• B – Design and Layout • C – Character and Amenity
xiii. Emergency service facilities	• B – Design and Layout • C – Character and Amenity
xiv. Integrated Residential Development	• B – Design and Layout • C – Character and Amenity
<u>Ruakura Medium Density Residential Zone</u>	
<u>xiv. Land Development Plan</u>	• <u>N - Ruakura</u>
<u>xv. Residential buildings on sites 399m² or less</u>	• <u>B – Design and Layout</u> • <u>N - Ruakura</u>
<u>xvi. Semi-detached, duplex and terrace housing</u>	• <u>B – Design and Layout</u> • <u>N - Ruakura</u>

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1 - Ruakura

<u>xvii. One Integrated Retail Development in accordance with the general location identified on Figure 2-14 Appendix 2</u>	• <u>B – Design and Layout</u> • <u>H – Function, Vitality, Viability and Amenity of Centres</u> • <u>N – Ruakura</u>
<u>xviii. Any activity generating 1500 or more vehicle movements per day</u>	• <u>B – Design and Layout</u> • <u>G – Transportation</u>

Note

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

4.1~~21~~ Other Resource Consent Information

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

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

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

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



5 Special Character Zones

5.1 Purpose

- a) There are areas of Hamilton City that are recognised as having a distinctive and special character. Character is influenced by the natural and built environment, architectural styles, the layout of streets and residential lots (and their size), land use, the trees, fences, landscaped areas and open space and the heritage and cultural values. Both public and private spaces contribute to defining the character of an area. The unique character or values of these areas can be compromised by site redevelopment, infill development, demolition of character homes, additions and alterations of existing buildings and the design and location of structures such as fences, if these have little regard to the area's dominant character.
- b) The intention of the Special Character Zones is to protect, maintain and enhance the respective 'special' characteristics of those areas. Five special zones are provided in this District Plan:
 - i. Special Residential Zone.
 - ii. Special Heritage Zone.
 - iii. Special Natural Zone.
 - iv. Temple View Zone.
 - v. Peacocke Character Zone.
 - vi. Rototuna North East Character Zone.
- c) Design and layout of residential sites and buildings are critically important. All residential development must address potential adverse environmental effects and ensure a good quality urban environment is achieved through urban design.
- d) Good standards of amenity create a pleasant and attractive living environment, and in doing so contribute to wider neighbourhood amenity. Residential amenity means the many qualities and attributes that allow people to enjoy living where they do – such as visual attributes, sunlight, good access, low noise levels and safety.
- e) Special Character Zones other than the Temple View Zone are intended to be primarily for residential purposes and any other activities need to maintain residential character and amenity. In particular, the character and amenity of established residential areas need to be, where possible, enhanced by both public and private development.
- f) In addition to residential activities, some small-scale non-residential activities, such as home-based business and home stays, are appropriate in residential areas. A limited range of non-residential activities that support communities, such as schools and health centres, can potentially establish within the zones. A suburban centre is also provided for within the Peacocke Character Zone to serve the local community. However, non-residential activities are subject to several

considerations, particularly their compatibility with the existing and anticipated residential character and amenity of the residential area.

- g) Special Character Zone, Temple View Zone is intended to provide for the repurposing of the identified area that places a strong focus on the area's character and historic heritage while enabling a mix of residential and non-residential activities that do not compromise the characteristics of the area.

5.1.1 Special Residential Zone

- a) The Special Residential Zone comprises:
 - i. Claudelands West
 - ii. Hamilton East
 - iii. The Dwelling Control Area

5.1.1.1 Claudelands West

- a) Claudelands West comprises that part of the Special Residential Zone:
 - i. South of Boundary Road
 - ii. West of Heaphy Terrace
 - iii. North of Te Aroha Street
 - iv. East of the Waikato River
- b) Claudelands West derives its character largely from period housing providing links with the City's early settlement, including bungalows, Arts and Crafts houses and villas. The area also contains the 'sausage style' apartment blocks that dominated infilling in the 1960s – 70s and detached second infill development units; commercial activities that support the area are located on the fringe of the area. Overall the area is characterised by its predominately low-density development. Areas of mature vegetation (including street trees) and front yard gardens are also a significant element.
- c) The character of Claudelands West can be maintained in several ways. The low-density housing pattern is an important element, as is ensuring that any new buildings are compatible with houses constructed before 1939. This means height, scale and bulk similar to the existing built form. The front yard and the streetscape are important and can be maintained by buildings set back from the road and low front fences. This ensures that the building line is preserved and there are opportunities for front-yard gardens and tree planting.

5.1.1.2 Hamilton East

- a) Hamilton East comprises that part of the Special Residential Zone:
 - i. South of Te Aroha Street
 - ii. West of Dey Street
 - iii. North of Cobham Drive
 - iv. East of the Waikato River
- b) Hamilton East is the City's oldest suburb. The original framework of streets laid out on a grid pattern in the 1860s provided the basis for early subdivision into

uniform 1-acre lots. The area continued to develop over successive generations and now contains a variety of building styles. The wider neighbourhood has retained the original, regular configuration of allotments.

- c) Sites typically have generous front and side yard setbacks resulting in relatively low building coverage. The variety of building styles, predominantly single-storeyed, avoids a uniform or regimented appearance but the unifying feature is large setbacks from a heavily vegetated streetscape and from each other. There are similarities with siting, scale, height, building design and orientation, and vegetation. Garages and accessory buildings are generally located to the rear of a site, maintaining a strong relationship between the dwelling and the street.
- d) There is significant planting within private properties and major reserves such as Steele Park and Galloway Park. One of the defining features of Hamilton East is the extensive mature trees and planted berms.
- e) It is not intended that the elements that contribute to the character and amenity values of the neighbourhood be 'frozen in time' and that new development mimic existing building styles. What is intended is that development as a whole is sympathetic to, and respects, the neighbourhood's special qualities.
- f) While some dwellings are identified and protected for their heritage values, those pre-dating 1940 contribute to the local character without necessarily being of heritage value individually.

5.1.1.3 The Dwelling Control Area

- a) The Dwelling Control Area is defined in the Planning Maps (also refer to Volume 2, Appendix 4, Figure 4-1).
- b) The Dwelling Control Area is an area where specific 'character homes', generally pre-1940 dwellings, make a significant contribution to the character and amenity values of the area.
- c) These pre-1940 dwellings are concentrated in the blocks that surround the Hamilton East part of the Residential Intensification Zone (refer to Volume 2, Appendix 4, Figure 4-1) and the streets immediately south of Te Aroha Street. Demolition and removal of these dwellings needs to be controlled as they make a significant contribution to the character of these streets and the wider neighbourhood and help to retain a sense of history.
- d) The 'Soldiers' Cottages' situated on Cook Street are Californian bungalow-style properties constructed between 1922 and 1935 (Art Deco). This enclave of five properties is unusual, even within Hamilton East, although their value is due to local interest rather than historic heritage value. The building style is similar to other examples in Hamilton East but the section sizes and setbacks are smaller which results in a more intimate relationship between buildings and the street. Although some have been substantially modified over the years, they still retain a strong element of visual and architectural unity.

5.1.2 Special Heritage Zone

- a) The Special Heritage Zone has been identified for heritage values derived from a combination of a number of built elements (rather than individual items) and the spatial pattern between them.

- b) The Special Heritage Zone comprises:
 - i. Frankton Railway Village
 - ii. Hayes Paddock
 - iii. Hamilton East Villas

5.1.2.1 Frankton Railway Village

- a) Frankton Railway Village, as shown in Volume 2, Appendix 4, Figure 4-4, comprises that part of the Special Heritage Zone:
 - i. South of Lincoln Street
 - ii. North of Massey Street
 - iii. East of Rifle Range Road
- b) It is one of the last and largest remaining railway settlements in the country and is considered nationally significant. It represents a historical reminder of one of the busiest railway junctions in New Zealand. The area has been identified as worthy of protection for the following heritage characteristics:
 - i. It provides a relatively unmodified example of a planned railway settlement, representing design elements of the 'garden suburb' movement, fashionable at that time (with the hall and central open space for workers).
 - ii. It contains a number of different design variations on the railway house, which is a basic villa design, with front porch, horizontal weather boarding, and galvanised corrugated iron roofing.
 - iii. It comprises predominately separate, single-storey residential dwellings.
 - iv. It has consistent building setback from the street frontage with houses orientated to the street.

5.1.2.2 Hayes Paddock

- a) Hayes Paddock, as shown in Volume 2, Appendix 4, Figure 4-2, comprises that part of the Special Heritage Zone:
 - i. West of MacFarlane Street
 - ii. East of the Waikato River
- b) Hayes Paddock is a surviving example of a former state housing area, designed and built by the first Labour Government from the late 1930s following the design principles of the 'garden suburb' movement. The layout of the neighbourhood and design of individual houses reflected the economic circumstances and social ideals of the time in terms of the provision of high-quality worker housing. The area has been identified as being worthy of protection for the following heritage characteristics:
 - i. It provides a relatively intact example of a planned state housing neighbourhood, providing high-quality worker housing constructed before 1945 and following contemporary design elements of the 'garden suburb' movement.

- ii. Dwellings exhibit a wide variety of design detailing but retain a high degree of visual unity through common use of a limited palette of materials and colours.
- iii. Dwellings are typically, but not exclusively, single-storey with solid hipped and tiled roofing.
- iv. The relatively narrow curving street pattern with berms and street trees discourages through traffic and reinforces a distinct residential character.
- v. Services, including electricity supply and telephone lines are underground.
- vi. Walkways provide connectivity between streets and the recreational reserve areas.
- vii. The location of the existing cafe and access to the riverside reserve at Jellicoe Drive and Plunkett Terrace reflects the historical focal point of the area, being the location of the original shop units.
- viii. The area still displays the original characteristic setback and separation between dwellings.
- ix. The design concept that the street scene, comprising the road, berms, gardens and dwellings, should be viewed as a whole is still clearly evident.
- x. Section sizes are typically about 600m² creating a distinctly low-density residential character.

5.1.2.3 Hamilton East Villas

- a) Hamilton East villas are located in that part of the Special Heritage Zone:
 - i. South of Albert Street
 - ii. West of Nixon Street
 - iii. North of Naylor Street
 - iv. East of Grey StreetAnd are shown in Volume 2, Appendix 4, Figure 4-3.
- b) The area has a high concentration of villa-style houses and has historical significance as it reflects the popularity of the villa throughout Hamilton East in the late Victorian and Edwardian periods. The dates of the villas in the area are between 1891 and 1916. The area has been identified as worthy of protection for the following heritage characteristics:
 - i. Consistency with the villa style, including a main gable facing the street, with ornate decoration in and/or supporting the gable, under eaves and on verandas.
 - ii. Main entrance facing the street with front bay or gable.
 - iii. Buildings are predominately single storey.
 - iv. Consistent building setback from the street frontage with houses orientated to the street.
 - v. Buildings are constructed with a timber frame, weatherboards and joinery with predominately corrugated iron roofs.

- vi. Most buildings have double-hung sash windows.
- vii. Most buildings have bays or double bays.
- viii. Most villas have verandas.

5.1.3 Special Natural Zone

- a) The Special Natural Zone identifies those areas of the City where a combination of natural, cultural and recreational values are of such significance to warrant the imposition of specific controls on development to protect, maintain and, where possible, enhance the special natural values of the area.
- b) The Special Natural Zone comprises:
 - i. Lake Waiwhakareke Landscape Character Area
 - ii. Rotokauri Ridgeline Area

5.1.3.1 Lake Waiwhakareke Landscape Character Area

- a) The Lake Waiwhakareke Landscape Character Area comprises that part of the Special Natural Zone:
 - i. South of Rotokauri Road
 - ii. North of Baverstock Road
 - iii. East of Brymer Road
- b) It derives its character from a combination of elements – its topography, the Lake Waiwhakareke Natural Heritage Park and the natural, cultural and recreational values of the area. The significance of these character elements warrants the imposition of specific controls on residential development in order to create, maintain and enhance the character of this area. The zone aims to create a residential area that is distinctive and responds to Lake Waiwhakareke Landscape Character Area.
- c) The proximity of the site 'Lot 2 DP425316' to Lake Waiwhakareke is such that development is required to be carried out in such a way that responds to the Lake Waiwhakareke's character and setting whilst protecting the water quality and ecological and landscape values of the Lake. In order to achieve this, development must be in accordance with an approved Comprehensive Development Plan (CDP). The area subject to the CDP process is identified in Volume 2, Appendix 4, Figure 4-8. Before a CDP application can be made, an approved ICMP must be completed, and any development on this site must take into account the approved ICMP and address any effects on surface run-off and ground water infiltration.

5.1.3.2 Rotokauri Ridgeline Character Area

- a) The Ridgeline Character Area comprises that part of the Special Natural Zone:
 - i. North of Rotokauri Road
 - ii. East of Lee Road and Exelby Road
- b) It identifies a locally significant landscape feature in the western hills of Rotokauri. The area warrants special landscape management and planning provisions to

retain the legibility of the ridgelines and achieve a form and density of development that enables a sense of the underlying landform to be retained. The Ridgeline Character Area comprises a primary ridgeline that runs from north to south and follows the alignment of Exelby Road; and ridgelines (or spurs) aligned in a generally east-west direction.

- c) The Ridgeline Character Area is made up of a number of key visual and physical characteristics, the pattern of which create a backdrop to the western edge of the City.

5.1.4 Temple View Zone

- a) The Zone identifies those areas of Temple View which, through a combination of built and landscaped features deriving significant influence from the facilities built by The Church of Jesus Christ of Latter-day Saints, has produced a distinctive character. The zone comprises:
 - i. Temple View Heritage Area
 - ii. Temple View Character Area

5.1.4.1 Temple View Heritage Area

- a) The Heritage Area is defined on Planning Map 60B.
- b) The heritage values of this area are derived from the combination of the built and landscaped environment immediately surrounding the Temple of the Church of Jesus Christ of Latter-day Saints. The Temple itself was the first in the Southern Hemisphere and is the focal point of the Church of Jesus Christ of Latter-day Saints in New Zealand.
- c) The siting, design and landscape treatment of the Temple emphasise the vertical proportions of the building and create an impression of a monument. Other buildings within the precinct include the visitor centre, which has a strong visual relationship with the north elevation of the Temple, and other elements such as dormitory accommodation on the eastern side, the central parking area and the Temple president's house, which is visually connected by the walled car parking area to the south of the Temple. Landscaping and tree planting emphasises the dramatic and dominant position of the Temple in the local landscape and also includes trees that mark periods of occupation before development of the site by the Church.
- d) The Heritage Area is contiguous with the Character Area, which was built with the same locally manufactured concrete blocks by the same missionary programme and retains a strong visual relationship with this area, particularly through the continuous curtilage walling adjacent the road frontage. Some of the features within the Heritage Area are separately identified and protected through specific rules, recognising the group value of these features within their wider site context.
- e) The Heritage Area provisions include a Temple Comprehensive Development Plan which outlines a range of different activities that can be undertaken, which are compatible with and enhance the purpose and nature of the Heritage Area.

5.1.4.2 Temple View Character Area

- a) The Temple View Character Area is defined in the Planning Maps (see Maps 51B and 60B).
- b) As a result of site planning, development and subsequent management by the Church of Jesus Christ of Latter-day Saints, the area contains elements of the built and landscaped environment which have combined to produce a distinctive character.
- c) The provisions in the Character Area have been designed to enable a range of different activities to take place, with a view to enhancing and complementing the adjacent Heritage Area. Two Comprehensive Development Plan (CDP) areas within the Character Area provide overall guidance on development.
- d) The Character Area straddles Tuhikaramea Road and includes a number of Heritage Items and Significant Trees that are individually protected through District Plan provisions, but the Temple View Character Area values extend beyond these individual items. The character of the area originates from the widespread use of certain key elements such as colour, materials, landscape treatment, consistency of building form and design, and internal roading.
- e) Through features such as siting, design, and proportions there is considerable cohesiveness between different areas of activity. This cohesiveness is carried through into the treatment of buildings, boundary walls, landscaping and roadways within the adjoining Heritage Area.
- f) The arrangement of former teacher housing on either side of Tuhikaramea Road creates a distinctive gateway approach to the Temple. The corridor displays a unique spatial pattern which is articulated through uniformity in the height, bulk, architecture, materials and vernacular style of its buildings and other structures. The spacing between buildings, set back from the road and open campus-style setting, all contribute to the character of the area. New development, which is compatible in scale, materials, form and design, and provides a similar spatial treatment, will enhance and maintain this special character.
- g) The distinctive values of the heritage buildings listed in the District Plan should be reflected in new development.
- h) Development in the Character Area must be in accordance with the identified Comprehensive Development Plan Areas and cannot occur until a CDP is approved by the Council. The area subject to the CDP process is identified in Volume 2, Appendix 4, Figure 4-5.

5.1.5 Peacocke Character Zone

- a) The Peacocke Character Zone identifies the unique natural area within the Peacocke area that has strong landscape features. These include the Managakotukutuku Gully network, the Waikato River, and the strong natural topography found in the south of the area. The development of the Peacocke area needs to respond positively to these landscape features. The aim is to create an interesting and distinctive urban form based on these natural areas. The Peacocke Character Zone comprises:
 - i. Terrace Area

- ii. Gully Area
- iii. Hill Area
- b) The elements that make up the three areas have been identified in the Peacocke Structure Plan in Chapter 3. Along with setting out the components of the Structure Plan it provides a number of objectives that guide the development of the Peacocke area.

5.1.6 Rototuna North East Character Zone

- a) The Rototuna North East Character Zone identifies the natural rolling topography of the area north of the Waikato Expressway (Designation E90). The area visually links back into the City creating a backdrop to Rototuna and the City. It is also a distinctive edge of the City rising to the ridgeline that forms the City boundary with Waikato District Council as well as accommodating both Kay and Horsham Downs Roads. The development of this area needs to respond positively to the natural land form for the area and the Waikato Expressway. The aim is to create an interesting and distinctive urban form based on the strong natural form of the area while being fully incorporated into the overall context of the Rototuna area.

5.2 Objectives and Policies: Special Character Zones

All Special Character Zones

Objective	Policies
5.2.1 The Special Character Zones retain and enhance their identified values.	5.2.1a Cumulative adverse effects on the character of the area are avoided wherever practicable.
	5.2.1b Development is consistent with the reasons for the site being included within a Special Character Zone.
	5.2.1c The size and scale of buildings and structures is compatible with the amenity of the locality.
	5.2.1d Buildings are designed so they do not physically dominate or adversely affect the residential character of the neighbourhood.
	5.2.1e Significant vegetation and trees should be preserved.
	5.2.1f New urban development in the Peacocke Structure Plan area should demonstrate consistency with the urban design guide for the development and create residential and

	commercial areas of high amenity which respond positively to the area's natural environment.
	5.2.1g Urban development in the Rototuna North East Character Zone maintains the natural pattern of the area's landforms as a key feature of residential development along with ensuring that development retains upper hill slope as legible features of the area's skyline.
Explanation <i>All the areas which have been identified as Special Character Zones have particular features which make them unique within the City. It is important that these unique features are identified and any new development does not harm these characteristics.</i> <i>For the Peacocke Character Zone new development will result in a change in character from rural to urban. The resulting urban development will need to achieve the vision for the Peacocke area which is to create a high quality urban environment that is based on urban design best practice, social well-being and environmental responsibility.</i> <i>The landscape feature of the north eastern area of Rototuna is locally significant in the context of the remaining growth cell areas of the Rototuna Structure Plan, resulting in the need for special landscape management and planning provisions to retain the character while achieving a form and density of the development that enables a sense of the underlying landform to be retained.</i>	
Objective	Policies
5.2.2 Residential development produces good on-site amenity.	5.2.2a Residential design achieves quality on-site amenity by providing: i. Private, useable outdoor living areas. ii. Access to sunlight and daylight throughout the year. iii. Adequate storage space and service areas to accommodate typical residential living requirements. iv. Insulation to avoid or mitigate adverse noise effects. v. Parking and manoeuvring areas on-site to meet the needs and convenience of residents. vi. Energy-efficient and sustainable design characteristics and technologies where compatible with the scale and form of residential development.

	5.2.2b Residential sites adjacent to public space should achieve visual and physical connectivity to these areas.
	5.2.2c Building design and location should protect the privacy of adjoining sites.
	5.2.2d Buildings should be designed to conform to natural topography.
Explanation	
<i>Good design of housing is critically important to on-site and off-site amenity. The policies identify the features important for each residential unit, regardless of what form the dwelling may take. Important design features include access to sunlight, outdoor living space, storage space, visual connectivity to public spaces such as the street, privacy, and off-road parking. Incorporation of these features will ensure functional and high-quality living environments for the occupants.</i>	

Special Residential Zone

Objective	Policies
5.2.3 Recognise, protect and, where possible, enhance the values of the identified Special Residential Zone.	5.2.3a Development is consistent with the generally low intensity and low-density residential character of the area through: i. Providing front and side yard setbacks. ii. Providing a low level of site coverage. iii. Being consistent with the existing dwelling densities.
	5.2.3b Development should retain a strong visual relationship to the streetscape through: i. Ensuring any front yard fencing enables visibility with the streetscape. ii. Orienting buildings to overlook the street. iii. Ensuring the design of buildings avoids creating blank facades facing public spaces.
	5.2.3c Mature trees and other vegetation should be retained, particularly in the front yard.
	5.2.3d The local context, scale and character are retained.

	5.2.3e Existing valued character elements shall be protected and enhanced by: i. Retaining pre-1940 dwellings within the dwelling control area. ii. Retaining pre-1939 dwellings within the Claudelands West area. iii. Ensuring alterations or additions to the streetscape façade of pre-1940 dwellings in the dwelling control area do not adversely affect the special character of the area. 5.2.3f New buildings and structures are compatible with the form, height and bulk of houses constructed before 1939 in Claudelands West. 5.2.3g Non-residential activities should not establish in any Special Residential Zone unless potential adverse effects are less than minor. 5.2.3h Buildings are located only within the front yard setback where other sitings are proven to be impracticable. Buildings located within the front yard setback shall provide mitigation by provision of planting and screening and minimising the prominence of the building in relation to the main dwelling when viewed from the transport corridor.
Explanation	
<i>These policies identify the important elements that lend the Special Residential Zone its uniqueness.</i>	

Special Heritage Zone

Objective	Policies
5.2.4 Recognise, protect and, where, possible enhance the heritage values of the identified Special Heritage Zone.	5.2.4a Development should: i. Maintain the predominately low-intensity and density characteristics of the area. ii. Be compatible with the site layout, site size and dimensions, building form, height, design, materials, scale and other heritage values of the area. iii. Ensure that original buildings and structures are retained on the site. iv. Provide landscaping in keeping with local residential amenity. v. Avoid any significant adverse effects on the heritage values of the Special Heritage Zone. vi. Encourage the protection and ongoing maintenance of the Special Heritage Zone. vii. Avoid any significant adverse effects on the streetscape appearance of the area. viii. Avoid removal of any significant vegetation in the Special Heritage Zone. ix. Reflect the characteristic separation of original dwellings including their open aspect to the streetscape. x. Ensure that any car parking, servicing, lighting and sign requirements do not adversely affect the heritage character of the area or the relationship of a building with the streetscape. xi. Ensure that the front and side elevations (including roofs) of new buildings and structures are consistent with the design, fenestration, materials and finishes of neighbouring original dwellings.
	5.2.4b Within the Frankton Railway Village, buildings should be single storey with a low-pitched gable roof.

	5.2.4c The demolition or removal of a building is allowed only where it has been demonstrated to be the only practicable option.
	5.2.4d Non-residential activities should not establish in any Special Heritage Zone unless potential adverse effects are less than minor.
Explanation	
<i>These policies identify the important elements that lend the Special Heritage Zone its uniqueness. A specific policy is identified for the Frankton Railway Village.</i>	

Special Natural Zone

Objective	Policies
5.2.5 Create a distinctive residential environment that recognises, protects and enhances water quality, ecological, natural, cultural, landscape and recreational values.	5.2.5a Subdivision and development should: i. Protect and enhance ecological connections to Lake Waiwhakareke as part of improving its ecological functioning and resilience. ii. Maximise visual and physical connections with Lake Waiwhakareke and the Waiwhakareke Natural Heritage Park, including long-distance views of the park from public spaces on the ridgelines iii. Encourage planting schemes that complement the Natural Heritage Park in the Lake Waiwhakareke Landscape Character Area. iv. Encourage safety and surveillance of public spaces, including the street, through: • Ensuring the form and design of fencing sharing a boundary with public spaces does not obstruct visibility. • Orienting buildings to overlook public spaces. v. Ensure that development contributes to the retention and enhancement of the ridgelines and upper hill slopes as legible features of the Rotokauri skyline. vi. Maximise the public amenity value of existing ridgeline roads to provide viewing opportunities of the City and surrounding rural landscape.

	vii. Be consistent with the Rotokauri Structure Plan.
	viii. Be consistent with the Lake Waiwhakareke Landscape Character Area Design Guide.
	ix. Ensure that development avoids any adverse effects on the water quality or ecological values of Lake Waiwhakareke.
	5.2.5b Non-residential activities should not establish in any Special Natural Zone unless potential adverse effects are less than minor.
	5.2.5c Development of Lot 2 DP425316 shall provide a park edge transport corridor that acts as transitional space on the interface of the Special Natural and Open Space Zones.
Explanation	
<i>The Lake Waiwhakareke Landscape Character Area and Rotokauri Ridgeline Area are unique in that they are greenfield areas with special natural landscape characteristics. It is important the new development in these areas recognises the natural values and enhances them. These areas are also in close proximity to Lake Waiwhakareke a Significant Natural Area and development in the surrounding area needs to ensure that adverse effects on water quality and ecological values of the Lake are avoided.</i> <i>The proximity of Lot 2 DP425316 to Lake Waiwhakareke and the Waiwhakareke Heritage Park requires development to respond to the character of the Park. The inclusion of a park edge transport corridor is crucial to ensuring the amenity of the Waiwhakareke Heritage Park is maintained and an appropriate transition occurs between the built environment and the open space zone.</i>	

Temple View Zone

Objective	Policies
5.2.6 To ensure that development within the Temple View Heritage Area maintains and enhances the special heritage characteristics of the area.	5.2.6a The continued use of the Heritage Area as a focus for the Church of Jesus Christ of Latter-day Saints is provided for.
	5.2.6b Development within the Heritage Area is sensitive in terms of scale, form and design with the existing heritage characteristics of the area.
	5.2.6c Fragmentation through subdivision is prevented.

	5.2.6d Development should ensure that the siting and design of new buildings and structures are sensitive to the setting and significance of the Temple as a spiritual and physical landmark.
	5.2.6e The maintenance and repair of buildings, curtilage wall, landscapes, roads, tracks and car parking areas should have regard to the distinctive character of the precinct and the pre-eminence of the Temple building.
	5.2.6f Additions and alterations to buildings and curtilage wall should be consistent with the character of the precinct and the pre-eminence of the Temple building.
	5.2.6g Demolition should not adversely impact on the landscape significance of the Temple.
	5.2.6h Works that would adversely affect the strong relationship between the Temple, Visitor Centre and Temple President's house are avoided.
	5.2.6i Re-contouring or modification of the landscape recognises the high visibility and prominence of the Temple and provides for the management of effects on archaeological deposits or features.
	5.2.6j The landscape characteristics and qualities of the Heritage Area are retained, including open and structured spaces, in particular the formal front entry staircases, lawns, walls and planting boxes.
Explanation <i>The policies aim to enable the ongoing use of the Temple View Heritage Area by the Church or other organisations for a wide range of activities, subject to controls that ensure that the overall coherence and integrity of the area, the pre-eminence of the Temple itself and the key characteristic elements of the area are properly recognised and provided for. As a building in active use for religious purposes, it is recognised that proposals may be made for the erection of religious symbolism and effigies in the future, in addition to works needed to ensure compliance with building design standards and the functionality and appearance of the Temple.</i>	

Objective	Policies
5.2.7 To ensure development within the Temple View Character Area maintains and enhances its special character.	5.2.7a Development maintains the character, appearance and relationship to Tuhikaramea Road and the Temple View Village.
	5.2.7b The design of new buildings and structures in terms of their height, materials, scale and form is in keeping with the scale and character of the area.
	5.2.7c New buildings and structures within the teacher housing area are located to retain the existing set back from Tuhikaramea Road.
	5.2.7d New buildings and structures are located to retain generally consistent spatial character along the Tuhikaramea road corridor.
	5.2.7e New structures, such as fences and walls, within the setback of the teacher housing fronting Tuhikaramea Road are consistent with the original colour and materials used throughout the Character Area.
	5.2.7f The existing low brick walls in the front yard of houses fronting Tuhikaramea Road are retained or rebuilt as required.
	5.2.7g Additions, alterations and renovations of the teacher housing are implemented in a sensitive and sympathetic manner that retains the form and style of existing buildings and the appearance of the streetscape.
	5.2.7h Works that may affect the treatment of open spaces and boundaries are managed.
	5.2.7i The heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage are used and developed in a manner that maintains their distinctive heritage values.

Explanation

A significant characteristic of the corridor along Tuhikaramea Road is the subservient and simple architectural style of the early missionary houses, used latterly as teacher housing. These buildings are set within an open, campus-style landscape. The corridor forms an important gateway to the New Zealand Temple of the Church of Jesus Christ of Latter-day Saints and the adjoining former Church College Campus.

The style of the houses along Tuhikaramea Road and separation distances between them is similar, giving consistency in form. The uniformity in scale and space is reinforced by the extensive use of the standardised cream-coloured brickwork throughout Temple View and the low cement brick wall, which encloses the front yards of the houses on both sides of Tuhikaramea Road. In providing for future use and development of the Church College campus and teacher housing area, it is important to recognise the significant contribution that these characteristics make to the diversity and appeal of the City's built environment. Although the school has closed, the Church College campus provides an opportunity to open a new chapter in the development of the local community and its environment.

Peacocke Character Zone

Objective	Policies
5.2.8 To ensure urban development within the Peacocke Character Zone delivers high levels of residential amenity, respects and restores the area's natural environment, and is sustainably integrated with the city as a whole.	5.2.8a Ensure through master planning that urban development is not compromised through inappropriate land use activities.
	5.2.8b Ensure the appropriate nature, scale and intensity of urban development is undertaken in an efficient and coordinated manner in order that integrated and efficient development occurs within and between the neighbourhoods and the City as a whole.
	5.2.8c Ensure that development is consistent with the Peacocke Structure Plan and any master plan prepared for the area.
	5.2.8d Ensure that development of non-residential activities are located in areas identified in the Peacocke Structure Plan or any approved master plan that provides for such activities.

Explanation

The character to be established is a high quality urban environment that is based on the urban design principles outlined in the Peacocke Structure Plan and which recognises a number of specific natural character elements. A master plan approach has been developed to achieve this by ensuring that infrastructure provisions and staging are integrated with development while enabling flexibility and innovation in design.

Urban development within the Peacocke Character Zone is limited until the necessary bulk trunk infrastructure and transport networks have been established to join Peacocke to the City's existing infrastructure network. It is limited by the capacity of existing infrastructure.

Rototuna North East Character Zone

Objective	Policies
5.2.9 To recognise the local significance of the Rototuna ridgeline as a landscape feature and ensure that the form and pattern of residential development in the northeastern area (Rototuna North East Character Zone) of the Rototuna Structure Plan helps retain this underlying landform and is not incompatible with the future operation of the Waikato Expressway or the City's infrastructure.	5.2.9a Maintain the public amenity value of existing ridgeline roads and the identified viewing points shown on the structure plan within the open space area as viewing opportunities of the City and surrounding rural landscape.
	5.2.9b Ensure development does not constrain the development, construction or operation of the future Waikato Expressway (Designation E90).
	5.2.9c Ensure development does not constrain the operation of the City's infrastructure.
	5.2.9d Provide a maximum development yield and minimum average lot size to ensure the character of the natural topography of the area is maintained and the sustainable use of the City's land resource is promoted while mitigating against the effects from the development of this area of land on the City's infrastructure.
	5.2.9e Promote a connection across the Waikato Expressway designation (Designation E90), such as an underpass, to facilitate walking and cycle network connectivity between the Rototuna North East Character Zone and the remaining Rototuna Structure Plan area.

Explanation

As a landscape feature, the north eastern area of Rototuna is locally significant in the context of the Rototuna growth cell. The mixed nature of the landscape, bounded by Horsham Downs Road (as the boundary edge between Hamilton City and Waikato District Councils) to the north and the Waikato Expressway designation to the south helps to physically and visually define the area's character. In particular, the Horsham Downs Road ridgeline is a strong feature that differentiates the urban edge of the Rototuna Growth Cell from the adjoining rural landscape of Waikato District.

This area warrants special landscape management and planning provisions to retain the character of the elevated landscape to achieve a form and density of development that enables a sense of the underlying landform to be retained. The Rototuna North East Character Zone comprises a primary ridgeline that runs from west to east direction. The area also contains a number of inner areas that have lower lying topography.

The zone is made up of a number of key visual and physical characteristics. These are as follows:

- *Distinctive pattern of ridges that constitute a coherent and discrete topographic feature of the north eastern part of the Rototuna Growth Cell;*
- *The differentiation between the elevated hill area from the surrounding lower flat land;*
- *The role of the primary ridgeline in defining the boundary between the growth cell and the adjoining rural parts of the Waikato District to the north;*
- *The role of the ridgelines and hills in defining a series of basins and associated flats on the lower lying ground and flat plateaus on the elevated areas;*
- *The visual and physical connection with the rest of the Rototuna Growth Cell, specifically the Rototuna Town Centre Zone and with the City beyond the Waikato Expressway Designation, notwithstanding that the designation to an extent visually separates the Rototuna North East Character Zone from the rest of the Rototuna Growth Cell.*

The opportunity exists to promote development that responds positively to the underlying landscape facilitating greater legibility and the creation of a distinctive urban character.

5.3 Rules – Activity Status Table

5.3.1 Activity Status – Special Residential, Special Heritage, Special Natural Zones and Rototuna North East Character Zone

Activity	Special Residential Zone	Special Heritage Zone	Special Natural Zone	Rototuna North East Character Zone
Residential Activities and Structures				
a) Any activity or development on 'Lot 2 DP425316' without an approved CDP (Refer to 5.3.2)	-	-	NC	-
b) Accessory buildings	P	P	P	P
c) Alterations and additions (excluding as provided for by d), e) and f) and heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P	P
d) Alterations and additions forward of the front building line to a pre-1940 dwelling on a front, corner or through site within the Hamilton East Dwelling Control Area (refer to Volume 2, Appendix 4, Figure 4-1)	RD	-	-	-
e) Alterations and additions forward of the front building line to a pre-1939 dwelling on a front, corner or through site within the Claudelands West Area Dwelling Control Area (refer to Volume 2, Appendix 4, Figure 4-7)	RD			-
f) Alterations and additions forward of the rear building line on a front, corner or through site to: i. Frankton – original railway houses (refer to Volume 2, Appendix 4, Figure 4-4) ii. Hayes Paddock – original state houses (refer to Volume 2, Appendix 4, Figure 4-2) iii. Hamilton East Villa Precinct – villas (refer to Volume 2, Appendix 4, Figure 4-3)	-	D	-	-
g) Apartments	NC	NC	D	D
h) Ancillary residential unit	P	RD*	RD*	P
i) Ancillary residential structures	P	P	P	P
j) Single dwelling: First residential unit per site	P	D	P	P
k) Single dwelling: Second and subsequent residential unit per site	RD*	D	RD*	RD*
l) Duplex dwellings – excluding Hayes Paddock	NC	NC	RD*	RD*
m) Duplex dwellings – Hayes Paddock only (refer to Volume 2, Appendix 4, Figure 4-2)	-	(D)	-	-

Activity	Special Residential Zone	Special Heritage Zone	Special Natural Zone	Rototuna North East Character Zone
n) Managed care facilities				
i. For up to 9 residents	P	P	P	P
ii. For up to 10 residents (excluding emergency housing)	D	D	D	D
iii. For 11 or more residents (including emergency housing)	D	D	D	D
o) Emergency housing for up to 10 residents	P	P	P	P
p) Papakainga	NC	NC	D	RD
q) Residential activities	P	P	P	P
r) Residential centre	D	NC	D	D
s) Rest home	D	NC	D	RD*
Commercial Activities and Structures				
t) Childcare facility				
i. For up to five children	P	P	P	P
ii. For six or more children	RD	D	RD	RD
u) Dairy	D	NC	RD	D
v) Tertiary education and specialised training facility	D	NC	RD	NC
w) Health care service	D	NC	D	NC
x) Home-based business	P	P	P	P
y) Homestay accommodation	P	P	P	P
z) Office, other than as a home-based business	NC	NC	D	NC
aa) Places of assembly	D	NC	D	NC
bb) Show homes	P	D	P	P
cc) Visitor accommodation	D	NC	D	D
Community Activities and Structures				
dd) Community centre	D	NC	RD	D
ee) Marae	NC	NC	D	D
ff) Places of worship	D	NC	D	D
gg) School	D	NC	D	NC
All Activities and Structures				
hh) Demolition or removal of existing buildings (excluding as provided for by (hh) to (jj) and heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P	P

Activity	Special Residential Zone	Special Heritage Zone	Special Natural Zone	Rototuna North East Character Zone
ii) Demolition or removal of existing dwellings on a front, corner or through site: i. Frankton – original railway houses (refer to Volume 2, Appendix 4, Figure 4-4) ii. Hayes Paddock – original state houses and commercial building on Lot 129 DPS 930 (refer to Volume 2, Appendix 4, Figure 4-2) iii. Hamilton East Villa Precinct – villas (refer to Volume 2, Appendix 4, Figure 4-3)	-	NC	-	-
jj) Demolition or removal of a pre-1940 dwelling on a front, corner or through site within the Hamilton East Dwelling Control Area (refer to Volume 2, Appendix 4, Figure 4-1)	D	-	-	-
kk) Demolition or removal of a pre-1939 dwelling on a front, corner or through site within the Claudelands West Dwelling Control Area (refer to Volume 2, Appendix 4, Figure 4-7)	NC	-	-	-
ll) Relocated buildings	P	D	P	P
mm) Informal recreation	-	-	-	P
nn) Organised recreation	-	-	-	P

Note**1. Consultation with Heritage New Zealand**

A notified resource consent application will be served on Heritage New Zealand by Council for any application which affects any historic area registered under the Heritage New Zealand Pouhere Taonga Act 2014 (formerly the Historic Places Act 1993). The Frankton Railway Village is registered as a historic area.

For a non-notified resource consent application, any development relating to a historic area registered under the Heritage New Zealand Pouhere Taonga Act 2014 (formerly the Historic Places Trust Act 1993), consultation with Heritage New Zealand is recommended before an application is submitted to Council and Council may then require that written approval be obtained from Heritage New Zealand.

For a fuller understanding of the notification requirements of the Act, reference should be made to the Act itself, in particular section 95.

2. Hamilton East Villas

The provisions of the Special Heritage Zone apply to the villa properties marked in Volume 2, Appendix 8, Schedule 8A: Built Heritage. For those unmarked properties located within this area and for non-villas (in respect of dwellings) situated on the same site as a villa, the provisions of the Special Residential Zone shall apply.

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

5.3.2 Development of 'Lot 2 DP425316' Lake Waiwhakareke Landscape Character Area

5.3.2.1 Comprehensive Development Plan (CDP) – Process

- a) Urban development within “Lot 2 DP425316” will be subject to the preparation and approval of a CDP. (Refer to Volume 2, Appendix 1.2.2.8 for what is required in a CDP).
- b) Lot 2 DP425316 is required to have a consented CDP prepared prior to urban development occurring. Development within a CDP area may proceed in stages if staging has been defined as part of the consent granted for the CDP.
- c) All development and activities requiring resource consent are subject to consented CDP requirements.
- d) A CDP cannot be applied for without completion of an approved ICMP.

5.3.2.2 Rules – Status of Activities

- a) An application for a CDP without an approved ICMP in place is a Non-Complying activity.
- b) A CDP requires an application for resource consent as a discretionary activity.
- c) The activity status of a CDP will be classified as Non-Complying if one or more activities that form part of the application are identified as Non-Complying activities in the Activity Status Table below (5.3.2.3).
- d) In the absence of an approved CDP, all activities listed in the Activity Status Table below (5.3.2.3) are Non-Complying activities unless they are identified as permitted activities in Column A.
- e) Activities within a CDP that fail to meet the one or more of the relevant standards in the Plan will be assessed as Discretionary activities with particular regard to the effects arising from the failure to meet the relevant standard or standards.
- f) The development of a CDP must take into account the approved ICMP and address any effects on surface run-off, ground water infiltration and ensure the water quality of Lake Waiwhakareke is maintained or enhanced.
- g) Once a CDP has been approved by Council, resource consent is required where identified in the Activity Status Table below (5.3.2.3) under Column B “With an approved CDP in place”.
- h) Changes to the conditions of a CDP consent will be considered as a discretionary activity under section 127 of the Act, except where the proposed changes involve materially different effects or extended scope of the original application. In these instances a new CDP is required. There are some changes that can occur as permitted activities without the need for a new CDP consent. These activities are subject to compliance with the relevant standards in Rules 5.4 and 5.5, and are as follows:
 - i. Maintenance, repair and minor alterations to existing buildings
 - ii. Informal recreation and ancillary buildings

5.3.2.3 Activity Status Table

Activity	A	B
	Without an approved CDP	With an approved CDP in place
Residential Activities and Structures		
a) Accessory buildings	NC	P
b) Alterations and additions (excluding as provided for by (c) and (d) and heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P
c) Apartments	NC	D
d) Ancillary residential unit		RD*
e) Ancillary residential structures		P
f) Detached dwelling: First detached dwelling per site		P
g) Detached dwelling: Second and subsequent detached dwellings per site		RD*
h) Duplex dwellings		RD*
i) Managed care facilities		P D D
i. For up to 9 residents		
ii. For up to 10 residents (excluding emergency housing)		
iii. For 11 or more residents (including emergency housing)		
j) Emergency housing for up to 10 residents		P
k) Papakainga		D
l) Residential activities		P
m) Residential centre		D
n) Rest home	D	
Commercial Activities and Structures		
o) Childcare facility	NC	P RD
i. For up to five children		
ii. For six or more children		
p) Dairy		RD
q) Tertiary education and specialised training facility		RD
r) Health care service		D
s) Home-based business		P
t) Homestay accommodation		P

Activity	A	B
	Without an approved CDP	With an approved CDP in place
u) Office, other than as a home-based business		NC
v) Places of assembly	NC	D
w) Show homes		P
x) Visitor accommodation		D
Community Activities and Structures		
y) Community centre	NC	RD
z) Marae		D
aa) Places of worship		D
bb) School		D
All Activities and Structures		
cc) Demolition or removal of existing buildings (excluding heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P
dd) Relocated buildings	NC	P
ee) Farming Activity	P	NC

5.3.3 Activity Status – Peacocke Character Zone

5.3.3.1 Master Plan – Process within the Peacocke Character Zone

- Urban development in the Peacocke Character Zone will be subject to the preparation and approval of a Master Plan. (Refer to Volume 2, Appendix 1.2.2.3 for what is required in a Master Plan.)
- The Peacocke Character Zone has been divided into a number of neighbourhood areas (Volume 2, Appendix 2, Figure 2-3), each of which is required to have a Master Plan prepared prior to urban development occurring.
- The Master Plan must be prepared for the whole neighbourhood according to Volume 2, Appendix 1.2.2.3. The development of the master planned neighbourhood can proceed on a staged basis if staging has been defined as part of the consent granted for the Master Plan.
- Land use consents required under 5.4.13 may be incorporated into the consent process for a Master Plan as Discretionary Activities.

5.3.3.2 Master Plan – Status of Activities

- The activity status of activities in the Peacocke Character Zone is contained within the Activity Status Table (refer to Rule 5.3.3.3):

- i. Column A identifies the activity status of activities in the absence of a Master Plan.
 - ii. Column B identifies the activity status for activities that are part of a Master Plan application process and approval.
 - iii. Column C identifies the activity status for activities that are inconsistent with the approved Master Plan.
- b) The activity status for the preparation of or amendment to a Master Plan application within the Peacocke Character Zone will be deemed non-complying if an activity that forms part of the application:
 - i. Is identified as a non-complying activity in the related Column B of the Activity Status Table (refer to Rule 5.3.3.3).
- c) Once a consent for a Master Plan has been granted and implemented, any activity within that neighbourhood is permitted, provided it:
 - i. Is in general accordance with an approved Master Plan for the neighbourhood; or
 - ii. Any activity that is listed in Column C as a permitted activity is permitted, subject to compliance with relevant standards in Rule 5.4.
- d) Unless otherwise stated, a Master Plan for each area identified in the Peacock Character Zone requires resource consent as a discretionary activity.
- e) All activities identified in Column A of Rule 5.3.3.3 are non-complying activities in the absence of an approved Master Plan unless the activity is identified as a permitted activity.
- f) Activities identified as part of an approved Master Plan within the Peacocke Character Zone shall not be required to prepare an Integrated Transport Assessment as stated under Rule 25.14.4.3.
- g) Activities identified as part of an approved Master Plan within the Peacocke Character Zone shall not be required to prepare an Integrated Catchment Management Plan as stated under Rule 25.13.4.1.
- h) Activities identified in Chapter 25 City Wide that have been addressed as part of an approved Master Plan are not required to obtain a separate resource consent.
- i) Retail activities identified as part of an approved master plan within the Peacocke Character Zone are required to comply with the standards set out in Chapter 6: Business 5 and 6 Zones.

5.3.3.3 Activity Status Table – Peacocke Character Zone

Activity	Peacocke Character Zone		
	A	B	C
	In the absence of a Master Plan	Forming part of the Master Plan process and approval	Inconsistent with an approved Master Plan
Residential Activities and Structures			
a) Accessory buildings	P	P	RD
b) Apartments	NC	D	D
c) Ancillary residential unit	P	D	D
d) Ancillary residential structures	P	P	P
e) Single dwelling: first residential unit per site	P	P	D
f) Single dwelling: second and subsequent residential units per site	NC	D	D
g) Duplex dwellings	NC	D	D
h) Managed care facilities			
i. For up to nine residents	NC	P	P
ii. For up to 10 residents (excluding emergency housing)	NC	D	D
iii. For 11 or more (including emergency housing)	NC	D	D
i) Emergency housing for up to 10 residents	NC	P	P
j) Papakainga	NC	D	D
k) Residential activities	P	P	P
l) Residential centre	NC	D	D
m) Rest home	NC	D	D
Commercial Activities and Structures			
n) Childcare facility			
i. For up to 5 children	NC	P	P
ii. For 6 or more children	NC	D	D
o) Dairy	NC	D	D
p) Tertiary education and specialised training facility	NC	D	NC
q) Health care service	NC	D	D
r) Home-based business	P	P	P
s) Homestay accommodation	P	P	P

Activity	Peacocke Character Zone		
	A	B	C
	In the absence of a Master Plan	Forming part of the Master Plan process and approval	Inconsistent with an approved Master Plan
t) Office, other than as a home-based business	NC	D	D
u) Places of assembly	NC	D	NC
v) Retail activity, other than as a home-based business	NC	D	D
w) Show homes	NC	D	D
x) Visitor accommodation	NC	D	D
Community Activities and Structures			
y) Community centre	NC	D	D
z) Activities ancillary to any permitted activity, including health care services, library, offices, retail, workshops, depots, storage	NC	D	NC
aa) General Recreation	NC	D	NC
bb) Informal recreation and ancillary buildings	P	P	P
cc) Marae	NC	D	NC
dd) Places of worship	NC	D	D
ee) School	NC	D	NC
All Activities and Structures			
ff) Alterations and additions to any building except: i. Heritage buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage	P	P	P
gg) Demolition or removal of existing buildings (excluding as provided for by (hh), and heritage buildings scheduled in Schedule 8A, Appendix 8: Historic Heritage)	P	P	P
hh) Demolition or removal of an accessory building	P	P	P
ii) Interior alterations	P	P	P
jj) Maintenance and repair to existing buildings and structures	P	P	P
kk) Production stalls	P	NC	NC
ll) Relocated buildings	P	P	P
mm) Rural Production	P	NC	NC
nn) Rural industry	D	NC	NC
oo) Intensive farming	NC	NC	NC
pp) Walkways and cycleways	RD*	D	D

5.3.4 Activity Status Table – Temple View Zone

5.3.4.1 Comprehensive Development Plan – Process within the Temple View Zone

- a) The Temple View Zone is divided into three Comprehensive Development Plan (CDP) areas (see Volume 2, Appendix 4, Figure 4-5). The establishment of the CDP areas are to ensure that any development within the Character Area maintains and enhances its special character and development within the Heritage Area maintains and enhances the heritage values of the area.
- b) Applications for a CDP must be for the whole CDP area as identified in Volume 2, Appendix 4, Figure 4-5, however development within the CDP area may proceed in stages. (Refer to Volume 2, Appendix 1.2.2.8 for what is required in a CDP.)
- c) All development and activities are subject to consented CDP requirements.
- d) The establishment of the final alignment of the CDP boundary between CDP Area 1 and CDP Area 2 (refer Volume 2, Appendix 4, Figure 4-5) shall be done as part of the consent process for either CDP Area1 or CDP Area 2.
- e) Apart from the exceptions set out below, development of any land in the Character Area and Heritage Area cannot be commenced unless it is in accordance with a consented CDP.
- f) Land use consents and requirements under 5.4.13 can be incorporated into the consent process for Comprehensive Development Plan as Discretionary Activities.

5.3.4.2 Comprehensive Development Plan – Status of Activities

- a) The activity status of activities in the Temple View Zone is contained within the Activity Status Table (refer to Rule 5.3.4.3):
 - i. Column A identifies the activity status of activities in the absence of a Comprehensive Development Plan.
 - ii. Column B identifies the activity status for activities that are part of an application process and approval for, or amendment of, a Comprehensive Development Plan.
 - iii. Column C identifies the activity status for activities that were not consented for in a Comprehensive Development Plan once the CDP has been implemented.
- b) The activity status for the preparation of or amendment to a Comprehensive Development Plan application within the Temple View Zone will be deemed non-complying if an activity that forms part of the application:
 - i. Is identified as a non-complying activity in the related Column B of the Activity Status Table (refer to Rule 5.3.4.3).
- c) Any activity that is listed in Column C of the Activity Status Table as permitted activity is permitted, subject to compliance with relevant standards in Rule 5.4.
- d) Unless otherwise stated, a Comprehensive Development Plan for each area identified in the Temple View Zone requires resource consent as a discretionary activity.

- e) All activities identified in Column A of Rule 5.3.4.3 are non-complying activities in the absence of an approved Comprehensive Development Plan unless the activity is identified as a permitted activity.
- f) Activities identified in Chapter 25 City Wide that have been addressed as part of an approved Master Plan or Comprehensive Development Plan are not required to obtain a separate resource consent.
- g) Retail activities identified as part of an approved Comprehensive Development Plan within the Temple View Zone are required to comply with the standards set out in Chapter 6: Business 5 and 6 Zones.

5.3.4.3 Activity Status Table – Temple View Zone

Activity	Temple View Zone				
	A	CDP Area 1 and CDP Area 2		CDP Area 3	
	In the absence of a CDP	B	C	B	C
		Part of an application for a CDP	Activities not included in a granted CDP	Part of an application for a CDP	Activities not included in a granted CDP
Residential Activities and Structures					
a) Accessory buildings (except for within the Heritage Area of the Temple View Zone)	NC	RD	RD*	D	D
b) Accessory building in the Heritage Area of the Temple View Zone	NC	-	-	D	NC
c) Apartments	NC	RD	D	NC	NC
d) Ancillary residential unit	NC	RD	RD*	NC	NC
e) Ancillary residential structures	NC	RD	RD*	NC	NC
f) Single dwelling: first residential unit per site	NC	RD	RD*	NC	NC
g) Single dwelling: second and subsequent residential units per site	NC	RD	RD*	NC	NC
h) Duplex dwellings	NC	RD	D	NC	NC

Activity	Temple View Zone				
	A	CDP Area 1 and CDP Area 2		CDP Area 3	
	In the absence of a CDP	B	C	B	C
		Part of an application for a CDP	Activities not included in a granted CDP	Part of an application for a CDP	Activities not included in a granted CDP
i) Managed care facilities					
i. For up to nine residents	NC	RD	D	NC	NC
ii. For up to 10 residents (excluding emergency housing)	NC	RD	D	NC	NC
iii. For 11 or more (including emergency housing)	NC	RD	D	NC	NC
j) Emergency housing for up to 10 residents	NC	RD	D	NC	NC
k) Papakainga	NC	NC	NC	NC	NC
l) Residential activities (except in the Temple View Heritage Area)	NC	RD	D	D	D
m) Residential activities in the Temple View Heritage Area (Map 60B).	NC			NC	NC
n) Residential centre	NC	NC	NC	NC	NC
o) Rest home	NC	RD	D	NC	NC
Commercial Activities and Structures					
p) Childcare facility					
i. For up to 5 children	NC	RD	RD*	NC	NC
ii. For 6 or more children	NC	RD	D	NC	NC
q) Dairy	NC	RD	RD	NC	NC
r) Tertiary education and specialised training facility	NC	RD	RD	NC	NC
s) Health care service	NC	RD	RD*	NC	NC
t) Home-based business	P	P	P	P	P
u) Homestay accommodation	P	P	P	P	P
v) Office, other than as a home-based business	NC	RD	D	NC	NC
w) Places of assembly	NC	RD	D	D	D
x) Retail activity, other than as a home-based business	NC	RD	NC	NC	NC
y) Show homes	NC	D	D	NC	NC

Activity	Temple View Zone				
	A	CDP Area 1 and CDP Area 2		CDP Area 3	
	In the absence of a CDP	B	C	B	C
		Part of an application for a CDP	Activities not included in a granted CDP	Part of an application for a CDP	Activities not included in a granted CDP
z) Visitor accommodation (except in the Temple View Heritage Area of the Temple View Zone)	NC	D	D	RD	RD
aa) Visitor accommodation within the Temple View Heritage Area of the Temple View Zone	NC	-	-	NC	NC
Community Activities and Structures					
bb) Community centre	NC	RD	D	NC	
cc) Activities ancillary to any permitted activity, including health care services, library, offices, retail, workshops, depots, storage	NC	RD	D	NC	
dd) Marae	NC	RD	D	NC	
ee) Places of worship	NC	RD	D	D	NC
ff) School	NC	RD	D	NC	NC
All Activities and Structures					
gg) Alterations and additions to any building except: i. Visitor centre ii. Teacher housing fronting Tuhikaramea Road iii. Walling separating covered walkways from Tuhikaramea Road iv. Formal Temple entrance area elements including steps, planting boxes, retaining walls between the visitor centre, Temple Landing and Temple (refer to Volume 2, Appendix 4, Figure 4-6) v. Heritage buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage	P	P	P	P	P
hh) Alteration, demolition or removal of the boundary wall to Tuhikaramea Road	NC	RD	D	-	-
ii) Alterations and additions to the visitor centre	NC	-	-	RD	D
jj) Alterations and additions to the exterior of the teacher housing	NC	RD	RD*	-	-

Activity	Temple View Zone				
	A	CDP Area 1 and CDP Area 2		CDP Area 3	
	In the absence of a CDP	B	C	B	C
		Part of an application for a CDP	Activities not included in a granted CDP	Part of an application for a CDP	Activities not included in a granted CDP
kk) Alterations and additions to the exterior of walling separating the walkways from Tuhikaramea Road	NC	RD	D	-	-
ll) Alterations and additions to the formal Temple entrance area elements including steps, planting boxes, retaining walls between the visitor centre, Temple Landing and Temple (refer to Volume 2, Appendix 4, Figure 4-6)	NC	-	-	RD	D
mm) Construction of additional private transport corridors or carpark areas	NC	RD	RD*	RD	RD
nn) Construction of new buildings	NC	RD	RD*	RD	RD
oo) Contouring and modification of the landform	NC	RD	RD*	RD	RD
pp) Demolition or removal of existing buildings (excluding as provided for by (rr), (ss)) and heritage buildings scheduled in Schedule 8A, Appendix 8: Historic Heritage)	NC	RD	RD*	RD	RD
qq) Demolition or removal of any building except: i. Accessory buildings ii. Visitor centre iii. Temple president's house	NC	RD	RD*	RD	RD
rr) Demolition or removal of an accessory building	P	P	P	P	P
ss) Demolition or removal of the visitor centre or Temple president's house	NC	-	-	D	D
tt) Erecting, constructing, planting or extending a sign visible from a public place	NC	RD	RD*	NC	NC
uu) Erection of any boundary structure along Tuhikaramea Road	NC	RD	RD*	RD	RD
vv) External illumination of buildings and grounds	P	P	P	P	P
ww) Individual vehicular crossings to the teacher housing directly from Tuhikaramea Road	NC	NC	NC	-	-
xx) Interior alterations	P	P	P	P	P

Activity	Temple View Zone				
	A	CDP Area 1 and CDP Area 2		CDP Area 3	
	In the absence of a CDP	B	C	B	C
		Part of an application for a CDP	Activities not included in a granted CDP	Part of an application for a CDP	Activities not included in a granted CDP
yy) Maintenance and repair to existing buildings and structures	P	P	P	P	P
zz) Maintenance and repair to any private road or carpark area	P	P	P	P	P
aaa) Minor work on any: i. Building ii. Curtilage wall iii. Temple entrance elements	P	P	P	P	P
ab) Relocated buildings	D	RD	D	NC	NC
ac) Siting of any building or structure between Tuhikaramea Road and the privacy walling enclosing the covered walkways	NC	D	NC	-	-
ad) Tree planting and removal except for: i. Tree planting in Temple view shafts area ii. Tree removal in the Temple entrance area (Refer to Volume 2, Appendix 4, Figure 4-6) iii. Removal of a significant tree in Volume 2, Appendix 9, Schedule 9D: Significant Trees	P	P	P	P	P
ae) Tree planting in Temple View shafts area (Refer to Volume 2, Appendix 4, Figure 4-6)	NC	-	-	RD	RD
af) Tree removal in the Temple entrance area (except for a significant tree in Volume 2, Appendix 9, Schedule 9D: Significant Trees)	NC	-	-	RD	RD

5.4 Rules – General Standards

The general standards set out below for the Peacocke Character Zone and Temple View Zone will be used as a guide to assess any Master Plan or any Comprehensive Development Plan and as standards after the Master Plan or Comprehensive Development Plan has been approved.

5.4.1 Density

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

Table 5.4.1a: Density – Special Residential, Special Heritage, Rototuna North East Character Zone, Special Natural and Temple View Zones

Activity	Special Residential Zone	Special Heritage Zone	Rototuna North East Character Zone	Special Natural Zone		Temple View Zone	
				Lake Waiwhakareke Landscape Character Area	Ridgeline Character Area	CDP Area 1 and CDP Area 2	CDP Area 3
For Peacocke Character Area see Table 5.4.1b.							
a) Single dwellings - front, corner and through site (including relocated dwellings) (per unit)	600m ²	600m ²	500m ²	350m ²	600m ²	600m ²	-
b) Single dwellings – rear site (including relocated dwellings) (Except within the Claudelands West Area) (per unit) Detached dwellings – rear site (including relocated dwellings) within the Claudelands West Area (per unit)	400m ² 600m ²	600m ²	500m ²	350m ²	600m ²	600m ²	-
c) Duplex dwellings (per residential unit)	-	-	-	200m ² (400m ² per Duplex)	-	200m ² (400m ² per Duplex)	-

d) Single dwellings with an ancillary residential unit (*total area for both dwelling and ancillary residential unit)	*700m ²	*700m ²	*700m ²	*435m ²	*800m ²	*700m ²	-
e) Managed care facilities (minimum per resident)	100m ²	100m ²	100m ²	100m ²	100m ²	100m ²	-
f) Rest homes (minimum per resident)	75m ²	75m ²	75m ²	75m ²	75m ²	75m ²	-

Table 5.4.1b: Density – Peacocke Character Area

Activity	Peacocke Character Area			
	Terrace Area	Hill Area (Slope less than 5 Degrees)	Hill Area (Slope greater than 5 Degrees)	Gully Area
For Special Residential Zone, Special Heritage Zone, Special Natural Zones and Temple View Zone see Table 5.4.1a.				
a) Single dwellings – front, corner and through site (including relocated dwellings) (per unit)	400m ²	400m ²	800m ²	800m ²
b) Single dwellings – rear site (including relocated dwellings) (per unit)	400m ²	400m ²	800m ²	800m ²
c) Duplex dwellings (per residential unit)	200m ² (400m ² per Duplex)	200m ² (400m ² per Duplex)	-	-
d) Single dwellings with an ancillary residential unit (*total area for both dwelling and ancillary residential unit)	*435m ² (net site area)	*600m ² per unit	*800m ² per unit	*800m ² per unit
e) Managed care facilities (minimum per resident)	100m ²	100m ²	100m ²	100m ²
f) Rest homes (minimum per resident)	75m ²	75m ²	75m ²	75m ²

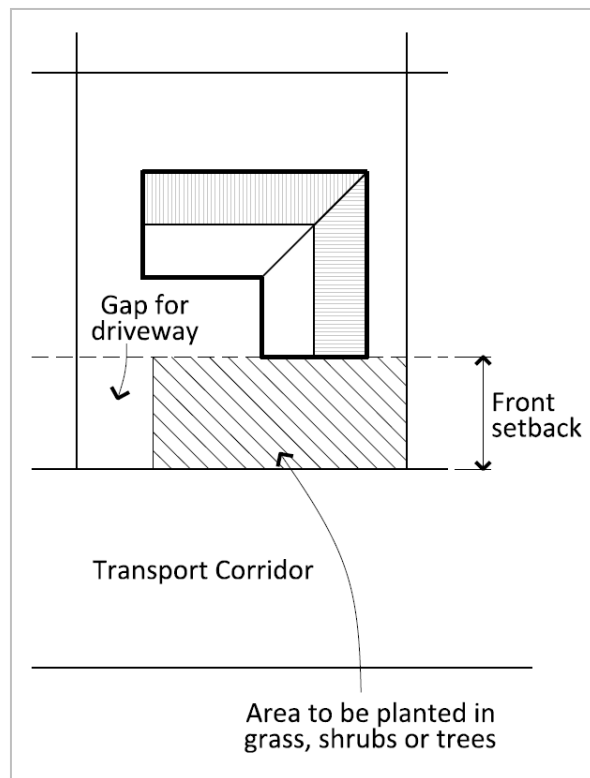
5.4.2 Site Coverage

				Special Natural Zone		Temple View Zone		Peacocke Character Area				
				Lake Waiwhakareke Landscape Character Area	Ridgeline Character Area	CDP Area 1 and CDP Area 2	CDP Area 3	In the absence of an approved Master Plan	Terrace Area	Hill Area (Slope less than 5 degrees)	Hill Area (Slope greater than 5 degrees)	Gully Area
a) Front Sites (maximum % unless otherwise stated)	35	35	Net site area less than 750m ² – 40% Net site area greater than 750m ² – 20%	40	25	40	40	Net site area is greater than 5000m ² – 8% up to a maximum of 1200m ² GFA Net site area is 5000m ² or less – 25% up to a maximum of 500m ² GFA	40 Apartments and Duplex units – 50%	40	35	35
b) Rear Sites (maximum % unless otherwise stated)	40	35	Net site area less than 750m ² – 40% Net site area greater than 750m ² – 20%	40	25	40	40	Net site area is greater than 5000m ² – 8% up to a maximum of 1200m ² GFA Net Site area is 5000m ² or less – 25% up to a maximum of 500m ² GFA	40 Apartments and Duplex units – 50%	35	35	35

5.4.3 Permeable Surface and Planting

	Special Residential Zone	Special Heritage Zone	Rototuna North East Character Zone	Special Natural Zone		Temple view Zone		Peacocke Character Zone			
				Lake Waiwhakareke Landscape Character Area	Ridgeline Character Area	CDP Area 1 and CDP Area 2	CDP Area 3	Terrace Area	Hill Area (Slope less than 5 Degrees)	Hill Area (Slope Greater than 5 Degrees)	Gully Area
a) Permeability across the entire site (including area required by Rule 5.4.3(b) below) (minimum % unless otherwise stated)	40	40	50	20	40	35	40	20	35	40	40
b) Front sites, corner sites, through sites only: Permeability of the front setback excluding vehicle and access provisions required by Rule 5.4.6 be planted in grass, shrubs or trees (see Figure 5.4.3a)	100	100	100	100	100	100	100	100	100	100	100

- c) The planted area required in Figure 5.4.3a shall:
- Be planted in the first planting season following completion of the building.
 - Be of a permeable nature with planting consisting of a combination of groundcover, shrubs and trees.
 - Provide vegetative coverage of the specified area within two years from the time of planting.
 - Ensure visibility between the dwelling and any adjoining areas of public space.

Figure 5.4.3a: Planting requirement forward of the front building line

5.4.4 Building Height

Table 5.4.4a: Building height – Special Residential, Special Heritage and Special Natural Zones

	Special Residential Zone	Special Heritage Zone			Special Natural Zone	
		Frankton Railway Village	Hayes Paddock	Hamilton East Villa	Lake Waiwhakareke Landscape Character Area	Ridgeline Character Area
For the Temple View Zone and Peacocke Character Zone see Table 5.4.4b and for Rototuna North East Character Zone see Table 5.4.4.c						
a) Front, corner and through site (maximum height unless otherwise stated)	7m	5m	6m	7m	10m	8m
b) Rear site (maximum height unless otherwise stated)	8m	5m	6m	7m	10m	8m

c) Storeys	-	Maximum One	-	-	Maximum Two Where a site boundary (excluding accessways) adjoins the Natural Heritage Park or is separated only by a road reserve	-

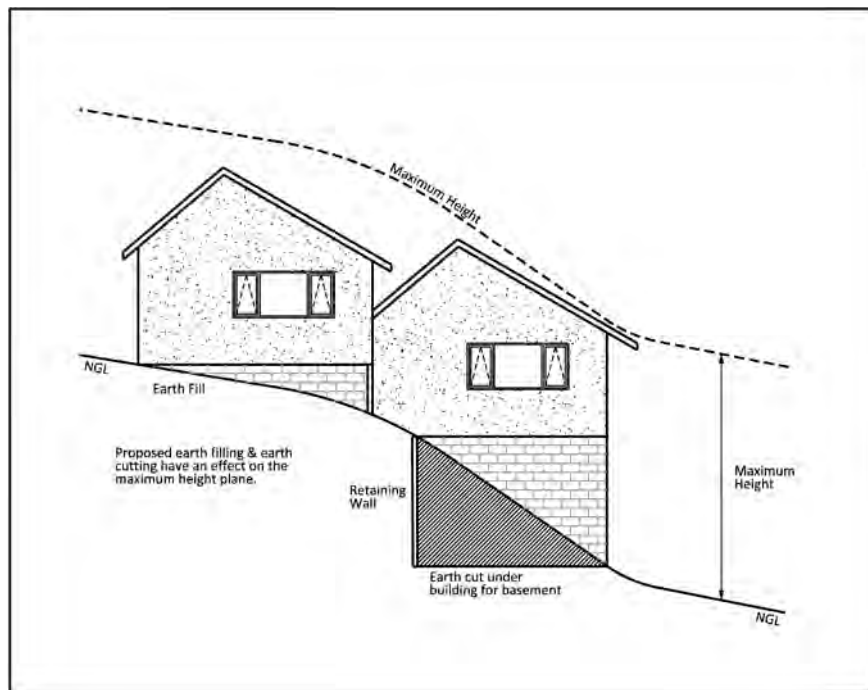
Table 5.4.4b: Building height – Temple View and Peacocke Character Zones

	Temple View Zone		Peacocke Character Zone				
	CDP Area 1 and CDP Area 2	CDP Area 3	In the absence of an approved Master Plan	Terrace Area	Hill Area (Slope less than 5 degrees)	Hill Area (Slope greater than 5 degrees)	Gully Area
For Special Residential Zone, Special Heritage Zones and Special Natural Zones see Table 5.4.4a.							
a) Front, corner and through site (maximum height unless otherwise stated)	12m Buildings within the teacher housing area along the frontage with Tuhikaramea Road: Maximum height 6m All other Situations: 15m	No part of any new or extended building or structure within the Temple Heritage Area shall be higher than the floor level of the Temple All other situations: 15m	10m	12m	10m	10m	10m
b) Rear site (maximum height unless otherwise stated)	15m	As above	10m	12.5m	10m	10m	10m
c) Storeys	Single storey within the teacher housing area along the frontage with Tuhikaramea Road	-	-	-	-	-	-

Table 5.4.4c: Building Height – Rototuna North East Character Zone

Height in relation to any building in the Rototuna North East Character Zone only means the vertical distance between the natural ground level immediately below that part of the highest part of the building immediately above the point. Being, the highest part of the building means the highest part of the main structure of the building, including parapets, but without taking into account projections measuring not exceeding 2m in height and 1m² in area or an aerial permitted within Chapter 25.7 Network Utilities and Electricity Transmission Corridors (see Figure 5.4.4a).

	Rototuna North East Character Zone
a) Front, corner, rear and through site using the Rolling Height Method (Figure 5.4.4a)	Sites less than 750m²: Maximum 10m Site greater than 750m²: Maximum 8m

Figure 5.4.4a: Rolling Height Method – Rototuna North East Character Zone

5.4.5 Height in Relation to Boundary

- a) No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries.

Except that:

- Where buildings are attached, no setback is required between those buildings.
- Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45

degrees and with this angle measured from 3m above ground level at the midway line.

- iii. Where a boundary adjoins a transport corridor or access, the 45 degree angle applies to that boundary, measured 3m above the boundary.
- iv. Where the buildings are part of an approved Master Plan within the Peacocke Character Zone.

5.4.6 Building Setbacks

Table 5.4.6a: Building setbacks – Special Residential, Special Heritage, Rototuna North East Character Zone and Special Natural Zones

	Special Residential Zone	Special Heritage Zone	Special Natural Zone	
			Lake Waiwhakareke Landscape Character Area	Ridgeline Character Area
For Temple View Zone and Peacocke Character Zone see Table 5.4.6b. For Rototuna North East Character Zone see Table 5.4.6c.				
a) From a boundary with - any collector or local transport corridor (minimum setback unless otherwise stated)	All buildings shall be set back from the boundary the greater of: i) 5m, or ii) The average of the front setback of buildings on adjoining sites (except rear sites), provided that: • Where an adjoining site is vacant the setback shall be taken as being 5m • For corner sites the setback of the adjoining site shall be taken as the average		3m	5m
b) From a boundary with – any arterial transport corridor (minimum setback unless otherwise stated)	As per (a)		5m	5m
c) Where a garage or carport faces a transport corridor it shall be set back a minimum of 8m.				
d) Front, corner and through site - side and rear boundaries (minimum setback)	One side boundary 3m Other side boundary and rear boundary 1.5m	1.5m	1.5m	3m
e) Rear site - all boundaries (minimum setback)	1.5m	1.5m	1.5m	3m

Note

1. See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

Table 5.4.6b: Building setbacks – Temple View and Peacocke Character Zones

	Temple View Zone		Peacocke Character Zone	
	CDP Area 1 and CDP Area 2	CDP Area 3	In the absence of an approved Master Plan	Terrace, Hill and Gully Character Areas
For the Special Residential Zone, Special Heritage Zone and Special Natural Zones see Table 5.4.6a.				
a) From a boundary with any collector or local transport corridor (minimum setback unless otherwise stated)	3m	5m	5m	3m
b) From a boundary with any arterial transport corridor (minimum setback unless otherwise stated)	Setbacks are to retain the distance set by the existing curtilage wall between the walkway and Tuhikaramea Road Setbacks within the teacher housing area are to retain original setback distances set by the First Teacher House along Tuhikaramea Road Minimum 5m in all other situations.	Temple View Heritage Area: No Building to be located closer to Tuhikaramea Road than the existing setback distance to the Temple Minimum 5m in all other situations	5m	5m
c) Where a garage or carport faces a transport corridor it shall be set back a minimum of 8m				
d) Front, corner and through site – side and rear boundaries (minimum setback)	1.5m	3m	-	1.5m
e) Rear site – all boundaries (minimum setback)	1.5m	3m	-	1.5m

	Temple View Zone		Peacocke Character Zone	
	CDP Area 1 and CDP Area 2	CDP Area 3	In the absence of an approved Master Plan	Terrace, Hill and Gully Character Areas
f) Any other boundary (for buildings and outdoor hardstands used for housing and feeding of animals, including milking sheds and shearing sheds) (minimum setback)	-	-	50m	-
g) Residential unit setback from an existing intensive farm (minimum setback)	-	-	500m	-
h) Any other boundary not otherwise identified above (minimum setback)	-	-	5m	-

Note

1. See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

Table 5.4.6c: Building setbacks – Rototuna North East Character Zone

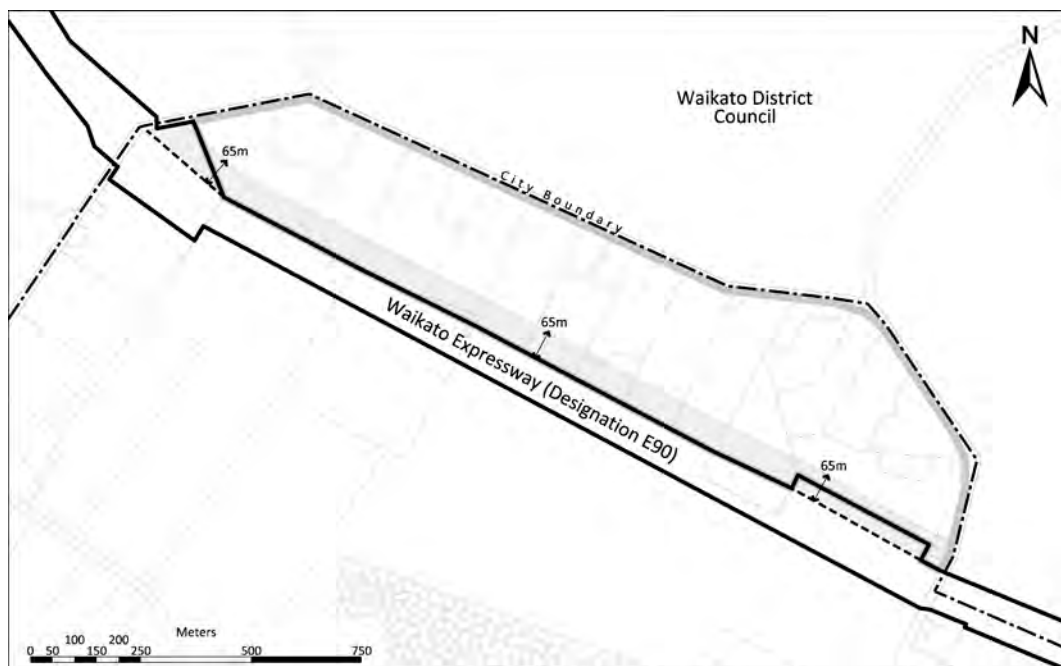
	Rototuna North East Character Zone
a) From a boundary with any collector or local transport corridor (minimum unless otherwise stated)	All buildings shall be setback from the boundary the greater of: 5m, or - The average of the front setback of buildings on adjoining sites (except rear sites), provided that: - Where an adjoining site is vacant the setback shall be taken as being 5m - For corner sites the setback of the adjoining site shall be taken as the average
b) From a boundary with any arterial transport corridor (minimum unless otherwise stated)	Refer to 5.4.6g)
c) Where a garage or carport faces a transport corridor it shall be set back a minimum of 8m.	
d) Front, corner and through site – side and rear boundaries (minimum)	1.2m
e) Rear site – all boundaries (minimum)	1.5m

	Rototuna North East Character Zone
f)	All habitable buildings shall be set back a minimum of 65m from the Waikato Expressway (Designation E90) as shown on Figure 5.4.6a except that if the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an Outline Plan of Works approval under s176A of the RMA; or construction is underway or completed the setback shall be a 55dBL _{Aeq(24hr)} contour line from the Waikato Expressway carriageway boundary determined at the time of subdivision.
g)	All non-habitable buildings within the 65m setback as shown Figure 5.4.6a shall be set back a minimum of 5m from the Waikato Expressway (Designation E90) except that if the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or construction is underway or completed the set back shall be 10m from the actual carriageway edged of the Expressway.

Note

1. See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

Figure 5.4.6a: Waikato Expressway Setback for properties within the Rototuna North East Character Zone adjoining the northern boundary of the Waikato Expressway (Designation E90)



5.4.7 Interface Between Public and Private

- a) These standards only apply to front, corner and through sites only.
- b) Location of accessory buildings within the front setback
 - i. All detached accessory buildings shall be located no further forward of the front building line of the dwelling than 0.5m, (see Figure 5.4.7g);
 - ii. Accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door is to face the street be located no further forward of the front building line of the dwelling than 0.5m, (see Figure 5.4.7h);

- iii. Accessory buildings that are an integral part of the design and construction of the dwelling, if the garage door is 90 degrees to the street it shall be forward of the front line of the dwelling (but not encroaching into the front setback), by no more than 8m.
- c) At least one habitable room shall have a clear glazed window facing the transport corridor. For corner sites, this shall be required only on the transport corridor frontage from which vehicular access is provided.

Figure 5.4.7g: Setback for accessory buildings – an example of an accessory building that is an integral part of design

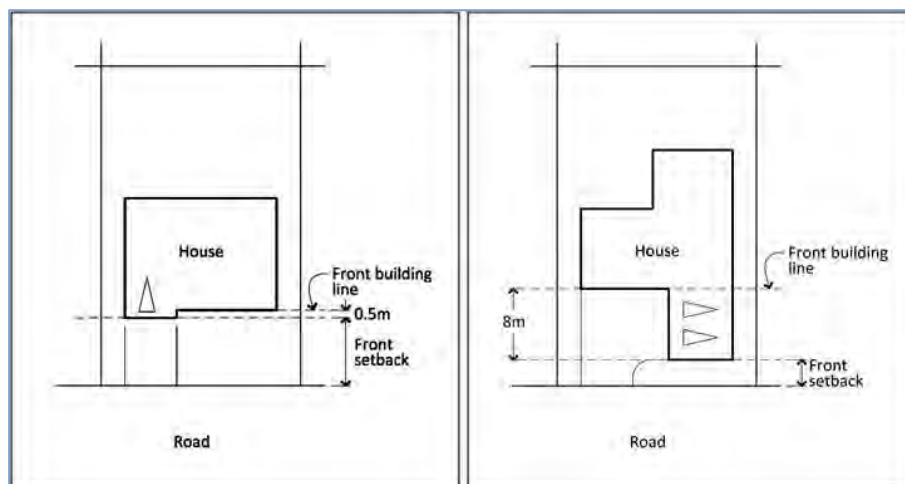
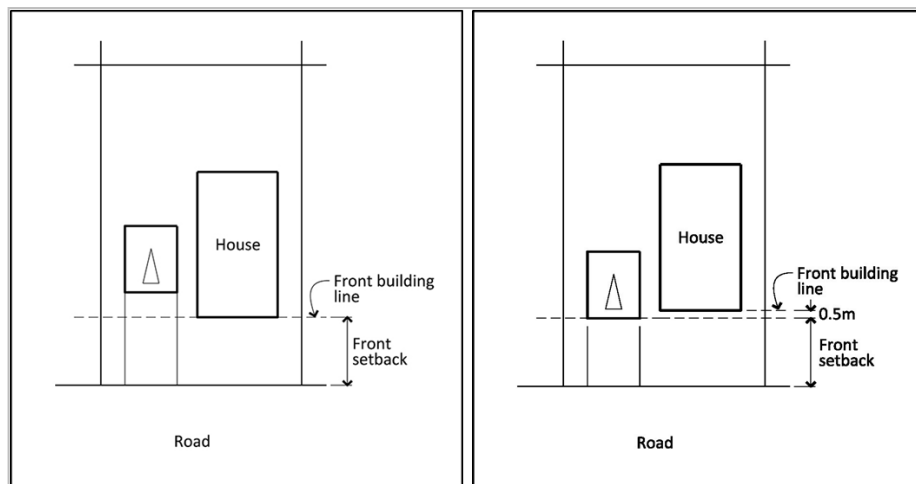


Figure 5.4.7h: Setback for accessory buildings – example of a detached accessory building



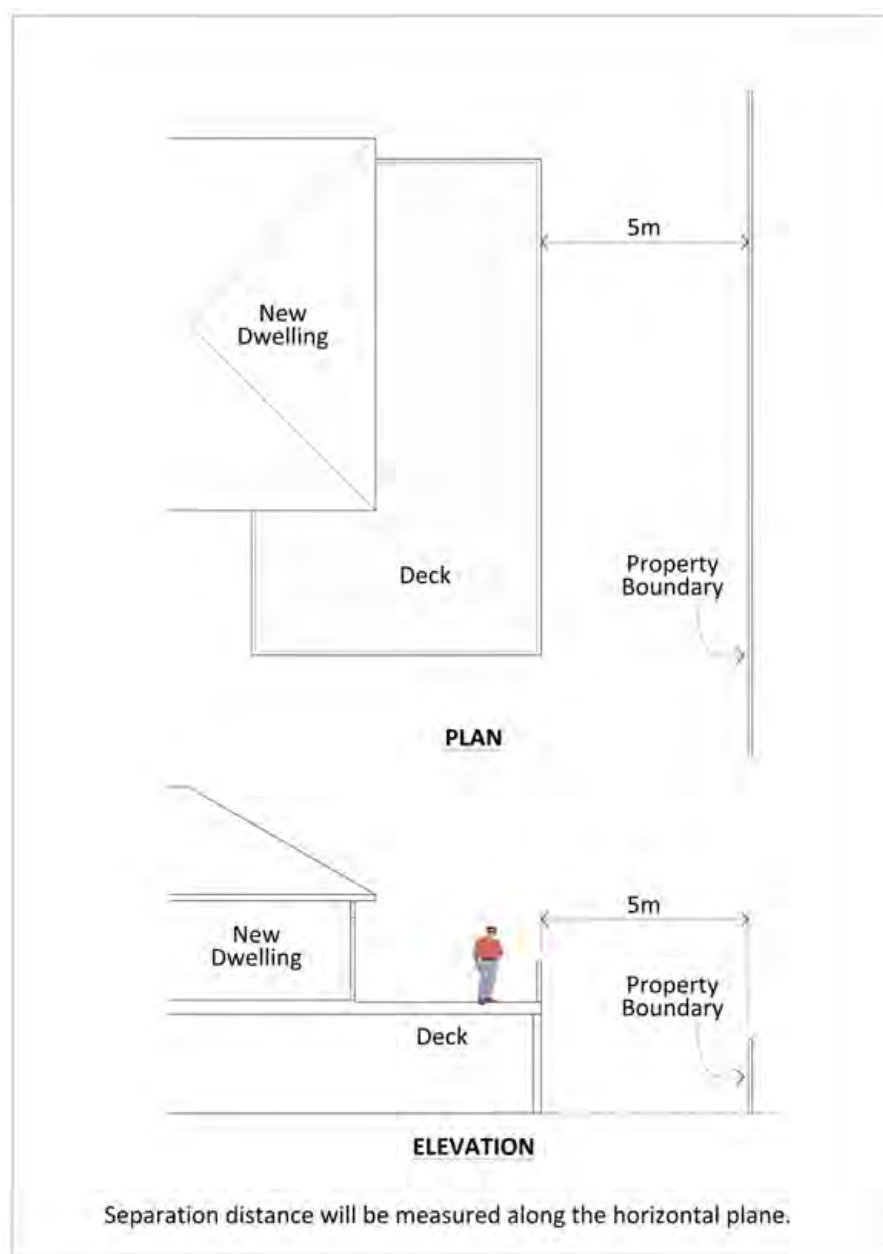
5.4.8 Fences and Walls

- a) Fences and walls shall have a maximum height of 1.8m, except as provided below.
- b) Fences and walls within the Special Residential Zone and Special Heritage Zone shall have a maximum height of 1.2m for front and side boundary fences or walls located forward of the front building line of the dwelling.

5.4.9 Residential Buildings – Separation and Privacy

- a) Residential buildings shall be set back at least 3m from the nearest part of any other residential building, except:
 - i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings, separation distance is a minimum of 1.5m.
- b) A balcony at upper-floor level shall be set back at least 5m from boundaries (see Figure 5.4.9a). This does not apply to a boundary along a transport corridor, access way, right-of-way, private way, access lot, or entrance strip less than 6m wide.

Figure 5.4.9a: Upper-floor setbacks for separation and privacy



- c) Temple View Character Area. Within the teacher housing area there shall be a minimum 7m separation distance between single dwellings.

5.4.10 Buildings and Activities within the Temple View Character Area and Temple View Heritage Area

Description	Requirements	
	Character Area	Heritage Area
a) Curtilage wall along Tuhikaramea Road	Shall be reinstated to reflect the height, colour, design quality and spatial relationship with the built form of the former teacher housing	Shall be reinstated to reflect the height, colour and design quality of the curtilage wall
b) Berm and privacy walling separating the covered walkways from Tuhikaramea Road	Shall maintain the general spatial relationship and ratio of elements between the road edge and the privacy walling. This is visually open berm containing manicured lawn, ornamental planting, and specimen trees, with a distinct delineation of built form. Buildings shall reflect the broader architectural characteristics such as colour, form, materials and finishes and deliver on the principles of good urban design	
c) Colour: Applies to new buildings or alterations of existing buildings	Shall be in general accordance with the colour scheme throughout the Character Area and adjoining Heritage Area	Shall be in general accordance with the colour scheme identified throughout the Character Area and adjoining Heritage Area
d) Repairs and maintenance to buildings or structures	Shall be in accordance with the broader architectural characteristics such as colour, form, materials and finishes	Shall be in accordance the broader architectural characteristics such as colour, form, materials and finishes
e) Maintenance, repair and replacement of former teacher accommodation along Tuhikaramea Road	Shall reflect the general spatial characteristics, scale and modulation of the existing teacher accommodation as viewed from Tuhikaramea Road, with particular regard to the offset from the front boundary, architectural response to Tuhikaramea Road and curtilage treatment Buildings shall include the broader architectural characteristics such as colour,	

Description	Requirements	
	Character Area	Heritage Area
	form, materials and finishes and deliver on the principles of good urban design	
f) New building and development	Buildings shall generally reflect the broader architectural characteristics including but not limited to colour, style, materials and finishes to maintain a coherent character to the overall site and deliver on the principles of good urban design	Shall maintain the overall open spatial characteristics of the area, as viewed from Tuhikaramea Road with particular regard to the immediate surrounding landscape and the primacy of the Temple within the area Buildings shall include the broader architectural characteristics such as colour, form, materials and finishes to maintain a coherent character to the overall site and deliver on the principles of good urban design
g) Repairs, maintenance and replacement of private roads and car parking areas	Shall be maintained or developed to reflect the sealed surface and kerbed edge consistent with the roads and parking areas while allowing for alternative treatment consistent with the overall character of the area where warranted for good urban design or functional requirements	Shall be maintained or developed to reflect the sealed surface and kerbed edge consistent with the roads and parking areas while allowing for alternative treatment consistent with the overall character of the area where warranted for good urban design or functional requirements

5.4.11 Outdoor Living Area

- a) These standards do not apply to managed care facilities or rest homes.
- b) Each residential unit shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Located on a side of the residential unit which faces north, east or west (refer Figure 5.4.11e below). For the purpose of this standard, a side that faces north, east or west means the area to the:
 - West of the westernmost and/or easternmost corners of the dwelling, and/or
 - West of the west facing façade aligned at no more than 15 degrees to the north-south axis; and/or

- East of the east facing façade aligned at no more than 15 degrees to the north-south axis.
- c) Outdoor living areas for residential units shall have areas and dimensions as follows:

Residential units	Outdoor living area per residential unit	Shape
i. Including single dwellings and duplex dwellings	60m ²	• Capable of containing a 6m diameter circle • No dimension less than 2.5m
ii. Ancillary residential units	12m ²	• No dimension less than 2.5m

- d) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.

Figure 5.4.11e: Outdoor living area – north, east or west

OUT DOOR LIVING AREA

The location of the outdoor living area for a dwelling will vary based on the dwelling's orientation.

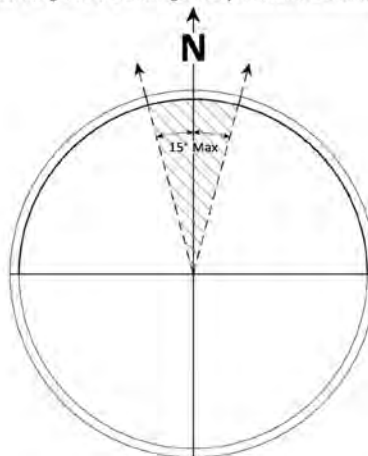
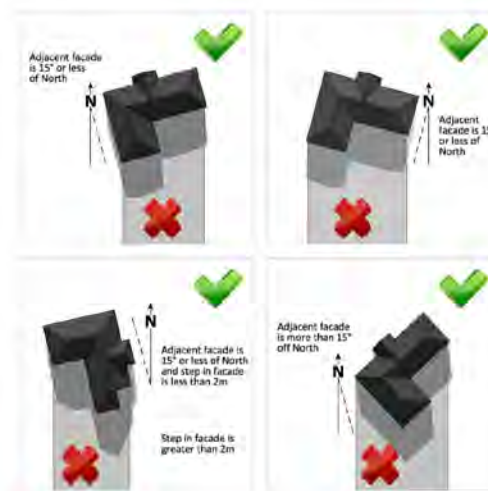


Diagram A: Outdoor Living Area Indicator

Note: North is True North

To determine if a dwelling's façade is aligned no more than 15° to the north-south axis, the north point of the Outdoor Living Area Indicator (Diagram A) should be aligned with the north point shown on the site plan. If façade is within the 15° off set, then that façade should be included as part of the area used to locate outdoor living areas (See diagrams below). If a façade has an in step or out step of more than 2m the façade south of that point should be excluded.



5.4.12 Service Areas

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

Description	Minimum requirements
b) Every site, including first residential unit, but excluding 5.4.12(d) to (f)	i. At least 20m ² ii. Minimum dimension 3m
c) Service area for second and subsequent residential units, including duplex dwellings	i. Additional 20m ² for second and each subsequent unit ii. Minimum dimension 3m
d) Service area per ancillary residential unit	i. Additional 10m ² ii. Minimum dimension 2.5m
e) Apartments	i. 10m ² ii. Minimum dimension 2.5m
f) Community centres, visitor accommodation, conference facilities	i. 10m ² ii. Minimum dimension 2.5m
g) Dairies (may be indoor or outdoor)	i. Minimum 10m ² ii. Minimum dimension 2.5m iii. Readily accessible to service vehicles iv. Indoor service area separately partitioned v. Outdoor service area shall have an all-weather, dust-free surface
h) All service areas	i. Readily accessible from each residential unit ii. Not visible from a public place

5.4.13 Provisions in Other Chapters

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

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

5.5 Rules – Specific Standards

5.5.1 Ancillary Residential Unit

- a) A maximum of one ancillary residential unit per site.
- b) A maximum gross floor area of 60m².
- c) The outdoor living area shall not be included as part of the outdoor living area provided for the principal residential building on site.

5.5.2 Childcare Facility

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

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

a) Gross floor area of all buildings	Maximum 250m ²
b) Hours of operation	0700 to 2200 hours
c) Additional hours for special events (maximum 1 per calendar year)	2200 to 0200 hours
d) No exterior indication of the activity, including the display or storage of materials, shall be visible from outside the site, except for permitted signs	

5.5.4 Dairies

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

5.5.5 Home-based Businesses

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

- vii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- viii. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
- ix. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2.0m above the adjacent ground level. The sign must be attached to either a fence, wall or building.

5.5.6 Managed Care Facilities

- a) Within one calendar month of its occupancy, the Agency or person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following.
 - i. Proposed number of residents.
 - ii. The anticipated number of visitors to the site per week and daily visiting hours.
 - iii. Anticipated full-time equivalent staff at the facility.
 - iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
 - v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- b) An outdoor living area shall be provided which is:
 - i. For the exclusive use of the residents.
 - ii. Readily accessible for all residents.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Comprises no more than 35% impermeable surface area.
 - v. Provided with a screen, wall or fence along that part of any site boundary adjoining the outdoor living area in order to screen the area from abutting properties.
- c) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 15m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m diameter circle.
 - iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- d) A service area shall be provided that has:
 - i. A minimum area of 20m²; with a minimum dimension of 3m.

- ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- e) Staff providing supervision for managed care facilities accommodating 8 or more residents shall be present on site at all times that residents are in occupation.
- f) No part of any site to be used as a managed care facility shall be located within a 150m radius of an existing managed care facility for which a resource consent was required for its establishment or operation, unless the facilities are separated by the Waikato River, an arterial transport corridor, railway lines, or a gully system identified by the Waikato Riverbank and Gully Hazard Area within the Planning Maps.
- g) No part of any site or premises used as a managed care facility shall contain a secure unit.

5.5.7 Relocated Buildings

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

5.5.8 Show Homes

- a) These shall be:
 - i. Staffed by a maximum number of two staff at any time.
 - ii. Located on a front or corner site.
 - iii. Have a maximum activity duration of two years from the time of first occupation.

5.5.9 Rest Homes

- a) Maximum occupancy shall be 10 residents (including live-in staff), excluding rest homes within the Temple View Comprehensive Development Plan Area 2 in Volume 2, Appendix 4, Figure 4-5.
- b) The maximum density for rest homes shall be:
 - i. One person per 75m² of net site area in the Special Residential and Special Natural zone; or

- ii. One person per 50m² of net site area in the Special Heritage zone, Peacocke Character Zone and Temple View Zone.
- c) An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents.
 - ii. Is readily accessible for all residents.
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- d) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m-diameter circle.
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- e) A service area shall be provided with areas and dimensions as follows:
 - i. Minimum area of 20m².
 - ii. Minimum dimension of 3m.
 - iii. Provided that where a fully equipped laundry (both washing and drying machines) is provided in the rest home, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.

5.5.10 Visitor Accommodation

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

5.5.11 Retail activities within the Peacocke Character Zone and Temple View Zone

- a) Retail activities within the Peacocke Character Zone need to be in general accordance with the Peacocke Structure Plan.
- b) Retail activities within the Peacocke Character Zone or Temple View Zone that are part of an approved Master Plan or Comprehensive Development Plan shall be required to comply with the associated rules in Chapter 6: Business Zones 1 to 6 as follows:
 - i. Business Zone 5 when located in the defined Suburban Centre
 - ii. Business Zone 6 when located in the defined Community Focal Pointonce a Master Plan or a Comprehensive Development Plan has been implemented.

5.5.12 Development Yield in the Rototuna North East Character Zone

- a) The maximum development yield, spread over the entire area shall be 1100 residential units.

