

# Section 57 – Residential Zone

## 57.1 Zone Description

The Residential Zone contains the majority of dwellings within the District. Most dwellings are low-rise detached dwellings and semi-detached dwellings on individual titles, though some other activities also occur that are consistent with the residential character of the Zone.

## 57.2 Zone Purpose

The Residential Zone preserves the settlements' residential neighbourhood character. It ensures that the character, built form, visual and aesthetic amenity of the Zone is maintained. Non-residential activities such as dairies, community facilities and produce stalls may be provided for if they are consistent with and complement the dwelling activities in the Zone.

## 57.3 Activity Table and User Information

The Activity Table groups activities under broad headings and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

R =	Rule
S =	Section

The zone rules are part of a hierarchy of rules. There may be overlay rules, district-wide rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

Activity Table				
Activity	PER (S 57.4)	RDIS (S 57.5)	DIS (S 57.6)	NC (S 57.7)
<b>Activities Not Provided For</b>				
Activities not provided for in the Plan			R 20	
Activities not provided for in Section 57				R 22
<b>Building Removal</b>				
Demolition	R 11			
Partial demolition	R 11			
Removal	R 11			
<b>Commercial</b>				
Campground	R 2			
Commercial recreation/event facility			R 21	
General commercial		R 15		
Produce stall		R 17		
Restaurant			R 21	
Visitor accommodation	R 1			
<b>Community</b>				
Amateur radio configuration	R 9			
Community facility			R 21	
Emergency service training, military training	R 3			
Festival, event	R 4			
Formal recreation			R 21	
Informal recreation	R 3			
Residential care facility		R 16		
Scientific equipment, navigational aid	R 7			
<b>Earthworks</b>				
Earthworks	R 5			
Earthworks not within a kauri hygiene zone	R 5			
Earthworks within a kauri hygiene zone	R 6			
<b>Noise</b>				
Noise not covered by another rule in Section 57	R 8			
<b>Residential</b>				
Accessory building	R 7			
Comprehensive residential development		R 18		
Home business	R 10			
Minor unit	R 7			
One dwelling per lot	R 12			
Temporary living place	R 13			
Two or more dwellings per lot		R 19		
<b>Water, Wastewater, Stormwater and Solid Waste</b>				
Other water, wastewater, stormwater infrastructure	R 14			

Activity Table				
Activity	PER (S 57.4)	RDIS (S 57.5)	DIS (S 57.6)	NC (S 57.7)
<b>Non-regulatory method</b>				
Measures to prevent the spread of kauri dieback disease	M 1			

**Note:**

1. Works in close proximity to any electricity line can be dangerous. Compliance with the [New Zealand Electrical Code of Practice for Electrical Safe Distances \(NZECP 34:2001\)](#) is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the [Electricity \(Hazards from Trees\) Regulations 2003](#).

## 57.4 Permitted Activities

### Rule 1: Visitor accommodation

1. Visitor accommodation is a permitted activity provided:
  - a) There are no more than 12 tariff-paid visitors staying on-site at any one time; and
  - b) The activity occurs within an existing dwelling, minor unit or accessory building.
2. Visitor accommodation that is not permitted under 1.1 a) and/or b) is a restricted discretionary activity.
3. The Council restricts its discretion to matters 2, 3 and 13 in Table 5 at the end of Section 57.

**Note:**

1. Rules controlling vehicle access, parking and manoeuvring are in [Section 42 Transport](#).
2. An extension to a dwelling, minor unit or accessory building to accommodate visitor accommodation is not provided for under Rule 5.

### Rule 2: Campground

#### For visitor vehicles (e.g. motorhomes and caravans) only:

1. A campground is a permitted activity provided:
  - a) No more than two visitor vehicles used for sleeping are on-site; and
  - b) All visitor vehicles used for sleeping comply with NZS 5465:2001 Self Containment of Motor Caravans and Caravans, and display documentation of this compliance at all times; and
  - c) No buildings are erected.