5.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. Any building or structure (including alterations and additions) identified as a Restricted Discretionary Activity in the Special Character Zone; except where specifically listed below*.	E – Heritage Values and Special Character
ii. Any activity identified as a Restricted Discretionary Activity in the Special Character Zone; except where specifically listed below*.	E – Heritage Values and Special Character
iii. Alterations and additions forward of the front building line to a pre-1940 dwelling within the Hamilton East Dwelling Control area or to a pre-1939 dwelling within the Claudelands Dwelling Control area on a front, corner or through site	E – Heritage Values and Special Character
iv. Ancillary residential unit*	- B – Design and Layout - E – Heritage Values and Special Character
v. Single dwelling: Second and subsequent residential unit per site, *	- B – Design and Layout - E – Heritage Values and Special Character
vi. Duplex dwellings – excluding Hayes Paddock*	- B – Design and Layout - E – Heritage Values and Special Character
vii. Childcare facility for 6 or more children	- B – Design and Layout - E – Heritage Values and Special

	Character
viii. Community centre	• B – Design and Layout • E – Heritage Values and Special Character
ix. Dairy	• B – Design and Layout • E – Heritage Values and Special Character
x. Tertiary education and specialised training facility	• B – Design and Layout • E – Heritage Values and Special Character
xi. Rest home*	• B – Design and Layout • E – Heritage Values and Special Character
xii. Walkways and cycleways*	• E – Heritage Values and Special Character • G – Transportation
xiii. Single dwelling: First residential unit per site*	• B – Design and Layout • E – Heritage Values and Special Character

Note

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

5.7 Other Resource Consent Information

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

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

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

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



6 Business 1 to 7 Zones

6.1 Purpose

- a) Business resources commonly group around a series of centres in Hamilton and include activities such as retailing, offices, business and financial services, manufacturing, warehousing and associated parking, storage and display areas. These areas and the infrastructure that serves them are significant public and private resources and influence the urban form and function of all parts of the City.
- b) The grouping of business activities into centres provides an environment that will draw in other business and facilities. This agglomeration results in productivity gains arising from economies of scale and efficiencies of inter-connectedness.
- c) The focus of the business centres' hierarchy is to manage existing centres to ensure they retain and enhance their function, vitality, viability and amenity as focal points for a diverse range of activities needed by the community. Ongoing public investment is a significant element in any centres-based strategy.
- d) A centre is a cohesive or integrated set (cluster) of diverse land-use (business) activities, characterised by high pedestrian levels in a high-amenity public environment and supported by efficient and accessible passenger transport, infrastructure and services.
- e) A business centres' hierarchy has been developed that comprises six tiers. The overall aim being to re-establish the primacy of the Hamilton Central City and define its relationship with the sub-regional centres and suburban centres, in particular, with each centre comprising one or more of the following Business Zones.
 - i. The Central City Zone (refer to Chapter 7: Central City Zone)
 - ii. Sub-regional centres being at The Base and Chartwell that generally comprise some or all the following business zones:
 - Business 3 (sub-regional centre) Zone at The Base, the primary sub-regional centre
 - Business 3 (sub-regional centre) and Business 5 (suburban centre) Zone at Chartwell, the secondary sub-regional centre
 - iii. Suburban centres distributed around the City's residential neighbourhoods that comprise:
 - Business 5 (suburban centre) Zone
 - Business 1 (commercial fringe) Zone
 - iv. Neighbourhood centres serving local residential areas that comprise the Business 6 (neighbourhood centre) Zone
 - v. Localised commercial activity supporting major visitor facilities that comprise the Business 2 (events facilities) Zone
 - vi. Commercial fringe areas where specific activities have conglomerated to create a particular enclave or precinct or related uses comprise the Business 1 (Commercial Fringe) and Business 7 (Frankton Commercial Fringe) Zones.
- f) The approach taken in this plan is necessary to ensure that investment in infrastructure and services is programmed and used most efficiently. The approach

will also support the primacy of the Central City and manage the range and scale of commercial development outside this area to ensure its function, vitality, viability and amenity is enhanced.

- g) Zoning and rule provisions provide for a range of activities, scales and formats appropriate to managing the effects of development of business centres, the principally retail role of the sub-regional centres, the community, mixed use and pedestrian focus of the suburban centres, the neighbourhood function of local facilities, the supporting role of commercial fringe areas and the peak visitor demands associated with visitor facilities.
- h) The rule provisions reflect seven distinctive business environments, which operate either individually or in combination with each other. In each Business Zone the distribution of office and retail development, outside the Central City Zone, is controlled to ensure that adverse effects on the Central City are avoided. Rules are more permissive in relation to community activities while residential activity above ground floor as part of appropriate mixed use is encouraged in the suburban centre, neighbourhood centre and commercial fringe zones. The intention is to encourage the establishment of retail and office activities back to the Central City. The retention, re-development and return of office activities to the Central City is critically important to maintaining a sizeable day-time population to support retail and other activities.
- i) The approach also aims to consolidate people-focused activities within cohesive and integrated business centres, supported by larger-format vehicle based activities in the fringes of these centres. This is reflected in the sub-regional centres zoning and in particular at Te Rapa North, where a grouping of large format activities has established within and on the edge of The Base retail centre.
- j) It is envisaged that future large format retail growth will be accommodated within existing centres and significant large format retail development beyond the identified out of centre zones is not envisaged for the Plan period. Large format retail zoning provides for out-of-centre development of large format retail activities only in circumstances where their scale/floor area may not be appropriate in centres within the business hierarchy and it can be demonstrated that the primacy, function, vitality, viability and amenity of the Central City, the function, vitality, viability and amenity of the sub-regional centres and the function of lower order centres within the business hierarchy are not undermined.

The Commercial fringe zoning also provides for those out of centre areas which have developed with a common character such as health care and hospitals, or building, automotive, and other wholesale retail and trade activities. Such common function-based precincts are unique and have been developed over time, outside of the city centre and suburban centre localities.

- k) The Commercial Fringe zone provides for a mix of uses and commercial activities in locations that are adjacent to nearby centres. It is anticipated business activities will complement and support the centres they are adjacent to without undermining the primacy, function, vitality and amenity of the Central City, sub-regional centres or suburban centres.
- l) In some limited locations commercial development has occurred outside defined centres on large sites; Home Straight Park is one such example. It can be described as an integrated business park with a unique set of characteristics. These include being

reliant on passing motor vehicle custom, shared access and common parking on site, common landscaping themes, and shared services supporting mixed use developments that include offices, small and large format retailing and commercial services.

- m) Hamilton East is also recognised as having a unique character, being an important residential and employment area situated close to the Central City, readily accessible from a walkable residential catchment, yet well served by public transport. A greater commercial role for Hamilton East is envisaged as an 'overflow' or fringe commercial area to the Central City and as a stand alone suburban centre. There are opportunities for sites on the fringe of the suburban centre to be developed to accommodate a range of residential and commercial activities.
- n) A defined area within Frankton has developed over time to establish a unique character largely functioning as a wholesale retail and trade commercial area, serving building, automotive and other industries. This area is characterised by smaller sites, showrooms, trade supply and limited general retail and office activity.
- o) The adoption of the business centres hierarchy is consistent with the commercial development framework promoted in the Regional Policy Statement. This recognises the Hamilton Central City as the primary commercial, civic and social centre in the region ahead of the sub-regional centres of The Base and Chartwell. See Figures 6.1a and 6.1b.

Figure 6.1a: Chartwell Sub-regional Centre



Figure 6.1b: The Base Sub-regional Centre

6.2 Objectives and Policies: Business 1 to 7 Zones

Sub-regional Centres

Objective	Policies
6.2.1 The Base and Chartwell function as sub-regional centres for business activities providing a scale and diversity of retail floorspace, entertainment facilities and limited offices while not undermining the primacy, vitality, viability, function and amenity of the Central City.	6.2.1a The further development of sub-regional centres, the range and trading format of activities and traffic management shall contribute to the development of a cohesive and integrated centre, commensurate with their role in serving an extensive catchment, whilst avoiding adverse effects on the functionality, vitality, viability and amenity of the Central City.
	6.2.1b Development provides for a diverse range of activities but remains predominantly retail and of a scale that will sustain the centres and complement but not undermine the primary role of the Central City.
	6.2.1c The anticipated high levels of travel demand is proactively managed to optimise opportunities for passenger transport, walking and cycling.
	6.2.1d Development maintains and enhances the amenity values of the centre as a destination for sub-regional visitors.
	6.2.1e The scale and nature of activities within sub-regional centres do not generate significant adverse effects on neighbouring amenity values.
	6.2.1f Residential development is discouraged from establishing in sub-regional centres.
Explanation	
<i>The Regional Policy Statement acknowledges the primacy of the Central City while noting the role of two sub-regional centres in meeting the needs of large sections of the community living within and beyond the City boundary.</i> <i>The sub-regional centres provide for an integrated pattern of diverse activities which principally include retail activities in a mix of mall and small scale speciality stores, offices, large format retail, limited offices, community services, entertainment facilities and some visitor accommodation with easy access to the strategic transport network.</i> <i>The previous planning framework has enabled an unplanned dispersal of retail and</i>	

office development which has contributed to the underperformance of some elements of the Central City with consequential effects on its function, amenity and vitality. Therefore, when considering development outside the Central City, it is important to consider the potential for that to result in adverse effects on the role of the Central City. Individual or cumulative establishment of commercial development that may jeopardise the function, vitality and amenity of the Central City should be avoided or managed.

The Base sub-regional centre is significantly larger than the Chartwell sub-regional centre, and with existing consents has greater potential to accommodate additional business activities. Accordingly there is a distinction in rules that apply between the two sub-regional areas.

Assessment criteria related to the establishment of offices, retail activities and community facilities apply to further development of the two sub-regional centres.

Any further development at the two sub-regional centres needs to be carefully managed to safeguard the transport network and ensure consistency with neighbouring activities.

Suburban Centres

Objective	Policies
6.2.2 A distribution of suburban centres that provide a mixed use environment with health-care services, goods, services and employment at a scale appropriate to suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City.	6.2.2a Suburban centres are to be retained, expanded, and provided at a scale and nature appropriate to the needs of the surrounding residential areas, taking into account the need for any expansion to avoid adverse affects on the functionality, vitality, viability and amenity values of the Central City.
	6.2.2b Suburban centres provide an opportunity to reduce the need for travel, by providing for mixed uses, a diverse range of activities, services and trading formats. Residential activities above ground floor level shall be supported.
	6.2.2c Suburban centres act as focal points for local community development through the control of size, scale, built form and diversity of activity.
	6.2.2d Expansion of existing suburban centres is integrated with existing activities and transport networks.
	6.2.2e A comprehensive, urban design-led approach is used to determine the form of suburban centres intended to serve new growth areas.

	6.2.2f Recognise Hamilton East as a fringe employment node to the Central City, but ensure potential adverse effects on adjoining areas (including the Central City) and the safety and efficiency of the transport network are avoided. 6.2.2g Recognise that the expansion of healthcare services and facilities maintain viable and accessible medical services and hospital facilities to the regional and city-wide community.
Explanation <i>Suburban centres anchor the City's main residential areas and provide a range of activities and services that can reduce reliance on car travel for meeting day-to-day requirements. These centres provide multi-purpose destinations for customers. Parking is provided onsite and these centres are generally well served by passenger transport.</i> <i>Suburban centres vary in size and character between 10,000-20,000m² gross floor area and generally serve between 10,000-30,000 people. Supermarkets commonly anchor these centres and between 20-30 outlets, comprising a variety of smaller specialist retailers, provide retail, limited office, community and other services to the suburban population on an integrated basis. Often another large format retailer is located in the centre. Service stations may also be a feature.</i> <i>Opportunities exist for limited expansion and intensification to ensure the centres continue to meet the needs of growing populations and provide a focal point for communities. Residential activity above ground floor level in suburban centres enhances mixed use outcomes.</i> <i>Recognition has been made for the hospital facilities at Hamilton East.</i> <i>Carefully planned suburban centres will help to anchor and support residential and community development.</i>	

Neighbourhood Centres

Objective	Policies
6.2.3 A distribution of locally based centres that provide services and health-care services capable of meeting the day-to-day needs of their immediate neighbourhoods.	6.2.3a Activities within neighbourhood centres principally serve their immediate neighbourhood.
	6.2.3b The scale and nature of activities within neighbourhood centres shall not generate significant adverse amenity effects on surrounding residential areas and transport networks.
	6.2.3c Residential activities above ground floor commercial uses are encouraged as part of mixed use development.

Explanation

Neighbourhood centres provide a limited range of everyday goods and services and essentially serve a walk-in population. Being situated within residential areas it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values. Very limited opportunities exist for expansion of these centres.

Neighbourhood centres are small in land area and shop sizes are between 100-300m² with the overall floorspace for a centre between 500-5,000m². The anchor store is likely to be a superette.

Major Event Facilities

Objective	Policies
6.2.4 Significant City events destinations are supported by complementary commercial activities.	6.2.4a A limited range of commercial activities can establish outside recognised business centres where they shall directly relate to major events facilities within the City.
	6.2.4b The range and scale of activity and built form do not undermine the role of any business centre and are consistent with the amenity values of neighbouring areas.
Explanation	
<i>The provision of support activities in the immediate locality of significant events destinations can enhance the attraction of such facilities and meet community needs without adversely affecting the role of business centres. Such activities will assist in meeting the demands of occasional peak visitor numbers but will require careful management to ensure they will not undermine the amenity values of neighbouring areas. Securing additional commercial development in a limited number of locations aims to bring benefits to, and strengthen the attraction and viability of these stand alone facilities.</i>	

Out-of-Centre Development – Large Format Retail Zone

Objective	Policies
6.2.5 Significant large format retail development beyond the out of centre zones identified is not envisaged for the Plan period. These limited zones provide for out-of-centre development	6.2.5a Large format trading activities may be permitted to locate outside zoned business centres where it can be demonstrated that: i. Appropriately zoned land is not available within the Central City, or sub-regional centres or suburban centres; and

comprising a range of moderate to low intensity commercial uses (offices and/or large format retail activities and community services) only in circumstances where the primacy, function, vitality, viability and amenity of the Central City, the function, vitality, viability and amenity of the sub-regional centres and the function of the lower order centres in the business hierarchy are not undermined.	ii. There is consistency with the assessment criteria to avoid potential adverse effects on the primacy, function, vitality, viability and amenity of the sub-regional centres and the function of the lower order centres; and iii. The proposal does not add to the continued loss of developable industrial land to retail uses. 6.2.5b Development ensures potential adverse effects on adjacent residential areas are avoided, remedied or mitigated and the safety and efficiency of the transport network is maintained.
Explanation	
<i>It is envisaged that future large format retail growth will be accommodated within existing centres for the life of the Plan, however, it is acknowledged that not all business activities are able to locate within the defined zoned boundaries of the centres that comprise the business hierarchy and that there are often physical, historical and commercial relationships and trading patterns that need to be recognised. The Plan provides for these circumstances provided there are no suitable alternatives within the centres and the business hierarchy will not be undermined.</i> <i>The extent to which the new large format trading activities replicate and challenge the functions as to result in adverse effects that are more than minor on the existing services and facilities and amenity of neighbouring business centres must be carefully considered through the provision of a Centres Assessment Report (refer to 1.2.2.19).</i>	

Out-of-Centre Development – Commercial Fringe Zone

Objective	Policies
6.2.6 Provide for a range of business activities that support and complement the Central City, Sub-Regional and Suburban Centres.	6.2.6a Business activities may be permitted to locate in the commercial fringe zone where it can be demonstrated that: i. Appropriate land is not available within the Central City, or sub-regional centres or suburban centres; and ii. There is consistency with the assessment criteria to avoid potential adverse effects on the primacy, function, vitality, viability and amenity of the Central City, Sub-Regional Centres and suburban centres iii. The role and function of lower order centres are not undermined.

	6.2.6b Development ensures potential adverse effects on adjacent residential areas are avoided, remedied or mitigated.
	6.2.6c The safety and efficiency of the transport network is not adversely affected.

Explanation

It is acknowledged that not all business activities are able to locate within the defined zoned boundaries of the centres that comprise the business hierarchy and that there are often physical, historical and commercial relationships and trading patterns that need to be recognised. The Plan provides for these circumstances, provided there are no suitable alternatives within the existing centres and the business hierarchy will not be undermined.

The extent to which new business activities replicate and challenge the functions of the business hierarchy as to result in adverse effects that are more than minor on the existing services, facilities and amenity of neighbouring business centres must be carefully considered through the provision of a Centre Assessment Report (refer to 1.2.2.19).

Objective	Policies
6.2.7 Provide for a range of community facilities, residential and business activities that may not be appropriate for, or are not able to locate in centres in the business hierarchy.	6.2.7a Enable a range of activities such as hospitals, research and innovation, health care centres, education and training centres to establish outside recognised business centres that are: i. difficult to accommodate within centres due to their scale and functional requirements; and ii. more appropriately located outside of the Central City, sub-regional and suburban centre zones.
	6.2.7b Residential activity is encouraged in locations adjacent to centres where it can be shown to support established and future business activity whilst providing a high amenity living environment.

Explanation

The Business 1 Zone provides for a range of activities that may not be appropriate for, or are unable to locate in centres. This includes activities ranging from light industrial, research and innovation activities, hospitals, health care services, education and training centres which whilst preferred in centres is recognised that this is not always possible due to scale and functional requirements. These activities are considered non-threatening to the function, primacy, vitality, viability and amenity of existing centres within the business hierarchy and so can reasonably be expected to locate in close proximity to existing centres in a fringe location. Retail and office activity may be allowed to establish where it is supportive of and complementary to the Central City,

sub-regional centres and adjacent centres. These activities must be considered through the provision of a Centre Assessment Report (refer to 1.2.2.19) to ensure that they do not replicate and challenge the functions of the business hierarchy as to result in adverse effects that are more than minor on the primacy, function, vitality, viability and amenity of the Central City, sub-regional centres and adjacent centres.

Residential activity is encouraged as part of comprehensive mixed use development where any adverse effects of reverse sensitivity are able to be appropriately managed.

Objective	Policies
6.2.8 Enable sites adjacent to the Hamilton East Suburban Centre to be redeveloped for a range of activities that complement and support the established centre.	6.2.8a The built form shall: - Have regard to the character and scale of the Hamilton East Suburban Centre and surrounding area. - Respond to the setting, context and opportunities of the site and adjoining areas of open space. - Respond to and maintain the amenity of the Waikato River, adjoining open space and surrounding urban area. - Provide quality urban design that responds to the form, scale and heritage of the Hamilton East Suburban Centre and the Waikato River.
	6.2.8b Residential activity is encouraged in locations adjacent to the Hamilton East Suburban Centre where it can be shown to support established and future business activity whilst providing a high amenity living environment.
	6.2.8c Mixed use development shall provide a range of uses that complement, and are supportive of, the Hamilton East Suburban Centre which are managed to ensure high levels of amenity for any residential activity and avoid any reverse sensitivity issues.
	6.2.8d Office and retail activity shall provide a range of tenancy sizes that are supportive of, and complementary to, the Hamilton East Suburban Centre and Central City.

Explanation

The unique characteristics of large Business 1 zoned sites adjacent to the Hamilton East Suburban Centre provide an opportunity for high quality development of a range of uses. Development of this nature has the potential to support the economic, cultural, social and environmental sustainability of the Hamilton East area.

It is envisaged that any high quality development will be well integrated into the Hamilton East Suburban Centre by being of appropriate scale and including activities that reflect the strategic position adjacent to the established Suburban Centre. These activities should only be allowed to establish where any adverse effects on the function, primacy, vitality, viability and amenity of the Central City and established centres within the business hierarchy are proven to be no more than minor.

Out-of-Centre Development – Frankton Commercial Fringe Zone

Objective	Policies
6.2.9 Provide for a range of light and service industries, wholesale retail, trade and community activities that may not be appropriate for, or are unable to locate in, the Central City, Sub Regional or Suburban Centres identified in the business hierarchy.	6.2.9a Enable a range of light and service industries, and activities such as cafes and restaurants, healthcare centres, education and training centres, yard based retail and trade and wholesale retail to establish where these activities are: - difficult to accommodate within centres due to their scale and functional requirements; - more appropriately located outside of the Central City, Sub-Regional and Suburban Centre zones; and - consistent with the established character, or trading pattern of the Frankton Commercial Fringe Zone.

Explanation

The Frankton Commercial Fringe Zone provides for a mix of commercial, light and service industrial and healthcare services that may not be appropriate for, or are unable to locate in, the Central City, the Sub Regional or Suburban centres. This includes activities ranging from light industrial, research and innovation activities, trade and wholesale retail, health care services, education and training facilities which whilst preferred in these centres it is recognised that this is not always possible due to scale and functional requirements. These activities are considered non-threatening to the function, primacy, vitality, viability and amenity of the Central City and the existing centres within the business hierarchy and so can reasonably be expected to locate on the fringe of these existing centres.

Objective	Policies
6.2.10 Recognise lawfully established existing office and retail	6.2.10a The continued operation of existing office and retail activities in Frankton that were lawfully

activities that have located in the Frankton Area.	established as permitted activities under previous planning regimes are recognised and provided for.
	6.2.10b Avoid any increase in, or expansion of, additional standalone office activities.
	6.2.10c Avoid any increase in, or expansion of, standalone retail activities/tenancies in the zone unless it is yard-based, trade or wholesale in nature.
Explanation	
<i>Previous district plan provisions allowed office and retail activity to establish in the Frankton Area. The zone recognises and provides for the continued operation of these lawfully established businesses, however restricts their expansion or the creation of new standalone office and retail activity to protect the primacy, vitality, viability and amenity of the Central City and the existing centres within the business hierarchy.</i>	

6.3 Rules – Activity Status Table

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
Buildings							
a) New buildings, alterations and additions	RD*	RD*	RD*	RD*	RD*	RD*	RD*
b) Minor works	P	P	P	P	P	P	P
c) Accessory buildings	RD*	RD*	RD*	RD*	RD*	RD*	RD*
d) Demolition, removal, maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P	P	P	P	P
e) Demolition or removal of existing buildings on Lot 129 DPS 930	-	-	-	-	-	NC	-
Industry							
f) Industrial activity							

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
i. excluding light or service industry	D	NC	NC	D	NC	NC	D
ii. noxious or offensive activities	NC	NC	NC	NC	NC	NC	NC
g) Light industry	RD	D	D	D	D	NC	P
h) Service industry	P	D	P	P	D	D	P
i) Transport depot	RD	D	NC	D	D	NC	RD
j) Emergency service facility	RD*	D	RD*	RD*	RD*	D	RD*
k) Research and innovation activities	P	NC	NC	NC	NC	NC	RD
Offices							
l) Ancillary office	P	P	P	P	P	P	P
m) Offices (excluding offices on land zoned Business 3 on The Base site shown on Figure 6.1b)							
i. <250m ² GFA per site	P	P	P	D	P	D	NC
ii. 250m ² – 500m ² GFA per site	RD*	D	D	NC	D	NC	NC
iii. >500m ² GFA per site	D	NC	NC	NC	NC	NC	NC
whereby site excludes Unit Titles and Cross Leases in i – iii above							
n) Offices							
i. up to 11,350m ² GFA on land zoned Business 3 on The Base site shown on Figure 6.1b	-	-	P	-	-	-	-
ii. >11,350m ² GFA on land zoned Business 3 on The Base site shown on Figure 6.1b	-	-	NC	-	-	-	-
o) Offices on Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233							
i. <250m ² per existing title	P	-	-	-	-	-	-
ii. 250m ² – 500m ² per existing title	RD*	-	-	-	-	-	-
iii. >500m ² per existing title	D	-	-	-	-	-	-
where an existing title was held as at the date of plan notification (10 December 2012)							
For clarity, any future titles							

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
created will default to the zone wide activity status (Rule 6.3m).							
p) Offices on Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571							
i. <100m ² GFA per site above ground floor	-	-	-	-	-	P	-
q) Office activity where lawfully established at 10 December 2012	-	-	-	-	-	-	P
r) The expansion of existing office activity	-	-	-	-	-	-	NC
s) The establishment of any new office activities	-	-	-	-	-	-	NC
Retail/Commercial							
t) Ancillary retail	P	P	P	P	P	P	P
u) Retail							
i. <150m ² GFA per tenancy	D	P	P	D	P	P	NC
ii. 150m ² – 399m ² GFA per tenancy	D	D	P	D	P	D	NC
Except for Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233	RD*	-	-	-	-	-	-
iii. 400m ² – 999m ² GFA per tenancy	RD*	D	P	RD*	D	NC	NC
Except for Lot 1 DPS 84445 & Lot 2 DPS 26655	-	-	-	-	RD*	-	-
Except for Hamilton East	NC	-	-	-	-	-	-
iv. >1,000m ² GFA per tenancy	D	NC	P	RD*	NC	NC	NC
Except for Lot 1 DPS 84445 & Lot 2 DPS 26655	-	-	-	-	RD*	-	-
Except for Hamilton East	NC	-	-	-	-	-	-

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
v) Total retail floorspace in categories t), u) i. – iv. and bb) to dd)							
i. up to 103,700m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	P	-	-	-	-
ii. >103,700m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	RD*	-	-	-	-
w) Any retail floorspace described in t), u) i. – iv. and bb) to dd) comprised in tenancies less than 400m ² GFA that exceeds a total of 34,300m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	RD*	-	-	-	-
x) Retail activity where lawfully established at 10 December 2012	-	-	-	-	-	-	P
y) The expansion of existing retail activity	-	-	-	-	-	-	NC
z) The establishment of any new retail tenancies	-	-	-	-	-	-	NC
aa) Banks							
i. <200m ² GFA	P	NC	P	NC	P	P	P
ii. >200m ² GFA	NC	NC	P	NC	P	NC	NC
bb) Yard-based retail							
i. <400m ² GFA	NC	NC	D	P	D	D	P
ii. >400m ² GFA	NC	NC	D	P	NC	NC	P
cc) Supermarket	RD*	NC	RD*	RD*	RD*	NC	RD*
dd) Building Improvement Centres	NC	NC	D	P	D	NC	P
ee) Wholesale retail and trade supplies	NC	NC	NC	P	NC	NC	P
ff) Restaurants, cafes and licensed premises							
i. <200m ² GFA	P	P	P	D	P	P	P
ii. >200m ² GFA	P	P	P	NC	P	D	p

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
gg) Food and beverage outlets							
i. <200m ² GFA	P	P	P	D	P	P	P
ii. >200m ² GFA	P	P	P	NC	P	D	P
hh) Commercial places of assembly							
i. excluding cinemas and bowling alleys	NC	P	P	P	P	NC	P
ii. excluding cinemas and bowling alleys on Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571	-	-	-	-	-	P	-
iii. cinemas and bowling alleys only	NC	NC	P	NC	P	NC	NC
ii) Drive-through services							
i. excluding automotive fuel retailing	RD	RD	RD*	RD*	RD*	NC	RD
ii. automotive fuel retailing only	RD	NC	D	RD	D	NC	RD
jj) Parking lots and parking buildings	P	P	P	P	D	NC	P
Except for sites in Hamilton East	D	-	-	-	-	-	-
kk) Gymnasium	NC	P	P	P	P	NC	P
Community							
ll) Passenger transport facility	P	P	P	P	P	P	P
mm) Health-care services							
i. above ground floor	P	NC	P	D	P	P	P
ii. <250m ² GFA	P	NC	P	D	P	P	P
iii. 250m ² – 1,000m ² GFA at ground floor	P	NC	P	D	P	RD	P
iv. >1,000m ² GFA at ground floor	P	NC	P	RD	RD	D	P
nn) Health-care services and hospital including Whanau Ora							
i. up to 10,750m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	P	-	-	-	-
ii. > 10,750m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	NC	-	-	-	-

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
oo) Childcare facility	P	RD	P	P	P	P	RD
pp) Community centres	P	RD	P	P	P	P	P
qq) Tertiary education and specialised training facilities							
i. above ground floor	P	NC	P	D	P	P	P
ii. at ground floor <250m ² GFA	P	RD	P	D	P	P	P
iii. at ground floor 250m ² – 1,000m ² GFA	P	RD	D	D	D	NC	P
iv. at ground floor >1,000m ² GFA	P	RD	D	NC	NC	NC	P
rr) Trade and industry training facilities	-	-	-	-	-	-	P
ss) Public art	P	P	P	P	P	P	P
tt) Hospital	D	NC	NC	NC	NC	NC	D
uu) Places of Worship	-	-	-	-	-	-	RD
Residential							
vv) Ancillary residential units	RD*	RD*	RD*	RD*	RD*	RD*	RD*
ww) Single dwellings and duplex dwellings	NC	NC	NC	NC	NC	D	NC
xx) Apartments							
i. at ground floor	NC	NC	NC	NC	NC	NC	NC
ii. above ground floor	RD*	NC	NC	NC	RD*	RD*	D
iii. above ground floor within the Frankton Living Overlay	-	-	-	-	-	-	RD*
yy) Apartments on Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233	P	-	-	-	-	-	-
zz) Home-based business located in the Frankton Living Overlay	-	-	-	-	-	-	P
aaa) Residential centres	D	D	D	D	D	D	D
bbb) Visitor accommodation	RD*	RD*	RD*	D	D	NC	RD*
i. on Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571	-	-	-	-	-	D	-
ccc) Subdivision	Refer to Chapter 23: Subdivision and Chapter 24: Financial Contributions						

Note

1. For any activity not identified above, see Section 1.1.8.1.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

Figure 6.3a: Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233**Figure 6.3b:** Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571

6.4 Rules – General Standards

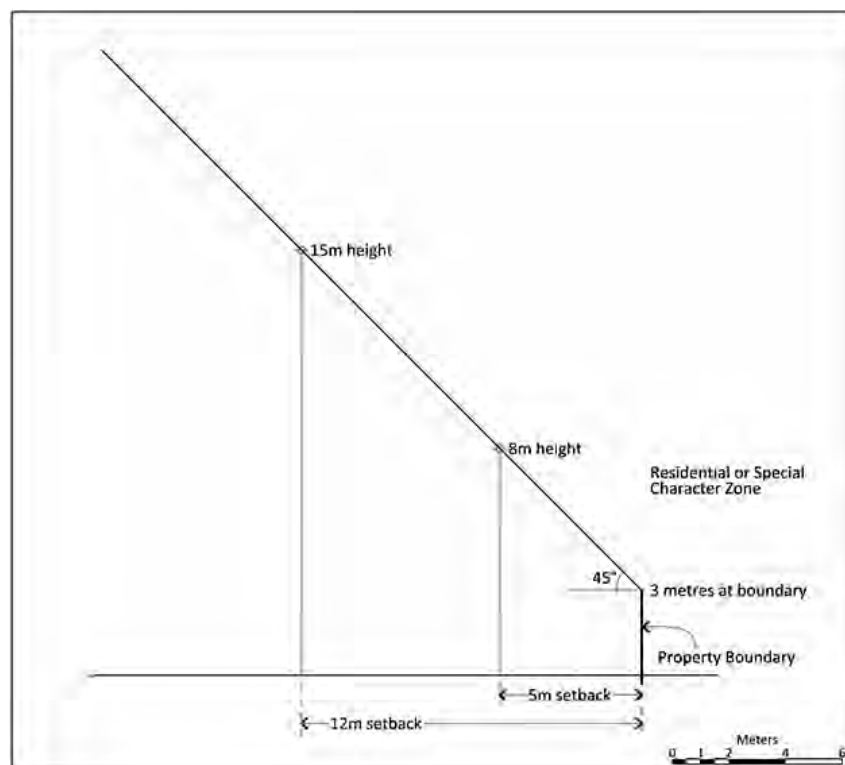
6.4.1 Maximum Building Height

Business Zones	Height of buildings
a) Business 3, 4 (where adjoining Industrial Zone)	20m
b) Business 1, 2, 4, 5, 7	15m
c) Business 6	10m
d) Elements such as flues, flagpoles, open balustrades and aerials shall be exempt from 6.4.1(a), (b) and (c) above	

6.4.2 Height in Relation to Boundary

- Where any boundary adjoins a Residential or Special Character Zone, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary.
- Elements such as flues, flagpoles, open balustrades and aerials shall be exempt from 6.4.2(a) above.

Figure 6.4c: Height control plane for boundaries adjoining any residential or special character zone



6.4.3 Building Setbacks

Front boundary	Minimum distance
a) All Business Zones	5m when fronting an arterial transport corridor
Rear and side boundaries	Minimum distance
b) Business 1, 2, 5, 7	5m where the boundary adjoins a Residential or Special Character Zone
c) Business 4	5m (except for any internal site boundary within the Business 4 Zone)
d) Business 6	1.5m where the boundary adjoins a Residential or Special Character Zone

6.4.4 Building Intensity

- a) The following maximum building intensities (floor area ratios) shall apply.

Business Zones	Maximum ratio of floor area to net site area
i. Business Zones 1, 3, 5, 7	2:1
ii. Business Zones 2, 4, 6	1:1

- b) In determining the floor-area ratio:
- Floor space used for parking within Business Zones 3 and 5 shall be excluded when it does not increase the maximum permitted floor area by more than 50%.
 - Underground parking is fully excluded.

6.4.5 Service Areas

- a) Any building shall provide service areas as follows.
- At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater.
 - Any additional service areas shall not:
 - Be less than 5m²
 - Have a minimum dimension of less than 2.5m
 - Any outdoor service area shall be maintained with an all-weather, dust-free surface.
 - A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
 - Any service area shall not encroach on to areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).

6.4.6 Outdoor Storage

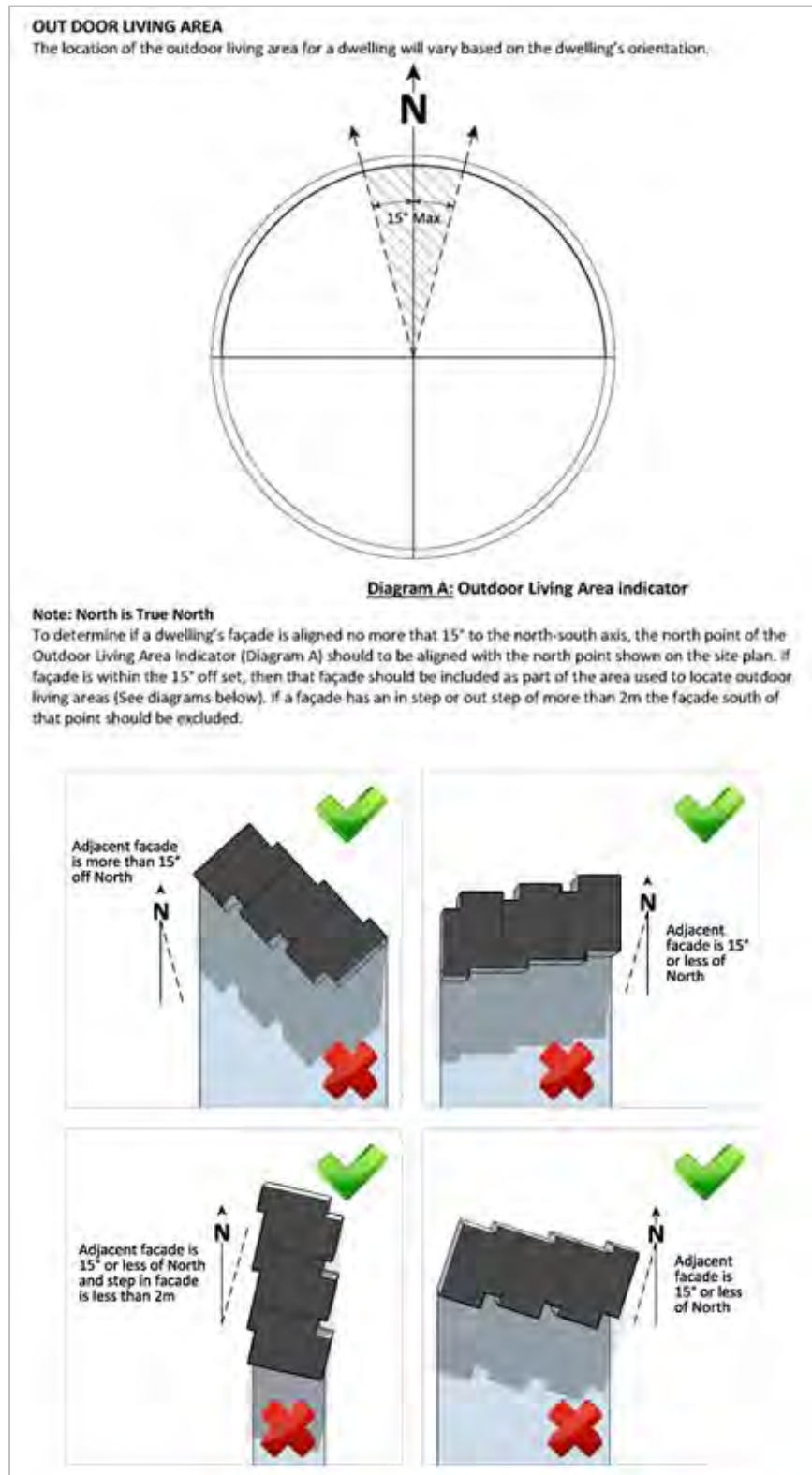
- a) Any outdoor storage area used for the storage of goods or materials shall:
 - i. Be laid out and used in a manner that does not conflict with vehicle access.
 - ii. Be maintained with an all-weather, dust-free surface.
 - iii. Be located away from public view or otherwise screened by fencing and landscaping.
 - iv. Not encroach on areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).

6.4.7 Residential Development

- a) Only one ancillary residential unit is allowed per site.
- b) Except for providing an entrance or when located on Lot 1 DPS 86312, Lot 1 DPS 1751 or Pt Lot 8 DP 1233, no residential activities shall be undertaken at ground-floor level.
- c) The following standards shall apply to residential units, including apartments above ground floor, residential centres and ancillary residential units. Unless specifically noted, they do not apply to visitor accommodation.
- d) Density
 - i. Minimum densities within the Business Zones shall be 30 residential units per hectare based on net site area.
 - ii. Where mixed-use is provided for within a development (e.g. office or retail with residential above), the density requirements of Rule 6.4.7 (d) i. shall be applied on a pro rata basis relative to the percentage of development that is residential (e.g. where a development is made up of 40% residential activities, a density requirement of 40% of 30 residential units/ha (30 dwellings/ha x 40%) shall be required).
- e) Outdoor Living Areas
 - i. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:
 - For the exclusive use of each residential unit.
 - Readily accessible from a living area inside the residential unit.
 - Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - Located on a side of the residential unit which faces north, east or west (refer Figure 6.4d). For the purposes of this standard, a side that faces north, east or west means the area to the:
 - o West of the westernmost and/or easternmost corners of the dwelling and/or
 - o West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or
 - o East of the east facing façade aligned at no more than 15 degrees to the north-south axis.

- ii. Communal open space for 4 or more residential units and apartment buildings shall comply with 6.4.7e)i., bullet points 3 and 4 as well as being:
- For the shared use of all residents on the site, and
 - Readily accessible from all residential units on site.

Figure 6.4d: Outdoor living area – north, east or west



- iii. Outdoor living areas for residential units shall have areas and dimensions as follows.

Residential units	Outdoor living area per residential unit ¹	Shape
Ancillary residential units	12m ²	No dimension less than 2.5m
Apartments above ground-floor level	12m ²	No dimension less than 2.5m
All other residential units	40m ²	Capable of containing a 5m diameter circle
Communal open space for apartment buildings	Up to 7 residential units – 12m ² per unit 8 or more residential units – 8m ² per unit	Capable of containing a circle with the following diameter: 4-7 residential units – 6m 8 or more residential units – 8m No dimension less than 2.5m

Note

- Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.
- The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.

f) Storage Areas

Each residential unit shall be provided with a storage area:

- Located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.
- A minimum of 1.8m long by 1m high by 1m deep.

Note

- The provision of a private, secure garage accessible only by the occupiers of the residential unit is considered to meet this requirement. (A shared parking garage is not sufficient to meet this standard).

g) Residential Unit Size

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

Form of Residential Unit	Floor Area
Studio unit	Minimum 35m ²
1 bedroom unit	Minimum 45m ²
2 bedroom unit	Minimum 70m ²
3 or more bedroom unit	Minimum 90m ²

- ii. In any one apartment building containing in excess of 20 residential units, the combined number of one-bedroom units and studio units shall not exceed 50% of the total number of residential units within the building.

h) Daylight Standards

Residential units shall be designed to achieve the following minimum daylight standards.

- i. Living rooms and living/dining areas: a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.
- ii. Bedrooms (excluding studio units, and any bedroom that complies with iii. below): a minimum of one bedroom with a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.
- iii. No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:
 - The maximum distance of the bedroom from the natural light source window shall be 6m.
 - The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that bedroom.

i) External Outlook Area

Each residential unit shall have an external outlook area that:

- i. Is provided from the face of the building containing windows to a habitable room, and
- ii. Has a minimum depth of 6m, measured perpendicular from the face of the window area.
- iii. Where a habitable room has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.

6.4.8 Active Frontages

- a) No roller doors, or similar, which may obscure windows or entranceways may be installed on the front of any building fronting a public space within Business Zone 5 (Suburban Centre) and Business Zone 6 (Neighbourhood Centre).

Note

1. For the purpose of clarification, security grilles which allow views between the street and premises are an acceptable means of compliance with this standard.

6.4.9 Provisions in Other Chapters

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

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

6.5 Rules – Specific Standards

6.5.1 Rototuna Western Neighbourhood Centre

There shall be:

- a) A maximum individual gross floor area of 250m² for each office activity.
- b) A maximum individual gross floor area of 250m² for each education and training facility.
- c) A front building setback of 10m maximum when fronting an arterial transport corridor.
- d) No service areas within the front building setback or forward of the front building line.
- e) A maximum of 50% of the ground floor wall of any activity facing the road/ transport corridor or public space shall consist of clear glazing and be capable of displaying goods and services.

6.5.2 Rotokauri Suburban Centre Primary Frontage Interface

- a) For buildings within the primary frontage as defined in Volume 2, Appendix 2, Figure 2-13 Rotokauri Suburban Centre Concept Plan:
 - i. Buildings shall include a minimum of two storeys of usable floor space.
 - ii. The width of any ground floor tenancy shall not exceed a maximum of 1.5 times the height of the building above that tenancy. For the purposes of this standard, tenancy is defined as 'the gross floor area occupied by way of exclusive use by a tenant and includes both freehold and leasehold areas'.
 - iii. A minimum of 75% of the ground floor wall facing the main shopping street, as defined in the Rotokauri Suburban Centre Concept Plan set out in Volume 2, Appendix 2, Figure 2-13, shall be of clear glass and capable of being used for displaying goods and services to passing pedestrians.
 - iv. A continuous veranda not less than 2.5m deep shall be provided which extends along the full street frontage, except that no veranda over a footpath may encroach to within 600mm from the kerb.
- b) There shall be no vehicle access or parking within the primary frontage area.

6.5.3 Ancillary Retail and Office activity in the Frankton Commercial Fringe Zone

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

6.5.4 Ancillary Office for Yard Based Activities in the Frankton Commercial Fringe Zone

- a) Where the principal activity is wholly or partly yard based in nature the following may apply as an alternative, but not in addition to, 6.5.3

- i. Ancillary office activity shall not occupy more than 250m² or 10% of the Yard Area of the principal yard based activity on the site, whichever is the lesser.

6.5.5 Home-based Business in the Frankton Living Area

- a) If an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:
 - i. Not employ more than 1 person who does not reside on the site.
 - ii. Not exceed 30% of the total gross floor area of buildings on the site.
 - iii. Not generate any trips by a heavy motor vehicle.
 - iv. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours.
 - v. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
 - vi. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
 - vii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
 - viii. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
 - ix. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.

6.5.6 Office and retail activities lawfully established and existing at 10 December 2012 in the Frankton Commercial Fringe Zone

- a) Any office or retail activity permitted under 6.3 q) or x) shall hold sufficient records to prove that the activity was lawfully established and operating at 10 December 2012, including details of the following:
 - i. The gross floor area that was being used for trading at 10 December 2012; and
 - ii. The number of tenancies existing on site at 10 December 2012.

6.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato

River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. New buildings, alterations and additions to buildings, and accessory buildings*	• B – Design and Layout
ii. Ancillary residential units*	• B – Design and Layout • C – Character and Amenity
iii. Light industry and transport depots (goods)	• B – Design and Layout • C – Character and Amenity • F – Hazards and Safety
iv. Emergency service facility*	• B – Design and Layout • C – Character and Amenity • F – Hazards and Safety
v. Retail activities*	• H1 – Function, Vitality and Amenity of Centres
vi. Offices*	• H1 – Function, Vitality and Amenity of Centres
vii. Drive-through services Business 3-5 Zones*	• M – Drive-through services
viii. Community centres, tertiary education and specialised training facilities	• C – Character and Amenity
ix. Apartments and visitor accommodation*	• C – Character and Amenity
x. Health-care services	• C – Character and Amenity
xi. Supermarkets*	• M – Supermarkets
xii. Supermarkets (Business 1, 4 and 7 – out of centre zones)	• M – Supermarkets • H2 – Function, Vitality and Amenity of Centres
xiii. Research and Innovation activities	• B – Design and Layout • C – Character and Amenity • F – Hazards and Safety
xiv. Building Improvement centres	• M – Building Improvement centres

Note

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

6.7 Other Resource Consent Information

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

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

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

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



7 Central City Zone

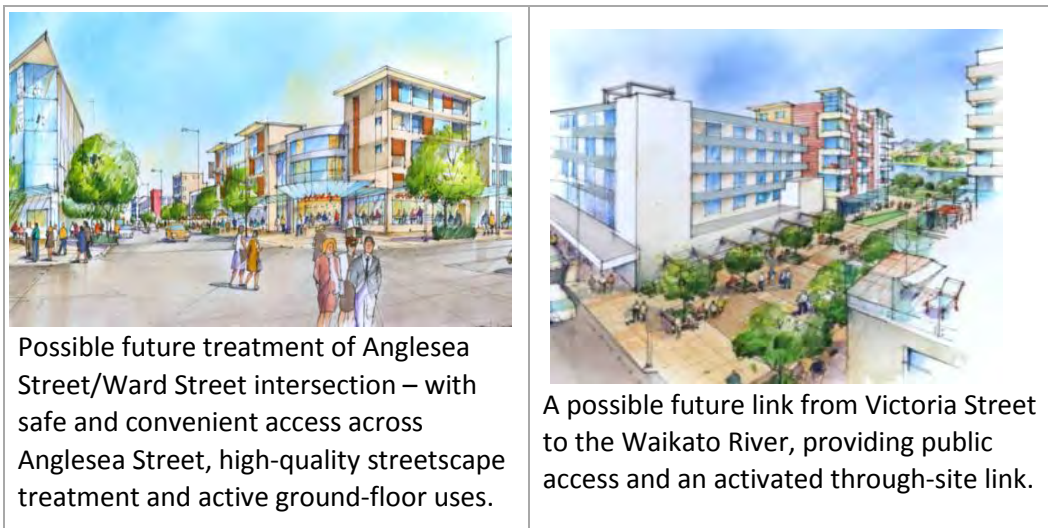
7.1 Purpose

- a) The Central City of Hamilton is the heart of the Waikato region. It is the primary centre for commercial, civic and social activities, and is the region's cultural and recreational hub.
- b) Although Hamilton is growing, the unplanned dispersal of retail and office development under the previous planning framework has contributed to the underperformance of some elements of the Central City with consequential effects on its function, amenity and vitality. It is essential that the Central City supports and encourages investment and growth through planning for development and urban design. Council's vision is for the Central City to be at the core of this growth and to guide development towards achieving a unique character that is representative of and enhances the City's social, cultural, economic and environmental wellbeing.
- c) The Hamilton Central City Local Area Plan (LAP) and six City Strategies (Access Hamilton, Active Communities, Economic Development, Environmental Sustainability, Hamilton Urban Growth and Social Wellbeing) provide guidance on how this can be achieved. The LAP presents an overarching "people first" vision for the Central City. It identifies the importance of pedestrian movements for people of all levels of mobility to ensure that Hamilton develops as a successful and vibrant destination that people want to be a part of. It outlines the importance of providing for a diverse mix of uses and users within the Central City, and the significance of an attractive setting to encourage business and commercial activities. This is supported by the themes discussed throughout the City's strategy documents.
- d) Derived out of the LAP, four distinct precincts have been identified within the Central City (refer Volume 2, Appendix 5, Figure 5-1 Central City Zone Precinct Plan). The LAP identifies the desired character of the precincts and strategies for guiding future development and intensification within them. These strategies have helped inform this chapter of the District Plan, where objectives, policies and rules seek to guide the growth and development of the Central City in a sustainable manner.
- e) Building on the outcomes of the LAP, Council has also identified six 'key development sites' that it believes are strategically located and have the potential to act as catalyst developments to encourage and set the tone for future development within the surrounding locality. Specific guidance is provided within this Plan as to the form and function of development that is likely to assist in enhancing the social, cultural, environmental and economic wellbeing of the Central City. The key development sites are identified in Volume 2, Appendix 5, Figure 5-9 and the desired outcomes described in Volume 2, Appendix 1.4: Plan Administration – Design Guides and Design Assessment Criteria.
- f) The Central City will be characterised by its enhanced relationship with the Waikato River, and built form and land-use activities that enable connection with and contribute positively to provide for a continuous riverfront promenade.

7.1.1 Precinct 1 – Downtown Precinct

- a) The Downtown Precinct is bounded to the east by the western banks of the Waikato River; by London Street to the north, Tristram Street to the west and lots fronting Hood Street to the south (refer Volume 2, Appendix 5, Figure 5-1).
- b) The Downtown Precinct will provide for the largest proportion of the region's commercial growth over the next 30 years. In order to achieve both commercial growth and higher residential densities within this precinct, taller building height is encouraged, providing buildings are well designed, adverse effects are mitigated, are appropriate to their setting and achieve public amenity bonuses to safeguard pedestrian amenities at ground level.
- c) To attract and support ongoing growth, continued development of an attractive, pedestrian-orientated Central City will be promoted. In particular, the precinct will be characterised by its relationship with the Waikato River, and built form and land-use activities that contribute positively to the public realm.
- d) The Downtown Precinct will continue to be supported by on-going improvements to the public realm, building on the success of design improvements to Victoria Street, strengthened connections to the river, the transport centre, Wintec Campus and other destinations.
- e) At street level, there will be a requirement for active building frontages, including retail, dining and entertainment (refer Volume 2, Appendix 5, Figure 5-7: Active Frontages Overlay Plan). Above ground level, high-density commercial offices and residential use will be encouraged. Collectively these measures will assist to enhance vitality and public safety. The images in Figure 7.1.1f illustrate the outcomes sought within Precinct 1.

Figure 7.1.1f: Illustrative outcomes for Precinct 1 – Downtown Precinct





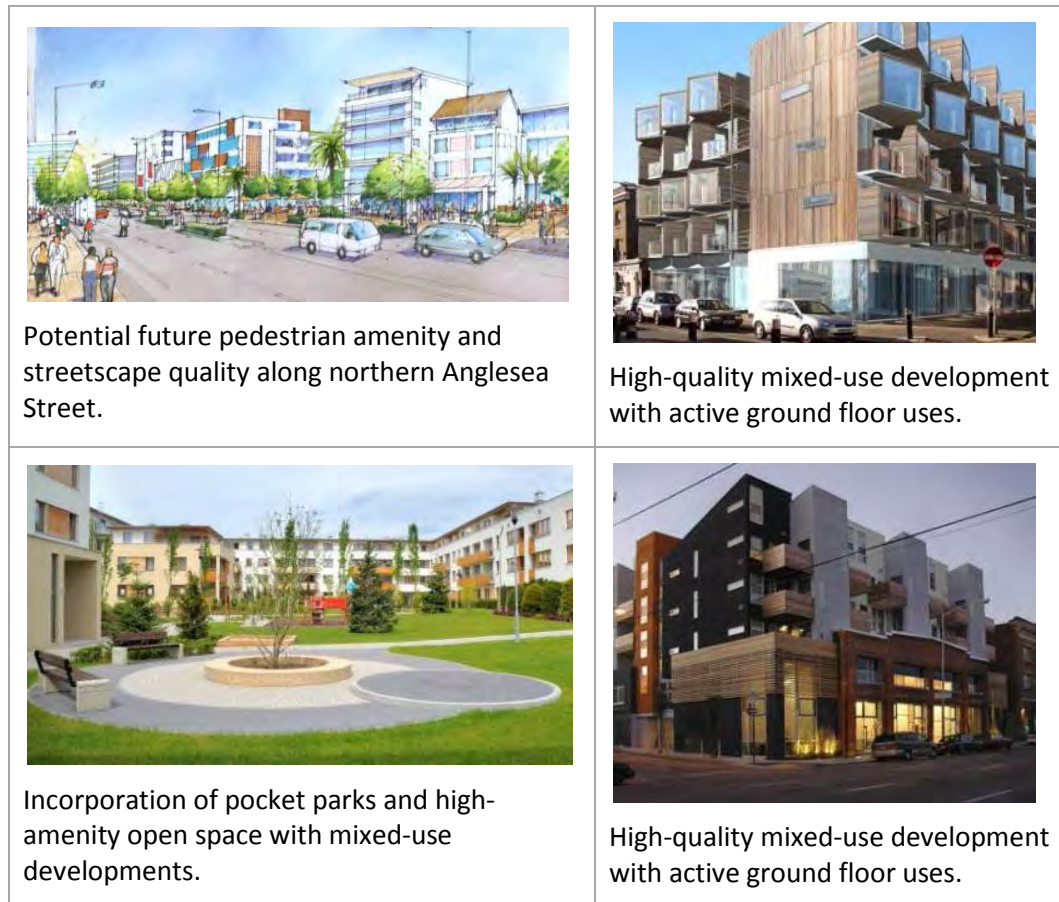
Promotion of pedestrian priority, human-scale development and a high-quality streetscape environment.



Active public spaces result from outdoor dining areas.

7.1.2 Precinct 2 – City Living Precinct

- a) The City Living Precinct includes:
 - i. The area bounded by London, Tristram and Mill Streets and lots fronting Victoria Street to the north of Precinct 1, and
 - ii. The area bounded by Collingwood and Hill Street to the north, Tristram Street and Ruakiwi Road to the west, Anglesea Street to the east and Cobham Drive to the south (see Volume 2, Appendix 5, Figure 5-1).
- b) With significant potential for comprehensive development, the City Living Precinct will grow to become a vibrant, mixed-use residential centre, supporting small to medium scale office and commercial activities within the heart of Hamilton. Development within this precinct shall be guided by a combination of activity standards and design assessment criteria to encourage a predominantly residential, mixed-use and multi-level development. It is likely opportunities for comprehensive development will occur on the larger amalgamated sites.
- c) As a high-amenity living and working precinct, this area will be characterised by 'human-scale', safe, pedestrian-friendly streets and open spaces, and high-quality, sustainable buildings that contribute positively to the public realm.
- d) In conjunction with better connections to existing open space, the City Living Precinct will encourage new mid-block connections to break down the large blocks; pocket parks and community open space to support living and working in the area; and high-amenity apartment living as part of comprehensive, master-planned developments. The images in Figure 7.1.2e illustrate the outcomes sought within Precinct 2.

Figure 7.1.2e: Illustrative outcomes for Precinct 2 – City Living Precinct

7.1.3 Precinct 3 – Ferrybank Precinct

- a) The Ferrybank Precinct is bounded by Knox Street and Sapper Moore-Jones Place to the north, the Waikato River to the east, Bridge Street and the Waikato River to the south and Anglesea Street to the west (refer Volume 2, Appendix 5, Figure 5-1).
- b) The Ferrybank Precinct will continue to grow as the civic, community, cultural and tourism centre of Hamilton. It will build on its proximity to the Downtown retail and dining activities by providing potential for similar activities, particularly along Victoria and Knox streets. In addition, cultural and tourism activities will be encouraged along the eastern side of Victoria Street, close to existing attractions such as the Waikato River, ArtPost, St Peter's Cathedral, Hamilton Rowing Club and the Waikato Museum.
- c) Commercial development above active ground-floor uses (e.g. dining, retail) will be encouraged, particularly to the west of Victoria Street, to enliven the public realm, and assist in establishing a vibrant environment.
- d) Heritage and character buildings within the Ferrybank Precinct will be protected and maintained by promoting sympathetic yet contemporary design responses in the surrounding development. The images in Figure 7.1.3e illustrate the outcomes sought within Precinct 3.

Figure 7.1.3e: Illustrative outcomes for Precinct 3 – Ferrybank Precinct

7.1.4 Policy Framework of the Chapter

- a) The chapter is structured to provide a policy framework that applies to the whole Central City zone, as well as a specific policy framework that is relevant to the precincts described above. Rules and standards included in this chapter provide a regulatory framework to ensure the Central City grows and develops in accordance with the vision for the area, as detailed within the Council's Central City LAP and the six City Strategies.

7.2 Objectives and Policies: Central City Zone

All Central City

Objective	Policies
7.2.1 The Hamilton Central City is the heart of the Waikato region acting as a diverse, vibrant and sustainable metropolitan centre.	7.2.1a Opportunities are provided within the Central City to live, work and play for people of varying ages, cultures, incomes and all levels of mobility.
	7.2.1b Activities that assist in generating bustling city streets and distinctive public spaces (including public open space, esplanades and reserves) are encouraged, in a manner that is consistent with the role and function of each Central City precinct.

	7.2.1c Economic sustainability is promoted.
	7.2.1d Key attractors and areas of interest within and surrounding the Central City are connected through attractive, efficient and safe passenger transport and pedestrian and cycle links.
	7.2.1e Visual and physical connections to the Waikato River are protected and enhanced to support increased residential and business development.
	7.2.1f Development within the Central City Zone should contribute to the restoration and protection of the Waikato Region's communities' economic, social, cultural and spiritual relationships with the Waikato River.
	7.2.1g Housing densities are consistent with 50 dwellings per hectare in the Central City.
Explanation	
<i>If the Central City is to grow and prosper in a sustainable way and to be a fun, vibrant and high amenity place to live, work and socialise, and to ensure high-quality living environments and amenity, it is important to maintain and provide strong connections with public open space (including city streets), esplanades, reserves and specifically, the Waikato River. Development along the Waikato River that contributes to the restoration and protection of communities' economic, social, cultural and spiritual relationships with the River will be encouraged.</i> <i>The Regional Policy Statement sets out high density residential development within and close to the Central City. Residential activities within the Central City promote sustainable living environments through the concentrated use of the City's resources. This approach ensures stability for established parts of the City, so higher density will not occur where it is not identified and provided for.</i>	
Objective	Policies
7.2.2 The form, scale and diversity of activities support and facilitate the role of the Central City as the Regional Centre.	7.2.2a The multi-functional role of the Central City is protected by supporting investment and development in the Central City, and controlling the distribution, scale, character and cumulative effects of activities that could undermine this role.
	7.2.2b The Central City is promoted as the preferred location for major retail, office, cultural, civic administration and entertainment activities.

	7.2.2c The design of public spaces and buildings ensures high levels of amenity, convenience and safety.
	7.2.2d Heritage resources are recognised and managed to contribute to local amenity values and anchor investment within the Central City.
	7.2.2e The revitalisation of the Central City is promoted and links facilitated with sporting and entertainment facilities and environmental features close to the central area by establishing precincts of key activities.
	7.2.2f Building height and the edge treatment of buildings is managed to enhance the relationship to the public realm and improve public safety.
	7.2.2g The role of key development sites (refer Volume 2, Appendix 5, Figure 5-9) in providing for the revitalisation of the Central City should be reflected in any development proposal and be in general accordance with the design guidance contained in this Plan.
	7.2.2h Future development will be undertaken in a manner that protects and appropriately integrates heritage values into the Central City to enhance social and cultural values and the overall attractiveness of the city.
Explanation <i>The Central City seeks to be the preferred location for major activities which cements its place as the heart of the Waikato Region. Encouraging and facilitating high-quality development will ensure the Central City is attractive and well connected with strong local amenity values specific to the character of Hamilton.</i>	
Objective	Policies
7.2.3 Amenity values within the Central City that encourage the growth of a sizeable, centrally located residential community.	7.2.3a Increased levels of residential accommodation within and close to the Central City is promoted and provided for.
	7.2.3b Mixed-use activity within the Central City is supported, where it is consistent with existing activities, to sustain the vitality of the central area

	and enable increased use of upper floor areas for business and residential activity.
	7.2.3c Residential development adjacent to or overlooking areas of existing or planned open space is encouraged.
Explanation	
<i>The interface between residential accommodation and other Central City activities creates a vibrant, safe and prosperous environment. Residential activities within the Central City promote sustainable living environments through the concentrated use of the City's resources.</i>	
Objective	Policies
7.2.4 Increased development opportunities are created by establishing a finer-grain street block pattern for pedestrian accessibility, emphasising links to key features and attractions.	7.2.4a Redevelopment provides opportunities to introduce safe, vibrant lanes, arcades and pedestrian links that increase access and connectivity within the Central City.
Explanation	
<i>Enabling development to take place in accordance with key urban design principles, such as improved links, connectivity and convenience, provides for improvements to the design quality of Hamilton's built environment.</i>	
Objective	Policies
7.2.5 A pedestrian-oriented Central City.	7.2.5a Pedestrian and cycle connections to the Waikato River, Hamilton Transport Centre, Wintec Campus and other destinations are enhanced.
	7.2.5b Entrances and corridors to the Central City are enhanced through increased activity, building design, streetscape treatment and traffic management to provide attractive and safe pedestrian environments.
	7.2.5c Traffic and transport corridors are managed to enhance passenger transport connectivity, prioritise safety and convenience for pedestrians and cyclists, and encourage the removal of unnecessary traffic from within the Central City.

	7.2.5d Recognise, protect and maintain the strategic transport function of the Hamilton Public Transport Centre.
Explanation <i>Integrating transport planning and development within the Central City will improve accessibility, safety and convenience for pedestrians and cyclists. Improving connections and alternative modes of transport, such as innovative passenger transport services including rail and extensive walking and cycling networks, combined with improved building design, will ensure attractive and safe pedestrian environments are developed. In turn, this will make the Central City a safer, more attractive place to be for people of all levels of mobility. This includes retaining the options to access the Central City Rail Station for future use.</i>	

Downtown Precinct

Objective	Policies
7.2.6 Continued development and growth which enhances the commercial heart of Hamilton as an attractive and vibrant pedestrian orientated City centre that is accessible to all levels of mobility and has a strong relationship with the Waikato River.	7.2.6a Retail, dining and other pedestrian-oriented activities are encouraged to locate within the Downtown Precinct, particularly at ground level.
	7.2.6b Commercial, offices and residential activities are encouraged to be provided at upper levels.
	7.2.6c Local amenities and a quality of environment that attracts workers, residents and visitors to the Downtown area are provided for.
	7.2.6d A range of activities, including events to reinforce the area's vitality, excitement and interest, that encourage people to visit, live and work in the City are provided for.
	7.2.6e Built form which enhances the integrity and amenity of Garden Place is encouraged.
	7.2.6f Developments within the Riverfront Overlay are required to contribute to opening up the western riverbank area by providing public open space, plaza areas or the promenade, supported by retail, dining and entertainment activities at ground-floor level.
	7.2.6g Diversity in building form and height is

	encouraged, subject to enhancing and protecting public amenity values and minimising adverse effects on adjoining sites and the public realm.
Explanation	
<i>Protecting and enhancing the character of the City's core is essential for Hamilton's continued positive development and growth. An important challenge is to ensure that new developments add positively to the overall character of the City, and contribute to an attractive, vibrant and accessible Downtown. The structure and layout of Hamilton is crucial to ensuring the Downtown is the heart of the City. Development that has strong connections to passenger transport and the City's facilities and amenities, as well as to the Waikato River, will provide for this.</i>	

City Living Precinct

Objective	Policies
7.2.7 High-density, sustainable, residential mixed-use development, supporting commercial activities and small to medium scale offices, within a high amenity environment appropriate to attract and retain a significant resident and working population.	7.2.7a Safe, legible pedestrian connections are provided to surrounding areas, existing open spaces and local amenities.
	7.2.7b A network of public open spaces (including pocket parks and squares) is provided alongside existing and future pedestrian routes and close to high-density residential and working environments.
	7.2.7c Residential development is close to existing amenities, including open spaces (such as opposite the north Tristram Street parks), passenger transport, supermarkets and sporting facilities.
	7.2.7d Development is required to contribute to fostering a high-amenity public and private environment to assist in establishing a sense of community within the inner City.
	7.2.7e High-quality living environments are encouraged through appropriately sized and located internal living spaces with adequate external outlook space.
	7.2.7f Commercial office, retail, service activities and amenities that complement (rather than compete with) the primary retail and office function of the Downtown Precinct are encouraged.

	7.2.7g The establishment of a diverse range of fringe, start-up and creative small businesses with an appropriate level of commercial activities and residential development is enabled. 7.2.7h Flexible and adaptive floor space capable of accommodating different uses over time is required.
Explanation	
<i>The City Living Precinct is an area with the greatest potential for transformation. Currently, a number of uses would be more appropriately located to industrial areas outside the Central City. Facilitating development to provide for a new mixed-use environment with an emphasis on establishing higher-density commercial and residential activity within the City Living Precinct will improve existing streetscapes and amenity in the area. Combined with this, providing better connections to existing open space and local amenities will attract and retain a high resident and working population.</i>	

Ferrybank Precinct

Objective	Policies
7.2.8 Continued development of the cultural and tourism core of Hamilton, including development and activities that promote social and cultural wellbeing.	7.2.8a A variety of activities with an emphasis on cultural, entertainment, small-scale retail, recreation and tourist activities, and including provision for office and medium-density residential and supporting land uses (e.g. local supermarket shopping) are provided for.
	7.2.8b Tourism facilities and public amenities, including club facilities close to the Waikato River, are provided for.
	7.2.8c A range of activities that encourage people to visit and spend time in the City should be allowed, including events which will reinforce the area's vitality, excitement and interest.
	7.2.8d Quality urban design that respects the form, scale, architecture and heritage value of existing character buildings within the Ferrybank Precinct is encouraged.

Explanation

The Ferrybank Precinct is an area rich in character that needs to be protected, enhanced and celebrated. Located close to the Downtown Precinct, the Ferrybank Precinct is an area that is well connected and can provide for a range of activities. Respecting the existing character of this area and providing for its growth and development will ensure that it remains as the cultural and tourism heart of Hamilton.

7.3 Rules – Activity Status

Activity	Central City Zone		
	Downtown	City Living	Ferrybank
	Precinct 1	Precinct 2	Precinct 3
Buildings			
a) New buildings, alterations and additions	RD*	RD*	RD*
b) Minor works	P	P	P
c) Relocated buildings	RD*	RD*	RD*
d) Demolition of buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P
Industry			
e) Light industry except noxious or offensive activities	NC	RD	NC
f) Service industry except noxious or offensive activities	P	P	NC
g) Transport depot (goods)	NC	D	NC
h) Emergency service facilities	D	D	D
Offices			
i) Offices <1000m ² GFA per site	P	P	P
j) Offices >1,000m ² GFA per site	P	D	D
k) Home-based business	P	P	P
l) Ancillary office	P	P	P
Retail / Commercial			
m) Ancillary retail	P	P	P
n) Retail < or equal to 250m ² GFA per tenancy	P	P	P
o) Retail >250m ² GFA (per tenancy) (except ground floor retail >250m ² GFA per tenancy, within Riverfront Overlay (refer Volume 2, Appendix 5, Figure 5-1))	P (RD)	P -	RD* (RD)

Activity	Central City Zone		
	Downtown	City Living	Ferrybank
	Precinct 1	Precinct 2	Precinct 3
p) Supermarkets	P	P	RD*
q) Tourism ventures and information centres	P	RD*	P
r) Yard-based retail < or equal to 400m ²	NC	RD*	NC
s) Restaurants, cafes, licensed premises (except sites fronting Victoria Street and any identified Primary or Secondary Active Frontage)	P (P)	RD* (P)	P (P)
t) Places of assembly	P	RD*	RD*
u) Drive-through services			
i. excluding automotive fuel retailing	NC	RD	NC
ii. including automotive fuel retailing	NC	D	NC
v) Parking buildings			
i. within the Parking Building Overlay	RD*	RD*	-
ii. outside the Parking Building Overlay (refer Volume 2, Appendix 5, Figure 5-5)	D	D	NC
w) Parking lots			
i. operating for twelve months or less	RD*	RD*	RD*
ii. operating for more than twelve months	NC	NC	NC
x) Passenger transport facilities	P	P	D
Community			
y) Health care services			
i. at ground floor < or equal to 250m ² GFA	P	P	P
ii. at ground floor > 250m ² GFA	RD	RD	P
iii. at ground floor with a primary active frontage (refer Volume 2, Appendix 5, Figure 5-7)	NC	NC	NC
iv. above ground floor	P	P	P
z) Childcare facilities			
i. at ground floor < or equal to 250m ² GFA	P	P	P
ii. at ground floor > 250m ² GFA	RD	RD	P
iii. at ground floor with a primary active frontage (refer Volume 2, Appendix 5, Figure 5-7)	NC	NC	NC
iv. above ground floor	P	P	P

Activity	Central City Zone		
	Downtown	City Living	Ferrybank
	Precinct 1	Precinct 2	Precinct 3
aa) Community centres			
i. at ground floor < or equal to 250m ² GFA	P	P	P
ii. at ground floor >250m ² GFA	RD	RD	RD
iii. at ground floor with a primary active frontage (refer Volume 2, Appendix 5, Figure 5-7)	NC	NC	NC
iv. above ground floor	P	P	P
bb) Tertiary education and specialised training facilities			
i. at ground floor < or equal to 250m ² GFA	P	P	P
ii. at ground floor >250m ² GFA	RD	D	RD
iii. at ground floor with a primary active frontage(refer Volume 2, Appendix 5, Figure 5-7)	NC	NC	NC
iv. above ground floor	P	P	P
cc) Public art	P	P	P
Residential			
dd) Apartments at ground floor excluding areas on the Primary or Secondary Active Frontages (refer Appendix 5: Figure 5-7)	P	P	P
ee) Apartments at ground floor within the Primary Active Frontage (refer Appendix 5: Figure 5-7)	NC	NC	NC
ff) Apartments at ground floor within the Secondary Active Frontage (refer Appendix 5: Figure 5-7)	RD*	RD*	RD*
gg) Apartments above ground floor	P	P	P
hh) Single dwellings	NC	NC	NC
ii) Residential centres	NC	RD*	NC
jj) Visitor accommodation	P	RD*	RD*
kk) Ancillary residential units above ground floor	P	P	P
Key Development Sites			
ll) New buildings, including alterations and additions within Key Development Site 1 and 5	-	RD*	-
mm) New buildings, including alterations and additions within Key Development Sites	RD*	-	-

Activity	Central City Zone		
	Downtown	City Living	Ferrybank
	Precinct 1	Precinct 2	Precinct 3
2,3,4 and 6			

Note

1. Refer to Volume 2, Appendix 5, Figure 5-1: Central City Zone Precinct Plan for precinct locations.
2. For any activity not identified above, see section 1.1.8.1.

7.4 Rules – General Standards

7.4.1 Site Coverage

- a) The following maximum site coverage shall apply in each Precinct.

Precinct 1	Precinct 2	Precinct 3
100%	60%	80%

- b) Except in the following circumstances when this rule shall not apply:
- i. Undertaking minor works.
 - ii. Any change of use that would otherwise be a permitted activity and does not increase site coverage above what already existed at 10 December 2012.

7.4.2 Building Intensity

- a) The following maximum building intensities (floor area ratios) shall apply in each Precinct.

Precinct 1	Precinct 2	Precinct 3
5:1	3:1	2.5:1

7.4.3 Permeable Surfaces

- a) The following minimum permeable surface area shall be required for each site.

Precinct 1	Precinct 2	Precinct 3
Nil	20%	20%

- b) Except in the following circumstances when this rule shall not apply:
- i. Undertaking minor works.
 - ii. Any change of use that would otherwise be a permitted activity and does not increase site coverage above what already existed at 10 December 2012.

7.4.4 Maximum Height Control and Bonuses

- a) The following maximum height limits shall apply to sites within Height Overlay 1 to 3 (refer Volume 2, Appendix 5, Figure 5-2: Height Overlay Plan).

	Height Overlay 1	Height Overlay 2	Height Overlay 3
i) With no bonuses	16m	16m	13m
ii) With single bonus	24m	20m	-
iii) With double bonus	32m	-	-
iv) With triple bonus	>32m	-	-

- b) Elements such as flues, flagpoles, open balustrades and aerals shall be exempt from the height standards above.
- c) Where a site is located on land adjoining an identified gateway, as identified within Volume 2, Appendix 5, Figure 5-4: Pedestrian Connections and Gateways Overlay Plan, a single bonus shall apply automatically.
- d) Where one of the public amenities listed in Table 7.4.4g is provided, a single bonus shall be provided in Height Overlays 1 and 2.
- e) Where two of the public amenities listed in Table 7.4.4g is provided, a double bonus shall be provided in Height Overlay 1.
- f) Except that, when only a through-site link is provided complying with Table 7.4.4g (v), a double bonus shall be provided in Height Overlay 1.
- g) Where either three public amenities or a through site link and one of the public amenities listed in Table 7.4.4g is provided, a triple bonus shall be provided in Height Overlay 1.
- h) Public amenities qualifying in Table 7.4.4g i-iii) must exclude any area nominated as part of a through-site link.

Table 7.4.4g: Public amenities qualifying for a single or double bonus

- i. Riverfront promenade for public use shall be a minimum of 5m wide and run the width of the property over which it is located, either adjoining with any areas of existing promenade, or providing potential for future connections.
 1. A continuous pedestrian promenade shall be provided between London Street and Sapper Moore-Jones Place as identified within the medium and long term visions for the Riverfront in Figure 1.4.6b and Figure 1.4.6c within Appendix 1 Volume 2.
 2. Provision shall be subject to the standards for setbacks from the Riverbank (refer to rule 7.5.2) and
 3. Have regard to Design Principles for the promenade and open space (refer to Volume 2, Appendix 1.4.7)
 4. Where development is not located on a site over which the Riverfront Promenade is proposed, a financial contribution in relation to the promenade development may be applicable subject to the following:
 - a) Consent from the landowner/s over the site which the proposed promenade is to be constructed
 - b) Approval from Council in relation to location and design of the promenade.
- ii. Pedestrian arcades or plazas (minimum 5m wide; minimum 40m² in area), either on or off site in a location and layout design approved by Council and for public use during normal working hours. Indicative images are identified below.

Indicative plaza spaces along Anglesea Street and an existing Pedestrian Arcade in Hamilton (Casabella Lane)



- iii. Areas of **pocket parks, playgrounds or seating** either on or off site in a location and layout design approved by Council and for public use during normal working hours (minimum 5m wide; minimum 40m² in area). Indicative images are identified below.

Indicative images showing the potential integration of pocket parks within an urban environment.



- iv. **Public art or sculpture** approved by Council, either on or off site (in a location approved by Council) and displayed in public view at all times.

- v. **Through-site links** (refer illustration below), provided that:

1. These apply to a separately defined, continuous and clearly identifiable public walkway taking the most direct route, which is designed specifically to traverse a site to connect transport corridors or other public spaces or other (potential or existing) through-site links.
2. They provide for unobstructed pedestrian movements and have a minimum average unobstructed width of 2.8m.
3. They are available for public use, the minimum hours of operation being 0830 to 1730 Monday to Friday and such other times when the site is open for business or for its principal purpose.
4. They are subject to the standards for Secondary Active Frontages (refer to Rule 7.4.15).
5. Clearly visible signs identify the through-site link.
6. The access easement is registered on the title(s) to which the through-site link applies to ensure preservation of the link and its ongoing maintenance by the owner(s) of the title(s).
7. Where development is not located on a site over which a through-site link is proposed, a financial contribution in relation to (off-site) through-site link may be applicable subject to the following:
 - a) Consent from the landowner/s over the site which the proposed through-site link is to be constructed
 - b) Approval from Council in relation to location and design of the through-site link.

Example of successful through-site links: Casabella Lane in Hamilton



- vi. **Certification for Green Star – “Design Rating”** (five star rating or greater) by the New Zealand Green Building Council (confirmed through subsequent Green Star “Build Rating”).

7.4.5 Through-Site Links

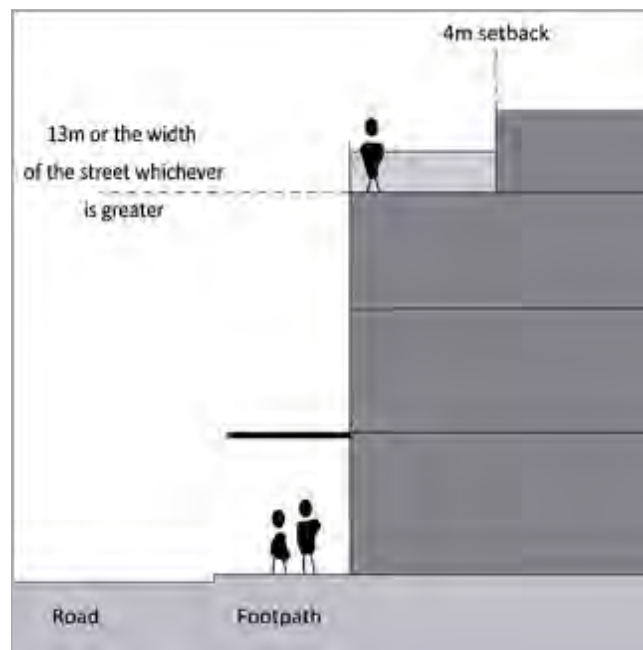
- a) Within a block identified as providing for a potential through-site link shown on Volume 2, Appendix 5, Figure 5-4: Pedestrian Connections and Gateways Overlay Plan, any new wholesale redevelopment in excess of 5000m² at ground-floor shall provide a ground-level through-site link. The through-site link shall meet the standards set out in Table 7.4.4g v. 1 to 5, above.

7.4.6 Height in Relation to Boundary

- a) Where a boundary adjoins any Residential or Special Character Zone, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary.

7.4.7 Street Wall

- a) On those identified streets within Volume 2, Appendix 5, Figure 5-3: Street Wall Height Overlay Plan, maximum building height on that street frontage shall be 13m (maximum 3 storeys) or the width of the street, whichever is the greater. A set back of 4m or greater shall be required from the front boundary before any additional height is gained (refer Figure 7.4.7b).

Figure 7.4.7b: Street wall and setback concept

7.4.8 Building Setbacks

- a) The following minimum setbacks shall apply within each Precinct.

	Precinct 1	Precinct 2	Precinct 3
i. Front boundaries	0m	0m	3m
ii. Side boundaries	0m	0m, or 3m adjoining any Residential or Special Character Zone	3m
iii. Rear boundaries	0m	0m, or 3m adjoining any Residential or Special Character Zone	5m
iv. Boundaries adjoining the Riverfront Overlay	5m	-	5m

- b) In addition to the above, a maximum setback of 0m (nil) shall apply to the entirety of any front boundary within Precinct 1 (i.e. within Precinct 1, the front boundary shall be considered the “build-to” line), with the exception of any setbacks associated with building entrances.
- c) The 0m (nil) setback shall not apply to the eastern elevations within the Riverfront Overlay (refer Volume 2, Appendix 5, Figure 5-1) that adjoin the Open Space zones along the Waikato riverbank.

- d) Where multiple and contiguous allotments are proposed as a single development site, these rules shall apply only to the outer site boundaries of the land to be developed, and shall not apply to internal boundaries.
- e) The setback requirements in this rule do not apply to any structure provided as part of the riverfront promenade.

7.4.9 Car Parking

- a) No part of the front of a site (i.e. that part of the site adjoining a road and located in front of the front building line) shall be used for car parking, except in the following circumstances when this rule shall not apply:
 - i. Any rear site.
 - ii. Undertaking minor works.
 - iii. Any change of use that would otherwise be a permitted activity and does not change car parking arrangements that existed at 10 December 2012.
- b) No plant or machinery (including air-conditioning units) relating to the activity shall be placed within the front setback of a site fronting an arterial transport corridor (whether or not the site is separated from the transport corridor by a segregation strip or service lane).

7.4.10 Service Areas

- a) Buildings shall provide service areas as follows.
 - i. At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater, and with a minimum dimension of 2.5m.
 - ii. At least one service area of not less than 10m² for each residential unit, up to a maximum requirement of 100m².
 - iii. Any outdoor service area shall be maintained with an all-weather dust-free surface.
 - iv. No service area shall be visible from a street identified as a Primary or Secondary frontage (Volume 2, Appendix 5, Figure 5-7).
- b) A service area may be located within a building, provided that it is separately partitioned with an exterior door directly accessible by service vehicles.

7.4.11 Outdoor Storage

- a) Any outdoor storage areas for goods and materials shall:
 - i. Be laid out and used in a manner that does not conflict with vehicle access.
 - ii. Be maintained with an all-weather, dust-free surface.
 - iii. Be located away from public view or otherwise screened by fencing and landscaping.
 - iv. Not encroach on required parking, loading or planting areas, or setbacks from boundaries.
 - v. Not be located within 15m of any defined Primary or Secondary frontage (Volume 2, Appendix 5, Figure 5-7).

7.4.12 Fences and Walls

- a) Sites within Precinct 1 shall have no fence or wall along the street front boundary.
- b) The following design and dimensions shall apply to street front (excluding as provided for by (a)) and side boundary fences or walls located forward of the front building line; and fences on boundaries adjoining any Open Space Zone.

	Precinct 2 and 4	Precinct 1 and 3
i. Designed or constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material)	1.2m max. height	1.2m max. height
ii. Materials with 50% or more see-through visibility	1.8m max. height	1.2m max. height

Note

1. Glass, metal bars or louvres are acceptable fence materials to achieve a minimum 50% see-through visibility. Examples of acceptable and unacceptable fence and wall solutions can be found in Chapter 25.5: City-wide – Landscaping and Screening, Figure 25.5.3a.
- c) For all other instances, boundary fences shall have a maximum height of 1.8m.

7.4.13 Sunlight Protection – Garden Place

- a) Except for elements such as flues, flag poles, open balustrades, aerials and other items which are normally placed above the roof line and which will not materially affect sunlight penetration, no part of the building shall penetrate the sunlight protection plane as illustrated in Volume 2, Appendix 5, Figure 5-8: Sunlight Penetration Plan, between 1100 and 1400 hours from May 1 to August 10.

7.4.14 Active Frontages

- a) For buildings on sites adjoining a Primary or Secondary active frontage (refer Volume 2, Appendix 5, Figure 5-7: Active Frontages Overlay Plan), the following standards shall apply.
 - i. Buildings shall contribute to the appearance and retail function of the City by:
 - Providing at least 5m or 75% of the active frontage (whichever is greater) of clear glazing (or equivalent) on all Primary Active Frontages at ground floor level.
 - Providing at least 50% of the active frontage as clear glazing (or equivalent) on all Secondary Active Frontages at ground floor level
 - Being capable of use for displaying goods and services to passing pedestrians.
 - Not having painted, covered or otherwise altered glazed areas so as to render them ineffective in achieving the purpose of this rule.
 - ii. Vehicular access across active frontages shall not use any more than 10% of the defined frontage.

- iii. The principal public entrance to a building shall be provided from the active frontage.
- iv. All storage areas shall be situated within or to the rear of the building.
- v. This rule shall not apply to:
 - a. apartments at ground floor located with those areas shown as Secondary Active Frontage on the Active Frontages Overlay Plan (refer Appendix 5: Figure 5-7)
 - b. any separation between buildings or built form that is required to form part of the vehicle crossing to access the site.
- b) No roller doors, which may obscure windows or entranceways, may be installed on the front of any building fronting a public space within Precincts 1-3. (For the purposes of clarification, security grills which allow views from the street into premises are not classed as roller doors.)

Note

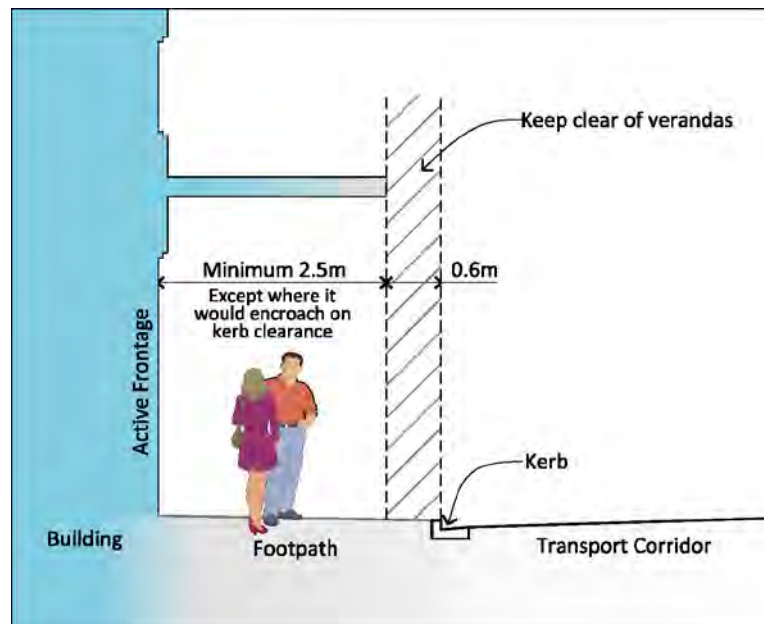
1. Figure 7.4.14b below shows examples of building façades illustrating acceptable and unacceptable frontages.

Figure 7.4.14b: Existing façades showing active façades and veranda cover that are promoted (left) and blank façades that are discouraged (right)



7.4.15 Veranda Cover

- a) For buildings on sites adjoining a Primary active frontage (refer Volume 2, Appendix 5, Figure 5-7: Active Frontages Overlay Plan), the following standards shall apply.
 - i. Buildings shall provide veranda cover:
 - Over the footpath, extending along the full length of the building frontage.
 - Have a minimum depth of 2.5m, except where it would encroach within 0.6m of a transport corridor kerb (refer Figure 7.4.15b).
 - ii. Ensure that the safety and convenience of pedestrian and vehicle activity will not be compromised.
 - iii. Have its fascia a minimum of 2.4m above the footpath (including any signs connected to the veranda).
 - iv. Ensure continuity with any verandas of adjoining buildings.

Figure 7.4.15b: Depth of verandas in relation to kerbs

7.4.16 Provisions in Other Chapters

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

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

7.5 Rules – Specific Standards

7.5.1 Protection of the Riverbank

- a) The development or redevelopment of any site within the Riverfront Overlay area (see Volume 2, Appendix 5, Figure 5-1), or Key Development Site 6 (see Volume 2, Appendix 5, Figure 5-9) shall comply with the following.
 - i. Any work located within 15m of the river boundary, as shown on Appendix 5, Figure 5-1, is carried out in a manner which ensures the protection of the riverbank; except Lot 2 DPS 24594 to the northern boundary of Lot 3 DPS 71126, a distance of 20m from the river boundary applies.
 - ii. Any such work shall require an assessment by a qualified geotechnical engineer on the stability of the area and the measures required to ensure that the stability of the riverbank is maintained, with particular regard to the avoidance of damage to the adjoining riverbank reserve and the river.

- iii. All stormwater discharges shall be reticulated directly to the Council's stormwater system and no discharge to the riverbank shall be allowed.

Note

1. Parts of the area covered by this rule fall within identified hazard areas (refer to Chapter 22: Natural Hazards) or archaeological and cultural sites (refer Chapter 19: Historic Heritage).

7.5.2 Setback from the Riverbank

- a) From the top of the bank (or in a location approved by Council) a minimum setback from eastern site boundaries adjoining the western bank of the Waikato riverbank of 5m shall apply (this includes the 5m minimum width of the riverfront promenade), see Figure 1.4.6c in Appendix 1 Volume 2.
- b) The setback requirements in this rule do not apply to any structure provided as part of the riverfront promenade.

Note

1. Council will take as a financial contribution (in the form of land), any land on the riverbank side of the promenade for vesting as recreation reserve in accordance with Rule 24.3.
2. The riverfront promenade will be constructed as a Council responsibility to a basic standard at ground level with provision for adequate lighting.
3. See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

7.5.3 Residential

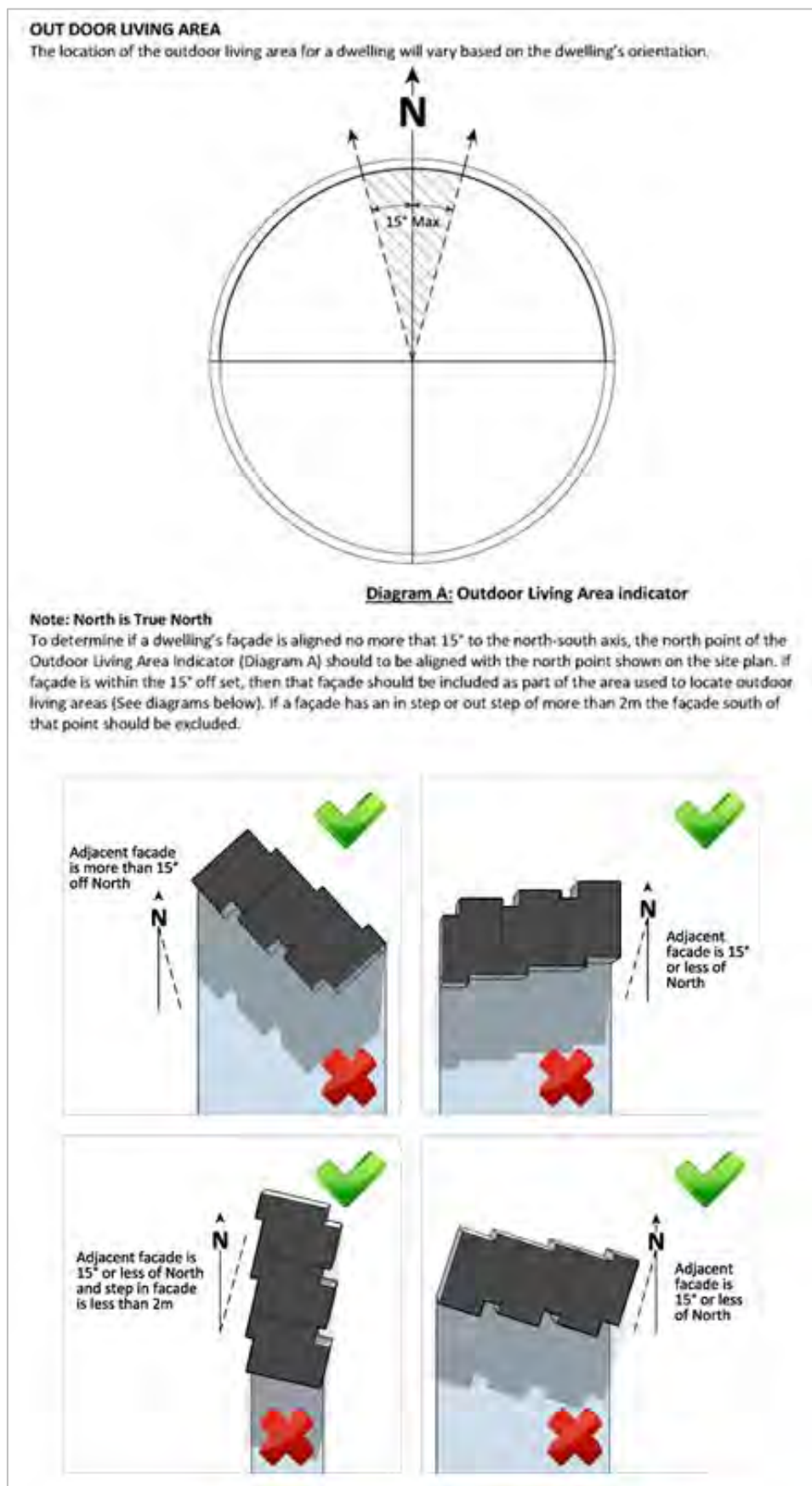
- a) The following standards shall apply to residential units, including apartments at ground floor or above ground floor, residential centres and ancillary residential units. Unless specifically noted, they do not apply to visitor accommodation.
- b) Density

Minimum densities within the Central City Zone shall be in accordance with the table below (residential units/ha; based on net site area).

Downtown	City Living	Ferrybank
Precinct 1	Precinct 2	Precinct 3
50 residential units /ha net	40 residential units /ha net	30 residential units /ha net

- c) Where mixed-use is provided for within a development (e.g. residential and office or retail), the density requirements of Rule 7.5.4(b) shall be applied on a pro rata basis relative to the percentage of development that is residential (e.g. where a development is made up of 60% residential activities in Precinct 1, a density requirement of 60% of 50 residential units/ha (50 dwellings/ha x 60%) shall be required).
- d) Outdoor Living Areas
 - i. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:
 - For the exclusive use of each residential unit.
 - Readily accessible from a living area inside the residential unit.

- Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- Located on a side of the residential unit which faces north, east or west (refer Figure 7.5.3e). For the purposes of this standard, a side that faces north, east or west means the area to the:
 - o West of the westernmost and/or easternmost corners of the dwelling and/or
 - o West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or
 - o East of the east facing façade aligned at no more than 15 degrees to the north-south axis.
- ii. Communal open space for 4 or more residential units and apartment buildings shall comply with 7.5.3 d)i., bullet points 3 and 4 as well as being:
 - For the shared use of all residents on the site, and
 - Readily accessible from all residential units on site.

Figure 7.5.3e: Outdoor living area – north, east or west

- iii. Outdoor living areas for residential units shall have areas and dimensions as follows.

Residential units	Outdoor living area per residential unit ¹	Shape
A. Ancillary residential units	12m ²	No dimension less than 2.5m
B. Apartments above ground-floor level	12m ²	No dimension less than 2.5m
C. Apartments at ground-floor level	12m ²	Capable of containing a 2.5m diameter circle
D. Communal open space for apartment buildings	Up to 7 residential units – 12m ² per unit 8 or more residential units – 8m ² per unit	Capable of containing a circle with the following diameter: 4-7 residential units – 6m 8 or more residential units – 8m No dimension less than 2.5m

Note

- Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.
- The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.

e) Storage Areas

Each residential unit shall be provided with a storage area:

- Located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.
- A minimum of 1.8m long by 1m high by 1m deep.

Note

- The provision of a private, secure garage accessible only by the occupiers of the residential unit is considered to meet this requirement. (A shared parking garage is not sufficient to meet this standard).

f) Residential Unit Size

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

Form of Residential Unit	Floor Area
Studio unit	Minimum 35m ²
1 bedroom unit	Minimum 45m ²
2 bedroom unit	Minimum 70m ²
3 or more bedroom unit	Minimum 90m ²

- ii. In any one apartment building containing in excess of 20 residential units, the combined number of one-bedroom units and studio units shall not exceed 50% of the total number of residential units within the building.

g) Daylight Standards

Residential units shall be designed to achieve the following minimum daylight standards.

- i. Living rooms and living/dining areas: a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.
- ii. Bedrooms (excluding studio units, and any bedroom that complies with iii. below): a minimum of one bedroom with a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.
- iii. No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:
 - The maximum distance of the bedroom from the natural light source window shall be 6m.
 - The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that bedroom.

h) External Outlook Area

Each residential unit shall have an external outlook area that:

- i. Is provided from the face of the building containing windows to a habitable room, and
- ii. Has a minimum depth of 6m, measured perpendicular from the face of the window area.
- iii. Where a habitable room has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.

i) Primary and Secondary Active Frontages

On primary and secondary frontages identified within Volume 2, Appendix 5, Figure 5-7: Active Frontages Overlay Plan, ground floor pedestrian entrances to upper-floor residential units shall be a maximum width of 4m. Residential units shall not be located at ground floor level on primary frontages.

7.5.4 Interface Between Public and Private

- a) The front wall of all accessory buildings shall be set back at least 1.5m behind the front building line established by any building.
- b) For front, corner and through sites, the primary entrance on the ground floor of all buildings (excluding accessory buildings) shall face the street.

7.5.5 Yard-Based Retailing

- a) All yard-based retailing shall have the yard located at the rear of the site (i.e. be located behind a building facing the street). Rear sites are exempt from this requirement.

7.5.6 Rules – Civic Square

- a) The Objectives, Policies and Rules of the Destination Open Space Zone shall apply to Civic Square (PU4 Lot 2 DPS 64212 (CT 53B/284)).

Note

1. Part of PU4 Lot 2 DPS 64212 (CT 53B/284) is formed public road (Worley Place) and is zoned separately as Transport Corridor Zone.

7.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
Buildings (also refer to Key Development Sites further below)	
i. New buildings, including alterations and additions*	• B – Design and Layout • L – Central City – Design and Layout
ii. New buildings, including alterations and additions >32m height	• B – Design and Layout • L – Central City – Design and Layout
iii. Relocated buildings*	• B – Design and Layout • C – Character and Amenity • L – Central City – Design and Layout
Industry	
iv. Light industry*	• C – Character and Amenity • F – Hazards and Safety
Offices	
v. Offices greater than 1,000m ² *	• H1 – Function, Vitality and Amenity of Centres
Retail/Commercial	
vi. Retail activities >250m ² GFA (per tenancy)* (except floor retail >250m ² GFA per tenancy within Riverfront Overlay (refer Volume 2, Appendix 5,	• B – Design and Layout • C – Character and Amenity

Figure 5-1))	
vii. Supermarkets*	• M – Supermarkets
viii. Tourism ventures and information centres*	• C – Character and Amenity
ix. Yard retail less than or equal to 400m ² *	• C – Character and Amenity • H1 – Function, Vitality and Amenity of Centres
x. Restaurants/cafes/licensed premises*	• C – Character and Amenity
xi. Places of assembly*	• C – Character and Amenity
xii. Drive-through services	• M – Drive-through services
xiii. Parking buildings, located within the Parking Building Overlay*	• C – Character and Amenity
xiv. Parking lots (operating for up to 12 months or less)*	• C – Character and Amenity
Community	
xv. Health care services greater than 250m ² gross floor area	• C – Character and Amenity
xvi. Community centres greater than 250m ² gross floor area	• C – Character and Amenity
xvii. Tertiary education and specialised training facilities greater than 250m ² gross floor area	• C – Character and Amenity
Residential	
xviii. Apartments at ground floor within the Secondary Active Frontage (refer Appendix 5, Figure 5-7)*	• C – Character and Amenity • L – Central City – Design and Layout
xix. Apartments above ground floor*	• C – Character and Amenity • L – Central City – Design and Layout
xx. Residential centres*	• C – Character and Amenity • L – Central City – Design and Layout
xxi. Visitor accommodation*	• C – Character and Amenity • L – Central City – Design and Layout

Key Development Sites	
xxii. New buildings, including alterations and additions within Key Development Site 1*	• B – Design and Layout • L – Central City – Design and Layout
xxiii. New buildings, including alterations and additions within Key Development Site 2*	• B – Design and Layout • L – Central City – Design and Layout
xxiv. New buildings, including alterations and additions within Key Development Site 3*	• B – Design and Layout • L – Central City – Design and Layout
xxv. New buildings, including alterations and additions within Key Development Site 4*	• B – Design and Layout • L – Central City – Design and Layout
xxvi. New buildings, including alterations and additions within Key Development Site 5*	• B – Design and Layout • L – Central City – Design and Layout
xxvii. New buildings, including alterations and additions within Key Development Site 6*	• B – Design and Layout • L – Central City – Design and Layout

Note

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

7.7 Other Resource Consent Information

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

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

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

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



8 Knowledge ~~Zone~~Area

Plan Change 1 -
Ruakura

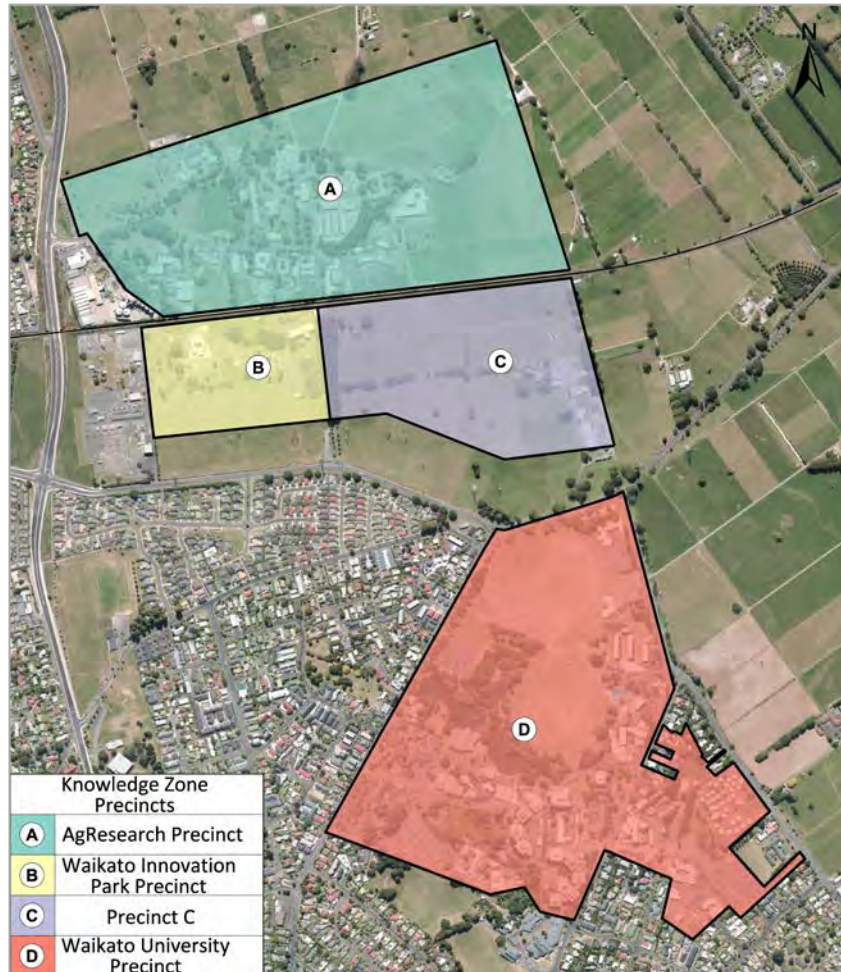
8.1 Purpose

- a) The Knowledge Zone encompasses existing land-use activities which provide significant opportunities for tertiary education, innovation and research; including the University of Waikato, Waikato Innovation Park and the AgResearch Centre campus. The zone reflects the importance of these existing physical resources by providing further opportunities for a wide range of education, research and development activities with supporting retail and mixed-use activities.
- b) The University of Waikato comprises a 65 hectare campus site and is a major employer in education and research as well as serving a student population of approximately 12,000. The campus is characterized by extensive planting and green spaces interspersed with learning and accommodation facilities set in an undulating landscape.
- c) The neighbouring Waikato Innovation Park promotes the commercialisation and economic development of leading primary sector science, technology and research conducted in the region. It does this by providing business infrastructure ready to support and incubate new business, encouraging collaboration and innovation between research, entrepreneurs and business groups.
- d) The neighbouring AgResearch campus is a Crown Research Institute. The campus comprises 56 hectares. Its focus is to create sustainable wealth in the pastoral and biotechnology sectors.
- e) The extent of the Knowledge ~~Area~~ Zone is strategically important. It assists in enabling the City and wider catchment to meet its social, cultural and economic needs and provides an opportunity through development to achieve connectivity between all three existing land uses.
- f) Future development within the zone will strengthen the economic base of the region, generating positive economic and social outcomes. The potential for new research and innovation activities related to the operation of activities within the Ruakura Logistics ~~Zone~~Area represents further opportunities for the City.
- g) The ongoing development of the zone provides the opportunity to create a wider range of activities that complement its research and innovation functions. It is recognised that the enduring success of such activities rely increasingly upon being able to provide research facilities near related commercial activities, which will increase the end value of innovation and research.
- h) The Knowledge ~~Zone~~Area also ~~needs to~~ provides supporting retail and commercial activities which act as a focal point and increase the attractiveness for innovation and research activities to establish ~~here. A Ruakura Retail Centre is provided for which The zone~~ is centred on a 'main street' precinct with a large public plaza. This area makes provision for a passenger transport hub to provide connectivity to the Central City.
- i) Development concepts for activities within the ~~zone~~area were developed as part of the Ruakura Structure Plan. This identifies the area as being appropriate for a retail, commercial and community centre which is referred to as the Ruakura Retail Centre.

Activities within the Ruakura Retail Centre will be developed at a scale that will serve the Ruakura Schedule Area Structure Plan and adjacent area. The scale and nature of the activities in the Ruakura Retail Centre shall not generate significant adverse amenity effects on surrounding residential areas and transport networks or adversely affect the primacy, function, vitality and amenity of the Central City.

j) The four precincts of the Knowledge Zone are identified on Figure 8.1 below.

Figure 8.1 Knowledge Zone Precincts



8.2 Objectives and Policies: Knowledge ZoneArea

Objective	Policies
8.2.1 Support the continued development and expansion of ~~a~~ research, education, innovation and technological activity precincts <u>at the University of Waikato, Waikato Innovation Park, AgResearch and Precinct C that comprise the Knowledge</u>	8.2.1a Research, education, innovation and technological activities and their supporting infrastructure and ancillary activities shall be encouraged within the Knowledge <u>ZoneArea</u> .
	8.2.1b Co-location of activities and the shared use of infrastructure shall be encouraged to maximise the efficient use of land.

~~Zone at Ruakura.~~	8.2.1c Activities involving the commercialisation, manufacture and development of prototype goods ~~are provided for to should only occur where they will~~ complement the primary role of research, education and innovation. 8.2.1d Activities that support the primary purpose of the Knowledge ~~Zone~~Area shall be provided for, which includes offices relating to a research and innovation function. 8.2.1e Establishing activities in the Knowledge ~~Zone~~Area that would compromise the vitality, functions and amenity of the Central City shall be avoided. <u>8.2.1f</u> <u>Development within the Knowledge Zone is in general accordance with an approved Concept Plan (Precincts A, B and D) or Land Development Plan for Precinct C.</u>
<u>Explanation</u> <u>The existing Waikato Innovation Park and AgResearch centre are important economic anchors for the City, and serve the wider Waikato Region and upper North Island. Collectively these facilities represent a significant physical resource. It is important they are recognised and provided for in the zone. The immediately adjoining University of Waikato also has a strong education and research function. The significant opportunities for collaboration are enabled through these provisions.</u> <u>New development should be of a similar activity type to encourage the shared use of infrastructure, and maximise opportunities for interaction both within and outside the zone. Similarly, the provision of appropriate commercial, retail and other ancillary activities that leverage off, and are related to, innovation and research activities, as provided for in Precinct C, will enhance the outcomes sought for the zone. Precinct C includes the Ruakura Retail Centre and the wider research, education, innovation and technological activities provided for in the Knowledge Zone.</u> <u>A Concept Plan (Precincts A, B and D) or Land Development Plan for Precinct C is required to provide detailed consideration of the scale, while including innovative and attractive designs to achieve a higher amenity environment.</u>	
Objective	Policies
8.2.2 Maximise opportunities for increased accessibility, connectivity and efficiency for all modes of transport within the Knowledge ~~Zone~~Area.	8.2.2a The development of at-grade pedestrian and cycling connections from the Knowledge ~~Zone~~Area into the University of Waikato campus shall be provided for.

	8.2.2b Provide for the establishment of <u>an</u> integrated passenger transport hub that can include both road and rail networks to service the Knowledge <u>ZoneArea</u> and surrounding catchment upon the demand arising. 8.2.2c <u>An integrated passenger transport hub that can include both road and rail networks shall be provided for to service the zone and surrounding catchment upon the demand arising.</u>
<u>Explanation</u>	
<u>The zone aims to achieve comprehensively designed precincts tied to a legible network of cycleways, reserves, walkways and connections to the balance of the Ruakura Structure Plan area. The proximity to the East Coast Main Trunk railway is also a significant opportunity to realise rail as a potential mode of passenger transport infrastructure. Planning for new development within the zone must ensure that opportunities to provide such infrastructure are not compromised.</u>	
Objective	Policies
8.2.3 ~~To m~~Maximise the long-term positive, environmental, economic, cultural and social benefits of the Knowledge <u>ZoneArea</u>.	8.2.3a A range of development in a form and at a scale shall be enabled to provide for: i. The configuration of activities, buildings and infrastructure within the Knowledge <u>ZoneArea</u> to maximise its appeal as a place to work and socialise. ii. A distinctive identity and a high level of amenity and function. iii. A hierarchy of connected open spaces through the Knowledge <u>ZoneArea</u> and connections to other <u>Areas</u> within the Ruakura <u>Structure Plan</u> <u>Area</u>. iv. Limited residential and accommodation activity where it complements the primary innovation and research function. v. The clustering of appropriate activities around a future passenger transport hub and plaza to maximise the use and efficiency of these elements.
<u>Explanation</u>	
<u>The spatial and landscape character of the existing development is a defining quality of the zone. New development should be provided for through a Concept Plan or Land Development Plan (for Precinct C) process that will build upon such qualities, for</u>	

example, the character of the existing development pattern and the maintenance of open space areas. However, the range and configuration of activities is recognised as an important factor in maximising the efficiency of the zone, and to draw activities from the nearby university campus into the zone. The incorporation of a 'main street', public plaza and future passenger transport interchange introduces the opportunity to create high-quality precincts that complement other development within the zone and creates a focal point for workers and visitors.

Objective	Policies
8.2.4 <u>To manage the potential adverse effects of activities within the Knowledge Zone.</u>	8.2.4a <u>Activities within the zone shall be located where potential adverse effects on security and safety will be avoided.</u>
	8.2.4b <u>Activities shall be located within the zone to minimise potential reverse-sensitivity effects on one another.</u>
	8.2.4c <u>Activities sensitive to potential adverse effects shall not establish in locations within the zone where effects from activities outside the zone will be more than minor.</u>
Explanation <u>The range of existing activities within the zone is large and includes outdoor research activities in the AgResearch Campus. Some existing activities will be sensitive to new development so care is required when considering how each new activity could impact upon the other. Security and safety issues may be an important consideration depending on the nature of the activities being introduced. A Concept Plan or Land Development Plan (for Precinct C) will minimise the potential for such effects arising.</u>	

Ruakura Retail Centre

Objective	Policies
8.2.5 The Ruakura Retail Centre serves other activities within and adjoining the Ruakura ~~Structure Plan area~~ <u>Schedule Area</u> while not undermining the primacy, function, vitality and amenity of the Central City and the function of other centres.	8.2.5a The Ruakura Retail Centre is to provide a mixed use environment that meets the day-to-day retail, commercial and community needs of the Ruakura ~~Structure Plan~~ <u>Schedule Area</u> and adjoining residential catchment.
	8.2.5b The scale and nature of activities and the rate of development are managed to avoid adverse effects on the primacy, function, vitality and amenity of the Central City and the function of other centres.

	8.2.5c A range of activities is provided for so that the Ruakura Retail Centre acts as a focal point for local community development through the control of size, scale, built form and diversity of activity. 8.2.5d A comprehensive, urban design-led approach, including integration with transport networks, is used to determine the form of the Ruakura Retail Centre.
Explanation	
<i>The Ruakura Retail Centre is to provide an attractive, landscaped environment within the Knowledge Zone. This will include a mainstreet and a large public plaza. The scale and nature of the activities are not to generate significant adverse amenity effects on the surrounding residential areas and transport networks or to adversely affect the primacy, function, vitality and amenity of the central city. A Land Development Plan for Precinct C is required to be approved as the basis for managing the overall framework for urban developments.</i>	

University of Waikato Precinct

Objective	Policies
8.2.6 <u>The University of Waikato develops and operates successfully and contributes to the economic, social and cultural wellbeing of the City.</u>	8.2.6a <u>A mixture of activities shall be enabled to be carried out while retaining the principal purpose.</u>
	8.2.6b <u>The positive effects of use and development shall be recognised.</u>
	8.2.6c <u>Adverse effects on neighbourhood amenity values shall be minimised.</u>
	8.2.6d <u>Development should enable the scale and configuration of buildings and open space to contribute positively to the visual amenity values of the City.</u>
	8.2.6e <u>Quality urban design, particularly at their interface with public areas, shall be encouraged.</u>
	8.2.6f <u>Enable the University to develop and implement a Concept Plan which can assist with the long term planning, use and integration of buildings, facilities</u>

	<u>and open space areas.</u>
<u>Explanation</u>	
<u>The University of Waikato is a large-scale educational complex with a range of activities. Therefore the flexibility to develop and adapt is important. However, its size and complexity can make it difficult to accommodate under normal District Plan provisions and zones.</u>	
<u>The intention of the policies is to support the continued functioning and growth of its education services.</u>	
<u>The effect of the University on the wider environment and its neighbours must be managed effectively to maintain the ongoing activities of the campus. Co-existence with the neighbouring residential areas is an important element that will contribute to its long-term success.</u>	
<u>The development of the University provides opportunities for innovative and attractive design of buildings and facilities based on an approved Concept Plan will help maintain positive effects on the locality.</u>	

Waikato Innovation Park and AgResearch Precincts

<u>Objective</u>	<u>Policies</u>
<u>8.2.7</u> <u>Development within these two adjoining precincts (A and B) is integrated and enables the scale and configuration of buildings and open spaces to contribute positively to the visual amenity values of the wider Ruakura area.</u>	<u>8.2.7a</u> <u>Continued development of the Waikato Innovation Park and AgResearch Campus is to be in general accordance with separate approved Concept Plans.</u>
<u>Explanation</u>	
<u>The Waikato Innovation Park and AgResearch Campus are significant existing establishments within the Knowledge Zone. A Concept Plan approach to future development within their respective precincts will provide flexibility to the current uses enabled, while recognising the role and function of the zone. The opportunity to leverage off the nearby University of Waikato, the Ruakura Logistics and Industrial Park Zones will provide growth opportunities for the existing facilities.</u>	

8.3 Rules – Activity Status

8.3.1 Rules – Activity Status for Precincts A, B and D

<u>Activity</u>	<u>Class</u>
<u>Precincts A, B and D</u>	
<u>a) A Concept Plan or an update to a Concept Plan</u>	<u>RD</u>
<u>AgResearch (Precinct A) and Waikato Innovation Park (Precinct B) Only</u>	
<u>b) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan</u>	<u>P</u>
<u>c) Farming, pastoral grazing, horticulture and farm management activities associated with research establishments, including worker and staff accommodation</u>	<u>P</u>
<u>d) Internal alterations</u>	<u>P</u>
<u>e) Alterations and additions to existing buildings (no greater than 250m² gross floor area) without an approved Concept Plan</u>	<u>P</u>
<u>f) Alterations and additions to existing buildings (greater than 250m² gross floor area) without an approved Concept Plan</u>	<u>RD</u>
<u>g) Any new buildings without or not in accordance with an approved Concept Plan</u>	<u>RD</u>
<u>h) Existing research and innovation activities within the Waikato Innovation Park and new activities where those are part of a previously approved Concept Plan administered by the Waikato District Plan and in existence at the time of notification of this District Plan</u>	<u>P</u>
<u>i) All other research, and innovation activities including testing, evaluation, office⁴ and laboratory activities</u>	<u>P</u>
<u>j) Tertiary education and specialised training facilities</u>	<u>P</u>
<u>k) Ancillary offices to permitted research, innovation, education and laboratory activities</u>	<u>P</u>
<u>l) Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities</u>	<u>P</u>
<u>m) Support/ancillary services (including manufacturing) to research and innovation activities including workshops, plant and vehicle depots, heating and power generators, laundries, telecommunications and data facilities</u>	<u>P</u>
<u>n) Passenger transport facilities and transport depots (passengers)</u>	<u>P</u>
<u>o) Ancillary residential units (e.g. for research and innovation employees, including caretakers and maintenance workers)</u>	<u>P</u>
<u>p) Informal recreation, park maintenance buildings and yards, seating, sculptures and art installations</u>	<u>P</u>
<u>q) Places of assembly</u>	<u>RD</u>
<u>r) Community centres, libraries and childcare centres</u>	<u>P</u>
<u>s) Parking buildings</u>	<u>RD</u>
<u>t) Parking lots</u>	<u>P</u>

Activity	Class
<u>u) Visitor accommodation</u>	<u>RD</u>
<u>v) Healthcare services</u>	<u>RD</u>
<u>w) Any noxious or offensive activity</u>	<u>NC</u>
<u>x) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>
<u>y) Maintenance or repair of buildings</u>	<u>P</u>
<u>z) Field days and open days relating to research and innovation activities</u>	<u>P</u>
University of Waikato Campus Only (Precinct D)	
<u>aa) Accessory buildings</u>	<u>P</u>
<u>bb) New buildings, alterations or additions where there is no approved Concept Plan and which are not located within the Interface Area</u>	<u>P</u>
<u>cc) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P</u>
<u>dd) Maintenance or repair of buildings</u>	<u>P</u>
<u>ee) New buildings, alterations or additions to buildings with an external footprint of 50m² or greater and which are located within the Interface Area which are not part of an approved Concept Plan and which can be viewed directly from the closest adjoining road boundary where the activity:</u> • <u>Complies with relevant standards in Rules 8.6 to 8.7, and</u> • <u>Generates less than 100 vehicle movements per day</u>	<u>C</u>
<u>ff) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan and within the Interface Area</u>	<u>C</u>
<u>gg) New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan</u>	<u>P</u>
<u>hh) Residential centres, managed care facilities, rest homes, apartments, detached dwellings and visitor accommodation</u>	<u>P</u>
<u>ii) Organised recreation, informal recreation and indoor recreation</u>	<u>P</u>
<u>ij) Licensed premises</u>	<u>P</u>
<u>kk) Parking lots and parking buildings</u>	<u>P</u>
<u>ll) Restaurants</u>	<u>P</u>
<u>mm) Support services, including workshops, plant and vehicle depots, heating and power generators, laundries, printing and publishing, telecommunications and broadcasting</u>	<u>P</u>
<u>nn) Community centres</u>	<u>P</u>
<u>oo) Tertiary education and specialised training facilities</u>	<u>P</u>
<u>pp) Childcare facilities</u>	<u>P</u>
<u>qq) Healthcare services</u>	<u>P</u>
<u>rr) Libraries</u>	<u>P</u>
<u>ss) Marae</u>	<u>P</u>

Activity	Class
tt) <u>Places of assembly</u>	<u>P</u>
uu) <u>Places of worship</u>	<u>P</u>
vv) <u>Research and innovation (excluding any noxious or offensive activity)</u>	<u>P</u>
ww) <u>Any activity identified in Rule 8.3(ff) that is not in accordance with an approved Concept Plan</u>	<u>RD</u>

Note

1. For activities and buildings in the Electricity Transmission Corridors see Chapter 25.7: City-wide – Network Utilities and Electricity Transmission Corridors.
2. Explanation of Rule 8.3.1(h) above:
As a result of the boundary reorganisation scheme which came into effect on 1 July 2011, the land within which the existing Waikato Innovation Park is situated was transferred from Waikato District Council to Hamilton City Council. Schedule 25B of the Waikato District Plan contains an approved Concept Plan for the Innovation Park. The development of that area in general accordance with the Concept Plan in Schedule 25B can continue as a Permitted Activity. The framework of that previously approved Concept Plan is now integrated into the Ruakura Structure Plan. If there are significant departures from the Structure Plan as the Knowledge Zone evolves, such changes can be considered as a resource consent (Restricted Discretionary) so the effects arising from any change can be considered.
3. Table 15-3c of Volume 2, Appendix 15-3 contains guidance for converting vehicles per day into other units of measures.
4. 'Office' includes space used for desk based research and innovation, associated meeting and administration, conferencing and similar activities and excludes commercial offices and professional offices not associated with research and innovation activities.

8.3.2 Rules – Activity Status for Precinct C (Except Ruakura Retail Centre)

Activity	Class
Precinct C Only	
a) Land Development Plan (<u>refer Rule 3.7.3.2</u>)	RD*
b) Farming, pastoral grazing, horticulture and farm management activities associated with research establishments, including worker and staff accommodation	P
c) Minor works	P
d) Alterations and additions to existing buildings (other than minor works)	RD*
e) Any new buildings	RD*
f) All other research, and innovation activities including (but not limited to) testing, evaluation, office ¹ and laboratory activities	P
g) Tertiary education and other education and specialised training facilities	P
h) Ancillary offices to permitted research, innovation, education and laboratory activities	P
i) Commercialisation of activity ancillary to research, innovation, education and laboratory activities	P
j) Support/ancillary services to research and innovation activities including (but	P

Activity	Class
not limited to) workshops, plant and vehicle depots, heating and power generators, laundries, telecommunications and data facilities	
k) Passenger transport facilities and transport depots (passengers)	P
l) Ancillary residential units (e.g. for research and innovation employees, including caretakers and maintenance workers)	P
m) Informal recreation, park maintenance buildings and yards, seating, sculptures and art installations	P
n) Places of assembly	RD
o) Community centres, libraries and childcare centres	P
p) Parking lots	P
q) Visitor accommodation	RD
r) Healthcare services	RD
s) Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*
~~t) Any noxious or offensive activity~~	~~NC~~
~~u) Activities not provided for~~	~~NC~~

1 'Office' includes space used for desk based research and innovation, associated meeting and administration, conferencing and similar activities and excludes commercial offices and professional offices.

8.3.3 Rules – Activity Status for Precinct C - Ruakura Retail Centre only

Activity	Class
Ruakura Retail Centre Only	
a) Land Development Plan (refer Rule 3.7.3.2)	RD*
b) New buildings	RD*
c) Alterations and additions to existing buildings (excluding minor works)	RD*
d) Minor works	P
e) Accessory Buildings	RD*
f) Demolition, removal, maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
g) Any industrial activity except light or service industry	NC
h) Light Industry	D
i) Service Industry	D
j) Transport Depot	D
k) Emergency service facility	RD*
l) Noxious or offensive activities	NC
m) Research and Innovation Activities	P

Activity	Class
n) Ancillary Office	P
o) Office less than 250m ² gross floor area per tenancy	P
p) Office 250m ² -500m ² gross floor area per tenancy	RD*
q) Office greater than 500m ² gross floor area per tenancy	NC
r) Ancillary retail	P
s) Retail less than 400m ² gross floor area per tenancy	P
t) Retail 400m ² gross floor area per tenancy or greater except where provided for in activity category u) in this table	RD*
u) One Supermarket or Building Improvement Centre 1,000m ² gross floor area or greater within the Ruakura Retail Centre	P
v) Banks	P
w) Yard based retail less than 400m ² gross floor area per tenancy	D
x) Yard based retail 400m ² gross floor area or greater per tenancy	NC
y) Cafes, Restaurants and Licensed Premises	P
z) Commercial places of assembly	P
aa) Parking lots and parking buildings	P
bb) Passenger Transport Facility	P
cc) Health Care Services above ground floor	P
dd) Health care services less than 1000m ² at ground floor	P
ee) Health care services over 1000m ² at ground floor level	RD
ff) Childcare facility	P
gg) Community centres	P
hh) Tertiary education and specialised training facilities less than 250m ² gross floor area per tenancy	P
ii) Tertiary education and specialised training facilities 250m ² – 999m ² gross floor area per tenancy	D
jj) Tertiary education and specialised training facilities greater than 1000m ² gross floor area per tenancy	NC
kk) Total floorspace in the Ruakura Retail Centre of up to 9,000m ² gross floor area comprised of: - no more than 7,000m² gross floor area in the activity categories s) to u) - no more than 3,000m² gross floor area for any other permitted activities in Rule 8.3.3	P
ll) Total floorspace in the Ruakura Retail Centre that exceeds: 7,000m² gross floor area in the activity categories s) to u); or 3,000m² gross floor area for any other permitted activities in Rule 8.3.3	RD
mm) Total floorspace in the Ruakura Retail Centre between 9,000m ² and 15,000m ² gross floor area	RD
nn) Total floorspace in the Ruakura Retail Centre that exceeds 15,000m ² gross floor area	NC
oo) Public Art	P
pp) Ancillary residential units	RD*
qq) Visitor accommodation	D

Activity	Class
rr) Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*

8.4 Rules – General Standards

- a) The general standards in Rule 8.4.2 – 8.4.8 do not apply to activities listed in Rule 8.3.1 in the University of Waikato Campus (Precinct D). See Rule 8.6 for specific standards relating to the University of Waikato Campus (Precinct D).
- b) The general standards in Rule 8.4 do apply to activities listed in Rule 8.3.1 in the AgResearch Centre (Precinct A) and Waikato Innovation Park (Precinct B), which are located in the Knowledge Zone.
- c) With the exception of activities in Precinct A, Precinct B and Precinct D, land use and development in the Knowledge Zone, which is undertaken in the Ruakura Structure Plan Area, shall comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5, 3.7.3.7 and 3.7.4 in Chapter 3: Structure Plans.
- d) The general standards in Rule 8.4 do apply to activities listed in 8.3.2 Precinct C and 8.3.3 Precinct C (Ruakura Retail Centre).

8.4.1 Provision of Concept Plans for the Waikato Innovation Park, AgResearch and University of Waikato Precincts

- a) New buildings shall be a permitted activity on the Waikato Innovation Park, AgResearch or University of Waikato Campus when a Concept Plan application has been granted by Council.
- b) Activities that are permitted prior to the approval of a Concept Plan are *detailed in the relevant sections of Rule 8.3.1.*
- c) An application for resource consent for a Concept Plan must be for the whole site; however development of the site may proceed in stages.
- d) The Concept Plan application is classified as restricted discretionary, unless an activity that forms part of the application is non-complying, in which case the concept plan application is a non-complying activity.
- e) Concept Plans must be prepared in accordance with the standards in this chapter and the Information Requirements in Appendix 1.2.2.27.
- f) A Concept Plan can include a Concept Plan granted under the previous District Plan.
- g) The development of a Concept Plan does not preclude the requirement to comply with the relevant standards not addressed in the Concept Plan.
- h) Where any development or activity is not in accordance with the provisions of the Concept Plan then separate resource consent will be required for that development or activity.

8.4.2 Location of Buildings and Activities

a) ~~Building location~~	No building footprint shall be closer than 10m from any indicative local or collector transport corridor identified on the Ruakura Structure Plan.

8.4.32 Site Coverage

- a) Maximum site coverage 50%.

8.4.43 Permeable Surfaces

a) Net site permeability	Minimum 20% of the net site area

8.4.54 Access from Ruakura Road

- a) No access to service an activity shall be provided directly to Ruakura Road unless consistent with the connection point locations identified on Figure 2-15A in Appendix 225H(2)XXX.

8.4.65 Building Setbacks

- a) Buildings shall have minimum set backs from boundaries as follows:

i. Any boundary adjoining the railway designation (Designation F1)	10m
ii. Transport corridor boundary (except in the Ruakura Retail Centre) – local and collector ~~roads~~ <u>transport corridors</u>	5m
iii. Transport corridor boundary in Ruakura Retail Centre	0m
iv. Transport corridor boundary – arterial ~~roads~~ <u>transport corridors</u>	15m
v. Any boundary adjoining any Residential, Special Character or Open Space <u>Zones</u> ~~Areas~~	8m
vi. All other boundaries	0m

8.4.76 Height in Relation to Boundary

- a) No part of any building or structure may penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m at the boundary of any adjoining zone~~area~~.

8.4.87 Maximum Height

- a) The maximum height of a building or structure is 15m, except that 20% of the footprint of the building may be between 15m and 20m high.

8.4.8 Building Design

a) ~~Building design~~	No building shall present a blank, plain or unfeatured facade to any boundary with a public space or Recreation/Open Space Area

b) ~~Building frontage in all other areas~~	~~Buildings shall have a minimum façade width of 20m, or 75% of the street front boundary; whichever is the greater~~

8.5 Rules – Specific Standards for AgResearch and Waikato Innovation Park Precincts

8.5.1 Location of Buildings and Activities

Location	
a) Proximity to Ruakura Logistics ~~ZoneArea~~ : Noise control	No visitor accommodation shall be situated closer than 40m to the boundary of the Ruakura Logistics ~~ZoneArea~~ unless the building within which the activity is located can achieve compliance with the relevant noise controls specified in Rule 25.8.4.4(f), (g) and (h)

8.5.2 Parking Building Design

a) Parking buildings and lots	Parking buildings shall incorporate screening and facade detailing treatments affixed to the face of the building so that 50% of any facade visible from any public space is treated

8.6 Rules – Specific Standards for University of Waikato Precinct

8.6.1 Building Setbacks

<u>Building setback from</u>	<u>Minimum</u>
a) <u>Residential Zone or Special Character Zone boundary</u>	<u>5m</u>
b) <u>Transport corridor boundary – arterial transport corridor</u>	<u>5m</u>

8.6.2 Building Standards

a) <u>Site coverage</u>	<u>Maximum 45%</u>
b) <u>Height control plane</u> <u>Note: No maximum height control</u>	i. <u>Angle: 45 degrees</u> ii. <u>Starting point above boundaries of campus site:</u> <u>20m above a boundary along Hillcrest Road</u> <u>3m above a boundary adjoining a site in the Residential Zone, Special Character Zone and Community Facilities Zone</u> <u>10m above all other boundaries</u> iii. <u>All internal boundaries of the campus site are excluded</u>

8.6.3 Permeable Surfaces

a) <u>Net site permeability</u>	<u>Minimum 20% of the net site area. The area required by Rule 8.6.2(b) is to be included in this percentage</u>

8.7 Provisions in Other Chapters

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

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

8.8 Controlled Activities: Matters of Control

- a) In determining any application for resource consent for a controlled activity in addition to the relevant standards within Rules 8.4 to 8.6 the Council shall have control over the following matters referenced below:

Activity Specific	Matter of Control Reference Number (refer to Volume 2, Appendix 1.3.2)
i. New buildings, alterations or additions to buildings with an external footprint of 50m² or greater and which are located within the Interface Area which are not part of an approved Concept Plan and which can be viewed directly from the closest adjoining road boundary where the activity: • Complies with relevant standards in Rules 8.6 to 8.7, and • Generates less than 100 vehicle movements per day	• C – Knowledge Zone and Major Facilities Zone
ii. New buildings, relocated buildings, alterations or additions to buildings in accordance with an approved Concept Plan and within the Interface Area	• C – Knowledge Zone and Major Facilities Zone

8.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion.

<u>Activity Specific</u>	<u>Matter of Discretion</u> (Refer to Volume 2, Appendix 1.3.3)
<u>Precincts A and B Knowledge Zone</u>	
i. <u>A Concept Plan or an update to a Concept Plan</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>N – Ruakura</u>
ii. <u>Alterations and additions to existing buildings (greater than 250m² gross floor area)</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>D – Natural Character and Open Space</u> <u>F – Hazards and Safety</u>
iii. <u>Any new buildings</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>D – Natural Character and Open Space</u> <u>F – Hazards and Safety</u>
iv. <u>Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>F – Hazards and Safety</u>
v. <u>Places of assembly</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>F – Hazards and Safety</u>
vi. <u>Parking buildings</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>G – Transportation</u>
vii. <u>Visitor accommodation</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u>
viii. <u>Healthcare services</u>	<u>B – Design and Layout</u> <u>C – Character and Amenity</u> <u>F – Hazards and Safety</u>
<u>Precinct C Knowledge Zone</u>	
ix. <u>Any new buildings*</u>	<u>B – Design and Layout</u> <u>N – Ruakura</u>

<u>x. Alterations and additions to existing buildings</u>	<u>B – Design and Layout</u> <u>N – Ruakura</u>
<u>xi. Places of assembly*</u>	<u>C – Character and Amenity</u>
<u>xii. Visitor accommodation*</u>	<u>C – Character and Amenity</u>
<u>xiii. Healthcare services*</u>	<u>C – Character and Amenity</u>
<u>xiv. Activities which require resource consent under Rules 8.3.3 p), t), ll) and mm)</u>	<u>H – Functionality, Vitality, Viability and Amenity of Centres</u>
<u>xv. Any activity generating 1500 or more vehicle movements per day</u>	<u>G – Transportation</u>
<u>xvi. Land Development Plan</u>	<u>N – Ruakura</u>
<u>Ruakura Retail Centre – Precinct C – Knowledge Zone</u>	
<u>xvii. Any new buildings*</u>	<u>B – Design and Layout</u> <u>N – Ruakura</u>
<u>xviii. Alterations and additions to existing buildings</u>	<u>B – Design and Layout</u> <u>N – Ruakura</u>
<u>xix. Land Development Plan</u>	<u>N – Ruakura</u>
<u>xx. Emergency Service Facility</u>	<u>N – Ruakura</u>
<u>xxi. Accessory Building</u>	<u>N – Ruakura</u>
<u>xxii. Office 250m²-500m² gross floor area per tenancy</u>	<u>N – Ruakura</u>
<u>xxiii. Retail 400m² gross floor area per tenancy or greater except where provided for in activity category u) in this table</u>	<u>N – Ruakura</u>
<u>xxiv. Health care services over 1000m² at ground floor level</u>	<u>N – Ruakura</u>
<u>xxv. Total floorspace in the Ruakura Retail Centre that exceeds:</u> <u>7,000m² gross floor area in the activity categories s) to u); or</u> <u>3,000m² gross floor area for any other permitted activities in 8.3.3</u>	<u>N – Ruakura</u>

<u>xxvi. Total floorspace in the Ruakura Retail Centre between 9,000m² and 15,000m² gross floor area</u>	• <u>N – Ruakura</u>
<u>xxvii. Ancillary residential units</u>	• <u>N – Ruakura</u>
<u>xxviii. Any permitted or restricted discretionary activity listed above generating 1500 or more vehicle movements per day</u>	• <u>G – Transportation</u>
<u>University of Waikato – Precinct D – Knowledge Zone</u>	
<u>xxix. Any activity identified in Rule 8.3.1qq) that is not in accordance with an approved concept plan</u>	• <u>N - Ruakura</u>

8.10 Notification Rule

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

8.11 Other Resource Consent Information

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

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

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

- Controlled Activities – Matters of Control
- Restricted Discretionary Activities – Matters for Discretion and Assessment Criteria
- Discretionary Activity Assessment Criteria
- Design Guides and Design Assessment Criteria
- Information Requirements
- Acronyms Used in the District Plan
- Definitions Used in the District Plan
- Other Methods of Implementation



9 Industrial Zone

9.1 Purpose

- a) The industrial land base in the City is a key economic driver for the regional economy. Industrial land in the City represents a finite and valuable resource that needs to be recognised and protected. There is evidence of considerable retail and office development having occurred in the industrial areas over the last decade resulting in adverse effects on the amenity, viability and vitality of the City Centre.
- b) District Plan provisions are generally enabling and aim to complement the City's commercial activities, both in the Central City zone and in other business centres. This complementary role includes providing locations for industrial activities that are unsuitable for commercial centres, and reducing the potential for non-industrial activities establishing in industrial locations.
- c) The Industrial Zone provisions seek to ensure that industrial land is not occupied by land activities that are non-industrial, unless they are either ancillary to industrial activity, support industrial activities, or are more appropriately located within an industrial environment than a business centre. This will reduce the potential for industrial land to be diluted by non-industrial activities, resulting in pressure for new industrial land to be zoned elsewhere, and for existing industrial land to be rezoned for commercial activity. In limited circumstances, supermarkets may locate out-of-centre in the Industrial Zone provided suitable land is not available within the business centres and where it can be demonstrated that the primacy, function, vitality, and amenity of the centres within the business hierarchy are not undermined.
- d) The rule provisions place restrictions on the scale of retail and office activities in industrial areas. This is in order to manage the potential for significant adverse effects on the Central City arising both individually and cumulatively from out-of-centre development.
- e) The Rotokauri Employment Area, as identified on the Rotokauri Structure Plan, provides for a wide range of light industrial activities in a high amenity environment. This area also provides for the operational needs of the Crawford Street Freight Village.
- f) The Riverlea Industrial Area, as identified in Appendix 6, Figure 6-3, provides for a range of light and service industrial activities. Its location within close proximity to sensitive land uses means that the establishment of heavy industry and noxious or offensive activities is not considered to be desirable or appropriate.
- g) Amenity Protection Areas will be used at the Industrial Zone's interface with Residential and other sensitive areas in order to minimise adverse effects of industrial activities and thereby to maintain amenity values in the adjacent Residential Zone or other sensitive areas.
- h) The Te Rapa corridor is a confined overlay that recognises existing office and retail activities which have been lawfully established under the previous planning regime. It provides for continuation of existing office and retail activities within

defined thresholds which reflect the standards in the previous district plan whilst encouraging a return to industrial uses. The expansion of existing activities or establishment of any new or additional retail or office activities/ tenancies is not envisaged in this area.

- i) The area at 980 Te Rapa Road between Maui Street and Eagle Way identified in Fig 9.3a adjoins open space, residential and commercial activities and is also adjacent to the Te Rapa Sub Regional Centre. This is an area in a state of land use transition from heavy industrial use to more non-industrial type activities. Given its location and surrounding land uses, on those specific lots identified provision is made for managed care facilities; retirement village, rest homes and visitor accommodation providing adverse effects are mitigated.

9.2 Objectives and Policies: Industrial Zone

Objective	Policies
9.2.1 Industrial activities are able to establish and operate within the zone in an efficient and effective manner.	9.2.1a Industrial land is used for industrial activities.
	9.2.1b Except as specifically provided for, non-industrial activities establish and operate only where they are ancillary to industrial activities, support industrial activities, or are consistent with industrial activities.
	9.2.1c While the Industrial Zone is for industrial purposes, specified non-industrial activities may operate in the Greenwood/Kahikatea Corridor and Te Rapa Corridor due to their characteristics; provided that such non-industrial activities do not adversely affect industrial activities in the Industrial Zone, or impact adversely on the strategic role of the Central City and other business centres in the City.
9.2.2 Non-industrial activities which establish and operate within the zone do not undermine the primacy, function, vitality and amenity of the Central City, the sub-regional centres and the function of the lower order centres in the business hierarchy.	9.2.2a Non-industrial activities do not adversely affect industrial activities in the Industrial Zone, or impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other business centres in the City.
	9.2.2b In limited circumstances, new supermarkets may establish in the Industrial Zone where it can be demonstrated that: - suitable land is not available within the business centres; and - the potential adverse effects on the primacy, function, vitality, and amenity of the centres within the business hierarchy are avoided.

Explanation

Activities that are non-industrial and that are provided for in other parts of the City should in general not be carried out within industrial locations. The District Plan sets as the key principle in this regard that industrial land should be preserved for industrial activities, but also includes provision for a range of non-industrial activities considered to be ancillary to industrial activity, that support industrial activities, or specific forms of commercial activity that are acceptable within industrial environments.

Supermarkets are a form of commercial activity envisaged in the Industrial Zone only in limited circumstances. Strategic Framework and Business policies encourage their location within business centres as a priority. Because of the nature of their trade catchments they may be suitable in some industrial areas if Business zoned sites are not available and, having regard to the extent to which effects on business centres (beyond effects associated with trade competition) are avoided. Businesses that attract a great deal of traffic are encouraged in the Central City and business centres, where they will be more accessible, and where significant public investment has been made in providing amenities and facilities capable of supporting such activities.

Objective	Policies
9.2.3 The amenity levels of industrial areas are to be enhanced.	9.2.3a Amenity levels within the Industrial Zone are improved with the use of landscaping and screening, restrictions on site layout, enhanced design of buildings, ensuring orientation of buildings towards the site frontage, and enhanced urban design outcomes.

Explanation

Although lower standards of amenity are often characteristic of industrial locations, Plan provisions aim to enable a general improvement in the amenity of the City's industrial locations. The purpose of this is to create functional and attractive employment areas and to contribute to raising amenity levels within the City generally.

This is to be achieved through resource consent being required for the construction of new buildings or alterations to existing buildings located on identified transport corridors (other than minor alterations) to ensure improved urban design outcomes on these highly visible locations. There are also requirements for increased landscaping, articulation of building frontages and screening (particularly on the boundary of residential land and reserves), and site layout.

In relation to the Crawford Street Freight Village, amenity matters are addressed through Objective 9.2.4.

Objective	Policies
9.2.4 The adverse amenity impacts of industrial activities on residential and open space areas are to be avoided.	9.2.4a The adverse effects of industrial activities are contained within the Industrial Zone boundary to avoid adverse effects on amenity within other zones, particularly the Residential, Special Character and Open Space Zones.

	9.2.4b The establishment of noxious or offensive activities within the Riverlea Industrial Area, or in locations near the boundary with Residential, Special Character and Open Space Zones, where there will be adverse amenity effects on these locations, shall be avoided. 9.2.4c Additional standards apply to activities within Amenity Protection Areas in order to minimise adverse effects on the amenity of residential sites or other sensitive sites adjacent to land within the Industrial Zone.
Explanation	
<i>Industrial activities can generate adverse amenity effects beyond the boundaries of the zone. These can have a particular impact on residential and open space areas where expectations for amenity are far higher.</i> <i>The Amenity Protection Area is a key mechanism to protect residential sites where they are adjacent to land within the Industrial Zone. Industrial properties covered by the Amenity Protection Area are subject to additional standards. Enhanced management of noxious or offensive activities where they are near residential land uses is also a key aspect of the provisions.</i>	
Objective	Policies
9.2.5 To optimise the benefits of the regionally significant freight village facility at Crawford Street.	9.2.5a Logistics, freight-handling services and supportive activities and infrastructure are provided for within Crawford Street Freight Village.
	9.2.5b Activities sensitive to the adverse affects of logistics and freight-handling facilities avoid locating in proximity to the Crawford Street Freight Village.
	9.2.5c Visual amenity effects at the boundary of the Crawford Street Freight Village with the Mangaharakeke Drive transport corridor are maintained.
Explanation	
<i>The Crawford Street Freight Village is a key regional facility, because it provides connectivity between dairy manufacturing facilities in the region and further afield with the Auckland and Tauranga ports. The facility is a critical component in ensuring the efficiency of dairy manufacturing and export within the region.</i> <i>The freight village is designed and operated to achieve the seamless transfer of products from road to rail and includes major storage facilities and infrastructure. Measures designed to address amenity issues at the interface with the</i>	

Mangaharakeke Drive corridor need to recognise the existing amenity of the area which is dominated by rail facilities on one side and a major arterial route on the other.

Objective	
9.2.6 Recognise lawfully established existing office and retail activities that have previously located in the Te Rapa Corridor whilst encouraging a return to industrial uses in the future.	9.2.6a Industrial activity is encouraged to locate within the Te Rapa Corridor.
	9.2.6b The continued operation of existing office and retail activities in the Te Rapa Corridor that were lawfully established as permitted activities under the previous planning regime are recognised and provided for.
	9.2.6c Avoid any increase in additional office or retail activities/tenancies.
	9.2.6d Avoid any expansion of existing office or retail activities/tenancies.

Explanation

Previous district plan provisions allowed office and some retail activity to establish in the Te Rapa Corridor. The overlay recognises and provides for the continued operation of these lawfully established businesses. The provisions aim to encourage a transition to industrial activity, therefore any additional office or retail activities or expansion of these activities is to be discouraged.

Objective	Policies
9.2.7 Enable the redevelopment of the site in a state of land use transition described as Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 to include provision for managed care facilities; retirement villages, rest homes and visitor accommodation in a manner that achieves a high level of on-site amenity for those activities whilst ensuring that reverse sensitivity effects on surrounding industrial activities are avoided.	9.2.7a The development of managed care facilities; retirement villages and rest homes and visitor accommodation are managed, located and designed to: i. Avoid adverse effects from surrounding non-residential activities; and ii. Provide a high level of onsite amenity for the activities identified; and iii. Ensure adjacent non-residential activities are not subject to the effects of reverse sensitivity; and iv. Ensure adverse effects on the surrounding residential and open space areas are avoided; and v. Ensure that the interface with adjacent residential and open space uses is treated sensitively.

	9.2.7b Any development on this transitional site shall ensure vehicle and pedestrian access between Karewa Place and Maui Street.
Explanation	
<i>The area between Maui Street and Eagle Way adjoins open space, residential, commercial and industrial activities. It is also adjacent to the Te Rapa Sub Regional Centre. The area identified is an area in a state of land use transition from a heavy industrial use to a lighter mix of uses due to its location and the surrounding land uses. The area has been identified as suitable for future re-zoning from industrial to an alternative mixed use zone which is focussed on residential activities. This will support the existing Te Rapa Sub Regional Centre and complement the adjoining open space and residential activities. In light of its transitional character, the site currently presents an opportunity for mixed use development of specified activities that can contribute positively to urban outcomes within this setting.</i> <i>In addition to the general provision for industrial activities, managed care facilities; retirement village, rest homes and visitor accommodation are provided for in this area. These activities, and other non-industrial activities on the site, will need to be located, designed, and managed to ensure reverse sensitivity effects on any adjacent industrial activities are avoided.</i> <i>A comprehensive traffic assessment has established the capacity of the site for development and identified the need for the construction of a new road link between Maui Street and Karewa Place, and specific intersection improvements prior to any development occurring on the site.</i>	

9.3 Rules – Activity Status Table

Activity	Industrial	Rotokauri Employment Area
Buildings		
a) New buildings on sites adjoining the following transport corridors (excluding rear sites and those provided for by 9.3 g), i) and j)): Te Rapa Road, Avalon Drive, Mangaharakeke Drive, Lincoln Street, Greenwood Street, and Kahikatea Drive where the activity complies with any relevant rule in the plan	C	-
b) New buildings in the Rotokauri Employment Area where the activity complies with any relevant rule in the plan	-	C
c) New buildings outside the areas specified in 9.3a) and b)	P	-

d) Alterations and additions (other than minor works) on sites adjoining the following transport corridors (excluding rear sites and those provided for by 9.3 h), i) and j)): Te Rapa Road, Avalon Drive, Mangaharakeke Drive, Lincoln Street, Greenwood Street, and Kahikatea Drive where the activity complies with any relevant rule in the plan	C	-
e) Alterations and additions in the Rotokauri Employment Area where the activity complies with any relevant rule in the plan	-	C
f) Alterations and additions outside the areas specified in 9.3d) and 9.3e)	P	-
g) New buildings in the Crawford Street Freight Village	P	-
h) Alterations and additions in the Crawford Street Freight Village	P	-
i) New buildings and alterations and additions to existing buildings in the Te Rapa North Industrial Zone	P	-
j) New buildings and alterations and additions to existing buildings in the Te Rapa North Industrial Zone within the Te Rapa Dairy Manufacturing site	P	-
k) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P
l) Maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P
m) Minor works	P	P
Activities		
n) Industrial activity	P	RD
o) Industrial activity in the Riverlea Industrial Area (Figure 6-3, Appendix 6, Volume 2)	RD	-
p) Light industrial activity Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates <250 vehicle movements per day	P -	- C
q) Service industrial activity Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates <250 vehicle movements per day	P -	- C
r) Any new activity requiring an air discharge consent under the Waikato Regional Plan, where discharge is from a point within 100m of the boundary of any Residential Zone or Special Character Zone	RD	RD
s) Any noxious or offensive activity greater than 250m from the boundary of any Residential Zone or Special Character Zone except within the Riverlea Industrial Area (Figure 6-3, Appendix 6, Volume 2) or Rotokauri Employment Area	RD	
t) Any noxious or offensive activity within 250m of the boundary of any Residential Zone or Special Character Zone or within the Riverlea Industrial Area (Figure 6-3, Appendix 6, Volume 2) or Rotokauri Employment Area	NC	NC

u) Ancillary offices	P	P
v) Ancillary retail	P	P
w) Trade and industry training facilities	P	P
x) Food and beverage outlets (no greater than 250m ² gross floor area)	P	P
y) Wholesale retail and trade supplies	P	P
z) Yard-based retail on front sites adjoining the following transport corridors: Te Rapa Road, Avalon Drive, Mangaharakeke Drive, Lincoln Street, Greenwood Street, and Kahikatea Drive (excluding sites separated from the transport corridor by a segregation strip)	P	-
aa) Yard-based retail other than as provided for as a permitted activity	RD	RD
bb) Building improvement centres	P	P
cc) New supermarkets, where the activity complies with the standards in Rule 9.5.4	RD	NC
dd) New supermarkets, where the activity fails the standards in Rule 9.5.4	NC	NC
ee) Extensions to existing supermarkets, where the activity complies with the standard in Rule 9.5.5	P	NC
ff) Extensions to supermarkets where the activity complies with the standard in Rule 9.5.6	RD	NC
gg) Extensions to supermarkets where the activity fails the standard in Rule 9.5.6	NC	NC
hh) Healthcare services (where existing at the date of Plan notification)	P	NC
ii) Healthcare services other than as provided for as a permitted activity	RD	D
jj) Emergency service facilities	RD	RD
kk) Passenger transport facilities	P	P
ll) Transport depot	P	RD
mm) Transportation service centre	D	D
nn) Transportation service centre in Stage 1B of the Te Rapa North Industrial Zone in accordance with 12.3.3h)	P	-
oo) Parking lots and parking buildings	P	RD
pp) Accessory buildings	P	P
qq) Motorised recreation activity	P	P
rr) Drive-through services*	RD	D
ss) Ancillary residential unit where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates <250 vehicle movements per day	C	C
tt) Childcare facilities	RD	RD

uu) Any activity identified in Rule 9.3 p), q) and ss) that does not comply with relevant standards in Rules 9.4 and 9.5 or generates 250 or more vehicle movements per day	RD	
vv) Boarding kennels and catteries	RD	RD
ww) Gymnasiums	RD	RD
xx) Places of worship	RD	RD
yy) Banks less than 200m ²	P	P
zz) Managed care facilities; retirement villages and rest homes on the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	RD	-
aaa) Managed care facilities; retirement villages; and rest homes; outside of the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	NC	-
bbb) Visitor accommodation on the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	D	-
ccc) Visitor accommodation outside of the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 shown on Figure 9.3a	NC	-

Note

1. Table 15-3d of Volume 2, Appendix 15-3 contains guidance for converting vehicles per day into other units of measure.
2. Refer to Chapter 1.1.9 for activities marked with an (*)

Figure 9.3a: Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 Area affected by Rule 9.3 vv) to yy)



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

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

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

9.3.2 Rules – Activity Status Table for the Te Rapa Corridor

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

Activity	Te Rapa Corridor
a) Automotive and marine suppliers	P
b) Mowers and outdoor maintenance equipment retail	P
c) Pool and spa retail	P
d) Equestrian supply retail	P
e) Gymnasiums	P
f) Hire Centre	P
g) Retail activity within the Te Rapa Corridor Area where lawfully established at 10 December 2012 and which meets the standards in Rule 9.5.7 (but excluding sites which were occupied at 10 December 2012 by activities provided for in 9.3 v), x), y), z), aa), bb), cc)- gg) and 9.3.2 a)-f)):	
i. <150m ² GFA per tenancy	P
ii. 151-999m ² GFA per tenancy	NC
iii. >1000m ² GFA per tenancy	P
h) Retail activity within the Te Rapa Corridor where established at 10 December 2012 and which fails the standards in rule 9.5.7 but meets the standards in rule 9.5.8 (but excluding sites which were occupied at 10 December 2012 by activities provided for in 9.3 v), x), y), z), aa), bb), cc) - gg) and 9.3.2 a)-g)):	
i. <150m ² GFA per tenancy	D
ii. 151-999m ² GFA per tenancy	NC
iii. >1000m ² GFA per tenancy	D

i) Retail activity within the Te Rapa Corridor described in g) above, but which fails the standards in Rule 9.5.8	NC
j) Office activity within the Te Rapa Corridor where lawfully established at 10 December 2012 and which meets the standards in Rule 9.5.7	P
k) Office activity within the Te Rapa Corridor where established at 10 December 2012 and which fails the standards in Rule 9.5.7 but meets the standards in Rule 9.5.8	D
l) Office activity within the Te Rapa Corridor described in j) above, but which fails the standards in Rule 9.5.8	NC
m) Expansion of any retail or office activity within the Te Rapa Corridor	NC
n) Establishment of any new retail or office tenancies within the Te Rapa Corridor	NC

Note

1. Table 15-3d of Volume 2, Appendix 15-3 contains guidance for converting vehicles per day into other units of measure.
2. Refer to Chapter 1.1.9 for activities marked with an (*)
3. "Te Rapa Corridor" and "Greenwood/Kahikatea Corridor" are defined terms and are identified in Figure 6-4 and Figure 6-5 in Volume 2, Appendix 6.

9.3.3 Use of Comprehensive Development Consents

Subject to Rule 9.3, Comprehensive Development Consents may be prepared for all or part of the development cells illustrated in Volume 2, Appendix 6, Figure 6-1 and Figure 6-2. The Comprehensive Development Consent shall be prepared in accordance with the standards in Rules 9.4-9.5 and shall detail the activities listed in Table 9.3 which will be authorised by the CDC. The application for a CDC shall provide:

- a) An overall design and layout for the development cell in general accordance with the Structure Plan.
- b) Details of the proposed activities and staging of development.
- c) A Broad Integrated Transport Assessment in accordance with Rule 25.14.4.3 j) for the development as a whole, including details of:
 - i. the anticipated traffic generation into and out of the cell, based upon the activities provided for by the development.
 - ii. how the development does not compromise the safe and efficient functioning of the transport network or preclude the ability of the transport network to support the future development identified for the balance of the Structure Plan area.
- d) An implementation plan for the proposed network improvements as indicated on the Structure Plan, taking account of the Indicative Infrastructural Development Programme set out in Rule 3.6.3 and staging map Figure 2-9 of Volume 2, Appendix 2.
- e) A service corridor shall be provided as identified in Volume 2, Appendix 6, Figure 6-2 to enable the extension of trunk water and waste services to serve future land releases in Rotokauri.

- f) The preparation of an Integrated Catchment Management Plan to facilitate the principles and proposals for the Rotokauri Structure Plan.

9.3.4 Status of a Comprehensive Development Consent

- a) Application may be made for the approval of a Comprehensive Development Consent as a restricted discretionary activity, with discretion restricted to the following matters (refer to Appendix 1.3):

B - Design and Layout – B7, B8 and B17

C – Character and Amenity

F – Hazards and Safety

G - Transportation

J - Three Waters Capacity and Techniques.

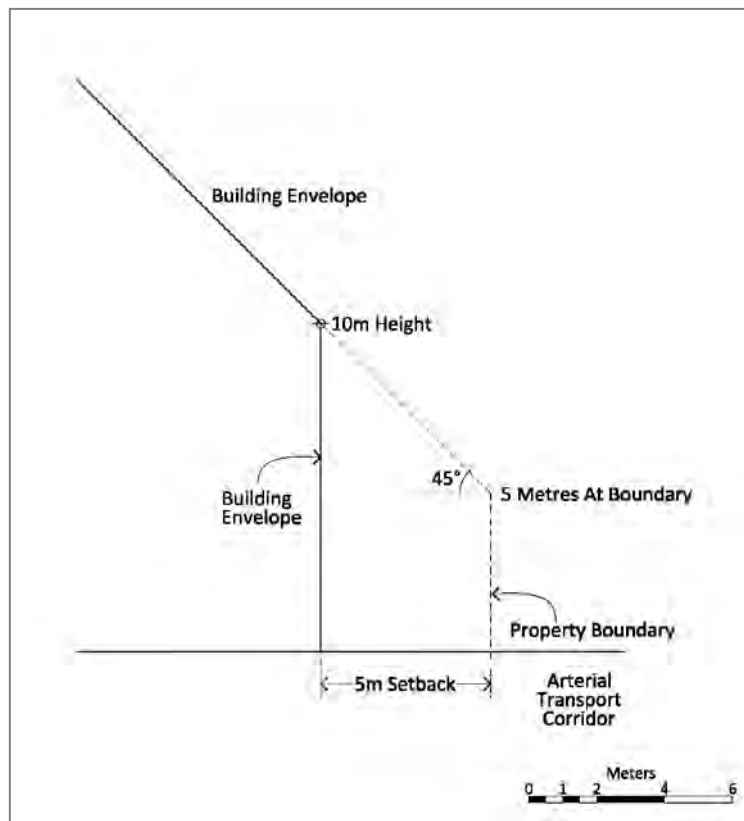
9.4 Rules – General Standards

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

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector transport corridors	5m
b) Transport corridor boundary – arterial transport corridors	i. Any building must be set back a minimum of 5m from the property boundary; and ii. No part of any building may penetrate a building envelope that rises at an angle of 45 degrees starting at an elevation of 5m above the boundary adjoining any arterial transport corridor. Refer to Figure 9.4.1b
c) Waikato Expressway (Designation E90 and E90a)	i. 40m from the edge of the expressway carriageway for protected premises and facilities ii. 15m from designation boundary for other buildings
d) Any boundary adjoining any Residential, Special Character or Open Space Zones	8m, except as follows: within the Ruakura Structure plan where intervening landscape buffers shown on the Structure Plan map are provided
e) Other boundaries	0m/nil

Note

- For Rotokauri Employment area, see 9.5.3 a) i-v.
- See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

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

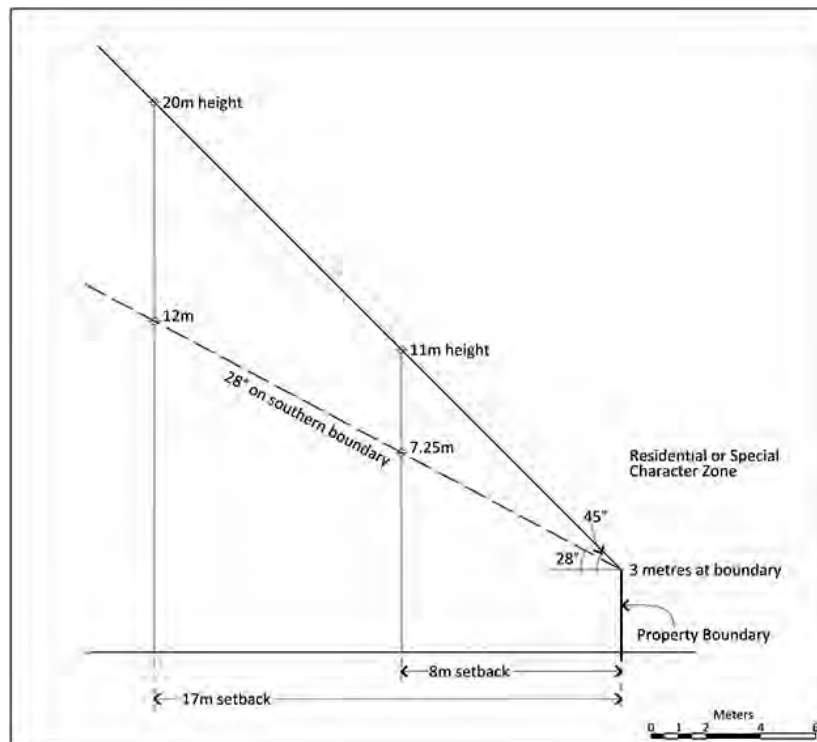
9.4.2 Building Height

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

9.4.3 Height in Relation to Boundary

- a) No part of a building may penetrate a height control plane rising at an angle of 45 degrees (except for the southern boundary where it is measured at 28 degrees) starting at an elevation of 3m above the boundary of any adjoining Residential, Special Character or Open Space Zones (refer to Figure 9.4.3b).

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



9.4.4 Site Coverage

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

Note

- 100% building coverage will not be possible given the requirements for permeable area, on-site car parking, vehicle manoeuvring, and landscaping.

9.4.5 Permeable Surfaces

a) Permeability across the entire site	Minimum 10%
b) The minimum permeable surface area shall not apply in the following circumstances: - When undertaking minor works; or - For any change of use that would otherwise be a permitted activity and does not reduce the area of permeable surfaces below what already exists at 10 December 2012.	

9.4.6 Site Layout (Excluding Crawford Street Freight Village)

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

9.4.7 Service and Outdoor Storage Areas in the Rotokauri Employment Area

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

9.4.8 Provisions in Other Chapters

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

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

9.5 Rules – Specific Standards

9.5.1 Ancillary Retail and Office activity

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

9.5.2 Ancillary Office for yard based activity

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

9.5.3 Buildings in the Rotokauri Employment Area

- a) The construction and external alteration of buildings in the Rotokauri Employment Area will be subject to the following standards.
 - i. Building setbacks.
Minimum setback from any boundary:

- 5m
- 8m for any non-industrial activity

Maximum setback from the front boundary and any boundary of the site adjacent to a major arterial road (except where that is a state highway) whether or not the site is separated from the major arterial road by a segregation strip or service lane:

- 10m

This standard will be met if any part of the building is in compliance with the rule.

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

Note

1. 9.5.3(a) iv and v continue to apply whether or not the site is separated from the road by a segregation strip or service lane.

9.5.4 New supermarkets in the Industrial Zone

- a) Resource consent applications for new supermarkets in the Industrial Zone must provide a Centre Assessment Report, in accordance with section 1.2.2.19 (Information Requirements), which:
 - i. addresses assessment criteria H2; and
 - ii. demonstrates that the proposal will not undermine the role and function of other centres within the localised catchment in the business hierarchy.

9.5.5 Extensions to existing supermarkets in the Industrial Zone

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

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

- a) Resource consent applications for an extension to a supermarket not existing at 15 September 2015 must be accompanied by a Centre Assessment Report, in accordance with section 1.2.2.19 (Information Requirements), which:
 - i) demonstrates how the proposal will not undermine the role and function of other centres within the localised catchment in the business hierarchy.

9.5.7 Office and retail activities lawfully established at 10 December 2012

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

9.5.8 Office and retail activities established at 10 December 2012

- a) Resource consent applications for any office or retail activity which is a discretionary activity under Rule 9.3.2 h) or k) shall provide records to prove that the activity was established and operating at 10 December 2012, including details of the following:
 - i. The gross floor area that was being used for trading at 10 December 2012; and
 - ii. The number of tenancies existing on site at 10 December 2012.
- b) Resource consent applications for office and retail activities provided for as a discretionary activity under Rule 9.3.2 h) or k) must provide a Centre Assessment Report, in accordance with section 1.2.2.19 (Information Requirements) to address the potential effects in terms of the criteria set out in Appendix 1 – Clause 1.3.3H.

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

- a) Site coverage
Maximum of 50%
- b) Permeable Surface
Minimum of 20%

c) Height

The maximum height of buildings shall be 15m except that when any building is located in the Amenity Protection Area the maximum height shall be 10m.

d) Height in relation to boundary

- i. No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries.

Except that:

- a. Where buildings are attached, no setback is required between those buildings
- b. Where a boundary adjoins a transport corridor or access way, the 45-degree angle applies to that boundary, measured 3m above the boundary
- c. Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45 degrees and with this angle measured from 3m above ground level at the midway line.

e) Setbacks

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

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

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

i. Lighting and Glare

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

ii. Noise and Vibration

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

Time of day	Noise level measured in $L_{Aeq} [15 \text{ min}]$	Noise level measured in L_{AFmax}
0600-0700 hours	45 dB	75 dB
0700-2000 hours	50 dB	-

2000-2300 hours	45 dB	-
2300-0600 hours	40 dB	75 dB

Note

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

iii. Smoke, Fumes, Odour and Dust

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

g) Hazardous Facilities

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

h) Density

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

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

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

i. Location of accessory building:

- All detached accessory buildings shall be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7f);
- Accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door is to face the street, be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7e);
- Accessory buildings that are an integral part of the design and construction of the dwelling, if the garage door is 90 degrees to the street, shall be forward of the front line of the dwelling (see Figure 4.4.7e), by no more than 8m.

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

- iii. Fences and walls shall have a maximum height of 1.8m.
- j) Residential Buildings – Separation and Privacy
 - i. Residential buildings shall be set back at least 3m from the nearest part of any other residential building, except:
 - a. No separation is required between buildings that are attached.
 - b. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings, separation distance is a minimum of 1.5m.
 - ii. A balcony at upper-floor level shall be set back at least 5m from all boundaries (see Figure 4.4.9c).

This does not apply to a boundary along a transport corridor, access way, right-of-way, private way, access lot, or entrance strip, less than 6m wide.

9.5.9.1 Managed Care Facilities

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

- a) Within one calendar month of its occupancy, the Agency/person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following.
 - i. Proposed number of residents.
 - ii. The anticipated number of visitors to the site per week and daily visiting hours.
 - iii. Anticipated full time equivalent staff at the facility.
 - iv. Regular and emergency contact details to enable prompt and effective contact if necessary.
 - v. The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.
- b) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m diameter circle.
 - iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
 - v. Comprise not more than 35% impermeable surface area.
 - vi. For the exclusive use of the residents.
 - vii. Readily accessible for all residents.
 - viii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
- c) A service area shall be provided that has:

- i. A minimum area of 20m² with a minimum dimension of 3m.
- ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- iii. Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.
- iv. No part of any site or premises used as a managed care facility shall contain a secure unit.

9.5.9.2 Rest Homes

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

- a) The maximum density for rest homes shall be one person per 50m² of net site area.
- b) An outdoor living area shall be provided that:
 - i. Is for the exclusive use of the residents
 - ii. Is readily accessible to all residents
 - iii. Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas
 - iv. Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.
- c) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident
 - ii. A minimum dimension of not less than 4m
 - iii. At least capable of containing a 6m-diameter circle
 - iv. At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- d) A service area shall be provided with areas and dimensions as follows:
 - i. Minimum area of 20m²
 - ii. Minimum dimension of 3m
 - iii. Provided that where a fully equipped laundry (both washing and drying machines) is provided in rest home, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.

9.5.9.3 Retirement Villages

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

- a) Minimum site area of 2000m²
- b) No more than 20% of residential units shall be in the form of apartments
- c) Required to undertake a Water Impact Assessment, as described in Volume 2, Appendix 1.2.2.5
- d) Outdoor Living Area
 - i. Each residential unit, except for when a communal open space is provided, shall be provided with an outdoor living area that is:

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

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

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

Description	Minimum requirements per Residential Area
i. Every site, including first single dwelling but excluding apartments	i. At least 20m ² ii. Minimum dimension 3m
ii. Second and subsequent residential units, including duplex dwellings	i. Additional 20m ² for second and each subsequent residential unit ii. Minimum dimension 3m

iii. Apartments	Individual or communal: i. 10m ² ii. Minimum dimension 2.5m
iv. All service areas	i. Readily accessible from each residential unit ii. Not visible from a public place

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

a) Noise

Any activity locating on defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 after the establishment of any activity listed in 9.5.10 shall ensure that the existing residential activity is not subject to any noise that exceeds the following limits when measured within any point within 1.5m of the boundary of the residential activities.

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

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

b) Hazardous Facilities

Any hazardous facility locating on defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044 within 30m of any established activity listed in 9.5.10 shall have a quantity ratio of <0.2 as per Rule 25.4.5.1.

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

c) Collector Road and Te Rapa Road Intersection

- i. Prior to the commencement of development of managed care facilities, retirement villages, rest homes or visitor accommodation on the defined site shown on Figure 15-8c:
 - a. The Future Road shown on Figure 15-8c to connect between Maui Street and Eagle Way shall be constructed to collector road standard and vested in the Council, and;

- b. The existing through lane on the Eagle Way approach to the Te Rapa Road intersection shall be changed to a shared through and right-turn lane, or other intersection configuration to optimise intersection performance as determined through an ITA.

9.5.11 Building Setbacks in the Crawford Street Freight Village

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector transport corridors	5m
b) Transport corridor boundary – arterial transport corridors	15m
c) Other boundaries	0m/nil

9.6 Controlled Activities: Matters of Control

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

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

Note

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

9.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located with the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. Any Industrial activity in the Riverlea Industrial Area or Rotokauri Employment Area	• C – Character and Amenity • F – Hazards and Safety
ii. Parking lots and parking buildings in the Rotokauri Employment Area	• C – Character and Amenity
iii. Emergency services facilities	• C – Character and Amenity • F – Hazards and Safety
iv. Childcare facilities	• C – Character and Amenity • F – Hazards and Safety
v. Drive-through services*	• M – Drive-through services • C – Character and Amenity • F – Hazards and Safety
vi. Noxious or offensive activities	• C – Character and Amenity • F – Hazards and Safety
vii. Activities requiring an air-discharge consent	• C – Character and Amenity • F – Hazards and Safety
viii. Transport depot	• C – Character and Amenity • F – Hazards and Safety
ix. Health care services other than those provided for as a permitted activity	• C – Character and Amenity • F – Hazards and Safety
x. Boarding kennels and catteries	• C – Character and Amenity • F – Hazards and Safety
xi. New supermarkets in the industrial zone	• A1 – General Criteria • M – Supermarkets • G – Transport • H2 – Function, Vitality and Amenity of Centres
xii. Extensions to supermarkets not existing at 15 September 2015	• A1 – General Criteria • M – Supermarkets • G – Transport

xiii. Managed care facilities; retirement villages and rest homes on the defined site Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DPS 4044 and Pt Lot 2 DPS 4044	• B – Design and Layout • C – Character and Amenity (C1, C2, C10-16) • F – Hazards and Safety • G- Transportation
xiv. Yard based retail	• C – Character and Amenity • F – Hazards and Safety
xv. Gymnasiums	• C – Character and Amenity • F – Hazards and Safety
xvi. Places of worship	• C – Character and Amenity • F – Hazards and Safety

9.8 Other Resource Consent Information

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

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

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

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



10 Ruakura Logistics ZoneArea

Plan Change
1 - Ruakura

10.1 Purpose

- a) Ruakura is strategically located and is of an appropriate scale to satisfy growing national demand for enhanced freight-handling infrastructure. It is ideally placed to process containers originating at the Ports of Tauranga and Auckland, and as such has the ability to realise significant agglomeration benefits. It is therefore the preferred location in Hamilton City to establish an inland port.
- b) The Ruakura Logistics ZoneArea provides land for the establishment of the Inland Port (Sub Area A of the Logistics ZoneArea) and an adjoining logistics area (Sub Area B of the Logistics ZoneArea) as shown on Figures 2-14 and 2-17 in Appendix 225H(1). Sub Area A is to provide for the core activities of freight handling infrastructure, whereas Sub Area B is a distribution precinct to provide for logistics and support activities.
- c) Agglomeration benefits arise from the fact that production costs fall as related businesses cluster together, share infrastructure, provide economies of scale and reduce the cost of handling and moving freight between Auckland, Bay of Plenty and Waikato regions. A key component to realising these agglomeration benefits will be the development and release of industrial land and the Inland Port in a staged and coordinated manner. With a direct connection to the Waikato Expressway, environmental benefits, including reduced carbon emissions and a reduction in congestion, can also be realised.
- d) The Inland Port will be developed adjacent to the existing rail infrastructure (East Coast Main Trunk railwayLine) and the Waikato Expressway. The location of both road and rail infrastructure allows the proposed port to be intermodal, so freight can be transferred between rail and road transport. Railway sidings will be required off the main line and other critical infrastructure includes the development of; container hardstand areas, lighting masts, security infrastructure, Closed Circuit Television (CCTV), communications and data management, as well as fire and hazardous substance response facilities. The development of a comprehensive stormwater management and treatment network will be identified through the Land Development Plan process under 3.7.3.2 and will also need to be planned for at the outset of development.
- e) Due to the costs involved in developing an Inland Port, and the nature of the infrastructure (such as security and Biosecurity/Customs facilities), it is important that the freight and logistics area is occupied by businesses which use the port's facilities, rather than more general industrial or employment activities. A critical mass of such businesses is required for the Inland Port to be economically successful.
- f) The Ruakura Logistics ZoneArea will generally comprise large warehouses and large areas of hardstand. Logistics and freight-handling activities include container storage, container unloading/loading, Biosecurity/Customs procedures, warehousing, distribution/consignment activities, utilities and all ancillary activities including container, equipment and fleet maintenance and administration activities.

10.2 Objectives and Policies: Ruakura Logistics ~~Zone~~Area

Objective	Policies
10.2.1 Logistics and Inland Port land uses establish and operate in an efficient and effective manner.	10.2.1a Logistics, freight-handling services and supportive activities and infrastructure shall be provided for subject to the land allocation set out in Chapter 3.7f)Table 25H(1) , and the provision of required infrastructure, including roading and Three Waters.
Explanation <i>The strategic location of the Ruakura Logistics Zone within the City and region has the potential to deliver significant positive economic, environmental and social benefits.</i> <i>The timing and release of land at Ruakura (including the Logistics Zone) is set out in the Regional Policy Statement and restated in Chapter 3.7f). The land allocations are intended as a high level set of control, to provide certainty for the planning of infrastructure where required and ensure a release of land consistent with the Regional Policy Statement.</i>	
Objective	Policies
10.2.2 Optimise the long-term positive, environmental, economic and social benefits of the Ruakura Logistics ~~Zone~~ Area.	10.2.2a The development of the Ruakura Logistics ~~Zone~~ Area shall proceed in a manner in which agglomeration benefits and operational efficiency are supported.
	10.2.2b Logistics and freight-handling activities and infrastructure shall be integrated into Hamilton's pattern of development.
	10.2.2c Freight-handling and supporting activities and infrastructure shall be provided for in Sub Area A of the Ruakura Logistics ~~Zone~~ Area. Logistics and supporting activities and infrastructure shall be provided for in Sub Area B of the Ruakura Logistics ~~Zone~~ Area. Activities that do not support the freight-handling function of Sub Area A and the logistics function of Sub Area B shall be avoided.
	10.2.2d Activities sensitive to the adverse effects of logistics activities, freight-handling and supportive activities shall be avoided within the Ruakura Logistics ~~Zone~~ Area.

Explanation

The opportunity for the efficient use of land can be achieved through the creation of a specific zone to anchor the establishment and operation of a regionally significant inland port. Within the Logistics Zone, Sub Area A is to provide for the core activities of freight handling infrastructure, whereas Sub Area B is a distribution precinct to provide for logistics and support activities. This is a key component to realising the agglomeration benefits. Activities that do not support or strengthen the purpose of the zone shall be avoided.

Objective	Policies
10.2.3 Adverse effects of logistics and freight- handling activities and infrastructure are avoided or mitigated.	10.2.3a The adverse effects of logistics and freight-handling activities and associated structures and infrastructure shall be avoided or mitigated by: i. Ensuring an appropriate location and type of development in accordance with Figure <u>2-14 in Appendix 2. ~~25H(1).~~</u> ii. Separating logistics and freight-handling services and supportive activities and infrastructure from sensitive activities. iii. Ensuring that development visible from key transport corridors and open spaces meets appropriate bulk, location and design standards. iv. Imposing amenity controls to ensure that the adverse effects of logistics and Inland Port activities are avoided or mitigated when assessed from adjoining facilities or existing residential dwellings and <u>Large Lot Residential Country Living</u>-zoned areas. v. Through the preparation, approval and implementation of a Noise <u>and Vibration</u> Management Plan that manages all noise generating activities in the Inland Port. ~~v.~~vi. <u>Providing for the establishment of a Community Liaison Committee to enable the discussion and seek resolution of matters of potential concern to neighbouring residents and the owners and operators of the Inland Port.</u>

Explanation

Activities, structures and infrastructure associated with logistics and freight-handling have the potential to create adverse environmental effects that will need to be carefully managed. While primarily a greenfields site there are sensitive land uses such as residential dwellings in the surrounding areas. The protection of amenity for those properties within the Percival/Ryburn Road locality has been provided for through

measures to manage effects at the boundary through planting, screening and bulk and location controls. The establishment of a Community Liaison Committee is one means to promote the constructive discussion of these matters.

Any adverse effects of logistics and freight handling activities and infrastructure extending to the Knowledge Zone, including AgResearch, Waikato Innovation Park and the University of Waikato which require protection through mitigation measures outlined in the logistics provisions, should be considered in combination with other city-wide rules that address issues such as noise and odour.

10.3 Rules – Activity Status Table

Activity	Class
Sub Area A (Inland Port)	
a) Land Development Activities (refer Rule <u>3.7.3.2-25H.11</u>)	RD*
b) Freight-handling activities	RD*
c) Temporary Logistics activities	C
d) Logistics and freight-handling infrastructure	RD*
e) New buildings, accessory buildings and alterations and additions to existing buildings (outside the Interface Design Control Area)	P
f) New buildings and associated development (within an Interface Design Control Area)	C
g) Alterations and additions to existing buildings within the Interface Design Control Area (other than minor works)	C
h) Minor Works to an existing building	P
i) Demolition/removal of existing buildings	P
j) Maintenance and repair to existing buildings	P
k) Any permitted, controlled or restricted discretionary activity listed above generating 1500 or more vehicle movements per day	RD*
l) Products transported in bulk	NC
m) Activities not otherwise provided for	NC
Sub Area B (Logistics)	
n) Land Development Activities (refer Rule <u>3.7.3.2-25H.11</u>)	RD*
o) Logistics activities	P
p) Logistics and freight-handling infrastructure <u>(excluding rail sidings in Sub Area B)</u>	P
<u>q) Rail sidings in Sub Area B (Logistics)</u>	<u>RD</u>
<u>ra</u>) New buildings, accessory buildings and alterations and additions to existing buildings (outside the Interface Design Control Area)	P

Activity	Class
~~sf~~) New buildings and associated development (within an Interface Design Control Area)	C
~~ts~~) Alterations and additions to existing buildings within the Interface Design Control Area (other than minor works)	C
~~ut~~) Minor works to an existing building	P
~~vt~~) Food and beverage outlets and dairies not exceeding 100m ² gross floor area	P
~~ww~~) Demolition/removal of existing buildings	P
~~xw~~) Maintenance and repair to existing buildings	P
~~yx~~) Short-stay worker accommodation	RD*
~~zy~~) Ancillary residential units	RD*
~~aa~~) Any permitted, controlled or restricted discretionary activity listed above generating 1500 or more vehicle movements per day <i>(except Logistics Sub Area B west of Percival Road)</i>	RD*
~~aa~~) Activities not otherwise provided for	NC

Note

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

10.4 Rules – General Standards

10.4.1 Permitted Activities

Permitted activities listed in Table 10.3 shall:

- a) Comply with the general standards in Rule 10.4 and the specific standards in 10.5, and
- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5 and Rule 3.7.4 in Chapter 3 Structure Plans

10.4.2 All Other Activities

All activities listed in Table 10.3, other than permitted activities, shall:

- a) Comply with the general standards in Rule 10.4,
- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5 and Rule 3.7.4 in Chapter 3 Structure Plans, and
- c) Be assessed against the assessment criteria in Rule 10.6 and 10.7 and Section 1.3.3 of Volume 2, Appendix 1: District Plan Administration – Assessment Matters and Criteria.

10.4.3 Site Coverage

a) Site coverage	Maximum site coverage 80%

10.4.4 Permeable Surfaces

a) Permeability <u>across the entire site</u>	Minimum 20%

10.4.5 Building Height

a) Height of buildings(including loading ramps, link spans, machinery rooms and cranes and other lifting or stacking equipment outside Sub Area A (Inland Port).	Maximum 20m
b) Height of loading ramps, link spans, machinery rooms and cranes and other lifting or stacking equipment within Sub Area A (Inland Port).	Maximum 35m
c) Height of container stacking within the Sub Area A (Inland Port), except as identified in (d) below.	Maximum 25m
d) Height of container stacking and buildings within 100m of the northern boundary of Sub Area A (Inland Port), or within 100m of the Spine Road as identified on Figure <u>2-17 in Appendix 2.25H(3)</u> .	Maximum 12m
e) Height of container stacking outside Sub Area A (Inland Port).	Maximum 12m
f) Height of lighting towers, poles, aerials and flagpoles.	Maximum 35m

10.4.6 Building Setbacks

Building setbacks from	Minimum distance
i. Any transport corridor boundary.	10m
ii. Any boundary adjoining the Waikato Expressway (Designation <u>E90 and E90a</u>).	<u>40m from the edge of the expressway carriageway for protected premises and facilities</u> <u>15m from designation boundary for other buildings</u>
iii. Internal boundaries within the Ruakura Logistics <u>ZoneArea</u> (excluding as provided for by i-ii above).	0m

10.4.78 Interface Standards

- a) No storage, stacking, loading or unloading of containers shall take place forward of the front building line of any building fronting a transport corridor or the Waikato Expressway designation.

10.4.8 Provisions in Other Chapters

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

- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments

- [Chapter 21: Waikato River Corridor and Gullies](#)
- [Chapter 22: Natural Hazards](#)
- [Chapter 23: Subdivision](#)
- [Chapter 24: Financial Contributions](#)
- [Chapter 25: City-wide](#)

10.5 Rules – Specific Standards

10.5.1 Inland Port Community Liaison Committee

- a) A Community Liaison Committee (CLC) shall be established by the Inland Port Owner at least three months prior to the application under Rule ~~3.7.3.225H.11~~ Land Development for the first stage of the Inland Port (Sub Area A (Inland Port)) *and Sub Area B (Logistics) to the north of the East Coast Main Trunk railway*. The first meeting shall take place at least two months prior to an application being made and a minimum of two meetings shall be held prior to an application being made.
- b) Once the Inland Port (Sub Area A (Inland Port)) *and Sub Area B (Logistics) to the north of the East Coast Main Trunk railway- are* operational, the Inland Port Operator shall maintain and participate in the CLC, and the Inland Port Land Owner shall have no further obligations in respect to the CLC, except as set out in Rule ~~10.5.1f)25H.5.7.1(f)~~, although is entitled to participate.
- c) The purpose of the CLC shall be to provide a forum of ongoing consultation between the Inland Port Land Owner/Port Operator and owners and occupiers of properties on Ryburn Road, Percival Road and Brighton Grove concerning all staged development in the Inland Port (Sub Area A) *and Logistics (Sub Area B) north of East Coast Main Trunk railway* -as defined in Figure ~~2-1425H(1)~~, and to consider the following matters:
 - i. Landscape planting plans required under Rule ~~10.5.425H.5.7~~ and as submitted with any application under Rule ~~3.7.3.225H.11~~ Land Development.
 - ii. The matters included in the Noise and Vibration Management Plan under Rule ~~10.5.225H.5.4.5~~.
 - iii. Inland Port operational matters.
 - iv. The timing of, and proposals for, Inland Port staging, future road closures and alternative access.
- d) The CLC shall operate in accordance with the requirements set out in (i) to (iv) below:
 - i. The CLC shall comprise of but is not limited to, the following members:
 - **Inland Port Land Owner** (up to 2 members) (prior to the commencement of the Inland Port operation).
 - **The Inland Port Operator** (up to 2 members) (following the commencement of the Inland Port operation).
 - **Hamilton City Council** (up to 1 member).

- **Owners and occupiers of properties on Ryburn Road, Percival Road and Brighton Grove** (up to 2 members).
 - ii. The Inland Port Land Owner (and following the establishment of the Inland Port, the Inland Port Operator) shall be responsible for convening the meetings of the CLC and shall cover the direct and reasonable costs of running those meetings.
 - iii. Meetings of the CLC shall be convened at least three times during a calendar year, unless a lesser number is otherwise agreed by the CLC.
 - iv. Neither the Inland Port Land Owner nor the Port Operator shall be in breach of Rule ~~10.5.125H.5.7.1~~ if the meeting has been convened but any one or more of the named members of the CLC above either do not wish to participate in the CLC or do not attend particular meetings, or if a quorum comprising 3 members has not been reached.
- e) The Inland Port Owner or Inland Port Operator shall:
- i. Nominate a representative to act as a liaison person for the CLC.
 - ii. Establish meeting protocols by agreement with other members of the CLC.
 - iii. Provide a meeting agenda and sufficient information to CLC members at least one week in advance of each CLC meeting to allow meaningful discussion on matters on the agenda. The Inland Port Owner or Inland Port Operator shall include any relevant matter that other members of the CLC request be included, subject to notice being given at least two weeks prior to the meeting.
 - iv. Keep minutes of each meeting and circulate a copy to the members of the CLC no later than one week after the meeting.
 - v. Provide the results of all noise monitoring undertaken since the last meeting, the details of any exceedances of the noise limits, and the details of any complaints received.
- f) In the event of disputes arising between the owners and occupiers of properties on Ryburn Road, Percival Road and Brighton Grove and/or the Hamilton City Council and the Inland Port Operator, the Inland Port Owner shall attend a CLC meeting upon the reasonable request of any member of the CLC to seek to resolve the dispute.
- g) The CLC may be discontinued if a minimum 75% majority of the CLC vote that it is no longer necessary. For clarity, this percentage shall be based on either the Inland Port Owner or the Inland Port Operator being a member of the CLC, not both.
- h) In the event that, based on complaints received and/or monitoring undertaken, Hamilton City Council has reasonable grounds to show that the night-noise limits set out in Rule ~~25.8.3.1325H.13.1~~ are being exceeded in other residential areas than the Percival/Ryburn Road enclave, they may require the Inland Port Owner to invite up to two representatives of such areas to join the CLC.

10.5.2 Noise Management

- (a) Noise shall be managed in accordance with an approved Noise and Vibration Management Plan.

10.5.3 Container Repair Activities

- (a) No container repair activities that generate sudden loud noises shall be carried out between 1800 and 0700 hours.

10.5.4 Landscape Screening

10.5.4.1 Stage One (West of Percival Road)

- a) Prior to the operation of the first stage of the Inland Port (Sub Area A (Inland Port)) to the west of Percival Road, a 5m wide band of screen planting, shown as Interim Landscape Planting on Figure ~~2-17,25H(4)~~, shall be planted on the site along the boundary of Percival Road with suitable quick growing species that can be maintained thereafter to the planting heights shown on Figure ~~2-1725H(4)~~. This planting may be removed upon closure of Percival Road for the expansion of the Inland Port (Sub Area A (Inland Port)); and
- b) Prior to the operation of the first stage of the Inland Port (Sub Area A (Inland Port)), a 5m wide landscape buffer area as shown on Figure ~~2-1725H(4)~~ shall be planted along the northern boundary west of Percival Road and along that part of the northern boundary east of Percival Road (Lot 9, DPS 66853). The Landscape Buffer Area shall be planted with suitable quick growing tree species that can be maintained thereafter to the planting heights shown on Figure ~~2-17 25H(4)~~ and shall provide screening of the Inland Port (Sub Area A (Inland Port)) from Ryburn Road (including screening any required noise barrier). Where the required planting heights over the 1m or 3m sections of Landscape Buffer Areas cannot be met due to the requirements of the Electricity (Hazards from Trees) Regulations 2003, alternative screen planting that achieves a height of 4m shall be provided on 111 Percival Road (Lot 2, DPS 77458) either:
 - i. Along its southern boundary adjacent to and at an equivalent length; or
 - ii. Along its eastern boundary northwards from Percival Road to a point at the intersection of Brighton Grove.

Provided that, in either case, a sufficient gap for access shall be ensured through that land.

10.5.4.2 Stage Two (Following Closure of Ruakura Road and Percival Road)

- a) Prior to the development of any land within the Inland Port (Sub Area A (Inland Port)) following the closure of Ruakura Road and Percival Road, the Landscape Buffer Area shall be extended along the full length of the northern boundary at widths of 5m to 20m as shown on Figure ~~2-1725H(4)~~ and shall be planted with quick growing tree species that can be maintained at a height of no less than 12m for the full length of the boundary.

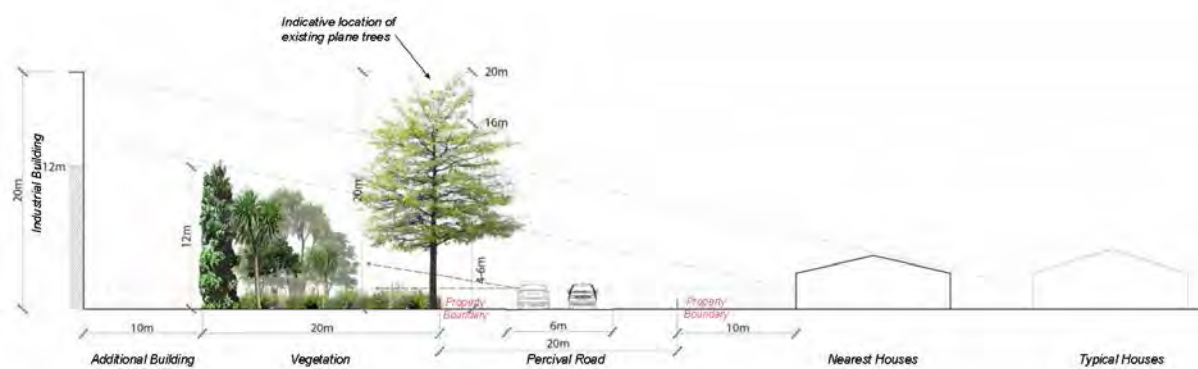
10.5.4.3 Stage Three (north of east coast main trunk railway)

a) Prior to the development of any land within the Ruakura Logistics Zone Sub Area B (north of east coast main trunk railway) the Landscape Buffer Area outlined in Appendix 2 Figure 2-14 and Appendix 17 Planning Maps shall be established.

b) Landscape Buffer Area (as indicated in Figure 10.5.4.3a below) to include:

- i. Retention of the existing plane trees (and planting of additional trees to fill the gaps) and replacement planting where necessary;
- ii. On the boundary of landscape buffer area (i.e. the furthest from Percival Road) a dense evergreen hedge to no less than 12m in height;
- iii. A 20m setback consisting of an informal band of indigenous vegetation to provide understory planting between the hedge and the road boundary;
- iv. A 10m building setback within the relevant Ruakura Logistics Zone from the edge of the 20m indigenous vegetation outlined in 10.5.4.3 b) iii. above;
- v. A 30m setback from Percival Road consisting of 10.5.4.3 b) i., ii., iii. and iv.

Figure 10.5.4.3a: Landscape Buffer Area



10.6 Controlled Activities: Matters of Control

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

Activity	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
i. New buildings and associated development within an Interface Design Control Area*	<u>B – Industrial Zone</u> <u>F – Ruakura</u>
ii. Alterations and additions to existing buildings within the Interface Design Control Area*	<u>B – Industrial Zone</u> <u>F – Ruakura</u>

Activity	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
iii. Temporary logistics activities in Sub Area A	<u>F – Ruakura</u>

10.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion.

Activity	Matter of Discretion (Refer to Volume 2, Appendix 1.3.34)
i. Ancillary residential units*	<u>C – Character and Amenity</u> <u>N – Ruakura</u>
ii. Short-stay worker accommodation	<u>C – Character and Amenity</u> <u>N – Ruakura</u>
iii. Freight-handling activities, Logistics activities and Logistics and freight-handling infrastructure	<u>N – Ruakura</u>
<u>iv. Rail sidings in Land Development Plan Area P (see Figure 2-16 in Appendix 2)</u>	<u>N – Ruakura</u>
<u>iv. Any activity generating 1500 or more vehicle movements per day</u>	<u>G – Transportation</u>

10.8 Notification Rule

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

10.9 Discretionary and Non-complying Activities

- a) In determining any application for a discretionary activity or a non-complying activity, Council shall have regard to all matters identified in Volume 2, Appendix 1.3: District Plan Administration – Discretionary Activity Assessment Criteria.

10.10 Other Resource Consent Information

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

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

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

- Controlled Activities – Matters of Control
- Restricted Discretionary Activities – Matters for Discretion and Assessment Criteria
- Discretionary Activity Assessment Criteria
- Design Guides and Design Assessment Criteria
- Information Requirements
- Acronyms Used in the District Plan
- Definitions Used in the District Plan
- Other Methods of Implementation



11 Ruakura Industrial Park ZoneArea

Plan Change 1
- Ruakura

11.1 Purpose

- a) The Ruakura Industrial Park ZoneArea is an important component of the overall development concept for Ruakura. Ruakura is strategically located and is of an appropriate scale to enable the development of a large, structure planned urban extension. The core to the development concept is the creation of an Inland Port (Sub Area A (Inland Port)) and a logistics hub (Sub Area B (Logistics)).
- b) Key attributes of the three areas for the Ruakura Industrial Park ZoneArea include its location adjoining strategic infrastructure, including the expressway, the Spine Road, the Inland Port, and key educational, research and innovation facilities and the co-locational benefits for businesses that are derived from these facilities. Its location means it also has an important role as a gateway into Hamilton.
- ~~b)c)~~ There are three industrial park areas. One fronts onto Wairere Drive and the proposed Fifth Avenue extension (Fifth Avenue Industrial Park). The second is in the vicinity of the Silverdale area, south of the Waikato Expressway connection (Silverdale Industrial Park). The third is north of the Large Lot Residential Zone (Percival and Ryburn Roads) and bounded by the Waikato Expressway on the eastern side and will have access off the Spine Road.
- ~~c)d)~~ The industrial park concept will be achieved by requiring a high standard of design for all buildings, landscaping and buffer areas and restricting certain types of industrial activities. This includes requiring setbacks from sensitive land uses including a 40m setback from existing residential development to the south-east of the Structure Plan area.
- ~~d)e)~~ The provisions also seek to ensure that the Ruakura Industrial Park Zone Area is not occupied by land uses that are non-industrial, unless they are either ancillary to industrial use, support industrial uses, or are more appropriately located within an industrial environment than a business centre. This will reduce the potential for industrial land to be diluted by non-industrial uses, resulting in pressure for new industrial land to be zoned elsewhere, and for existing industrial land to be rezoned to commercial use.

11.2 Objectives and Policies: Ruakura Industrial Park ZoneArea

Objective	Policies
11.2.1 Industrial land uses, appropriate to the Industrial Park and surrounding environment, are able to establish and operate in an efficient and effective manner.	11.2.1a Industrial activities and supportive activities and infrastructure shall be provided for, subject to the land allocation set out in <u>FigureTable 2-1425H(1)</u> , and the provision of required infrastructure, including roading and Three Waters.
	11.2.1b Noxious or offensive activities shall be avoided.