#### All campground activities:

2. An activity that is not permitted under Rule 2.1 is a discretionary activity.

*Note:*

1. *Rules controlling vehicle access, parking and manoeuvring are in Section 42 Transport.*

**Rule 3: Emergency service training, military training; Informal recreation**

1. An activity listed in Rule 3 is a permitted activity.

**Rule 4: Festival, event**

1. A festival, event, and any noise from it, is a permitted activity provided:
  - a) Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10 pm to 7 am the following day is no louder than 40 dB L<sub>Aeq (15 min)</sub> and 70 dB L<sub>AF max</sub>; and
  - b) It occurs between the hours of 7 am-10 pm Sunday-Thursday and 7 am-12 midnight Friday and Saturday; and
  - c) The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and
  - d) No buildings are erected (under this rule) that remain after the festival, event finishes; and
  - e) It lasts no longer than 12 consecutive hours; and
  - f) There are no more than 150 people on the site.
2. A festival, event that is not permitted under Rule 4.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1–4, 14 and 15 in Table 5 at the end of Section 57.

*Note:*

1. *After 10 pm, the Council may apply excessive noise provisions under sections 326 - 328 of the RMA if noise, particularly electronically amplified noise, is excessive for the location and event.*
2. *The Council recommends event planners contact the Area Manager prior to the festival, event.*
3. *Where a Festival, event has direct access onto or adjoins a State highway, the event organisers should contact the NZ Transport Agency to determine their traffic management requirements.*

**Rule 5: Earthworks; Earthworks not within a kauri hygiene zone**

1. Earthworks not within a kauri hygiene zone are a permitted activity provided:
  - a) They are for flood defence installation, maintenance or removal commissioned by the Waikato Regional Council; or
  - b) They are for drainage works installed below ground level where the ground surface is fully restored and planted within 3 months from when work started; or
  - c) They are for cultivation or gardening; or
  - d) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or
  - e) They are part of a Beachcare activity or other beach and dune restoration activity authorised by the Council or the Waikato Regional Council; or
  - f) They are to establish a building platform, and the earthworks are completed, and covered by a building or stabilised, within 3 months from when work started; or

- g) They are for temporary stream and river gravel extraction and crushing facilities; or
  - h) They meet the following standards:
    - i) The standards in Table 1; and
    - ii) Silt and sediment resulting from the earthworks remain within the site; and
    - iii) Any surplus excavated material is reused on the site or is removed from the site within 3 months from when work started; and
    - iv) The earthworks are stabilised within 3 months from when work started; and
    - v) For fills/cuts to be assessed separately for the purpose of the Table 1 standards, a flat 'terrace' between fills/cuts must have a width perpendicular to the adjoining fill/cut that is more than twice the height of the adjoining fill/cut above the terrace. Otherwise, the earthworks are treated as one fill/cut.
2. Earthworks not within a kauri hygiene zone that are not a permitted activity under Rule 5.1 are a restricted discretionary activity.
3. The Council restricts its discretion for earthworks under Rule 5.2 to matters 1 and 9 in Table 5 at the end of Section 57.

<b>Table 1 - Earthworks Standards</b>		
<b>1.</b>	Maximum area per <u>site</u> per calendar year, where any slope in the area subject to <u>earthworks</u> is > 1:8 gradient	100 m <sup>2</sup>
<b>2.</b>	Maximum area per <u>site</u> per calendar year where 1. above does not apply (i.e. all slopes ≤ 1:8 gradient)	250 m <sup>2</sup>
<b>3.</b>	Maximum volume per <u>site</u> per calendar year, where any slope in the area subject to <u>earthworks</u> is > 1:8 gradient	100 m <sup>3</sup>
<b>4.</b>	Maximum volume per <u>site</u> per calendar year where 3. above does not apply (i.e. all slopes ≤ 1:8 gradient)	250 m <sup>3</sup>
<b>5.</b>	Maximum <u>height</u> of any fill and/or cut	1.5 m
<b>6.</b>	Maximum <u>height</u> of any cut or fill that is retained by a legally established retaining wall	2.5 m
<b>7.</b>	Maximum duration of work within any calendar year	3 months
<b>Minimum Setback Distance of Earthworks</b>		
<b>8.</b>	From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the <b>toe of a fill</b> (without a legally established retaining wall).	Equal to the maximum <u>height</u> of the fill.
<b>9.</b>	From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the <b>toe of a cut</b> (without a legally established retaining wall).	Equal to 1.5 times the maximum depth of the cut (also see 10. below).
<b>10.</b>	From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the <b>crest of a cut</b> (without a legally established retaining wall).	0.3 m (also see 9. above).
<b>11.</b>	From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to <b>top or bottom</b> of a legally established retaining wall supporting a cut or a fill.	Equal to the maximum <u>height</u> of the retaining wall.
<b>12.</b>	From buried Council-owned wastewater, stormwater or water pipe.	The depth of the pipe plus the pipe radius (i.e. a 45° setback zone either side of the pipe).