	11.2.1c Non-industrial uses shall establish and operate only where they are ancillary and supportive to industrial activities. 11.2.1d Non-industrial uses shall not adversely affect the industrial use of the Ruakura Industrial Park ~~Zone~~Area and shall avoid adverse effects on function, vitality and amenity of the central city and other centres.
Explanation <i>The area has excellent accessibility to other areas of Hamilton and to infrastructure including the Waikato Expressway, the national rail network and the inland port. The key to success will be maximising the strategic and co-locational benefits of the land.</i> <i>Some industrial activities are to be excluded from the Ruakura Industrial Park Zone. Activities to be excluded are heavy industries or noxious and offensive activities which would be more suited to a less sensitive industrial environment.</i> <i>Within the Ruakura Industrial Park Zone activities that are non-industrial and that are provided for in other parts of the City should in general not be carried out within the zone. The District Plan sets as the key principle in this regard that industrial land should be preserved for industrial activities, but also includes provision for a range of non-industrial activities considered to be ancillary to industrial activity, that support industrial activities, or specific forms of commercial activity that are acceptable within industrial environments, and/or due to their characteristics are better located within an industrial environment.</i>	
Objective	Policies
11.2.2 The creation of a high amenity industrial environment.	11.2.2a High amenity levels within the Ruakura Industrial Park ~~Zone~~Area shall be developed through well designed buildings in the Interface Design Control Area, front yard requirements, setbacks from major roads, Open Space ~~Zones~~Areas and residential areas, and through landscaping and screening.
Explanation <i>The industrial park concept will be achieved by requiring a high standard of design for all buildings, landscaping and buffer areas and restricting certain types of industrial activities.</i> <i>The Industrial Park Zone will enable a high amenity employment area. The purpose of this is to create a gateway to the City, a functional and attractive employment area, maintain an appropriate relationship with surrounding land uses and to contribute to raising amenity levels within the City generally.</i>	

Objective	Policies
11.2.3 Adverse effects of industrial activities are avoided or mitigated.	11.2.3a The adverse effects of industrial activities shall be avoided or mitigated by: - Ensuring an appropriate location and type of development in accordance with Figure ~~2-14~~ ~~25H(1)~~. - Ensuring that development visible from key transport corridors and open spaces meets appropriate bulk and location and design standards. - Imposing amenity controls to ensure that the adverse effects of industrial activities on adjoining facilities or existing residential areas are avoided or mitigated.
<u>Explanation</u> <i><u>Industrial activities can generate adverse amenity effects beyond the boundaries of the zone. These can have an impact on residential and open space areas where expectations for amenity are far higher.</u></i>	

11.3 Rules – Activity Status Table

Activity	Class
a) Land Development Activities (refer Rule ~~3.7.3.225H.11~~)	RD*
b) New buildings and development	P
c) New buildings and associated development (within an Interface Design Control Area)	C
d) Industrial activities excluding activities (~~gf~~) to (~~kj~~) below	P
e) Any activity requiring an air discharge consent under the Waikato Regional Plan within 100m of residential activities	RD
f) Logistics and freight-handling activities	P
g) Any noxious or offensive activity	NC
h) Motor vehicle dismantling and repair	NC
i) Recycling plants including the associated storage of metals, plastics, glass, electronic components or batteries prior to processing	NC
j) Processes involving the flaring or incineration of trade wastes or refuse	NC
k) The manufacture or blending of bulk products of fertiliser, animal feed, roading materials, gardening materials, concrete and aggregate	NC
~~l) — Offices~~	~~NC~~
~~m) — Ancillary offices~~	P
~~n) — Retail~~	~~NC~~

Activity	Class
~~e)m~~ Wholesale retail and trade supplies	RD*
~~e)n~~ Transportation service centre	RD*
~~e)o~~ Drive-through services	RD*
~~e)p~~ Commercial motor vehicle sales and servicing	RD*
~~e)q~~ Yard-based retail other than as provided for as a permitted activity	NC
~~e)r~~ Food and beverage outlets and dairies not exceeding 250m ² gross floor area	P
~~e)s~~ Ancillary retail	P
~~e)t~~ Emergency service facilities	RD*
~~e)u~~ Passenger transport facilities	P
~~e)v~~ Transport depot	RD*
~~e)w~~ Parking lots and parking buildings	P
~~e)x~~ Accessory buildings	P
~~e)y~~ Minor works to an existing building	P
~~e)z~~ Alterations and additions to existing buildings (other than minor works) outside the Interface Design Control Area	P
~~ee)aa~~ Alterations and additions to existing buildings (other than minor works) within an Interface Design Control Area	C
~~ee)bb~~ Ancillary residential unit	RD*
~~ee)cc~~ Childcare facilities	RD*
~~ee)dd~~ Permitted activities which fail to meet the criteria Specific Standards in Rule <u>11.425H.6.57</u>	D
~~ee)ee~~ Any activity not complying with the Transportation Service Centre access standard in Rule <u>11.5.225H.46.6.2</u>	D
~~ee)ff~~ Any permitted, controlled or restricted discretionary activity listed above generating 1500 or more vehicle movements per day <u>and is within the Fifth Avenue or Silverdale Industrial Parks (see provision 11.1c)</u>	RD*
~~ii) — Activities not provided for~~	NC

Note

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

11.4 Rules – General Standards

11.4.1 Permitted Activities

Permitted activities listed in Table 11.3 shall:

- a) Comply with the general standards in Rule 11.4 and, where relevant, the specific standard in Rule 11.5.1, and

- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4 and Rule 3.7.4 in Chapter 3: Structure Plans

11.4.2 All Other Activities

All activities listed in Table 11.3, other than permitted activities, shall:

- a) Comply with the general standards in Rule 11.4 and, where relevant, the specific standards in Rule 11.5,
- b) Comply with Rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.4, 3.7.3.5 and Rule 3.7.4 in Chapter 3: Structure Plans, and
- c) Be assessed against the assessment criteria in Rule 11.6 and 11.7 and Section 1.3.3 of Volume 2, Appendix 1: District Plan Administration – Assessment Matters and Criteria.

11.4.3 Building Setbacks

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector ~~transport corridors~~ ~~roads~~	5m
b) Transport corridor boundary – ~~major and minor arterial roads~~ <u>arterial transport corridors</u>	15m
c) Waikato Expressway (Designation <u>90</u>)	<u>40m from the edge of the expressway carriageway for protected premises and facilities</u> 15m from designation boundary for other buildings
d) Any boundary adjoining any Open Space ~~Zone~~ ~~Areas~~	8m
e) Other boundaries	0m
f) Any boundary adjoining a Residential ~~Zone~~ ~~Area~~	40m

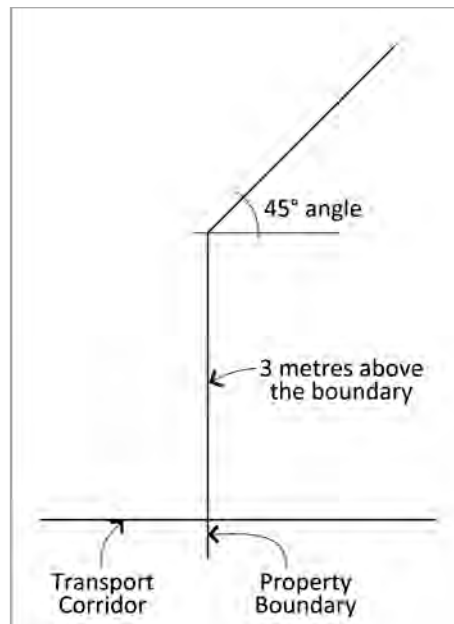
11.4.4 Building Height

a) Maximum building height	20m
b) Maximum container stacking height	6m

11.4.5 Height in Relation to Boundary

- a) No part of a building may penetrate a height control plane rising at an angle of 45 degrees (except for the southern boundary where it is measured at 28 degrees) starting at an elevation of 3m above the boundary of any adjacent Residential, Special Character or Open Space Zones (refer to Figure 11.4.5b).

Figure 11.4.5b: Height control plane for boundaries adjacent to any Residential, Special Character or Open Space Zones



11.4.6 Site Coverage

Maximum 75%.

11.4.7 Site Landscaping

- a) In addition to the requirements for planting and buffer strips, 20% of the site area shall be landscaped. This requirement may be reduced to 10% of each site where:
 - i. The reduction in landscaping is used for car parking purposes.
 - ii. Such car parking is designed in such a way as to be substantially hidden from view from the road and adjoining properties by either:
 1. Excavation
 2. Mounding
 3. Landscape planting or
 4. A combination of one or more of the foregoing, so as to be visually integrated into the remaining landscaped area.
 - iii. Except that landscaping shall always be provided for in required yards adjoining public open space reserve vested in Council and stormwater treatment and control areas.
 - iv. Front yard fences (other than fencing of side yards to the street front) shall be located at or behind the façade of the building facing the street.

11.4.8 Site Layout

- a) No more than 50% of the area between a building on the site (where that building is within 15m of the front boundary) and the front boundary of the site shall be used for car parking and/or vehicle manoeuvring. Rear sites are excluded from this requirement.
- b) No plant or machinery (including air-conditioning units) relating to the activity shall be placed within any building setback.
- c) Front yards shall not be used for Industrial operational activities (other than access and carparking) or storage areas.
- d) Offices ancillary to industrial buildings shall be located at the front of building and facing the road. On corner sites, offices are only required to face one road.

11.4.9 Interface Standards

- a) No storage, loading or unloading of containers shall take place forward of the front building line of any building fronting a transport corridor or the Waikato Expressway.

11.4.10 Provisions in Other Chapters

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

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

11.5 Rules – Specific Standards

11.5.1 Ancillary Retail

- a) Ancillary retail activity shall not occupy more than 10% of the floor space of the principal industrial activity on the site.

11.5.2 Transportation Service Centres

- a) Transportation Service Centres shall be provided with access directly from a State Highway or shall have frontage to an arterial road.

11.5.3 Landscape Screening

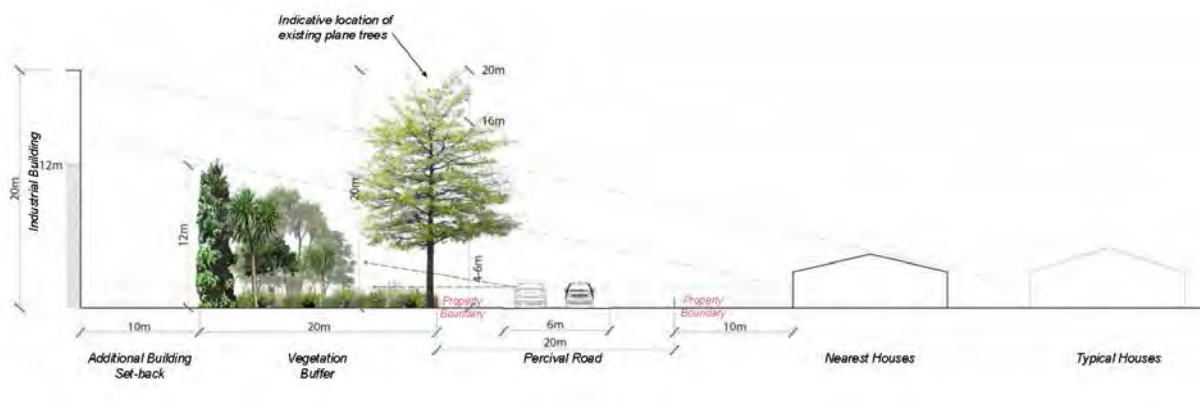
North of east coast main trunk railway

a) Prior to the development of any land within the Ruakura Industrial Park Zone (north of Percival Road) the following applies within the Landscape Buffer Area outlined in Appendix 2 Figure 2-14 and Appendix 17 Planning Maps shall be established.

b) Landscape Buffer Area (as indicated in Figure 11.5.3a below) to include:

- i. Retention of the existing plane trees (and planting of additional trees to fill the gaps) and replacement planting where necessary;
- ii. On the boundary of Landscape Buffer Area (i.e. the furthest from Percival Road) a dense evergreen hedge to no less than 12m in height;
- iii. Informal band of indigenous vegetation to provide understory planting between the hedge and the road boundary;
- iv. A 10m building setback within the relevant Ruakura Industrial Park Zone from the edge of the 20m indigenous vegetation outlined in 11.5.3b) iii. above;
- v. A 30m setback from Percival Road consisting of 11.5.3b) i., ii., iii. and iv.

Figure 11.5.3a: Landscape Buffer Area



11.6 Controlled Matters: Matters of Control

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

Activity	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
i. New buildings and associated development within an Interface Design Control Area*	• <u>B – Industrial</u> • <u>F – Ruakura</u>
ii. Alterations and additions to existing buildings within the Interface Design Control Area*	• <u>B – Industrial</u> • <u>F – Ruakura</u>

11.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion.

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.32)
i. Any activity requiring an air discharge permit under the Waikato Regional Plan within 100m of residential	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
ii. Wholesale retail and trade supplies*	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
iii. Transportation service centre*	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
iv. Drive-through services*	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u> • <u>G – Transportation</u>
v. Commercial motor vehicle sales and servicing*	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
vi. Transport depot	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
vii. Ancillary residential units*	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
viii. Childcare facilities*	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
ix. Emergency services facilities*	• <u>C – Character and Amenity</u> • <u>F – Hazards and Safety</u>
x. Any activity generating 1500 or more vehicle movements per day <u>and is within the Board of Inquiry Plan Change Area</u>	• <u>G – Transportation</u>

11.8 Notification Rule

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

11.9 Discretionary and Non-complying Activities

- a) In determining any application for a discretionary or a non-complying activity, Council shall have regard to all matters identified in Volume 2, Appendix 1.3: District Plan Administration – Discretionary Activity Assessment Criteria.

11.10 Other Resource Consent Information

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

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

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

- Controlled Activities – Matters of Control
- Restricted Discretionary Activities – Matters for Discretion and Assessment Criteria
- Discretionary Activity Assessment Criteria
- Design Guides and Design Assessment Criteria
- Information Requirements
- Acronyms Used in the District Plan
- Definitions Used in the District Plan
- Other Methods of Implementation



12 Te Rapa North Industrial Zone

12.1 Purpose

- a) Industrial development in Te Rapa North has the potential to support regionally important infrastructure and industries. The existing Te Rapa Dairy Manufacturing Site and the proposed interchange at the junction of the Te Rapa and Ngaruawahia sections of the Waikato Expressway, provides opportunity for limited industrial activity to develop in an integrated, efficient and co-ordinated manner. Areas identified as Stage 1A and 1B on Planning Maps have been identified for this purpose. Permitting unanticipated industrial development, either within or outside Stages 1A and 1B, other than on the Dairy Manufacturing Site, would mean the inefficient provision of infrastructure.

Note

1. The area, with an exception for the Dairy Manufacturing Site and the 60ha within Stage 1A and 1B as provided for, is covered by the provisions identified in Chapter 14 Future Urban Zone. This is because of the deferred industrial status of the land and a future urban zoning being applicable for deferred industrial.

12.2 Objectives and Policies: Te Rapa North Industrial Zone

Objective	Policies
12.2.1 Industrial land uses are able to establish and operate within the zone in an efficient and effective manner.	12.2.1a Industrial land is used for industrial uses.
	12.2.1b Non-industrial uses establish and operate only where they are ancillary to industrial activities, supporting industrial activities, or are consistent with industrial land uses.
	12.2.1c Non-industrial uses do not adversely affect the industrial use of the Te Rapa North Industrial Zone, or impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other commercial centres in the City.
Explanation	
<i>Activities that are non-industrial and that are provided for in other parts of the City should in general not be carried out within industrial locations. The District Plan sets as the key principle in this regard that industrial land should be preserved for industrial activities. Nevertheless, there is the need for the provision of a range of non-industrial uses, ancillary to and supporting industrial activities, or specific forms of commercial activity acceptable within industrial environments due to their characteristics.</i> <i>This means those businesses that attract a great deal of traffic are directed towards the Central City and commercial centres, where they will be more accessible, and</i>	

where significant public investment has been made in providing amenities and facilities capable of supporting such activities.

Objective	Policies
12.2.2 The amenity levels of greenfield areas (including Stage 1A and Stage 1B) are to be enhanced. The amenity levels of the existing Te Rapa Dairy Manufacturing Site are to be maintained.	12.2.2a Amenity levels within the Te Rapa North Industrial Zone are improved through the use of landscaping, screening and setbacks within the interfaces between the zone and the Waikato Expressway and Te Rapa Road.
	12.2.2b Amenity levels within the Dairy Manufacturing Site will continue to reflect the existing activity on site.
Explanation <i>Although lower standards of amenity are often characteristic of industrial locations, Plan provisions aim to enable a general improvement in the amenity of the City's industrial locations. The Te Rapa North Industrial Zone incorporates both greenfield and the existing Dairy Manufacturing Site, and the amenities of both are important to consider. The purpose of this is to create functional and attractive employment areas and to contribute to raising amenity levels within the City generally. Greater emphasis is also placed on ensuring entrances into Hamilton are attractive and contribute to the overall amenity of Hamilton. This will ensure alignment with Hamilton City's Gateway Policy.</i> <i>This is to be achieved through resource consent being required for the development of a Concept Development Consent for the specific Stage 1A and 1B areas.</i>	
Objective	Policies
12.2.3 Industrial development is consistent with the long-term land use pattern for the Te Rapa North Industrial Zone and occurs in an integrated, efficient and co-ordinated manner.	12.2.3a The development of land in the Te Rapa North Industrial Zone is undertaken to ensure it aligns with the Regional Policy Statement.
	12.2.3b Industrial development in the Te Rapa North Industrial Zone occurs in an integrated and coordinated manner that aligns with capacity improvements to the existing reticulated infrastructure (water and wastewater) and roading, or which is in accordance with exemptions from the requirement to connect new development to that infrastructure.

	12.2.3c Industrial development in the Te Rapa North Industrial Zone, beyond the first 7 ha for each Stage (1A and 1B), is timed to coincide with the availability of all necessary reticulated infrastructure unless an express exception is provided for in this Plan.
	12.2.3d Traffic and transportation effects are managed through land use planning, peak traffic generation controls and integrated, multi-modal transport approaches, to ensure industrial development in the Te Rapa North Industrial Zone does not adversely affect the safety and efficiency of the wider roading network.
	12.2.3e Concept Development Consents shall be used to manage the nature, scale and intensity of proposed industrial developments, to ensure the efficient provision and use of reticulated infrastructure and associated funding mechanisms aligns with Council's LTP and planned growth strategies, subject to exceptions provided for in this Plan.
	12.2.3f The development of land within Stages 1A and 1B is undertaken in a manner which ensures the integrated and efficient development of the Te Rapa North Industrial Zone.
	12.2.3g The development of land beyond the areas identified for development in this District Plan shall be avoided until specific district plan provision is made for that development.

Explanation

The Te Rapa North Industrial Zone has a number of strategic strengths that support its development for industrial purposes. These include its proximity to the Te Rapa and Ngaruawahia sections of the Waikato Expressway, Te Rapa Road (the existing State Highway 1), the North Island Main Trunk Railway (NIMTR), and its relative separation from sensitive residential activities.

The Te Rapa and Ngaruawahia sections of the Waikato Expressway provide an appropriate boundary to the north of the area. The area is well suited to a mix of industrial activities, provided environmental mitigation measures are included to protect the amenity of the Waikato River.

It is appropriate to provide for further dairy industry development in the vicinity of the Te Rapa Dairy Manufacturing Site and motorist support near the future Te Rapa and Ngaruawahia sections of the Waikato Expressway interchange. The staging acknowledges the importance of facilitating the growth of the dairy industry in a

sustainable manner and the benefits of a service centre at a strategic location in the Waikato Expressway network.

To sustainably manage growth in a strategic manner, a total of 60 hectares (14ha prior to 1 January 2021 and another 46 hectares after 1 January 2021) shall be released for industrial development over the next 30 year period. The development of the remaining land area will be provided for in future planning instruments. Knowledge of the future growth rates, land demand and any changes in land use and development will guide future planning. The release of the identified 60 hectares for development will be dependent on the establishment of the strategic transport network and the ability to service and provide the necessary infrastructure.

Objective	Policies
12.2.4 Strategically important infrastructure and investment are supported and not compromised by inappropriate land use activities.	12.2.4a A limited area of land in Stage 1A should be developed as a dairy business cluster in conjunction with and complementary to the existing Te Rapa Dairy Manufacturing Site.
	12.2.4b A limited area of land in Stage 1B in the vicinity of the proposed Te Rapa/Ngaruawahia sections of the Waikato Expressway interchange should be developed as a service centre and associated industrial activities for traveller service and support.
	12.2.4c Activities allowed within the Te Rapa North Industrial Zone should not give rise to reverse sensitivity effects in relation to existing or future industrial activities.

Explanation

The implementation of a land release regime (refer Planning Maps for Stages 1A and 1B) for the industrial development in the Te Rapa North Industrial Zone is based upon development being undertaken in conjunction with the provisions of appropriate infrastructure occurring in the specific locations identified. This is a response to the two main anchoring elements – Stage 1A, the Te Rapa Dairy Manufacturing Site and Stage 1B, the proposed Te Rapa and Ngaruawahia section of the Waikato Expressway interchange. Notwithstanding the managed release of industrial land it is considered appropriate, in the immediate planning period (up to 2021), to also limit the type of industrial activities to reflect the locational specific nature of the two identified areas.

In addition to the objectives and policies, the planning provisions requiring Concept Development Consents for each stage, along with controls over the nature of activities and staging in advance of any subdivision or development, allows for growth sequencing, the effects of development and the provision of efficient reticulated infrastructure to be strategically managed.

The Te Rapa North Zone forms part of a long term industrial land supply for Hamilton's western area. It is important that the supply is used in a sustainable and efficient manner. Accordingly, the staging of development will be subject to the availability of

infrastructure to enable the development of activities which are linked with existing industries or infrastructure to develop in a sustainably managed way, to avoid unnecessary financial burden being placed on the community as a whole.

Objective	Policies
12.2.5 Investment in the Te Rapa Dairy Manufacturing Site as a national and regionally important strategic facility is supported.	12.2.5a The Dairy Manufacturing Site should be recognised for the important benefits it contributes to the community and dairy industrial base for the Waikato.
	12.2.5b Subdivision, use and development shall not compromise the ongoing and efficient operation of the Dairy Manufacturing Site.
	12.2.5c The Dairy Manufacturing Site, as an integral facility to the agricultural sector of Waikato, shall retain its opportunities for continued use, intensification and expansion.
	12.2.5d The ongoing development and use of the Dairy Manufacturing Site shall be supported through the application of specific provisions to enable buildings and structures, noise emissions and heavy vehicle movements occur in a manner to ensure the efficient operation of the Dairy Manufacturing Site.

Explanation

The Dairy Manufacturing Site confers large benefits in terms of economic and community wellbeing at both the local, regional and national level. Therefore, due to its size and importance to the national economy the Dairy Manufacturing Site warrants special consideration in the District Plan through sustainable management practices while enabling opportunities for its continued use, intensification and expansion.

The establishment of incompatible uses nearby is a significant risk to its ongoing viability. Accordingly, it is important to consider the zoning around the Dairy Manufacturing Site. It is considered an industrial zone with specific noise and air quality controls to assist with maintaining the viability of the Dairy Manufacturing Site.

The relevant activity statuses in 12.3.3 and general standards in 12.4 apply to the Dairy Manufacturing Site.

Nevertheless, it is important to note that whilst the ongoing operation and development of the Dairy Manufacturing Site is key, these will not occur as of right and in such cases resource consent will be required.

12.3 Rules

12.3.1 Concept Development Consent – Process within Te Rapa North Industrial Zone – Stage 1A and Stage 1B

- a) The Te Rapa North Industrial Zone is divided into two Concept Development Consent (CDC) areas; Stage 1A and Stage 1B (see Volume 2, Appendix 17, Features Map 1B, 2B and 6B). The establishment of the CDC areas are to ensure limited industrial activity can occur in an integrated, efficient and co-ordinated manner.
- b) Unless otherwise stated, a CDC for the entire CDC area as identified on Planning Maps 1B, 2B and 6B requires an application for resource consent as a Controlled Activity. The development within the CDC area may proceed in stages. (Refer to Volume 2, Appendix 1.2.2.8 for what is required in a CDC)
- c) The activity status of a CDC will be either a Discretionary Activity or Non-Complying Activity if not complying with the relevant Rules in 12.3.2.
- d) All development and activities are subject to consented CDC requirements.
- e) The general standards set out in 12.4 for the Te Rapa North Industrial Zone will be used as a guide to assess any Concept Development Consent.

12.3.2 Activity Status Table – Te Rapa North Industrial Zone Concept Development Consents

Concept Development Consents	Stage 1A	Stage 1B
a) Concept Development Consent for Stage 1A compliant with Chapter 25.13 City-wide Three Waters and 25.8: City-wide Noise and Vibration and matters of control in Volume 2 Appendix 1.3.2Da)	C	-
b) Concept Development Consent for Stage 1B compliant with matters of control in Volume 2 Appendix 1.3.2Db)	-	C
c) Concept Development Consent for Stage 1A or 1B not complying with relevant matters of control in a) or b) above, except as identified in d) below	D	D
d) Concept Development Consent for Stage 1A or 1B not complying with matters of control in 1.3.2Da)i or xi, or 1.3.2Db)i or vii respectively	NC	NC

12.3.3 Activity Status Table – Te Rapa North Industrial Zone

Activity	In the absence of a CDC	Pre 2021		Post 1 January 2021		Staging Release 12.6.1		Stage 1A and 1B land release not complying with CDC	Deferred Te Rapa North Industrial Zone Area outside Stage 1A and 1B	Te Rapa Dairy Manufacturing Site
		Stage 1A	Stage 1B	Stage 1A	Stage 1B					
		CDC has been granted	CDC has been granted	CDC has been granted	CDC has been granted	Any activity failing to comply with 12.6.1c(i) or 12.6.1d(i))	Any activity failing to comply with 12.6.1b) or 12.6.1c(ii)			
Land Release										
a) Te Rapa North Deferred Industrial Area, except for Stages 1A and 1B	-	-	-	-	-	-	-	-	NC	-
b) Stages 1A and 1B not exceeding 7ha in either stage pre 2021	NC	P	P	-	-	D	NC	D	-	-
c) Stages 1A and 1B not exceeding 23ha in either stage post 2021	NC	-	-	P	P	D	NC	D	-	-
Activities in Te Rapa North Deferred Industrial Area										
d) Any activity lawfully existing prior to 13 November 2012 and all other activities provided in Future Urban Zone	-	-	-	-	-	-	-	-	P	-
e) Any activity that does not comply with 12.3.3d)	-	-	-	-	-	-	-	-	NC	-
f) Any activity in Stage 1A that is listed as a permitted activity in 9.3 and within the 7ha identified on a CDC are restricted to: i. Manufacturing and processing of dairy products and by-products ii. Storage, transfer and distribution facilities primarily but not exclusively for dairy products and by-products iii. Transport depots primarily but not exclusively for the	NC	P	-	P	-	D	NC	-	-	-

Activity	In the absence of a CDC	Pre 2021		Post 1 January 2021		Staging Release 12.6.1		Stage 1A and 1B land release not complying with CDC	Deferred Te Rapa North Industrial Zone Area outside Stage 1A and 1B	Te Rapa Dairy Manufacturing Site
		Stage 1A	Stage 1B	Stage 1A	Stage 1B					
		CDC has been granted	CDC has been granted	CDC has been granted	CDC has been granted	Any activity failing to comply with 12.6.1c)i) or 12.6.1d)i)	Any activity failing to comply with 12.6.1b) or 12.6.1c)ii)			
transport of dairy products and by-products iv. Network utilities for the purposes of servicing the Stage or adjacent Te Rapa Dairy Manufacturing Site										
g) Any activity within Stage 1A not complying with General Standards 12.4	NC	D	-	D	-	-	-	-	NC	-
h) Establishment of Transport Service Centre and within the 7ha identified on CDC are restricted to: i. The sale of pre-packaged food, groceries, stationery and toilet requisites not exceeding an aggregate gross floor area of 250m ² (in addition to sales from any service station on site) ii. Motor vehicles, tyre and windscreen repair services and associated sales iii. Vehicle testing stations	-	-	P	-	P	D	NC	-	-	-
i) Any activity that is listed as a permitted activity in 9.3 provided such activities do not cover more than 30% of the total 7ha allowed in Stage 1B and the transportation service centre having been developed and operational	NC	-	P	-	P	-	-	-	-	-

Activity	In the absence of a CDC	Pre 2021		Post 1 January 2021		Staging Release 12.6.1		Staging Release not complying with CDC	Deferred Te Rapa North Industrial Zone Area outside Stage 1A and 1B	Te Rapa Dairy Manufacturing Site
		Stage 1A	Stage 1B	Stage 1A	Stage 1B					
		CDC has been granted	CDC has been granted	CDC has been granted	CDC has been granted	Any activity failing to comply with 12.6.1c)i) or 12.6.1d)i)	Any activity failing to comply with 12.6.1b) or 12.6.1c)ii)			
j) Any activity within Stage 1B not complying with General Standards 12.4	NC	-	D	-	D	-	-	-	NC	-
k) Ancillary office	NC	P	P	P	P	-	-	-	-	-
l) Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	NC	P	P	P	P	-	-	-	-	-
m) Maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	NC	P	P	P	P	-	-	-	-	-
Te Rapa Dairy Manufacturing Site										
n) Collection, storage and processing of raw milk; Manufacture of dairy products from the processed raw milk; and associated dairy activities	-	-	-	-	-	-	-	-	-	P
o) Any activity that is listed as a permitted activity in 9.3	-	-	-	-	-	-	-	-	-	P
p) Any activity not complying with 12.3.3o)	-	-	-	-	-	-	-	-	-	NC

12.4 Rules – General Standards

12.4.1 Building Setbacks

- Any building is set back at least 30m from the bank of the Waikato River.
- Any building is set back at least 6m from the banks of Te Rapa Stream.

- c) Despite the above, a public amenity of up to 25m² on an esplanade reserve, a public walkway, a water take or discharge structure, or a pump shed are not subject to this rule.

Building setback (minimum distance)	
i. Any building is set back from all site boundaries other than transport corridor boundaries	10m
ii. Any building is set back at from the western side of Te Rapa Road south of the Hutchinson Road intersection	30m
iii. Transport corridor boundary – local and collector transport corridors	5m
iv. Transport corridor boundary – arterial transport corridors	15m Exception being where: 30m from the western side of Te Rapa Road south of the Hutchinson Road intersection. 30m from the eastern side of Te Rapa Road within the Te Rapa Dairy Manufacturing Site
v. Waikato Expressway (Designation E99 and E99a)	i. 40m from the edge of the expressway carriageway for protected premises and facilities ii. 15m from designation boundary for other buildings except that this setback may be reduced to 10m with the written approval of the relevant roading controlling authority which shall have regard to: 1. The purpose of the setback 2. The location of the designation boundary in relation to the road carriage 3. The impact of the setback on the use and enjoyment of the adjoining land 4. The extent of existing or proposed landscaping within the designation 5. Effects on the Waikato Expressway 6. The record of consultation with the New Zealand Transport Agency outlining any agreed outcomes
vi. Any boundary adjoining any Residential, Special Character or Open Space Zones	8m
vii. From the bank of the Waikato River	30m Despite the above, a public amenity of up to 25m ² on an esplanade reserve, a public walkway, a water take or discharge structure, or a pump shed are not subject to this rule

viii. From the banks of the Te Rapa Stream	6m
ix. Other boundaries	0m

Note

1. See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

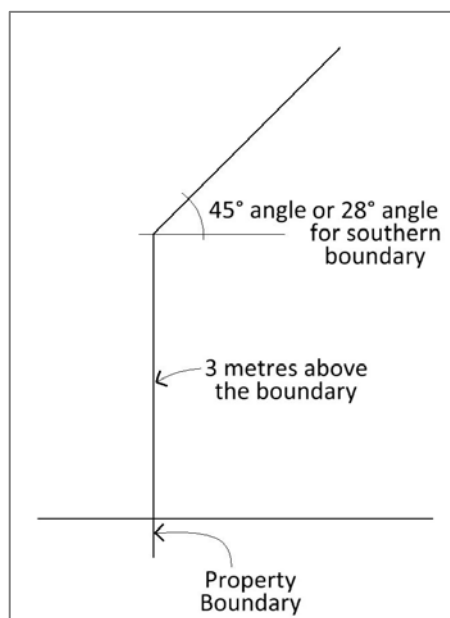
12.4.2 Building Height

a) Maximum building height	20m except as follows. i) In Stage 1A and 1B the height of building to be: a. 25m with a maximum height of 15m over 90% of the site b. 50m with a maximum height of 35m over 90% of the Te Rapa Dairy Manufacturing Site

12.4.3 Height in Relation to Boundary

- a) No part of a building may penetrate a height control plane rising at an angle of 45 degrees (except for the southern boundary where it is measured at 28 degrees) starting at an elevation of 3m above the boundary of any adjoining Residential, Special Character or Open Space Zones (refer to Figure 12.4.3b).

Figure 12.4.3b: Height Control Plane for Boundaries adjoining Open Space Zones



12.4.4 Site Coverage

- a) No maximum.

Note

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

12.4.5 Permeable Surfaces

Permeability across the entire site	Minimum 20%

12.4.6 Landscaping

Notwithstanding the provisions in Chapter 25.5: City-wide – Landscaping and Screening, within the Te Rapa North Industrial Zone.

- a) Parking areas and storage areas adjacent to roads are separated from the roads by a 2m planted strip of land.
- b) Land, not subject to an esplanade reserve, within 15m of the bank of the Waikato River is planted with indigenous species of sufficient density to visually screen the activity from the river, except for areas used for water take and discharge structures and associated infrastructure, and access to these.
- c) Land within 2m of Te Rapa Road and 5m of the Te Rapa section of the Waikato Expressway is planted with a combination of lawn, indigenous groundcover, shrubs and trees.
- d) The landscaping requirement set out in (c) above shall be planted with a combination of lawn, indigenous groundcover, shrubs and trees.

12.4.7 Transportation

Notwithstanding the provisions in Chapter 25.14: City-wide – Transportation, all vehicle access, parking and manoeuvring within the Te Rapa North Industrial Zone shall also comply with:

- a) Access, vehicle entrance, parking, loading and manoeuvring space.
 - i. Stage 1A:
 - All vehicular access is provided via the existing grade separated interchange to Te Rapa Road, and
 - Access, vehicle entrance crossing, parking, loading, queuing, and manoeuvring space are provided in accordance with Rule 25.14.4.
 - ii. Stage 1B:
 - Vehicular access to the stage is provided from either the interchange of the Te Rapa and Ngaruawahia sections of the Waikato Expressway or from Hutchinson Road, and
 - Access, vehicle entrance crossing, parking, loading, queuing, and manoeuvring space are provided in accordance Rule 25.14.4.

Note

1. Access, vehicle entrance, parking, loading and manoeuvring space within Stage 1A. Or Stages 1B that does not comply with a condition for a permitted activity in Rule 12.4.7(a) are to be assessed as a restricted discretionary activity.
- b) Vehicle movements within Stage 1A:
 - i. Trip generation shall not exceed 15.4 trips/ha gross land area/peak hour, and
 - ii. Access(es) from internal roads, entrances, parking, loading and manoeuvring are in accordance with Rule 25.14.4, and

- iii. Access to the arterial and State Highway networks are generally in accordance with the indicative roading pattern shown in the approved Concept Development Consent for the stage.
- c) Vehicle movements within Stage 1B:
 - i. Trip generation from the entirety of Stage 1B shall not exceed 500 trips/peak hour for service centre activities and/or 15.4 trips/ha gross land area/peak hour for the balance of the 7ha,
 - ii. Trip generation from the 23ha after 1 January 2021 shall not exceed 15.4 trips/ha gross land area/peak hour, and
 - iii. Access(es) from internal roads, entrances, parking, loading and manoeuvring shall be Rule 25.14.4, and
 - iv. Access to the arterial and State Highway networks are generally in accordance with the indicative roading pattern shown in the approved Concept Development Consent for the stage.
- d) Vehicle movements in the Deferred Industrial area, excluding Stages 1A and 1B refer to Chapter 25.14: City-wide – Transportation.
- e) Vehicle movements onto the Te Rapa Dairy Manufacturing Site Interchange if the peak hour traffic flows do not exceed the following limits:
 - i. AM Peak (7.30 – 9.30 am)
 - All Ramps – 300 vehicles per hour (vph)
 - ii. PM Peak (4.00 – 6.00pm)
 - North Bound On-Ramp – 150 vph
 - South Bound Off-Ramp, South Bound On-Ramp, North Bound Off-Ramp – 300 vph

Note

1. Vehicle movements within Stage 1A, Stages 1B or onto the Te Rapa Dairy Manufacturing Site Interchange that do not comply with Rule 12.4.7 are to be assessed as a discretionary activity.

12.4.8 Provisions in Other Chapters

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

- Chapter 9: Industrial Zone (9.3 Activity Status Table only)
- Chapter 14: Future Urban Zone
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

12.5 Controlled Activities: Matters of Control

- a) In determining any application for resource consent for a controlled activity in addition to the relevant standards within Rules 12.4 and 12.6, the Council shall have control over the following matters referenced below:

Activity Specific	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
i. Concept Development Consent for Stage 1A	D Te Rapa North Industrial Zone
ii. Concept Development Consent for Stage 1B	D Te Rapa North Industrial Zone

12.6 Rules – Specific Standards

12.6.1 Te Rapa North Land Release Staging

A staged release of land for industrial development shall occur in accordance with the provision of appropriate infrastructure (including roading) and developed in accordance with an approved Concept Development Consent according to the following land releases occurring:

- a) The release of land for industrial purposes shall be restricted to that which is provided for in Stages 1A and 1B and the Te Rapa Dairy Manufacturing Site. The subdivision and development of land shall be restricted until further planning tools, such as structure planning, are implemented in the Deferred Industrial Area.
- b) Land release shall be equally divided between Stages 1A and 1B, pre-January 2021 and post-January 2021, subject to a maximum total land release area of 60ha.
- c) Pre-2021 Land Release:
 - i) A maximum of 14ha equally divided between Stage 1A and Stage 1B (being a total of 7ha per stage).
 - ii) A maximum total of 60ha equally divided between Stages 1A and 1B (being a total of 30ha per stage) inclusive of the 7ha per stage provided for in 12.6.1c)i) above.
- d) Post-2021 Land Release:
 - i) A maximum of 46ha equally divided between Stages 1A and 1B (being a total of 23ha per stage), in addition to the 7ha per stage provided for in 12.6.1c)i) above.
- e) The Te Rapa Dairy Manufacturing Site land area, as identified on the Planning Map is not affected by the land release provisions set out above.

12.6.2 Ancillary Offices

- a) Ancillary office activity shall not occupy more than 10% of the floor space of the principal industrial activity on the site.

12.7 Other Resource Consent Information

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

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

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

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



13 Rototuna Town Centre Zone

13.1 Purpose

- a) The Rototuna Town Centre will provide the community with access to a range of goods and services in their local area. It is a mixed-use Centre comprising residential, retail, community, recreational and employment activities to provide everyday goods and services for the community. The District Plan provisions seek to achieve a comprehensively developed and well designed Centre, with high levels of amenity and quality living, working and playing environments. The zone provisions have been designed to enable the Centre to function as a local commercial and community focal point. It is essential that the Centre is well connected to the surrounding area it serves and is provided with efficient transport links to the wider City.
- b) The Centre is a component of the Rototuna Structure Plan, which guides development in the Structure Plan area. Development in the Centre must be in general accordance with the Rototuna Town Centre Concept Plan, with Comprehensive Development Plans being used to ensure a comprehensive approach to development is taken in this area.
- c) The Concept Plan identifies activity precincts, proposed roads, pedestrian and cycle networks, public open space, water courses, drainage reserves and other key features. The design, layout, scale, integration, connectivity and form of buildings and sites will contribute to the amenity and successful functioning of the Centre.
- d) The Town Centre is made up of several activity precincts that contribute to the overall function of the Centre. These Precincts are:
 - i. Retail (areas 1 and 2).
 - ii. Employment.
 - iii. Residential Mixed Use.
 - iv. Residential Medium and High Density.
 - v. Community.
 - vi. Active Recreation.
 - vii. Public Square.

13.2 Objectives and Policies: Rototuna Town Centre Zone

Objective	Policies
13.2.1 The Town Centre becomes the focal point for the Rototuna area by providing for the local community's retail, employment, service, entertainment, and recreation needs and a range of residential living opportunities.	13.2.1a Ensure development contributes to the overall form and function of the Rototuna Town Centre by being in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Town Centre Design Guide.

	13.2.1b Provide for a range of activity types in appropriate locations within the Town Centre through the land use precincts identified on the Rototuna Town Centre Concept Plan.
	13.2.1c Create a vibrant heart for the Town Centre through the development of community and commercial facilities of a high design standard, focused on the Main Street and Public Square.
	13.2.1d Ensure sufficient land is available for the establishment of service and light industries to provide local employment opportunities and meet the requirements of the Rototuna community.
	13.2.1e Promote a street-based, pedestrian-orientated shopping environment with a range of small shops in the Retail 1 Precinct by limiting retail floor areas.
	13.2.1f Promote the establishment of larger format retail activities in the Retail 2 Precinct to service the local community.
Explanation <i>The role of the Rototuna Town Centre is primarily to serve local needs. The scale of retail, office and other commercial development will be controlled through floor area limits to ensure that the Centre functions as a local centre and to complement other large centres such as the City Centre, Chartwell and The Base that have city-wide and sub-regional commercial functions. This approach is entirely consistent with that of the Waikato Regional Policy Statement requiring Hamilton City Council to achieve compact urban environments that allow people to live, work and play within their local area.</i>	
Objective	Policies
13.2.2 Develop the Town Centre in a comprehensive manner to ensure integrated approaches to land development and provision of infrastructure, the efficient use of the land resource, and the management of adverse effects.	13.2.2a Ensure that urban development within the Town Centre is undertaken in a comprehensive manner, integrating uses appropriately.
	13.2.2b Ensure the comprehensive development of the Town Centre is not compromised by the effects of sporadic development which does not integrate with adjacent activities and the wider area.

	13.2.2c Promote opportunities for developers to work together and to work with Council and other infrastructure providers to enable the sharing of resources and facilities to achieve an integrated built form.
Explanation <i>A comprehensive approach to the design, layout and physical form of urban development enables agreed urban design policy approaches to be consistently applied. Such an approach also enables the complex relationships between different land uses to be effectively managed. A comprehensive approach requires consideration of developments in the wider context of the area, including relationships to key features such as the Main Street and Public Square.</i>	
Objective	Policies
13.2.3 Ensure development incorporates quality urban design to achieve a functional, attractive, safe and vibrant Town Centre.	13.2.3a Require land use activities and subdivisions to be designed and developed in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Town Centre Design Guide.
	13.2.3b Facilitate a vibrant Retail Precinct by providing for a range of activities, including the use of upper floors for business, entertainment and residential activities.
	13.2.3c Require the establishment of retail and restaurant activities at ground floor level in the Primary Frontage area identified on the Primary and Secondary Frontages Plan.
	13.2.3d Ensure that activities establishing at ground floor level within any defined primary and secondary frontage have customer entrances facing the street or Public Square.
	13.2.3e Ensure that off-street car parking does not dominate the street frontage, in particular ensure that any defined primary or secondary frontages are edged by built development rather than large parking, loading and service areas.
Explanation <i>Town centres are an essential component of the urban fabric, providing essential goods and services to communities, and helping create a community identity and focal</i>	

point. The urban design component of the District Plan seeks to ensure that these centres develop as attractive employment, living and community nodes. These outcomes are important in creating successful and sustainable centres that are vibrant and distinctive and in creating an environment that is high quality, safe and accessible to the surrounding community.

Primary frontage areas are identified on the Primary and Secondary Frontages Plan (Volume 2, Appendix 7, Figure 7-3) to facilitate the development of retail focused principal shopping streets where buildings have a close relationship with adjoining streets and public spaces through a minimum two storey enclosure of the space and by adding variety and activity to the shopping frontage.

Mixed-use development is encouraged within the Town Centre. This will benefit the community by enabling more activity in the area and contributing to greater urban vitality. Whilst residential activities are encouraged, they are not provided for at ground level in order to ensure continuous active retail and commercial activity street frontages.

Well designed town centres encourage walking and cycling, thereby reducing dependence on the motor vehicle and promoting more sustainable use of land and infrastructure.

Objective	Policies
13.2.4 Development of a Town Centre that is well connected and safely accessible by a range of transport modes.	13.2.4a Ensure streets, cycle ways, walkways and public transport facilities are designed and developed in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and the Rototuna Town Centre Design Guide.
	13.2.4b Use the Rototuna Town Centre Concept Plan to guide development to achieve safe and efficient access to the Town Centre and within the Town Centre.
	13.2.4c Encourage opportunities for shared and centralised car parking provision.
	13.2.4d Ensure adequate provision is made for vehicle loading and storage and vehicle access, without compromising pedestrian safety and convenience.
	13.2.4e Ensure that street design including carriageway widths, cycleways and footpaths, traffic management measures, recognises the importance of such spaces as part of the public realm.

	13.2.4f Require, where practicable, provision of convenient access between carparking areas and the activities they are intended to serve.
Explanation <i>The Rototuna Town Centre Concept Plan has been designed to create an urban form that facilitates greater use of public transport, and encourages walking and cycling. The vitality and vibrancy of the Town Centre can be enhanced by incorporating urban design principles into the design of roading infrastructure and by recognising that these are shared public spaces that contribute to the Centre's identity. An integrated transport network helps to avoid, remedy or mitigate the adverse effects of the roading network on the environment and on the community's amenity values by reducing travel distances to facilities, minimising car usage and pollution.</i> <i>The provision of adequate and convenient parking and loading facilities is part of Council's transport planning throughout the City. The ability of roads to carry traffic efficiently and safely depends to a large extent on the provision of vehicle parking, loading, manoeuvring, and access to and from properties.</i>	
Objective	Policies
13.2.5 Development shall avoid adverse effects resulting from differing activities in the Town Centre and surrounding area.	13.2.5a Ensure that commercial and employment activities adjacent to residential precincts and zones are developed and operated in a manner that avoids effects on residential amenity values.
	13.2.5b Identify activity precincts within the Town Centre as a means of separating incompatible activities and managing adverse effects of activities.
	13.2.5c Avoid the establishment of incompatible activities, such as heavy industry and noxious or offensive trades in the Employment Precinct, which may adversely affect the amenity of the precinct or adjoining precincts.
	13.2.5d Ensure buildings intended for mixed-use activities are designed to protect residents from the adverse effects of noise.
	13.2.5e Use building setbacks, separation and height controls and amenity planting where buildings adjoin residential precincts and zones.
	13.2.5f Require buildings to be set back from the Waikato Expressway and arterial roads.

	13.2.5g Require the provision of landscaping or landscape screening to mitigate potential adverse effects of activities and to contribute to the overall amenity of the Town Centre.
Explanation <i>It is important to ensure that incompatible uses such as industrial activities and residential activities do not establish in the same location, as this can cause nuisance effects such as noise, odour and heavy traffic, and can place constraints on the operation of the industrial activities. Part of the planning mechanism for managing effects is requiring activities to meet specified standards such as height controls, provision of service areas, outdoor open space and landscaping. These standards are especially important in locations where a precinct adjoins another precinct or zone and where sites adjoin arterial roads or the Waikato Expressway.</i>	
Objective	Policies
13.2.6 Development of compact, well designed, and functional residential developments with high levels of amenity.	13.2.6a Ensure that high, medium and mixed-use residential development establish in the locations shown on the Rototuna Town Centre Concept Plan.
	13.2.6b Use the Rototuna Town Centre Design Guide to implement quality residential design and living environments.
	13.2.6c Ensure that residential development in the Town Centre delivers densities consistent with those promoted by Future Proof and the Regional Policy Statement.
	13.2.6d Ensure each residential unit is provided with adequate storage space and service areas to accommodate typical residential living requirements.
	13.2.6e Ensure development is designed to avoid adverse noise effects occurring between residential units or from non residential activities.
	13.2.6f Ensure development that is adjacent to public space achieves visual and physical connectivity to these areas.

	13.2.6g Ensure that buildings and activities associated with communal or care facilities do not overly dominate the amenity values of any residential precinct.
	13.2.6h Encourage the siting of buildings to take advantage of aspect, topography and site conditions.
	13.2.6i Require the provision of landscaping to mitigate potential adverse effects of activities and to contribute to the overall amenity of residential areas.
Explanation	
<i>The layout of residential developments particularly in terms of privacy, setbacks, sunlight/daylight open space and service needs, are important to the quality and desirability of medium to high density residential development. However, there needs to be flexibility in how these aspects are addressed to ensure high quality design outcomes and an efficient use of the site. Buildings and structures also need to be of a size and scale that might be expected as part of a town centre and that are compatible with surrounding residential areas.</i> <i>The way in which buildings interface with public spaces can have a major bearing on how these spaces are used and their overall amenity value. Encouraging strong visual connections between public spaces and adjoining residential activities can lead to a greater sense of personal safety for the users of these spaces. This in turn promotes greater use and enjoyment of the spaces themselves.</i> <i>The Rototuna Town Centre Zone must give effect to the Regional Policy Statement and be consistent with the principles of Future Proof and the Hamilton Urban Growth Strategy. The Future Proof Strategy requires an average dwelling yield of 16 dwelling units per developable hectare be applied to all new greenfield urban growth areas. This is to ensure an efficient use of the remaining physical land resource of the Waikato sub-region. Minimising energy demand and making efficient use of energy can be achieved through the layout, siting and design details of buildings.</i>	
Objective	Policies
13.2.7 Infrastructure is provided in a timely, integrated and efficient manner to support the establishment of land use activities.	13.2.7a Ensure infrastructure is provided in general accordance with the Rototuna Structure Plan and Rototuna Town Centre Concept Plan.

	13.2.7b Protect and enhance existing Three Waters infrastructure and encourage low impact urban design and development. 13.2.7c Overland flow paths are to be identified during subdivision or development and retained free of obstruction, with a capacity to pass stormwater flows safely without causing damage to any property.
Explanation	
<i>Encouraging integrated approaches with Three Waters and the adoption of low impact design approaches are all mechanisms to assist in the efficient and coordinated provision of infrastructure and development.</i> <i>The Regional Policy Statement also introduces policy that specifies development principles, these include the requirement to direct development away from hazard areas and avoiding, remedying and mitigating adverse effects of development on soil stability, water quality, aquatic ecosystems and flooding. The above mechanisms along with identifying and protecting overland flow paths all assist in giving effect to this policy.</i>	
Objective	Policies
13.2.8 Provision of open space and protection of natural features to support biodiversity, enhance amenity levels and promote community health and wellbeing.	13.2.8a Ensure open space, active recreation reserves, drainage reserves and natural features are provided and designed in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and the Rototuna Town Centre Design Guide.
	13.2.8b Ensure the creation of an ecological, cycling and walking corridor in association with the drainage reserve and water course.
	13.2.8c Ensure that the development of open space is consistent with any relevant operative Reserve Management Plan.
	13.2.8d Ensure that recreational facilities and activities (including ancillary activities) are designed, located and operated in a manner that will ensure that any adverse effects on the amenity of recreation land or its surrounding environment are minimised.

	13.2.8e Ensure that any building and parking facilities are integrated into the site and do not compromise the character thereof.
Explanation <i>Open space and natural features make a significant contribution to the characteristics of an area and contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. It is therefore important to ensure that sufficient open space and recreation areas are provided for the Rototuna community and that these areas meet the varying requirements of the community.</i> <i>It is also important to recognise and provide for the multiple functions that open space and reserves provide. These functions include areas for active recreation such as sports fields and playgrounds, corridors for moving pedestrians and cyclists, corridors to facilitate biodiversity and drainage, and areas that enhance amenity and provide pleasant outlooks.</i>	

13.3 Explanation of Rules

- a) The rules that apply to development and activities in the Rototuna Town Centre Zone have been separated into two sections. Rules 13.4, 13.6, 13.8 and 13.9 apply to all activities and development that require consent as part of a Comprehensive Development Plan process before they can be established. Rules 13.5, 13.7 and 13.8 apply to all activities and development after a Comprehensive Development Plan has been fully implemented and after all activities authorised by that consent have been fully operational for at least six months.
- b) In terms of the rules in Rules 13.8 and 13.9, and the applicable rules in Rules 13.8.13 and 13.9.16, the following modifications shall apply.
 - i. For the Residential Medium Density, Residential High Density and Residential Mixed-Use Precincts the provisions relating to the Residential Zone.
 - ii. For the Employment Precinct the provisions relating to the Industrial Zone.
 - iii. For the Active Recreation and Public Square Precincts the provisions relating to the Sport and Recreation Zone.
 - iv. For the Retail 1 and Retail 2 Precincts the provisions relating to the Business 5 Zone.
 - v. For the Community Precinct the provisions relating to the Community Facilities Zone.

13.4 Rules – Activities Subject to a Comprehensive Development Plan

- a) The Rototuna Town Centre is divided into a number of Comprehensive Development Plan (CDP) Areas (as shown in Volume 2, Appendix 7, Figure 7-2).
- b) Apart from the exceptions set out in 13.4(c) and (d) below, development of any land cannot be commenced unless it is in accordance with a consented CDP.

- c) There are some activities that can occur as permitted activities, subject to compliance with relevant standards in Rule 13.8, before the approval of a CDP. These activities are:
 - i. Maintenance, repair and minor alterations to existing buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
 - ii. Temporary activities in accordance with Chapter 25.3: City-wide – Events and Temporary Activities.
 - iii. Demolition or removal of existing buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
- d) New transport corridors are restricted discretionary activities in accordance with Chapter 25.14 City-wide Transportation.
- e) Applications for a CDP must be for a whole area, as identified in Volume 2, Appendix 7, Figure 7-2. Development within the Area may proceed in stages if stages have been defined as part of the consent granted for the CDP.
- f) Unless otherwise stated, a CDP (required in respect of the areas identified in Volume 2, Appendix 7, Figure 7-2) requires an application for resource consent as a discretionary activity.
- g) The activity status of a CDP application will be classified as non-complying if one or more activities that form part of the application are identified as a non-complying activity in the Activity Status Table (Refer to Rule 13.6).
- h) All activities listed in Rule 13.6 are non-complying activities in the absence of an approved CDP, unless the activity is listed as permitted in Rule 13.4(c), subject to compliance with relevant standards.
- i) Activities within CDPs that fail to meet one or more of the standards in Rules 13.8 and 13.9 will be classified as a discretionary activity, with particular regard to the effects arising from the failure to meet the relevant standard or standards.
- j) Rule Table 13.6 sets out the status of activities (included in a CDP) in each precinct, as identified on the Rototuna Town Centre Concept Plan in Volume 2, Appendix 7, Figure 7-1.
- k) For changes of activities following the full implementation of a CDP in accordance with Rule 13.3(a), refer to Rules 13.7 and 13.9.

Note

1. All applications for CDPs shall specifically assess and determine the most suitable and appropriate location, format of roading network and other key components of infrastructure, and the location of precinct and CDP boundaries which are shown in diagrammatic form only on the Rototuna Town Centre Concept Plan (Volume 2, Appendix 7, Figure 7-1).
2. All applications for a CDP shall incorporate, as part of their base information, all locations and formats of roads, infrastructure precinct and CDP boundaries as determined through previous CDP consents within the Rototuna Town Centre Zone.

13.5 Rules – Activities Proposed after the Implementation of a Comprehensive Development Plan

- a) All development in an area that is subject to an approved CDP consent is permitted, but it must comply with the terms of that consent. Changes to the conditions of a CDP consent will be considered as a discretionary activity under section 127 of the Act, except where the proposed changes involve materially different effects or extend the scope of the original application. In these instances a new CDP consent is required (refer to 13.5(b)).
- b) For an approved CDP that has been implemented any changes in use, or changes that involve materially different effects or extend the scope of the original application will require a new CDP consent. The new CDP will be assessed as a discretionary activity, unless otherwise stated (refer to Rule 13.7). There are some changes that can occur as permitted activities without the need for a new CDP consent. These activities are subject to compliance with the relevant standards in Rule 13.8, and are as follows.
 - i. Maintenance, repair and minor alterations to existing buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage).
 - ii. Informal recreation and ancillary buildings.
 - iii. Passenger transport facilities.
- c) After a CDP has been fully implemented and after all activities authorised by that consent have been fully operational for at least six months Rule 13.7 and Rule 13.8 shall apply.

13.6 Rules – Activity Status Table for Comprehensive Development Plans

Activity	Activity Status								
	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
Buildings									
a) The erection of any new building, or external alteration or addition to an existing building	D	D	D	D	D	NC ¹	D	D	D
Commercial Activities and Structures									
b) Retail activities	D	D	NC	NC	NC	D	D	NC	NC
c) Ancillary retail activity	D	D	D	D	D	NC	D	NC	NC

Activity	Activity Status								
	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
d) Offices	D	D	D	D	NC	NC	D	NC	NC
e) Health care services	D	D	D	D	NC	NC	D	NC	NC
f) Visitor accommodation	D	D	D	NC	NC	NC	D	D	D
g) Service industry	D	D	NC	D	NC	NC	D	NC	NC
h) Light industry	NC	NC	NC	D	NC	NC	D	NC	NC
i) Restaurants	D	D	D	NC	NC	D	D	NC	NC
j) Licensed premises	D	D	D	NC	NC	D	D	NC	NC
k) Tertiary education and specialised training facilities	D	D	D	D	D	NC	D	NC	NC
l) Places of assembly	D	D	D	D	D	NC	D	NC	NC
m) Childcare centres	D	D	D	D	D	NC	D	NC	NC
n) Home-based business	D	D	D	D	NC	NC	D	D	D
o) Service stations	NC	NC	NC	D	NC	NC	NC	NC	NC
p) Parking lots and parking buildings	D	D	D	D	NC	NC	D	NC	NC
q) Transport depots	NC	NC	NC	D	NC	NC	NC	NC	NC
r) Yard-based retailing	NC	D	NC	NC	NC	NC	NC	NC	NC
Community Activities and Structures									
s) Schools	D	D	D	D	D	NC	D	NC	NC
t) Community centres	D	D	D	D	D	NC	D	NC	NC
u) Places of worship	NC	NC	D	D	NC	NC	NC	NC	NC
v) Marae	D	D	D	D	NC	NC	D	NC	NC
w) Emergency service facilities	NC	NC	NC	D	NC	NC	NC	NC	NC
x) General recreation	NC	NC	NC	NC	D	D	NC	NC	NC
y) Informal recreation and ancillary buildings	D	D	D	D	D	D	D	D	D
z) Club rooms	D	D	D	D	D	NC	D	NC	NC
aa) Passenger transport facilities	D	D	D	D	D	D	D	D	D
Residential Activities and Structures									
bb) Apartment	D	D	NC	D	NC	NC	D	D	D
cc) Residential centres	D	D	D	NC	NC	NC	D	D	D

Activity	Activity Status								
	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
dd) Managed care facilities	D	D	D	NC	NC	NC	D	D	D
ee) Rest homes	D	D	D	NC	NC	NC	D	D	D
ff) Single dwellings	NC	NC	NC	NC	NC	NC	NC	NC	D
gg) Accessory building	D	D	D	D	D	NC	D	D	D
hh) Ancillary residential units	D	D	D	D	NC	NC	D	D	D
All Activities and Structures									
ii) Signs	D	D	D	D	D	D	D	D	D

¹ Excludes buildings associated with public transport facilities, which shall be classified as discretionary activities.

Note

1. Refer to 13.3(a) – Explanation of Rules.
2. For any activity not identified above, see Section 1.1.8.1

Example: The inclusion of light industry within the Community Precinct will identify a CDP as a non-complying activity, pursuant to Rule 13.4(h).

13.7 Rules – Activity Status Table for Activities Proposed Within an Area with an Implemented Comprehensive Development Plan

Refer to Rule 13.3(a): Explanation of Rules for an explanation of when a Comprehensive Development Plan is considered to have been implemented.

Activity	Activity Status								
	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
Buildings									
a) The erection of any new building associated with activities listed in this Table, or external alteration or addition to an existing building ¹	D	D	D	D	D	NC ²	D	D	D

Activity	Activity Status								
	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
b) Maintenance, repair and minor alterations to existing buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P	P	P	P	P	P	P
Commercial Activities and Structures									
c) Retail activities	P	P	NC	NC	NC	P	P	NC	NC
d) Ancillary retail activity	P	P	P	P	D	NC	P	NC	NC
e) Offices	P	P	P	P	NC	NC	P	NC	NC
f) Health care services	P	P	P	P	NC	NC	P	NC	NC
g) Visitor accommodation	P	P	P	NC	NC	NC	P	D	D
h) Service industry	D	D	NC	P	NC	NC	P	NC	NC
i) Light industry	NC	NC	NC	P	NC	NC	D	NC	NC
j) Restaurants	P	P	P	NC	NC	P	P	NC	NC
k) Licensed premises	P	P	D	NC	NC	P	D	NC	NC
l) Tertiary education and specialised training facilities	P	P	P	P	D	NC	P	NC	NC
m) Childcare centres	P	P	P	P	D	NC	P	NC	NC
n) Places of assembly	P	P	P	D	D	NC	D	NC	NC
o) Home-based business	P	P	P	P	NC	NC	P	P	P
p) Service stations	NC	NC	NC	D	NC	NC	NC	NC	NC
q) Parking lots and parking buildings	D	D	D	D	NC	NC	D	NC	NC
r) Transport depots	NC	NC	NC	P	NC	NC	NC	NC	NC
s) Yard-based retailing	NC	P	NC	NC	NC	NC	NC	NC	NC
Community Activities and Structures									
t) Community centres	P	P	P	D	D	NC	D	NC	NC
u) Marae	D	D	P	D	NC	NC	D	NC	NC
v) Schools	P	P	P	P	D	NC	P	NC	NC

Activity	Activity Status								
	Retail 1 Precinct	Retail 2 Precinct	Community Precinct	Employment Precinct	Active Recreation Precinct	Public Square Precinct	Residential Mixed Use Precinct	Residential High Density Precinct	Residential Medium Density Precinct
w) Emergency service facilities	NC	NC	NC	D	NC	NC	NC	NC	NC
x) General recreation	NC	NC	P	NC	P	P	NC	NC	NC
y) Club rooms	P	P	P	D	P	NC	D	NC	NC
z) Places of Worship	D	D	P	D	D	NC	D	NC	NC
Residential Activities and Structures									
aa) Apartment	P	P	NC	P	NC	NC	P	P	P
bb) Residential centres	D	D	D	NC	NC	NC	D	D	D
cc) Managed care facilities	D	D	D	NC	NC	NC	D	D	D
dd) Rest homes	D	D	P	NC	NC	NC	P	P	P
ee) Single dwellings	NC	NC	NC	NC	NC	NC	NC	NC	P
ff) Accessory building	D	D	D	D	D	NC	D	D	D
gg) Ancillary residential units	P	P	P	P	NC	NC	P	P	P

¹ Excludes ancillary buildings associated with Informal Recreation which are classified as permitted activities and alterations and additions to buildings associated with existing schools which are classified as permitted activities in Community Precincts.

² Excludes buildings associated with Public Transport Facilities which shall be classified as discretionary activities.

Note

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

13.8 Rules – General Standards for All Permitted Activities in the Rototuna Town Centre Zone

13.8.1 Change in Land Use

- a) A change in land use in an approved CDP shall not result in the development yields (Rule 13.9.1) being not achieved.

13.8.2 Primary Frontages

- a) Only retail activities and restaurants shall be located at the ground floor level of buildings within the Primary Frontages, as defined in Volume 2, Appendix 7, Figure 7-3.

13.8.3 Hours of Operation

- a) Hours of operation for specified activities are as follows.

Activity	Hours of operation shall be between
i. Any use that is not Residential in the Mixed Use Precinct	0600hr and 2300hr (Monday-Saturday) 0700hr and 2300hr (Sunday and public holidays)
ii. Community Precinct (excluding residential activity)	0700hr and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)
iii. Active Recreation Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)
iv. Flood Lighting in the Active Recreation Precinct	0800hr and 2130hr
v. General Recreation in the Public Square Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)

13.8.4 Residential Unit Size

- a) The minimum habitable gross floor area required in respect of any Residential Unit shall be:

Form of residential unit	Gross floor area
i. Studio unit	Minimum 45m ²
ii. 1 bedroom unit	Minimum 55m ²
iii. 2 or more bedroom unit	Minimum 80m ²

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

13.8.5 Residential Activities Outdoor Living, Service and Storage Areas

- a) **Outdoor Living Area**

- i. Each Residential Unit or any residential accommodation associated with non-residential activities shall be provided with an outdoor living area which:
- Shall be for the exclusive use of the Residential Unit.
 - Shall be readily accessible from a living area of a Residential Unit.
 - Shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - Shall have a minimum area per Residential Unit of 12m² and a minimum dimension of 2.5m width.

Note

1. Any communal outdoor living is optional and shall be provided in addition to the above provisions.

b) Service Area

- i. Each Residential Unit or any residential accommodation associated with non-residential activities shall be provided with service areas as follows.
 - A minimum service area of 10m² with a minimum dimension of 2.5m located at ground floor level and readily accessible to that residential accommodation.
 - The service area shall be maintained with an all-weather, dust free surface.
 - The vehicular access associated with a service area may not be located within a primary or secondary frontage.
 - A service area shall not be able to be viewed from a public space.

c) Storage Area

- i. In addition to internal storage, each Residential Unit or any residential accommodation associated with non-residential activities shall be provided with storage areas as follows.
 - Located at ground floor level and readily accessible to that residential accommodation.
 - The storage area shall be secure and weather proof.
 - A minimum of 1.8m long by 0.9m high by 0.6m deep.

13.8.6 Residential Activities in Non-Residential Precincts

- a) No residential units (including apartment buildings), residential centres, managed care facilities, rest homes, visitor accommodation or marae shall be located at ground floor level within the Retail, Employment or Community Precincts.

13.8.7 Retail Activities

- a) The maximum gross floor area of any individual retail tenancy in the Retail 1 Precinct shall not exceed 400m².
- b) Retail activities in the Retail 1 Precinct shall not form part of an integrated development with a gross floor area in excess of 1,000m².
- c) The maximum gross floor area of any individual retail tenancy in the Retail 2 Precinct shall not exceed 4,000m².
- d) In the Residential Mixed-use Precinct:
 - i. The maximum gross floor area of any individual retail tenancy shall not exceed 100m².
 - ii. Individual retail tenancies must front onto the street and be located in accordance with the Retail Frontages in Volume 2, Appendix 7, Figure 7-4.
 - iii. Only one retail tenancy depth from the road frontage.
 - iv. No Integrated Retail Developments.
- e) The maximum land area occupied for yard-based retailing by any individual retail tenancy shall not exceed 150m².

- f) The maximum gross floor area of any individual Ancillary Retail tenancy shall not exceed:
 - i. 400m² in the Retail 1 Precinct.
 - ii. 50m² in the Community Precinct.
 - iii. 150m² in the Employment Precinct.
 - iv. 100 m² in the Residential Mixed Use Precinct.

13.8.8 Offices

- a) The maximum gross floor area of any individual office tenancy shall not exceed 250m² in the Retail 1, Retail 2, Community, Employment or Residential Mixed-use Precincts.

13.8.9 Tertiary Education and Specialised Training Facilities, Schools and Childcare Centres

- a) The maximum floor area of any individual Tertiary Education and Specialised Training Facility, School or Childcare Centre shall not exceed 250m² in the Employment or Mixed-use Residential Zone.

13.8.10 Service Areas for Non-Residential Activities

Any buildings used for non-residential activities shall be provided with one or more service areas as follows.

- a) The total service area shall be not less than 10m² or 1% of the gross floor area of the building whichever is the greater, provided that any individual service area shall be not less than 5m² with a minimum dimension of 2.5m.
- b) A service area may be located within a building, provided it is separately partitioned with an exterior door directly accessible by service vehicles.
- c) Any outdoor service area shall be maintained with an all-weather, dust free surface.
- d) Any service area, and any associated vehicular access shall not be located within a primary frontage.

13.8.11 Rest Homes

- a) Activities shall comply with Rule 4.7.9(b) to (e).

13.8.12 Home-based Business

- a) Activities shall comply with Rule 4.7.5.

13.8.13 Provisions in Other Chapters

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

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

13.9 Rules – Standards for Discretionary Activities, Only for Activities Listed in Rule 13.6

13.9.1 Development Yield

Applications for Comprehensive Development Plans must demonstrate that the yield achieves the Residential Unit total identified below.

Comprehensive Development Plan area (as identified in Appendix 7-2)	Residential yield – minimum units per Comprehensive Development Plan area (‘no maximum limit’) ¹
B	25
F	30
G	114
H	138
J	115
K	101
L	83
M	87
N	123
O	223
Q	36
R	75
S	104
T	93

¹ The yields set out above guide the total level of residential development expected in order to meet the growth strategies of the Regional Policy Statement. The yield can be adjusted up as there is ‘no maximum limit’.

13.9.2 Height in Relation to Boundary

- a) Where a building is on land that adjoins a Residential Zone, Community Facilities Zone, the Residential Medium Density Precinct, Residential High Density Residential Precinct or an adjoining CDP area:
- No part of any building shall protrude through a height control plane rising at an angle of 28° between northwest (315°) and northeast (45°) and an angle of 45° in all other directions and commencing at an elevation of 3m above ground level at any boundary (See Figure 13.9.2b).

Except that:

- Where a boundary adjoins a road or access, the 45° vertical angle commencing at a height of 3m above the boundary shall apply to the affected boundary.
- Where buildings are attached, no setback is required between those buildings.
- Where written consent from the owners and occupiers of the adjoining property and/or Comprehensive Development Plan area is obtained.

Figure 13.9.2b: Height control plane for a boundary adjoining a Residential Zone, Community Facilities Zone, the Residential Medium Density Precinct, Residential High Density Residential Precinct or an adjoining CDP area

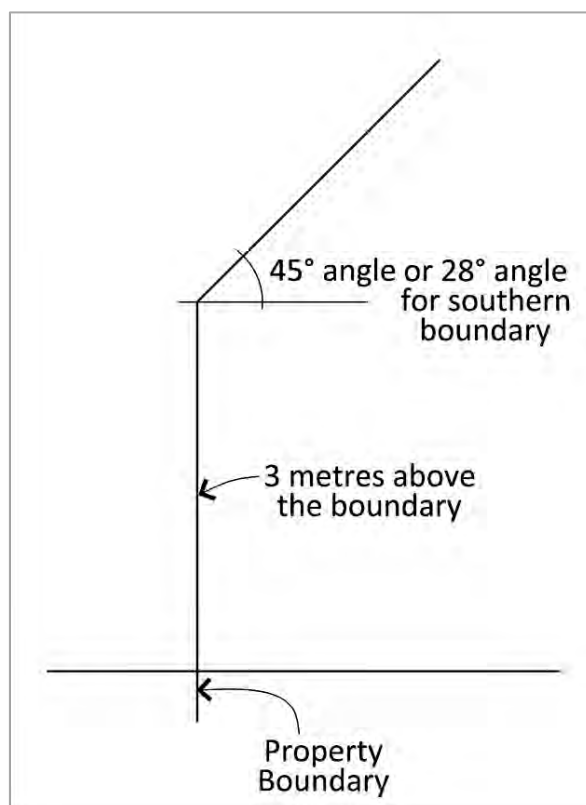
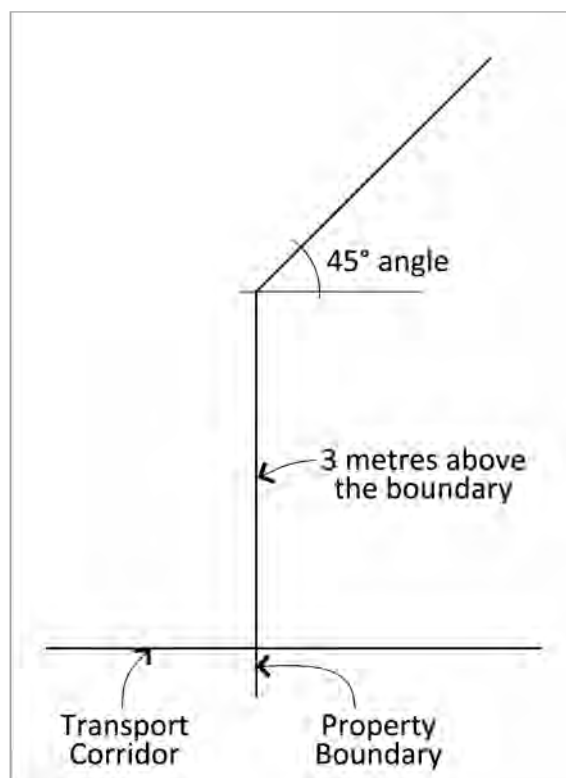


Figure 13.9.2c: Height control plane for a boundary adjoining a transport corridor or access



13.9.3 Building Setbacks from Expressway

- a) All buildings shall be setback a minimum of 15 metres from the boundary of the Waikato Expressway (Designation E90 and E90a).

13.9.4 Development Intensity Active Recreation

- a) The maximum site coverage for buildings in the Active Recreation precinct shall be 1% or 250m², whichever is greater.

13.9.5 Primary Frontages

- a) Only retail activities and restaurants shall be located at ground floor level of buildings within the Primary Frontages as defined in Volume 2, Appendix 7, Figure 7-3.

13.9.6 Hours of Operation

- a) Hours of operation for specified activities are as follows.

Activity	Hours of operation shall be between
i. Any use that is not residential in the Residential Mixed Use Precinct	0600hr and 2300hr (Monday-Saturday) 0700hr and 2300hr (Sunday and public holidays)
ii. Community Precinct (excluding residential activity)	0700hr and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)

Activity	Hours of operation shall be between
iii. Active Recreation Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)
iv. Flood Lighting in the Active Recreation Precinct	0800hr and 2130hr
v. General Recreation in the Public Square Precinct	0700 and 2230hr (Sunday to Thursday) 0700hr and 2400hr (Friday and Saturday)

13.9.7 Residential Unit Size

- a) The minimum habitable gross floor area required in respect of each residential unit in the Rototuna Town Centre Zone shall be:

Form of Residential Unit	Gross Floor Area
i. Studio unit	Minimum 45m ²
ii. 1 bedroom unit	Minimum 55m ²
iii. 2 or more bedroom unit	Minimum 80m ²

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

13.9.8 Residential Activities in Non-Residential Precincts

- a) No residential units (including apartment buildings), residential centres, managed care facilities, rest homes, visitor accommodation or marae shall be located at ground floor level within the Retail, Employment or Community Precincts.

13.9.9 Retail Activities

- a) The maximum gross floor area of any individual retail tenancy in the Retail 1 Precinct shall not exceed 400m².
- b) Retail activities in the Retail 1 Precinct shall not form part of an integrated development with a gross floor area in excess of 1,000m².
- c) The maximum gross floor area of any individual retail tenancy in the Retail 2 Precinct shall not exceed 4,000m².
- d) In the Residential Mixed-use Precinct:
- The maximum gross floor area of any individual retail tenancy shall not exceed 100m².
 - Individual retail tenancies must front onto the street and be located in accordance with the location of retail plan in Volume 2, Appendix 7, Figure 7-4.
 - Only one retail tenancy depth from the road frontage with no Integrated Retail Developments.
- e) The maximum land area occupied for yard-based retailing by any individual retail tenancy shall not exceed 150m².

- f) The maximum gross floor area of any individual ancillary retail tenancy shall not exceed:
 - i. 400m² in Retail 1 Precinct.
 - ii. 50m² in Community Precinct.
 - iii. 150m² in Employment Precinct.
 - iv. 100m² in Residential Mixed-use Precinct.

13.9.10 Offices

- a) The maximum gross floor area of any individual office tenancy shall not exceed 250m² in the Retail 1, Retail 2, Community, Employment, or Mixed-use Residential Precincts.

13.9.11 Tertiary Education and Specialised Training Facilities, Schools and Childcare Centres

- a) The maximum gross floor area of any individual tertiary education and specialised training facility, school or childcare centre shall not exceed 250m² in the Employment, or Mixed-use Residential Zone.

13.9.12 Service Areas Non-Residential Activities

- a) Any buildings used for non-residential activities shall be provided with one or more service areas as follows.
 - i. The total service area shall be not less than 10m² or 1% of the gross floor area of the building, whichever is the greater, provided that any individual service area shall be not less than 5m² with a minimum dimension of 2.5m.
 - ii. A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
 - iii. Any outdoor service area shall be maintained with an all-weather dust free surface.
 - iv. Any service area, and any associated vehicular access shall not be located within a primary frontage.

13.9.13 Rest Homes

- a) Activities shall comply with Rule 4.7.9(b) to (e).

13.9.14 Managed Care Facilities

- a) Activities shall comply with Rule 4.7.6.

13.9.15 Home-based Business

- a) Activities shall comply with Rule 4.7.5.

13.9.16 Provisions in Other Chapters

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

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

13.10 Other Resource Consent Information

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

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

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

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



14 Future Urban Zone

14.1 Purpose

- a) The Future Urban Zone provides potential urban development areas for Hamilton's long term growth. It controls subdivision and land use, and seeks to avoid fragmentation of the land. Fragmentation and inappropriate land uses can make future conversion of land to urban use difficult. It also ensures that any land which is identified as not being suitable for urban development can continue to be used for farming or productive uses. Urban growth is controlled by the preparation of structure plans, which determine if urbanisation is appropriate, its form, any necessary phasing and infrastructure requirements and land use controls.
- b) There are two parts of the City within the Future Urban Zone. These are Rotokauri in the north west of the City, and the 'finger' of land that extends from the edge of the City to the village of Temple View. At present, both areas are rural in character.
- c) Rotokauri has been subject to a Structure Plan as outlined in Chapter 3: Structure Plans, and is identified within the Hamilton Urban Growth Strategy as a growth cell to eventually include a mix of uses, including residential, industrial and employment as well as significant areas of reserve. The industrial land component of this area is also reflected in the industrial land allocation of the Regional Policy Statement.
- d) The Future Urban Zone extending towards Temple View should remain in predominantly rural use, until such time as a Structure Plan has been prepared to inform any decisions on the long term development potential of this area.
- e) The Future Urban Zone rules also apply to the Te Rapa North Deferred Industrial Area until such time as the area is rezoned. In the interim the Te Rapa North Deferred Industrial Area shall remain in predominantly rural use.

14.2 Objectives and Policies: Future Urban Zone

Objective	Policies
14.2.1 Subdivision, activities and development are compatible with the existing rural character and amenity, which is: i. Open pasture. ii. Pockets of vegetation.	14.2.1a Buildings, subdivision and activities on site shall be of a scale and character compatible with existing rural character and amenity.
	14.2.1b Over-height buildings that create overshadowing and visual dominance effects shall be avoided.

iii. Low-density development. iv. Predominantly farming activities.	14.2.1c Layout and design of development shall provide building setbacks that ensure: i. Separation of buildings to protect the visual privacy of adjoining sites. ii. Separation between incompatible activities. iii. Buildings are set back from the road boundary to provide opportunities for landscape planting and the maintenance of low-density character. 14.2.1d Development and subdivision shall be of a low density. 14.2.1e Provide for small-scale home-based business, produce stalls, homestay accommodation, and the continued operation of lawfully established activities. 14.2.1f Rural character and amenity shall be retained until rezoning for urban development purposes occurs, as supported by a structure plan for the area.
Explanation	
<i>Subdivision, activities and development need to be carefully managed to ensure their effects on the environment, character and amenity are minimised.</i>	
Objective	Policies
14.2.2 Subdivision, activities and development does not compromise future urban use or the potential of land to be used for farming activities.	14.2.2a The size, arrangement and configuration of lots shall be controlled so the potential for future urban development and farming activities are not compromised.
	14.2.2b Development of land in the Future Urban Zone shall not compromise the integrity and viability of any relevant structure plan.
	14.2.2c The establishment of intensive commercial or industrial activities, that are unrelated to rural production and that may constrain or compromise farming activities and future urban development options, shall be avoided.
	14.2.2d Interim urban and rural-residential development is discouraged.

	14.2.2e Predominantly rural and farming activities shall take place until rezoning for urban development occurs as supported by a comprehensive structure plan for the area.
	14.2.2f The establishment of activities such as intensive farming, that may constrain future urban development or cause nuisance effects, shall be avoided.
	14.2.2g Land shall not be released for urban development until a structure plan and urban zoning is in place.
	14.2.2h Activities shall not adversely affect the natural environment.
Explanation	
<i>Development within the Future Urban Zone will require effective planning to ensure that critical elements are identified and planned for before development occurs. This approach ensures the management of the land for rural activities until such time as a structure plan has been prepared that identifies the most appropriate form of development. Whilst permitting a range of compatible uses that prevent fragmentation and maintain amenity are provided for, in the interim.</i> <i>Where a structure plan has been prepared it is particularly important that development is managed to ensure the integrity and viability of these areas are not compromised.</i> <i>Nevertheless, rural-residential development, non-farming related industry and commercial activities are discouraged in the zone. Development is restricted to limit fragmentation of land before urbanisation and to maintain the land's productive capability in the interim. Structure planning will determine if alternative uses can be accommodated in the future but farming is expected to remain the dominant activity, until such time as rezoning is appropriate.</i>	
Objective	Policies
14.2.3 Development and activities in the area encompassed by the Temple View Future Urban Zone recognise and respond to the unique character and amenity of this area and its proximity to the Temple and Temple View Village.	14.2.3a Buildings and activities shall avoid amenity and nuisance effects on the Temple and adjoining zones.
	14.2.3b Maintain the character of the Temple and Temple View Village by managing the bulk and location of development in the zone.

Explanation

The character of the zone is partly defined by the proximity to the Temple and Temple View settlement. Development and activities need to be undertaken in a manner that is compatible with the Temple and Temple View settlement.

14.3 Rules – Activity Status Table

Activity	Class
a) Accessory buildings	P
b) Ancillary residential units	P
c) Ancillary residential structures	P
d) Farming activity	P
e) Single dwelling	P
f) Demolition/removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
g) Intensive farming	NC
h) Home-based business	P
i) Homestay accommodation	P
j) Informal recreation	P
k) Maintenance, repair and alterations and additions to existing buildings	P
l) Network utilities	Refer Chapter 25.7: City-wide - Network Utilities and the Electricity National Grid Corridor
m) Produce stalls	P
n) Relocated buildings	P
o) Rural industry	D
p) Walkways and cycleways	P
q) Subdivision	Refer to Chapter 23: Subdivision and Chapter 24: Financial Contributions
r) Boarding kennels and catteries in the Te Rapa North Deferred Industrial Area	RD

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. For any activity not identified above, see Section 1.1.8.1.

14.4 Rules – General Standards

14.4.1 Site Coverage

a) Net site area is greater than 5000m ²	10% up to a maximum of 1200m ² gross floor area
b) Net site area is 5000m ² or less	25% up to a maximum of 500m ² gross floor area

14.4.2 Gross Floor Area

a) Maximum gross floor area for any building	500m ²

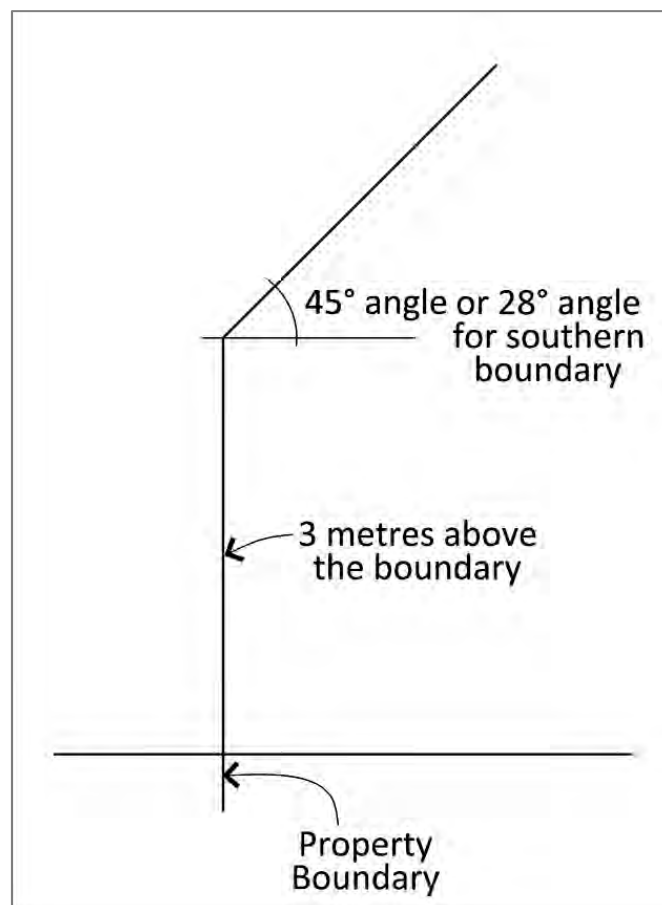
14.4.3 Building Height

a) Building height	Maximum 10m

14.4.4 Height in Relation to Boundary

- a) No part of any building shall protrude through a height control plane rising at an angle of 45 degrees measured from 3m above ground level at all boundaries (refer to Figure 14.4.4b).

Figure 14.4.4b: Height control plane from any boundary



14.4.5 Building Setback

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector transport corridors	5m
b) Transport corridor boundary – arterial transport corridors	25m
c) Any other boundary (for buildings and outdoor hardstands used for housing and feeding animals, including milking sheds and shearing sheds, and boarding kennels and catteries in the Te Rapa North Deferred Industrial Area)	50m
d) Residential unit setback from the operational area of an existing intensive farm on any other site	250m
e) Any water body	25m
f) Any other boundary not otherwise identified above	5m

14.4.6 Effluent Disposal

- a) Areas for the on-site disposal or storage of sewage (septic tanks) or farm effluent shall not be located within a:
 - i. High Flood Hazard Area.
 - ii. Medium Flood Hazard Area.
 - iii. Low Flood Hazard Area.
 - iv. Temple View Flood Hazard Area.
 - v. Culvert Block Flood Hazard Area.
 - vi. Waikato Riverbank and Gully Hazard Area.
 - vii. Significant Natural Area (refer Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas)
 - viii. Root protection zone of a significant tree (refer Volume 2, Appendix 9, Schedule 9D: Significant Trees).
 - ix. Site scheduled in Volume 2, Appendix 8, Schedule 8B: Group 1 Archaeological and Cultural Sites.
- b) Facilities for the storage and disposal of sewage (septic tanks) or farm effluent shall be sited at least 25m from any natural or artificial water course or any lake.
- c) Facilities for the storage and disposal of farm effluent shall be sited at least:
 - i. 100m from any residential unit on another site.
 - ii. 15m from any site boundary.
 - iii. 150m from any Residential Zone or Special Character Zone boundary.

14.4.7 Provisions in Other Chapters

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

- Chapter 2: Strategic Framework

- Chapter 3: Structure Plans
- Chapter 5: Special Character Zones
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

14.5 Rules – Specific Standards

14.5.1 Restriction on Buildings

- a) A single dwelling may be established on a site.
- b) One ancillary residential unit may be established on a site.
- c) Ancillary residential units shall not exceed 60m² gross floor area.

14.5.2 Produce Stalls

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

14.5.3 Home-based Businesses

For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business (farming activities are not a home-based business). Home-based businesses shall:

- a) Employ only people residing on the site.
- b) Not exceed 30% of the total gross floor area of buildings on the site.
- c) Not generate any trips by a heavy motor vehicle.
- d) Not generate vehicle trips between 2000 to 0800 hours.
- e) Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
- f) Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.

- g) Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- h) Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.

14.6 Relocated Buildings

- a) A building shall be delivered to its final position on the site and connected to its permanent foundations within seven days of arrival.
- b) Within six months of arrival at the site, the building shall be fully reinstated externally and all previously painted external surfaces repainted with top coat.

14.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
Boarding kennels and catteries	• B – Design and Layout • C – Character and Amenity • F – Hazards and Safety

14.8 Other Resource Consent Information

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

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

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

- Definitions and Terms Used in the District Plan
- Information Requirements

- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation



15 Open Space Zones

15.1 Purpose

- a) Hamiltonians enjoy the benefit of open space spread throughout the City. Open space is an important part of providing for the social, economic and cultural wellbeing of a community. It is important that Hamilton has land to accommodate parks, sports fields, recreational facilities, amenity areas, buffers and areas with natural value. Frequently, particular open space areas will serve a number of these values. Many open spaces provide links between different parts of the City for pedestrians and cyclists. Open space may also provide for Three Waters assets, solid waste infrastructure and ecological networks.
- b) Reserves are a type of public open space, managed by Council. Management plans, developed subject to the Reserves Act 1977, provide for the day-to-day management of activities on reserves. The District Plan manages the environmental effects of activities.
- c) ~~Five~~^{four} Open Space Zones are provided in this District Plan.
 - i. Natural.
 - ii. Neighbourhood.
 - ~~iii.~~ Ruakura
 - ~~iv.~~^{iii.} Sport and Recreation.
 - ~~iv.~~ Destination.
- d) The Natural Open Space Zone includes publicly and privately owned areas that possess natural or landscape values. It is important to protect these areas from disturbance, modification, buildings and uses that would compromise these values. This zone includes esplanade reserves (e.g. river banks and lakes), reserves in gullies, and indigenous vegetation on private land and public reserves (e.g. Grove Park and Jubilee Park), Significant Natural Areas identified in Chapter 20: Natural Environments, and the surface of water.
- e) The Neighbourhood Open Space Zone includes amenity areas and neighbourhood parks. Amenity areas provide visual relief, links between neighbourhoods and buffers between potentially incompatible activities.

Neighbourhood parks provide for passive recreation and serve as a focal point for the local community. These areas give opportunities for relaxation, walking, children's play, jogging and picnics. Buildings are limited to public toilets and park maintenance buildings.
- ~~f)~~ The Ruakura Open Space Zone is intended to accommodate and provide for a range of functions including stormwater and ecological management, a well-connected pedestrian and cycleway network linking open space land, space for passive and informal recreation, and amenity areas/spaces between different activity zones.
- ~~g)~~^{f)} The Sport and Recreation Open Space Zone includes sports fields (grassed and artificial), courts, greens, athletic tracks, their surrounds and other facilities used predominantly for organised, competitive sports or active recreation. Spectator

Plan Change 1
- Ruakura

Plan Change 1
- Ruakura

stands, clubrooms, toilets, changing rooms, car parks and lighting are often associated with this type of open space.

- hg)** The Destination Open Space Zone includes open spaces that cater for a City-wide or regional catchment and are often large areas with a combination of functions and values. A higher level of use and development of these areas is anticipated. These areas include Hamilton Gardens, Hamilton Lake Domain, Claudelands Park, Civic Square and Garden Place.
- ih)** Any open space may have additional functions or features such as stormwater management and walkway or cycleway networks, significant natural areas, cultural sites, archaeological sites and historic buildings. This is appropriate provided the predominant function and values of the open space are not compromised.

15.2 Objectives and Policies: Open Space Zones

All Open Space Zones

Objective	Policies
15.2.1 Development and activities must complement the functions and values of the particular open space and the surrounding environment.	15.2.1a Open space shall be developed and used in accordance with any relevant operative Reserves Act Management Plan.
	15.2.1b Buildings and structures shall be designed and sited to be compatible with the function and predominant purpose of the open space.
	15.2.1c Development shall recognise and protect the function of current Three Waters and solid waste assets and infrastructure.
	15.2.1d Development and use of open space shall be managed through specific zoning.
	15.2.1e Development and use of open space shall recognise and support the objectives and policies for adjacent Central City precincts.
Explanation	
<i>There are ~~five~~ Open Space Zones which reflect the values and functions relevant to each category of open space. The provisions of these zones ensure the level of activity and development is appropriate to the type of open space. In addition to District Plan controls, Reserves Act Management Plans give further certainty through providing information on the day-to-day management of open space. Where an activity does not fit with the provisions of a particular Open Space Zone, it may be relevant to look at the applicable Reserves Act Management Plan for guidance on what is anticipated in that particular open space.</i>	

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Objective	Policies
15.2.2 Open space accommodates a range of functions where appropriate.	15.2.2a An appropriate mix of activities shall be accommodated.
	15.2.2b Open space may accommodate stormwater management functions, natural, heritage, recreational and amenity values which should be considered as part of the design.
	15.2.2c Public access, walkways and cycleways shall be maintained and enhanced within areas of open space, provided that adverse effects on the amenity, natural and heritage values of those areas are minimised.
	15.2.2d The design and management of structures and activities in Garden Place shall protect vehicle access to properties that have no alternative means of access.
Explanation	
<i>Some open spaces serve additional functions, such as stormwater, walkways and cycleways. While it is important to take advantage of such opportunities, care needs to be taken to ensure that the primary function of the open space is not compromised and all values can coexist in a compatible manner.</i> <i>While the primary function of Garden Place is as open space, vehicle access for specific properties needs to be protected.</i>	
Objective	Policies
15.2.3 Well designed and safe open space.	15.2.3a Open space shall be designed and developed to ensure a safe physical environment by: i. Providing clear sightlines that maximise visibility of public areas, provided that natural values are not compromised. ii. Achieving passive surveillance by having open space that is overlooked by surrounding development.
	15.2.3b Buildings shall be of a design, bulk and scale that is compatible with the open space and the surrounding environment.
	15.2.3c Landscaping shall enhance the amenity of the open space and surrounding environment.

	15.2.3d Any car parking shall be integrated into the site without compromising the open space values and functions. 15.2.3e Where possible, open space shall be accessible to all, including the disabled.
Explanation	
<i>It is important that open space is well designed with regard to site layout and built form. This is to ensure that development is sympathetic to the function and values of a particular open space and it is pleasant and safe to use.</i>	
Objective	Policies
15.2.4 Open spaces are used and developed in a way that minimises adverse effects on the surrounding environment.	15.2.4a Buildings, structures and activities shall be designed, sited, operated and maintained to address the potential adverse effects of visual intrusion, loss of sunlight and daylight, noise, glare, lighting and traffic.
	15.2.4b The amenity of the surrounding environment shall not be adversely affected by the scale of buildings or activities on open space.
Explanation	
<i>It is important to manage the adverse effects of open space activities on the surrounding environment. Adverse effects include visual intrusion, loss of sunlight and daylight, noise, glare, lighting and traffic.</i>	

Natural Open Space Zone

Objective	Policies
15.2.5 Activities within the Natural Open Space Zone are consistent with and contribute to the conservation and restoration of natural character.	15.2.5a Development and use of sites in the Natural Open Space Zone shall: i. Support and protect landscape features, ecosystems, biodiversity and ecological links throughout the City. ii. Minimise the number and scale of buildings. iii. Contribute to the restoration of the health of the Waikato River through the retention of existing and creation of new esplanade reserves. iv. Retain vegetation and large specimen trees. v. Maintain or enhance indigenous vegetation and habitats.

15.2.6 Activities on the surface of water are consistent with the ecological, cultural and amenity values of the water body.	15.2.6a Activities and structures on the surface of water shall not adversely affect: i. Amenity values, particularly through noise. ii. Ecological values, particularly in relation to water quality, bank stability or riparian and aquatic habitat quality, or by transfer of aquatic weeds to and from water bodies. iii. Cultural values. iv. Water flows, particularly through the creation of natural hazards. v. Public access to water bodies. 15.2.6b Activities on the surface of water shall be managed to minimise conflicts between users.

Neighbourhood Open Space Zone

Objective	Policies
15.2.7 Activities and development within the Neighbourhood Open Space Zone provide for informal recreation, links between neighbourhoods, visual amenity, and buffers between potentially incompatible activities.	15.2.7a Development and use of sites in the Neighbourhood Open Space Zone shall: i. Retain the majority of the site free from buildings. ii. Ensure that location, design, bulk and scale of buildings are compatible with the size and purpose of the open space and with neighbouring properties.

Sport and Recreation Open Space Zone

Objective	Policies
15.2.8 Provide for organised sport for the local, City-wide and regional communities.	15.2.8a Development and use of sites in the Sport and Recreation Open Space Zone shall: i. Enable open space to be used for a range of recreational facilities and activities serving the City and region. ii. Ensure that buildings, structures and activities are designed, located and operated so adverse effects on the amenity of the open space or the surrounding environment are minimised.