**Note:**

1. For diagrams illustrating the above setback distances, refer to 'Earthworks' in Section 3 Definitions

## Rule 6: Earthworks within a kauri hygiene zone

1. Earthworks within a kauri hygiene zone are a permitted activity provided they are for gardening that:
  - a) Is within a maximum area surface disturbance of 250m<sup>2</sup> within the kauri hygiene zone; and
  - b) Is no deeper than 300mm below the ground surface; and
  - c) Uses only handheld tools; and
  - d) Avoids disturbance or movement of soil when cutting lawns; and
  - e) When planting uses either:
    - i) sterilised seeds; or
    - ii) cuttings free of soil; or
    - iii) accredited *Phytophthora agathidicida* free plants; or
    - iv) plants within the same kauri hygiene zone with root system less than 300 mm deep; and
  - f) The kauri hygiene zone boundary is readily identifiable; and
  - g) Retains spoil and organic material within the kauri hygiene zone where it cannot enter any waterbody or flow onto adjoining kauri trees; and
  - h) The following hygiene procedures are undertaken:
    - i) All equipment and footwear used is cleaned of all soil and organic material prior to entry into or exit from the kauri hygiene zone; and
    - ii) Where gardening is being undertaken within a kauri hygiene zone and a specific access point(s) is being used, that access point(s) must include a hygiene station where hand-held equipment, clothing and footwear is cleaned immediately before entering into and exiting from a kauri hygiene zone.
  - i) The hygiene station must include the materials specified in Table 6 at the end of Section 57; and
  - j) All hand-held equipment, clothing and footwear must be cleaned of all soil immediately before entry to the kauri hygiene zone. Any soil or organic material removed during this before-entry cleaning must remain outside the kauri hygiene zone; and
  - k) All hand-held equipment, clothing and footwear must be cleaned of all soil immediately before exit from the kauri hygiene zone. Any soil or organic material removed during this before-exit cleaning must remain inside the kauri hygiene zone in a location where it cannot enter any waterbody or flow to any adjoining kauri trees; and
  - l) The only living plant material that can enter a kauri hygiene zone is either sterilised seeds, or accredited *Phytophthora agathidicida* free plants, or plant cuttings free of any soil; and
  - m) A plant (or plants) with a root system less than 300 mm deep may be shifted around within the same kauri hygiene zone.
2. Earthworks within a kauri hygiene zone for the following activities are a controlled activity provided that a Kauri Dieback Disease Risk Management Plan (“management plan”) is prepared in accordance with Rule 6.4 below and submitted with an application for resource consent:
  - a) Installation of fenceposts undertaken with handheld equipment; or
  - b) Drainage works to service a dwelling or minor unit on a single lot; or
  - c) Utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator.
3. The Council reserves its control over matters in the management plan under Rule 6.2 to:
  - a) The extent to which a Kauri Dieback Disease Risk Management Plan is prepared and implemented; and