Destination Open Space Zone

Objective	Policies
15.2.9 Provide high-quality open spaces that cater for a City-wide and regional catchment and accommodate a variety of uses and values.	15.2.9a Development and use of sites in the Destination Open Space Zone shall: - Enable a range of high-quality recreational and community facilities and activities serving the City and region. - Ensure that buildings, structures and activities are designed, located and operated so adverse effects on the amenity of the open space and the surrounding environment are minimised.
Explanation <i>The ~~five~~ Open Space Zones accommodate community needs for both active and passive open space, including protection of natural areas, and cater for City-wide functions and values. The effects of activities will be controlled in relation to the intensity of use, and the sensitivity and amenity of the surrounding environment, having regard to the overall purpose of the particular open space. Note that this is supplemented by the scheduling of archaeological and cultural sites and significant natural areas.</i>	

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Ruakura Open Space Zone

Objective	Policies
15.2.10 <u>The Open Space Zone at Ruakura shall be provided for and developed as a connected network to achieve a range of functions including passive recreation, active recreation, connectivity, enhancement of amenity, stormwater management and enhancement of ecological values.</u>	15.2.10a <u>The location, size and connectivity of the Open Space Zone shall be provided in accordance with that shown on Figure 2-14 in Appendix 2.</u>
	15.2.10b <u>A range of activities shall be provided for within the Open Space Zone.</u>
	15.2.10c <u>The Open Space Zone shall be developed in a staged and comprehensive manner in accordance with a Land Development Plan.</u>
	15.2.10d <u>A network of public access, walkways and cycleways shall be established within the Open Space Zone providing connections to the road network and the Kirikiroa Stream and Mangaonua Stream gully systems.</u>
	15.2.10e <u>The Open Space Zone shall assist stormwater management and function as a corridor for network</u>

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	<u>utilities including transmission lines.</u> 15.2.10f <u>The Open Space Zone shall provide for habitats for indigenous flora and fauna including black mudfish, eels, bats and lizards to enhance long-term ecological resilience.</u> 15.2.10g <u>Planting undertaken in the Open Space Zone shall include indigenous plant species which are eco-sourced from within the Waikato region, reflect natural plant assemblages and include trees that have capacity to develop cavities to provide habitats for bats.</u> 15.2.10h <u>The Open Space Zone shall provide for a greenway with a suitable form to enhance long term ecological function, including:</u> <u>i. All of the natural stormwater treatment infrastructure.</u> <u>ii. Stepping stone patches of indigenous trees and shrubs.</u> <u>iii. Bio-physical and natural features that maximise habitat opportunities for indigenous flora and fauna.</u> <u>iv. Indigenous plants characteristic of natural plant assemblages eco-sourced from the Waikato region.</u> <u>v. Linear wetlands to support viable populations of black mudfish and eels.</u>
<u>Explanation</u> <u>The addition of a specific Ruakura Open Space Zone recognises the unique and multifunctional role of the open space area. This is evident through the inclusion of special provisions for habitats for indigenous flora and fauna, including black mudfish, eels, bats and lizards are provided to enhance long term ecological resilience at Ruakura.</u> <u>The open space also provides for active and passive recreation along with public access throughout.</u> <u>The provision for a key linkage between the Kirikiriroa and Mangaonua Gully Systems and for the management of stormwater and a corridor for network utilities is provided.</u> <u>The open space also acts as a buffer between any incompatible activities within the Ruakura area. The Land Development Plan process identifies the relationship of the open space and function of this zone within the particular area. The approach to open space at Ruakura is comprehensive and integrated.</u>	

15.3 Rules – Activity Status Table

Activity	Open Space Zones				
	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
<u>Land Development</u>					
<u>a)</u> Land Development Activities (refer Rule 3.7.3.2)	=	=	=	=	<u>RD*</u>
Buildings					
<u>b</u>) New buildings, alterations and additions to buildings (other than park maintenance buildings and public toilets) associated with a permitted activity*	D	D	RD	RD	<u>RD*</u>
<u>c</u>) Demolition of existing buildings and structures	P	P	P	P	<u>P</u>
<u>d</u>) Demolition or removal of, or alterations or additions to, any building or structure on Lot 228 DP S929	-	D	-	-	=
<u>e</u>) Park maintenance buildings	P	P	P	P	<u>P</u>
<u>f</u>) Public toilet	P	P	P	P	<u>P</u>
<u>g</u>) Maintenance and repair	P	P	P	P	<u>P</u>
Activities					
<u>h</u>) Ancillary office	D	D	P	P	=
<u>i</u>) Changing rooms	D	D	P	P	<u>D</u>
<u>j</u>) Clubrooms	D	D	P	P	<u>D</u>
<u>k</u>) Commercial activities on the surface of water	RD	-	-	-	=
<u>l</u>) Community garden	D	P	P	P	<u>P</u>
<u>m</u>) Community centre	D	D	P	P	<u>D</u>
<u>n</u>) Conference facilities	D	D	P	P	=
<u>o</u>) Customary activities	P	P	P	P	<u>P</u>
<u>p</u>) Floodlights	D	D	P	P	<u>D</u>
<u>q</u>) Indoor recreation	D	D	P	P	<u>D</u>
<u>r</u>) Informal recreation	P	P	P	P	<u>P</u>
<u>s</u>) Maintenance of existing features, including buildings, structures and grounds	P	P	P	P	<u>P</u>
<u>t</u>) Motorised commercial activities on land	D	D	D	D	=
<u>u</u>) Organised recreation	P	P	P	P	<u>P</u>
<u>v</u>) Park furniture	P	P	P	P	<u>P</u>
<u>w</u>) Pest control	P	P	P	P	<u>P</u>

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Activity	Open Space Zones				
	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
<u>xw</u>) Pontoon/jetty	RD	RD	RD	RD	<u>D</u>
<u>yx</u>) Private recreation on the surface of water (excluding Lakes Waiwhakareke and Rotokaeo)	P	-	-	-	<u>-</u>
<u>zy</u>) Private recreation on the surface of Lakes Waiwhakareke and Rotokaeo	D	-	-	-	<u>-</u>
<u>aa</u>) Public art	P	P	P	P	<u>P</u>
<u>baa</u>) Retail	D	D	P	P	<u>-</u>
<u>caa</u>) Restaurant	D	D	D	P	<u>-</u>
<u>daa</u>) Spectator facility	D	D	P	P	<u>D</u>
<u>ead</u>) Removal of vegetation or trees*	RD	P	P	P	<u>P</u>
<u>faa</u>) Planting, pruning, and maintenance of vegetation or trees	P	P	P	P	<u>P</u>
<u>gaa</u>) Walkways and cycleways	P	P	P	P	<u>P</u>
<u>haa</u>) Subdivision	Refer to Chapter 23: Subdivision and Chapter 24: Financial Contributions				
<u>ii</u>) <u>Stormwater treatment devices (including ponds and swales)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>
<u>ii</u>) <u>Stormwater treatment ponds and wetlands (excluding swales) in the Ruakura Open Space Zone adjacent to the northern boundary of properties on Sheridan Street and Nevada Road, except where approved as part of a Land Development Plan</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>RD</u>
<u>kk</u>) <u>Parking lot (Lot 3 DPS 66853)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>RD</u>

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Refer to Waikato Regional Council Navigation Safety Bylaw for activities on the surface of the water.
3. Refer to Chapter 1.1.9 for activities marked with an (*).
4. For any activity not identified above, see Section 1.1.8.1.

15.4 Rules – Interpretation of Ruakura Open Space Zone

- a) The Ruakura Structure Plan identifies specific open space widths in Figure 2-14 in Appendix 2. Where a width is specified the open space area is considered fixed. Only minor amendments are envisaged in relation to alignment with the Spine Road. Modification or reduction to widths identified could only occur through a Land Development Plan process. For Open Space identified as an Indicative

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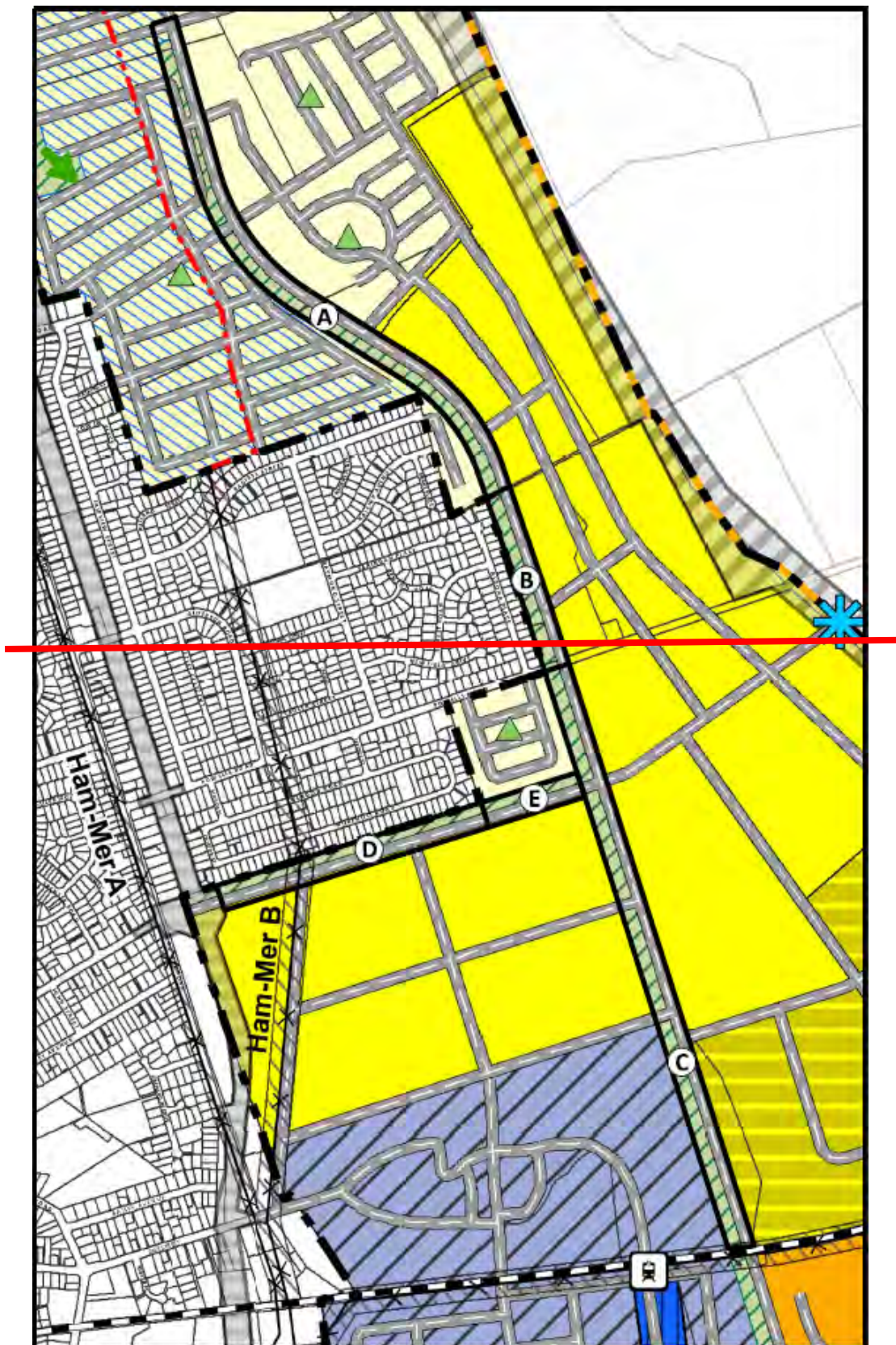
Ecological Link or Indicative Neighbourhood Reserve on Figure 2-14 this will be confirmed as part of a Land Development Plan process.

~~15.4 Rules – Definition of the Neighbourhood Open Space Zone in the Ruakura Structure Plan Area~~

~~The extent of some boundaries of the Neighbourhood Open Space Zone as shown on the planning maps are indicative only. The boundaries will be defined in relation to final location of proposed transport corridors. The boundaries affected and relevant proposed transport corridors are identified below.~~

~~Parts of the zone affected – refer to Figure 15.4a~~	~~Aspects of the zone boundary to be defined when proposed transport corridors are vested in Council~~
~~A~~	<del> Northern Extent: Boundary with proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor. Eastern Extent: Boundary with proposed north-south spine transport corridor. Western Extent: Extends 50m from the boundary with the proposed north-south spine transport corridor. </del>
~~B~~	<del> Eastern Extent: Boundary with proposed north-south spine transport corridor. </del>
~~C~~	<del> Eastern Extent: Boundary with proposed north-south spine transport corridor. Western Extent: Extends 50m from the boundary with the proposed north-south spine transport corridor. </del>
~~D~~	<del> Southern Extent: Boundary with the proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor. </del>
~~E~~	<del> Northern Extent: Extends 50m from the boundary with the proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor. Southern Extent: Boundary with the proposed east-west transport corridor connection from Tramway Road to the proposed north-south spine transport corridor. </del>

Figure 15.4a: Parts of the Zone affected by Rule 15.4



Note

1. The above figure is part of the Ruakura Structure Plan.

15.5 Rules – General Standards

15.5.1 Site Coverage

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Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
Maximum site coverage	50m ²	50m ²	2% or 250m ² gross floor area whichever is the greater	2% or 250m ² gross floor area whichever is the greater	<u>50m²</u> <u>(Applicable in respect of buildings only, not pathways or cycleways)</u>

15.5.2 Gross Floor Area

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Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
Maximum gross floor area for park maintenance buildings or public toilets (per building)	50m ²	50m ²	100m ²	100m ²	<u>50m²</u> <u>(Excluding park maintenance buildings)</u>

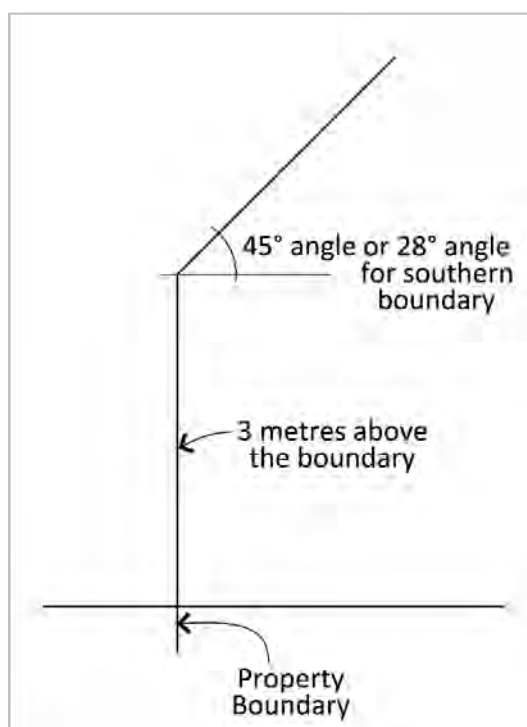
15.5.3 Number of Buildings

- a) The maximum number of buildings permitted on a park in the Neighbourhood or Natural Open Space Zone shall be one.

15.5.4 Building Height

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Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
Maximum height of					
a) Buildings	5m	5m	8m	12m	<u>5m</u>
b) Floodlights	-	-	15m	15m	<u>-</u>
c) Height control plane	Starting point: 3m above the site boundary Angle: 28° between northeast (45°) and northwest (315°) 45° in all other directions (see Figure 15.5.4d)				

Figure 15.5.4d: Height control plane

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15.5.5 Building Setbacks

Open Space Zone	Natural	Neighbourhood	Sport and Recreation	Destination	<u>Ruakura</u>
Minimum building setback from any boundary adjoining a Residential, Special Character or Future Urban Zone	5m	5m	8m	8m	<u>5m</u>

Note

1. See 22.5.6 for setback from the Waikato Riverbank and Gully Hazard Area.

15.5.6 Fences and Walls

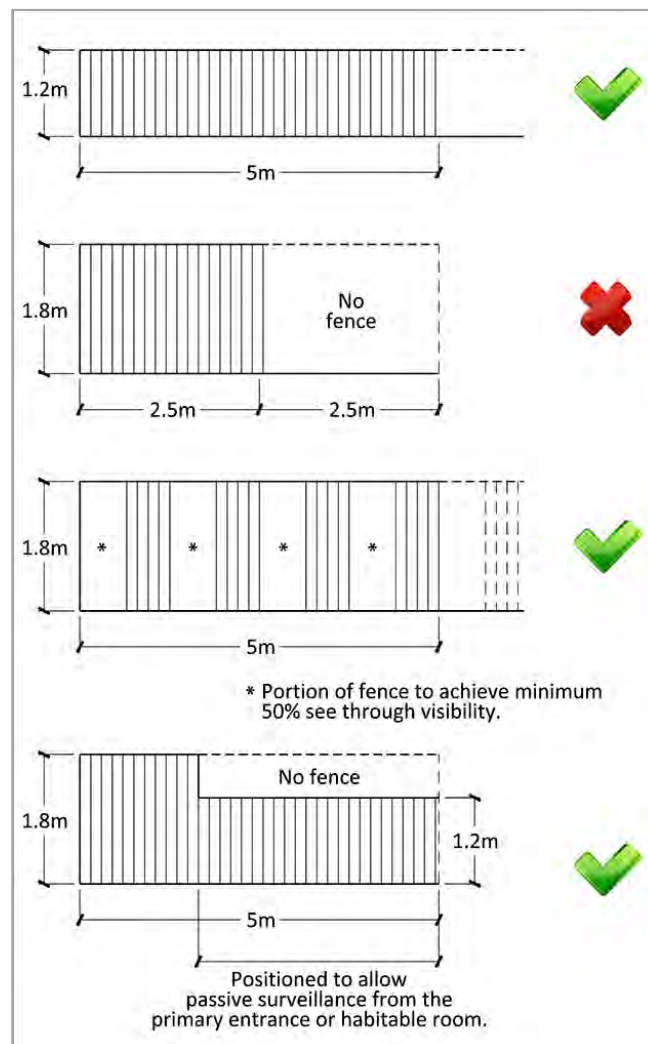
Boundary fences and walls shall have a maximum height of 1.8m, except as provided below.

- a) The following design and dimensions shall apply to fences on boundaries adjoining a Transport Corridor, Residential or Special Character Zone.

i. Designed and constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material)	1.2m maximum height
ii. Materials with 50% or more see-through visibility	1.8m maximum height

Note

1. Refer to Figure 15.5.6b for examples of acceptable solutions.
2. Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% see-through visibility.

Figure 15.5.6b: Examples of acceptable solutions

15.5.7 Hours of Operation

Open Space Zone	Sport and Recreation	Destination
Day	Operating hours	Operating hours
Organised recreation, clubrooms, community centre, conference facilities, indoor recreation, retail, restaurant		
a) Sunday to Thursday	0700-2230 hours	0700-2400 hours
b) Friday and Saturday	0700-2400 hours	-
c) Friday/Saturday and Saturday/Sunday	-	0700-0100 hours (next day)
Floodlights		
d) All days	0800-2130 hours	0800-2130 hours

15.5.8 Provisions in Other Chapters

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

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

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15.6 Rules – Specific Standards

15.6.1 Retail Activity

- a) Retail activities in any Open Space Zone shall not exceed a total of 100m² gross floor area per park.

15.6.2 Community Centre

- a) Hours of operation may be exceeded for any 24-hour period up to five days per calendar year.

15.6.3 Organised Recreation in the Natural, ~~and~~ Neighbourhood and Ruakura Open Space Zones

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- a) Participants shall use existing walkways, cycleways, structures, buildings, facilities and landform in the manner intended.

15.6.4 Garden Place

- a) No structures or activities shall prevent private vehicle access from Lot 3 DP29657 to Alexandra Street.

Note

1. Movable bollards are an acceptable means of complying with this standard.

15.6.5 Walkways and Cycleways

- a) Walkways and cycleways within the Waikato Hydro System operating range will be designed to withstand the effects of inundation.

15.6.6 Ruakura Open Space Minimum Width

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- a) A 40 metre width of open space shall be provided between the carriageway of the Spine Road and the eastern boundary of the AgResearch site at 113B Ruakura Lane, legally described as Lot 3 DPS 78549.

15.6.7 Parking Lot in Ruakura Open Space Zone (Lot 3 DPS 66853)

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- a) A minimum 30 metre setback from Ruakura Road
b) No parking lot is to be used for commercial purposes.

15.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located with the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. New buildings and alterations to buildings*	- B – Design and Layout - D – Natural Character and Open Space
ii. Removal of vegetation or trees*	- D – Natural Character and Open Space - F – Hazards and Safety
iii. Commercial activities on the surface of water	- D – Natural Character and Open Space - F – Hazards and Safety
iv. Pontoon/jetty	- D – Natural Character and Open Space - F – Hazards and Safety
<u>v. Stormwater treatment ponds and wetlands (excluding swales) in the Ruakura Open Space Zone adjacent to the northern boundary of properties on Sheridan Street and Nevada Road, except where approved as part of a Land Development Plan</u>	<u>N – Ruakura</u>
<u>vi. Land Development Plan</u>	<u>N – Ruakura</u>
<u>vii. Parking Lot (Lot 3 DPS 66853)</u>	<u>C – Character and Amenity</u> <u>G – Transportation</u>

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Note

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

15.8 Other Resource Consent Information

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

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

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

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



16 Community Facilities Zone

16.1 Purpose

- a) Community facilities include places of worship, schools and community houses. Community facilities are an essential component of the urban environment and contribute significantly to quality of life. The intent of the Community Facilities Zone is to provide for the development and operation of a range of community facilities while protecting local amenity.
- b) Not all community facilities are in the Community Facilities Zone. Many small facilities are suitably catered for in other zones, for example small childcare centres in Residential Zones and community centres in Open Space Zones.
- c) Some community facilities, for example schools, are established and operated through designations. When considering a notice of requirement for a designation, Council must consider the effects on the environment of allowing the requirement, having particular regard to the District Plan.

16.2 Objectives and Policies: Community Facilities Zone

Objective	Policies
16.2.1 Ongoing operation and development of accessible community facilities.	16.2.1a Subdivision, use and development shall provide community facilities and services that support the social wellbeing of the community.
	16.2.1b Retailing, office and industrial activities shall not take place, except small-scale activities ancillary to a community facility.
Explanation <i>The primary purpose of the Community Facilities Zone is to ensure the accessibility of community facilities within existing neighbourhoods. The facilities covered by the Community Facilities Zone already play an important role in the social and community framework of Hamilton. It is a role that is not adequately catered for in the other zones.</i>	
Objective	Policies
16.2.2 Activities have minimal adverse environmental effects.	16.2.2a Adverse visual impacts of buildings shall be minimised through building and landscape design, including by: i. Building setback and separation. ii. Height control, outdoor space, planting and landscaping.

	iii. Building design that contributes to the streetscape. iv. Development scaled appropriately for the locality and site, considering the site area, shape, frontage, topography and existing development. v. Providing adequate on-site parking and servicing areas. vi. Allowing passive surveillance between the public and private realm.
	16.2.2b Adverse effects of activities on the amenity values of the locality shall be minimised.
	16.2.2c Hours of operation shall be compatible with activities in the locality.
Explanation	
<i>Community facilities are predominantly surrounded by the Residential and Special Character Zones. Non-residential activities can undermine the quality of residential areas. Control is exercised to mitigate the adverse effects of community facilities on surrounding areas.</i> <i>Buildings that interface with a public area such as the Open Space Zone or the Transport Corridor Zone require greater control in terms of building design, site layout and landscaping. Bulk and location standards are appropriate to control the interface with other zones.</i>	

16.3 Rules – Activity Status Table

Activity	Class
Buildings	
a) Accessory buildings	P
b) New buildings and relocated buildings	RD*
c) Alterations and additions	P
d) Demolition of existing buildings and structures	P
e) Maintenance and repair	P
Activities	
f) Activities ancillary to any permitted activity, including libraries, offices, retail, workshops, depots and storage	P
g) Ancillary residential units (e.g. clergy, caregiver, caretaker)	P

Activity	Class
h) Community centre	P
i) Childcare facilities	P
j) Informal recreation	P
k) Indoor recreation	P
l) Managed care facilities	P
m) Marae	P
n) Papakainga	P
o) Public Art	P
p) Organised recreation	P
q) Places of worship	P
r) Residential centres	P
s) Rest homes	P
t) Schools (excluding on the Rototuna Secondary School site)	RD
u) Schools on the Rototuna Secondary School site (Figure 16.3u)	D
v) Emergency service facilities	RD
w) Hospital and Healthcare Services on Braemar Hospital Site ² (Figure 16.3w)	P

Note

1. For activities and buildings in the Electricity National Grid Corridor, see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. Braemar Hospital Site consists of: Sec 14 SO 431446, Sec 16 SO 431446, Sec 18 SO 431446, Sec 24 SO 431446, Pt Lot 2 DP S2686, Pt Lot 3 DP S2686, Pt Lot 2 DP 6867, Pt Lot 3 DP 6867, Pt Lot 4 DP 6867, and Pt Lot 4 DP S1925.
3. Refer to Chapter 1.1.9 for activities marked with an asterisk (*).
4. For any activity not identified above, see Section 1.1.8.1.

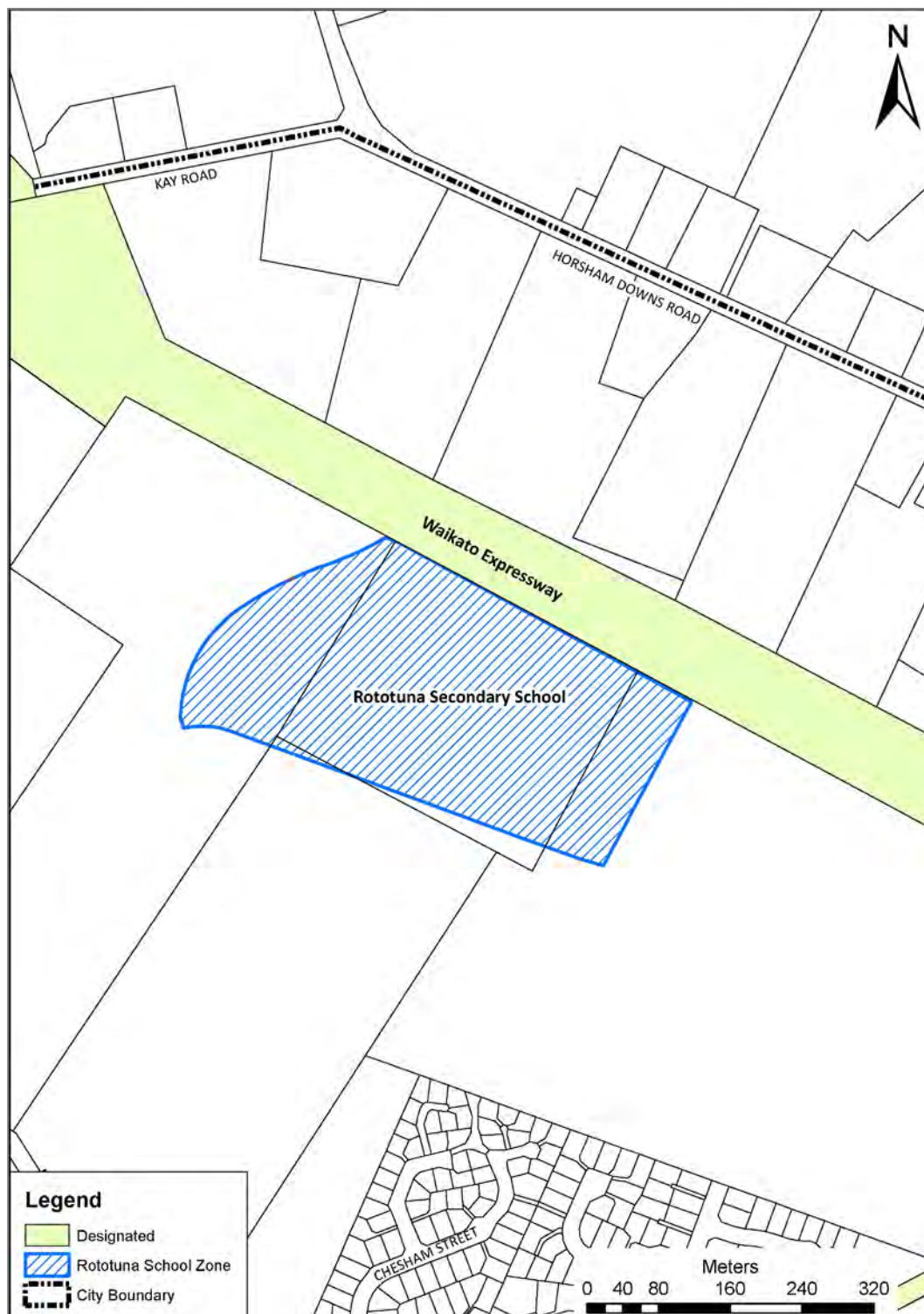
Figure 16.3u: Rototuna Secondary School Site

Figure 16.3w: Braemar Hospital Site

16.4 Rules – General Standards

16.4.1 Site Coverage

a) Site coverage	Maximum 40%

16.4.2 Density

Activity	Net site area
a) Residential centres, managed care facilities, papakainga and rest homes	50m ² minimum per resident

16.4.3 Building Height

a) Building height	Maximum 15m
b) Height control plane	- Angle: 45 degrees - Starting point: 3m above the site boundary
c) Where a building is on land that adjoins the General Residential Zone or Special Character Zone: i. No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries (see Figure 16.4.3d). Except that: ii. Where a boundary adjoins a transport corridor or access, the 45 degree angle applies to that boundary, measured 3m above the boundary (see Figure 16.4.3e).	

Figure 16.4.3d: Height Control Plane for a boundary adjoining a General Residential Zone or Special Character Zone

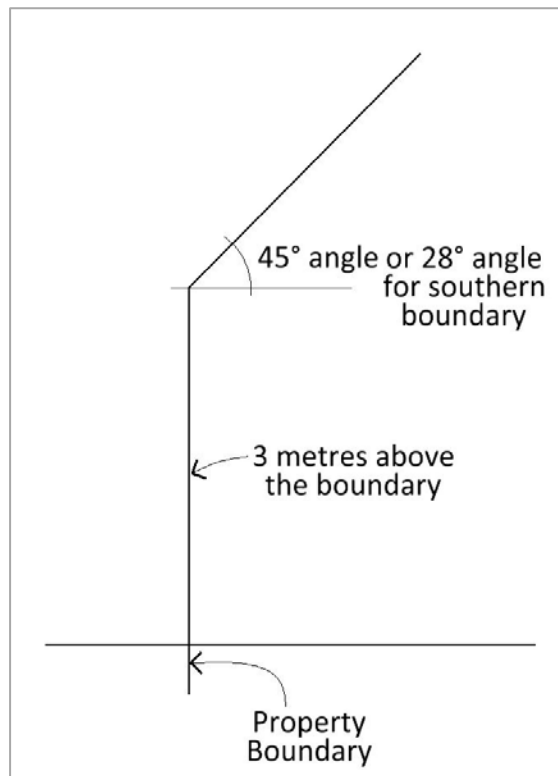
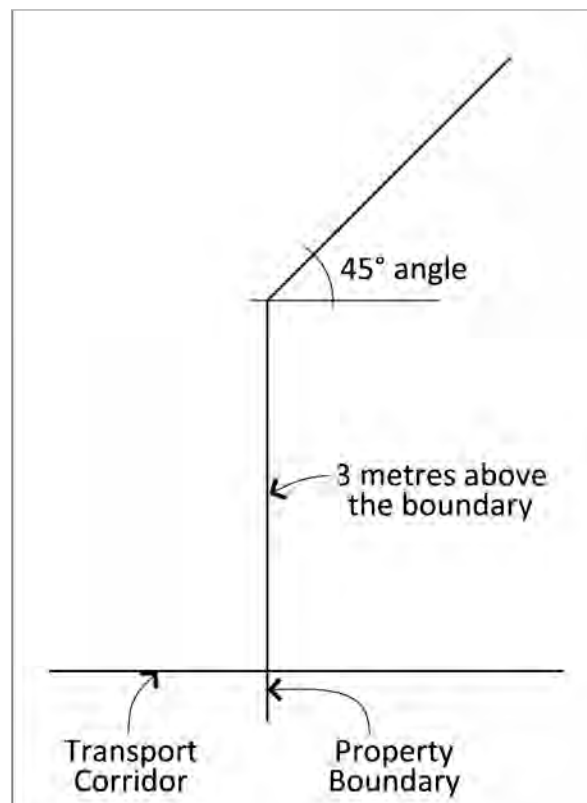


Figure 16.4.3e: Height Control Plane for boundaries adjoining a Transport Corridor or Access



16.4.4 Building Setbacks

Building setback from	Minimum distance
a) Transport corridor boundary	5m
b) Boundary with a Residential or Special Character Zone	5m
c) All other boundaries	3m

16.4.5 Service and Outdoor Areas

Description	Minimum requirements
a) Service area per site	i. At least 10m ² ii. Capable of containing a 2.5m-diameter circle iii. All-weather dust-free surface
b) Outdoor recreation and amenity space	i. At least 10% of net site area ii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas

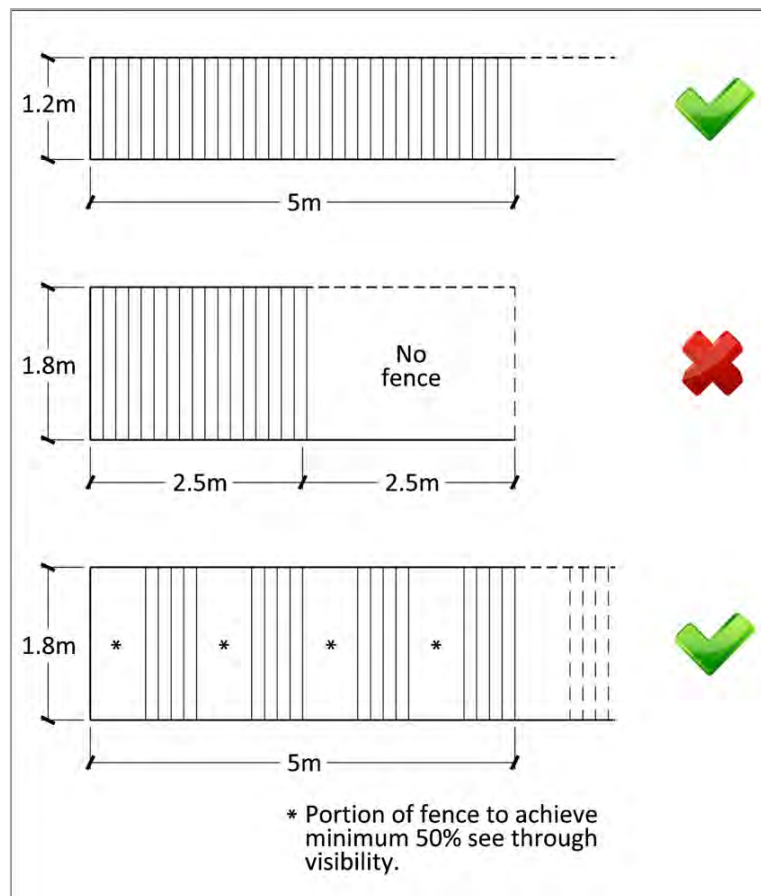
16.4.6 Fences and Walls

- a) Boundary fences have a maximum height of 1.8m, except as provided below.
- i. The following design and dimensions apply to fences or walls on boundaries adjoining any Residential or Special Character Zones, or Transport Corridor.

A. Designed/constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material)	1.2m maximum height
B. Materials with 50% or more see-through visibility	1.8m maximum height

Note

1. Refer to Figure 16.4.6b for examples of acceptable fencing solutions.
2. Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% see-through visibility.

Figure 16.4.6b: Examples of acceptable fencing solutions

16.4.7 Hours of Operation

Day or activity	Time
a) Sunday to Thursday	0700 to 2230 hours
b) Friday and Saturday	0700 to 2400 hours
c) These hours of operation may be exceeded for any 24-hour period up to five days per calendar year	
d) Hours of operation exclude residential activities on site	

16.4.8 Residential Buildings – Separation and Privacy

- a) Residential buildings shall be setback at least 3m from the nearest part of any other residential building, except:
 - i. No separation is required between buildings that are attached.
 - ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings, separation distance is a minimum of 1.5m.
- b) A balcony or window of a habitable room at upper-floor level shall be setback at least 5m from boundaries. This does not apply to a boundary along a road, access way, right-of-way, private way, access lot, or entrance strip less than 6m wide.

16.4.9 Outdoor Living Area

- a) Each residential unit shall be provided with an outdoor living area that is:
 - i. For the exclusive use of each residential unit.
 - ii. Readily accessible from a living area inside the residential unit.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Located on a side of the residential unit which faces north of east or west.
- b) Outdoor living areas shall have areas and dimensions as follows:

Residential units	Outdoor living area per residential unit	Shape
i. Ancillary residential unit	12m ²	No dimension less than 2.5m
ii. Communal open space for four or more residential units for the exclusive use of the residential units	12m ²	- Capable of containing a 8m diameter circle - No dimension less than 4m

- c) The communal open space shall serve four or more residential units for the exclusive use of the residential units. Any communal open space shall be optional.

16.4.10 Provisions in Other Chapters

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

- Chapter 2: Strategic Framework
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

16.5 Rules – Specific Standards

16.5.1 Alterations and Additions

Shall not be visible from an adjacent Transport Corridor Zone or Open Space Zone unless they are outside of the area defined as interfacing with a public place.

16.5.2 Ancillary Retail Activity

There shall be:

- a) A maximum of one ancillary retail activity per site.
- b) It shall have a maximum gross floor area of 50m².

16.5.3 Ancillary Residential Unit

There shall be:

- a) A maximum of one ancillary residential unit per site (excluding papakainga).

16.5.4 Managed Care Facility

- a) An outdoor living area shall be provided which is:
 - i. For the exclusive use of the residents.
 - ii. Readily accessible for all residents.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Comprises no more than 35% impermeable surface area.
 - v. Provided with a screen, wall or fence along that part of any site boundary adjoining the outdoor living area in order to screen the area from abutting properties.
- b) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m diameter circle.
 - iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.
- c) A service area shall be provided that has:
 - i. A minimum area of 20m²; with a minimum dimension of 3m.
 - ii. In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m² with a minimum dimension of 2m.
- d) Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.
- e) No part of any site or premises used as a managed care facility shall contain a secure unit.

16.5.5 Residential Centres

- a) An outdoor living area shall be provided which is:
 - i. For the exclusive use of the occupiers.
 - ii. Readily accessible for all occupiers.
 - iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - iv. Comprised of no more than 35% impermeable surface area.

- v. Provided with a screen, wall or fence along that part of any site boundary adjoining the outdoor living area in order to screen the area from abutting properties.
- b) The outdoor living area shall be provided communally which shall comprise:
 - i. At least 12m² per resident.
 - ii. A minimum dimension of not less than 4m.
 - iii. An area capable of containing a 6m diameter circle.
 - iv. At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.

16.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. New buildings and relocated buildings, (excluding accessory buildings) *	• B – Design and Layout • C – Character and Amenity
ii. Schools	• B – Design and Layout • C – Character and Amenity
iii. Emergency service facilities	• B – Design and Layout • C – Character and Amenity • F – Hazards and Safety

Note

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

16.7 Other Resource Consent Information

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

- How to Use this District Plan
- Explanation of Activity Status

- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

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

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



17 Major Facilities Zone

17.1 Purpose

- a) Major facilities are substantial, distinct entities which differ significantly from their surroundings. Included in the Major Facilities Zone are Waikato Stadium, Seddon Park, Claudelands Events Centre, Te Rapa Racecourse, Waikato Hospital, Wintec City Campus and Wintec Rotokauri Campus.
- b) In addition to these principal uses it should also be recognised that major facilities include a number of related or supporting activities that contribute to the overall functioning of the facility.
- c) The City's major institutions and facilities enable the community to meet its social, cultural and economic needs. These facilities also contribute to the visual amenity of the City through their landscaping and provision of open space. They make a positive design contribution in terms of their identity, through landmark buildings and other development.

17.2 Objectives and Policies: Major Facilities Zone

Objective	Policies
17.2.1 Major facilities develop and operate successfully and contribute to the economic, social and cultural wellbeing of the City.	17.2.1a Major facilities enable a mixture of activities while retaining the principal purpose.
	17.2.1b The positive effects of the use and development of major facilities are recognised and acknowledged.
	17.2.1c The adverse effects of use and development of major facilities on neighbourhood amenity values are minimised.
	17.2.1d Development of major facilities enables the scale and configuration of buildings and open space to contribute positively to the visual amenity values of the City.
	17.2.1e Development of major facilities demonstrates quality urban design, particularly at their interface with public areas.
	17.2.1f Development of major facilities is in general accordance with a Concept Development Consent.

Explanation

Each major facility is a large-scale complex with a range of activities. Therefore the flexibility to develop and adapt is important. However, the size and complexity of major facilities can make it difficult to accommodate them under the normal District Plan provisions and zones.

The intention of the Major Facilities policies is that each major facility will continue to be used for the principal purpose currently associated with that site, together with other complementary activities. It is not contemplated that land use at any of the sites will change fundamentally.

The effect of major facilities on the wider environment and on those areas which immediately adjoin the facility must be addressed. Harmonious existence with neighbours is an important element in the long-term success of major facilities.

The development of major facilities provides opportunities, because of the scale of development and single ownership of these large sites, with innovative and attractive designs which will enhance the locality.

17.3 Rules – Activity Status Table

Activity	Class
All Major Facilities: Concept Plan	
a) Concept Development Consent or an update to a Concept Development Consent	RD
All Major Facilities: Buildings	
b) Accessory buildings	P
c) Alterations or additions to buildings (excluding accessory buildings) where there is no approved Concept Plan	RD
d) Demolition or removal of buildings	P
e) Maintenance and repair	P
f) New buildings or relocated buildings not identified in an approved Concept Development Consent or where there is no approved Concept Development Consent (excluding accessory buildings)	RD
g) New buildings, relocated buildings, alterations or additions to buildings identified on an approved Concept Development Consent	P
All Major Facilities: Activities	
h) Ancillary residential (residential centres, managed care facilities, rest homes, apartments, single dwellings, visitor accommodation)	P
i) Ancillary retail	P
j) Ancillary offices	P
k) Organised recreation, informal recreation and indoor recreation	P

Activity	Class
l) Licensed premises	P
m) Parking lots and parking buildings	P
n) Restaurants	P
o) Support services, including workshops, plant and vehicle depots, heating and power stations, laundries, printing and publishing, telecommunications and broadcasting	P
p) Public art	P
Waikato Hospital Campus	
q) Tertiary education and specialised training facilities	P
r) Community centre	P
s) Heliport, for the provision of emergency services	P
t) Hospital	P
u) Health care services	P
v) Emergency service facilities	P
w) Marae	P
x) Places of worship	P
y) Research laboratories	P
z) Residential centre	P
aa) Childcare facilities	P
Seddon Park, Waikato Stadium and Claudelands Events Centre	
bb) Overnight accommodation of campervans, motorhomes and caravans, whether or not in association with an on-site event (Claudelands Events Centre only)	P
cc) Multi-purpose facilities for international sports, events and functions	P
dd) Park-and-ride facilities whether or not in association with an on-site event (Claudelands Events Centre only)	P
ee) Places of assembly	P
Te Rapa Racecourse	
ff) Heliport	P
gg) Places of assembly (racecourse only)	P
hh) Multi-purpose facilities for international sports, events and functions (racecourse only)	P
ii) Horse grazing and training	P
jj) Business activities associated with the racing industry (Thoroughbred Business Park, see Figure 17.3a)	P

Activity	Class
kk) Any of the following activities where they are located in the Thoroughbred Business Park (See Figure 17.3a) – light industrial activity, service industrial activity, warehouses, ancillary offices to the above activities, ancillary retail to the above activities and trade and industry training facilities	P
ll) New buildings and alterations or additions to buildings within the Thoroughbred Business Park (see Figure 17.3a)	C
Wintec City Campus and Wintec Rotokauri Campus	
mm) Any activity that is listed as a permitted activity in the Central City Zone - Precinct 1, in the Activity Status Table in Rule 7.3, where it is located in the Wintec City Campus	P
nn) Community centre	P
oo) Tertiary education and specialised training facilities	P
pp) Farming (Wintec Rotokauri Campus only)	P
qq) Health care services	P
rr) Library	P
ss) Marae	P
tt) Places of assembly	P
uu) Places of worship	P
vv) Research and development facilities including manufacturing (excluding any noxious or offensive activity)	P
ww) Residential centre	P
xx) Childcare facilities	P

Note

1. Table 15-3c of Volume 2, Appendix 15-3 contains guidance for converting vehicles per day into other units of measure.
2. For any activity not identified above, see Section 1.1.8.1.

Figure 17.3a: Thoroughbred Business Park

17.4 Rules – Concept Development Consent

17.4.1 Provision of Concept Development Consent

- a) New buildings are a permitted activity in the Major Facilities Zone when a Concept Development Consent application has been granted by Council, unless otherwise provided for in 17.4.1(b), (c) (d) and (h) below.
- b) Buildings and/or work that are permitted before the approval of a Concept Development Consent shall be:
 - i. Maintenance or repair to existing buildings
 - ii. Demolition or removal of buildings
 - iii. Accessory buildings
- c) An application for a Concept Development Consent shall be for a whole major facility site; however development of the site may proceed in stages.
- d) The activity status of a Concept Development Consent application shall be classified as restricted discretionary, unless an activity that forms part of the application is:
 - i. Discretionary, in which case the Concept Development Consent application is a discretionary activity.
 - ii. Non-complying, in which case the Concept Development Consent application is a non-complying activity.
- e) Concept Development Consents shall be formulated in accordance with the standards in this chapter.

- f) The development of a Concept Development Consent shall not preclude the requirement to comply with the relevant standards of the plan not addressed in the Concept Development Consent.
- g) Where any development or activity is not in accordance with the provisions of the Concept Development Consent, then assessment against the provisions of the Major Facilities Zone or separate resource consent shall be required for that development or activity.
- h) The Concept Development Consent for the Te Rapa Racecourse is not required to cover the Thoroughbred Business Park (see Figure 17.3a).

Note

1. A Concept Plan granted under the previous District Plan provisions is deemed to be a Concept Development Consent for the purposes of this rule.

17.5 Rules – General Standards

- a) All activities shall comply with the following standards. For the sake of clarity, if there is a conflict between a general and specific standard within this chapter then the specific standard shall apply.

17.5.1 Building Setbacks

Building setback from	Minimum distance
a) Residential or Special Character Zone boundary	5m
b) Fronting an arterial transport corridor	5m

17.5.2 Service Areas

Description	Minimum requirements
a) Service area per site	i. 10m² or 1% of the gross floor area of buildings on the site, whichever is the greater ii. Minimum dimension of 2.5m iii. All-weather, dust-free surface iv. Alternatively a common service area may be provided for if identified on an approved Concept Development Consent

17.5.3 Provisions in Other Chapters

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

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

17.6 Rules – Specific Standards

17.6.1 Seddon Park

17.6.1.1 Building Standards

a) Site coverage	Maximum 40%
b) Building height	Maximum 20m
c) Height control plane	i. Angle: 45 degrees ii. Starting point above the boundaries of Seddon Park: • 20m above the boundary along Seddon Road and Tristram Street • 3m above a boundary opposite the Residential or Special Character Zone • 10m above other boundaries iii. Does not apply to lighting towers

17.6.1.2 Pyrotechnics

- a) Pyrotechnics shall be deployed no more than five days in any calendar year.
- b) Pyrotechnics shall be deployed only between 1000 and 2230 hours, except on New Year's Eve when they may be deployed up to 0030 hours on the following day (January 1).

17.6.1.3 Fences

a) Wire mesh fencing (for the purpose of security or crowd control)	Maximum 2.5m

17.6.2 Waikato Stadium

17.6.2.1 Building Standards

a) Site coverage	Maximum 25%
b) Height control plane	i. Angle: 45 degrees ii. Starting point above the boundaries of Waikato Stadium: • 20m above the boundary along Seddon Road and Tristram Street • 3m above a boundary opposite the Residential or Special Character Zone • 10m above other boundaries iii. Does not apply to lighting towers

17.6.2.2 Pyrotechnics

- a) Pyrotechnics shall be deployed on no more than 25 days in any calendar year.
- b) Pyrotechnics shall not be deployed before 1000 hours or after 2200 hours on more than 15 days per calendar year. All pyrotechnic displays shall conclude by 2200 hours, except on New Year's Eve when pyrotechnics may be deployed up to 0030 hours on the following day (January 1).

17.6.2.3 Hours of Operation

- a) Restaurants and licensed premises (which include cafes and bars and the like) providing services (food, entertainment, alcohol and other beverages) to the general public shall not operate between 0100 and 0600 hours. 'General public' does not include in-house guests (visitors staying on site overnight) and patrons attending events at Waikato Stadium.
- b) No retail activities that provide food and services to the general public shall operate between 0100 and 0600 hours. 'General public' does not include in-house guests (visitors staying on site overnight) and patrons attending events at Waikato Stadium.
- c) No office activities shall operate between 0100 and 0600 hours.

17.6.2.4 Fences

a) Wire mesh fencing (for the purpose of security or crowd control)	Maximum 2.5m

17.6.3 Waikato Hospital

17.6.3.1 Building Standards

a) Site coverage	Maximum 45%
b) Height control plane	i. Angle: 45 degrees ii. Starting point above the boundaries of hospital site: • 20m above the boundary along the east side of Pembroke Street north of the brow of the hill • 3m above a boundary adjoining a site in the Residential, Special Character or Community Facilities Zone • 10m above other boundaries

17.6.4 Wintec Rotokauri Campus

17.6.4.1 Building Standards

a) Site coverage	Maximum 25%
b) Height control plane	i. Angle: 45 degrees ii. Starting point above the boundaries of campus site: • 3m above a boundary adjoining a site in the Residential, Special Character, Community Facilities, or Future Urban Zone • 10m above other boundaries

17.6.5 Wintec City Campus

17.6.5.1 Building Standards

a) Site coverage	Maximum 100%
b) Floor area ratio	1.5:1
c) Height limit	20m

17.6.6 Claudelands Events Centre and Claudelands Park

17.6.6.1 Building Standards

a) Site coverage	Maximum 25%
b) Height control plane	i. Angle: 45 degrees ii. Starting point above the boundaries of Events Centre site: • 3m above a boundary adjoining a site in the Residential or Special Character Zone • 10m above other boundaries

17.6.6.2 Pyrotechnics

- Pyrotechnics shall be deployed no more than five days in any calendar year.
- Pyrotechnics shall be deployed between 1000 and 2230 hours, except on New Year's Eve when pyrotechnics may be deployed up to 0030hrs on the following day (January 1).

17.6.7 Te Rapa Racecourse

17.6.7.1 Building Standards

a) Site coverage	Maximum 25%, except Thoroughbred Business Park where there is no maximum.
b) Setback from transport corridor (Thoroughbred Business Park)	Minimum 5m
c) Height control plane	i. Angle: 45 degrees ii. Starting point above the boundaries where the Major Facilities Zone adjoins any other zone: • 3m above a boundary adjoining a site in the Residential Zone • 10m above other boundaries

17.6.7.2 Heliport

- Flights (landings and takeoffs) per calendar year shall not exceed 24.

17.7 Controlled Activities: Matters of Control

- In determining any application for resource consent for a controlled activity in addition to the relevant standards within Rules 17.4 to 17.6, the Council shall have control over the following matters referenced below:

Activity Specific	Matter of Control (Refer to Volume 2, Appendix 1.3.2)
i. New buildings, relocated buildings, alterations or additions to buildings within the Thoroughbred Business Park	B Industrial Zone C Knowledge Zone and Major Facilities Zone

17.8 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies for Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. Concept Development Consent or an update to a Concept Development Consent (All Major Facilities)	• B – Design and Layout • C – Character and Amenity • K – Major Facilities Concept Development Consent Consistency
ii. Alterations or additions to buildings (excluding accessory buildings) where there is no approved Concept Development Consent	• B – Design and Layout • K – Major Facilities Concept Development Consent Consistency
iii. New buildings or relocated buildings not identified on an approved Concept Development Consent or where there is no approved Concept Development Consent (excluding accessory buildings)	• B – Design and Layout • C – Character and Amenity • K – Major Facilities Concept Development Consent Consistency

17.9 Other Resource Consent Information

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

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

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

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control

- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation



18 Transport Corridor Zone

18.1 Purpose

- a) Most formed public roads are included within the Transport Corridor Zone. As new public roads are formed, the rules of this zone will apply.
- b) To varying degrees these transport corridors provide the following three key functions.
 - i. Movement: Linking places with transport infrastructure that provides for a range of transport modes to move people and goods.
 - ii. Place: Creating public spaces for access and interaction, including providing for human interaction, exercise and enjoyment, facilitating commerce and business, enabling access to buildings, lots and public spaces, and parking. .
There are some transport corridors where such activities would create health and safety issues, the place function would be limited in such situations (e.g. motorways, expressways and state highways). Use of these spaces will need to be authorised by the relevant road controlling authority and the transport corridor should be suitable for that purpose.
 - iii. Utility Corridor: Providing corridors that network utility operators can use to service the City (e.g. telecommunications, electricity, Three Waters, and gas networks).
- c) The Transport Corridor Zone establishes a framework to provide for these functions.

Note

1. The creation of new transport corridors is managed through Chapter 25.14: City-wide – Transportation, Chapter 23: Subdivision, and by designations (refer to Chapter 26: Designations). This zone provides a management framework for operational transport corridors.
2. While the rail network is part of the transport network, it is provided for by either designations or specifically within land-use zones. The focus of the Transport Corridor Zone is those parts of the transport network that provide for combined pedestrian, cyclist and vehicle traffic.

18.2 Objectives and Policies: Transport Corridor Zone

Transport Corridor Network

Objective	Policies
18.2.1 A network of transport corridors that is accessible, affordable, integrated, safe, sustainable and responsive to the national, regional and local needs for all modes of transport and is integrated with land use.	18.2.1a A hierarchical network of transport corridors shall be established that provides for different functions and modes of transport while recognising the nature of the surrounding land use.

	18.2.1b The planning, investment, design, construction, operation, maintenance and upgrading of transport infrastructure shall be provided for in a way that enables the effective and efficient management of transport corridors to fulfil their functions.
Objective	Policies
18.2.2 Adverse effects from the transport network are minimised and amenity values maintained.	18.2.2a Social and environmental impacts, as well as economic benefits, shall be considered when undertaking works that change the function of that transport corridor.
	18.2.2b The amenity values of adjacent land uses shall be protected from the adverse effects of works within the transport corridor.
Explanation	
<i>In order to create, operate and maintain a safe, efficient and responsive transport network the Transport Corridor Zone needs to readily allow for the construction, operation, maintenance and upgrading of transport infrastructure. Routine and renewal works of existing infrastructure and new works, which are consistent with the defined functions and forms should be permitted (subject to performance standards to manage nuisance effects such as noise and dust). By contrast, works which change the transport corridor in ways which are inconsistent with its defined function and form should be subject to greater scrutiny.</i> <i>It is recognised that the balance between the movement and place functions varies according to the required transport function of the particular transport corridor, reflecting its role in the wider network and the surrounding land use. The form of a transport corridor, its design elements and the way in which space is allocated or prioritised to each design element, ultimately reflects the balancing of these factors. The resulting form should create a legible transport network, making it easy for users to identify how the space should be used and how they are meant to behave within each part of the transport network.</i>	

Network Utilities Infrastructure

Objective	Policies
18.2.3 Opportunities exist for network utility operators to use transport corridors to provide infrastructure.	18.2.3a When managing transport corridors opportunities should be considered for accommodating network utilities within those transport corridors.
	18.2.3b Network utilities shall only be allowed within the transport corridor if they do not compromise the

	function, safety, and efficiency of the transport network.
Explanation	
<i>The Transport Corridor Zone also provides space for infrastructure to be provided by other network utility operators. The Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor contains detail about these activities and has objectives, policies and rules that apply to other network utilities within the Transport Corridor Zone. As long as the movement and place functions of transport corridors are maintained opportunities exist for transport corridor spaces to provide for other network utilities. This multi-purpose approach can be a very efficient way of using public spaces.</i>	

Other Activities and Structures

Objective	Policies
18.2.4 Non-network utility activities and structures within transport corridors contribute to the amenity, vibrancy and attractiveness of the City.	18.2.4a Other activities and structures, including street trees, shall be provided for when they do not compromise the function, safety and efficiency of the transport corridor, and the provision and operation of network utility infrastructure.
Explanation	
<i>There are other activities carried out and facilities provided within the transport corridor that, while not part of the movement function of the transport network, still make use of that space. Continuing to provide for these activities where it does not adversely affect the operation of network utilities is important in supporting vibrant and amenable public spaces. These include public art, advertising signs, temporary retail activities, outdoor events and dining.</i>	

18.3 Rules – Application of the Transport Corridor Zone

- The Transport Corridor Zone shall apply to all land that is a formed public road pursuant to section 315(1) of the Local Government Act 1974 or is shown on the planning maps with the Transport Corridor zoning over the land at the date of this Plan 13 November 2012.
- Any land vested in the Council or the Crown as road pursuant to any enactment or provision in this Plan, and has been formed as road to either Council's required standards or the New Zealand Transport Agency's standards in respect of the state highway network, then from the date of formation, the land shall be subject to the rules in the Transport Corridor Zone and be treated as Transport Corridor Zone for determining whether any other Rule in the District Plan is relevant, but shall retain its current zoning.
- Where a road within the Transport Corridor Zone has been lawfully stopped under any enactment, and any relevant designation uplifted, the land shall be subject to

the rules of the adjoining zoned land (as shown on the Planning Maps) from the date of stopping and removal of any relevant designation.

- d) Where the zoning of the adjoining land on one side of the road being stopped is different to that of the other side then the transport corridor shall be split evenly down the centre then the relevant adjoining zone determined.

Note

1. Volume 2, Appendix 15-6: Proposed Road Stopping identifies land currently set aside for road but which Council intends to 'stop'.

18.4 Rules – Activity Status Table

Activity	Class
a) Any routine or renewal works to existing transport infrastructure	P
b) Any new works either partly or fully in accordance with the function of the transport corridor as defined in Volume 2, Appendix 15-5: Transport Corridor Hierarchy Plan and Definitions	P
c) Any new works not in accordance with the function of the transport corridor as defined in Volume 2, Appendix 15-5: Transport Corridor Hierarchy Plan and Definitions	D
d) Public art	P
e) Construction, operation and maintenance of network utility infrastructure	Refer to Chapter 25.7: City-wide - Network Utilities and the Electricity National Grid Corridor
f) Verandas and awnings	Refer to the relevant zone Chapters of adjoining sites
g) Subdivision	Refer to Chapter 23: Subdivision and Chapter 24: Financial Contributions

Note

1. For all activities within the Transport Corridor Zone approval from the relevant Road Controlling Authority is required in accordance with the Local Government Act 2002. Local bylaws under the Local Government Act may also apply. The Road Controlling Authority is also bound by Local Government Act provisions. State highways are covered by the Government Roadway Powers Act 1989.
2. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor
3. For any activity not identified above, see Section 1.1.8.1.

18.5 Rules – General Standards

18.5.1 Provisions in Other Chapters

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

- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide – 25.2 Earthworks and Vegetation Removal, 25.3 Events and Temporary Activities, 25.4 Hazardous Facilities, 25.6 Lighting and Glare, 25.7 Network Utilities and the Electricity National Grid Corridor, 25.8 Noise and Vibration, 25.10 Signs, 25.11 Smoke, Fumes, Odour and Dust, 25.14 Transportation

18.6 Rules – Specific Standards

18.6.1 Any New Works

Transport Corridor Design and Formation

- a) Any new works to an existing transport corridor shall be:
- i. Designed and constructed to be consistent with the criteria contained in Table 15-7a of Volume 2, Appendix 15-7: Criteria for the Form of Transport Corridors as appropriate for the land use environment and transport corridor type.
 - ii. In accordance with the specific designation for the transport corridor; or
 - iii. In accordance with the conditions of an approved resource consent.

18.7 Other Resource Consent Information

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

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

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

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



19 Historic Heritage

19.1 Purpose

- a) Historic heritage is a natural or physical resource and is defined in the Act. This chapter addresses historic structures and their immediate surroundings, and sites of archaeological or cultural significance.
- b) The purpose of this chapter is to identify those individual buildings, structures, places and sites that are significant, and therefore warrant recognition and protection. These items are listed in Volume 2, Appendix 8:
 - i. Schedule 8A: Built Heritage (buildings, structures and associated sites).
 - ii. Schedule 8B: Group 1 Archaeological and Cultural Sites.
- c) There is potential for cultural artefacts to be found and for archaeological sites to be discovered throughout the City. Schedule 8C: Group 2 Archaeological and Cultural Sites in Volume 2, Appendix 8, identify areas where there is a higher potential for finding artefacts and archaeological sites. There are no additional controls in the plan on these sites that are identified for information purposes only. If artefacts or archaeological sites are discovered an Authority must be obtained from Heritage New Zealand Pouhere Taonga.

Buildings and Structures

- d) Rapid growth over the last decade has resulted in redevelopment and intensification of both residential and business sites and in some circumstances this has led to the loss of heritage values. Demolition of heritage buildings often results because a viable use has not been, or cannot be, identified, or because of the high cost of maintenance, restoration or adaptation. Heritage items are a finite resource which cannot be replaced.
- e) Unsympathetic alterations or additions can damage heritage values associated with heritage buildings or structures. While modifications are often needed to make built heritage usable (e.g. telecommunication upgrading, energy-efficiency and conforming with fire, earthquake and access standards) these need to be undertaken in a manner that protects the heritage value.
- f) Removing buildings from their original setting can change their context and diminish their historic significance. The modification of the surrounding environment can also reduce heritage values. For example, the removal of mature trees and vegetation, changes to fences, or the addition of new buildings on the site can all reduce the overall heritage value.

Archaeological and Cultural Sites

- g) Hamilton has many sites of archaeological and cultural significance. Some of these are associated with European settlement, while others are significant to Waikato iwi and local hapu.
- h) Archaeological sites include any place that was associated with human activity that occurred before 1900. Archaeological sites can include military redoubts,

objects and locations associated with industry (e.g. flour mills and a lime kiln), as well as locations of early settlement.

- i) Many sites in the City are not visible on the surface, but may have underground features and artefacts which could be disturbed or damaged through earthworks and construction. Digging foundations and other activities can damage historical sites, especially if there is a lack of awareness of historical significance or the potential to uncover historic features. Important features of a site (like filled-in trenches of a pa or kumara pits) may still exist below the surface.
- j) While many sites have been destroyed or damaged by urban development and are not easily recognisable for their original purpose and form, their historical or cultural importance has not diminished. Sites of archaeological and cultural significance form an important part of the cultural history of the City and should be protected for the benefit of current and future generations.
- k) The relationship of Maaori and their culture and traditions with their ancestral lands, water, waahi tapu and other taonga may be destroyed or compromised through inappropriate development. Kaitiakitanga or guardianship and protection of the land, water, waahi tapu and other taonga is an important issue for Waikato iwi and local hapu.

19.2 Objectives and Policies: Historic Heritage

All Historic Heritage

Objective	Policies
19.2.1 Significant buildings, structures, sites and items that define the City's historic heritage are identified and protected.	19.2.1a The City's historic heritage shall be protected from the adverse effects of subdivision, use and development.
	19.2.1b Ensuring that where features have been destroyed or damaged, the historical heritage values of these sites are recorded and recognised to ensure the historical legibility of Hamilton City.
	19.2.1c Subdivision and development shall adhere to the conservation principles of International Council on Monuments and Sites (ICOMOS) being the New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value where applicable.
Explanation	
<i>Historic places make a significant contribution to the sense of identity and wellbeing of the City's residents. A wide range of heritage values need to be protected, including buildings, structures, sites and their surroundings with historical, social, cultural, architectural or technological significance. The District Plan matches levels of</i>	

protection with the classification of the item so the City's most significant items are protected.

Heritage resources are vulnerable to change, and once lost cannot be replaced. It is therefore important to seek means to avoid adverse effects on historic places. The District Plan controls activities recognised as having an adverse effect on the heritage values of identified historic places.

Heritage New Zealand Pouhere Taonga has the primary responsibility for the regulation of activities relating to archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Guidance on the principles for the conservation of places of cultural heritage value can be found in ICOMOS being the New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value.

Objective	Policies
19.2.2 The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.	19.2.2a Items of significant heritage value (buildings, objects, areas, trees and sites) shall be scheduled.
	19.2.2b The loss of heritage values associated with scheduled items shall be avoided.
	19.2.2c Outstanding examples of a particular type of site, or sites that are highly significant to the community shall be scheduled.

Explanation

Historic heritage is an integral part of Hamilton's character and its future development. For this reason the destruction or alteration of buildings, or significant elements of buildings, objects, areas, trees and Maaori sites that are of heritage significance will be assessed against criteria which seek to maintain an item's heritage value. The loss of heritage values will be considered through a resource consent process.

Buildings and Structures

Objective	Policies
19.2.3 The heritage values of significant buildings, structures and their immediate surroundings are protected.	19.2.3a Demolition or relocation of buildings and structures ranked A in Schedule 8A shall be avoided.
	19.2.3b Demolition or relocation of buildings and structures ranked B in Schedule 8A should be discouraged.
	19.2.3c Subdivision and development shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A.

	19.2.3d Subdivision and development shall avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A.
	19.2.3e Heritage buildings and structures shall be used in a manner that ensures essential heritage qualities are not damaged or destroyed.
	19.2.3f The design, materials and finish of any development shall be consistent with identified heritage values.
	19.2.3g The continued use or adaptive reuse of any building or structure of identified heritage value shall be encouraged.
	19.2.3h The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage values.
	19.2.3i Encourage the strengthening of buildings in Schedule 8A to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.
Explanation	
<i>The demolition of historic places can result in the loss of associated heritage values. The aim of the District Plan is to minimise the loss of any historic buildings and structures within Volume 2, Appendix 8, Schedule 8A. Demolition of highly significant historic buildings and structures will be considered only in exceptional circumstances.</i> <i>Inappropriate additions or major alterations to historic buildings and structures also have the potential to destroy or degrade heritage values. However, minor or routine maintenance and repair enables items to be maintained. In most cases, the exterior of historic buildings and structures is more sensitive to change through unsympathetic changes than the interior. Changes to the interior of heritage buildings are not controlled as change is considered necessary to ensure buildings are useable. The strengthening of historic heritage buildings to meet earthquake strengthening requirements is important to ensure heritage buildings and structures are safe and useable. However, the strengthening of these buildings and structures still needs to ensure the heritage values are retained.</i> <i>Removal of a building from its original site or changes to a building's setting (e.g. destruction of gardens, trees and other heritage buildings) can affect heritage values and reduce its significance. However in some circumstances, relocating the item off-site may be the only way to protect the item. Other structures, signs or lighting on historic buildings and structures can also impact on heritage values.</i>	

The District Plan also encourages activities that will facilitate the retention and enhancement of historic buildings and structures. Greater flexibility in what historic buildings and structures can be used for, while ensuring the management of any potential adverse effects, can help their preservation by finding an ongoing use.

Archaeological and Cultural Sites

Objective	Policies
19.2.4 Significant archaeological and cultural sites shall be protected from damage or destruction.	19.2.4a Subdivision, use and development shall be managed to avoid damage to archaeological and cultural sites where they exist, or are likely to exist.
	19.2.4b The protection and management of sites of archaeological and cultural significance shall be informed by their significance.
	19.2.4c Activities or development shall not adversely affect the physical structure and integrity of scheduled sites. This may include: i. Inappropriate planting, ii. The removal of vegetation where it affects the stability of the site, and iii. Addition, excavation or compaction of any soil, rock or other materials.
	19.2.4d The relationships of tangata whenua with sites of spiritual, cultural or historical significance shall be recognised and provided for.
	19.2.4e Where features of significant cultural sites are lost, these features should be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.

Explanation

The policies recognise that activities that disturb the ground pose a significant threat to archaeological and cultural sites, and aim to control these activities. In some cases, the original features of a site may be lost or damaged through exposure to weather, earthworks, damage from tree roots and coverage of a site by buildings or impermeable surfaces. However, sub-surface features may still survive. The aim of the policies is to protect the physical integrity and features of the site.

Identification of sites before development occurs is particularly important. If the general location of sites can be signalled then developers and landowners are able to

plan development that minimises or avoids disturbance.

An important concern for tangata whenua is the need to protect sites from accidental or intentional interference. The District Plan will record and protect only those sites which iwi are comfortable to make known. The location of other sites is known only to Waikato iwi and local hapu. The policies also recognise the importance of these sites to Maaori.

Where development has already taken place and the site's features have been destroyed or damaged, recognition of the site's existence is desirable through signs, planting or some other method. Even where these sites no longer exist physically they still hold cultural significance, particularly to Waikato iwi and local hapu.

19.3 Rules - Activity Status Table

Activity	Class
Volume 2, Appendix 8, Schedule 8A: Built Heritage (structures, buildings and associated sites)	
a) Maintenance and repair	P
b) Internal alterations of buildings	P
c) Accessory buildings or new buildings within any scheduled site ranked A	D
d) Accessory buildings or new buildings within any scheduled site ranked B	RD*
e) Accessory buildings or new buildings within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	P
f) Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked A	D
g) Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B	RD
h) Demolition of any structure or building ranked A	NC
i) Demolition of any structure or building ranked B	D
j) Earthquake strengthening works to the external façade of any structure or building ranked A	RD*
k) Earthquake strengthening works to the external façade of any structure or building ranked B	C
l) Erecting, constructing or extending any structure or fence on a site	RD*
m) Erecting, constructing or extending any structure or fence on a site within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	P
n) Signs (refer also to Chapter 25.10: City-wide – Signs)	RD*
o) Signs within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	Refer to Chapter 25.10: City-wide – Signs

Activity	Class
p) Subdivision of an allotment containing a scheduled Historic Heritage Item and sites identified in Volume 2 Appendix 8, Schedule 8A and 8B	Refer to Chapter 23: Subdivision
q) Change of use to an activity otherwise listed as non-complying in the underlying zone rules for any historic place identified in Schedule 8A	D
r) Removal off site of any structure or building ranked A	NC
s) Relocation on existing site of any structure or building ranked A	D
t) Removal off site of any structure or building ranked B	D
u) Relocation on site of any structure or building ranked B	RD
Volume 2, Appendix 8, Schedule 8B: Group 1 Archaeological and Cultural Sites	
v) Minor work on all sites	P
w) Any earthworks on a site in Group 1	RD
x) Signs on a site in Group 1 (refer also to Chapter 25.10: City-wide – Signs)	RD*
y) Any earthworks on a site in Group 2	P

Note

1. If archaeological material, koiwi or taonga is uncovered on a site which pre-dates 1900, then the site is an archaeological site in terms of the Heritage New Zealand Pouhere Taonga Act 2014. Any disturbance of archaeological sites, regardless of their listing or otherwise in this District Plan, is not permitted under the Heritage New Zealand Pouhere Taonga Act 2014. Consent of Heritage New Zealand Pouhere Taonga is required to modify or disturb an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014. For further information or to make an application, contact the nearest office of Heritage New Zealand Pouhere Taonga. An authority is required for all such activity whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Regional or District Plan.

19.4 Rules – Specific Standards

19.4.1 Maintenance and Repairs to a Schedule 8A Item

- a) In any repair or maintenance to the exterior of a building or structure, the heritage values for which the Historic Place was scheduled shall be respected. This will be achieved by:
 - i. Using the same or similar materials.
 - ii. Maintaining consistency with the scale, proportion, finishes and techniques.
- b) Maintenance to a building or structure shall be limited to:
 - i. Works for the purpose of weatherproofing.
 - ii. Plumbing and electrical work.
- c) Repairs shall be for the purpose of repair, patching, piecing in, splicing or consolidating.

19.4.2 Archaeological and Cultural Sites

- a) In the event that during earthworks on any site any archaeological feature, artifact or human remains are found, the Accidental Discovery Protocol within Volume 2, Appendix 8-2 will be complied with.

19.5 Controlled Activities: Matters of Control

- a) In determining any application for resource consent for a controlled activity in addition to compliance with the relevant standard within 19.4 the Council shall have control over the following matter referenced below.

Activity Specific	Matter of Control and Reference Number (Refer to Volume 2, Appendix 1.3.2)
i. Earthquake strengthening works to the external building façade of any structure or building ranked B*	E – Historic Heritage

Note

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

19.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
Schedule 8A: Built Heritage (structures, buildings and associated sites)	
i. Accessory buildings or new buildings within any scheduled site ranked B*	E – Heritage Values and Special Character
ii. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B	E – Heritage Values and Special Character

iii. Earthquake strengthening works to the external building façade of any structure or building ranked A*	E – Heritage Values and Special Character
iv. Erecting, constructing or extending any structure or fence on a site*	E - Heritage Values and Special Character
v. Relocation on site of any structure or building ranked B	E - Heritage Values and Special Character
vi. Signs*	E – Heritage Values and Special Character
Schedule 8B: Group 1 Archaeological and Cultural Sites	
vii. Any earthworks on a site in Group 1	E – Heritage Values and Special Character
viii. Signs on a site in Group 1*	E – Heritage Values and Special Character

Note

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

19.7 Other Resource Consent Information

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

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

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

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



20 Natural Environments

20.1 Purpose

- a) This chapter of the District Plan relates to Significant Natural Areas, significant trees or groups of trees, peat lakes, wetlands and peat lake catchments.

Significant Natural Areas

- b) The Act identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. This chapter of the District Plan identifies areas of significant indigenous vegetation, biodiversity and habitats of indigenous fauna which qualify as Significant Natural Areas – these areas can be held in public and private ownership or ownership may be split.
- c) The sites are identified on the Planning Maps and are listed in Schedule 9C: Significant Natural Areas in Volume 2, Appendix 9. The significance of a site is based on the ecological significance of its indigenous vegetation. The sites were assessed using the criteria for determining significant indigenous vegetation and significant habitats of indigenous fauna contained in the Regional Policy Statement (2000).
- d) As restoration efforts continue in the City, additional Significant Natural Areas may be created. These will be added to Schedule 9C through changes to the plan through the First Schedule process under the Act.
- e) Significant Natural Areas include:
- Identified areas of the Waikato River corridor and gully systems.
 - Peat lakes and wetlands.
 - Remnant indigenous vegetation or trees.
 - Other areas that contribute to indigenous biodiversity.
- f) Threats to significant natural areas include the reduction or loss of habitats due to contamination, disturbance, destruction, invasive weeds, vertebrate pests and surrounding land uses. Maintaining the City's biodiversity is challenging because:
- Areas and habitats of indigenous species often occur on both private and public land. There can be tensions between the aspirations of landowners for land use and development and the need to protect those areas and habitats.
 - Ecosystems are not always confined to definable sites; maintaining indigenous biodiversity requires more than the protection of sites of especially high biodiversity value. It also involves the growth, creation and restoration of new or past sites.
 - The costs of protecting areas and habitats are local and often specific to an individual, yet the benefits may be local, regional and national.

Significant trees or groups of trees

- g) Volume 2, Appendix 9, Schedule 9D identifies individual trees or groups of trees on both public and private land. These are trees that have special value to the community or are outstanding specimen examples and individually or collectively are worthy of protection.
- h) Trees make an important contribution to the health and wellbeing of the residents of the City and to the quality of the City's landscape. Trees contribute significantly to urban amenity values, and perform a range of environmental functions such as releasing oxygen; absorbing carbon dioxide and water; moderating micro-climates; giving shade and shelter from winds; providing land stability, particularly on gully and river banks; and providing habitat for wildlife – birds and insects, both native and exotic species.
- i) Development can have significant adverse effects on the extent and condition of trees, particularly in terms of removal of larger trees and works within the root protection zone. Retention of trees, particularly on private land, is a significant challenge.
- j) Once mature trees are lost, it takes time to establish a replacement. There are cumulative effects of the loss of individual trees and stands of trees, including loss of habitat, adverse effects on the urban ecosystem, loss of urban amenity and the green character of the City.

Peat Lakes, Wetlands and Peat Lake Catchments

- k) Peat lakes and wetlands have been degraded or lost because of a lack of information. A lack of knowledge about the location or significance of lakes and wetlands has led to their modification or destruction. Significant areas of the city's original wetlands have been drained and subsequently developed for urban purposes and this is likely to continue without adequate assessment and identification.
- l) Land use activities undertaken around peat lake and wetland margins, and within wider peat lake catchments can affect the ecological viability of these natural features. The protection of peat lakes and wetlands is dependent upon managing the effects of activities within the surrounding catchment as well as around the lake margins. Activities within this wider catchment can adversely affect the drainage (e.g. lowering of the water table) and water quality of the lakes.
- m) Recreation and amenity values can be lost through urban development and subsequent use. Destruction of lakes or wetlands precludes their use as recreation assets, while degradation of lakes and wetlands affects their visual values and limits their potential as attractive amenity features.
- n) Peat Lakes, Wetlands and Peat Lake Catchments are identified in the Features Maps of Volume 2, Appendix 17

20.2 Objectives and Policies: Natural Environments

Significant Natural Areas

Objective	Policies
20.2.1 Significant Natural Areas are protected, maintained, restored and enhanced.	20.2.1a The values and characteristics that define the City's Significant Natural Areas shall be identified.
	20.2.1b Areas of indigenous vegetation, biodiversity and habitats of indigenous fauna shall be scheduled as Significant Natural Areas.
	20.2.1c The particular values and characteristics that make an area a Significant Natural Area shall be protected from adverse effects by having regard to: - The character and degree of modification, damage, loss or destruction that will result from the activity. - The duration and frequency of effect (e.g. long-term or recurring effects). - The magnitude or scale of effect, including effects on ecological processes supporting or provided by the Significant Natural Area. - The irreversibility of effect. - The resilience of the area to assimilate change. - The opportunities to minimise pre-existing or potential adverse effects (e.g. restoration or enhancement), where avoidance is not practicable. - The probability of effect. - Cumulative effects. - Need for, or purpose of, the works.
	20.2.1d Adverse effects of development on the City's Significant Natural Areas shall be avoided.
	20.2.1e The reduction, fragmentation and isolation of indigenous ecosystems and habitats shall be avoided.
	20.2.1f The loss or disruption of corridors or connections linking indigenous ecosystems and habitat fragments shall be avoided.

	20.2.1g The loss or disruption to migratory pathways in water, land or air shall be avoided.
	20.2.1h Adverse effects on ecosystems resulting from changes to hydrological flows, water levels and water quality shall be avoided.
	20.2.1i The loss or disruption of protective buffering of indigenous ecosystems shall be avoided.
	20.2.1j The loss of ecosystem services shall be avoided.
	20.2.1k The loss, damage or disruption to ecological processes, functions and ecological integrity shall be avoided.
	20.2.1l The loss or reduction of the cultural and spiritual association with indigenous biodiversity which are held by tangata whenua shall be avoided.
	20.2.1m Non-native pest species within Significant Natural Areas shall be controlled.
	20.2.1n The loss of habitat that supports indigenous species classified as at risk or threatened shall be avoided.
	20.2.1o Significant Natural Areas shall be restored and enhanced to meet at least the 10% threshold for habitat sustainability.
	20.2.1p Develop a local indigenous biodiversity strategy to identify opportunities to restore and enhance biodiversity in Hamilton City.
Explanation	
<i>Protection of indigenous biodiversity will be promoted through the identification and protection of Significant Natural Areas. These exist throughout the City on both public and private land. Recognition of these areas within the District Plan will result in protection through a restriction on activities that can occur within, and adjacent to, such areas.</i> <i>New Significant Natural Areas may be identified in the future. Where new areas meet the criteria, they will be added to the Schedule through the First Schedule process under the Act and protected.</i>	

Managing any further loss to areas of biodiversity value and restoring and enhancing sites is critically important. At least 10% of remnant habitat cover is needed across a landscape in order to protect biodiversity and the functions of ecosystems. Only 1.5% of Hamilton City is covered by ecologically significant land. Hamilton City will need to keep maintaining and restoring sites as well as enhance significant natural areas to cover a variety of landforms and vegetation types within Hamilton City.

The protection of significant habitats of indigenous fauna, particularly those that are at risk or under threat, is an important role of Significant Natural Areas. Retaining these significant habitats is important for the protection of those species that are supported within Hamilton City.

Key methods available include controlling pests, removal and modifications to areas of indigenous species or habitats. Protecting biodiversity is challenging, as many areas and habitats occur on private land and there can be tensions between the aspirations of private landowners for land use and development and the need to protect those areas.

Indigenous biodiversity within the City is valued by Tangata Whenua. As people of the land, Māori have a connection with the indigenous flora and fauna of New Zealand and their ecological processes. This relationship must be preserved through the maintenance and enhancement of indigenous biodiversity.

In order to provide the most appropriate combination of regulatory and non-regulatory tools to help restore and enhance biodiversity in Hamilton City, an Indigenous Biodiversity Strategy will be developed and adopted in accordance with the Waikato Regional Policy Statement. This will occur in partnership with the Waikato Regional Council, tangata whenua, landowners, and other key stakeholders, with development of the policy to commence no later than 2016.

Objective	Policies
20.2.2 Public awareness and appreciation of Significant Natural Areas is increased.	20.2.2a Communication between affected landowners, Department of Conservation, iwi and other organisations that can assist in the management and conservation of these areas shall be encouraged.
	20.2.2b Information and other legislative means of protection shall be readily available to the public.

Explanation

Education and information assists landowners and residents in understanding the values and dynamics of Hamilton's biodiversity, as well as methods for managing areas of indigenous habitats. In addition, Council, in conjunction with Waikato Regional Council, will support landowners' voluntary protection initiatives, including promoting QEII National Trust Covenants, as well as directing landowners to sources of funding support, such as for fencing or pest control.

Significant Trees

Objective	Policies
20.2.3 The values of significant trees are protected and maintained.	20.2.3a The particular factors, values and features of trees listed in Schedule 9D shall be protected from inappropriate subdivision, use and development, by assessing: i. The need for emergency removal. ii. The extent that any proposed maintenance will adversely affect the health of the tree. iii. The character of the area in which the tree is located, including streetscape and public realm areas. iv. The potential adverse effects on the health of the tree. v. The nature and extent of any proposed activities to be undertaken within the root protection zone of the tree. vi. The extent to which the removal, re-location, or trimming can be mitigated by replacement planting. Where the removal of significant trees cannot be avoided, any loss of value must be appropriately remedied or mitigated.
	20.2.3b Scheduled trees within established urban areas shall be removed or transplanted only under exceptional circumstances, and where alternative options for the retention of the tree have been exhausted.
	20.2.3c Within areas of greenfield development the values of significant trees shall be maintained and taken into account in the layout and design of new development.
	20.2.3d Any work on a scheduled tree, or work within the root protection zone of any scheduled tree shall not adversely affect the values of the tree, having regard to the reasons for the tree's scheduling.
	20.2.3e Before undertaking any activity that adversely affects a tree identified in Schedule 9D: i. Alternatives shall be considered and evaluated. ii. Recommendations from a suitably qualified practitioner (e.g. arborist) should be sought.

	20.2.3f Ongoing care and maintenance of scheduled trees shall be undertaken.
Explanation <i>Much of Hamilton's distinctive character is derived from its trees, which are an integral part of the City's amenity and identity. Significant trees can be individual specimens or groups of trees such as Jubilee Bush.</i> <i>Trees also have an important role in terms of maintaining life-supporting processes and assisting the functioning of the urban ecosystem. The protection of identified significant trees is important. The policies identify that both works to significant trees and works within the root protection zone of significant trees need to be managed.</i> <i>It is acknowledged that within greenfield development areas there are opportunities to design development to minimise the impact on significant trees. A specific assessment of the values of trees within the development area is required, with the greatest protection given to those trees with the highest values. There may however be times when full retention is not practicable and trees have to be removed. In this case the Council expects the loss of these trees to be mitigated through replacement planting.</i>	

Peat Lakes, Wetlands and Peat Lake Catchments

Objective	Policies
20.2.4 The natural character and ecological viability of peat lakes, wetlands and their margins as visual, cultural, wildlife, and recreational assets are protected and enhanced.	20.2.4a Identify and protect the remaining peat lake and wetland areas within the city from the adverse effects of urban development.
	20.2.4b Avoid, remedy or mitigate the adverse effects of urban stormwater to maintain and enhance the water quality of the city's peat lakes and wetlands as habitats for fish, other aquatic species, and plants.
	20.2.4c Control development within identified peatland catchments surrounding lakes and wetlands to maintain and enhance the quantity and quality of groundwater and ecological viability of peat lakes and wetlands.
	20.2.4d Ensure public access around peat lake and wetland margins and recreational activities on the surface of water are compatible with maintaining ecological values.

	20.2.4e Maintain those aspects of the environment that are of significance to Waikato iwi, in particular the spiritual dimension and mauri (life force) of water.
Explanation	
<i>Several wetland areas remain in the city, although significant areas of the city's original wetlands have been drained. It is because of this rarity that these areas are of such significance. They also identified as matters of national importance under Sections 6 and 7 of the RMA.</i> <i>Knowledge about existing sites (particularly wetlands) is limited. Identification and assessment of these sites will be the first step towards their protection.</i> <i>The fragility of existing peat lake and wetland habitats within the city is exacerbated by a lack of adequate buffer protection. If land use activities on the surrounding peatland catchment are controlled (particularly in terms of maintaining the water table) this will help to maintain their natural functioning i.e. the ecological services they provide (such as acting as a stormwater sponge). Subsequent effects on infrastructure will also be minimised due to a slowing of differential shrinkage.</i> <i>The provision of open space and extension of green areas around peat lakes and wetlands where practicable will enhance their protection and enable public access. This will affect the proximity of structures and impermeable surfaces</i> <i>to peat lakes and wetlands. It will provide for potential disposal of stormwater to ground in appropriate areas, reducing stormwater discharges, improving surface water quality and maintaining the watertable.</i>	

20.3 Rules – Activity Status Table

Activity	Class
Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9)	
a) Pruning and maintenance of existing indigenous vegetation or trees where: i. Necessitated by disease or age ii. It affects the operation of existing network utilities iii. Necessitated to maintain existing tracks and fencing and this will not result in the death, destruction, irreparable damage of indigenous vegetation and trees, or a reduction in the particular values and characteristics that make an area a Significant Natural Area	P
b) Removal of dead or damaged indigenous vegetation or trees where this is necessary to: i. Maintain or enhance the particular values and characteristics that make an area a Significant Natural Area ii. Ensure the operation of existing network utilities iii. Maintain existing tracks and fencing	P
c) Pest control	P
d) Planting and management of eco-sourced indigenous vegetation or trees	P

e) Emergency works to, or removal of, an indigenous tree where: i. There is an imminent threat to life, property or a network utility ii. The tree carries a fatal disease	P
f) Removal of exotic trees	RD
g) The following activities located within any Significant Natural Area Schedule 9C (Volume 2, Appendix 9) i. Earthworks ii. The laying or forming of any impervious surface iii. Additions to, or the replacement of, any existing building or structure that is proposed to exceed the envelope or footprint of the existing building(s) or structure(s) iv. The placement and/or construction of any building or structure v. Directional drilling or boring vi. The storage of chemicals or other toxic substances vii. Removal of, or transplanting indigenous vegetation	NC
Volume 2, Appendix 9, Schedule 9D: Significant Trees	
h) Emergency works to, or removal of, a scheduled tree where: i. There is an imminent threat to life, property or a network utility ii. The scheduled tree carries a fatal disease	P
i) Minor pruning and maintenance of a scheduled tree	P
j) The following activities located within the root protection zone of any scheduled tree i. Earthworks ii. The laying or forming of any impervious surface iii. Additions to, or the replacement of, any existing building or structure that is proposed to exceed the envelope or footprint of the existing building(s) or structure(s) iv. The placement and/or construction of any building or structure v. Directional drilling or boring vi. The storage of chemicals or other toxic substances	RD
k) Non-emergency works to, removal of, or transplanting of a scheduled tree	D

Note

1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
2. For any activity not identified above, see Section 1.1.8.1.

20.4 Rules – General Standards

20.4.1 Activities within or affecting the Peat Lakes, Wetlands and Peat Lake Catchments

a) Building Setback

The minimum building setback from the margin of any Peat Lake or Wetland shall be 50m plus the relevant setback requirement for the relevant zone.

b) Impermeable Surfaces

The maximum area of impermeable surfaces of that part of the site within the Peat Lakes, Wetlands and Peat Lake Catchments, shall not exceed 40%.

c) Vegetation Removal

Any area of vegetation removed in or within 5m of the margin of any Peat Lake or Wetland shall be replanted with an equivalent area of appropriate wetland species within one calendar month.

Note

Any replanting of vegetation shall have regard to the Regional Pest Management Strategy, and should not include plant pest species as identified within the strategy.

d) Earthworks (Including Clean Fill)

- i. The maximum volume of earthworks within the Peat Lake Catchment shall not exceed 40m³ per site per calendar year
- ii. Earthworks shall not take place in or within 5m of the margin of any Peat lake or Wetland.

e) Stormwater Disposal

- i. Stormwater run-off from any new building on any site that is wholly or partly covered by any Peat Lake, Wetland and Peat Lake Catchment shall be disposed of directly to the ground.

Note

The Hamilton City Infrastructure Technical Specifications contains acceptable means of compliance for the design and implementation of any stormwater disposal system.

20.5 Rules – Specific Standards

20.5.1 Pruning and Maintenance

a) Maximum amount of foliage to be removed per calendar year	15%
b) Maximum thickness (cross-section) of any branch or root that may be cut	50mm
OR	
For Significant Trees identified in Schedule 9D only:	
c) Confirmation of the necessity for the works shall be provided to Council:	
i. Before any works are undertaken, and	
ii. The works shall be carried out by an appropriately qualified person (e.g. an arborist)	

20.5.2 Emergency Works to, or Removal of, an Indigenous Tree in a Significant Natural Area or a Scheduled Tree

- a) Confirmation of the necessity for the works or removal shall be provided to Council:
 - i. Before any works are undertaken, and
 - ii. The works shall be carried out by an appropriately qualified person (e.g. an arborist).

20.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i Earthworks; laying of impervious surfaces; additions to existing structures; placement/construction of a new structure; directional drilling or boring; or storage of chemicals within the root protection zone of any scheduled tree	• D – Natural Character and Open Space • F – Hazards and Safety
ii Removal of exotic vegetation	• D – Natural Character and Open Space • F – Hazards and Safety

20.7 Other Resource Consent Information

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

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

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

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



21 Waikato River Corridor and Gully Systems

21.1 Purpose

- a) The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 establishes Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River – as the primary direction-setting document for the management of the river (refer to Volume 2, Appendix 10). The Vision and Strategy forms part of the Regional Policy Statement. This chapter provides a mechanism for giving effect to the Vision and Strategy.
- b) The Waikato River is an outstanding natural feature within the Waikato Region. Additionally, the Waikato River and gully systems form the most prominent landscape feature within Hamilton. These areas have economic, transport, recreational, ecological, amenity, landscape and cultural values. This chapter recognises that these values come together to contribute to the significance of the Waikato River corridor and gully systems. These values are collectively managed through a variety of approaches.
- c) Management approaches that apply within the Waikato River corridor and gully systems are: significant natural areas (Chapter 20: Natural Environments); scheduled archaeological and cultural sites (Chapter 19: Historic Heritage); and natural hazard areas (Chapter 22: Natural Hazards). Where land is in public ownership the underlying zone is Open Space, while for areas that are in private ownership the underlying zone varies. Together the various management approaches address the values associated with the Waikato River corridor and gully systems.
- d) The objectives and policies are achieved through various management approaches throughout the District Plan, so there are no rules contained within this chapter. The following objectives and policies must be read in conjunction with the relevant objectives and policies from other chapters. It should also be acknowledged that there are a number of non-District Plan methods that can be implemented with regard to the river corridor and gully areas (refer to Volume 2, Appendix 1, Section 1.5: Other Methods of Implementation).

21.2 Objectives and Policies: Waikato River Corridor and Gully Systems

Objective	Policies
21.2.1 The ecological, amenity, landscape and cultural values of the river corridor and gully system are restored and protected.	21.2.1a An integrated, holistic and co-ordinated approach to management shall be used to protect, enhance and restore the natural, physical, cultural and historical resources and character of the river corridor and gully system.

	21.2.1b Development and activities that impact on landform shall be controlled, particularly the: i. Clearance of vegetation along the river and gullies. ii. Filling of gullies, including the cumulative effects of such incremental filling.
	21.2.1c The ecological functions of waterways shall be restored and protected by minimising the modification of natural watercourses and riparian margins.
	21.2.1d The relationship of Waikato-Tainui with the Waikato River shall be restored and protected.
	21.2.1e The relationships of the Waikato Region's communities with the Waikato River shall be restored and protected.
	21.2.1f The loss or disruption of corridors or connections provided by the Waikato River corridor and gully systems which link indigenous ecosystems and habitat fragments shall be avoided.
	21.2.1g The connectivity and protective buffering of indigenous ecosystems provided by the Waikato River Corridor and gully system shall be maintained.
Explanation <i>The Waikato River corridor and associated gully system is the City's key landscape and natural feature. It contains significant pockets of indigenous vegetation and provides an important ecological corridor and a wilderness experience within the City. The river has cultural significance for Waikato iwi and contains numerous sites of historical and cultural importance.</i> <i>The management approaches referred to in 21.2.1a include significant natural areas, scheduled cultural sites, the High, Medium and Low Flood Hazard Areas, Temple View Flood Hazard Area, Culvert Block Flood Hazard Areas, the Waikato Riverbank and Gully Hazard Area and Open Space Zone.</i>	

Objective	Policies
21.2.2 The river corridor and gully system is used in a way that recognises and is sensitive to its social, cultural, spiritual and historical character.	21.2.2a Multi-functional use of the river corridor and gully systems shall be encouraged.
	21.2.2b The river corridor and gullies shall be used for sporting, recreation and cultural opportunities.
	21.2.2c Building designs should suit the wider site context, and shall consider: i. Surrounding natural characteristics. ii. The cultural significance of the surrounds. iii. Whether opportunities exist to create an iconic feature that enhances the character of the locality.
	21.2.2d The river corridor and gully system shall be promoted to form part of the integrated transportation network, where appropriate.
	21.2.2e Future crossings of the river corridor and gully systems shall be required to enhance connectivity of the transport network.
	21.2.2f Public access to and along the river corridor and gully systems shall be promoted.
	21.2.2g The drainage function of the gully systems shall not be compromised.
Explanation	
<i>There is a potential for conflict between uses and the character of the Waikato River Corridor and gully systems, and not all activities will be appropriate within these areas; however, the Waikato River corridor and gully systems can accommodate sensitive uses that do not undermine the character of these areas. Opportunities should be sought to enhance public access and also use the river and gullies as part of the wider integrated transport network – which may include cyclists, pedestrians and in the future water taxis and ferries.</i> <i>Policy 21.2.2c is intended to recognise that the design of buildings and structures will vary depending on their location. For example, in some locations iconic buildings may be desirable while in other, more natural, environments buildings should be sympathetic to their surroundings.</i> <i>As Policy 21.2.2e recognises, the river corridor and gully systems can inhibit the connectivity of the transport network and create a barrier. In the future additional crossing points shall be required to enhance connectivity, where it is safe and appropriate to do so.</i>	

Objective	Policies
21.2.3 The river corridor is a key focus for tourism and events.	21.2.3a The use of the river corridor for events and tourism shall be promoted, particularly in the Central City.
	21.2.3b Strong visual and physical connections shall be provided between the Central City and the river.
Explanation <i>The Waikato River and its margins provide an opportunity for events and tourism. In particular, improving connections between the Central City and the river will increase the attractiveness of the river as an events' venue and tourism destination.</i>	
Objective	Policies
21.2.4 The health and wellbeing of the Waikato River and gully systems shall be restored and protected.	21.2.4a Significant sites, fisheries, flora and fauna within the Waikato River and gully systems shall be protected and enhanced.
	21.2.4b Recognition and avoidance of adverse cumulative effects on the health and wellbeing of the Waikato River and gully systems.
	21.2.4c Restoration of water quality within the Waikato River and gully systems.
Explanation <i>The Waikato River Settlement "Te Ture Whaimana o Te Awa o Waikato" – The Vision and Strategy for the Waikato River is the primary direction-setting document for the Waikato River and its catchments, which includes all the lakes within the City. The above objective and policies relate to the objectives of the Vision and Strategy.</i>	

21.3 Other Relevant Chapters

Refer to the following chapters for further objectives, policies and rules that apply to the Waikato River corridor and gully systems.

- Chapter 2: Strategic Framework
- Chapter 15: Open Space Zones
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 25.2: City-wide – Earthworks and Vegetation Removal
- Chapter 25.3: City-wide – Events and Temporary Activities
- Chapter 25.13: City-wide – Three Waters



22 Natural Hazards

22.1 Purpose

- a) This chapter establishes a city-wide framework for managing the use, development and subdivision of land affected by natural hazards.
- b) A natural hazard is the result of natural processes that form, shape and alter the environment. Natural hazards are any atmospheric, earth or water-related occurrence that may adversely affect human life, property or the environment. They include earthquakes, tsunamis, erosion, volcanic and geothermal activity, landslips, subsidence, sedimentation, wind, drought, fire, and flooding.
- c) Flooding and land instability (erosion, landslips and subsidence) are natural hazards of particular relevance to Hamilton. It is these hazards that this chapter focuses on. Other natural hazards are managed by other statutory instruments or processes.
- d) Land may fall within one or more hazard areas identified within the Planning Maps. These are:
 - i. High Flood Hazard Area.
 - ii. Medium Flood Hazard Area.
 - iii. Low Flood Hazard Area.
 - iv. Temple View Flood Hazard Area.
 - v. Culvert Block Flood Hazard Area.
 - vi. Waikato Riverbank and Gully Hazard Area.

Flood Hazard Areas

- e) The Low, Medium and High Flood Hazard Areas have been identified using flood hazard modelling. The flood hazard modelling covers five areas of the City and the Waikato River corridor. These Flood Hazard Areas show land predicted to be affected by river flooding, water ponding or overland flowpaths in a storm event that has a 1% chance of occurring in any one year. New development on sites predicted to be affected will need to comply with minimum floor level standards.
- f) The Low, Medium and High categories of Flood Hazard Areas are based on combinations of water depth and speed, and proximity to the Waikato River. Generally, the deeper or faster the water the greater the consequence if people or property are exposed to it (i.e. the greater the risk). This is reflected in the policies and rules that relate to Flood Hazard Areas whereby a more restrictive approach exists within High Flood Hazard Areas compared with the Medium or Low Flood Hazard Areas.
- g) The modelling process on which the Low, Medium and High categories are based will be undertaken for the rest of the City over time.