- b) Monitoring and reporting requirements
- 4. Earthworks within a kauri hygiene zone that are not a permitted activity under Rule 6.1 or a controlled activity under Rule 6.2 are a restricted discretionary activity, provided that:
  - a) A Kauri Dieback Disease Risk Management Plan (“management plan”) is prepared, approved and implemented; and
  - b) The management plan shall include the matters specified in Table 7 at the end of Section 57; and
  - c) A report must be submitted annually to the Council until completion of the consented earthworks using a form provided by the Council, recording all earthworks undertaken in the kauri dieback disease containment zone (including the date, type of equipment and vehicle used, the cleaning procedures followed and the disposal location of all disturbed soil and organic material); and
  - d) The Council will review the annual report and may require amendments to the management plan to ensure the continued effectiveness of the management plan; and
  - e) The consent holder’s annual report shall include any proposed amendment to the management plan. An amendment to the management plan does not take effect until the Council confirms in writing the amendment meets the requirements in Rule 6.4.b) above; and
  - f) Until a final annual report is submitted, up to date records of all earthworks undertaken in the kauri dieback disease containment zone, since the earthworks reported in the most recent annual report submitted to the Council, must be made available to the Council as soon as practicable after a request for them is received.
- 5. The Council restricts its discretion for earthworks under Rule 6.4 to:
  - a) Matters 1 and 9 in Table 5 at the end of Section 57; and
  - b) The extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease; and
  - c) Where cultivation occurs in the kauri hygiene zone:
    - i) The extent of cultivation within the kauri hygiene zone; and
    - ii) Whether monitoring and reporting requirements are included in the Kauri Dieback Disease Risk Management Plan.
- 6. Earthworks that are not a restricted discretionary activity under Rule 6.4 are a discretionary activity.

Note:

1. Also see *Method 1: Measures to prevent the spread of kauri dieback disease at the end of this Section.*
2. [Building Act 2004](#) requirements may be triggered for some earthworks, such as where work is needed because land instability threatens a building and retaining walls.
3. All earthworks must comply with [Heritage New Zealand Pouhere Taonga Act 2014](#) which protects recorded, suspected and unrecorded archaeological sites from destruction, damage and modification.
4. Consent may be required from the Waikato Regional Council. You are advised to check the Waikato Regional Plan prior to starting the earthworks
5. Guidelines to avoid the discharge of earth material are available in: *Erosion and Sediment Control - Guidelines for Soil Disturbing Activities. Waikato Regional Council Technical Report No. 2009/02. January 2009. Available at [www.waikatoregion.govt.nz](http://www.waikatoregion.govt.nz).*

6. *Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) applies to earthworks and the operation of mobile machinery within close proximity to all electric lines.*
7. *See also the Waikato Regional Plan for permitted activity standards and consent requirements relating to gravel extraction.*
8. *Section 330 of the RMA provides for emergency works for preventative or remedial action.*

#### **Rule 7: Accessory building; Minor unit; Scientific equipment, navigational aid**

1. An activity listed in Rule 7 is a permitted activity, provided it meets the standards in Table 4 at the end of Section 57.
2. An activity listed in Rule 7 that is not permitted under Rule 7.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matter 1 in Table 5 at the end of Section 57.

#### *Note:*

1. *An accessory building or minor unit should not be construed as grounds for subdivision as they are not dwellings.*
2. *An accessory building or other structure may need a building consent. Contact the Council to check this.*

#### **Rule 8: Noise not covered by another rule in Section 57**

1. Noise not covered by another rule in Section 57 is a permitted activity provided:
  - a) It is from a temporary site or building maintenance activity between 7 am and 8 pm; or
  - b) It is from emergency service training or emergency response activities; or
  - c) It is from military training; or
  - d) It is from the temporary use of an emergency electricity generator; or
  - e) It is from a temporary construction activity that complies with NZS 6803:1999 Acoustics – Construction noise.
  - f) It meets the noise standards in Table 2.
2. Noise not covered by another rule in Section 57 that is not permitted under Rule 8.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matter 1 in Table 5 at the end of Section 57.

Table 2 – Maximum noise level standards			
Time period	L <sup>Aeq</sup> (15 min)	L <sup>AF max</sup>	Measured at
1. At all times	70 dB	Pedestrian Core Zone only: 70 dB from 10 pm to 7 am the following day	The receiving <u>site</u> at any point within the: <ul style="list-style-type: none"> <li>• <u>Airfield</u> Zone</li> <li>• Commercial Zone</li> <li>• Gateway Zone</li> <li>• <u>Industrial</u> Zone</li> <li>• Light <u>Industrial</u> Zone</li> <li>• Marine Service Zone</li> <li>• Pedestrian Core Zone</li> <li>• Recreation Active Zone</li> <li>• <u>Road</u> Zone</li> </ul>
2. Monday to Saturday 7 am to 10 pm	50 dB	N/A	At any point within the <u>notional boundary</u> of a <u>site</u> within any other zone not listed above
3. Sunday 7 am to 6pm	50 dB	N/A	
4. At all other times	40 dB	65 dB	

**Note:**

1. Rule 8.1.a) includes noise from lawn mowing, waterblasting, leaf blowing and similar temporary maintenance activities. It does not include home business activities.
2. Noise will be measured and assessed in accordance with NZ 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.