- h) For the rest of the City, specific Flood Hazard Areas have been derived from the Operative District Plan 2012, which identified areas of potential flooding in Temple View and if specific culverts become blocked in a storm event.
- i) The Temple View Flood Hazard Area applies to parts of Temple View that are susceptible to flooding. These areas are associated with small-scale farm dams and secondary flow paths that are part of the Waipa Flood Prevention Scheme.
- j) The Culvert Block Flood Hazard Areas apply upstream of significant culverts along the gully system. These represent the maximum effect of a culvert becoming blocked whereby water backs up the gully until it eventually overtops the accessway or transport corridor above the culvert.

Waikato Riverbank and Gully Hazard Area

- k) The slopes and soil types of the Waikato Riverbank and Gully systems potentially make these areas more susceptible to land instability (erosion, land slips and subsidence). In addition to controls within the Waikato Riverbank and Gully Hazard Area there are setbacks for nearby new development.

Note

1. Subdivision and development may also be managed with respect to natural hazards under s106 of the Act, and the Building Act 1991.
2. The boundaries for all hazard areas are derived from information that Council currently holds.
3. Details about the flood hazard modelling methodology, assumptions, limitations and validation, and a more detailed breakdown of flood water depth and speed components of the flood hazard mapping are held by Council.
4. There is no guarantee that specific sites outside the identified hazard areas will be unaffected by flooding or land instability during a natural hazard event.

22.2 Objectives and Policies: Natural Hazards

Objective	Policies
22.2.1 Manage activities to avoid or mitigate adverse effects on, and minimise risk to: • People; • Property; and • The environment, from natural hazards, in order to increase community resilience, reduce the risks from natural hazards, and support effective and efficient response and recovery from natural hazard events.	22.2.1a Subdivision, use and development shall be managed to reduce the risks from natural hazards to an acceptable level, including by: i. Ensuring risk and likely effects are assessed for new activities on land subject to natural hazards. ii. Reducing the risk to which existing use and development is exposed to tolerable or acceptable levels where these risks are considered unacceptable. iii. Controlling new use and development in areas subject to significant natural hazards to ensure that the natural hazard risk does not exceed acceptable levels. iv. Taking a precautionary approach by

	minimising the vulnerability of new development adjoining natural hazard areas. v. Recognising that sites may be subject to multiple hazards and the potential cumulative effect this may create. vi. When mitigation options are being considered in response to unacceptable hazard risks, giving priority to the use of non-structural solutions over new construction of natural hazard protection works or structures. vii. Recognising, maintaining or enhancing the role of natural features to avoid or minimise natural hazards. viii. Ensuring new activities do not create new or exacerbate existing natural hazards. ix. Having regard to the actual or potential effects of climate change on the occurrence or severity of natural hazards. x. Recognising that providing for redevelopment resulting in an increased level of development on site may create opportunities to reduce the overall level of existing risk.
	Subdivision 22.2.1b Subdivision that increases the demand or potential for a greater number or extent of buildings and structures within the High Flood Hazard Areas shall be avoided.
	22.2.1c Subdivision creating new allotments shall ensure building platforms are identified and located on parts of the site that are free from any Hazard Area.
	22.2.1d Subdivision within a Flood Hazard Area shall only be allowed when: i. The adverse effects of a flood event have been minimised and risk reduced to an acceptable level. ii. The activity does not create a new or exacerbate existing flood hazards.

	Flood Hazard Areas 22.2.1e New use and development that is vulnerable to the adverse effects of flooding events (including but not limited to residential units, child care facilities, community centres, schools and health care services) shall avoid High and Medium Flood Hazard Areas, Culvert Block Flood Hazard Areas and the Temple View Flood Hazard Area. 22.2.1f Recognise that there are some new uses and development that are resilient to the adverse effects of flooding events and can be carried out in Flood Hazard Areas. 22.2.1g New essential service infrastructure shall avoid Flood Hazard Areas if the infrastructure could become unusable or inaccessible during flood events. 22.2.1h New regionally significant infrastructure shall be allowed within a Flood Hazard Area only when: i. The infrastructure can not reasonably or practicably be located elsewhere. ii. The adverse effects of a flood event on the infrastructure are minimised to the extent practicable. 22.2.1i New use and development within a Flood Hazard Area shall only be allowed when: i. The adverse effects of a flood event have been minimised and risk reduced to an acceptable level. ii. The activity does not create a new or exacerbate existing flood hazards. 22.2.1j New development shall avoid overland flow paths. 22.2.1k New development shall be considered in areas subject to ponding hazards only where: i. The extent of ponding is localised and not part of a widespread and contiguous ponding hazard. ii. The ponding depth does not hinder safe

	movement by the expected users of the development and evacuation routes are maintained. Waikato Riverbank and Gully Hazard Area 22.2.1l New use and development which is vulnerable to the adverse effects of land instability shall avoid the Waikato Riverbank and Gully Hazard Area, where the adverse effects and risks have not been minimised to an acceptable or tolerable level. 22.2.1m New use and development which is resilient to the adverse effects of land instability shall be provided for in the Waikato Riverbank and Gully Hazard Area.
Explanation	
<i>The potential consequences of allowing activities within areas affected by natural hazard events vary according to the nature and scale of the proposed activity. The hazard areas identified within this District Plan are affected by potentially significant hazards. Most activities within these areas will involve the preparation of a Risk Assessment Report as part of information requirements for building and resource consents.</i> <i>Climate change can have the effect of increasing the occurrence or severity of natural hazards. When assessing risk of any activity, the effects of climate change should be considered. In addition to Ministry for Environment guidance reports, the Hamilton City Infrastructure Technical Specifications contain guidance on determining the effects of climate change on rainfall and how to reflect this in the design of stormwater infrastructure.</i> <i>Some land uses have the effect of concentrating people into defined locations. Concentrating people in locations (e.g. residential activities at urban densities) that may be subject to natural hazards creates a greater risk than if the land was used only for lower population density uses.</i> <i>Some activities are vital for emergency response and disaster recovery, including hospitals, emergency service facilities, and lifeline utilities. These activities need to be located in areas where their exposure to natural hazards is minimised. In some situations it will be impossible to provide lifeline utility services to the City without entering a hazard area (e.g. Three Waters infrastructure or the strategic transport network crossing the Waikato River). Where it has been established that there is no reasonable or practical alternative that would avoid a hazard area, then the activity should be allowed to proceed in a manner that minimises the level of risk.</i> <i>Some activities are not sensitive to the effects of natural hazards and are considered low risk. These should be allowed to occur in hazard areas. For example outdoor recreational spaces and their associated activities. This ensures that the land is still able to contribute towards the functioning of the City while minimising the consequences of a natural hazard event.</i>	

New activities should not be allowed to create a new, or exacerbate an existing, hazard, e.g. development which diverts flood water on to a neighbouring site or alters the hydrological capacity of a flood plain. These include walls, fences, earthworks, vegetation removal, construction of buildings and structures, and increasing impervious surfaces.

The policy of minimising the vulnerability of new development beyond the identified hazard layers is a precautionary approach intended to respond to potential inaccuracies in modelling and data, and the uncertainty that exists with designing for hazard events.

In some situations redevelopment on a site affected by a natural hazard may provide an opportunity to reduce the overall level of existing risk. For example, the added risk from increasing the amount of habitable floor area on land in a flood hazard area may be offset by the reduction in overall risk if the redevelopment also involves raising floor levels of existing habitable areas to meet minimum freeboard levels.

22.3 Rules – Activity Status Table

Activity	Hazard Areas					
	High Flood	Medium Flood	Low Flood	Temple View Flood	Culvert Block Flood	Waikato Riverbank and Gully
Trees and Other Vegetation						
a) Removal of trees or other vegetation	P	P	P	P	P	P
b) Planting of trees or other vegetation	P	P	P	P	P	P
c) Trimming and maintenance of existing trees or other vegetation	P	P	P	P	P	P
d) Pest control	P	P	P	P	P	P
e) Removal of dead, diseased or damaged trees or other vegetation where this is necessary to: i. Avoid the death, destruction or irreparable damage of remaining trees or vegetation ii. Where it constitutes an imminent hazard to people and property iii. Where it affects the operation of existing network utilities, or iv. For the purpose of maintaining existing tracks and fencing	P	P	P	P	P	P
f) Removal of vegetation as part of any farming, horticultural or domestic gardening activity	P	P	P	P	P	P

Activity	Hazard Areas					
	High Flood	Medium Flood	Low Flood	Temple View Flood	Culvert Block Flood	Waikato Riverbank and Gully
g) Removal, trimming or maintenance of trees and vegetation identified in: - Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas, or - Volume 2, Appendix 9, Schedule 9D: Significant Trees	Refer to Chapter 20: Natural Environments.					
Building, Structures, Earthworks and Development						
h) New buildings	NC	D	P	D	P	D
i) Replacement or rebuilding of existing lawfully established buildings	P	P	P	P	P	P
j) Alterations or additions to buildings which results in: i. Greater building site coverage, or ii. An increase in habitable floor area	NC	D	P	D	P	D
k) Other alterations or additions to buildings	P	P	P	P	P	P
l) Demolition or removal of buildings	P	P	P	P	P	P
m) Maintenance or repair of buildings	P	P	P	P	P	P
n) Demolition, removal, maintenance, repair, alterations or additions to buildings identified in Volume 2, Appendix 8, Schedule 8A: Built Heritage	Refer to Chapter 19: Historic Heritage					
o) Earthworks ancillary to a permitted activity in this table	P	P	P	P	P	P
p) Earthworks not otherwise identified in this table	D	D	D	D	D	D
q) Flood protection structures	D	D	D	D	D	D
r) Ancillary residential structures (excluding swimming pools, walls and fences)	P	P	P	P	P	P
s) Soil conservation, river and erosion control works	P	P	P	P	P	P
t) Walkways and cycle paths	P	P	P	P	P	P
u) Swimming pools	P	P	P	P	P	P
v) Fences and walls	RD	RD	P	P	P	P

Activity	Hazard Areas					
	High Flood	Medium Flood	Low Flood	Temple View Flood	Culvert Block Flood	Waikato Riverbank and Gully
w) External storage of goods and materials (excluding hazardous facilities – refer Chapter 25.4: City-wide – Hazardous Facilities)	P	P	P	P	P	P
Land Uses – Tolerant						
x) Recreational activities	P	P	P	P	P	P
y) Farming, horticultural or domestic gardening activities	P	P	P	P	P	P
z) Events	Refer to Chapter 25.3: City-wide - Events and Temporary Activities					
aa) All temporary activities						
Land Uses – Vulnerable						
bb) Any residential activity	NC	NC	P	NC	P	D
cc) Any industrial activity	NC	D	P	D	P	D
dd) Any retail activity	NC	D	P	D	P	D
ee) Childcare facility	NC	NC	P	NC	P	D
ff) Community centre	NC	D	P	D	P	D
gg) Health care services	NC	D	P	D	P	D
hh) Offices	NC	D	P	D	P	D
ii) Schools	NC	NC	P	NC	P	D
Activities on the Surface of Water						
jj) Events or activities associated with events on the Waikato River or Lakes (motorised or non-motorised)	Refer to Chapter 25.3: City-wide - Events and Temporary Activities					
kk) Private recreation on the surface of water						
ll) Commercial activities on the surface of water	Refer to Chapter 15: Open Space Zones					
mm) Pontoon/jetty						
Land Uses – Essential Services and Regionally Significant Infrastructure						
nn) Emergency service facilities	NC	NC	P	NC	P	NC
oo) Hospitals	NC	NC	P	NC	P	NC
pp) Lifeline utilities – excluding stormwater infrastructure (at ground level)	NC	NC	P	NC	P	NC

Activity	Hazard Areas					
	High Flood	Medium Flood	Low Flood	Temple View Flood	Culvert Block Flood	Waikato Riverbank and Gully
qq) Lifeline utilities – stormwater infrastructure only (at ground level)	P	P	P	P	P	NC
rr) Lifeline utilities (above ground level)	P	P	P	P	P	P
ss) Lifeline utilities (below ground level)	P	P	P	P	P	NC
tt) Regionally Significant Infrastructure (not otherwise covered in this table)	NC	NC	P	NC	P	NC

Note

1. This chapter focuses on the hazard risk element of land-use management. Activities identified in the table above may also be subject to standards within the relevant zone or other City-wide chapters. When there is a more onerous rule in another chapter then the more onerous rule prevails.
2. The Regional Plan also contains rules relevant to natural hazards.
3. For any activity not identified above, see Section 1.1.8.1.

22.4 Rules – General Standards

22.4.1 Impermeable Surfaces

- a) The maximum area of impermeable surface in that part of a site within a Hazard Area shall be 40%.
- b) This standard does not apply to transport corridors.

22.5 Rules – Specific Standards

22.5.1 Earthworks Ancillary to a Permitted Activity

- a) The following standards apply within the Waikato Riverbank and Gully Hazard Area only.

b) Earthworks must not exceed the following maximums	
i. Volume:	25m ³
• Per site per calendar year; or • Per 50m length of the watercourse or gully if part of an esplanade reserve or Open Space Zone per calendar year	
ii. Cut depth	0.5m
iii. Fill height	0.5m

- c) Earthworks shall be clean fill only.
- d) Earthworks shall not:

- i. Result in the subject site or any other site becoming unstable, or
 - ii. Create or exacerbate any natural hazards at the subject site or any other site.
- e) All bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within one calendar month following the completion of earthworks.
- f) If this can not be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.

Note

1. Also refer to standards in Chapter 25.2: City-wide – Earthworks and Vegetation Removal.

22.5.2 Earthworks Ancillary to a Permitted Activity

- a) The following standards apply within Flood Hazard Areas only.
- b) Earthworks shall be clean fill only.
- c) Earthworks shall not:
 - i. Raise natural ground level,
 - ii. Impede flood flows,
 - iii. Increase the adverse effects of flooding at the subject site, or
 - iv. Results in flood waters being diverted or displaced onto any other site to any greater degree.
- d) All bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within one calendar month following the completion of earthworks.
- e) If this can not be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.

Note

1. Also refer to standards in Chapter 25.2: City-wide – Earthworks and Vegetation Removal.

22.5.3 External Storage of Goods and Materials

- a) The following standards apply within the Flood Hazard Areas only.
- b) In a 1% annual exceedance probability event goods or materials that are stored outside shall not:
 - i. Be able to be mobilised by flood water,
 - ii. Impede flood flows,
 - iii. Increase the adverse effects of flooding at the subject site, or
 - iv. Result in flood waters being diverted or displaced onto any other site to any greater degree.

Note

1. Acceptable means of compliance with this standard includes storing goods and materials above the 1% annual exceedance probability event flood level on a structure designed to allow flood waters to pass beneath, through or around, in a manner that ensures flood waters are not diverted or displaced onto any other site.

- c) Rule 22.5.3(b) above shall not apply to the temporary storage of goods and materials for on-site construction work or as part of an event or temporary activity.

22.5.4 Removal of Trees and Other Vegetation

- a) The following standards apply within the Waikato Riverbank and Gully Hazard Area only.
- b) The removal of any tree or other vegetation shall not:
 - i. Result in the subject site or any other site becoming unstable, or
 - ii. Create or exacerbate any natural hazards at the subject site or any other site.

Note

1. In order to provide for people's health and safety and to minimise adverse effects on the stability of a site, the removal of any tree or other vegetation within the Waikato Riverbank and Gully Hazard Area should be undertaken by, or under the direction of, a suitably experienced person. In addition, the removal of large trees, or groups of smaller trees, on steep sites may require geotechnical engineering input.
- c) All bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within one calendar month following the completion of earthworks.
- d) If this can not be achieved the area must be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.
- e) The area of vegetation clearance shall not exceed:
 - i. 50m² per calendar year, per site, or
 - ii. 100m² per calendar year for each 50m length of watercourse or gully that is part of an esplanade reserve or Open Space Zone.

Note

1. Also refer to standards in Chapter 25.2: City-wide – Earthworks and Vegetation Removal.

22.5.5 Fences and Walls

- a) All fences and walls within a Flood Hazard Area (excluding Low Flood Hazard Areas) shall be designed to allow flood waters, in a 1% annual exceedance probability event, to pass beneath, through or around, in a manner that ensures flood waters are not diverted or displaced onto any other site to any greater degree.

Note

1. Hedges are not affected by this standard.

22.5.6 New Buildings, Replacement or Rebuilding of Existing Lawfully Established Buildings, and Alterations or Additions to Existing Buildings

- a) The minimum setback from the Waikato Riverbank and Gully Hazard Area shall be 6m.

Displacement of Flood water and structural design

- b) New buildings, replacement or rebuilding of existing lawfully established buildings within any Flood Hazard Area shall:
- Ensure that floodwaters in a 1% annual exceedance probability event are not diverted or displaced onto any other site.
 - Be structurally sufficient to withstand the effects of inundation in a 1% annual exceedance probability event.
 - In the Low Flood Hazard Area, i) above does not apply where compliance with the building site coverage rules (if any) of the relevant zone are achieved, and ii) above does not apply at all.

Minimum floor heights and freeboard

- c) On any site that is fully or partly affected by the Culvert Block Flood Hazard Area the minimum floor levels shall be 150mm above the flood level shown on the Planning Maps.
- d) On any site that is fully or partly affected by any Flood Hazard Area (excluding the Culvert Block Flood Hazard Area) the following minimum freeboard heights shall be complied with, which are additional to the top water flood level of the 1% annual exceedance probability event.

Building use	Minimum freeboard height
i) Residential buildings (including attached garages)	0.5m
ii) Commercial and industrial buildings	0.3m
iii) Non-habitable residential buildings and detached garages	0.2m

Except that in the Low Flood Hazard Area i) and iii) shall not apply to:

- Habitable extensions and alterations to existing residential buildings, which instead shall be no lower than the floor level of the existing building.
- Non-habitable extensions and alterations to existing residential buildings.
- Detached garages and accessory buildings.

Note

- Building Act provisions regarding minimum floor levels and freeboard will continue to apply for all buildings.
- e) Minimum freeboard heights shall be measured from the top water level of the 1% annual exceedance probability design storm to whichever is applicable of the following:
- Building platform level
 - The underside of the floor joists, or
 - Underside of the floor slab.
- f) As an alternative to the minimum freeboard heights contained in d) above the recommended freeboards of a site-specific flood risk assessment report prepared

in accordance with Information Requirements in Volume 2, Appendix 1.2.2.9, can be used.

22.5.7 Vulnerable Activities, Essential Services and Regionally Significant Infrastructure

- a) The following activities may operate from buildings on a site that is fully or partly affected by any Flood Hazard Area only if those buildings comply with the relevant standards in Rule 22.5.6:
 - i. Any residential activity
 - ii. Any industrial activity
 - iii. Any retail activity
 - iv. Childcare facility
 - v. Community centre
 - vi. Tertiary education and specialised training facilities
 - vii. Health care services
 - viii. Offices
 - ix. Schools
 - x. Emergency service facilities
 - xi. Hospitals
 - xii. Lifeline utilities – excluding stormwater infrastructure (at ground level)
 - xiii. Regionally Significant Infrastructure

22.5.8 Lifeline Utilities (Above Ground Level)

- a) Lifeline utilities (above ground level) shall be at least 1m above the top water flood level of the 1% annual exceedance probability event.
- b) Lifeline utilities (above ground level) in the Culvert Block Flood Hazard Area shall be at least 1m above the flood level shown on the Planning Maps.

22.5.9 Swimming Pools

- a) The minimum setback from the Waikato Riverbank and Gully Hazard Area for swimming pools shall be 6m.

22.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato

Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.3)
i. Fences and walls	F – Hazards and Safety

22.7 Non-Complying Activities in a Flood Hazard Area

- a) A flood risk assessment report in accordance with Information Requirements in Volume 2, Appendix 1.2.2.9, submitted as part of an application for a non-complying activity may be considered by Council to satisfy itself, under section 104D of the Act, that either:
- The adverse effects of the activity on the environment will be minor, or
 - The activity will not be contrary to the objectives and policies of the District Plan,
- on the basis that the actual site specific flood hazard and risk is lower than the assessment and categorisation set out in Rule 22.3.

22.8 Other Resource Consent Information

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

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

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

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



23 Subdivision

23.1 Purpose

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

23.2 Objectives and Policies: Subdivision

Objective	Policies
23.2.1 To ensure that risk to people, the environment and property is not exacerbated by subdivision.	23.2.1a Subdivision: i. Does not result in increased risk of erosion, subsidence, slippage or inundation. ii. Minimises any adverse effects on water quality. iii. Ensures that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards. iv. Ensures that any risks associated with soil contamination are appropriately remedied as part of the subdivision process. v. Ensures reverse sensitivity mitigation measures avoid or minimise effects such as noise associated from an arterial transport corridor or State Highway.
Explanation <i>The policies ensure that land is suitable for subdivision and will not increase risks to people, the environment and property.</i>	
Objective	Policies
23.2.2 Subdivision contributes to the achievement of functional,	23.2.2a Subdivision: i. Is in general accordance with Subdivision

attractive, sustainable, safe and well designed environments.	Design Assessment Criteria to achieve good amenity and design outcomes. ii. Is in general accordance with any relevant Structure Plan. iii. Is in general accordance with any relevant Integrated Catchment Management Plan. iv. Maintains and, where possible, enhances existing amenity values. v. Promotes energy, water and resource efficiency. vi. Provides for the recreational needs of the community. vii. Discourages cross-lease land ownership. viii. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring. ix. Contributes to the achievement of identified residential yield requirements over time where appropriate. x. Avoids or minimises adverse effects on the safe and efficient operation, maintenance of and access to network utilities and the transport network. xi. Is avoided where significant adverse effects on established network utilities or the transport network are likely to occur. xii. Promotes connectivity and the integration of transport networks. xiii. Provides appropriate facilities for walking, cycling and passenger transport usage. xiv. Provides and enhances public access to and along the margins of the Waikato River and the City's lakes, gullies and rivers. xv. Facilitates good amenity and urban design outcomes by taking existing electricity transmission infrastructure into account in subdivision design, and where possible locating compatible activities such as infrastructure, roads or open space under or in close proximity to electricity transmission infrastructure. xvi. Ensures that a compliant building platform can be accommodated within the subdivided

	allotment outside of the National Grid Yard.
Explanation	
<i>Subdivision has a lasting impact on the built form and function of a city. These policies require that the subdivision process respond to the range of form and function matters, such as urban design and resource efficiency, identified in the policy in order to achieve good environmental and built form outcomes in Hamilton City.</i>	
Objective	Policies
23.2.3 Medium-Density Residential Zone and Rototuna Town Centre Zone areas are developed comprehensively.	23.2.3a Subdivision that creates additional allotments in the Medium-Density Residential Zone or the Rototuna Town Centre Zone does not occur without an approved Comprehensive Development Plan <u>or Land Development Plan for Ruakura</u> .
Explanation	
<i>Comprehensive Development Plans are a useful tool to ensure a comprehensive approach to the layout and design of medium-density development. <u>The Board of Inquiry Decision for Ruakura included a Land Development Plan process to ensure a comprehensive approach to layout and design within the medium density development occurs.</u></i>	
Objective	Policies
23.2.4 To ensure the provision of infrastructure services as part of the subdivision process.	23.2.4a Subdivision: i. Provides an adequate level of infrastructure and services appropriate for the proposed development. ii. Takes into account and shall not compromise the infrastructural needs of anticipated future development. iii. Does not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development. iv. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised. v. Uses public infrastructure ahead of private infrastructure where appropriate.
Explanation	
<i>Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical</i>	

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Specifications. The Ruakura Structure Plan includes ~~two~~ ^{are} areas of Large Lot Residential Zones which ~~is~~ ^{are} not anticipated to be serviced with Three Waters infrastructure, and should accommodate on-site servicing. Parts of the Future Urban Zone, where rural uses are to predominate, will also contain on-site servicing.

Objective	Policies
23.2.5 Subdivision occurs in a manner that recognises historic heritage and natural environments.	23.2.5a Subdivision avoids, remedies or mitigates adverse effects on: i. Scheduled heritage items. ii. Scheduled archaeological and cultural sites. iii. Scheduled significant trees. iv. Scheduled significant natural areas. v. The Waikato River and gullies and river banks, lakes, rivers and streams.
	23.2.5b Subdivision protects, and where possible enhances any: i. Landforms and natural features. ii. Vegetation.
	23.2.5c Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City's lakes, gullies and rivers.
Explanation	
<i>Subdivision and the associated development of land often involves modification and this has the potential to cause or exacerbate adverse effects. These effects should be managed through the location and design of subdivision.</i>	

23.3 Rules – Activity Status Tables

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

Activity	General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 – 6, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park Zones	Future Urban Zone	All Open Space Zones, Major Facilities, Community Facilities, Transport Corridor Zones	All Hazard Areas
For Medium Density Residential, Rototuna Town Centre Zone and Te Rapa North Industrial Zone see Table 23.3b below. For Special Character Zones see Table 23.3c below.				
i. Boundary adjustments	P	RD	P	RD
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD	RD	D
v. Fee simple subdivision*	RD	RD	RD	D
vi. Cross-lease subdivision	NC	NC	NC	NC
vii. Company-lease subdivision*	RD	RD	RD	D
viii. Unit-title Subdivision*	RD	RD	RD	D
ix. Leasehold Subdivision	RD	RD	RD	D
x. Subdivision involving any allotment within the Electricity National Grid Corridor	RD	RD	RD	D
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedules 8A and 8B	D	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	D	D	D	D

Table 23.3b: Medium Density Residential and Rototuna Town Centre Zones, and Te Rapa North Industrial ZonePlan Change 1 -
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Activity	Medium- Density Residential and Rototuna Town Centre Zones		<u>Ruakura Medium Density Residential Zone</u>		Te Rapa North Industrial Zone			
	Without an approved CDP	As part of or after a CDP has been approved	<u>Without an approved LDP</u>	<u>With an approved LDP</u>	Deferred Industrial outside of Stages 1A & 1B	Within Stages 1A & 1B without a CDP	Within Stages 1A & 1B after a CDP	Te Rapa Dairy Manufacturing Site
For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban, all Open Space, Major Facilities, Community Facilities and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above. For Special Character Zones see Table 23.3c below.								
i. Boundary adjustments	P	P	<u>P</u>	<u>P</u>	P	P	P	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	<u>P</u>	<u>P</u>	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	<u>P</u>	<u>P</u>	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD	<u>RD</u>	<u>RD</u>	RD	D	RD	RD
v. Fee simple subdivision*	NC	D	<u>NC</u>	<u>RD</u>	NC	D	RD	RD
vi. Cross-lease subdivision*	NC	NC	<u>NC</u>	<u>NC</u>	NC	NC	NC	NC
vii. Company-lease subdivision	NC	RD	<u>NC</u>	<u>RD</u>	NC	D	RD	RD
viii. Unit-title Subdivision*	NC	RD	<u>NC</u>	<u>RD</u>	NC	D	RD	RD
ix. Leasehold Subdivision	NC	RD	<u>NC</u>	<u>RD</u>	NC	D	RD	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	NC	RD	<u>NC</u>	<u>RD</u>	RD	D	RD	RD

xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedules 8A and 8B	NC	D	<u>NC</u>	<u>D</u>	NC	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C ¹	NC	D	<u>NC</u>	<u>D</u>	NC	D	RD	RD

Table 23.3c: Special Character Zones

Activity	All Special Character zones				Special Natural Zone		Rototuna North East Character Zone, Special Residential Zone, Special Heritage Zone and Special Natural Zone
	Temple View Zone		Peacocke Character Zone		Lot 2 DP425316		
	Without an approved CDP	As part of or after a CDP has been approved	Without an approved Master Plan	As part of or after a Master Plan has been approved	Without an Approved CDP	As part of an application for a CDP or after a CDP has been approved	
For Medium Density Residential, Rototuna Town Centre Zone and Te Rapa North Industrial Zone see Table 23.3b above. For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 – 6, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban, all Open Space, Major Facilities, Community Facilities, and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above.							
i. Boundary adjustments	RD	RD	RD	RD	RD	RD	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	P	-	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P	-	-	P
iv. Subdivision to accommodate a: - network utility service or - transport corridor	RD RD	RD RD	RD RD	RD RD	RD NC	D D	RD RD

v. Fee simple subdivision*	NC	D	-	-	NC	D	RD
a) Fee Simple Subdivision within the Peacocke Character Zone for lots greater than 10ha	-	-	RD	RD	-	-	-
b) Fee Simple Subdivision within the Peacocke Character Zone for lots between 10ha and 2ha in the Terrace Area and between 10ha and 5000m ² in the Gully and Hill Areas	-	-	D	D	-	-	-
c) Fee Simple Subdivision within the Peacocke Character Zone for lots less than 2ha in the Terrace Area and less than 5000m ² in the Gully and Hill Areas	-	-	NC	D	-	-	-
d) Subdivision within the Peacocke Character Zone to establish a Master Plan neighbourhood area according to Volume 2, Appendix 2, Figure 2-3 Peacocke Structure Plan – Character Areas and Neighbourhoods	-	-	D	D	-	-	-
e) Subdivision within the Temple View Zone to establish a CDP area according to Volume 2, Appendix 4, Figure 4-5	D	D	-	-	-	-	-
f) Boundary relocation	-	-	D	D	D	D	-
vi. Cross-lease subdivision	NC	NC	NC	NC	NC	NC	NC
vii. Company-lease subdivision*	NC	D	NC	D	NC	D	RD
viii. Unit-Title subdivision*	NC	D	NC	D	NC	D	RD
ix. Leasehold subdivision	NC	D	NC	D	NC	D	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	-	-	-	-	-	-	RD

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

Note

1. Consultation with Transpower New Zealand Limited (or its successor) is advised when considering subdivision within the Electricity National Grid Corridor.
2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*).
3. For any activity not identified above, see Section 1.1.8.1.

23.4 Rules – Application of the Transport Corridor Zone

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

23.5 Rules – General Standards

23.5.1 Telecommunication, Electricity, Gas and Computer Media

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

Note

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

23.5.2 Provision of Esplanade Reserves and Strips

- a) An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of:
 - i. The Waikato River.
 - ii. The margins of Lake Rotoroa (Hamilton Lake).

- iii. Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.
- iv. Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then additional land shall be vested to increase the minimum width to 20m.

23.5.3 Provisions in Other Chapters

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

23.6 Rules – Specific Standards

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

23.6.1 Subdivision in the Ruakura Structure Plan Area

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- a) Any subdivision which creates new allotments in the Ruakura Structure Plan Area cannot initiate land use or development which is contrary to Rules 3.7.3.1 to 3.7.3.76 and Rule 3.7.4 of Chapter 3: Structure Plans, except as provided for within the Large Lot Residential Zone.
- b) A consent notice may be registered against the title of any new allotment to ensure compliance with the Ruakura Structure Plan Area rules in Rules 3.7.3.1 to 3.7.3.76 and Rule 3.7.4 of Chapter 3: Structure Plans.
- c) Any subdivision which creates new allotments, and is in accordance with (a) and (b) above where applicable, shall be in accordance with the zoning of the land as identified on the Planning Maps and in accordance with Rule 3.7.3.1.

23.6.2 Company Leases and Unit Title Subdivision

- a) Where an allotment is subject to an application for subdivision consent by way of company lease or unit title subdivision the following rules shall apply.
 - i. All existing buildings to which the subdivision relates shall have:
 - Existing use rights.
 - Been erected in accordance with a resource consent or certificate of compliance and building consent has been issued.
 - Comply with any relevant standards.
 - b) All areas to be set aside for the exclusive use of each building or unit shall be shown on the survey plan, in addition to any areas to be used for common access or parking or such other purpose.
 - c) In all staged subdivisions, provision shall be made for servicing the building or buildings and all proposed future buildings on the allotment.

- d) Where subdivision consent has been approved, no alterations shall be made to the position of the boundary lines delineated on the survey plan, or otherwise defined, without further subdivision consent.
- e) A design report shall be submitted detailing the effects of the proposed subdivision on the existing buildings pursuant to Section 116A of the Building Act 2004.
- f) If alterations to buildings are necessary to fulfil the requirements of the Building Act or conditions of subdivision consent, they shall be undertaken in terms of a building consent and completed before the issue of a certificate under Section 224 of the Resource Management Act 1991. Such alterations shall comply with the relevant standards of the relevant zone and this chapter.

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

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

23.6.4 Cross-lease to Freehold Subdivision

- a) The proposed boundaries shall align with those exclusive uses area boundaries on the cross-lease plan, except where there are no exclusive use areas.
- b) Where required to protect services, easements shall be provided.

23.6.5 Leasehold Subdivision

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

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

23.6.6 Boundary Adjustments

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

23.6.7 Subdivision Activities within the Electricity National Grid Corridor

- a) Any subdivision which creates new allotments within the Electricity National Grid Corridor shall identify a building envelope, compliant with the relevant zone standards and the standards of this Chapter and clear of the National Grid Yard.
- b) Failure to comply with the above standard will result in the proposal being assessed as a non-complying activity.

23.6.8 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones

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- a) Subdivision shall only take place in conjunction with a Comprehensive Development Plan or Land Development Plan for Ruakura application or after a Comprehensive Development Plan or Land Development Plan for Ruakura application has been granted.
- b) Allotment area and configuration shall conform to the allotment areas approved as part of the land-use consent.
- c) A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land-use consent.
- d) The standards in Rule 23.6.7 a) to ~~eb~~) do not apply to subdivision to accommodate a network utility service or transport corridor.

23.6.9 Subdivision in the Te Rapa North Industrial Zone

- a) Subdivision occurring in Stages 1A and 1B shall only occur over the following land areas:
 - i. Post the Te Rapa section of the Waikato Expressway being open for public use, and prior to 1 January 2021 no more than 14ha of land shall be able to be subdivided; 7ha only in Stage 1A and 7ha in Stage 1B.
 - ii. After 1 January 2021 a maximum of 46ha of land shall be able to be subdivided, 23ha in Stage 1A and 23ha in Stage 1B, being additional to the 7ha provided for in each of the stages prior to 2021.

23.6.10 Subdivision Within Stage 1 of the Peacocke Structure Plan Area

- a) As part of any subdivision of Sec 1 SO 57582 or the balance of this parent lot, the following infrastructure requirements shall be met and certified by Council.
 - i. Upgrading of the existing wastewater network to provide for future development on the site.
 - ii. Implement a solution at the Dixon Road and State Highway 3 intersection that mitigates the adverse effects of potential traffic volumes from within Stage 1.
 - iii. Any subdivision that does not comply with i) and ii) above will be a non-complying activity.

23.6.11 Subdivision in the Peacocke Character Zone

Activity	Standards	
	Terraced Area	Gully Area and Hill Areas
a) Fee Simple Subdivision for lots greater than 10ha	180m frontage onto a formed and sealed legal road forming part of the City's transport network	
b) Fee Simple Subdivision for lots between 10ha and 2ha in the Terrace Area and between 10ha and 5000m ² in the Gully and Hill Areas	<u>1. Lots between 10ha and 2ha</u> i. Only applies to allotments created prior to 1 September 2011 or if the allotment was created by an acquiring authority, or by boundary adjustment ii. Limited to one new lot per parent title, other than for utility and access allotments	<u>2. Lots between 10ha and 5000m²</u> i. Only applies to allotments created prior to 1 September 2011 or if the allotment was created by a requiring authority, or by boundary adjustment ii. Average lot Size = 1ha iii. Limited to one new lot per parent title other than for utility and access allotments
	Note 1. A simple Integrated Transport Assessment (ITA) is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.14) 2. A Subdivision Concept Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.2d))	
c) Fee Simple Subdivision for lots less than 2ha in the Terrace Area and less than 5000m ² in the Gully and Hill Areas	<u>1. Lots Less than 2ha</u> i. Provide full urban infrastructure ii. Connection to the existing wastewater network to the satisfaction of Council iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network	<u>2. Lots less than 5000m²</u> i. Provide full urban infrastructure ii. Connection to the existing wastewater network to the satisfaction of Council iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network
	Note 1. A Master Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.3)	
d) Boundary Relocation Subdivision	i. Minimum lot size of 5000m ² ii. Shall not create any additional certificates of title. iii. All lots involved in the subdivision shall have formed and legal vehicle access iv. A concept plan shall be prepared showing how the allotments in the subdivision can be subsequently re-subdivided in accordance with Volume 2, Appendix 1.2.2.2	

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

23.6.12 Subdivision in the Rototuna North East Character Zone

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

any stormwater attenuation areas and the roading and cycling network. Where necessary, additional safety measures will be taken, such as fencing.

- Include landscaping areas to provide an interesting and varied visual amenity for the area. These areas are to include varied vegetated areas (with the exception of the proposed Cycle and Walking access point across the Waikato Expressway, stormwater attenuation areas and identified viewing areas shown on the Rototuna Structure Plan) having a minimum planting width of 2m when parallel to the boundary of the Waikato Expressway, and consisting of native vegetation capable of reaching heights of at least 8m at maturity.
 - Reflect the principles of Crime Prevention Through Environmental Design (CPTED).
 - Include both a walking and cycling network in accordance with the Rototuna Structure Plan.
 - Show how the area will relate to its surrounding area, including the Waikato Expressway.
- iii. Any subdivision of land adjoining the Waikato Expressway (Designation E90) shall have regard to and implement the portion of the approved neighbourhood concept plan over the land area the subdivision is for at the time of subdivision.
- c) At the time of subdivision of land and only if either the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an Outline Plan of Works approval under S.176A of the RMA; or construction is underway or completed; the following shall be identified on the subdivision plan to be submitted for consent:
- i. A 55dB_{L_{Aeq}(24hr)} contour line from the Waikato Expressway carriageway boundary utilising the following criteria:
 - Traffic flow of 12700 vpd
 - 10%HCV
 - Vehicle speed of 100km/hr (or the posted speed limit if that is lower)
 - Noise mitigation as confirmed by an approved Outline Plan of Works for Designation E90
 - Finished ground levels based on the proposed subdivision design
 - ii. Identification of all lots where any boundary is intersected by the 55 dB_{L_{Aeq}(24hr)} contour line.

23.6.13 Subdivision of Lot 2 DP425316 Lake Waiwhakareke Landscape Character Area

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

23.7 Subdivision Design Standards

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

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

23.7.1 Allotment Size and Shape

Zone	Minimum Net Site Area	Average Minimum Net Site Area	Max Net Site Area	Min Shape Factor
a) General Residential Zone (unless otherwise stated)	400m ²	-	-	15m-diameter circle
b) General Residential Zone (within the Rototuna Structure Plan Area)	400m ²	650m ²	750m ²	15m-diameter circle
c) General Residential Zone (adjoining the Waikato Expressway)	1000m ²	-	-	-
d) Residential Intensification Zone	350m ²	-	-	-
e) Special Residential Zone	Front, corner or through site – 600m ²	-	-	15m-diameter circle
	Rear Site – 400m ²	-	-	15m-diameter circle
f) Large Lot Residential – SH26, Ruakura Structure Plan	2500m ²	-	-	15m-diameter circle
g) Large Lot Residential – Percival/Ryburn Rd, Ruakura Structure Plan	~~5000m² 2ha~~	-	-	Rule 23.7.1(w) applies

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Zone	Minimum Net Site Area	Average Minimum Net Site Area	Max Net Site Area	Min Shape Factor
h) Rototuna North East Character Zone	500m ²	700 m ²	-	15m-diameter circle
i) Special Heritage Zone (unless otherwise stated)	600m ²	-	-	15m-diameter circle
j) Special Natural Zone (Lake Waiwhakareke Landscape Character Area)	350m ²	-	800m ² where a boundary to a site is adjoining the Lake Waiwhakareke Heritage Park or is separated from it only by a road reserve.	15m-diameter circle
k) Special Natural Zone (Ridgeline Character Area)	600m ²	800m ²	-	15m-diameter circle
l) Peacocke Character Zone (Terrace Area)	200m ²	-	-	15m-diameter circle Medium density Residential – N/A
m) Peacocke Character Zone (Gully Area)	800m ²	-	-	15m-diameter circle
n) Peacocke Character Zone (Hill Area where slopes are less than 5 Degrees)	400m ²	-	800m ²	15m-diameter circle
o) Peacocke Character Zone (Hill Area where slopes are greater than 5 Degrees)	800m ²	-	-	15m-diameter circle
p) Temple View Zone (Within CDP Area 3)	500m ²	-	-	15m-diameter circle
q) Temple View Zone (Within CDP Area 1)	200m ²	-	-	-

Zone	Minimum Net Site Area	Average Minimum Net Site Area	Max Net Site Area	Min Shape Factor
and CDP Area 2)				
r) Central City Zone, Knowledge Zone, Business 1 to 7 Zones	1,000m ²	-	-	20m-diameter circle

s) Industrial Zone, Rotokauri Employment Area, Riverlea Industrial Area and Frankton Employment Area	Front, corner or through site – 1,000m ²	-	-	Rule 23.7.1(x) applies
	Rear sites – 500m ²	-	-	Rule 23.7.1(x) applies
t) Te Rapa North Industrial Zone	500m ²	-	-	Rule 23.7.1(x) applies
u) Ruakura Logistics Zone and Ruakura Industrial Park Zone	3500m ²	-	-	Rule 23.7.1(x) applies
v) Future Urban Zone	10ha	-	-	-

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- w) Where the shape factor circle standard applies to any subdivision, unless otherwise specified, each allotment shall be of a shape that can accommodate a circle of the specified diameter in a position which does not infringe any required front yard requirements of the respective zone.
- x) Allotments in the Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones shall be of such a shape as to contain a 20 meter diameter circle. The circle shall not infringe any required front setback or any setback adjoining a residential, special character or open space zone.
- y) The location of the shape factor circle for each allotment in the Rototuna North East Character Zone, in addition to Rule 23.7.1 w) shall be positioned so not to require land modification in excess of 40m³.
- z) Allotments in the Rototuna North East Character Zone, adjoining the Waikato Expressway Designation (Designation E90), and prior to either the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an Outline Plan of Works approval under S.176A of the RMA; or construction is underway or completed the location of the shape factor circle for each allotment shall not infringe the 65m habitable building setback (refer to Figure 5.4.6a).

23.7.2 Subdivision Suitability

- a) All subdivisions creating additional allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to

amalgamation) are of a size and shape to enable activities anticipated in the zone, and where subdivision is around existing structures that are to be retained comply with bulk and location provisions for the relevant zone.

23.7.3 General Residential Zone, and All Special Character Zones

a) Minimum transport corridor boundary length for a front site (except in the Terrace area of the Peacocke Character Zone and within CDP Area 1 and CDP Area 2 of the Temple View Zone)	15m
b) Minimum transport corridor boundary length for a front site within the Terrace area of the Peacocke Character Zone and within CDP Area 1 and CDP Area 2 of the Temple View Zone	10m
c) Minimum rear boundary length of a front site	10m
d) Maximum number of allotments served by a single private way	6
e) Minimum private way width serving 1-3 allotments	3.6m
f) Minimum private way width serving 4-6 allotments	4.5m
g) Maximum private way gradient	1:5m
h) Maximum private way length	50m
i) Maximum cul-de-sac length, including private way	150m
j) Maximum number of private ways accessing directly on to a cul-de-sac	1
k) Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
l) Maximum pedestrian accessway length through a block	80m
m) Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide

Note

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

23.7.4 Large Lot Residential Zone

a) Minimum transport corridor boundary length for a front site	40m
b) Minimum rear boundary length of a front site	10m
c) Maximum number of allotments served by a single private way	6
d) Minimum private way width serving 1-3 allotments	3.6m
e) Minimum private way width serving 6 allotments	4.5m
f) Maximum private way gradient	1:5m
g) Maximum private way length	100m with passing every 50m

h) Maximum cul-de-sac length	150m
i) Maximum number of private ways accessing directly on to a cul-de-sac	0
j) Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
k) Maximum pedestrian accessway length through a block	80m
l) Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide

23.7.5 Residential Intensification Zone

a) Minimum transport corridor boundary length for a front site	15m
b) Minimum rear boundary width of a front site	10m
c) Minimum private way width serving 1-4 allotments	3.5m
d) Minimum private way width serving 5+ allotments	6.5m
e) Maximum private way gradient	1:5
f) Maximum private way length	100m
g) Maximum pedestrian accessway length through a block	80m
h) Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide

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

a) Minimum transport corridor boundary length	8m
b) Minimum transport corridor boundary length adjoining a major arterial transport corridor	20m
c) Minimum access or private way width serving an allotment with a net site area of less than 2000m ²	8m
d) Minimum access or private way width serving an allotment with a net site area of 2000m ² –5000m ²	10m
e) Minimum access or private way width serving an allotment with direct access to a major arterial transport corridor	10m
f) Minimum private way width serving 1-5 allotments	10m

g) Maximum private way gradient	1:8
h) Maximum private way length	100m
i) Maximum pedestrian accessway length	80m
j) Minimum pedestrian accessway width	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide

23.8 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. Boundary adjustments	C – Character and Amenity
ii. Subdivision involving any allotment within the Electricity National Grid Corridor	● I – Network Utilities and Transmission ● <u>N - Ruakura</u>
iii. Subdivision in a Hazard Area	F – Hazards and Safety
iv. Subdivision that may require the provision of Esplanade Reserves and Strips	- C – Character and Amenity - D – Natural Character and Open Space
v. Subdivision to accommodate a network utility service or transport corridor	- C – Character and Amenity - I – Network Utilities and Transmission
vi. Fee simple subdivision*	C – Character and Amenity
vii. Company-lease subdivision*	C – Character and Amenity
viii. Unit-title subdivision*	C – Character and Amenity
ix. Leasehold Subdivision	C – Character and Amenity

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x. Fee Simple Subdivision in the Peacocke Character Zone for lots greater than 10ha	• C – Character and Amenity • E – Heritage Values and Special Character
xi. Subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C, within Stages 1A and 1B after a CDP in the Te Rapa North Industrial Zone	• D – Natural Character and Open Space
xii. Fee Simple subdivision and Boundary Adjustment (within Special Character Zones)	• C – Character and Amenity • E – Heritage Values and Special Character
xiii. Subdivision to accommodate a network utility service or transport corridor (within Special Character Zones)	• C – Character and Amenity • E – Heritage Values and Special Character • I – Network Utilities and Transmission

Note

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

23.9 Other Resource Consent Information

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

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

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

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



24 Financial Contributions

24.1 Purpose

- a) Section 108 of the Act empowers a council to impose financial contributions on resource consents, in accordance with the purposes specified in a District Plan.
- b) Financial contributions may be imposed for the purpose of promoting the sustainable management of natural and physical resources.
- c) All provisions under the Act are subject to Part 2 and therefore financial contributions must be for the purpose of:
 - i. Enabling people and communities to provide for their health, safety and economic, social and cultural wellbeing.
 - ii. Sustaining the potential of resources to meet the reasonably foreseeable needs of future generations.
 - iii. Maintaining the life-supporting capacity of air, water, soil and ecosystems.
 - iv. Avoiding, remedying and mitigating adverse effects of activities on the natural and physical environment.
- d) In general terms, financial contributions are required to recoup the proportioned cost of the provision of infrastructure and/or to offset adverse effects of development that cannot be otherwise avoided, remedied or mitigated.
- e) The general circumstances in which financial contributions are required include:
 - i. To address the statutory exemption of the Crown from the provisions of the Local Government Act 2002 by taking financial contributions for subdivision and/or development undertaken by the Crown.
 - ii. To enable the ongoing collection of, and potential review of, existing consent conditions that require a financial contribution.
 - iii. To take financial contributions for reserves, other than esplanade reserves.
 - iv. To offset the adverse effects of subdivision and development on infrastructure not otherwise addressed by Council's Development Contributions Policy under the Local Government Act 2002.

24.2 Objectives and Policies: Financial Contributions

Objective	Policies
24.2.1 Subdivision, use and development contributes equitably towards the costs of avoiding, remedying or mitigating adverse effects of use, subdivision and development.	24.2.1a Financial contributions shall be applied in a fair and equitable manner that: - Is financially transparent. - Complements Council's other financial management policies. - Takes into account Council's maintenance and operational obligations. - Takes into account any costs incurred in taking, holding and allocating the financial contribution.
	24.2.1b Activities shall: - Contribute to the costs of infrastructure to the extent warranted by the effects they generate. - Provide for land to be set aside and developed as reserves in conjunction with the subdivision, use and development of land to address the community's recreational needs where required. - Ensure positive effects on the environment are achieved to offset any adverse effects that cannot be otherwise avoided, remedied or mitigated. This may include river and gully restoration, requiring land to be set aside and developed as reserves to provide amenity and protect environmental, historical and cultural values of the area.
Explanation	
<i>Financial contributions are a key method for managing the impacts on the environment arising from subdivision, use and development of land. Any financial contributions regime needs to recognise the different demands made on public utility services by different activities and be clear and consistent in its application.</i> <i>Financial contributions are to be applied in a fair and reasonable manner. A financial contribution cannot be levied if Council has imposed a development contribution under the Local Government Act 2002 in respect of the same development for the same purpose, or the developer will fund or otherwise provide for the same reserve, network infrastructure, or Council has received or will receive funding from another source.</i> <i>Where a developer wishes to pursue development ahead of Council's programmes identified in its Long Term Plan or Annual Plan a Development Agreement will need to be entered into with Council to ensure infrastructure is provided in a way which is efficient and sustainable from a city-wide perspective. In such circumstances any financial contributions required may be considered as part of that Development Agreement.</i>	

24.3 Rules – General Standards

24.3.1 Purpose of Financial Contribution

- a) Where the Council grants a resource consent for use, subdivision and/or development, the applicant, including network utility operators and/or requiring authorities, may be required, as a condition of consent, to make a financial contribution for the purposes of:
 - i. Providing and/or upgrading public network utility services and transport infrastructure.
 - ii. Providing and/or upgrading public reserves.
 - iii. Securing environmental compensation generating positive effects to offset any adverse effects of the subdivision, use or development that cannot be avoided, remedied or otherwise mitigated.

24.3.2 Nature of Contributions

- a) Financial contributions may, at Council's discretion, take the form of money or land or a combination of money and land.
- b) Financial contributions shall not be imposed on a use, development or subdivision for the same purpose as a development contribution that is required, or has already been paid in relation to that use, development or subdivision.
- c) Where a financial contribution is, or includes the payment of money, the Council may specify any one or more of the following in the conditions of the resource consent.
 - i. The amount to be paid by the consent holder.
 - ii. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into.
 - iii. When the payment is to be made:
 - A. In the case of subdivision, generally before uplifting the section 224 certificate.
 - B. In the case of land use, generally before the consent is given effect.
 - iv. If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted.
 - v. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
- d) Where a financial contribution is, or includes land, the Council may specify any one or more of the following in the conditions of the resource consent.
 - i. The location and area of the land.
 - ii. The state the land is to be in before vesting in or transferring to the Council.
 - iii. The purpose of the land if it is to be classified under the Reserves Act 1977, or the general purpose of the land.

- iv. When and how the land is to be vested in, or transferred to the Council or other infrastructure provider. In the case of subdivision consent the land shall be vested on the deposit of the survey plan under section 224 of the Act, or transferred as soon as legal certificate of title is available.
- e) Where any land is to be vested in Council or other infrastructure provider as part of a financial contribution a registered valuer shall determine its market value at the date on which the resource consent (imposing the financial contribution condition) commenced under section 116 of the Resource Management Act 1991.

For the purposes of this rule, 'market value' has the same meaning as defined in the International Valuation Standard, as adopted by Australian Property Institute 2008 and Property Institute of New Zealand 2009, which is as follows:

'Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.'

This rule does not apply to land that is to be vested in Council as a financial contribution in circumstances where the value of the land does not need to be determined.

24.3.3 Level of Contribution

- a) The level of contribution shall be up to 100% of the actual or estimated costs, or land necessary to provide for the "Reasons for Financial Contribution" specified in the table below.
- b) Actual or estimated costs may include:
 - i. All reasonable costs incurred in providing the public utility service, transport infrastructure or reserve.
 - ii. Any reasonable costs in avoiding, remedying or mitigating any effects on the environment of providing or upgrading the public utility service, transport infrastructure or reserve.
- c) The level of financial contribution shall include any associated costs including but not limited to:
 - i. The reimbursement of legal costs incurred by Council in providing easements, encumbrances, covenants and the like.
 - ii. The reimbursement of fees charged to Council by Government departments, local authorities and the suppliers of public utilities and infrastructure.
 - iii. Survey work.
 - iv. Any fees incurred by an adjoining local authority or network operator in processing the application.
 - v. Goods and Services Tax (GST).
- d) The estimated or actual cost of financial contributions, whether provided or constructed by the Council or otherwise shall be calculated in accordance with, the following matters for consideration:

Basis of Contribution	Reasons for Financial Contribution	Matters for Consideration in Determining Level and/or Nature of Financial Contribution
Water Supply Systems	• Where an existing supply is available, the cost of connection with the existing system • Where an existing supply is available, but the capacity of the system is inadequate to meet the additional generated demand, the cost of connection and capacity upgrading of the existing system • Where an existing supply is not available, the cost of providing for the supply of water	• Whether the new infrastructure/upgrade/extension is already identified as a growth-related project • Whether other funding sources, including development contributions, apply • The quality and quantity of the supply • The effect any additional connections may have on the existing system, its users and/or on the quality and quantity of the supply • The age and value of the existing infrastructure • The proximity and directness of the effect
Stormwater Disposal Services	• Where an existing outfall is available, the cost of connection with the existing stormwater system • Where an existing outfall is available, but the capacity of the system is inadequate to meet the additional generated demand, the cost of connecting and capacity upgrading of the stormwater system • Where an existing outfall is not available, the cost of providing a stormwater system	• Whether the new infrastructure/upgrade/extension is already identified as a growth-related project • Whether other funding sources, including development contributions, apply • The quality and quantity of the supply • The effect any additional connections may have on the existing system, its users and/or on the quality and quantity of the supply • The age and value of the existing infrastructure • The proximity and directness of the effect
Wastewater Disposal Services	• Where an existing wastewater network and treatment plant are available, the cost of connection to them • Where an existing wastewater network and treatment plant are available, but their capacity is inadequate to meet the additional generated demand, the cost of connection and capacity	• Whether the new infrastructure/upgrade/extension is already identified as a growth-related project • Whether other funding sources, including development contributions, apply • The quality and quantity of the supply • The effect any additional connections may have on the existing system, its users and/or on

Basis of Contribution	Reasons for Financial Contribution	Matters for Consideration in Determining Level and/or Nature of Financial Contribution
	upgrading Where an existing wastewater network and treatment plant are not available, the cost of providing them	the quality and quantity of the supply - The age and value of the existing infrastructure - The proximity and directness of the effect
Transport infrastructure and Access	The costs of specific works needed to service the use, subdivision or development and/or mitigate their effects	- Whether the new infrastructure/ upgrade/extension is already identified as a growth-related project - Whether other funding sources, including development contributions, apply - The current standard and estimated carrying capacity of the transport network the subdivision, development or land use will connect to - The current number of users of the transport network and the estimated increase in number of users as a result of the subdivision, development or land use - The sensitivity and location of activities adjoining the transport corridor and adjacent to the subject site - Sight distances and the presence of blind spots along adjacent transport corridors and the standard and adequacy of intersections - The need to improve the transport network to accommodate additional traffic generated (taking into account both type and numbers of traffic generated) by the subdivision, development and/or land use - The benefit to the subdivision or land use arising from the improvement to the transport network relative to the benefit to existing users and other members of the public - The estimated number of future users of the transport network, assuming degrees of development and growth anticipated by the standards in the District Plan

Basis of Contribution	Reasons for Financial Contribution	Matters for Consideration in Determining Level and/or Nature of Financial Contribution
		The likely route from the site to key locations in the City
Reserves	The amount of money and/or land needed to ensure Council meets its agreed level of service for reserves as per Rule 24.4.1	- Whether the need for reserves has been identified in a relevant Structure Plan - Whether other funding sources, including Development Contributions, apply - Whether neighbourhood reserve capacity exists within 500m of the proposed activity - Whether there is a need to provide public access to the reserve - The need to protect significant natural features, biodiversity, sites of cultural, heritage or archaeological value - The need for reserves to ensure appropriate amenity values - The effects of the development or subdivision on the capacity of reserves that serve a city-wide or greater function - Whether shared use is available with stormwater disposal systems - Existing open space resources within close proximity - Existing open space resources that provide opportunity for unrestricted shared use
Offset Effects	The amount of money and/or land needed to offset any adverse environmental effects including river and gully restoration that cannot otherwise be avoided, remedied or mitigated.	

Note

- For any allotment that has been created to accommodate a network utility service any financial contribution will be based on the service that the network utility uses.

24.3.4 Credits

- Credits shall be entitled where:
 - A resource consent which includes a condition requiring a financial contribution lapses or is cancelled or surrendered without having been given effect in whole or in part, in accordance with the provisions of the Act.

- ii. The activity in respect of which the resource consent was granted does not proceed.
- b) Council shall, on notice, pay or return to the person entitled the financial contribution less a value equivalent to the costs incurred by Council in relation to the activity and its discontinuance, provided that Council shall not pay for, or credit the value of, any work or services undertaken before the resource consent lapsing/being cancelled/surrendered or otherwise not proceeding.
- c) Where a financial contribution is made and Council subsequently resolves not to proceed with that work or to provide that service, the financial contribution shall be refunded to the person entitled, provided that in the case of a financial contribution of money no interest shall be paid.
- d) The amount of any previous payment shall be deducted from the level of the financial contribution payable in respect of any subdivision or land use consent in the following circumstances.
 - i. Where a previous financial contribution payment was made to provide an increase in capacity in a service, utility or facility necessitated by the proposal.
 - ii. If a financial contribution has previously been paid in respect of a land use consent for land now subject to an application for subdivision consent, where both the previous and proposed contributions relate to the same development and same purpose.
 - iii. If a financial contribution has previously been paid in respect of a subdivision consent for land now subject to an application for a land use consent, where both the previous and proposed contributions relate to the same development and same purpose.

Note

1. Council shall keep a register of all financial contributions which shall contain the following information.
 - i. The amount of the financial contribution.
 - ii. The name of the person making the contribution and the date on which it was made.
 - iii. The purpose for which the financial contribution was made.
 - iv. The name of the consent-holder entitled to any refund or credit.

24.3.5 Bonds

- a) Security for compliance of resource consent conditions imposing financial contributions shall be in accordance with sections 108, 108A, 109 and 222 of the Act, further secured by deposits of money with the Council or bank guarantee. Where appropriate, securities shall be registered against the relevant titles.

24.4 Rules – Specific Standards

- a) The following rules, in addition to the above are relevant where financial contributions are required.

24.4.1 Reserves Level of Service

- a) Where a structure plan is in place for an identified area, reserves shall be acquired in accordance with the provisions of the relevant Structure Plan.

- b) For areas outside a specified structure plan area, a contribution of 0.5ha for neighbourhood reserves is required, which shall provide all dwellings with access to a neighbourhood reserve within 500m walking distance.

24.5 Other Resource Consent Information

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

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

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

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



25 City-wide

This chapter has two roles. Firstly, it provides objectives, policies, activity status and standards for activities that are relevant across the City and are not zone specific:

- Earthworks and vegetation removal
- Events and temporary activities
- Hazardous facilities
- Network utilities and the electricity national grid corridor
- Signs
- Transportation

Secondly, the chapter provides City-wide objectives, policies and standards that are applicable to the activities in the zone chapters:

- Development suitability
- Landscaping and screening
- Lighting and glare
- Noise and vibration
- Public art
- Smoke, fumes, odour and dust
- Solid waste
- Three Waters
- Transportation
- Urban design

25.1 Development Suitability

25.1.1 Purpose

- a) The purpose of this chapter is to provide guidance on the development of land when it occurs in isolation from, or in conjunction with, a subdivision of land. This chapter provides linkages to provisions in other parts of the District Plan that must be considered when undertaking a development such as those identifying site-specific constraints to development, the provision of infrastructure, and the design of the development.
- b) This chapter also provides objectives and policies complementing the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health with regard to managing use, development and subdivision on land affected by, or likely to be affected by contaminants. This District Plan concentrates on contamination that poses a risk to human health. The Waikato Regional Plan manages effects on the natural environment with respect to contaminated land.

25.1.2 Objectives and Policies: Development Suitability

Objective	Policies
25.1.2.1 To ensure the provision of safe, efficient and integrated infrastructure as part of land development.	25.1.2.1a All development shall provide infrastructure appropriate for the activity proposed.
	25.1.2.1b New development shall be adequately serviced by suitable telecommunication, electricity, Three Waters and transport infrastructure.
	25.1.2.1c Urban development will not be allowed unless appropriate infrastructure is available, or is made available by the developer, and the servicing of this land does not compromise the safety, efficiency and sustainability of planned infrastructure.
Explanation	
<i>Infrastructure must be planned in advance of development whether it occurs within Structure Plan areas or within the existing urban areas of the City. Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Council Infrastructure Technical Specifications. Additional or alternative requirements may be required by the NZTA for any infrastructure which affects a state highway.</i> <i>Council's Long Term Plan or Annual Plan and the National Land Transport Programme sets out the programme for providing infrastructure to service growth. Where a developer wishes to pursue development ahead of Council's or NZTA's programmes, a development agreement will need to be entered into with Council, or NZTA, with</i>	

respect to the state highway network, to ensure that the infrastructure is provided in a way which is safe, efficient and sustainable from a City-wide and network perspective. Structure plans, Integrated Transport plans, Integrated Catchment Management plans, Water Impact Assessments and the Open Space Strategy will be used as reference points to assess whether a proposal will not compromise existing or planned infrastructure. In these cases it is anticipated that developers will bear the full costs of infrastructure provision.

The reason for Council's approach is due to its inability to fund infrastructure necessary to support the development of growth all at once. This will enable the sustainable management of growth for the social and economic wellbeing of the community and meet the needs of future generations.

Objective	Policies
25.1.2.2 Any development of land is carried out in a manner which reflects the physical constraints on its use and development, and minimises any adverse effects on the environment.	25.1.2.2a Development of land shall: i. Not result in increased risk of erosion, subsidence, slippage or inundation, ii. Wherever possible, avoid or mitigate any adverse effects on water quality and quantity, and iii. Avoid or mitigate adverse effects on significant infrastructure.
	25.1.2.2b Development shall be located and designed to maintain or enhance any: i. Scheduled built heritage item, ii. Archaeological and cultural site, iii. Significant tree, and iv. Significant natural area.
Explanation <i>Development of land often involves modification and this has the potential to cause or exacerbate adverse effects. These effects should be managed through the location and design of development.</i>	
Objective	Policies
25.1.2.3 Land affected by soil contaminants is identified and made safe for its intended use before any change of use, development or subdivision.	25.1.2.3a Any use, development and subdivision shall minimise the adverse effects that may arise from land affected by soil contaminants.
	25.1.2.3b Land affected by soil contaminants shall be remediated to a level, or managed in a way, that is suitable for its intended use.

	25.1.2.3c Exposure arising from the ongoing use of land affected by soil contaminants shall be managed to avoid or mitigate the risk of adverse effects on human health.
Explanation <i>The use, development or subdivision of land that is contaminated or potentially contaminated could expose people to levels of contaminants which may be damaging to their health. This provides an objective and policy framework for assessing Discretionary Activities under the National Environmental Standard on Assessing and Managing Contaminants in the Soil to Protect Human Health.</i>	

25.1.3 Rules – National Environmental Standards

- a) The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply to defined activities in specific circumstances.

Note

1. Proposals to remove or replace a fuel storage system, sample soil, disturb soil, subdivide or change the use of land must consider whether this National Environmental Standard applies.
2. Council is responsible for applying and enforcing the provisions of National Environmental Standards. This National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. Refer to the Ministry for the Environment's website for relevant documents and guidance material.
3. This National Environmental Standard may alter the activity status of activities within this Plan, and additional standards, matters for assessment and criteria may apply. Council holds information that may assist in establishing whether activities on the Hazardous Activities and Industries List, as defined by the National Environmental Standard, currently or have previously operated on the land.
4. Activities may have other non-contaminated land related controls relevant to it that are found in other parts of the District Plan.

25.1.4 Rules – General Standards

25.1.4.1 All Development

- a) All development shall comply with the relevant rules and standards of the underlying zone.

Note

1. Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Specifications.
2. This rule does not apply to network utility structures unless specifically stated in the rules and standards of the underlying zone.

25.1.4.2 Site-specific Constraints on Development

- a) All development shall comply with relevant rules and standards relating to:
- i. Built heritage items, and archaeological and cultural sites, as outlined in Chapter 19: Historic Heritage.
 - ii. Protected trees as outlined in Chapter 20: Natural Environments.
 - iii. Significant Natural Areas as outlined in Chapter 20: Natural Environments.

- iv. Natural hazards as outlined in Chapter 22: Natural Hazards.
- v. The Electricity National Grid Corridor as outlined in Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor and the underlying zone chapters.

25.1.4.3 Earthworks and Vegetation Removal

- a) All development shall comply with relevant rules and standards relating to earthworks and vegetation removal in Chapter 25.2: City-wide – Earthworks and Vegetation Removal.

25.1.4.4 Three Waters

- a) All development shall comply with relevant rules and standards relating to Three Waters in Chapter 25.13: City-wide – Three Waters.

25.1.4.5 Transportation

- a) All development shall comply with relevant rules and standards relating to Transport in Chapter 25.14: City-wide – Transportation.

25.1.4.6 Landscaping and Screening

- a) All development shall comply with relevant standards relating to Landscaping and Screening in Chapter 25.5: City-wide – Landscaping and Screening.

25.1.4.7 Financial Contributions

- a) All development shall comply with relevant standards relating to Financial Contributions in Chapter 24.

25.1.5 Other Resource Consent Information

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

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

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

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

25.2 Earthworks and Vegetation Removal

25.2.1 Purpose

- a) Earthworks refer to the disturbance of land by moving, removing, placing or replacing soil or earth by any means. Earthworks are a necessary part of land subdivision and development, but can result in adverse effects including accelerated erosion and sedimentation, contamination of fresh water, and increased risks from natural hazards. Earthworks can also impact on amenity values, including an unnatural look of the modified land.
- b) Hamilton City is predominantly an urban environment. Trees make an important contribution to the health and wellbeing of the residents of the City and to the quality of the City's landscape. Vegetation removal can impact on biodiversity and ecosystems within the City, and the urban amenity of the City.
- c) The Waikato Regional Council and Waikato Regional Plan have primary responsibility under the Act for controlling land use for soil conservation and water quality. The District Plan has a supporting role, as the District Plan controls subdivision and development of land.
- d) This chapter outlines earthworks and vegetation removal rules relating to the zones, and cross-references to chapters where additional rules relating to earthworks and vegetation removal are outlined. Rules in other chapters (see Rule 25.2.3) address specific matters such as natural hazards, significant natural areas and archaeological or cultural sites and may be more onerous than those contained in this chapter which deals with earthworks and vegetation removal generally and in relation to the Electricity National Grid Corridor.

25.2.2 Objectives and Policies: Earthworks and Vegetation Removal

Objective	Policies
25.2.2.1 Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment.	25.2.2.1a Earthworks and vegetation removal shall occur in a way that: i. Maintains natural character and amenity values by retaining existing landforms, natural features and significant vegetation. ii. Maintains natural processes and features including natural drainage patterns and streams. iii. Does not create new, or exacerbate existing natural hazards. iv. Minimises adverse effects on land and water, especially effects such as erosion and sedimentation. v. Creates practicable building sites, efficient use of land and infrastructure, ensures effective stormwater flow paths, and a safe living and working environment. vi. Minimises dust, noise, and runoff. vii. Adopts a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River. viii. Maintains or enhances riparian vegetation on the margins of natural watercourses and wetlands.
Explanation	
<i>The policy ensures that amenity values and the quality of the natural environment in the City are maintained or enhanced. The policy intends natural landforms (such as ridges and gullies) to be protected as much as possible to retain the natural character and amenity values. Earthworks should also limit the adverse effects of erosion and sedimentation, and minimise soil compaction. The policies aim to ensure that the positive effects of earthworks are realised in terms of practicable building sites, maintaining stormwater flow paths, efficient use of land and infrastructure, and a resulting safe living and working environment.</i>	

25.2.3 Rules – Activity Status Table

Activity	Class
a) Earthworks (excluding earthworks covered by Rule 25.2.3 b) and i))	P
b) Earthworks and vegetation removal involving trenching, pole installation and replacement, slab foundation (not exceeding 2m in depth) and pile foundations for telecommunication masts, for infrastructure and network utilities	P
c) Trimming, maintenance or removal of vegetation or trees not otherwise mentioned in this Plan	P
d) Trimming and pruning of vegetation necessary to protect all overhead electric lines or telecommunication lines	Also refer to Chapter 25.7: Network Utilities and the Electricity National Grid Corridor
e) Removal of vegetation or trees in the Open Space Zones	Also refer to Chapter 15: Open Space Zones
f) Earthworks and vegetation trimming, maintenance or removal within a: i. High Flood Hazard Area ii. Medium Flood Hazard Area iii. Low Flood Hazard Area iv. Temple View Flood Hazard Area v. Culvert Block Flood Hazard Area vi. Waikato Riverbank and Gully Hazard Area	Also refer to Chapter 22: Natural Hazards
g) Earthworks and vegetation maintenance, trimming or removal affecting: i. An archaeological and cultural site in Schedule 8B of Volume 2, Appendix 8 ii. A significant tree in Schedule 9D of Volume 2, Appendix 9 iii. A significant natural area in Schedule 9C of Volume 2, Appendix 9	Also refer to Chapter 19: Historic Heritage and Chapter 20: Natural Environments
h) Works within the root protection zone of a: i. Significant tree in Schedule 9D of Volume 2, Appendix 9 ii. Tree within a significant natural area in Schedule 9C of Volume 2, Appendix 9	Also refer to Chapter 20: Natural Environments
i) Earthworks associated with the replacement and/or removal of a fuel storage system as defined and controlled in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.	P

Note

1. Earthworks and Vegetation Removal must comply with any relevant requirements of the Waikato Regional Plan and the Waikato Regional Pest Management Plan.

2. No person may destroy, damage, or modify an archaeological site without an authority from Heritage New Zealand. If items of archaeological significance are found when undertaking earthworks, authority must be obtained from Heritage New Zealand before proceeding with any further works which could potentially destroy, damage, or modify such items.
3. Activity status for earthworks relating to existing high voltage transmission lines as of 14 January 2010, identified on the District Plan Maps and forming part of the National Grid, is set out and determined within the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009.
4. The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may alter the activity status of activities and additional standards, matters for assessment and criteria may apply. Refer to Chapter 25.1: City-wide – Development Suitability for relevant objectives (25.1.2.3) and policies (25.1.2.3a to 25.1.2.3c) and Rule 25.1.3.
5. For any activity not identified above, see Section 1.1.8.1.

25.2.4 Rules – General Standards

25.2.4.1 Earthworks in All Zones

- a) Where fill material is used it is required to be clean fill.
- b) All earthworks or areas of bare earth not being worked for three months or more shall be stabilised and sown with ground cover.
- c) All earthworks shall retain sediment on site through implementation and maintenance of sediment controls. This standard does not apply to the transportation of material off site.
- d) All earthworks activities shall be managed to avoid material deposits on public roads from any vehicles operating on site.
- e) Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.
 - i. Rule 25.2.4.1 e) does not apply within the Transport Corridor Zone
- f) Earthworks outside the Residential Zone, Special Character Zone and Natural Hazard Areas:
 - i. No volume restriction on earthworks within the building footprint identified on a building consent, or required outside the building footprint to maintain stable slopes for the authorised construction work; and
 - ii. Any earthworks additional to those provided for in f)i above shall not exceed 1,000m³ in any single activity or cumulative activities in any 12 month period.
- g) Within any Residential Zone or Special Character Zone (outside any Natural Hazard Area) earthworks must not exceed the following maximums in any single activity or cumulative activities in any 12 month period:
 - i. 500m³ of material within the building footprint identified on a building consent that is obtained prior to any earthworks commencing, inclusive of the volume of material required for earthworks outside the building footprint that are necessary to maintain stable slopes for the construction work that has been authorised by that building consent.

- ii. 100m³ of material (excluding any volume provided for under i above), except in the Special Natural Zone and the Rototuna North East Character Zone where the maximum volume shall be 40m³.
- h) Rules 25.2.4.1 f) and g) do not apply to:
 - i. activities identified in Rules 25.2.3 b) and i) or within the Transport Corridor Zone; or
 - ii. activities authorised by a consent for a Concept Plan for a Major Facility prepared under Chapter 17, or any other land use consent, that includes conditions managing the adverse effects of earthworks.

Note

1. Refer to Chapter 22 regarding earthworks in Natural Hazard Areas.
2. Refer to *Erosion & Sediment Control: Guidelines for Soil Disturbing Activities*, which is available on the Waikato Regional Council website: www.waikatoregion.govt.nz

25.2.4.2 Earthworks Within any National Grid Yard

- a) Earthworks within a National Grid Yard shall:
 - i. Be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire.
 - ii. Be no deeper than 750mm between 2.2m and 5m from a transmission pole support structure or stay wire.
 - iii. Be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure.
 - iv. Be no deeper than 3m between 6m and 12m from the outer visible edge of a transmission tower support structure.
 - v. Not create an unstable batter that will affect a transmission support structure.
 - vi. Not result in a reduction in the ground to conductor clearance distances as required by NZECP.

Provided that:

- vii. Earthworks undertaken by a Network Utility Operator are exempt from i to iv above.
- viii. Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a transport corridor, footpath or driveway are exempt from i to iv above.
- ix. Vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a pole support structure or stay wire are exempt from i and ii above.

25.2.5 Other Resource Consent Information

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

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

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

- Definitions and Terms Used in the District Plan
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- Other Methods of Implementation

25.3 Events and Temporary Activities

25.3.1 Purpose

- a) Events such as concerts, parades, festivals, galas, meetings or exhibitions occur on a regular basis throughout the City.
- b) Temporary activities include construction activities and temporary helicopter landing pads. Construction can involve temporary structures such as site offices and cranes near roads, and generate various adverse effects including unusually heavy traffic movements.
- c) The temporary nature of the activities generally makes any adverse effects more acceptable to the community. Consequently, many events and temporary activities of short duration are tolerated by those affected while others enjoy what the event has to offer.
- d) Events and temporary activities make a contribution to the economic, social and cultural wellbeing and help create a vibrant Hamilton.

25.3.2 Objectives and Policies: Events and Temporary Activities

Objective	Policies
25.3.2.1 Temporary activities and events are managed in a way that contributes to economic, social and cultural wellbeing and to creating a vibrant City, while adverse effects on the environment are minimised.	25.3.2.1a The positive effects of events and temporary activities shall be recognised and encouraged.
	25.3.2.1b Events and temporary activities shall be managed to minimise adverse effects including noise, light spill, glare, dust, odour, litter, effects on public health and safety, and the safe and efficient functioning of transport networks.
Explanation <i>Events bring in thousands of visitors and significant economic, social and cultural benefits to the City and its surrounds.</i>	
Objective	Policies
25.3.2.2 Temporary activities and events are located appropriately.	25.3.2.2a Events and temporary activities shall be located where adverse effects can be adequately managed, with particular consideration given to: i. Expected attendance numbers, the facilities provided at the site, including for entry and exit, crowd control, and health and safety. ii. The timing, duration, scale and intensity of the adverse effects, including noise, dust, odour, lighting, glare, and waste.

	iii. The safety and efficiency of transport networks. iv. The frequency of events and temporary activities at any one location and associated cumulative effects. v. Any alternative venues available and suitable for all or part of the event, with preference given to permanent venues over temporary venues.
	25.3.2.2b Temporary structures and buildings shall be sited to minimise adverse effects on surrounding property and activities.
Explanation	
<i>The adverse effects of events and temporary activities are usually mitigated by their infrequent nature, short duration, limited scale and their social, cultural and economic benefits. However, it is important to manage events and temporary activities that generate significant adverse environmental effects. For this reason some events and temporary activities will require resource consent when they exceed a certain scale or threshold of effects, which are defined by standards.</i>	

25.3.3 Rules – Activity Status Table

Activity	Class
Events	
a) Events	P
b) Events or activities associated with events on the Waikato River or Lake Rotoroa (Lake Hamilton) – motorised or non-motorised	P
c) Events or activities associated with events on Lake Rotokaeo (Forest Lake) or Lake Waiwhakareke (Horseshoe Lake) – motorised or non-motorised	NC
Temporary Activities	
d) Hot-air balloon launching	P
e) Pyrotechnic displays	P
f) Temporary activities in a public place	P
g) Temporary buildings and structures ancillary to a permitted event or permitted activity in an Open Space Zone	P
h) Temporary buildings and structures incidental to a building or construction project	P
i) Large projection and TV screens	P
j) Temporary landing/takeoff points for helicopters	P
k) Temporary retail	P

Note

1. Refer to the Hamilton City Public Places Bylaw and Hamilton City Public Places Policy for other restrictions to activities in a public place.
2. Refer to the Council policy on Pyrotechnic Displays on Council-Administered Reserves.
3. Events may be required to obtain other approvals outside those required by the District Plan, e.g. temporary road closures. These approvals may be subject to timeframes of up to 60 working days.
4. Refer to Waikato Regional Council Navigation Safety Bylaw.
5. For any activity not identified above, see Section 1.1.8.1.

25.3.4 Rules – General Standards

- a) All activities in this chapter shall comply with the zone lighting standards in Chapter 25.6: City-wide – Lighting and Glare.
- b) In the event there is conflict between the provisions of Chapter 25.3: Events and Temporary Activities of the District Plan and the provisions of any other chapter in the District Plan, the provisions of Chapter 25.3 prevail.

25.3.5 Rules – Specific Standards

25.3.5.1 Information to be Provided with Resource Consent Applications for Events

- a) Any event that is required to obtain a resource consent is also required to submit with that resource consent application a:
 - i. Waste Management Plan (Appendix 1.2.2.15).
 - ii. Transport Management Plan (Appendix 1.2.2.15).
 - iii. Noise Management Plan (Appendix 1.2.2.15).

Note

1. Irrespective of District Plan requirements, all events that expect to have over 1000 people attend are required to have a Waste Management Plan under the Solid Waste Bylaw.
2. Irrespective of District Plan requirements, all events within the Transport Corridor Zone are required to submit a Temporary Traffic Management Plan under the Local Government Act.
3. Some permitted events may require a noise management plan to be submitted prior to the event occurring (refer to Rules 25.3.5.2(c)(vi) and 25.3.5.3(e)(vi)).

25.3.5.2 Events at Hamilton Gardens, Central City Zone – Downtown Precinct (including Garden Place, Civic Square and Hood St) and Central City Zone – Ferrybank Precinct

- a) No more than 5000 people shall attend an event at any one time.
- b) Events shall take place only between the following hours.
 - i. 0700 and 2230 Sunday to Thursday.
 - ii. 0700 and 2400 Friday and Saturday.

Note

1. The time periods used to set noise limits within zones may vary to the hours set for when events are allowed to take place.
- c) The noise standards for the relevant zone in Chapter 25.8: City-wide – Noise and Vibration shall apply to all events except for those events on six days per calendar year when:

- i. The noise from the event (including practice or testing) does not exceed the following noise levels at any point within the notional boundary of any other site within the:

- Future Urban Zone

Or, any point within the boundary of any other site in the:

- Residential Zone
- Special Character Zone

Time of day	Noise levels	Noise levels
	L _{Aeq} [15 min]	L _{AFmax}
1000 – 2400 hours	75 dB 70 dB at 63Hz 65 dB at 125Hz	85 dB

- ii. Standard (i) above shall not apply to crowd noise from events.
- iii. The event does not exceed six hours' duration per day.
- iv. Testing or practice involving the use of electronic sound amplification does not exceed two hours.
- v. The public is notified of any one-off event at least 48 hours before the event commences, including information about:
- The nature of the event and that noise limits for general activities may be exceeded.
 - Proposed dates, start and finish time of the event itself and the expected times of any sound testing or practice.
 - Contact details before and during the event.
 - Possible alternative dates in the event of postponement.

Note

- Suitable methods for achieving compliance with this standard are:
 - The publishing of a public notice containing the required information in a newspaper with a circulation that covers the entire area affected by the proposal, or
 - By placing a physical notice containing the required information at the site where the event will be held at least 48 hours before the event commences, and
 - By written notice containing the required information being delivered to the physical address of all adjacent residents and landowners at least 48 hours before the event commences.
- Provide a noise management plan to Council at least 48 hours before the event commences to demonstrate compliance with these noise standards.

25.3.5.3 Events at Innes Common, Hamilton Lake Domain, Wintec (City and Rotokauri), and Within the Knowledge Zone

- No more than 5000 people shall attend an event at any one time.
- No more than six events per calendar year shall be held at each place.

- c) No event shall exceed three consecutive days (excluding preparation and clean up).
- d) Events shall take place between the following hours.
 - i. 0700 and 2230 Sunday to Thursday.
 - ii. 0700 and 2400 Friday and Saturday.

Note

- 1. The time periods used to set noise limits within zones may vary to the hours set for when events are allowed to take place.
- e) The noise standards in 25.8.3.9a) shall apply except for six days per calendar year when the following standards shall apply:
 - i. The noise from the event (including practice or testing) does not exceed the following noise levels at any point within the notional boundary of any other site within the:
 - Future Urban Zone

Or, any point within the boundary of any other site in the:

- Residential Zone
- Special Character Zone

Time of day	Noise levels	
	L_{Aeq} [15 min]	L_{AFmax}
1000 – 2400 hours	75 dB 70 dB at 63Hz 65 dB at 125Hz	85 dB

- ii. Standard (i) above shall not apply to crowd noise from events.
- iii. The event does not exceed six hours' duration per day.
- iv. Testing or practice involving the use of electronic sound amplification does not exceed two hours.
- v. The public is notified of each event at least 14 days before the event, including information about:
 - A. The nature of the event and that noise limits for general activities may be exceeded.
 - B. Proposed dates, start and finish time of the event itself and the expected times of any sound testing or practice.
 - C. Contact details before and during the event.
 - D. Possible alternative dates in the event of postponement.

Note

- 1. A suitable method for achieving compliance with this standard is the publishing of a public notice containing the required information in a newspaper with a circulation that covers the entire area affected by the proposal.
- vi. Provide a noise management plan to Council at least one month before the event to demonstrate compliance with these noise standards.

25.3.5.4 Events in the Destination Open Space Zone (excluding Lake Waiwhakareke), Sport and Recreation Open Space Zone (apart from those covered in 25.3.5.2 and 25.3.5.3)

- a) No more than 3000 people shall attend an event at any one time.
- b) No more than three events per calendar year shall be held at each place.
- c) No event shall exceed two consecutive days' duration (excluding preparation and cleanup time).
- d) The noise standards in 25.8.3.9 shall apply.
- e) Events shall take place between the following hours.
 - i. 0700 and 2230 Sunday to Thursday.
 - ii. 0700 and 2400 Friday and Saturday.

Note

- 1. The time periods used to set noise limits within zones may vary to the hours set for when events are allowed to take place.

25.3.5.5 Events or Activities Associated with Events on the Waikato River or Lake Rotoroa (Lake Hamilton) – Motorised or Non-motorised

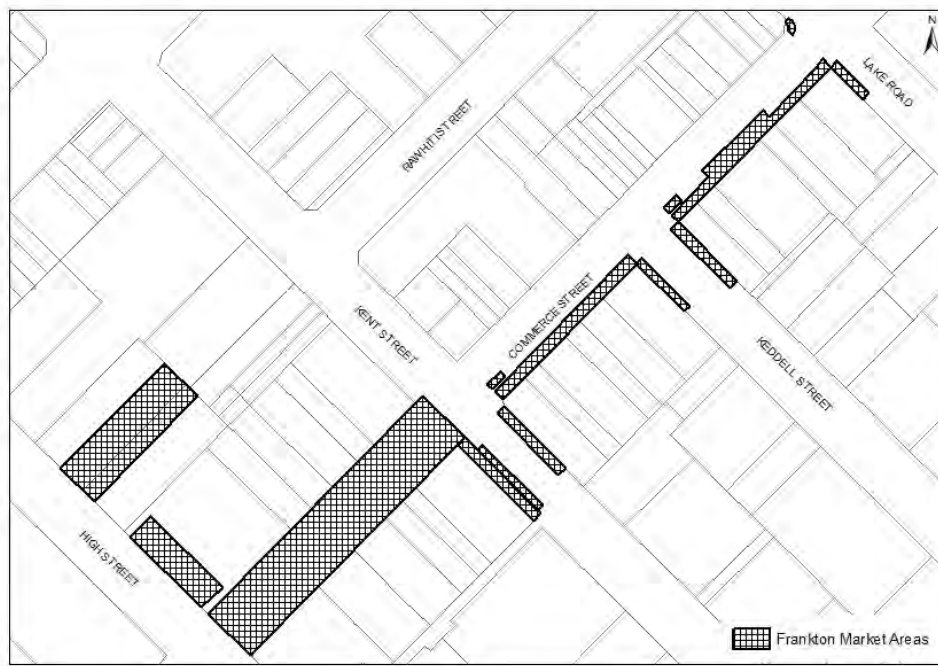
- a) No motorised event shall exceed two consecutive days' duration (excluding preparation and cleanup time).
- b) A maximum of three motorised events on the Waikato River shall take place per calendar year.
- c) Noise generated by the event shall comply with the noise standards in 25.8.3.9.
- d) Events shall take place between the following hours.
 - i. 0700 and 2230 Sunday to Thursday.
 - ii. 0700 and 2400 Friday and Saturday.

Note

- 1. The time periods used to set noise levels within the zone noise rules may vary to the hours set for when events are allowed to take place.

25.3.5.6 Frankton Markets

- a) The markets shall operate within the areas defined in Figure 25.3.1.
- b) The markets shall take place on Saturdays between the hours of 0500 and 1430 (including set up and pack down).
- c) The markets require an approved Transport Management Plan.

Figure 25.3.1: Location of Frankton Markets**Note**

1. Refer to the Hamilton City Public Places Bylaw and Hamilton City Public Places Policy for any further restrictions on activities in a public place, including an approved Transport Management Plan.

25.3.5.7 Events in the Rest of the City

- a) No more than 1000 people shall attend an event at any one time.
- b) No more than three events per calendar year shall be held at each location.
- c) No event shall exceed two consecutive days' duration (excluding preparation and cleanup time).
- d) Events shall take place between the following hours.
 - i. 0700 and 2230 Sunday to Thursday.
 - ii. 0700 and 2400 Friday and Saturday.

Note

1. The time periods used to set noise levels within the zone noise rules may vary to the hours set for when events are allowed to take place.
- e) Noise generated by the event shall comply with the noise standards for the relevant zone in Chapter 25.8: City-wide – Noise and Vibration.

25.3.5.8 Temporary Buildings and Structures Incidental to a Construction Project

- a) Temporary buildings and structures shall be removed within three months after the last day of the project or within three months of ceasing to be used, whichever is earlier.

25.3.5.9 Temporary Buildings and Structures Ancillary to a Permitted Event or Permitted Activity in an Open Space Zone

- a) All buildings and structures shall be removed and the site returned to its original condition within five working days after the last day of the event or activity.
- b) All buildings and structures (excluding temporary fences) shall comply with the building setback standards for the zone in which they are located.
- c) All buildings and structures shall comply with the maximum building height standards for the zone in which they are located.

25.3.5.10 Temporary Landing and Takeoff Points for Helicopters

The use of temporary landing and takeoff points for helicopters shall be subject to the following standards.

Activity	Standards
a) Emergencies	None. Emergency landings and take-offs are not subject to any standards in the Plan
b) Helicopter use incidental to construction project	All takeoffs and landings shall only occur during daylight hours
c) Any other purpose	i. The site is used for takeoffs and landings on no more than five days in any 12-month period ii. The site is used for takeoffs and landings on no more than two consecutive days

25.3.5.11 Pyrotechnic Displays

- a) Pyrotechnic displays shall take place between the following hours.
 - i. 0700 and 2230 Sunday to Thursday.
 - ii. 0700 and 2400 Friday and Saturday.
- b) The noise standards in Chapter 25.8: City-wide – Noise and Vibration and Chapter 25.3: Events and Temporary Activities shall not apply to pyrotechnic displays.

Note

1. Pyrotechnic displays are also hazardous facilities and need to comply with Chapter 25.4: City-wide – Hazardous Facilities. Other legislation, regulations and codes of practice apply to pyrotechnic displays, for example the Hazardous Substances and New Organisms Act 1996.

25.3.5.12 Temporary Retail

- a) Temporary retail sites shall be established only in the Central City, Industrial, Ruakura Logistics, Ruakura Industrial Park Zone, Knowledge or Business 1 to 7 Zones.
- b) Zone bulk and location standards shall not apply (e.g. setbacks, site coverage).
- c) Such a site shall operate only for a maximum of 10 days per site per calendar year.
- d) Such a site shall be only a maximum of 100m².
- e) Temporary retail sites shall also comply with any other relevant rules in Chapter 25: City-wide.

25.3.6 Other Resource Consent Information

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

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

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

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

25.4 Hazardous Facilities

25.4.1 Purpose

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

Note

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

25.4.2 Objectives and Policies: Hazardous Facilities

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

	25.4.2.1d Disposal of hazardous substances shall be undertaken in an environmentally safe manner to minimise the risk of hazardous substances being discharged into the environment. 25.4.2.1e Hazardous facilities shall be located, designed, installed and managed to avoid adverse effects of natural hazards, e.g. flooding, on the facility so as to reduce the risk of hazardous substances being discharged into the environment as a result of a natural hazard event. 25.4.2.1f The positive effects that hazardous facilities have on the economic and social wellbeing of the Waikato region and Hamilton should be recognised.
Explanation	
<i>While the use of hazardous substances provides benefits to communities by meeting a need for products and services, facilities involving hazardous substances also present risks to the health and safety of people, property and the natural environment, including ecosystems. Hazardous substances can escape into the environment as a result of inadequate management or from an accidental release or spillage. Hazardous facilities and their activities need to be managed well and located appropriately in response to these risks.</i> <i>Reference to risks includes the consideration of residual risk. In some cases, the residual risk may be of particular concern because of the facility's proximity to sensitive ecological areas or land uses (e.g. residential areas). In these cases the risks of the hazardous facility may outweigh its potential benefits.</i> <i>Hazardous facilities are spread throughout the community. Some present very low risks because of the nature or small quantities of the hazardous substances held on the site. The District Plan assigns a level of control appropriate to the scale of risk that these activities present.</i> <i>Hazardous facilities close to each other may generate cumulative risks that are greater than the risk of each individual facility. Where there are multiple hazardous facilities within a constrained area, each facility is to be designed and managed in a manner to minimise adverse effects on each other, as well as beyond the area occupied by hazardous facilities.</i> <i>The disposal of hazardous substances generates risks to the health of the handlers, waste management facility operators, and communities, as well as risks to the receiving environment. The disposal of hazardous substances to authorised facilities or those serviced by an approved waste contractor will minimise the risk of substances escaping into the environment and generating adverse environmental effects.</i> <i>Natural hazard events can threaten the containment of hazardous substances. Hazardous facilities are discouraged from areas that are susceptible to natural</i>	

<i>hazards as a means of managing this risk.</i>	
Objective	Policies
25.4.2.2 The operations of established hazardous facilities and the areas within which these facilities are encouraged are protected from significant reverse-sensitivity effects arising from the inappropriate location of sensitive land-use activities.	25.4.2.2a The establishment of sensitive land uses within or near existing hazardous facilities or areas identified for such a facility shall be managed if they would create significant reverse-sensitivity effects that would limit a facility's ability to carry out its operations without unreasonable constraints.
Explanation <i>Reverse-sensitivity effects arise where a new activity is introduced into an environment which has the potential to limit the operation of existing activities. These new activities are incompatible or otherwise sensitive to the effects of the existing activity. Reverse-sensitivity effects need to be taken into account, particularly for significant hazardous facilities or larger areas of smaller facilities, where residual risks cannot be reduced to insignificant levels.</i> <i>Significant established hazardous facilities in the City include the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village. Industrial zoned lands are areas where hazardous facilities are expected to generally establish. Sensitive activities establishing in these areas or in close proximity to established hazardous facilities may constrain the current or future operation of such hazardous facilities.</i>	

25.4.3 Rules – Activity Status Table

Activity	Class
Activities Required to Use the Hazardous Facilities Screening Procedure	
a) Any hazardous facility: i. Not otherwise identified within this table ii. With a quantity ratio that is equal to or below the quantity ratio for permitted activities in Rule 25.4.5.1	P
b) Any hazardous facility: i. Not otherwise identified within this table ii. With a quantity ratio that is more than the quantity ratio for discretionary activities Rule 25.4.5.1	D
c) Teaching and research laboratories with a quantity ratio that is more than the quantity ratio for permitted activities in Rule 25.4.5.1 and complying with relevant standards in Rule 25.4.4. This excludes: i. Activities undertaken outside the laboratory ii. Bulk hazardous substances storage facilities iii. Field tests	C

Activity	Class
Specific Activities Not Required to Use the Hazardous Facilities Screening Procedure	
d) The retail sale of liquid fuel in underground storage tanks with a storage capacity of up to: i. 100,000 litres of petrol ii. 50,000 litres of diesel iii. Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved	C
e) The retail sale of Liquid Petroleum Gas (LPG) with storage capacity of up to: i. 6 tonnes (single vessel storage) ii. 1.35 tonnes cumulative capacity (exchange facilities for portable LPG cylinders) iii. Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved	C
Radioactive material	
f) The use or storage of radioactive materials with a radioactivity level less than that specified as an exempt activity in the Radiation Protection Regulations 1982	P
g) Any activity using, storing or transporting radioactive materials for the medical and dental treatment of patients and the use of such radioactive substances is under the control of a person licensed under the Radiation Protection Regulations 1982	P
h) The use or storage of radioactive material with a radioactivity level more than that specified as an exempt activity in the Radiation Protection Regulations 1982, but less than or equal to 1000 terabecquerel	D
i) The use or storage of radioactive material with a radioactivity level more than 1000 terabecquerel	NC
BOD₅ substances	
j) Any storage of high BOD ₅ substances in quantities less than or equal to 10,000 litres (excluding the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park)	P
k) Any storage of high BOD ₅ substances in quantities more than 10,000 litres (excluding the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park)	D
l) Any storage of high BOD ₅ substances in quantities less than or equal to 100,000 kg, or 40,000 kg when within 30m of a water body (the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park only)	P
m) Any storage of high BOD ₅ substances in quantities more than 100,000 kg or 40,000 kg when within 30m of a water body (the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park only)	D

Activity	Class
All Hazardous Facilities	
n) Any activity identified in 25.4.3(a), (c) to (g) and (j) within a: i. High Flood Hazard Area ii. Medium Flood Hazard Area iii. Low Flood Hazard Area iv. Temple View Flood Hazard Area v. Culvert Block Flood Hazard Area vi. Geotechnical Waikato Riverbank and Gully Hazard Area	D
Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village	
o) Any hazardous substances that are complying with the standards in 25.4.4 and 25.4.5.2	P

Note

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

25.4.4 Rules – General Standards

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

25.4.4.1 Site Design

- a) Any part of a hazardous facility which is involved in the manufacture, mixing, packaging, storage, loading, unloading, transfer, use or handling of hazardous substances shall be designed, constructed and operated in a manner which avoids:
 - i. Any off-site adverse effects on people, ecosystems, physical structures and other parts of the environment, unless permitted by a resource consent.
 - ii. The contamination of air, land and water (including groundwater, potable water supplies and surface waters) in the event of a spill or other type of release of hazardous substances.

25.4.4.2 Site Layout

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

25.4.4.3 Site Drainage

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

Note

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

25.4.4.4 Wash-Down Areas

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

Note

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

25.4.4.5 Spill Containment Systems

- a) Any parts of the hazardous facility site where a spill may occur shall be serviced by a suitable spill containment system that shall be:
 - i. Constructed from impervious materials resistant to the hazardous substance(s) used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site; and for above-ground storage of liquid hazardous substances:
 - A. Able to contain the maximum volume of the largest tank on site plus an allowance for stormwater or fire water.
 - B. For drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or fire water.
 - ii. Able to avoid any spill or other unintentional release of hazardous substances, and any stormwater and fire water that has become contaminated from:
 - A. Entering the stormwater or wastewater drainage system, unless permitted by a network utility operator.
 - B. Contaminating land, ground water, any water body or potable water supply.

Note

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

25.4.4.6 Waste Management

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

Note

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

25.4.4.7 Storage

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

25.4.4.8 Storage Tanks – Petroleum Products

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

25.4.5 Rules – Specific Standards

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

- a) Hazardous facilities required to comply with this specific standard shall be assessed using the Hazardous Facility Screening Procedure explained in Volume 2, Appendix 12. This process will produce a “quantity ratio” that must be used to determine the activity status of the facility by referring to the table below.

Consent Status Matrix

Zone/Overlay	Activity Status/Consent Status Indices	
	Permitted	Discretionary
a) General Residential Zone	≤0.02	>0.02
b) Residential Intensification Zone		
c) Medium Density Residential Zone		
d) Large Lot Residential Zone		
e) Special Character Zones		
f) Natural Open Space Zone	≤0.05	>0.05
g) Central City Zone	≤0.1	>0.1
h) Business 4 and 5 Zones		
i) Transport Corridor Zone		
j) Rototuna Town Centre Zone		
k) Business 7 Zone (Frankton Living Overlay only)		

Zone/Overlay	Activity Status/Consent Status Indices	
	Permitted	Discretionary
l) Neighbourhood Open Space Zone m) Sport and Recreation Open Space Zone n) Destination Open Space Zone o) Community Facilities Zone p) Business 1, 2, 3 and 6 Zones q) Industrial Zone (Amenity Protection Area only)	≤0.2	>0.2
r) Business 7 Zone (excluding Frankton Living Overlay)	<0.4	>0.4
s) Major Facilities Zone t) Knowledge Zone (University of Waikato only)	≤0.6	>0.6
u) Industrial Zone (excluding Amenity Protection Area) v) Ruakura Logistics Zone w) Ruakura Industrial Park Zone x) Te Rapa North Industrial Zone y) Future Urban Zone z) Knowledge Zone (excluding University of Waikato)	Exception	
	Within 100m of any zone specified in a) to q) of this table, when the thresholds shall be:	
	≤0.3	>0.3
	≤1.0	>1.0
	Exceptions	
	Within 30m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.2	>0.2
	Between 30m and 100m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.75	>0.75
	Within 100m of any zone specified in f) to t) of this table, when the thresholds shall be:	
	≤0.75	>0.75

25.4.5.2 Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village

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

25.4.6 Controlled Activities: Matters of Control

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

Activity	Matter of Control Reference Number (Refer to Volume 2, Appendix 1.3.2)
i) Teaching and research laboratories with a quantity ratio that is more than the quantity ratio for permitted activities in Rule 25.4.5.1 and complying with relevant standards in Rule 25.4.4 This excludes : • Activities undertaken outside the laboratory • Bulk hazardous substances storage facilities • Field tests	A Hazardous Facilities
ii) The retail sale of liquid fuel in underground storage tanks with a storage capacity of up to: 100,000 litres of petrol 50,000 litres of diesel Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved.	A Hazardous Facilities

iii) The retail sale of Liquid Petroleum Gas (LPG), with storage capacity of up to: 6 tonnes (single vessel storage) 1.35 tonnes cumulative capacity (exchange facilities for portable LPG cylinders) Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved.	A Hazardous Facilities

25.4.7 Other Resource Consent Information

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

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

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

- Definitions and Terms Used in the District Plan
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- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

25.5 Landscaping and Screening

25.5.1 Purpose

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

25.5.2 Objectives and Policies: Landscaping and Screening

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

25.5.3 Rules – General Standards

25.5.3.1 Landscaping

- a) Landscaping shall be undertaken in accordance with the following standards.

Where required	Standard	Reason
	<i>Planting and buffer strips, internal planting, and planting areas are minimums</i> <i>Fence and wall heights are maximums</i>	
i. Activities adjacent to a major arterial transport corridor in all zones except the Central City Zone, all Residential and Special Character Zones, and Future Urban Zone	A 2m wide planting strip shall be required along any boundary adjacent to a major arterial transport corridor	Amenity

Where required	Standard <i>Planting and buffer strips, internal planting, and planting areas are minimums</i> <i>Fence and wall heights are maximums</i>	Reason
ii. Activities in the Industrial Zone	A 1.8m high close-boarded or similar solid fence or wall, and a 2m wide buffer strip shall be required along any side or rear boundary with a Residential or Special Character Zone And • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor	Screening and amenity
iii. Activities in the Community Facilities and Knowledge Zones	A 2m wide planting strip shall be required along the boundary of a site adjacent to any Residential, Special Character or Open Space Zone, and When adjoining a transport corridor, a 30% planting area for the front setback adjoining the transport corridor shall be required	Amenity
iv. Activities in the Business 1 to 7 Zone	A 2m wide planting strip shall be required along the boundary of a site adjacent to, or facing, any Residential or Special Character Zone	Amenity
v. Activities in the Ruakura Industrial Park Zone	A 1.8m high close-boarded or similar solid fence or wall, and a 2m wide buffer strip shall be required along any side or rear boundary with a Residential or the Knowledge Zone And • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor	Screening and amenity
vi. Activities in the Industrial Zone Amenity Protection Area	Where a site is wholly or partially within the Amenity Protection Area, a 1.8m high close-boarded or similar solid fence or wall, and a 5m wide buffer strip shall be required along any side or rear boundary with a Residential or Special Character Zone	Screening

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Where required	Standard <i>Planting and buffer strips, internal planting, and planting areas are minimums</i> <i>Fence and wall heights are maximums</i>	Reason
vii. Drive-through services adjacent to a Residential or Special Character Zone	A 1.8m high close-boarded or similar solid fence or wall, shall be required along any side or rear boundary with a Residential or Special Character Zone, and a 2m planting strip shall be required along any front boundary facing any Residential or Special Character Zone	Screening
viii. Ground-level parking spaces, loading spaces and vehicle storage areas adjacent to a transport corridor in all Zones (except Residential, Special Character and Future Urban Zones)	Where ground-level parking, loading spaces and vehicle storage areas are provided within 5m of a boundary of a transport corridor, a 2m wide planting strip shall be required between that area and the transport corridor boundary	Amenity
ix. External ground-level parking spaces in all Zones	Parking areas of more than 10 parking spaces shall be landscaped with tree planting and ground cover planting at a rate consistent with Rule 25.5.3.7 Note This is in addition to Rule 25.5.3.1(a)x below	Amenity
x. Ground-level parking spaces in all Zones	Parking areas of five or more parking spaces shall have: • A 1.2m or 1.8m permeable fence, or • A 2m wide planting strip between the parking area and the boundary with any Open Space Zone And • A 1.8m high close-boarded or similar solid fence or wall, and a minimum 1m wide buffer strip, or • A 2m wide buffer strip when along the site boundary, between the parking spaces and any Residential or Special Character Zone	Screening

Where required	Standard <i>Planting and buffer strips, internal planting, and planting areas are minimums</i> <i>Fence and wall heights are maximums</i>	Reason
xi. Service areas in all Zones	Where service areas are visible from a transport corridor, any other public space, Residential or Special Character Zones they shall be screened from view with: • A 1.8m high close-boarded or similar solid fence or wall, and a minimum 1m wide buffer strip, or • A 2m buffer strip	Screening and amenity
xii. Outdoor storage areas in all Zones	Where outdoor storage areas are visible from a transport corridor, any other public space, Residential or Special Character Zone they shall be screened from view with: • 1.8m high close-boarded or similar solid fence or wall, and a minimum 1m wide buffer strip, or • A 2m buffer strip	Screening and amenity
xiii. Activities in the Ruakura Logistics Zone	Where fencing is required to meet specialised security needs (e.g. Ministry of Agricultural quarantine specifications) a 6m high permeable fence may be used, provided that a 10m planting or buffer strip shall be provided along boundaries with any transport corridor or Open Space Zone. • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor	Screening
xiv. Activities in the Crawford Street Freight Village	Where fencing is required to meet specialised security needs (e.g. Ministry of Agricultural quarantine specifications) a 6m high permeable fence may be used, provided that a 10m planting or buffer strip shall be provided along boundaries with any transport corridor or Open Space Zone. • A 2m wide planting strip, or • A 1.2m or 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor	Screening

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

- c) Planting strips, buffer strips and planting areas shall not be:
 - i. Required on that part of any boundary required for pedestrian or vehicle access to the site.
 - ii. Required within an approach sight distance triangle as outlined in Rule 25.14.4.4.
 - iii. Used for outdoor storage, parking or vehicle manoeuvring.
- d) Where a buffer strip or planting strip is to be located within 5m of the carriageway of an arterial transport corridor with a posted speed limit greater than 70 kilometres per hour all vegetation within the strip shall be frangible.
- e) All fences and planting required by 25.5.3.1(a) shall be maintained in a manner to ensure ongoing compliance with relevant standards in this chapter. This will require regular care of planted areas, the timely repair or replacement of damaged fences, and the replacement of dead, dying or diseased planting.

Note

1. Guidance on selecting plant species appropriate to the site conditions is available from Council.
2. Particular care needs to be taken in selecting and locating specimen trees for planting, for example tree species which tend towards an expansive root system are an inappropriate choice for planting near underground network utilities. Guidance should be sought on appropriate species and local site constraints to ensure that the tree suits the site and any constraints.
3. 25.5.3 does not apply to small utility buildings/cabinets not exceeding 10m²/3m high, and network utility support poles and antennas.

25.5.3.2 All Fences and Walls

- a) Any fence or wall adjoining a buffer or planting strip shall be located so that the buffer or planting strip is between the fence and the external site boundary, and shall be designed to enable access to plantings for maintenance purposes.

25.5.3.3 Permeable Fences

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

Design requirements	When the height of the fence or wall is:
i. Designed/constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material)	1.2m
ii. Materials with 50% or more see-through visibility, or iii. Designed/constructed for less than 50% see-through visibility (e.g. close paling, masonry, or other opaque material) for the bottom 0.9m of the fence Materials with 50% or more see-through visibility for the top 0.9m of the fence	1.8m
iv. Materials with 50% or more see-through visibility	6m (Ruakura Logistics Zone only, see Rule 25.5.3.1(a)xiii)

Note

1. Refer to Figure 25.5.3a for examples of acceptable and unacceptable fencing solutions.
2. Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% see-through visibility.

25.5.3.4 Buffer Strips

- a) Buffer strips shall be of a permeable nature for stormwater purposes.
- b) Buffer strips shall consist of shrub or hedge planting (hedges are recommended where buffer strip widths are less than 2m) selected and maintained in a manner to ensure a mature height of at least 1.8m and shall be at least 0.5m in height at the time of planting.
- c) Shrub or hedge planting shall be selected, located, provided at a density, and maintained in a manner to ensure that, when mature, a visually impermeable screen of planting is achieved (refer Figure 25.5.3b):
 - i. Along the length of the buffer strip, and
 - ii. To a height of at least 1.8m.
- d) Buffer strips shall include specimen trees at the following minimum rates:

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

Except where frangible vegetation is required by Rule 25.5.3.1(d), in which case frangible trees shall be required instead of specimen trees.

- e) Trees required by 25.5.3.4(d) shall be selected to ensure they are capable of growing to a mature height of more than 4m and shall be at least 1.8m in height at the time of planting.
- f) Where two or more trees are required by 25.5.3.4(d) they shall be spaced along the length of the buffer strip to ensure they are no more than 15m or less than 5m apart (refer Figure 25.5.3c).

25.5.3.5 Planting Strips

- a) Planting strips shall be of a permeable nature for stormwater purposes.
- b) Planting strips shall consist of a combination of groundcover and shrub planting, with shrub planting selected to ensure they are capable of achieving a maximum mature height of 0.8m, and are least 0.4m in height at the time of planting.
- c) Groundcover and shrub planting shall be maintained to ensure they do not exceed a height of 0.8m (refer Figure 25.5.3d).
- d) Groundcover and shrub planting shall be selected, located and provided at a density to ensure that a minimum of 50% of the surface of the planting strip is covered from the time of planting.
- e) Planting strips shall include specimen trees at the following minimum rates.

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

Except where frangible vegetation is required by Rule 25.5.3.1(d), in which case frangible trees shall be required instead of specimen trees.

- f) Trees required by 25.5.3.5(e) shall be selected to ensure they are capable of growing to a mature height of more than 4m and shall be at least 1.8m in height at the time of planting.
- g) Where two or more trees are required by 25.5.3.5(e) they shall be spaced along the length of the strip to ensure they are no more than 15m, or less than 5m apart (refer Figure 25.5.3c).
- h) All trees shall be maintained to ensure that a clear distance of 2m is achieved between ground level and the tree canopy (refer Figure 25.5.3d). This standard shall not apply until a specimen tree reaches at least 4m high.
- i) Trees within the planting strip shall be selected, located and maintained in a manner so as not to:
 - i. Create traffic safety problems by obscuring visibility for road users or train drivers.
 - ii. Obstruct traffic, official road, or hazard signage.
 - iii. Interfere with transport infrastructure or network utilities.

25.5.3.6 Planting Area

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

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

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

25.5.3.7 Internal Planting

- a) Internal planting shall be located within the sealed area to break up the impermeable expanse of paving and hard surfaces while ensuring pedestrian and vehicle safety. For large areas this will require the internal planting requirements to be split into more than one location.

- b) Internal planting shall consist of a combination of groundcovers and shrubs.
- c) Internal planting shall include specimen trees at the following minimum rates:

Number of parking spaces	Number of specimen trees
Up to 20	1
For each additional 5 spaces or part thereof	An additional 1

- d) Groundcover and shrub planting shall be selected, located and provided at a density to ensure that a minimum of 50% of the surface of the internal planting area is covered from the time of planting (refer Figure 25.5.3e).
- e) Shrub planting shall be selected to ensure it is capable of growing to a mature height of at least 0.5m and shall be at least 0.3m in height at the time of planting.
- f) Trees required by 25.5.3.7(c) shall be selected to ensure they are capable of growing to a mature height of more than 4m and shall be at least 1.8m in height at the time of planting.
- g) Trees shall be located within a planting space free from impermeable surfaces with a minimum dimension or diameter of 1.5m diameter.
- h) All planting shall be protected from potential pedestrian and vehicle damage.

Note

1. Suitable means of compliance includes providing formalised pedestrian crossing points, ensuring plant selection and layout does not make crossing difficult, low fencing, or wheel stops (refer Figure 25.5.3f).
2. For larger external ground-level parking spaces in all zones (more than 20 parking spaces) any assessment of landscaping proposals should consider the total site area including landscaping and trees to be planted within planting and/or buffer strips.

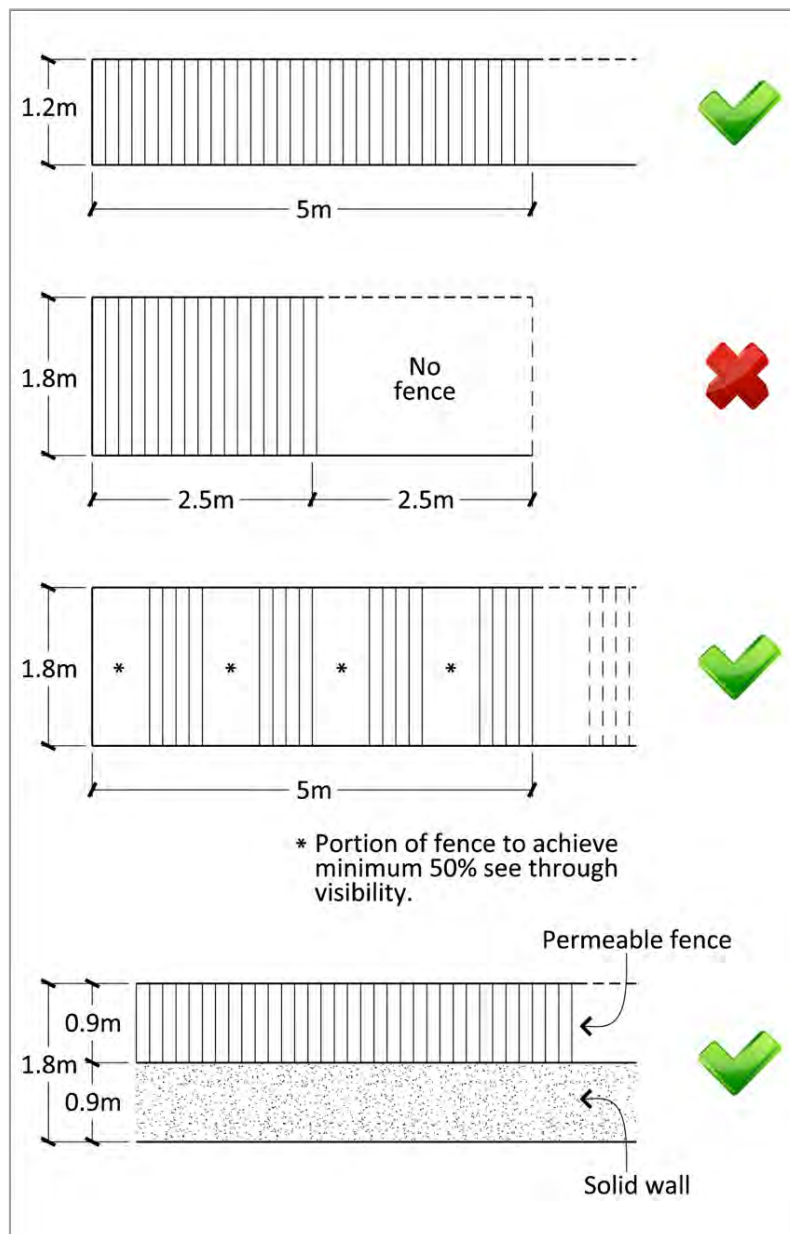
Figure 25.5.3a: Examples of acceptable fencing or wall solutions.

Figure 25.5.3b: Examples of shrub or hedge planting to achieve a visually impermeable screen

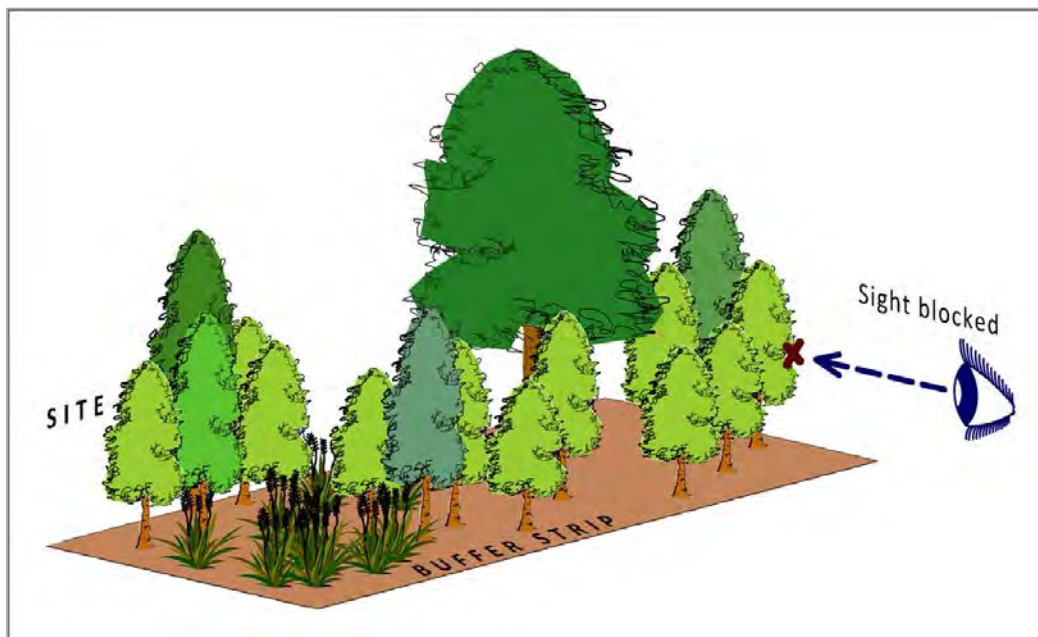


Figure 25.5.3c: Examples of achieving specimen tree spacing

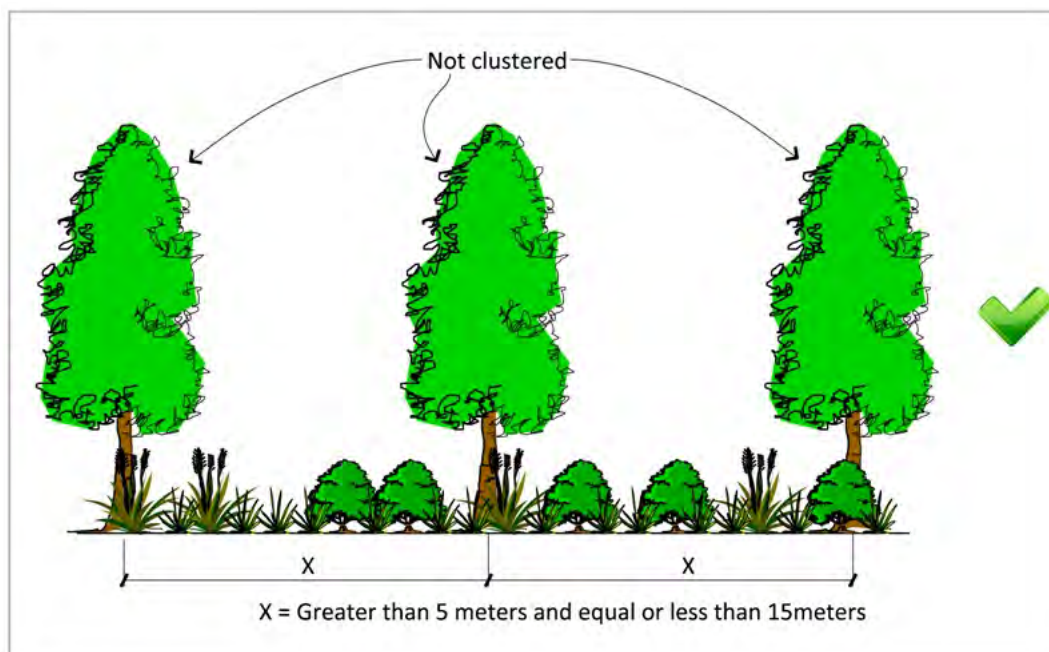


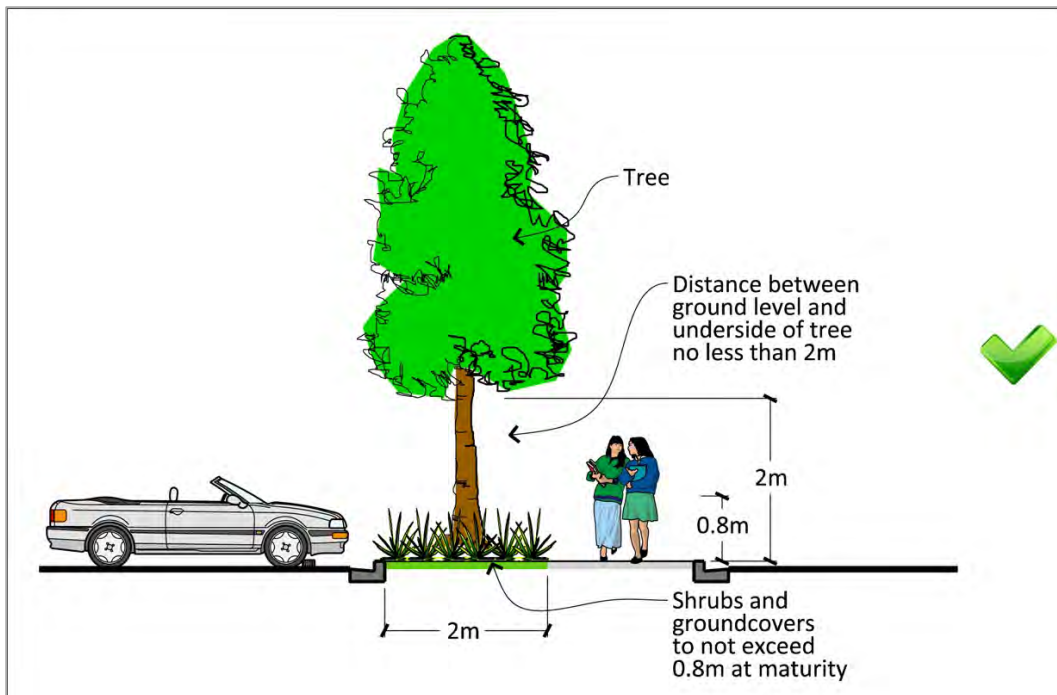
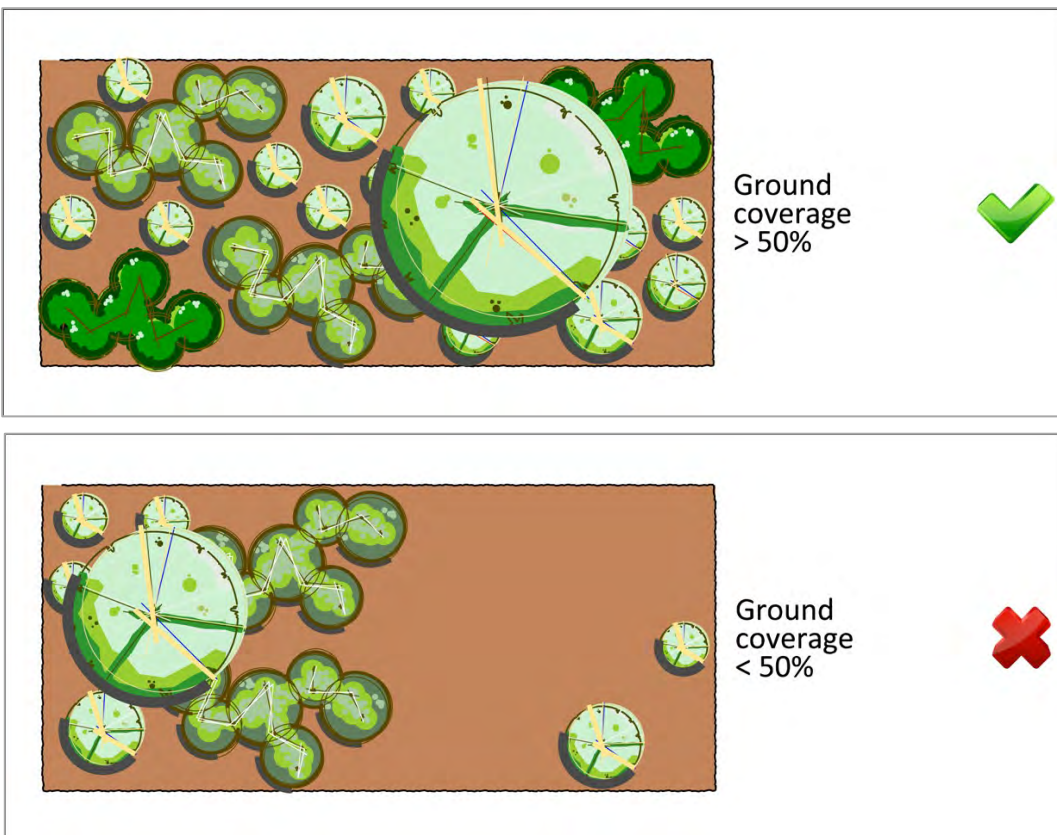
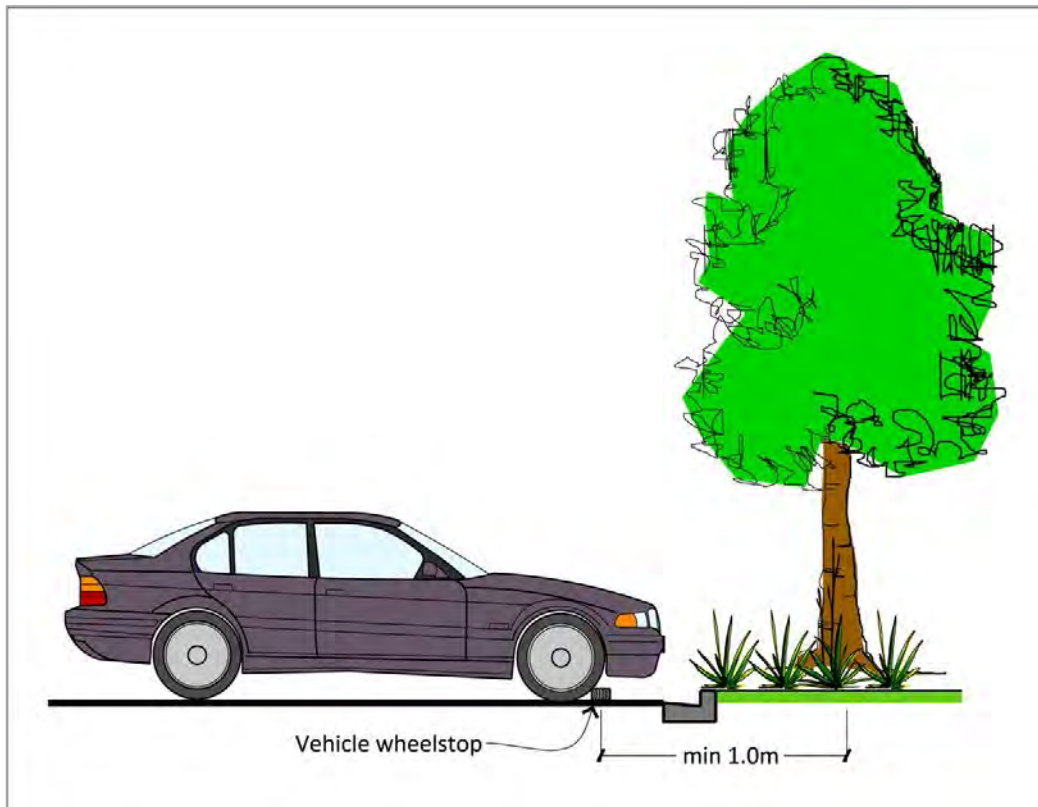
Figure 25.5.3d: Example of well-maintained groundcover**Figure 25.5.3e: Example of achieving ground coverage**

Figure 25.5.3f: Example of methods to protect trees from pedestrian or vehicle damage



25.5.4 Other Resource Consent Information

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

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

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

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

25.6 Lighting and Glare

Plan Change 1
- Ruakura

25.6.1 Purpose

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

25.6.2 Objectives and Policies: Lighting and Glare

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

25.6.3 Rules – General Standards

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

Note

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

25.6.4 Rules – Specific Standards

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

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

25.6.4.2 Open Space Zones

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

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

25.6.4.3 Major Facilities Zone and Knowledge Zone

- a) The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) in the Major Facilities Zone and Knowledge Zone on to any other site in any Residential, Special Character, Open Space, Community Facilities or Future Urban Zones, shall not exceed 3 lux (horizontal and vertical) when measured at points 1.5m within the boundary of the other site, except as provided for in Rule 25.6.4.3(c) and 25.6.4.3(d).
- b) The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) in the Major Facilities Zone and Knowledge Zone on to any other site in any zone not specified in Rule 25.6.4.3a shall not exceed 10 lux (horizontal and vertical) when measured at points 1.5m within the boundary of the other site, except as provided for in Rule 25.6.4.3(c) and 25.6.4.3(d).
- c) **Seddon Park**
- The flood lights shall not be used at more than 29 night-time events per year.
 - The lights on the lighting towers shall not be used after:
 - 2230 Monday to Thursday inclusive
 - 2300 Friday to Sunday inclusive

However, the lights may remain on for the purpose of crowd dispersal for a period of up to one hour after the event or one hour after the time specified above, whichever is the earlier. Except on New Year's Eve when flood lights may be used for crowd dispersal up to 0030 on the following day (January 1).
 - The level of lighting from Seddon Park shall not exceed 100 lux at all property boundaries.
- d) **Waikato Stadium**
- The flood lights shall not be used at more than 35 night-time events per year.
 - The lights on the lighting towers shall not be used after:

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- Ruakura**

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

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

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

25.6.4.4 All Other Zones

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

25.6.5 Other Resource Consent Information

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

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

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

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- Other Methods of Implementation

25.7 Network Utilities and the Electricity National Grid Corridor

25.7.1 Purpose

- a) Network utilities are services and facilities such as Three Waters systems, telecommunications, radio communications, electricity and gas networks. (For roads see Chapter 25.14: City-wide – Transportation.) Network utilities are provided by public and private organisations.
- b) The successful functioning of the City depends on network utilities. It is therefore vital that construction, maintenance and operation of these services and facilities be effectively provided for in the District Plan.
- c) While the core function of a network utility (e.g. water supply or telecommunications) will have overall positive effects, some may incidentally have adverse effects, for example from noise, odour or visual effects. Amenity values, landscape character, streetscape, heritage values, and public health and safety are all issues managed by the District Plan, while still allowing network utilities to function efficiently.
- d) The provisions in this chapter apply to network utilities in all zones. The underlying zone objectives, policies and rules do not apply unless specifically referred to. City-wide rules such as those related to noise, dust, lighting and hazardous substances will still apply.
- e) The provisions relating to the Electricity National Grid Corridor in this chapter apply to all development and activities within the Electricity National Grid Corridor. The underlying zone objectives, policies, rules, city-wide rules and subdivision rules still apply.
- f) District Plan rules do not cover all network utilities activities. Network utilities may be exempt from rules because they operate under designations (see Chapter 26: Designations) or national environmental standards. In addition, national policy statements (such as the National Policy Statement on Electricity Transmission) or special legislation may affect the scope and administration of the District Plan.
- g) Amateur Radio is provided for within the Network Utilities section, even though it is not a Network Utility by definition. Amateur Radio is important to ensure emergency management and international communications can be maintained and provided for.

25.7.2 Objectives and Policies: Network Utilities and the Electricity National Grid Corridor

These objectives and policies apply to all zones, and need to be read alongside, the Regional Policy Statement and relevant national policy statements, including the National Policy Statement on Electricity Transmission, National Policy Statement on Telecommunications and the National Policy Statement on Renewable Electricity Generation.

Objective	Policies
25.7.2.1 The importance of network utilities to support the development and functioning of Hamilton is recognised.	25.7.2.1a The positive effects and importance of network utilities, including the Electricity National Grid Corridor, for the social and economic wellbeing of Waikato region and Hamilton shall be recognised.
	25.7.2.1b The operation, maintenance and upgrading of and access to existing network utilities shall not be adversely affected by subdivision, land use and development.
	25.7.2.1c Subdivision, use and development in the Electricity National Grid Corridor shall not adversely affect the safe and efficient operation, maintenance of and access to the electricity transmission network.
	25.7.2.1d Sensitive Land Uses including schools, childcare facilities, residential buildings or hospitals, shall not establish close to high-voltage electricity transmission lines.
	25.7.2.1e The alteration or extension of existing development already within the Electricity National Grid Corridor shall be provided for where it does not compromise the electricity transmission network.
	25.7.2.1f Reverse-sensitivity effects shall be avoided.
	25.7.2.1g Network utility infrastructure shall be deployed in conjunction with land development.
	25.7.2.1h All development shall be adequately serviced by network utilities including Three Waters, gas, electricity and telecommunications.
	25.7.2.1i New network utilities shall have adequate capacity to support the potential scale and timing of development to be served.
	25.7.2.1j Broadband infrastructure shall be established and operated throughout the City.

Explanation

This objective and its policies recognise that network utility structures and services are critical for the functioning of the City. The policies require that an appropriate level of services must be planned in advance of new development, which is particularly the case in greenfields. It is important that the services provided are of sufficient capacity to accommodate the level of growth proposed.

There is potential for existing network utility infrastructure to be adversely affected by subdivision, use and development of surrounding land uses. Changes in land uses can affect access to the network utility or affect its ongoing operation and maintenance. Where network utility infrastructure is already existing, surrounding land uses need to be carefully managed to protect both the functioning of the utilities and to avoid risks to people and property. Sensitive land use should not be located where future conflicts are predictable, to avoid reverse-sensitivity effects where possible.

Reverse sensitivity effects include recognising the operation of the Waikato Hydro Scheme as it relates to Waikato River levels through Hamilton. Development and activities could compromise the operating levels for the Waikato Hydro Scheme if careful consideration of location and design of three waters infrastructure, walkways, cycleways, boat ramps, pontoons and jetties and the like are not taken into account.

Broadband is critical to the progress of the City. The Hamilton Economic Development Strategy includes an outcome that Hamilton has leading broadband infrastructure.

Objective	Policies
25.7.2.2 Network utilities (excluding renewable electricity generation activities) are located, designed and operated to avoid, remedy or mitigate adverse effects on amenity and the surrounding environment.	25.7.2.2a Network utilities shall be designed, located, installed, operated and maintained to: - Minimise the potential discharge of contaminants to the environment. - To the extent practicable avoid potential adverse effects on the health, safety and wellbeing of people and communities. - Minimise effects on the scale and character of surrounding land uses. - Minimise adverse visual effects as far as practicable through design and location, landscaping and screening. - Be placed underground where practicable, excluding stormwater. - Allow for the provision and efficient operation of other network utilities. - Co-locate or co-site where possible. - Minimise adverse effects to adjacent properties.

	25.7.2.2b Network utilities that generate electromagnetic or radio frequency fields shall comply with national and international standards as specified in the relevant National Environmental Standard. 25.7.2.2c Network utility structures are to be in accordance with all relevant National Environmental Standards. 25.7.2.2d To the extent practicable network utility structures should not be located within areas of high amenity values listed in Volume 2, Appendix 13: Areas with Historic Heritage Values or Visual Amenity Values.
Explanation	
<i>This objective recognises that network utility structures can adversely affect the environment and amenity, and seeks to manage potential adverse effects, particularly through design and location. This objective excludes renewable electricity generation activities in recognition of the National Policy Statement for Renewable Electricity Generation.</i> <i>Adverse visual effects can often be managed by putting the services underground. For networks, such as those with cables, that can be located underground, this is the required approach. Where network utility structures are located above ground, particular attention should be given to their design, location and minimising of any adverse visual effects. This can be achieved in a number of ways including screening, careful placement, size and appearance.</i> <i>In the case of broadband, above-ground deployment of cables will allow rapid, relatively inexpensive and less disruptive installation of fibre to areas where overhead electricity distribution lines already exist. However in the longer term, underground installation is required to reduce visual pollution.</i> <i>Co-location and co-siting of network utilities may provide environmental benefits in terms of visual amenity. Where possible, opportunities for co-location should be explored. However, it is recognised that co-location is not always possible due to operational issues such as radiofrequency interference, electrical interference and structural capacity.</i> <i>Health and safety effects can arise from network utilities and their structures. Where electricity national grid corridors already exist, sensitive land use should not locate in close proximity. The National Policy Statement on Electricity Transmission defines sensitive activities.</i> <i>There are a number of national and international standards that are external to the District Plan but that must be complied with. These are identified in the National Environmental Standards.</i>	

Objective	Policies
25.7.2.3 Increased use and development of renewable energy resources.	25.7.2.3a The positive effects of using and developing renewable energy resources, for the environment and economic and social wellbeing, shall be recognised.
	25.7.2.3b The renewable energy resources of Hamilton (including geothermal, hydro, biomass, solar and wind) shall be recognised and encouraged for their potential contribution to national and local energy production.
	25.7.2.3c Investigation, identification and assessment of potential sites and energy sources for renewable electricity generation shall be encouraged.
	25.7.2.3d Renewable electricity generation activities shall be designed, located, installed, operated and maintained to: i. Minimise the potential adverse effects to the environment. ii. Avoid, reduce or displace greenhouse gas emissions. iii. Maximise the use of the renewable energy resource. iv. Offset any adverse residual environmental effects with measures or environmental compensation which benefit the local environment and community affected.
	25.7.2.3e The development and use of small and community-scale distributed renewable electricity generation shall be encouraged, subject to: i. Acceptable effects on amenity values, especially from noise, visual impacts on neighbourhoods, air emissions, glare and lighting, flicker effects on natural light, steam and odour. ii. Acceptable effects on water bodies, landscapes and significant natural areas. iii. An assured standard of long-term maintenance of sites and equipment.

Explanation

This objective and associated policies recognise that the production and use of renewable electricity resources can have positive effects on the environment and community wellbeing. However, making the best use of renewable resources may adversely impact on other resources and values, such as landscape and local amenity.

The Act requires the District Plan to have particular regard to the benefits derived from the use and development of renewable energy. Although not stated in the Act, these benefits may include security of supply and greater reliability (by diversifying sources of energy), reduction in greenhouse gas emissions, reduction in dependence on the national grid, and reduction of transmission losses. Such use will also add to electricity generation capability on a more sustainable basis.

The National Policy Statement for Renewable Electricity Generation recognises that energy demand has been growing steadily and will continue to do so. Renewable electricity can assist in meeting this demand. Policies relating to this objective recognise and provide for renewable electricity generation at a range of scales. "Small and community-scale distributed electricity generation" are promoted by the national policy statement, subject to the local context, which in Hamilton City will involve consideration of urban and suburban amenity values.

Objective	Policies
25.7.2.4 Efficient operation, maintenance and upgrade of the existing electricity transmission network and to enable the establishment of new electricity transmission resources.	25.7.2.4a The national, regional and local benefits of sustainable, secure and efficient electricity transmission shall be recognised.
	25.7.2.4b The effective operation, maintenance, upgrading and development of the electricity transmission network shall be supported.
	25.7.2.4c The technical and operational requirements of the network shall be considered.
	25.7.2.4d Adverse effects of new transmission infrastructure or major upgrades of existing transmission infrastructure shall be addressed by the route, site and method selection.
	25.7.2.4e The reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets shall be recognised.
	25.7.2.4f Substantial upgrades of transmission infrastructure shall be used as an opportunity to reduce existing adverse effects of transmission.

	25.7.2.4g Where practicable, new transmission infrastructure should be avoided in urban environments, areas of high recreational value or amenity, and adjoining sensitive land use. 25.7.2.4h New transmission networks shall in preference be established using the designation process for efficient long-term development, operation and maintenance of electricity transmission infrastructure.
Explanation	
<i>This objective and policies gives effect to the National Policy Statement on Electricity Transmission, which is itself intrinsically linked to the National Environmental Standard for Electricity Transmission Activities. While the national policy statement provides the strategic policy framework, the national environmental standard provides rules for the existing transmission infrastructure. The NPSET has one objective with several components :</i> <i>• To recognise the national significance of the electricity transmission network.</i> <i>• To facilitate the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources.</i> <i>• To manage the adverse environmental effects of the network.</i> <i>• To manage the adverse effects of other activities on the network.</i>	
Objective	Policies
25.7.2.5 Amateur Radio Configurations are provided for where they do not have a significant adverse effect on visual amenity and residential character.	25.7.2.5a Amateur Radio Configurations are designed, constructed and located to minimise adverse effects on existing or anticipated residential character and amenity of adjoining properties or the surrounding neighbourhood.
Explanation	
<i>This objective and policy provides for Amateur Radio Configurations in the General Residential Zone and Future Urban Zone. Providing for the activity of Amateur Radio configuration is important given the role they play in emergency response and international telecommunication. However, this requires balancing between providing for Amateur Radio and protecting the community and environment from significant adverse effects on amenity values.</i>	

25.7.3 Rules – Activity Status

The rules contained in Sections 25.7.3 - 25.7.4 override all zone rules unless a particular zone rule is specifically referred to in this chapter.

Activity – All Zones	Class
All Network Utilities	
a) The operation of existing network utilities, whether underground or above ground	P
b) The installation and upgrading of network utilities located underground (excluding electricity transmission lines)	P
c) The maintenance and repair of any existing network utility	P
d) The removal of existing network utilities, whether underground or above ground	P
e) The trimming and pruning of vegetation necessary to protect electric lines (including as required to meet the Electricity (Hazards from Trees) Regulations 2003) or telecommunication lines	P
f) Network utility development, operation, or maintenance not otherwise mentioned in any section of this table	P
Electricity Transmission at and above 110kV	
g) New above-ground lines and support structures (other than relocation)	D
h) New underground lines and associated structures	D
i) Substations	D
j) Switching stations	D
k) Minor upgrading of existing above-ground lines and support structures	P
l) Upgrading of existing above-ground lines and support structures	RD
Electricity Distribution up to 110kV	
m) Underground lines, including underground connections from buildings and sites	P
n) New above-ground single-pole lines and support structures	RD
o) Minor upgrading of existing above-ground lines and support structures	P
p) Upgrading of existing above-ground lines and support structures	RD
q) New and upgraded transformers, substations and switching stations distributing electricity at a voltage up to, and including 110kV, and ancillary buildings in the Open Space Zones and Special Character Zones (except within the Peacocke Character Zone)	D
r) All other zones	P
Telecommunications	
s) Underground telecommunication lines, including underground connections from buildings and sites	P
t) Minor upgrading of existing telecommunication equipment	P

Activity – All Zones		Class
u)	New overhead connections from buildings and sites to existing overhead line networks	P
v)	New above-ground single-pole structures and associated telecommunication lines	RD
w)	New above-ground single-pole structures and associated telecommunication lines in existing overhead network areas for ultra-fast fibre installation	P
x)	Addition of telecommunications lines and fittings to existing supporting structures	P
y)	Antenna in Special Character Zones and Open Space Zones	D
z)	Antenna in all other zones	P
aa)	Amateur Radio Configuration	P
bb)	Cabinet in Open Space Zones and Special Character Zones (except within the Peacocke Character Zone)	RD
cc)	Cabinets in all other zones	P
dd)	Mast in Special Character Zones and Open Space Zones	D
ee)	Mast in all other zones	P
ff)	Up to two satellite dishes per site in all zones, except in the Industrial Zones, Business 1 to 7 Zones and Residential Intensification Zone where up to four satellite dishes per site	P P
gg)	Card and coin operated telephone booths (excluding Open Space Zone)	P
hh)	Installation of equipment internally within any telephone exchange	P
ii)	Installation of telecommunications facilities in Transport Corridor Zone within an area having historic heritage values or visual amenity values listed in Volume 2, Appendix 13.	RD
Gas		
jj)	Underground gas transmission pipelines at a pressure less than 2000 kilopascals, including aerial crossings of bridges, structures or streams, and ancillary equipment, including regulator stations, but not compressor stations	P
kk)	Underground gas transmission pipelines at a pressure of 2000 kilopascals or greater, including aerial crossings of bridges, structures or streams, and ancillary equipment, including compressor compounds with compressor houses	D
ll)	Gas valve and takeoff stations, sales gates and regulator systems	P
Water Infrastructure		
mm)	New underground pipelines conveying Three Waters and overland stormwater conveyances (open drains and channels)	P
nn)	Pump stations and aerial crossings on bridges or structures or over water courses and other depressions	RD
oo)	Water and wastewater treatment plants	D
pp)	Water supply reservoirs	RD

Activity – All Zones	Class
qq) Stormwater detention, treatment and/or soakage facilities to service more than 1 site	RD
Meteorological	
rr) Meteorological enclosures and buildings, automatic weather stations, and voluntary observer sites and associated microwave links	P
ss) Single meteorological instrument sites	P
tt) Two or more meteorological instruments per site (including associated support structures)	D
Energy	
uu) Structures associated with the investigation and assessment of potential electricity generation from biomass, hydro or geothermal resources	RD
vv) Wind energy facility and windpower generators for bulk power supply	D
ww) Small scale distributed renewable energy generation	P
xx) Community scale distributed renewable energy generation	D
yy) Solar panels and solar heating systems for the purposes of serving the site on which they are located	P
zz) Solar panels and solar heating systems for the purposes of serving more than one site	RD
aaa) Temporary diesel-fuelled generation activities in all Zones	P

25.7.4 Rules – Activity Status – Electricity National Grid Corridor

Activities and Buildings within the Electricity National Grid – All Zones	Class			
	Within Greenfield Areas National Grid Yard	Within Greenfield Areas National Grid Corridor	Within Urban Areas National Grid Yard	Within Urban Areas National Grid Corridor
a) New buildings or additions to the building envelope of existing buildings for a sensitive land use	NC	P	NC	P
b) Any building associated with non-sensitive land uses (including commercial or industrial activities) on existing developed sites within urban areas	N/A	N/A	P	P
c) Any building associated with non-sensitive land uses (including commercial or industrial activities and accessory buildings) on Lot 1 DPS 75707 (1 Bisley Road)	D	P	P	P
d) Maintenance, repair and internal alterations to existing buildings that do not result in the alteration of the building envelope and/or an increase in floor space for a sensitive land use	P	P	P	P
e) Establishment of a sensitive land use and changes of activity to a sensitive land use	NC	P	NC	P
f) Any building within the National Grid Corridor, except as otherwise provided for in a) to e) above	NC	P	NC	P
g) Any building within 12m of the outer visible edge of a <u>National Grid transmission</u> -support structure-	NC	NC	NC	NC
h) Any new building less than 2.5m high and 10m ² in area (<u>excluding i) below</u>)	P	P	P	P
i) <u>Within the Ruakura Structure Plan area any new building less than 2.5m high and 10m² in area and any fencing up to 2.5 metres high, lighting up to 2.5 metres high, and traffic management structures up to 2.5 metres high (including as required to manage activities under the lines), subject to compliance with NZECP 34:2001 and no closer than 12 metres clearance from the outer visible edge of a National Grid support structure</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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Activities and Buildings within the Electricity National Grid – All Zones	Class			
	Within Greenfield Areas National Grid Yard	Within Greenfield Areas National Grid Corridor	Within Urban Areas National Grid Yard	Within Urban Areas National Grid Corridor
j) <u>In the Ruakura Logistics Zone, unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities (outside of approved crossings under l) below) in the National Grid Yard.</u>	NC	N/A	N/A	N/A
k) <u>In the Ruakura Logistics Zone, unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities in the National Grid Corridor.</u>	N/A	RD	N/A	N/A
l) <u>In the Ruakura Logistics Zone, crossings for Mobile Plant as defined in NZECP 34:2001 (does not apply to the movement of containers on trucks or trains) in the National Grid Yard.</u>	RD	N/A	N/A	N/A
m) <u>In the Ruakura Logistics Zone, light towers, walls and fences greater than 2.5 metres high in the National Grid Yard and National Grid Corridor.</u>	RD	RD	N/A	N/A
n) Any activity not complying with Rule 25.7.6.1 National Grid Buildings and Structures	NC	NC	NC	NC
h) Network utilities	Refer to Rule 25.7.3 above			

Note

1. All activities or buildings within the Electricity National Grid Corridor shall have the activity class identified above, except where the class of the activity or building is more restrictive within the relevant zone or city wide rules, in which case the more restrictive activity status shall apply. Where Electricity National Grid Corridors for different lines intersect, the most restrictive Corridor will apply. Where an activity is not identified above, it shall be controlled by the relevant zone and city wide rules.
2. The controls within the Electricity National Grid Corridors do not apply to sections of a line which have subsequently been placed underground, or removed. In such cases the relevant zone and city wide rules will apply.
3. The operation, maintenance, upgrading, relocation or removal of an existing electricity transmission line and structures is largely controlled by the Resource Management Act (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, separate to this District Plan.
4. The installation and operation of telecommunications facilities (antennas and cabinets in the road reserve) is largely controlled by the National Environmental Standards for Telecommunications Facilities (2008), separate to this District Plan.
5. Works in close proximity to all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for any construction, buildings, excavation or other work on or near an electric line.

6. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.
7. Network utilities that transmit radiofrequency fields or emit electromagnetic fields shall comply with the relevant New Zealand Guidelines or Legislation.
8. Network utilities that emit electro-magnetic fields shall comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines.
9. Consultation with Transpower New Zealand Limited (or its successor) is advised when considering development within the High Voltage Electricity National Grid Corridor. Transpower New Zealand Limited will be an affected party for any development requiring resource consent under or adjacent to high voltage transmission lines.
10. For any activity not identified above, see Section 1.1.8.1.

25.7.5 Rules – General Standards

25.7.5.1 Height

Zones	Maximum height
a) Maximum height of the entire structure including any attached antennas, support structures, etc (except lightning rods): All Residential, Special Character, Community Facilities, Open Space, and Future Urban Zones, and in the Transport Corridor Zone adjoining any of these zones	15m
b) Maximum height of the entire structure including any attached antennas, support structures, etc (except lightning rods): All Business 1 to 7, Industrial, Ruakura Industrial Park, Te Rapa North Industrial, Major Facilities, Central City, Ruakura Logistics and Knowledge Zones and in the Transport Corridor Zone adjoining these zones	24m
c) Maximum height of entire structure including any attached antennas, support structures, etc, where co-located on the same structure (except lightning rods): All Business 1 to 7, Industrial, Ruakura Industrial Park, Te Rapa North Industrial, Major Facilities, Central City, Ruakura Logistics and Knowledge Zones and in the Transport Corridor Zone adjoining these zones	26m
d) Maximum height of lightning rods above a structure or building: All zones	2m
e) Maximum height above a building that an antenna or dish can protrude: All Residential, Special Character and Future Urban Zones	1m
f) Maximum height above a building that a antenna or dish can protrude: All Community Facilities, Open Space, Business 1 to 7, Industrial, Central City, Ruakura Logistics and Transport Corridor Zones	4m
g) Meteorological instruments, anemometer mast: All zones	12m

Note

1. Explanation to Rule 25.7.5.1(c) above:
Co-location refers to the shared use of a network utility for multiple purposes or by multiple providers. For example, the network utility structure may incorporate telecommunication masts and meteorological devices.
2. Transport Corridor Zone:
Where two different zones adjoin the Transport Corridor Zone the more restrictive standard shall apply.

25.7.5.2 Cross-section Width of Antenna, Poles and Masts

Zones	Maximum cross-sectional width
a) All Residential, Special Character Community Facilities, Open Space and Future Urban Zones, and in the Transport Corridor Zone adjoining any of these zones	0.7m
b) All Business 1 to 7, Industrial, Ruakura Industrial Park, Te Rapa North Industrial, Major Facilities, Central City, Ruakura Logistics, and Knowledge Zones and in the Transport Corridor Zone adjoining any of these zones	1.3m
c) All Business 1 to 7, Industrial, Ruakura Industrial Park, Te Rapa North Industrial, Major Facilities, Central City, Ruakura Logistics, Knowledge zones and in the Transport Corridor Zone adjoining any of these zones where antennas, poles and/or masts are co-located on the same structure	2.1m

Note

1. Explanation to Rule 25.7.5.2(c) above:
Co-location refers to the shared use of a network utility for multiple purposes or by multiple providers. For example, the network utility structure may incorporate telecommunication masts and meteorological devices.
2. Transport Corridor Zone:
Where two different zones adjoin the Transport Corridor Zone the more restrictive standard shall apply.

25.7.5.3 Separation Distance

a) Minimum separation distance between poles and masts: All zones	15m
b) Minimum separation distance between poles and masts within 20m of the intersection of two or more roads within the Transport Corridor Zone	5m
c) Minimum separation distance between antenna: All zones	0m
d) Separation distance in respect of (a), (b) and (c) above excludes utility poles supporting overhead services in the Transport Corridor Zone.	-

25.7.5.4 Size of Panels and Dishes

a) Maximum diameter of any dish:	
i. Industrial, Ruakura Industrial Park, Te Rapa North Industrial, Business 1 to 7, Central City, Ruakura Logistics Zones, or in the Transport Corridor Zone adjoining these zones	4m
ii. All other zones or in the Transport Corridor Zone adjoining any of these zones	2m

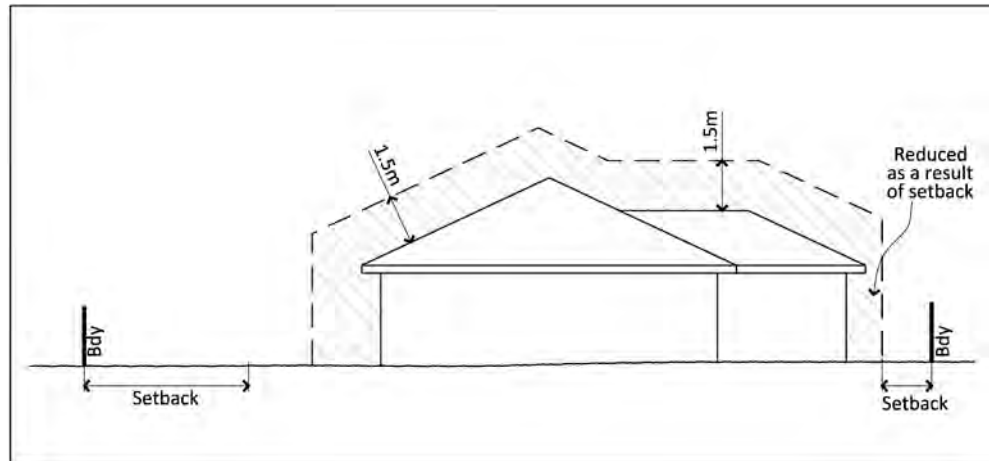
b) Maximum distance beyond a building profile that solar panel or solar heating structure can protrude (see Figure 25.7.5a): All zones	1.5m

Note

1. Transport Corridor Zone:

Where two different zones adjoin the Transport Corridor Zone the more restrictive standard shall apply.

Figure 25.7.5a: Example of maximum distance beyond a building profile that a solar panel or solar heating structure can protrude

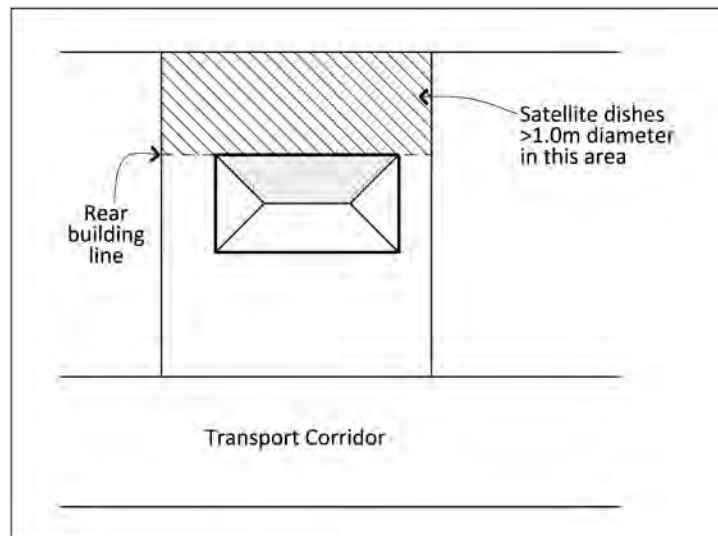


25.7.5.5 Cabinets, Equipment and Other Structures

a) Maximum volume for individual cabinets or other above ground structures for electricity and telecommunications:	
i. Industrial, Ruakura Industrial Park, Te Rapa North Industrial, Business 1 to 7, Central City and Ruakura Logistics zones	25m ³
ii. Transport Corridor Zone and all other zones	6.5m ³
b) Maximum volume for underground structures: All zones	40m ³
c) Maximum area for buildings housing network utility equipment: All zones	40m ² GFA
d) Maximum height for buildings housing network utility equipment: All zones	Refer relevant zone standards

25.7.5.6 Setbacks

- Network utilities structures with a volume greater than 6.5m³ shall comply with the minimum building setback for the relevant zone.
- For all Residential and Special Character zones, satellite dishes over 1m diameter shall be located behind the rear building line of the dwelling (see Figure 25.7.5a).
- The zone performance standards for an accessory building shall apply to solar panels and solar water-heating devices not attached to a building.

Figure 25.7.5b: Setback for Satellite Dishes

25.7.5.7 Provisions in Other Chapters

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

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

25.7.6 Specific Standards

25.7.6.1 National Grid Buildings and Structures

All buildings or structures permitted by 25.7.4a) and b) must comply with at least one of the following conditions:

- i. A minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or
- ii. Demonstrate that safe electrical clearance distances are maintained under all National Grid line operating conditions. As required by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).

25.7.6.2 Amateur Radio Configuration

The following amateur radio configurations are permitted activities within the General Residential and Future Urban Zones under this Rule, unless they are proposed to be located within a site that has a Significant Natural Area, Historic Heritage Item or Significant Archaeological Site.

25.7.6.2.1 Antennas

- a) Where attached to a building or other structure (including a mast) radio and telecommunications antenna up to and including 2m in diameter for an antenna dish and not exceeding 2m² in area or 2m in any dimension for a panel antenna; provided the antenna does not overhang a site boundary; and
- b) One pedestal mounted antenna per site provided that:
 - i. The antenna is pivoted less than 4m above the ground with a maximum diameter of 5m; and
 - ii. The pedestal and/or the antenna are located in accordance with the , setback and height in relation to boundary standards applying to buildings in the zone in which they are located

25.7.6.2.2 Aerials

- a) Aerials that comply with the following:
 - i. Any of the elements making up the aerial do not exceed 80mm in diameter;
 - ii. For horizontal HF yagi aerials, the maximum element length does not exceed 14.9m, and the boom length does not exceed 13m;
 - iii. No part of the aerial (including aerial wires) overhangs a site boundary;
 - iv. The setback standards applying to buildings in the applicable General Residential Zone or Future Urban Zone (except that aerial wires are not required to comply with the setback standards);
 - v. No part of the aerial exceeds the maximum stated height applying to buildings in the applicable General Residential Zone or Future Urban Zone by more than 2m (except for vertical aerials as provided for in vi below);
 - vi. For vertical aerials, one vertical aerial to a maximum height of 20m, provided there is only one vertical aerial or one supporting structure (and attached aerial(s) or antenna(s) under c) below) per site that exceeds the maximum stated height applying to buildings in the applicable General Residential Zone or Future Urban Zone by more than 2m.

25.7.6.2.3 Supporting Structures

- a) No more than six support poles for wire aerials of less than 115mm in outside diameter per site provided:
 - i. The maximum height of the support poles is the maximum building height applying in the zone in which they are located;
 - ii. The setback and height in relation to boundary standards shall not apply to these support poles;
 - iii. Where guy wires are used these must not exceed 12mm in diameter; and

-
- b) One pole support structure (excluding support poles for wire aerials) or lattice support structure per site provided that:
- i. The maximum height of the pole support structure is 9m and the maximum inscribed circle of the pole and any lowering mechanism shall be 600mm below 4m in height and 115mm above 4m; or
 - ii. The maximum height of the lattice support structure is 9m and the maximum inscribed circle and any lowering mechanism shall be 900mm below 8m in height and 660mm above 8m; and
 - iii. The pole or lattice structure is located in accordance with setback standards applying to buildings in the zone in which they are located. For the purpose of this rule the height in relation to boundary standards shall not apply to the pole or lattice support structure; and
 - iv. Where guy wires are used these must not exceed 12mm in diameter; and
 - v. At no point must any guy wire overhang the boundary.
- c) For each site, one support structure can exceed the maximum stated height applying to buildings in the applicable General Residential Zone and Future Urban Zone by more than 2m, provided that:
- i. The maximum height of the support structure and any attached aerials or antennas is 20m;
 - ii. The supporting structure may be one of the following:
 - 1. A guyed mast. The maximum inscribed circle of the mast below 9m shall be 1000mm, and above 9m shall be 115mm; or
 - 2. A guyed lattice mast. The maximum inscribed circle of the mast below 9m shall be 1000mm, and above 9m shall be 300mm. The mast may be of constant width or tapering; or
 - 3. A self-supporting lattice mast. The maximum inscribed circle of the mast below 9m shall be 1000mm, and above 9m must fit within a tapering envelope with a maximum inscribed circle of 660mm at 9m and 420mm at 20m; or
 - 4. A self-supporting tubular mast. The maximum inscribed circle of the mast below 9m shall be 1000mm, and above 9m must fit within a tapering envelope with a maximum inscribed circle of 230mm at 9m and 115mm at 20m.
 - iii. There may be local enlargement of support structure to accommodate a rotator mechanism;
 - iv. The supporting structure is located in accordance with setback standards applying to buildings in the applicable General Residential Zone or Future Urban Zone. For the purpose of this rule the height in relation to boundary standards shall not apply to the supporting structure;
-

- v. Where guy wires are used these must not exceed 12 mm in diameter;
- vi. At no point must any guy wire overhang the boundary.

25.7.6.3 Temporary Diesel-Fuelled Generators

Temporary Diesel-Fuelled Generation Activities, including associated transformers and fuel storage tanks shall:

- a) Produce no greater than a combined output of 10MW per site;
- b) Operate for no longer than 6 months in any calendar year.

25.7.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.3)
i. Electricity Transmission - upgrading of existing above-ground lines and support structures	• I – Network Utilities and Transmission
ii. Electricity distribution – new above-ground single-pole lines and support structures	• B – Design and Layout • E – Heritage Values and Special Character • I – Network Utilities and Transmission
iii. Electricity distribution – upgrading of existing above-ground lines and support structures	• B – Design and Layout • E – Heritage Values and Special Character • I – Network Utilities and Transmission
iv. Telecommunications – new above-ground single-pole structures and associated telecommunication lines	• E – Heritage Values and Special Character • I – Network Utilities and Transmission

v. Telecommunications – cabinet in Open Space Zones and Special Character Zones (except within the Peacocke Character Zone)	• E – Heritage Values and Special Character • I – Network Utilities and Transmission
vi. Telecommunications – facilities in the Transport Corridor Zone within an area having historic heritage values or visual amenity values as identified in Appendix 13	• E – Heritage Values and Special Character • I – Network Utilities and Transmission
vii. Water infrastructure – pump stations and aerial crossings on bridges or structures or over water courses and other depressions	• B – Design and Layout • E – Heritage Values and Special Character • I – Network Utilities and Transmission
viii. Water infrastructure – water supply reservoirs	• B – Design and Layout • E – Heritage Values and Special Character • I – Network Utilities and Transmission
ix. Water infrastructure – stormwater detention, treatment and/or soakage facilities to service more than 1 site	• E – Heritage Values and Special Character • I – Network Utilities and Transmission
x. Energy – structures associated with the investigation and assessment of potential electricity generation from biomass, hydro or geothermal resources	• B – Design and Layout • E – Heritage Values and Special Character • I – Network Utilities and Transmission
xi. Energy – solar panels and solar heating systems for the purposes of serving more than one site	• B – Design and Layout • E – Heritage Values and Special Character • I – Network Utilities and Transmission
xii. Energy – Temporary diesel-fuelled generation activities in all Zones	• B – Design and Layout • E – Heritage Values and Special Character • F – Hazards and Safety • I – Network Utilities and Transmission
xiii. <u>In the Ruakura Logistics Zone, unloading and loading of containers, stacking containers, container stacks, operation of mobile plant associated with these activities in the National Grid Corridor</u>	• <u>I – Network Utilities and Transmission</u> • <u>N - Ruakura</u>

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<u>xiv. In the Ruakura Logistics Zone, crossings for Mobile Plant as defined in NZECP 34:2001 (does not apply to the movement of containers on trucks or trains) in the National Grid Yard.</u>	• <u>I – Network Utilities and Transmission</u> • <u>N - Ruakura</u>
<u>xv. In the Ruakura Logistics Zone, light towers, walls and fences greater than 2.5 metres high in the National Grid Yard and National Grid Corridor.</u>	• <u>I – Network Utilities and Transmission</u> • <u>N - Ruakura</u>

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25.7.8 Other Resource Consent Information

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

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

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

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

25.8 Noise and Vibration

25.8.1 Purpose

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

25.8.2 Objectives and Policies: Noise and Vibration

Objective	Policies
25.8.2.1 Activities have minimal adverse noise and vibration effects on other activities and sites, consistent with the amenity values of the receiving environment.	25.8.2.1a The amenity values of the surrounding neighbourhood and adjoining activities, especially noise-sensitive activities, shall be protected from the effects of unreasonable noise.
	25.8.2.1b Construction, maintenance and demolition activities shall be required to minimise potential adverse effects on the surrounding neighbourhood and adjoining activities.
	25.8.2.1c Noise effects arising from new and altered roads should be managed using best practicable options to ensure noise levels received by existing premises and facilities that are sensitive to noise are reasonable.
	25.8.2.1d Commercial, industrial and community activities shall ensure that noise received at the boundary of Residential and Special Character Zones is consistent with the residential noise environment.

	25.8.2.1e Noise from non-residential activities in residential areas shall not unduly adversely affect residential amenity values. 25.8.2.1f Temporary events shall minimise noise impacts on residential activities when taking into account the level and duration of the noise.
Explanation	
<i>The policies ensure that noise levels will be appropriately managed to protect the amenity values of receiving environments.</i> <i>Management of the interface between areas is important to ensure that noise is within a reasonable expectation for the zoning and noise levels meet accepted minimum standards for the receiving environment. Within industrial and commercial areas, higher noise levels are accepted, but will be controlled to prevent unreasonable noise from transferring between sites.</i> <i>The policies will capture changes to the noise environment arising from new and altered roads. The Plan aims to limit people's exposure to traffic noise from new transport corridors by reducing noise at the source, and requiring insulation for new development beside busy transport corridors (see Objective 25.8.2.2).</i> <i>Many construction activities are inherently noisy but methods are available which can control the emission and impact of this noise. Noise experienced during construction is of a temporary nature and provided that noise at inconvenient times can be mitigated or avoided, reasonable levels of construction noise can be accommodated.</i>	
Objective	Policies
25.8.2.2 Reduce reverse-sensitivity effects arising from new noise-sensitive activities locating: i. Within the Central City, Business, Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones. ii. Near to transport networks. iii. Within a defined helinoise boundary. iv. Within the noise emission boundary of the Te Rapa Dairy Manufacturing Site.	25.8.2.2a Noise-sensitive activities locating within the Central City, Business, Industrial, Ruakura Logistics, Te Rapa North and Ruakura Industrial Park Zones or within an existing defined helinoise boundary or within the Te Rapa Dairy Manufacturing Site Noise Emission Boundary should include design and materials to reduce interior noise to acceptable levels.
	25.8.2.2b Noise-sensitive activities locating near transport corridors that carry high traffic volumes, or railways, should include design and materials to reduce interior noise to acceptable levels.
	25.8.2.2c Noise-sensitive activities located within the Rototuna North East Character Zone adjacent to the Waikato Expressway (Designation E90) within the habitable building setback should provide

	sufficient acoustic treatment to protect its residential noise environment.
Explanation	
<i>The objectives and policies recognise that some areas of the City contain a diverse range of activities, and that there is increased potential for conflict over noise, particularly when noise-sensitive activities locate near existing noisy activities.</i> <i>The objective and policies recognise that noise-sensitive activities establishing in these areas will require appropriate design and materials, such as acoustic insulation, to achieve an acceptable internal noise environment.</i> <i>The objectives and policies also recognise that the noise levels within the Te Rapa Dairy Manufacturing Site Noise Emission Boundary were agreed through an appeal settlement on the Waikato District Plan and the area around the Dairy Manufacturing Site was subsequently transferred into Hamilton City. Noise sensitive activities locating within the Dairy Manufacturing Site Noise Emission Boundary need to be aware of the existing noise levels within the Noise Emission Boundary.</i> <i>In the Rototuna North East Character Zone, the use of a specific building setback provision pre and post the construction of the Waikato Expressway (Designation E90) negates the need for additional acoustic mitigation of dwellings beyond the setback and provides protection for the outdoor amenity of residential properties within the setback. However, habitable buildings located within the setback do have an increased potential to be affected. Accordingly noise-sensitive activities establishing in this area will require appropriate design and materials, such as acoustic insulation, to achieve an acceptable internal noise environment.</i>	
Objective	Policies
25.8.2.3 Reduce reverse-sensitivity vibration effects arising from new development locating near to the rail transport network.	25.8.2.3a New buildings locating near to the rail network should include design and materials to reduce vibration to acceptable levels.
Explanation	
<i>The objectives and policies recognise that in some areas of the City near to the rail network there is potential for vibration effects. The objective aims to ensure that new buildings locating near to the rail are designed to recognise the environment in which they are located.</i>	

25.8.3 Rules – Specific Standards

25.8.3.1 Measurement and Assessment of Noise

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

25.8.3.2 Construction Noise

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

25.8.3.3 Construction Vibration

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

25.8.3.4 Design and Construction of New and Altered Roads

- a) Application of this standard.
 - i. This standard shall apply only to new and altered roads predicted to carry at least 2000 annual average daily traffic (AADT) at the design year.
- b) This standard shall not apply:
 - i. In circumstances where NZS 6806: 2010 does not apply, as listed in paragraph 1.3.1 of NZS 6806: 2010.
 - ii. To local transport corridors identified within Volume 2, Appendix 15-5, Figures 15-5b to 15-5f.
 - iii. To altered roads where the vertical or horizontal alignment changes relate solely to providing pedestrian footpaths, cycleways, dedicated passenger transport or high-occupancy vehicle lanes, vehicle stopping or parking whereby that part of the carriageway dedicated to usual vehicle movement does not move closer to any protected premises and facilities.
- c) Road-traffic noise shall be measured and assessed in accordance with NZS 6806:2010 'Acoustics – Road traffic noise – New and altered roads'.
- d) Subject to 25.8.3.4(a) and (b) above, new or altered roads are designed and constructed to mitigate road-traffic noise in compliance with NZS 6806: 2010 'Acoustics – Road traffic noise – New and altered roads'.

Note

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

25.8.3.5 Helicopter Landing Area Noise

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

Note

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

2. In addition to District Plan requirements, helicopter operation is subject to civil aviation controls.

25.8.3.6 Events and Temporary Activities

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

25.8.3.7 Noise Performance Standards for Activities in all Zones Except Major Facilities, Knowledge, and Open Space Zones, Ruakura Logistics and Ruakura Industrial Park Zones

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- a) Activities in all Zones except Major Facilities, Knowledge, and Open Space, Ruakura Logistics and Ruakura Industrial Park Zones, shall not exceed the following noise levels at any point within the boundary of any other site in the:
- i. Residential Zone.
 - ii. Special Character Zone.

~~Or, any point within the:~~

~~iii. Notional boundary of any residential unit on any other site within the Ruakura Logistics Zone at the time of notification of this Plan (as identified in Volume 2, 14.1—Residential Units in the Ruakura Logistics Zone).~~

Time of day	Noise level measured in L _{Aeq} [15 min]	Noise level measured in L _{AFmax}
~~iii.~~ 0600 – 0700 hours	45 dB	75 dB
~~iv.~~ 0700 – 2000 hours	50 dB	-
~~vi.~~ 2000 – 2300 hours	45 dB	-
~~vii.~~ 2300 – 0600 hours	40 dB	75 dB

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

Time of day	Noise level measured in L _{Aeq} [15 min]	Noise level measured in L _{AFmax}
i. 0700 – 2200 hours	55 dB	-
ii. 2200 – 0700 hours	40 dB	75 dB

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- c) Any activity within the Industrial, and Te Rapa North Industrial, ~~Ruakura Logistics and Ruakura Industrial Park~~ zones shall not exceed a noise level of 65dBA (L_{Aeq} [15 min]) at any point within the boundary of any other site within that zone. This standard does not apply to sites held in common ownership with the site containing the activity generating the noise. This standard applies to Stages 1A and 1B of the Te Rapa North Industrial Zone, but does not apply to the remainder of the Te Rapa North Industrial Zone until such time as the Deferred Industrial Zone overlay is removed.
- d) Application of this standard.
- i. This standard does not apply to activities provided for by Rule 25.3.5.2(c) and 25.3.5.3(e)

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

Note

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

25.8.3.8 Te Rapa Dairy Manufacturing Site Noise Emission Boundary

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

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

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

- i. Future Urban Zone.

Or, any point within the boundary of any other site in the:

- ii. Residential Zone.
- iii. Special Character Zone.

Time of day	Noise level measured in L_{Aeq} [15 min]	Noise level measured in L_{AFmax}
iv. 0700 – 2300 hours	55dB	-
v. 2300 – 0600 hours	40dB	75 dB
vi. 0600 – 0700 hours	45dB	75 dB

vii. Rule 25.8.3.9(a)vi. shall not apply to Precinct C in the Knowledge Zone and the Ruakura Open Space Zone (excluding Lot 3 DPS 66853)

- b) Rule 25.8.3.9(a) shall not apply to crowd noise from events.

- c) For Seddon Park, Waikato Stadium, Claudelands Events Centre and Te Rapa Racecourse the noise standards outlined in Rule 25.8.3.9(a) shall apply except for six days per calendar year when the following standards shall apply.

- i. The noise (including practice or testing) does not exceed the following noise levels at any point within the boundary of any site in the:

- Residential Zone
- Special Character Zone

Time of day	Noise levels measured in L_{Aeq} [15 min]	Noise levels measured in L_{AFmax}
ii. 1000 – 2300 hours	75 dB 70 dB at 63Hz 65 dB at 125Hz	85 dB
iii. On New Year's Eve these noise levels shall apply up to 0030 hours the following day (January 1).		

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

Note

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

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

- d) Application of this standard:

- i. This standard does not apply to activities provided for by Rule 25.3.5.2(c) and 25.3.5.3(e)
- ii. This standard does not apply in relation to noise received from the Te Rapa Racecourse at the following existing sites on Minogue Drive.
- Pt Lot 1 DP 311765

- Lot 5 DP 443687
- Section 3 SO 318174

iii. This standard does not apply to noise from helicopter noise at helicopter landing areas, road traffic noise, or construction noise.

25.8.3.10 Noise-sensitive Activities – Activities in all Zones

- a) The standards in Rule 25.8.3.10(e), (f) and (g) shall apply to the construction of new and altered buildings to be used for noise-sensitive activities within:
- i. The Central City Zone, Business 1 to 7 Zones, Industrial Zone, Ruakura Logistics Zone, Ruakura Industrial Park Zone, Te Rapa North Industrial Zone, the Te Rapa Dairy Manufacturing Site Noise Emission Boundary, Rototuna Town Centre Zone.
 - ii. All sites, near existing and proposed transport corridors that carry high traffic volumes, as defined in 25.8.3.10(b), and (c) below.
 - iii. All sites, near a railway line, as defined in 25.8.3.10(d) below.
- b) “Near existing and proposed transport corridors that carry high traffic volumes” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway (not being a state highway) of:
- i. All existing transport corridors, and
 - ii. Designated transport corridors (where the designation defines the location of the carriageway),
- That are predicted to carry an annual average daily traffic level (AADT) at the design year of at least:
- i. 5,000 AADT where the posted speed limit is ≤ 50 km/hr.
 - ii. 2,000 AADT where the posted speed limit is > 50 km/hr.
- c) “Near existing and proposed transport corridors that carry high traffic volumes” also applies to noise sensitive activities where the building line of the building containing the activity is within:
- i. 100m of the Waikato Expressway (Designations E90 and E90a), except that this standard does not apply to:
 1. the land zoned Rototuna North East Character Zone – see Rule 25.8.3.10(h) below; or
 2. feeder roads serving the expressway interchanges where the noise sensitive activity is more than 100m from the Waikato Expressway proper or any of its interchanges; or
 - ii. 80m of any other state highway where the speed limit is equal to or greater than 70km/hour, or where the speed limit is less than 70 km/hour and the AADT is at least 10,000 vehicle per day; or
 - iii. 40m of any state highway where the speed limit is less than 70km/hour and the AADT is less than 10,000 vehicles per day;

- iv. Where the distances specified in (i), (ii) and (iii) above shall be measured from the edge of the carriageway, or the designation boundary if the carriageway location has not been confirmed in writing by the Requiring Authority; and
 - v. Where the speed limit specified in (ii) and (iii) above shall be the posted speed limit in the case of an existing state highway, or the speed limit confirmed in writing by the Requiring Authority for a proposed state highway; and
 - vi. Where the AADT specified in (ii) and (iii) above shall be the current AADT for an existing state highway, or the predicted AADT in the design year confirmed in writing by the Requiring Authority for a proposed state highway.
- d) “Near a railway line” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the boundary of a designation for Railway Purposes (Designations F1 and F1a).
- e) Where this standard applies (as defined by Rule 25.8.3.10(a) to (d) above):
- i. Any habitable room in a building shall be protected from noise arising from outside the building by ensuring the building is designed and constructed to meet an indoor design sound level of 35dB $L_{Aeq(24hr)}$ in bedrooms and 40dB $L_{Aeq(24hr)}$ in all other habitable rooms, or
 - ii. Where only 25.8.3.10(a)ii and iii apply, an acoustic design certificate shall state that the indoor design sound level of 35dB $L_{Aeq(24hr)}$ in bedrooms and 40dB $L_{Aeq(24hr)}$ in all other habitable rooms is able to be met.
- f) Compliance with Rule 25.8.3.10(e)i shall be achieved by:
- i. Ensuring habitable rooms are constructed in a manner that accords with an acoustic design certificate stating the proposed design will achieve compliance with the performance standard in Rule 25.8.3.10(e)i; or
 - ii. An existing solid building or landform blocking the line of site from all parts of all windows and doors of any new habitable room(s) to any part of the carriageway, or the designation if the carriageway location has not been confirmed in writing by the Requiring Authority, within the relevant distance specified in:
 - 1. Rule 25.8.3.10 (b) for transport corridors that are not state highway, or
 - 2. Rule 25.8.3.10 (c) for transport corridors that are state highway, and any habitable room is set back at least 40m from any part of the carriageway, or the designation if the carriageway location has not been confirmed in writing by the Requiring Authority.
- g) Where Rule 25.8.3.10(f) applies, where rooms with windows that cannot be opened are proposed, a positive supplementary source of fresh air ducted from outside shall be required at the time of fit-out. The supplementary source of air is to achieve a minimum ventilation as specified in Section G4 – Ventilation of the New Zealand Building Code 2011.
- h) Within the Rototuna North East Character Zone, any habitable rooms in new residential activities or the construction of new habitable rooms or extensions to habitable rooms in existing residential activities where constructed on a site within the applicable set back for the zone shall meet the following criteria:

- i. Where the location of the Waikato Expressway carriageway adjacent to the site is not confirmed, any residential activity located within the habitable building setback of 65m shall be designed and constructed to ensure that the noise level from the Waikato Expressway designation boundary is no greater than 35dB $L_{Aeq(24hr)}$ in any bedroom and 40dB $L_{Aeq(24hr)}$ in any other habitable room (the internal noise limits). The outdoor noise level shall be the level incidental on the residential activity based on the noise level prediction parameters in Rule 23.6.12 c).
- ii. Where the location of the carriageway within the designation corridor of the Waikato Expressway adjacent to the site has been confirmed in writing by the Requiring Authority, or confirmed through an Outline Plan of Works approval under s176A of the RMA, or construction is underway or completed, any residential activity within the 55dB $L_{Aeq(24hr)}$ contour line from the Waikato Expressway, established via subdivision in accordance with 23.6.12 c), shall be designed and constructed to ensure that the noise level from the Expressway is no greater than 35dB $L_{Aeq(24hr)}$ in any bedroom and 40dB $L_{Aeq(24hr)}$ in any other habitable room (the internal noise limits). The outdoor noise level shall be the level incidental on the residential activity based on the noise level prediction parameters in Rule 23.6.12 c).
- iii. A design report shall be prepared by a suitably qualified acoustic engineer approved by the Hamilton City Council, and provided to the Planning Guidance Manager, Hamilton City Council, that demonstrates the internal noise limits will be achieved.
- iv. For those rooms where windows and doors need to be closed to achieve the internal noise limit, an alternative ventilation system that complies with the requirements of Section G4 of the Building Code shall be installed. This system shall be designed to achieve a level of no less than 10dB L_{Aeq} below the traffic design level for that room.

Note

1. If habitable rooms are located outside of the 65m setback or 55dB $L_{Aeq(24hr)}$ noise contour, no acoustic treatment is required even if one or more boundaries of the lot is intersected by either the setback or noise contour.

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

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

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

25.8.3.12~~1~~ Operational Vibration from Rail Lines – Activities in All Zones

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

Note

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

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

a) Activities shall not exceed the following noise limits within the boundary of any other site in the:

- i. Notional boundary of any residential unit on any other site within the Ruakura Logistics Zone or within the Ryburn Road and Percival Road Large Lot Residential Zone (as identified in Appendix 14-1).
- ii. Residential Zone or Knowledge Zone University Precinct (D)

<u>Time of day</u>	<u>Noise levels measured in $L_{Aeq} [15 \text{ min}]$</u>	<u>Noise levels measured in L_{AFmax}</u>
<u>0700 – 2000 hours</u>	<u>55 dB</u>	<u>-</u>
<u>2000 – 2300 hours</u>	<u>50 dB</u>	<u>-</u>
<u>2300 – 0700 hours</u>	<u>40 dB</u>	<u>75 dB</u>

b) Any activity within the Ruakura Logistics and Ruakura Industrial Park Zones shall not exceed a noise limit of 70dB ($L_{Aeq} [15 \text{ min}]$) within the boundary of any other site within that Zone. This standard does not apply to sites held in common ownership with the site containing the activity generating the noise.

c) Application of this standard.

- i. This standard does not apply to temporary activities.
- ii. This standard does not apply to noise from helicopters at helicopter landing areas, road noise, or construction.
- iii. This standard does not apply to residential activities, the use of garden equipment (such as lawnmowers, chainsaws or wood chippers) ancillary to residential activities. Short duration use at reasonable times will be acceptable.
- iv. This standard applies to all other activities, including home-based businesses, pool pumps, air conditioning units and site based wind turbines.
- v. Assessment of the standard shall be in accordance with NZS6801:2008 and NZS6802:2008 including a reference time interval (t) of 15 minutes.

d) A noise barrier shall be provided to ensure that the noise limits in Rule 25.8.3.13(a) are met and in accordance with the following:

- i. The barrier shall be constructed at, or to the north of, the northern-most limit of the Inland Port operations area (Sub Area A (Inland Port)) and in any other locations necessary to ensure the noise limits in Rule 25.8.3.13(a) will be met.
- ii. The barrier may be constructed in stages to suit staged development of the Inland Port (Sub Area A (Inland Port)).
- iii. The barrier shall be designed and constructed in accordance with best practice and certified by a suitably qualified expert.

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

25.8.3.14 Non-Conformity with Standards in the Ruakura Logistics Zone

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

25.8.4 Other Resource Consent Information

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

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

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

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

25.9 Public Art

25.9.1 Purpose

- a) Public art provides an opportunity to create a sense of place, and to add to an aesthetically attractive and vibrant City. The District Plan can contribute to the inclusion of public art in public places through bulk and location standards and incentives. It is noted that questions of artistic style or taste are not addressed in the District Plan. Furthermore, art in public places will require approvals outside of processes of the Act.

25.9.2 Objectives and Policies: Public Art

Objective	Policies
25.9.2.1 Increased provision of art throughout the City that is reflective of the character and diversity of the Hamilton community.	25.9.2.1a Public art shall be encouraged in public places and on private land that is easily visible from public places and that has relevance to the site, history, the environment, or has cultural significance.
	25.9.2.1b Public art shall be encouraged in the Central City and at Hamilton's gateways.
	25.9.2.1c Public art shall be compatible with the amenity of the existing locality.
	25.9.2.1d Access to arts and cultural activities that acknowledge the differences in the community across age, ability and culture shall be provided for.
	25.9.2.1e The location of public art does not affect the safety or efficiency of the transportation network.
Explanation	
<i>The District Plan can facilitate and encourage public art in the City, while managing potential effects of artwork structures. The District Plan can also provide for arts and cultural activities and facilities. The District Plan relies upon approval processes that occur outside the Act to endorse the location and form of public art.</i>	

25.10 Signs

25.10.1 Purpose

- a) Signs and other outdoor advertising displays are important for communicating information to the public. In particular they provide directions, identify premises, assist businesses in selling goods and services, and promote events and activities.
- b) The quality and location of signs have the potential to contribute positively to an area but also have the potential to create adverse visual effects, particularly in areas where high amenity levels are expected. The location of signs, particularly on or adjacent to transport corridors, also has the potential to adversely affect traffic safety. The District Plan controls signs to preserve accepted levels of amenity and safety. In particular, the District Plan controls high-intensity signs in all zones, signs on historic heritage buildings and sites, and provides more permissive standards in the Central City, Business, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones such as enabling signs that do not relate to the on-site activity.

25.10.2 Objectives and Policies: Signs

Objective	Policies
25.10.2.1 Provide for signs which contribute positively to an area and do not compromise visual amenity and transport safety.	25.10.2.1a The number, size, location and appearance of signs visible from public places shall maintain the character of the area.
	25.10.2.1b Signs shall not create adverse effects from illumination, light spill, flashing or reflection.
	25.10.2.1c Messages or images on signs visible from transport corridors shall not confuse or distract transport corridor users.
	25.10.2.1d Signs in the Central City Zone that contribute to an attractive and vibrant centre should be allowed.
	25.10.2.1e Signs on scheduled historic heritage buildings and sites and archaeological and cultural sites shall be compatible with the heritage values being protected.
	25.10.2.1f Signs shall be well maintained to minimise impacts on visual amenity values.

Explanation

Signs have the potential to create adverse effects, particularly in areas where high visual amenity standards are expected. Inappropriate signs can detract from the character and values associated with an area, as well as impacting on traffic safety. The objective and policies address the potential adverse effects of signs on traffic safety, visual amenity, light spill, character and scheduled heritage buildings.

Signs can contribute positively to a sense of vibrancy and the policies recognise the need to enable signs, particularly in the Central City Zone, where this District Plan is encouraging a vibrant Centre.

The City has many events that require temporary signs and off-site advertising for promotional reasons. These requirements need to be managed so that the adverse visual effects created are minimised and experienced only for a short period. The policies also address impacts from a lack of maintenance when signs age, or are damaged or vandalised.

25.10.3 Rules – Activity Status Table

Activity	Class
a) Temporary signs	P
b) Low-intensity signs	P
c) Any low-intensity sign which is not visible from beyond the site on which it is located	P
d) Traffic control devices and signs erected by a public authority	P
e) Safety signs required to meet legislative requirements	P
f) Low-intensity signs on historic heritage buildings in Volume 2, Appendix 8, Schedule 8A and archaeological and cultural sites in Volume 2, Appendix 8, Schedule 8B (except within the Major Facilities Zone – Waikato Hospital Campus)	RD*
g) High-intensity signs other than those in Rule 25.10.3h)	D
h) Any electronic sign in the Central City, Business 1-7 Zones, ~~and~~ Industrial Zone, ~~and~~ <u>Ruakura Logistics Zone and Ruakura Industrial Park Zone</u> which complies with Rule 25.10.4 and Rule 25.10.5	RD

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Note

1. The erection of signs on Hamilton City Council land and public places is controlled under a bylaw for public places. Information on the size and format of traffic signs is set out in the Hamilton City Infrastructure Technical Specifications. Signs on state highways are controlled under the New Zealand Transport Agency's 'Manual of Traffic Signs' and 'Markings and Traffic Control Devices Manual'.
2. Activities (a) to (e) and (g) only have immediate legal effect if they are located in the Special Heritage Zone or the Temple View Heritage Area, as shown on Planning Map 60B.
3. Refer to Chapter 1.1.9 for activities marked with an asterisk (*).
4. For any activity not identified above, see Section 1.1.8.1.

25.10.4 Rules – General Standards

- a) Signs that are not visible from outside the site on which they are located shall not be required to comply with any of the standards in Rule 25.10.5.

Note

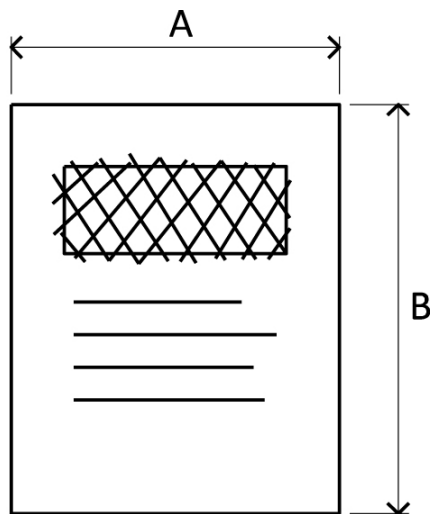
1. Light spill shall be controlled under the relevant provisions of the District Plan, where it is from a sign not visible from any public place or nearby site.

- b) Signs shall not project over a transport corridor or be located within a transport corridor (except as provided for in 25.10.5.10), other than a traffic sign or safety sign erected by, or at the direction of, a public authority or a sign controlled under a Council bylaw.
- c) Signs shall not be placed so they block sight distances at intersections or driveways.
- d) A sign must not display any image that:
- i. Resembles or is likely to be confused with any traffic sign or signal;
 - ii. Contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract and interfere with a road user's vision;
 - iii. Uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers.

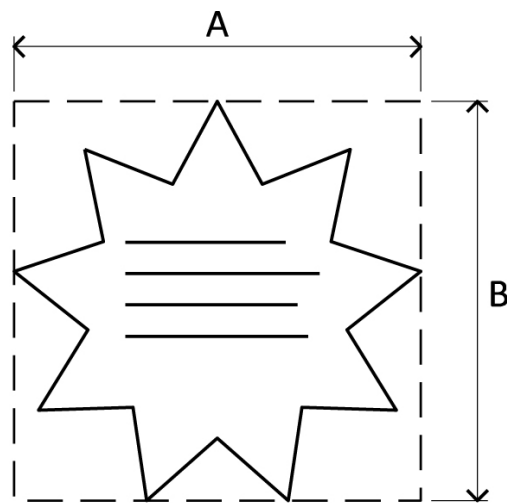
Note

1. Where the sign is adjacent to a state highway with a speed limit higher than 60 km/h, the NZTA comments shall be taken into account.

- e) Signs shall not be required to meet the setback requirements specified in the underlying zone rules.
- f) Where a maximum permitted area is specified for a sign in Rule 25.10.5:
- i. The area of the sign shall be calculated by measuring the rectangular area which encloses all symbols or letters which make up the sign surface (see Figure 25.10.4a).
 - ii. Where the sign is an uneven shape the area shall be calculated by measuring the rectangular area which encloses the uneven shape (see Figure 25.10.4b).
 - iii. The total area of a sign is taken to be the sum of the area of all faces of the sign.

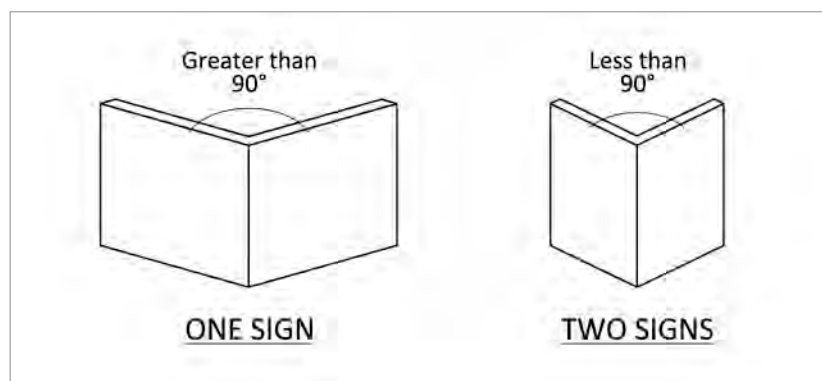
Figure 25.10.4a: Calculating the area of a sign

$$\text{Area} = A \times B$$

Figure 25.10.4b: Calculating the area of an uneven shaped sign

$$\text{Area} = A \times B$$

- g) Where a standard is specified for a sign in Rule 25.10.5:
 - i. Any V-shaped sign containing an interior angle of 90 degrees or more is deemed to be one sign (see Figure 25.10.4c below).
 - ii. Any V-shaped sign containing an interior angle of less than 90 degrees is deemed to be two signs (see Figure 25.10.4c below).
- h) Advertising signs shall not be similar in appearance to any traffic control device.

Figure 25.10.4c: V-shaped signs

25.10.5 Rules – Specific Standards

25.10.5.1 Illuminated Signs

Illuminated signs shall meet the following intensity standards:

- a) Subject to Rules 25.10.5.1(b) and (c) below, no illuminated sign shall produce:
 - i. More than 1000 candelas/m² for signs less than 10m² in area.
 - ii. More than 800 candelas/m² for signs equal to or greater than 10m² in area.

- b) No illuminated sign located in the Future Urban, Large Lot Residential, Residential, Special Character and Open Space zones, shall produce:
 - i. 600 candelas/m² for signs less than 10m² in area.
 - ii. 400 candelas/m² for signs equal to or greater than 10m² in area.
- c) Any sign shall conform to the luminance levels in Rule 25.10.5.1(b) if the face of the sign is:
 - i. At a 90-degree axis to any transport corridor or railway line, or
 - ii. Within 20m of a transport corridor and 20 degrees of either side of a motorist's or train driver's line of sight, or
 - iii. At a transport corridor intersection or railway level crossing.
- d) The lighting filament used to light any sign shall not be visible from any point measured within 2m of ground level.

Note

1. This rule does not apply to electronic signs which shall be subject to the luminance standards in Rule 25.10.5.7(b).

25.10.5.2 Future Urban Zone

- a) All signs shall be associated with the activity on the site, and shall be located on the site to which they relate.
- b) Signs may provide only the property name, or the name, logo and contact information for a home-based business or other activity carried out as a permitted activity on the site, or relate to site access or safety.
- c) Signs shall not advertise goods or services, other than as inherent in a business name.
- d) Signs in the Future Urban Zone shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
One	0.6m ²	1m	2m

25.10.5.3 Open Space Zones

- a) All signs shall be associated with the activity on the site, and shall be located on the site to which they relate.
- b) Signs in the Open Space Zones shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
i. One directional sign at each entrance to the site	0.6m ² per sign	-	1.5m

ii. One single-sided sign at each entrance to the site	3m ² per sign	2.5m	2m
iii. One park development sign for the purpose of providing proposed park development information	2m ²	2m	-

25.10.5.4 Major Facilities Zone

- a) Signs in the Major Facilities Zone shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
One double-sided sign at each entrance to the site	3m ²	3m	3m

- b) Seddon Park – the rules in 25.10.5.4(b)i to vii below are in addition to Rule 25.10.5.4(a).
- Signs that are ‘inset’ or attached to the exterior of buildings providing sponsors names shall not exceed an area of 40m² per building.
 - Signs relating to activities within each building shall not exceed an area of 20m² per building.
 - Signs under Rule 25.10.5.4(b)i or ii shall not exceed an area of 10m² on any building with frontage to Seddon Road that is directly opposite dwellings in any Residential Zone.
 - Event advertising and City happenings signs on transport corridor frontages shall be limited to four signs, with no sign exceeding an area of 6m².
 - Venue naming signs shall be limited to one per transport corridor frontage, with no sign exceeding an area of 12m².
 - No standards shall apply to signs located in the site that are directed primarily at patrons inside the venue, including signs on the perimeter of playing arenas (painted, illuminated, static, electronic scrolling).
 - The area and height of signs shall be calculated in accordance with Figures 25.10.4a and 25.10.4b.
- c) Waikato Stadium – the rules in 25.10.5.4(c)i to vii below are in addition to Rule 25.10.5.4(a).
- Signs that are “inset” or attached to the exterior of buildings providing sponsors names shall not exceed an area of 40m² per building. These signs may be back lit or surface lit.
 - Signs relating to activities within each building shall not exceed an area of 20m² per building.

- iii. Signs under Rule 25.10.5.4(c)i or ii shall not exceed an area of 10m² on any building with frontage to Seddon Road that is directly opposite dwellings in the Residential Zone.
 - iv. Event advertising and city happenings signs on transport corridor frontages shall be limited to four signs with no sign exceeding an area of 6m².
 - v. Venue naming signs shall be limited to one per transport corridor frontage, with no sign exceeding an area of 12m².
 - vi. No sign area standards shall apply to signs located in the site that are directed primarily at patrons inside the venue including signs on the perimeter of playing arenas (painted, illuminated, static, electronic scrolling).
 - vii. The area and height of signs shall be calculated in accordance with Figure 25.10.4a and 25.10.4b.
- d) Te Rapa Racecourse Thoroughbred Business Park.
- i. For activities in the Thoroughbred Business Park the standards in Rule 25.10.5.7 Business and Industrial Zones shall apply.
- e) Waikato Hospital –rule 25.10.5.(e)i below is in addition to Rule 25.10.5.4(a).
- i. No sign area standards shall apply to signs located internally on the Waikato Hospital site that are directed at visitors inside the site, including naming and directional signs. For the purposes of this rule signs visible on Pembroke Street, between the intersection with Ohaupo Road/Selwyn Street and the second intersection with Ohaupo Road, are deemed to be internal to the Waikato Hospital site.

25.10.5.5 Community Facilities Zone

- a) All signs shall be associated with the activity on the site, and located on the site to which they relate.
- b) Signs in the Community Facilities Zone shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
i. One access or safety sign at each entrance to the site	0.6m ² per sign	-	1.5m
ii. Either One other sign at each entrance to the site, or	0.6m ² per sign	1m	2m
One other sign per site	3m ² (single sided)	2.5m	2m

25.10.5.6 Residential and Special Character Zones

- a) All signs shall be associated with the activity on the site, and located on the site to which they relate.

- b) Signs may only provide the property name, or the name, logo and contact information for a home-based business or other activity carried out as a permitted activity on the site, or relate to site access or safety.
- c) Signs shall not advertise goods or services, other than as inherent in a business name.
- d) Signs shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
One	0.6m ²	1m	2m

Note

1. Standard 25.10.5.6 only has immediate legal effect for activities located in the Special Heritage Zone or the Temple View Zone Heritage Area, as shown on Planning Map 60B.

25.10.5.7 Central City, Business 1 to 7 and Industrial Zones

- a) Signs in the Central City, Business 1 to 7 and Industrial zones shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum sign height (from ground level)
i. One directional sign may be displayed at each entrance to the site	1.2m ² each	2m
ii. Any sign, whether attached to the face or roof of the building or protruding from the face of the building	1m ² for every metre of site frontage. For rear sites 1m ² for every metre of any single site boundary.	A maximum sign height equal to the building height of the relevant zone provided that it does not exceed the height of the parapet or facade of the building
iii. Free-standing signs: One double-sided sign for each frontage	1m ² for every metre of site frontage to a maximum of 10m ²	A maximum sign height equal to the building height of the relevant zone

- b) Electronic signs shall also comply with the following standards:
 - i. Sign content shall be limited to static displays only.
 - ii. Sign content shall not change at intervals greater than once every 8 seconds.
 - iii. Changes to sign content shall be limited to a maximum transition time of 1 second between two messages/images. There must be no scroll, flash, type or fade between the messages/images.
 - iv. Maximum Electronic Luminance shall have the following limits:
Day Time Luminance: when full sunlight directly strikes the face of the sign 8000 cd/m² and otherwise 6000 cd/m²

Day Time Luminance Morning/Evening Twilight and Inclement Weather:
600cd/m²

Night Time Luminance: 350cd/m²

Note

1. All electronic signs must also have a facility for automatically adjusting the sign luminance so that the sign brightness is always comparable with the surrounding luminance conditions and restrictions above.
2. A consent condition may be appropriate to require the review of conditions to ensure luminance levels are appropriate.

- v. Minimum letter size shall comply with the following standards.

Posted speed limit (km/h)	Letter height (mm)		
	Main message	Property name	Secondary message
50	150	100	75
60	175	125	90
70	200	150	100
80	250	175	125
100	300	200	150

- vi. Minimum forward sight distance to the sign shall comply with the following standards.

Posted speed limit (km/h)	Minimum Visibility (m)
50	80
60	105
70	130
80	175
100	250

- vii. A Maintenance Plan shall be developed to address procedures for maintenance and repair of any faults. The Maintenance Plan shall include provisions for automatic shutdown of the sign in the event of a fault which affects the signs performance.

25.10.5.8 Knowledge Zone

- a) Signs in the Knowledge Zone shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum sign height (from ground level)
i. Two signs affixed to the face of the tenancy or department building	10m ² per tenancy/ department	A maximum sign height equal to the building height of the zone provided that it does not project beyond the top of the façade of the building
ii. Any directional	2m ² per tenancy/	2m

signage	department	
iii. One double-sided sign at each entrance to the site	3.4m ² per face of the sign	3m

- b) University of Waikato – the rules 25.10.5.8(b)i and ii below are in addition to Rule 25.10.5.8(a):
- i. No standards shall apply to signs located in the site that have been approved as part of a concept plan.
 - ii. No standards shall apply to signs located in the site that are located outside the Interface Area.

25.10.5.9 Ruakura Logistics and Ruakura Industrial Park Zones

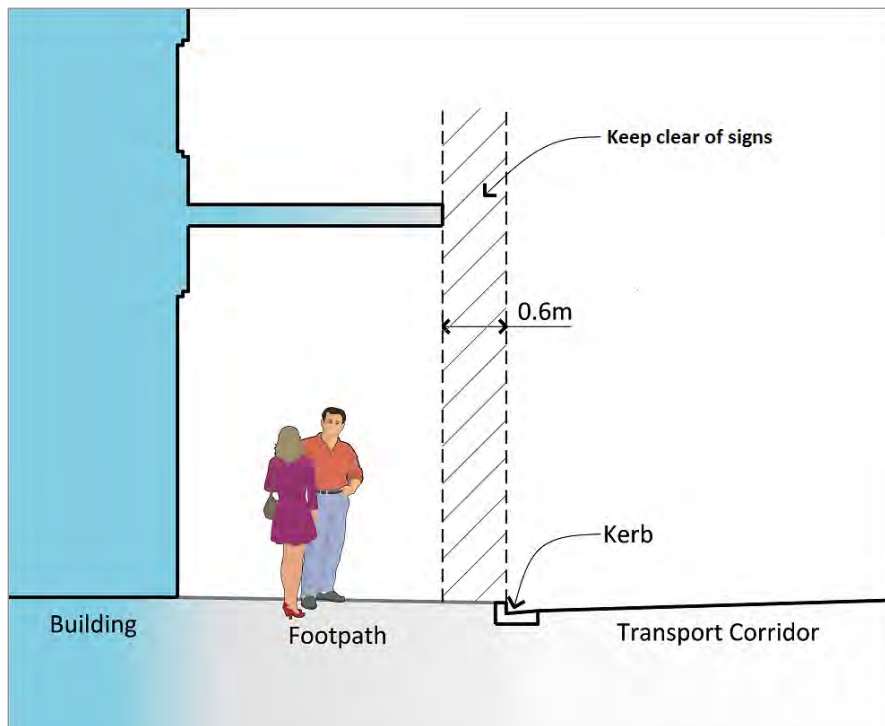
- a) Signs in the Ruakura Logistics and Ruakura Industrial Park Zones shall comply with the following standards.

Maximum number of signs per entrance	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
i. Free-standing signs: One double-sided sign for each road frontage	24m ²	6m	16m
ii. One sign attached to the face of a building	24m ²	6m	A maximum sign height equal to the building height of the relevant zone provided that it does not exceed the height of the parapet or facade of the building

- b) Security and directional signage shall be excluded.

25.10.5.10 Veranda Signs Above the Transport Corridor Zone

- a) Signs attached beneath verandas shall leave a clearance of 2.75m to the footpath.
- b) Signs attached beneath verandas shall be set back not less than 0.6m from a vertical line measured from the edge of the carriageway kerb (refer to Figure 25.10.5a).
- c) Signs located on top and on the fascia of a veranda shall not extend beyond the fascia of the building and shall be set back not less than 0.6m from a vertical line measured from the carriageway kerb (refer to Figure 25.10.5a).
- d) Veranda signs shall be restricted to signs advertising businesses, services or products located on the site associated with the sign.
- e) Signs located on top or beneath verandas shall be structurally sound and affixed to the veranda in a safe manner.

Figure 25.10.5a: Area to be kept free from signs

25.10.5.11 Scheduled Historic Heritage Buildings and Sites listed in Schedule 8A and 8B of Volume 2, Appendix 8: Historic Heritage

- a) All signs shall be associated with the activity on the site.
- b) Signs on sites identified in Schedule 8A and 8B of Volume 2, Appendix 8: Historic Heritage shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
Two	Maximum total area per sign is 0.5m ²	1m	2m

Note

1. Signage should be consistent with the Heritage New Zealand guidelines for signage on Historic Heritage.

25.10.5.12 Temporary Signs

- a) Temporary signs shall comply with the following standards.

Zone or specific site	Maximum number of signs	Maximum area per sign	Maximum total area of signage per site
i. Residential, Special Character, Future Urban and Community Facilities zones	Two signs per site, or two signs per frontage in the case of a corner site	1.8m ²	3.6m ²

ii. Business 1-7, Central City, ~~and~~ Industrial, <u>Ruakura Logistics, Ruakura Industrial Park and Knowledge (Precinct C only)</u> zones	Two signs per site, or two signs per frontage in the case of a corner site	3m ²	6m ²
iii. Open Space, ~~and~~ Major Facilities <u>and Knowledge (excluding Precinct C)</u> zones	Two signs per site, or two signs per frontage in the case of a corner site	6m ²	-
iv. Scheduled historic heritage building or site identified in Schedule 8A or 8B of Volume 2, Appendix 8: Historic Heritage	Two signs per site, or per frontage in the case of a corner site	1.8m ²	3.6m ²

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- b) Temporary signs shall not exceed the height permitted for permanent signs on the site under zone rules, except in the case of signs related to elections which may be up to 2.5m in height or the maximum sign height for permanent signs on the site under zone rules, whichever is the greater.
- c) Temporary signs shall be displayed for the following time periods.
- Real estate signs shall be removed within 14 days after the transfer of property ownership has been completed.
 - Signs that advertise construction projects shall be located on the site to which they relate and shall be removed no later than two weeks after construction has been completed.
 - Signs related to elections shall be displayed for no more than three months before an election and must be removed before polling, or such lesser time as may be prescribed by legislation.
 - Signs that advertise a temporary retail activity (refer to Rule 25.3.5.12 of Chapter 25.3: City-wide – Events and Temporary Activities) shall be displayed only for the duration of that activity and must be within the site where the activity is taking place.
 - Signs for the purpose of public notification shall be displayed as prescribed by legislation.
 - Signs that advertise any other event shall be displayed within a period of up to four weeks before to three days after the event.

Note

- The Electoral Act 1993 and its associated regulations also specifies controls on election signs.
- Standard 25.10.5.12(a)i only has immediate legal effect for activities located in the Special Heritage Zone or the Temple View Zone Heritage Area, as shown on Planning Map 60B.

25.10.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.3)
i. Low-intensity signs on historic heritage buildings in Volume 2, Appendix 8, Schedule A and archaeological and cultural sites identified in Volume 2, Appendix 8, Schedule 8A or 8B (except within the Major Facilities Zone – Waikato Hospital Campus)*	E – Heritage Values and Special Character
ii. Any electronic sign in the Central City Zone, Business 1-7 Zones, ~~and~~ Industrial Zone, <u>Ruakura Logistics Zone and Ruakura Industrial Park Zone</u> which complies with Rule 25.10.4 and Rule 25.10.5	- B – Design and Layout - E – Heritage Values and Special Character

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Note

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

25.10.7 Other Resource Consent Information

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

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

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

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

25.11 Smoke, Fumes, Odour and Dust

25.11.1 Purpose

- a) Under the Act, responsibility for controlling discharges to air lies with the Waikato Regional Council, managed primarily through the Waikato Regional Plan. The District Plan focuses on the control of minor nuisance effects of smoke, fumes, odour and dust. These rules are in addition to powers available to Council under Section 17 of the Act.

25.11.2 Objectives and Policies: Smoke, Fumes, Odour and Dust

Objective	Policies
25.11.2.1 Avoid adverse effects on local amenity values and people's wellbeing arising from smoke, fumes, odour and dust.	25.11.2.1a Adverse effects of offensive or objectionable smoke, fumes, odour or dust, shall be avoided outside the site from where they originate.
	25.11.2.1b Activities sensitive to smoke, fumes, odour or dust shall not locate where amenity values are already compromised by those effects.
	25.11.2.1c Activities that pose significant risks of major adverse effects on air quality shall not locate where high air quality is expected.
Explanation	
<i>Impacts on amenity values from smoke, fumes, odour or dust can arise from a variety of land uses. They often cannot be contained within the site from where they originate, and some dispersal across the boundaries is inevitable and usually acceptable. There is often a subjective element in the way these effects are perceived. Policy 25.11.2.1a addresses smoke, fumes, odour or dust that is offensive or objectionable outside the originating site. What is offensive or objectionable will vary according to the characteristics of the area. Only very low levels of smoke, fumes, odour or dust will be acceptable in residential areas, while higher levels may be acceptable in industrial areas.</i> <i>Policies 25.11.2.1b and 25.11.2.1c envisage that activities with similar effects or expectation of amenity should be grouped together, and those with dissimilar effects and expectations should be kept apart. This will help to reduce conflicts and the potential for reverse sensitivity, and to mitigate effects that cannot be contained on-site.</i>	

25.11.3 Rules – General Standards

- a) No objectionable or offensive dust, smoke, fumes or odour shall have adverse effects at any other site.

Note

1. Where, in the opinion of a warranted enforcement officer, a significant nuisance is arising from smoke created by any source, Section 17 (Duty to Avoid, Remedy or Mitigate Adverse Effects) of the Act will apply and Council may use its enforcement powers under Part XII of the Act.
2. In relation to all nuisances involving smoke, fumes, dust and odour, attention is drawn to the obligation to comply with any relevant Rules in the Regional Plan, Bylaws and the provisions of the Health Act 1956 and its associated regulations.

25.11.4 Other Resource Consent Information

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

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

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

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- Design Guides
- Other Methods of Implementation

25.12 Solid Waste

25.12.1 Purpose

- a) Solid waste includes domestic and commercial rubbish and more broadly means any materials left over from an activity or process that are no longer viable. Council manages many aspects of solid waste through the Waste Management and Minimisation Plan (prepared by Council to give effect to the Waste Minimisation Act 2008 and the Litter Act 1979) and through a bylaw prepared under the Local Government Act.
- b) Under the Act and Waste Minimisation Act, waste is a resource to be sustainably managed, and the effects of the creation, collection, recycling, recovery, storage, treatment and disposal of solid waste may be controlled by District Plans. This District Plan policy clearly signals that sustainable solid waste principles should apply to waste disposal.
- c) This District Plan requires the provision of service areas in developments to encourage appropriate solid waste disposal, and facilities that encourage the management of waste in accordance with the solid waste hierarchy, i.e. recycling before disposal.

25.12.2 Objectives and Policies: Solid Waste

Objective	Policies
25.12.2.1 Reduce the amount of solid waste generated and ultimately entering landfills.	25.12.2.1a Promote the reduction of solid waste volumes based on the following waste hierarchy. • Reduction • Reuse • Recycle • Recovery • Treatment • Disposal
	25.12.2.1b Promote practices that reduce the volume of solid waste generated and disposed of.
Explanation	
<i>Solid waste can be significantly reduced, reused or recycled, so that it need not take up space in landfills. As well as being an under-used resource, waste also has adverse economic and environmental effects, in terms of costs of collection services, land for disposal, and adverse effects on the receiving environment.</i> <i>Hamilton's Solid Waste Bylaw requires the licensing of persons who collect and transport waste. The granting of licenses and associated conditions include consideration of how Council's Waste Minimisation and Management Plan and waste reduction initiatives are promoted, and require information about the quantity, source, destination and types of waste involved.</i>	

Part of the information requirements for industrial activities requiring consent is the preparation of a Waste Minimisation Plan (refer to Volume 2, Appendix 1.2.2.17).

Objective	Policies
25.12.2.2 Solid waste activities and facilities are managed in a way that addresses adverse effects from the storage and disposal of solid waste.	25.12.2.1a Solid waste collection, recycling, recovery, storage, treatment and disposal activities shall be sited, designed and managed to reduce solid waste entering landfills, and minimise adverse effects on the environment.
	25.12.2.1b Ensure pleasant and functional service areas are provided in new developments for waste and recycling storage.

Explanation

Within Hamilton City there are existing services for the collection, processing, marketing and beneficial reuse of solid waste and diverted material. As a new landfill is unlikely to be established in Hamilton, more facilities such as waste transfer, reuse and recycling facilities established by Council and the private sector are anticipated and encouraged. Any waste going to a landfill should go to a landfill that is specifically designed and managed to avoid adverse effects on the environment.

Solid waste collection, recycling, recovery, storage, treatment and disposal activities can have adverse effects on the environment – including litter, smell, leachate, vermin, traffic (including heavy vehicles) and noise. The choice of location for these facilities is important, as well as management to mitigate or remedy potential adverse effects.

Activities require appropriate and functional internal and external storage space for waste and recyclables pending collection, that are easy to access by residents, businesses and waste collection agencies. The policies aim to ensure that suitable storage space is provided in these developments in a manner that recognises the amenity values of the surrounding area.

25.12.3 Rules – General Standards

25.12.3.1 Solid Waste Storage Areas

- a) All activities shall provide appropriate, on-site storage areas for recycling and litter bins that are accessible for waste collection services.

25.12.4 Other Resource Consent Information

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

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

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

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

25.13 Three Waters

25.13.1 Purpose

- a) This section contains objectives and policies that focus on the impact of subdivision, use and development on water resources, and on the need for an integrated provision of sustainable Three Waters infrastructure in conjunction with development. Land-use planning is critical in minimising conflicts and sustaining water quality and quantity for future generations.
- b) Pressure on water resources in the region is increasing due to a growing population and the associated concentration of activities. This affects demand for water resources and Three Waters infrastructure (drinking water, wastewater and stormwater) which is managed by Council.
- c) Water quality of the Waikato River has declined over time. Although point-source pollutants have reduced since the 1970s, non-point sources now comprise the majority of nutrient and sediment inputs into the Waikato River and its tributaries. Water quality in Lake Rotoroa has improved over time; however it still suffers from algal blooms attributed to high nutrient levels and from time to time is closed to contact recreation.
- d) As a municipal water provider, Council has three significant resource consents for the taking of water for municipal purposes and discharging of wastewater and stormwater. In complying with these consent conditions, and as a responsible water manager, Council must impose standards and conditions on development within the City.
- e) As part of the Waikato River Settlement between the Crown and Waikato-Tainui, Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River has been developed and must be given effect to. It is the primary direction-setting document for the Waikato River and its catchments, which include the lower reaches of the Waipa River, and outlines the vision for the Waikato River as:

“Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri

The river of life, each curve more beautiful than the last

Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”

25.13.2 Objectives and Policies: Three Waters

Objective	Policies
25.13.2.1 Water resources are protected from the adverse effects of subdivision and development.	25.13.2.1a Subdivision and development is located and designed to minimise adverse effects on ground and surface water resources, particularly the life-supporting capacity of water bodies and their riparian margins.

	25.13.2.1b Subdivision and development on the margins of natural watercourses and wetlands should be located and designed to maintain, and where possible enhance: - Riparian margins. - Water quality. - Water resources. - Aquatic habitats.
Explanation <i>This objective and policies focus on the effects subdivision and development can have on water resources, and seeks that these effects be minimised. Land-use activities can impact on water resources, for example, by increasing stormwater flows over or into land, by increasing sediment loads, and increasing the demand for water-related infrastructure.</i>	
Objective	Policies
25.13.2.2 Measures to facilitate the efficient use of water resources are incorporated into new subdivision and development.	25.13.2.2a Water-sensitive techniques are incorporated into new subdivision and development to reduce demand on water supplies, wastewater disposal and to manage stormwater.
Explanation <i>This objective and policy focuses on water conservation and efficiency, and in particular the incorporation of water-sensitive techniques into new subdivision and development to improve the level of water efficiency.</i>	
Objective	Policies
25.13.2.3 Three Waters infrastructure is provided as part of subdivision and development, and in a way that is: - Integrated - Effective - Efficient - Functional - Safe - Sustainable	25.13.2.3a All subdivision and development provides integrated Three Waters infrastructure and services to a level that is appropriate to their location and intended use.
	25.13.2.3b Subdivision and development shall not occur unless the required infrastructure is available to service it.
	25.13.2.3c Three Waters infrastructure is to be designed and constructed in accordance with any existing Structure Plan and relevant Integrated Catchment Management Plan.

25.13.2.3d

Large scale subdivision and development proposals are to prepare an Integrated Catchment Management Plan (where one does not already exist) or a Water Impact Assessment.

Explanation

There are servicing constraints within the City. Early discussions with Council on the serviceability of development are necessary.

Integrated Catchment Management Plans will be used as a tool to help manage the form and function of Three Waters infrastructure in an integrated, effective, efficient, functional, safe and sustainable manner.

Over time Integrated Catchment Management Plans will be developed for existing urban areas. Structure Plans and large scale activities will require an Integrated Catchment Management Plan (as outlined in Volume 2, Appendix 1.2.2.6). Until this occurs, stormwater, water and wastewater infrastructure must continue to be provided and managed. Water Impact Assessments are another complementary tool that will be used to assess and ensure Three Waters integration at a more detailed level.

Council maintains a register of all full ICMPs and can advise of any relevant to a particular development proposal and site.

Where there is conflict between a Structure Plan and an ICMP, the latter will prevail.

Water-sensitive techniques to sustainably manage stormwater, water and wastewater are included as well as minimum permeable surfaces standards, which are provided in most Zone Chapters of the District Plan.

In areas where a full Integrated Catchment Management Plan does not exist the following policies also apply:

Design

25.13.2.3e

Three Waters infrastructure is designed and constructed to:

- i. Minimise the effects of urban development on downstream receiving waters and groundwater.
- ii. Ensure that the capacity, efficiency and sustainability of upstream and downstream infrastructure will not be compromised.
- iii. Facilitate access, maintenance and operational requirements.
- iv. Cater for the potential effects of climate change.
- v. Ensure appropriate standards of public health, safety and amenity.
- vi. Ensure that surface water runoff is appropriately managed in accordance with the following drainage hierarchy.
 1. Retention for reuse.
 2. Soakage techniques.
 3. Detention and gradual release to a watercourse.
 4. Detention and gradual release to stormwater reticulation.

Stormwater

25.13.2.3f

Stormwater management techniques are designed and constructed to:

- i. Maintain or improve the quality of stormwater entering the receiving environment.
- ii. Avoid or mitigate off-site effects from surface water runoff.
- iii. Sustainably manage the volume and rate of discharge of stormwater to the receiving environment.

Water Supply

25.13.2.3g

Water supply infrastructure is designed and constructed to meet consumption, hygiene, water-sensitive design and firefighting requirements.

Wastewater

25.13.2.3h

Wastewater is treated and disposed of in a way that minimises effects on public health, the environment, and cultural values.

Explanation

Three Waters infrastructure is a key component of subdivision, use and development. It needs to be developed sustainably and agreed upon at the planning stage of the development. All new greenfield areas must have a Structure Plan and an Integrated Catchment Management Plan in place before development begins. Integrated catchment management planning is a process whereby the effects of development on all Three Waters infrastructure capacity and the appropriateness and integrity of

proposed treatments and reticulation systems and networks are designed to manage the change or intensification and assessed and used to help guide decisions. This objective and policies provide support to the direction in Chapter 2: Strategic Framework and Chapter 3: Structure Plans to avoid a situation where Three Waters planning occurs independent to land-use planning.

The objective and policies also provide direction for minimum requirements for the design of Three Waters infrastructure and services in the absence of an Integrated Catchment Management Plan.

Climate change may impact on the frequency and intensity of storm events and other weather extremes such as droughts. The impact of these changes needs to be considered as part of the long term management of the Three Waters.

25.13.3 Rules – Activity Status Table

Activity	Status
a) Any activity required to prepare a Water Impact Assessment by rule 25.13.4.6	RD*
b) Any activity required to prepare an Integrated Catchment Management Plan by rule 25.13.4.1(b)	RD*

Note

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

25.13.4 Rules – General Standards

25.13.4.1 Integrated Catchment Management Plan

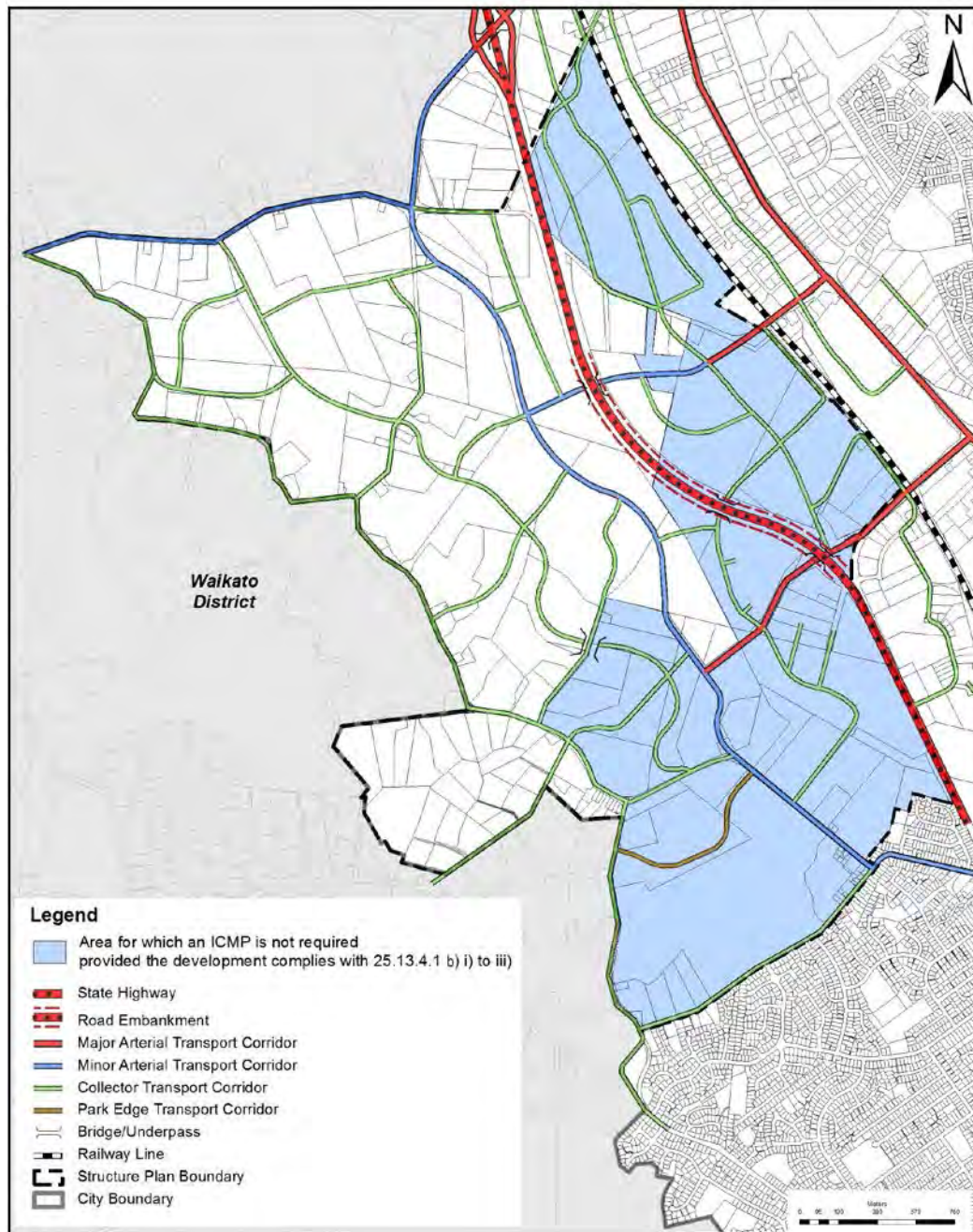
- Where a full ICMP already applies to an area, development of Three Waters infrastructure shall be undertaken in accordance with it. This will be considered a means to achieve compliance with the standards in Rules 25.13.4.1(b) and 25.13.4.2 to 25.13.4.4.
- In areas where an ICMP does not exist an ICMP as described in Volume 2, Appendix 1.2.2.6 shall be prepared for development or subdivision:
 - Creating more than 40 additional residential units on any site.
 - Creating more than 40 additional allotments.
 - Of any land involving more than 3ha.
 - For development of Stage 1 of the Rotokauri Structure Plan beyond the area identified in Figure 25.13.4a). Preparation of this ICMP shall, where relevant to the particular catchment, take into account the entire area of Stage 1 of the Rotokauri Structure Plan, including the area identified in Figure 25.13.4a).

Except that a separate ICMP is not required when all the information that it would otherwise include is incorporated into an approved Concept Development Consent for a Major Facility prepared under Rule 17.4 and the Concept Development Consent is accepted as satisfying the requirements of this rule.

Note

1. The 3ha trigger in Rule 25.13.4.1b)iii relates to the footprint of the proposed development or subdivision.
2. A full ICMP should be prepared at the Structure Plan stage in accordance with Chapter 3.3.

Figure 25.13.4a: Area of development within Rotokauri which is excluded pursuant to Rule 25.13.4.1 b) iv



25.13.4.2 Stormwater

- a) A stormwater reticulation and disposal system shall be provided that is adequate to safeguard people from injury or illness and protect property from damage caused by surface water.

- b) Stormwater management measures shall be in place and operational upon the completion of subdivision and/or development to ensure that the rate of stormwater discharge offsite is at or below pre-development rates. Stormwater management measures shall be implemented, as appropriate, in accordance with the following drainage hierarchy:
 - i. Retention for reuse
 - ii. Soakage techniques
 - iii. Detention and gradual release to a watercourse
 - iv. Detention and gradual release to stormwater reticulation.

Note

1. Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, and the drainage hierarchy, are contained within the Hamilton City Infrastructure Technical Specifications.
2. Bylaws may also impose additional controls or restrictions with regard to stormwater.
3. See Rule 25.2.4 regarding earthworks.

25.13.4.3 Wastewater

- a) An adequate, reliable, safe and efficient wastewater service shall be provided.
- b) Where any subdivision or development results in additional allotments or buildings to be used for urban purposes, provision shall be made for a wastewater system as follows.
 - i. The installation or upgrading of the wastewater network and/or wastewater pump stations to serve all proposed allotments and/or buildings, and
 - ii. Connection to the wastewater network from each proposed allotment or building.
- c) In the Future Urban Zone and Large Lot Residential Zone (Ruakura Structure Plan area only) where network utility services for wastewater treatment and disposal are not provided by Council, each site shall adequately provide for its own on-site treatment and disposal of wastewater and provide evidence of a satisfactory wastewater system to Council: no on-site wastewater treatment and disposal system shall be allowed that services more than one site and crosses any site boundary.
- d) Rule 25.13.4.3c) shall not apply to any wastewater system servicing the 7ha development within Te Rapa North Industrial Zone Stage 1A, provided for under Rule 12.6.1 c)i), and connected to the wastewater infrastructure on Te Rapa Dairy Manufacturing Site.

Note

1. Discharge of trade waste to the Council network will require approval from Council in accordance with the Trade Waste Bylaw.
2. Wastewater treatment systems may require approvals from the Regional Council.
3. Acceptable means of compliance for the provision, design and construction of wastewater infrastructure is contained within the Hamilton City Infrastructure Technical Specifications.

25.13.4.4 Water

- a) An adequate, reliable, safe and efficient supply of potable water shall be provided.

- b) Where any subdivision or development results in additional allotments or buildings to be used for urban purposes, provision shall be made for:
 - i. Water metering infrastructure, and either
 - ii. A connection from the public water supply reticulation to each proposed residential allotment or existing building, or
 - iii. A public water supply reticulation system extending from the main trunk water supply system (or from an existing water supply reticulation if appropriate) to allow a service to be connected from the transport corridor frontage of each non-residential allotment.
- c) In the Future Urban Zone and Large Lot Residential Zone (Ruakura Structure Plan area only) where a water supply reticulation system is not provided, evidence of satisfactory water supply shall be provided as part of the consent application.
- d) A reticulation system shall be provided which is adequate for fire-fighting purposes and for estimated domestic and commercial consumption.
- e) Where a development results in high-use allocation from the water supply reticulation system, evidence of satisfactory water supply shall be provided.

Note

1. There are limitations on the City's municipal supply of potable water for industrial use other than human drinking and sanitation. Any industrial activity requiring more than 15m³ of water per day for purposes other than human drinking and sanitation is considered a high-use allocation and should consult Council's Infrastructure Department early in the planning process.
2. Acceptable means of compliance for the provision, design and construction of water infrastructure is contained within the Hamilton City Infrastructure Technical Specifications.
3. Bylaws may also impose additional controls or restrictions with regard to water supply.

25.13.4.5 Water Efficiency Measures

- a) In addition to Low Flow Fixtures, at least one water sensitive technique for stormwater shall be incorporated, connected to, achieved or maintained as part of any new development as identified below.

Where required	Water sensitive techniques
i. New residential units ii. Other new buildings containing a kitchen, laundry or bathroom	• Detention of stormwater to 80% of pre-development runoff by an appropriate means • Permeable surfaces protected to achieve at least 20% above the minimum standard of the zone • Rainwater tank for non-potable reuse system • Other equivalent feature

Note

1. An ICMP (relevant to the site) and the Hamilton City Infrastructure Technical Specifications can provide guidance on the above water sensitive techniques and other equivalent features.
 2. Council maintains a register of all full ICMPs and can advise of any relevant to a particular development proposal and site.
 3. Where the site is covered by an ICMP, the water sensitive techniques required by 25.13.4.5(a) above shall be consistent with the recommendations of that Plan.
 4. An ICMP may make recommendations identifying water sensitive techniques that are suitable (or unsuitable) for a particular catchment or specific Three Waters measures or targets that need to be achieved. In order for new development to comply with 25.13.4.5(a), the selection and implementation of water sensitive techniques must be consistent with any relevant recommendations.
 5. To be effective rainwater tanks for new buildings should have a capacity of at least 5,000 litres or should be appropriately designed considering the specific site constraints.
 6. Additional techniques are listed within the definition of “water-sensitive techniques” included in Section 1.1.2 of Volume 2 - Definitions Used in the District Plan.
- b) Rainwater tanks with a capacity of <10,500 litres are exempt from the following bulk and location provisions of the relevant zone.
- i. Site coverage.
 - ii. Permeable surfacing.
 - iii. Rear or side boundary setbacks.
- c) Low flow fixtures shall be incorporated in alterations or additions to any existing building that add an extra toilet, kitchen, laundry or bathroom.

25.13.4.6 Water Impact Assessments

- a) A Water Impact Assessment, as described in Volume 2, Appendix 1.2.2.5, is required for any development or subdivision:
- i. Creating four or more additional residential units on any site.
 - ii. Creating four or more additional allotments (excluding lots for the purposes of reserves, network utilities or transport corridors).
 - iii. Involving more than 1ha of land.
 - iv. Creating a new building for industrial activities with a gross floor area greater than 1000m².
 - v. Involving any new activity which will have a water requirement greater than 15m³ per day.
 - vi. Creating a new building for non-residential activities (other than industrial activities or as provided for in vii. below) with a gross floor area greater than 300m².
 - vii. Within the Major Facilities Zone:
 1. Creating a new building for non-residential activities (other than industrial activities) with a gross floor area greater than 3,000 m²; or
 2. Providing residential accommodation for more than 13 additional people, not being accommodation for hospital patients.
- b) This Rule does not apply in areas where an ICMP exists and satisfies the information requirements for Water Impact Assessments in accordance with

Table 1.2.2.5b of Volume 2, Appendix 1.2.2.5, or where all the information that a Water Impact Assessment would otherwise include, or the matters it would otherwise address, are incorporated in a Water Supply Agreement with Council or other documents, assessed and approved under any other provision of this District Plan or the Waikato Regional Plan.

Note

1. As outlined in Volume 2, Appendix 1.2.2.5, Water Impact Assessments are also required as part of the information requirements for activities that do not comply with Rule 25.13.4.5 Water efficiency measures or permeable surface standards for the relevant zone.
2. The 1ha trigger in Rule 25.13.4.6(a)iii) relates to the footprint of the proposed development or subdivision.

25.13.5 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.3)
i. Any activity required to prepare a Water Impact Assessment as by Rule 25.13.4.6*	• J – Three Waters Capacity and Techniques
ii. Any activity required to prepare an Integrated Catchment Management Plan as by Rule 25.13.4.1(b)*	• J – Three Waters Capacity and Techniques

25.13.6 Other Resource Consent Information

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

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

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

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control

- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

25.14 Transportation

25.14.1 Purpose

- a) This chapter contains city-wide objectives, policies and rules relevant to the transport network and subdivision, use and development.
- b) The transport network is a significant and essential physical resource of the City that contributes to the economic, social and cultural wellbeing of residents, visitors and businesses within and outside Hamilton.
- c) The transport network includes all transport corridors and infrastructure, pedestrian and cycle, passenger transport, rail and river ferry routes. Also, while Hamilton Airport is not within the City it is our closest facility for moving goods and people by air. The facility is Regionally Significant Infrastructure and with its air routes is a key component of the wider transport network.

25.14.2 Objectives and Policies: Transportation

Objective	Policies
Integrated Transport Network 25.14.2.1 An integrated multi-modal transport network that meets national, regional and local transport needs and is: • Responsive • Efficient • Affordable • Safe • Accessible • Sustainable • Integrated with land use	Land Use Integration 25.14.2.1a The transportation network and related infrastructure is planned, designed, constructed and managed in a manner that: i. Is consistent with and supports the land-use spatial framework for the City (Figure 2.1a in Chapter 2). ii. Promotes vibrant business centres. iii. Contributes to safe and efficient multi-modal transport corridors serving the Central City, business centres and other key destinations. iv. Contributes to a transportation network that: A. Is accessible to all users, including transport disadvantaged and mobility impaired. B. Maximises opportunities for walking, cycling and passenger transport. C. Creates good connections between residential areas, passenger transport services, schools, employment nodes, recreation areas, shops and other destinations. D. Provides a choice of routes and transport modes for travelling. v. Recognises the need for effective long-term solutions that are affordable and practicable.

	Transport Network 25.14.2.1b The transportation network and related infrastructure is planned, designed, constructed and managed in a manner that: i. Recognises the affordability of providing new public infrastructure and other actions to increase the capacity of the transport network to accommodate growth. ii. Enables flexible management of transport corridors to allow them to perform their function within the City's transport corridor hierarchy. iii. Promotes energy conservation and efficiency. iv. Promotes a safe and efficient transport network. v. Allows for network utility infrastructure, and streetscape amenity. vi. Provides access to and has regard for the safety and needs of the mobility impaired, transport disadvantaged, cyclists, pedestrians, passenger transport users, and others using the transport corridor to move from place to place. vii. Contributes to the social, economic, cultural and environmental needs of current and future users of the transport network. viii. Takes account of the whole of life operational and maintenance costs of the transport network. Adverse Effects of the Transport Network 25.14.2.1c Adverse effects of new transport infrastructure and changes to the existing transport network on: i. Amenity values of adjacent activities, ii. Cultural and heritage values, biodiversity, and iii. Safety, access and mobility of all users are minimised while recognising: iv. The function and the location that that part of the transport network has within the transport corridor hierarchy. v. The character and purpose of the zone in which it is located.

	25.14.2.1d The design, location and quantity of parking infrastructure is managed in a way that: i. Provides for special design requirements of transport network users. ii. Minimises adverse effects arising from an over- or under-supply of parking. iii. Minimises adverse safety and efficiency effects on the transport network. iv. Maximises opportunities for the efficient use of existing parking infrastructure. v. Trips by active modes and passenger transport are encouraged through integration with travel demand management and passenger transport options. Adverse Effects on the Transport Network 25.14.2.1e Adverse effects of subdivision, use and development activities on the transport network are avoided or minimised with particular regard to: i. Connections to, and integration with, the transport network. ii. Reverse-sensitivity effects of land uses sensitive to adverse transport effects (e.g. noise). iii. Promoting streetscape amenity. iv. Ensuring performance, condition, safety, efficiency and long-term sustainability and affordability of the transport network. v. Ensuring trips by active modes and passenger transport are encouraged through integration with travel demand management and passenger transport options. vi. Protection of strategic and arterial transport networks, including associated intersections. 25.14.2.1f Integrated Transport Assessments shall be required for new subdivision, use or development of a nature, scale or location that has the potential to generate significant adverse transportation effects.

25.14.2.1g

Buildings, structures and trees shall not create a potential hazard to the flight paths of aircraft or any other operations associated with Hamilton Airport by intruding within the airport's airspace.

Explanation

Transport networks are complex systems that influence and are in turn influenced by subdivision, use and development. The overarching objective of creating an integrated multi-modal transport network to meet the needs of the City recognises several qualities that need to be considered and balanced when planning for, constructing and managing the transport network and in the integration of transport and land use. The policies recognise that different land use environments and parts of the transport network have different tolerances to change. For example, changes to the transport network can have a more significant effect on the amenity values of a residential environment, yet the same change in an industrial environment may not create the same impact.

The policies are grouped to recognise and respond to key transport issues: integration with land use; planning, construction and maintenance of the transport network; and adverse effects of and on the transport network.

Integrated Transport Assessments are a key method by which the transportation effects of proposals are identified and assessed. Thresholds for requiring an Integrated Transport Assessment and resource consent are set based on the location, nature and scale of activities. This provides a consistent, city-wide framework within which proposals are considered, and means by which to address adverse transportation effects, including cumulative effects, are established.

Buildings, structures and trees in certain parts of the city could protrude into the flight path of planes departing and approaching Hamilton Airport. This increases the risks to public safety both on the ground and in the air.

The policies recognise that the hierarchy of the adjacent transport corridor can influence the nature and level of impacts. For example, parking over-spill onto a major arterial transport corridor is likely to have a more significant adverse effect on the primary movement function of the corridor when compared to the effects of over-spill onto a local transport corridor, whose primary function is property access.

25.14.3 Rules – Activity Status Table

Activity	Class
a) Any activity required to prepare a simple or broad Integrated Transport Assessment by Rule 25.14.4.3	RD*
b) New transport corridors	RD

Note

- For the following transport-related activities refer to the relevant zone chapter.
 - Parking lots and parking buildings
 - Railway line, marshalling yard, or railway station
 - Passenger transport facility
 - Heliport
 - Pontoon/jetty
- Arterial Transport Corridor Protection Areas are shown on the Structure Plans within Volume 2, Appendix 2.
- Refer to Chapter 1.1.9 for activities marked with an asterisk (*).
- For any activity not identified above, see Section 1.1.8.1.

25.14.4 Rules – General Standards

25.14.4.1 Vehicle Crossings and Internal Vehicle Access

Separation Distances	
a) Distance between vehicle crossings on the same transport corridor frontage	The distance between vehicle crossings shall be either: - Less than 2m; or - Meet the relevant separation requirements in Table 15-1a of Appendix 15-1, Volume 2
b) Minimum distance between any vehicle crossing and a railway level crossing	Vehicle crossings shall be: - At least 30m from any railway level crossing, measured in accordance with Figure 15-1b of Appendix 15-1, Volume 2, except where this is not viable, in which case the vehicle crossing shall be: - Located as close as reasonably practicable to the furthest site boundary from the railway level crossing Note - Examples of exceptions can include where the property boundary frontage is less than 30m and there is no other available access point, or the topography would make it impractical to construct an access
c) Minimum distance between any vehicle crossing and a transport corridor intersection	Vehicle crossings shall meet the relevant separation requirements in Tables 15-1c and 15-1d measured in accordance with Figure 15-1e of Appendix 15-1, Volume 2

d) Minimum distance from a dedicated pedestrian crossing facility (e.g. pedestrian crossing, mid-block pedestrian signals, refuge islands, kea crossings)	The closest edge of the vehicle crossing shall be at least 7m from the centre of the pedestrian crossing facility measured in accordance with Figure 15-1f of Appendix 15-1, Volume 2
Sightlines	
e) Minimum sight distance from any vehicle crossing	Vehicle crossings shall meet the relevant sight distance requirements in Table 15-1g measured in accordance with Figure 15-1h of Appendix 15-1, Volume 2
Quantity	
f) Maximum number of vehicle crossings for any site within a Residential or Special Character Zone	One
g) Maximum number of vehicle crossings for any site, not within a Residential or Special Character Zone	i. One per frontage that is equal to or less than 20m wide ii. Two per frontage that is more than 20m wide (excluding frontages to the strategic network or arterial transport corridor) iii. One per frontage to a strategic network or arterial transport corridor

Design and Access Widths

- h) Vehicle crossing and internal vehicle access dimensions shall:
- i. Comply with the relevant dimensions identified in Tables 15-1i and 15-1j of Appendix 15-1, Volume 2, and
 - ii. Be formed and drained with a permanent sealed or paved all weather, dust-free surface and in a manner suitable for the type and quantity of vehicles using the site.

Note

1. Acceptable means of compliance for the design and construction of vehicle crossings is contained within the Hamilton City Infrastructure Technical Specifications.
 2. Council will apply the Local Government Act 1974 to require action to prevent damage to the berm from crossings being of inadequate width or construction.
- i) Any internal vehicle access shall be provided with sufficient clearance from the edge of the formation to buildings, fences and other structures to enable the safe and unobstructed operation of the vehicle access.
- j) Passing bays shall be provided along an internal vehicle access which serves more than one allotment or more than five car parking spaces, in cases where:
- i. The access is less than 5.5m wide and has a length greater than 70m, or
 - ii. Unrestricted visibility is not available over its full length.

25.14.4.2 Parking, Loading Spaces and Manoeuvring Areas

Quantity

a) Where:

- a new building is constructed on previously vacant land, or
- a new use establishes on previously vacant land or within a vacant building, or
- an existing building is altered in a way that increases the gross floor area, or
- an existing use increases in scale (e.g. increased gross floor area), or
- the use of land or buildings changes to a use with a higher traffic generation level,

then parking facilities shall be provided on that site for the increased parking demand in accordance with the levels set out in Tables 15-2a to 15-2f of Volume 2, Appendix 15-2, as applicable to the zone and activity, with the following exceptions:

- i. If the activity is required to operate under an approved Concept Plan or Concept Development Consent that includes parking requirements, the levels set out in the Concept Plan or Concept Development Consent shall be applicable and the levels set out in Tables 15-2a to 15-2f of Volume 2, Appendix 15-2 shall not apply.

Note

1. Concept Plans or Concept Development Consents are generally a requirement for use and development within the Major Facilities Zone and the University of Waikato (Knowledge Zone). Activities that are required to operate under an approved Concept Plan or Concept Development Consent use the rates in Tables 15-2a to 15-2f of Volume 2, Appendix 15-2, for guidance only. It is expected that site specific parking rates based on actual parking demand and site surveys may be more appropriate.
 - ii. Staff cycle spaces required by Table 15-2a of Volume 2, Appendix 15-2 shall not be required to exceed one per ten Full Time Equivalent staff.
 - iii. Cycle parking spaces shall not be required where:
 - The building setback is 0m for the entire frontage of the subject site.
 - A publicly available cluster of cycle spaces is located within 50m of the public entrance of the activity and in sufficient quantities to meet the levels otherwise required by Table 15-2a of Volume 2, Appendix 15-2.
- b) In the Central City Zone and Business 1 to 7 Zones, where 10 or more staff cycle spaces are required by Rule 25.14.4.2(a), end-of-journey cycle facilities for staff shall be provided in accordance with Table 15-2g of Volume 2, Appendix 15-2.
- c) For car parking required by Rule 25.14.4.2(a), for non-residential uses.
- i. Accessible car park spaces for people with a disability shall be allocated and provided for in accordance with Table 15-2d of Volume 2, Appendix 15-2.
 - ii. Where 50 or more car park spaces are provided, accessible car park spaces for less mobile users shall be allocated and provided for in accordance with Table 15-2e of Volume 2, Appendix 15-2.
- d) In Business 1 to 7 Zones, where 10 or more on-site car parking spaces are provided, the total number of spaces shall not exceed the required car parking

levels identified in Table 15-2a of Volume 2, Appendix 15-2 by more than 25%. Car parks leased to or shared with other activities to meet required parking levels for the other activities are excluded from this assessment. Any lease or sharing arrangements must be ongoing, for the duration of the activity and formalised by a legally binding mechanism.

- e) Where the assessment of the number of parking spaces (of any type) results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or greater shall be considered as one space.

Design

- f) Parking spaces, loading spaces and manoeuvring areas shall:
 - i. Comply with the relevant dimensions and layouts in Table 15-2h of Volume 2, Appendix 15-2 and are suitably designed for the vehicles and their occupants.

Note

- 1. Acceptable means of compliance for the design of parking spaces (including accessible parking spaces), loading spaces and manoeuvring areas is contained within AS/NZS 2890.1:2004 Parking Facilities – Part 1: Off-Street Car-Parking. Examples of acceptable configurations are also contained in Figure 15-2i of Volume 2, Appendix 15-2.

The Hamilton City Infrastructure Technical Specifications contains acceptable manoeuvring curves to ensure on-site layouts suitably provide for vehicle dimensions and turning radii.

- ii. Be formed and drained with a permanent sealed or paved all weather, dust-free surface in a manner suitable for the type and quantity of vehicles using the site.

Note

- 1. Acceptable means of compliance for the formation and drainage of parking spaces, loading spaces and manoeuvring areas is contained within the Hamilton City Infrastructure Technical Specifications.

- g) No part of any parking space, cycle space, loading space or manoeuvring area shall be located on any outdoor living area or service area.
- h) Design and layout shall meet any requirements for landscaping and screening in the applicable zones and Chapter 25.5: City-wide – Landscaping and Screening.
- i) All parking space, cycle space, loading spaces or manoeuvring areas, (excluding those for residential activities), which are used during the hours of darkness shall be illuminated in accordance with NZS1158.3.1 Lighting of Pedestrian Areas (P11), during the hours of operation of the activity that the areas serve.
- j) Sufficient on-site manoeuvring areas shall be provided to avoid the reversing of vehicles off a site:
 - i. Where any car park has vehicle access to any arterial transport corridor.
 - ii. Where any car parking areas with vehicle access to any transport corridor contains:
 - A. More than five parking spaces, or
 - B. Is located more than 30m from the boundary with the transport corridor.

- k) Vehicles occupying any parking or loading space shall have ready access to a transport corridor at all times, without needing to move any other vehicle occupying other parking or loading spaces.

This rule does not apply to:

- i. Residential units, where instead only one car parking space per unit needs to have access at all times,
 - ii. Loading spaces for offices less than 100m² gross floor area,
 - iii. Staff parking areas, or
 - iv. Where an automated parking stacking system is used.
- l) Where an automated parking stacking system is used, ready access from the system's entrance or exit to a transport corridor and sufficient queuing and manoeuvring area must be maintained at all times, without needing to move any other vehicle occupying other parking or loading spaces.

Note

1. For the purpose of the standards above "automated parking stacking system" means parking facilities that are controlled by a machine that moves and organises the vehicles into an arrangement for storage by means of mechanical stacking or similar method, and where drivers are only required to manoeuvre vehicles on to a pad or into a specific position.
- m) Sufficient on-site manoeuvring areas shall be provided for loading spaces to avoid:
- i. Vehicles needing to reverse off site on to an arterial transport corridor.
 - ii. Vehicles projecting on to the transport corridor whilst loading or unloading.
- n) Where on-site parking is provided, sufficient space shall be provided for vehicle queuing as follows.
- i. For up to and including 30 parking spaces, a minimum on-site queuing length of 6m.
 - ii. For more than 30 parking spaces, the vehicle capacity of the queuing length shall be calculated as $(0.03) \times (\text{number of parking spaces})$. The required vehicle capacity calculated shall be rounded up to the next whole number (i.e. the next whole vehicle) and a queuing length of 6m provided per vehicle.
 - iii. The required queuing length shall be measured from the transport corridor boundary at the vehicle entrance of the site, to the nearest vehicle control point on the site.
 - iv. For the purpose of assessment, where more than one vehicle crossing is provided to a site, the required queuing length may be assessed for each access point individually, with each parking space allocated to the nearest usable entry vehicle crossing.

Provided that Rule 24.14.4.2 n) shall not apply to Residential Activities and Structures in the Residential or Special Character Zones.

- o) Visitor cycle parking spaces shall be located within 30m of public entrances for the activity.
- p) Staff cycle parking spaces shall be located so it may be easily accessed by regular users of the activity and may be provided off-site.

- q) The design of cycle parking spaces shall meet the following requirements.
- i. All cycle parking is adequately spaced to allow a cyclist to manoeuvre and attach a cycle to each stand.
 - ii. Visitor cycle parking shall consist of stands that:
 - A. Are securely attached to an immovable object such as a wall or ground.
 - B. Support the bicycle frame.
 - C. Are clearly visible or signposted to cyclists entering the site.
 - D. Are able to be detected by the visually impaired when in publicly accessible areas so as to not create a safety hazard.
 - iii. Staff cycle parking shall consist of a stand or enclosed space that:
 - A. Allows the bicycle to be secured.
 - B. Is undercover or otherwise protected from inclement weather.

Note

1. Acceptable means of compliance for the design of cycle parking spaces is contained within the Hamilton City Infrastructure Technical Specifications.

25.14.4.3 Integrated Transport Assessment Requirements

Any activity that requires an ITA under this rule is also subject to Rule 25.14.3a).

Trip Generation Triggers

- a) A Simple or Broad Integrated Transport Assessment (ITA) shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds.

Activity	Trip Generation of Activity (vpd = vehicles per day) ¹						
	All areas other than Sensitive Transport Network			Sensitive Transport Network			All Areas
	LOW <100 vpd	MEDIUM 100 - 499 vpd	HIGH 500 - 1499 vpd	LOW <100 vpd	MEDIUM 100 - 249 vpd	HIGH 250 - 1499 vpd	SIGNIFICANT >1500 vpd
Any permitted activity in the relevant zone	-	-	Simple ITA required	-		Simple ITA required	Broad ITA required
Any restricted discretionary activity in the relevant zone	-	Simple ITA required	Broad ITA required	-	Simple ITA required	Broad ITA required	Broad ITA required
Any activity in the Central City Zone, excluding the Downtown Precinct	-	-	-	-	-	-	Broad ITA required

Activity	Trip Generation of Activity (vpd = vehicles per day) ¹						
	All areas other than Sensitive Transport Network			Sensitive Transport Network			All Areas
	LOW <100 vpd	MEDIUM 100 - 499 vpd	HIGH 500 - 1499 vpd	LOW <100 vpd	MEDIUM 100 - 249 vpd	HIGH 250 - 1499 vpd	SIGNIFICANT >1500 vpd
Any activity in the Downtown Precinct of the Central City Zone							Downtown Precinct ITA required

¹ Table 15-3d of Volume 2, Appendix 15-3 contains guidance for converting vehicles per day into other units of measures. This can be used for screening proposals to identify whether an ITA is required or not.

Existing Vehicle Access Triggers

- b) For existing vehicle accesses to a strategic network or major arterial transport corridor, or where it takes access across an existing railway level crossing:
- A Broad ITA shall be prepared for any restricted discretionary activity in the relevant zone (including subdivision), or
 - A Simple ITA shall be prepared for any permitted activity in the relevant zone, that increases the use of the vehicle access by more than 100 vehicles per day.
- This standard shall not apply if the relevant road controlling authority or Kiwirail (in the case of railway level crossings) provides written confirmation that an ITA is unnecessary.

Specific Activity Triggers

- c) A Broad ITA shall be prepared for new:
- Schools.
 - Hospitals.
 - Transport depots (goods).
 - Drive-through services.
 - Emergency service facilities (with traffic control signals controlling access).
 - Transport corridor.
- d) A Simple ITA shall be prepared for new:
- Emergency service facilities (without traffic control signals controlling access).

Area Specific Triggers

- e) i) A Broad ITA shall be prepared for any new activity within the 'Area A' identified in Volume 2, Appendix 15-8, Figure 15-8a, which exceeds the following traffic generation rate based on gross site area.
- 14.1 trips/hectare/morning peak hour, or
 - 15 trips/hectare/afternoon peak hour

Note

1. Every inward or outward movement from the site shall be counted as an individual trip.
 2. The trip rates specified are those as they related to the peak hour of the road network, between the hours of 0700-0900 and 1600-1800 Monday to Friday and 1100-1300 on Saturday.
 3. Gross site area includes any land to be vested as public road, open space, or other public purpose; any entrance strip with a width of 6m or less, any right of way, any private way or access lot; or any other land that is unable to be developed as part of an industrial site on a permanent basis.
- e) ii) A Broad ITA shall be prepared for subdivision creating any additional lots, and/or any new development which generates greater than 100vpd, within 'Area B' identified in Volume 2, Appendix 15-8, Figure 15-8a.

In addition to the Broad ITA content specified in 25.14.4.3 k) the assessment shall include but not be limited to, specific consideration of demand, levels of service, and options for mitigation at the following intersections as identified on Figure 15-8b in Volume 2, Appendix 15-8:

1. Te Kowhai Road/Te Rapa Road
2. Base Parade/Te Rapa Road
3. Wairere Drive/Te Rapa Road
4. Te Wetini Drive/Arthur Porter Drive/Wairere Drive/ramps to and from Mangaharakeke Drive
5. Foreman Road/Mangaharakeke Drive
6. Crawford Street/Mangaharakeke Drive/Avalon Drive roundabout
7. Avalon Drive (through road)/Avalon Drive (Connection to Rotokauri Road)

The purpose of mitigation is to ensure the safe and efficient operation of the transport network, and to maintain the desirable levels of service as follows:

- i) An average delay per vehicle during peak hours on the approaches to intersections of no greater than:
 - a. 55 seconds for the strategic network, major and minor arterial transport corridors;
 - b. 80 seconds for all other transport corridors.
 - ii) On the strategic network, major and minor arterial transport corridors during peak hours:
 - a. Average vehicle speeds between intersections restricted to no less than 90 percent of the posted speed limit;
 - b. Average vehicle speeds, including intersections, constrained to no less than 18km/h;
 - iii) Unless demonstrated otherwise with site specific data, peak periods are taken to be 7am to 9am and 4pm to 6pm Monday to Friday.
- f) A Broad ITA shall be prepared for any new managed care facilities; retirement villages; rest homes; and visitor accommodation activity on the defined site shown on Figure 15-8c in Volume 2, Appendix 15-8, where the traffic generation from all activities on the defined site exceed:

- i. 989 trips in the morning peak hour, or
- ii. 1,386 trips in the afternoon peak hour.

Note

- 1. Every inward or outward movement from the site shall be counted as an individual trip.
- 2. The trip rates specified are those as they related to the peak hour of the road network, between the hours of 1600-1800 Monday to Friday.

New Vehicle Access Triggers

- g) A Broad ITA shall be prepared for any activities requiring a new vehicle access to a transport corridor.
 - i. That is part of the strategic network,
 - ii. That is identified as a major arterial transport corridor,
 - iii. From any site within the Major Facilities Zone (excluding the Thoroughbred Business Park),
 - iv. From the University of Waikato (Knowledge Zone),
 - v. That is identified as an active frontage in the Central City Zone (refer to Volume 2, Appendix 5, Figure 5-7 Active Frontages Overlay Plan), or
 - vi. From any site within the Central City Zone, other than from dedicated service lanes or public parking buildings or lots.

The assessment required by this rule may be reduced to a Simple ITA or removed if there is no internal connection possible to other entrances and the relevant Road Controlling Authority provides written confirmation that a Broad ITA is not appropriate. The trigger thresholds in Rule 25.14.4.3a) can provide guidance on the level of assessment necessary based on location and intensity of use.

- h) A Broad ITA shall be prepared for any subdivision, use or development requiring a new railway level crossing access.

Exceptions

- i) Rules 25.14.4.3 a) to e) do not apply to:
 - i. Events and Temporary Activities (see Chapter 25.3: City-wide – Events and Temporary Activities) where a Transport Management Plan is required.
 - ii. New activities in a Major Facilities Zone or the University of Waikato (Knowledge Zone) when in accordance with an approved Concept Development Consent (Volume 2, Appendix 1.2.2.16).
 - iii. New activities in accordance with an approved Comprehensive Development Plan (Volume 2, Appendix 1.2.2.8).
 - iv. New activities in the Te Rapa North Industrial Zone when in accordance with an approved Concept Development Consent (Volume 2, Appendix 1.3.2D).
 - v. New activities at the Ruakura Research Centre (Knowledge Zone) and Waikato Innovation Park (Knowledge Zone) when in accordance with an approved Concept Plan.

- j) Rule 25.14.4.3 a) does not apply to activities within an approved Structure Plan Area (Refer Chapter 3 and Appendix 2), except that a Broad ITA shall be prepared for significant (>1,500vpd) traffic generating activities. This exception does not apply to those activities covered by Rule 25.14.4.3h) or Rule 25.14.4.3e) ii) above.

Content

- k) All ITAs shall be completed by suitably qualified professionals and should generally follow the approach and guidelines of New Zealand Transport Agency's "Research Report 422: Integrated Transport Assessment Guidelines, November 2010". Requirements and report format for ITAs are included in Tables 15-3a Simple ITA and 15-3b Broad ITA of Volume 2, Appendix 15-3.

25.14.4.4 Minimum Sight Distances at Railway Level Crossings

- a) New buildings, structures and activities that would obstruct drivers seeing approaching trains shall not be located within the Approach Sight Triangles and Restart Sight Triangles of any Railway Level Crossing.
- b) Approach Sight Triangles shall be measured using the vehicle approach speeds and distances identified in Table 15-4a measured in accordance with Figure 15-4b of Volume 2, Appendix 15-4.
- c) Restart Sight Triangles shall be measured using the distances identified in Table 15-4c measured in accordance with Figure 15-4d of Volume 2, Appendix 15-4.
- d) Rule 25.14.4.4 does not apply to transport infrastructure or signage required to manage traffic at the Railway Level Crossing.

Note

1. Approach Sight Triangle controls ensure sight distances are maintained to ensure transport corridor users are able to see a train and stop before the crossing or to continue at the approach speed and cross the level crossing safely.
2. Restart Sight Triangle controls ensure transport corridor users stopped at level crossing are able to see far enough along the railway line to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train.

25.14.4.5 Height of Structures – Horizontal and Conical Obstacle Limitation Surfaces

- a) No building, mast, tree or other object shall penetrate any of the horizontal and conical obstacle limitation surfaces surrounding Hamilton Airport as shown in Volume 2, Appendix 15-10.

Note

1. The Horizontal Obstacle Limitation Surface is located in a horizontal plane above the main runway with an elevation of 102m Moturiki Datum having its outer limit at a locus of 4000m measured from the periphery of the main strip.
2. The Conical Obstacle Limitation Surface slopes upwards and outwards from the periphery of the Horizontal Surface at a gradient of 1 vertical to 20 horizontal to an elevation of 207m above Moturiki Datum.
3. Where any Resource Consent is required as a result of non-compliance with this rule then consultation with the operator of Hamilton Airport is advised. Evidence of any consultation with and support or comments from the operator of Hamilton Airport should be included in the resource consent application.

25.14.5 Rules – Specific Standards

25.14.5.1 New Transport Corridors

The provisions of the following chapters apply to new transport corridors where relevant.

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

25.14.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3.3)
i. Any activity required to prepare a simple or broad Integrated Transport Assessment by Rule 25.14.4.3*	• G – Transportation
ii. New transport corridors	• G – Transportation

Note

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

25.14.7 Other Resource Consent Information

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

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

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

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

25.15 Urban Design

25.15.1 Purpose

- a) Good quality urban design is fundamental in delivering the Council's Vision for a smart, liveable city which is attractive, well-designed and compact with a strong sense of place. The District Plan is a 'design led' plan which is 'outcome' focused. The consideration of urban design throughout the Plan chapters is required to ensure that urban design principles are applied consistently throughout all zones.
- b) Urban design applies not only to the appearance but also the function and feel of buildings and public spaces including streets. It focuses on public frontages and spaces and addresses elements such as streetscape, walkability, sustainable design, mixed-use development, 'active edges' of building frontages, and people's safety and accessibility.
- c) Quality urban design is recognised as having economic, environmental, cultural and social dimensions (*The Value of Urban Design: The economic, environmental and social benefits of urban design, Ministry for the Environment, 2005*). Good quality design increases economic value, producing higher returns on investment. It can also reduce management and maintenance costs, lead to more productive workplaces, and enhance image and prestige.
- d) Quality urban design assists to enhance environmental, social, cultural and economic wellbeing by establishing urban environments that:
 - i. Are competitive, thrive economically and facilitate creativity and innovation.
 - ii. Provide a choice of housing, work and lifestyle options.
 - iii. Are healthy and assist to sustain people and nature.
 - iv. Are inclusive and offer opportunities for all citizens.
 - v. Are distinctive and have a strong identity and sense of place.
 - vi. Are well-governed and have a shared vision and sense of direction.
 - vii. Are well connected and accessible for a range of users.
- e) Within some zoning chapters outlined in this plan new buildings are to have matters such as design quality, appearance and amenity considered as controlled or restricted discretionary activities. This is combined with design led assessment criteria which combines international best practice urban design principles with factors considered to be of special importance to the City of Hamilton and its surrounding environments. The design principles identified within the plan also reflect New Zealand's national Urban Design Protocol of which Hamilton City has been a signatory since 2006.
- f) The *City Design Guide VISTA* further outlines Hamilton's expectations for better designed environments – describing how a well-designed place should look, feel and function. The non-regulatory guide highlights key urban design principles considered fundamental to Hamilton's development as a prosperous, memorable and sustainable city.
- g) Objectives, policies, rules and assessment matters within this District Plan, along with other methods adopted by Council, seek to facilitate and encourage

subdivision and development design in a manner that will continually enhance the quality of the City's urban environments. While many urban design matters are responded to directly within the chapters of this District Plan, including specific topic and area based design guidance, this section provides the objectives and policies for those urban design matters that need to be considered throughout Hamilton regardless of the zoning that may apply.

25.15.2 Objectives and Policies: Urban Design

Objective	Policies
25.15.2.1 Urban environments that promote the retention and enhancement of urban amenity values, i.e. pleasantness, aesthetics, coherence, cultural and recreational values.	25.15.2.1a Streetscape quality, public open spaces and pedestrian amenity are improved through appropriate streetscape and built-form which enhances the appearance, functionality, comfort and safety of the pedestrian environment.
	25.15.2.1b Built form and public amenity features, including public art, are encouraged to enhance public awareness of historic and contemporary heritage and culture.
	25.15.2.1c A high standard of internal and external amenity for commercial and community buildings and a high standard of external amenity for residential buildings are provided, including provision of natural ventilation, recreation space, daylight and sunlight access, and adequate living space for residential units.
Explanation	
<i>The pleasantness, aesthetics, coherence, cultural and recreational values of an urban environment can assist to enhance the environmental, social, cultural and economic wellbeing of the community.</i> <i>Through the District Plan, for both controlled and restricted discretionary activities, matters such as design quality, scale, appropriate streetscape, provision of active frontages, articulated facades and safe, legible pedestrian connections will be considered as part of the assessment criteria. Other methods such as area specific design guides, will also be used. Council can facilitate discussion, encourage and provide for design responses that will continually increase these values and the wellbeing of the Hamilton community.</i>	

Objective	Policies
25.15.2.2 Urban environments that promote a positive sense of place and are reflective of the characteristics of the surrounding local environment.	25.15.2.2a Development within residential, business and City living areas is encouraged to promote a sense of human scale.
	25.15.2.2b Development will be expected to respond positively to the character of the area, the scale and proportion of buildings and spaces in which it is situated.
	25.15.2.2c Public and private development is encouraged to provide for attractions or focal points (including 'gateways') that assist in enhancing community identity.
	25.15.2.2d Sympathetic, contemporary design responses to cultural and heritage character within the surrounding local environment is encouraged.
	25.15.2.2e Distinctive architectural styles within identified character areas are retained.
Explanation	
<i>It is important that the positive characteristics of the local urban environment are embraced in future subdivision and development so that the local environment retains its distinctiveness, and from this, its unique sense of place.</i> <i>Through the District Plan and other methods such as the Urban Design Panel, Council can facilitate and encourage design which reflects those positive attributes to enhance the sense of place and local identity.</i>	
Objective	Policies
25.15.2.3 Continued enhancement of public and personal safety throughout the City, by reducing opportunities for crime to occur.	25.15.2.3a The assessment of and appropriate responses to Crime Prevention Through Environmental Design (CPTED) principles is required within subdivision and development proposals, to reduce threats to personal safety and security and to promote the delivery or development of environments where people feel safe.
	25.15.2.3b The concepts and philosophy of CPTED are included in the Council's design, planning, management and use of public space and community facilities.

Explanation	
<i>Public and personal safety is essential to develop and sustain an inclusive City in which all ages and genders can feel comfortable. The use of CPTED principles in subdivision and development proposals such as the provision of linkages, accessibility in subdivision design and active surveillance, will assist in creating and maintaining such a city.</i>	
Objective	Policies
25.15.2.4 Subdivision and development which is well connected, legible and promotes sustainable energy use.	25.15.2.4a Subdivision and development design responds positively to local amenity and character values and promote use of renewable energy sources.
	25.15.2.4b Subdivision and development patterns through good through site linkages and consideration of site context promote walking, cycling and other active modes of transport.
Explanation	
<i>Sustainable energy use in subdivision and development has positive impacts on people economically, socially and culturally, as well as benefitting the natural environment. Through the District Plan and other methods Council can encourage subdivision and development which promotes sustainable energy use, either through the design and orientation of buildings, windows and open space, provision of through-site links for pedestrians and cyclists, or on-site water conservation measures.</i>	
Objective	Policies
25.15.2.5 Urban environments that integrate land use with transport planning to provide permeable, highly connected and sustainable transport networks.	25.15.2.5a Activities that are well located in respect of travel demand promote an efficient transport hierarchy and compact City around key nodes and circulation networks.
	25.15.2.5b Development promotes connectivity and accessibility with pedestrian routes, cycleways, public reserves and green corridors.
Explanation	
<i>Integrating land use in subdivision and development design has positive impacts on people economically, socially and culturally, as well as benefitting the natural environment. Through the District Plan and other methods Council can encourage an integrated approach to land use and transport planning which promotes sustainable travel patterns and energy use, either through integration of existing circulation networks including transport corridors, cycleways, public reserves and green corridors or a highly connected and permeable road hierarchy.</i>	

25.15.3 Other Resource Consent Information

Refer to Volume 2, Appendix 1: District Plan Administration for the following urban design criteria and guidance.

- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides



26 Designations

26.1 Purpose

- a) The District Plan makes provision for designations in accordance with Sections 168 and 420 of the Act to give effect to notices of requirement made by Requiring Authorities.
- b) Designations allow Requiring Authorities to plan for network utilities and public works in relation to specific areas of land. Organisations that are Requiring Authorities are able to apply and use designations. The following organisations have status as Requiring Authorities.
 - i. A Minister of the Crown.
 - ii. A Local Authority.
 - iii. A network utility operator approved as a Requiring Authority under Section 167 of the Act.
- c) Status as a Requiring Authority provides the power to require land, including private land, to be set aside for designated activities for which works can be undertaken and for which the Requiring Authority is financially responsible.
- d) As set out in section 176 of the Act, a designation has two main purposes.
 - i. Firstly, the Requiring Authority responsible for the designation may do anything that is in accordance with the designation. These rights over-ride District Plan provisions, meaning that Requiring Authorities do not need to obtain land-use consents in accordance with District Plan rules as long as the proposed works are in accordance with the purpose of the designation.
 - ii. Secondly, a designation protects the land for the Requiring Authority. Other people may not, without the written approval of the Requiring Authority, do anything in relation to the designated land that would prevent or hinder the project or work to which the designation relates.
- e) All designated land has an underlying zoning which applies when a designation is removed or for works not covered by the designation.

26.2 Use of Designated Land

- a) Unless a longer period has been specifically identified, designations for works that have not been given effect to lapse after five years.
- b) Works within a designation require an Outline Plan to be submitted to Council in accordance with section 176A of the Act before construction begins.
- c) Council may waive the requirement for an Outline Plan in the following circumstances.
 - i. Where a plan has been received, and any additional work is clearly of a minor scale and ancillary to the designated work.

- ii. Where there is no completed work, or where no Outline Plan has been received, a waiver may be granted where:
 1. The work achieves compliance with all relevant rules in Chapter 25: City-wide.
 2. The work is not within a:
 - High Flood Hazard Area
 - Medium Flood Hazard Area
 - Low Flood Hazard Area
 - Temple View Flood Hazard Area
 - Culvert Block Flood Hazard Area
 - Waikato Riverbank and Gully Hazard Area
 3. The work does not affect any Historic Heritage Site in schedules 8A or 8B of Volume 2, Appendix 8, any site within the Special Heritage Zone or any Significant Natural Area or Significant Tree in schedules 9C or 9D of Volume 2, Appendix 9.
 4. The work is not within 10m of any site zoned Residential, Special Character, Future Urban or Natural Open Space Zone.
 5. The planned structure is less than 5m in height and has a gross floor area no greater than 100m².
 6. The work does not require physical access to a major arterial transport corridor.

26.3 Schedule of Designations

- a) Designations that exist within Hamilton are listed below, and are identified on the Planning Maps with a letter and number. For example “B45” on the Planning Maps corresponds with row B45 in the table below, which contains information about that designation.
- b) The following organisations are Requiring Authorities that have designations in this District Plan.

Designation Identifier	Requiring Authority
A	Hamilton City Council
B	Minister of Education
C	Minister of Justice
D	Minister of Police
E	New Zealand Transport Agency
F	KiwiRail Holdings Limited (KiwiRail)
G	Telecom New Zealand Limited
H	Chorus New Zealand Limited

I	Chorus New Zealand Limited/Telecom New Zealand Limited
J	Transpower New Zealand Limited
K	WEL Networks Limited

Note

1. A designation does not exempt a Requiring Authority from first obtaining an authority from the New Zealand Historic Places Trust if an archaeological site is to be destroyed, damaged or modified.

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
F1	Railway	KiwiRail Holdings Limited (KiwiRail)	Railway purposes	See Planning Maps	Land identified on Planning Maps		Rollover	6, 14, 15,16, 25, 34, 35, 37, 38, 39, 43, 44, 45, 54
F1a	Railway	KiwiRail Holdings Limited (KiwiRail)	Railway purposes	See Planning Maps	Land identified on Planning Maps		Rollover (from WDC Designation L1)	6, 38, 39, 40
B2	Aberdeen School (Aberdeen Drive)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 1 DPS 14452 and Pt Lot 1 DPS 13438		Rollover	42
B3	Bankwood School (Bankwood Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 23 DP 4296		Rollover	27, 28
B4	Crawshaw School (Crawshaw Drive)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 30 DPS 41801		Rollover	33, 34
B5	Deanwell School (Deanwell Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 3 DPS 7385 (SO 44867) Pt Lot 3 DPS 7385 (SO 43212) Pt Lot 3 DPS 7385 (SO 44867)		Rollover	61
B6	Fairfield School (Clarkin Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Lots 1 & 3 DPS 2417		Rollover	28
B7	Forest Lake School (Storey Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 40 and Pt Lot 35 DP 15615 and Pt Lot 35 DP 15615		Rollover	35
B8	Frankton School (Massey Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Lots 18, 19, and Pt Lots 20 & 26 Allot 360 Te Rapa Parish, Pt Allot 360 Te Rapa Parish		Rollover	43

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
B9	Glenview School (Bruce Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities & General Residential	Lot 2 DPS 11294 and Pt Lot 5 DP 22658		Rollover	55
B10	Hamilton East School (Dawson Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 1 DP 36275 and Pt Lot 1 DP 27756 Lot 3 DPS 2862 and Allot 406 Town of Hamilton East		Rollover	45
B11	Hamilton North Special School (Warwick Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Sec 2 SO 57472		Rollover	26
B12	Hamilton West School (Fow Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Allot 61 and Pt Allot 51 & 52 Hamilton West Town Belt		Rollover	45
B13	Hillcrest Normal School (Cambridge Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lots 1 & 2 DP 16692, Lot 13 DP 32103, Pt Lot 9 DP 13822, Pt Allot 254 Parish of Kirikiriroa Lot 1 DPS 68601, Lot 7 DPS 6747 and Lot 12 DPS 6747		Modified (addition of Lot 7 DPS 6747 and Lot 12 DPS 6747)	57, 58
B14	Hukanui School (Pickering Crescent)	Ministry of Education	Education (see Note 1)	Community Facilities, Natural Open Space & General Residential	Lot 47, 48, 49 and 60 DPS 13852		Modified (addition of Lots Lot 47, 48, 49 DPS 13852)	19
B15	Insoll Avenue School (Insoll Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 1 DP 7282		Rollover	29
B16	Knighton Normal School (Knighton Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Lots 1, 2, 3, 4, 5 & 6 DPS 1093 and Pt Lots 4, 5 & 6 DP 25745		Rollover	47
B17	Melville School (Ohaupo Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 2 DP 15903, Pt Lot 4 DP 15933, Pt Lot 6 DP 16443 and Sec 1 SO 61491		Rollover	55

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
B18	Nawton School (Livingstone Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Allot 78 & 79 Pukete Parish		Rollover	34
B19	Patricia Avenue Special School (Patricia Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities & General Residential	Lots 1, 5 & 6 DPS 9544 and Lots 18 & 19 DPS 7361		Rollover	46
B20	Pukete School (Pukete Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Allot 25 Pukete Parish, and Lots 7 & 8 DPS 22372		Modified (addition of Lots 7 & 8 DPS 22372)	16
B21	Rhode Street School (Rhode Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Allot 364 Te Rapa Parish		Rollover	43
B22	Richmond Park School (Bader Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 102 DP 5779		Rollover	55, 56
B23	Silverdale Normal School (Silverdale Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 89 DP 7936		Rollover	48
B24	St Andrews Middle School (Heath Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Sec 1 SO 57472		Rollover	26
B25	Rototuna School (Strathmore Drive)	Ministry of Education	Education (see Note 1)	Community Facilities	Sec 1 SO 308480, Lot 2 DP 309397, Lot 65 DPS 90889, Lot 40 DPS 90889 and Pt Sec 1 SO 358211		Modified (addition of Pt Sec 1 SO 358211) (conditions)	11,19
B26	Te Rapa School (Ashurst Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 29 DPS 50813		Rollover	16
B27	Vardon School (Cunningham Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 146 DPS 4701		Rollover	26
B28	Whitiara School (Willoughby Street)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 1 DP 13219, Allot 197, 198, 206 207 & 209 Town of Hamilton West		Rollover	36
B29	Woodstock School (Fairfield Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 1 DP 36258 and Lots 15 & 16 DPS 1298		Rollover	36

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
B30	Berkley Normal Middle School (Berkley Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 40 DPS 1115		Rollover	48, 58
B31	Fairfield Intermediate School (Clarkin Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 5 & 6 DP 11935, Lot 18 DP 9652 and Lot 7 DP 11935		Rollover	28
B32	Maeroa Intermediate School (Churchill Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 99 DP 3882		Rollover	35, 36
B33	Melville Intermediate School (Mount View Road)	Ministry of Education	Education (see Note 1)	Community Facilities & General Residential	Pt Allot 28 & 29 Te Rapa Parish, Pt Allot 29 Te Rapa Parish and Lot 51 DPS 89544		Modified (addition of Lot 51 DPS 89544)	55
B34	Peachgrove Intermediate School (Peachgrove Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Section 436 Town of Hamilton East		Rollover	38, 46
B35	Fairfield College (Bankwood Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 1 DP 29376, Lot 2 DP 12123, Lots 13 & 14 DP 4296, Lot 20 DPS 10611, Lots 1, 2 & 3 DP 10611 and Closed Road SO 45562		Rollover	27, 28
B36	Hamilton's Fraser High School (Ellicot Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 2 DPS 9641, Pt Lots 43-45, 55-67 & 69-70 DP 12268 Pt Allot 79 SO 45646, & Closed Road SO 44332		Rollover	34, 42
B37	Hamilton Boys High School (Peachgrove Road)	Ministry of Education	Education (see Note 1)	Community Facilities & Natural Open Space	Lots 6, 7 & 8 DP 1258 and Sec 1 SO Plan 314016		Rollover	46

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
B38	Hamilton Girls High School (Tristram Street)	Ministry of Education	Education (see Note 1)	Neighbourhood Open Space	Pt Allot 11, 13a, & 14a Hamilton West Town Belt, Allot 12, 13 & 14 Hamilton West Town Belt		Rollover	44, 45
B39	Hillcrest High School (Masters Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Lots 4 & 5 DP 4568		Rollover	48
B40	Melville High School (Collins Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Lots 68, 94 & 101 DPS 6730, Lot 2 DPS 76299 and Lot 1 DPS 76299.		Rollover	54, 55
B41	5 Endeavour Ave (Endeavour Ave)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 1 DPS 43012		Rollover	17
B42	Proposed School (Endeavour Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Lot 1 DPS 56186 and Lot 152 DPS 56185		New	9
B43	Nga Taiatea Wharekura (Rotokauri Road)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Lot 4 DPS 15678		Rollover	24, 25, 33, 34
B44	Te Ara Rima (Fifth Avenue)	Ministry of Education	Education (see Note 1)	Community Facilities	Pt Allot 190 Kirikiriroa Parish, Pt Lot 3 DPS 2371, Lot 1 DPS 6818 and Lots 6, 7, 8 & 9 DPS 2371		Rollover	38
D45	Community Policing Centre (Whatawhata Rd)	New Zealand Police	Police purposes	Business 5 Zone – Suburban Centre	Lot 3 DPS 3841 and Lot 1 DPS 78291		Rollover	42
D46	Police Headquarters (Bridge Street)	New Zealand Police	Police purposes	Residential Intensification & Central City Precinct 3 – Ferrybank Precinct	Allot 69 Town of Hamilton West SO 43234 and Lot 3 DP 34518		Rollover	45
D47	Community Policing Centre (Clyde Street)	New Zealand Police	Police purposes	Community Facilities	Lot 1 DPS 78719		Rollover	47
K48	Avalon Drive Substation	WEL Networks	Electricity Substation	Industrial	Lot 1 DPS 56443 CFR SA45D/280		Rollover	34

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
C49	Hamilton Courthouse (Corner of Anglesea and Bridge Streets)	Ministry of Justice	Courthouse	Central City Precinct 3 – Ferrybank Precinct	Block II Hamilton SD Pt Allot 407 and 407B Town of Hamilton West		Rollover	45
K50	Peacocke Substation	WEL Networks	Electricity Substation	General Residential	Lot 1 DPS 12767 CFR SA10A/805		Rollover	56
H51	Brymer Exchange (Newcastle Road)	Chorus New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	General Residential	Lot 1 DPS 8723 and Lot 2 DPS 69688		Modified (conditions)	41
H52	Claudlands Exchange (Heaphy Terrace)	Chorus New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	General Residential	Lot 1 and Pt Lot 3 DP 31996		Modified (conditions)	37
G53	Hamilton Exchange (Corner Caro and Anglesea Streets)	Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Central City Precinct 1 – Downtown Precinct	Lots 18, 19, 20 and 21 DP 30210		Modified (conditions)	45
H54	Hamilton East Exchange (Galloway Street)	Chorus New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Special Character Zone - Special Residential	Lot 5 DP 12817		Modified (conditions)	46
I55	Melville Exchange (Ohaupo Road)	Chorus New Zealand Limited and Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	General Residential	Lot 5 DPS 9056		Modified (conditions)	62
I56	Te Rapa Exchange (SH1)	Chorus New Zealand Limited and Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Industrial	Pt Lot 5 DPS 192		Modified (conditions)	26

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
I57	Frankton Exchange (Kent Street)	Chorus New Zealand Limited and Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	Industrial	Lots 10, 11, 12 and Part Lot 19 DP 26861		Modified (conditions)	43, 44
I58	Hamilton Microwave Station (Newcastle Road)	Chorus New Zealand Limited and Telecom New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	General Residential	Lot 2 DP 368450		Modified (conditions)	41
H59	Flagstaff Exchange (Commodore Avenue)	Chorus New Zealand Limited	Telecommunication and Radiocommunication and ancillary purposes	General Residential	Lot 4 DPS 60215 and Lot 3 DPS 63323		Modified (conditions)	17
A60	Water Treatment Station (Peacocks Road)	Hamilton City Council	Water treatment and supply	Neighbourhood Open Space & Natural Open Space	Part of Lot 3 DPS 79836 and Lot 4 DPS 79836		Rollover	56
A61	Water Reservoir (Pohutakawa Drive)	Hamilton City Council	Water storage and supply	General Residential	Pt Lot 1 DP 13906, Pt Lot 2 DP 10146 and Pt Lot 3 DPS 20943		Rollover	16
A62	Water Reservoir (Crosby Road)	Hamilton City Council	Water storage and supply	Sport and Recreation Open Space	Lot 2 DPS 35373		Rollover	28, 29
A63	Water Reservoir (Newcastle Road)	Hamilton City Council	Water storage and supply	General Residential	Lot 1 DPS 59877		Rollover	42
A64	Water Reservoir (Newcastle Road)	Hamilton City Council	Water storage and supply	General Residential	Lot 1 DPS 10034		Rollover	41
A65	Water Reservoir (Cambridge Road)	Hamilton City Council	Water storage and supply	Sport and Recreation Open Space	Lot 2 DP 36078		Rollover	47
A66	Water Reservoir (Forest Lake Road)	Hamilton City Council	Water storage and supply	General Residential	Pt Allot 84 Pukete Parish		Rollover	35
A67	Water Reservoir (Ruakiwi Road)	Hamilton City Council	Water storage and supply	Destination Open Space	Lot 2 DP 16167		Rollover	45

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
A68	Hamilton Wastewater Treatment Plant (Pukete Road)	Hamilton City Council	Wastewater Treatment Purposes	Neighbourhood Open Space & Transport Corridor	Lot 2 DPS 57192 and Part of SO 26084 (road reserve)	Term of plan	Rollover	7, 8, 15
A69	Hamilton Wastewater Treatment Buffer (Pukete Road)	Hamilton City Council	Wastewater Treatment Buffer	Sport and Recreation Open Space, Natural Open Space & Transport Corridor	Lots 1-3 DPS 1063, Lot 1 DPS 5856, Lots 1 and 2 DPS 8141, Lots 1-5 DPS 8646, Part of Lot 1 DPS 57192, Part Allotment 4 SO 344 Pukete Parish, Allotments 4A and 4B SO 1555 Pukete Parish	Term of plan	Rollover	7, 8, 15, 16
A70	N1 Arterial (North)	Hamilton City Council	Limited Access Road	Transport Corridor & Rototuna Town Centre	Land indicated on Planning Maps	November 2001 for 20 years	Rollover	9
A71	N1 Arterial (South)	Hamilton City Council	Limited Access Road	Transport Corridor	Land indicated on Planning Maps	Term of plan	Rollover	9, 17, 18
A72	R1 Arterial	Hamilton City Council	Limited Access Road	See Planning Maps	Land indicated on Planning Maps	Term of plan	Rollover	17, 18, 19, 20, 28, 29
A73	Hall Street/Mill Street extension and widening	Hamilton City Council	Limited Access Road and Road Widening	See Planning Maps	Land indicated on Planning Maps		Rollover	36, 44
K74	Claudlands Substation (Grey Street)	WEL Networks	Electricity Substation	Business 6 Zone – Neighbourhood Centre	Lot 1 DP 15048 CFR SA610/293, Lots 2-3 DP 15048 CFR SA1017/195, Lot 2 DP 3726 CFR SA241/45		Rollover	37
K75	Latham Court Substation	WEL Networks	Electricity Substation	Industrial	Pt Lot 8 DPS 24057 CFR SA36C/282		Rollover	53
E76	Proposed Limited Access Road (Crawford Street)	New Zealand Transport Agency	(See Note 2)	Transport Corridor	Land indicated on Planning Maps		Rollover	34

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
E77	Limited Access Road (Crawford Street to Forest Lake Road)	New Zealand Transport Agency	(See Note 2)	Transport Corridor	Land indicated on Planning Maps		Rollover	34
E78	Limited Access Road (To Forest Lake Road)	New Zealand Transport Agency	(See Note 2)	Transport Corridor	Land indicated on Planning Maps		Rollover	34, 35
J79	Electricity Substation (Ruakura Road)	Transpower New Zealand	Electricity Substation	Industrial	Allotment 421 and Part Allotments 223A, 304 and 480 Parish of Kirikiriroa		Rollover	38
B80	Rotokauri School (Rotokauri Road)	Ministry of Education	Education (see Note 1)	Future Urban	Pt Allotment 107 Pukete Parish and Pt Lot 1 DPS 5074		Rollover	32
E81	State Highway 1	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps		Rollover	7, 15, 16, 24, 25, 34, 35, 43, 44, 53, 54, 55, 56, 57, 58
E81a	State Highway 1	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps		Rollover (from WDC Designation J16)	1
E82	State Highway 3	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps		Rollover	55, 62, 63, 66
E83	State Highway 23	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps		Rollover	41, 42, 43
E84	State Highway 26	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps		Rollover	48, 58
E85	Road/Road Closure (Ruffell Road) and Road widening (Te Rapa Road)	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps and Volume 2, Appendix 16, Figure 16-1		Rollover	7, 15
E86	Proposed Road Widenings (Te Rapa Road/Ann Michelle Street)	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps and Volume 2, Appendix 16, Figure 16-2		Rollover	15

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
E87	Road Widening (Te Rapa Road/Te Kowhai Road)	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps and Volume 2, Appendix 16, Figure 16-3		Rollover	15
K88	Kent Street Substation	WEL Networks	Electricity Substation	Industrial	Pt Allot 1 Te Rapa Parish CFR SA533/188		Rollover	44
A89	Te Manatu Reserve (North of Thomas Road)	Hamilton City Council	Recreation Reserve	Sport and Recreation Open Space, Natural Open Space & Transport Corridor	Sec 1 & 2 SO 432209 and Sec 2 SO 361593	April 2004 for 10 years	Rollover	11
E90	Hamilton Bypass	New Zealand Transport Agency	(See Note 2)	General Residential	Land indicated on Planning Maps	November 2004 for 10 years	Rollover	3, 4, 10, 11
E90a	Hamilton Bypass	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps	November 2004 for 10 years	Rollover (from WDC Designation J17)	11, 20, 21, 30, 31, 39, 40, 47, 48, 49
E91	State Highway 1: Avalon Drive Bypass	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps	Term of plan	Modified	25, 34, 35, 43
A92	Borman Road extension	Hamilton City Council	Road	See Planning Maps	Land indicated on Planning Maps	Term of plan	Rollover	8, 9, 10, 11
A93	Proposed Road Widening (River Road)	Hamilton City Council	Road Widening	See Planning Maps	Land indicated on Planning Maps	Term of plan	Rollover	8, 16
K94	Tasman Road Substation	WEL Networks	Electricity Substation	Industrial	Lot 1 DPS 56891		Rollover	15
E95	SH1-SH3 Intersection (Kahikatea Drive/Lorne Street/Ohaupo Road)	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps		Rollover	54, 55
B96	Te Totara School (Hector Drive)	Ministry of Education	Education (see Note 1)	Community Facilities	Sec 6 SO 496491		Rollover	10
A97	Eastern Arterial	Hamilton City Council	Road	See Planning Maps	Land indicated on Planning Maps		Rollover	29, 38, 46, 47, 57

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
A97a	Eastern Arterial	Hamilton City Council	Road	Transport Corridor	Land indicated on Planning Maps		Rollover (from WDC Designation E5)	38
K98	Borman Road Substation	WEL Networks	Electricity Substation	General Residential	Lot 1 DP 385145		Modified (amended legal description and amended physical boundaries of the site)	9
E99	Te Rapa Bypass	New Zealand Transport Agency	(See Note 2)	See Planning Maps	Land indicated on Planning Maps	May 2010 for 15 years	Rollover	14, 15, 24, 25, 34
E99a	Te Rapa Bypass/Waika to Expressway		(See Note 2)	See Planning Maps	Land indicated on Planning Maps	May 2010 for 15 years	Rollover (from WDC Designation J20)	1, 6, 14
K100	Cobham Drive Substation	WEL Networks	Electricity Substation	Residential Intensification	Pt Allot 279 Town of Hamilton West		Rollover	45
A101	Ruakura Road widening and Ruakura/Peac hgrove Roads intersection upgrade	Hamilton City Council	Road widening and intersection upgrade	See Planning Maps	Land indicated on Planning Maps	January 2011 for 10 years	Rollover	38
B102	Rototuna Secondary School	Ministry of Education	Education (see Note 1)	Community Facilities	Sec 17 – 19, 25, 27, 28 & 30 SO 482900	November 2011 for 5 years	Rollover	3, 4, 9, 10
K103	Sandwich Road Substation	WEL Networks	Electricity Substation	General Residential	Lot 33 DPS 11797 & Lot 43 DPS 9102		Rollover	26
K104	Bryce Street Substation	WEL Networks	Electricity Substation	Neighbourhood Open Space	Part Allot 10 Hamilton West Town Belt	-	-	44
K105	Chartwell Substation	WEL Networks	Electricity Substation	Transport Corridor	Sec 1 SO 60397	-	-	19
A106	Southern Links	Hamilton City Council	Road	See Planning Maps	Land indicated on Planning Maps	2015 for 20 Years	-	56, 57, 63, 64, 67
E107	Southern Links	New Zealand Transport Agency	(See Note 2)	Industrial & Transport Corridor	Land indicated on Planning Maps	2015 for 20 Years	-	53
K108	Killarney Road Switching Station	WEL Networks	Electricity Switching Station	Industrial	Pt Lot 1 DP 15639	-	-	43

Ref No.	Facility/ Location	Requiring Authority	Purpose	Underlying Zoning	Legal Description	Timeframe (Date RA confirmed Designation/ Years)	Status (rollover, modified or new)	Map reference
K109	Massey Street Switching Station	WEL Networks	Electricity Switching Station	General Residential	Lot 3 DP 16833	-	-	43
B110	Sylvester School and Early Childhood Centre	Ministry of Education	Education (see Note 1)	Medium Density Residential	Lot 1 DP 472980	February 2016 for 5 years	-	8

Note

1. 'Education' purposes means for the purpose of the above Ministry of Education designations: Includes the provision of instruction and training and may include such uses as early childhood education services, schools, community education, tertiary education institutions, work skills training centres, outdoor education centres, sport training establishments and out of school care services and includes their ancillary administrative and support facilities (including cultural, recreational, communal or accommodation).
2. New Zealand Transport Agency purpose: To manage the State highway system, including planning, funding, design, supervision, construction, and maintenance and operations, and improvements in accordance with the Land Transport Act 2003 and the Government Roadway Powers Act 1989.