### Rule 9: Amateur radio configuration

1. An amateur radio configuration is a permitted activity provided:
  - a) Any dish, or associated antenna and equipment that exceeds a maximum diameter (in any direction) of 2 m and a maximum area of 2 m<sup>2</sup> meets the standards in Table 4 at the end of Section 57; and
  - b) Any building/structure does not overhang a site boundary; and
  - c) Any building/structure is not located in a front yard or beachfront yard.
2. An amateur radio configuration that is not permitted under Rule 9.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 3 and 4 in Table 5 at the end of Section 57.

### Rule 10: Home business

1. A home business is a permitted activity provided:
  - a) It meets the standards in Table 4 at the end of Section 57; and
  - b) No building is established under this Rule; and
  - c) No noxious or dangerous odour, fumes, dust, smoke, liquid, spray or objects are discharged from the site; and
  - d) No electronic interference affects television or radio reception in adjacent sites; and
  - e) The home business is carried out by a resident(s) of the dwelling and no more than two people who do not reside in the dwelling.
  - f) There are no heavy vehicle movements to or from the site.
2. A home business that is not permitted under Rule 10.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 3, 4, 13 and 14 in Table 5 at the end of Section 57.

### Rule 11: Demolition; Partial demolition; Removal

1. Demolition, partial demolition or removal of a building is a permitted activity.

### Rule 12: One dwelling per lot

1. One dwelling per lot is a permitted activity provided:
  - a) It meets the standards in Table 4 at the end of Section 57; and
  - b) For dwellings on a lot less than 500 m<sup>2</sup>, an outdoor space is provided within the side or rear yard with a minimum area of 40 m<sup>2</sup> and a minimum width of 4 m.
2. One dwelling per lot that is not permitted under Rule 12.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matter 1 in Table 5 at the end of Section 57.

### Rule 13: Temporary living place

1. A temporary living place is a permitted activity, provided:
  - a) It is accessory to an existing dwelling on-site; or
  - b) It is:
    - i) Not used as a permanent residence; and
    - ii) From 7 February to 1 December in the same year but excluding all public holidays, no more than two vehicles used for sleeping are on-site.
2. A temporary living place that is not permitted under Rule 13.1 is a discretionary activity.

Note:

1. *Temporary living places are also controlled under the Bylaw for Standards of Camping on Private Property 2015.*

#### **Rule 14: Other water, wastewater, stormwater infrastructure**

1. Other water, wastewater, stormwater infrastructure is a permitted activity provided that the ground surface and any vegetation that has been disturbed is reinstated upon the completion of works unless covered by a building/structure or landscaping.
2. Other water, wastewater, stormwater infrastructure that is not permitted under Rule 14.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 3 and 4 in Table 5 at the end of Section 57.
4. A resource consent application under Rule 14.2 shall be assessed without public or limited notification under Sections 95, 95A and 95B of the RMA.

### **57.5 Restricted Discretionary Activities**

#### **Rule 15: General commercial**

1. General commercial is a restricted discretionary activity provided:
  - a) It meets the standards in Table 4 at the end of Section 57, excluding the front yard standard (Table 4.1 a)); and
  - b) It is a retail activity selling milk, bread and day-to-day convenience items; and
  - c) The gross floor area is less than 100 m<sup>2</sup>; and
  - d) It is not located in the 'Beach Amenity' shown on the Planning Maps.
2. The Council restricts its discretion to matters 2-5 and 13 in Table 5 at the end of Section 57.
3. General commercial that is not a restricted discretionary activity under Rule 15.1 is a discretionary activity

#### **Rule 16: Residential care facility**

1. A residential care facility is a restricted discretionary activity provided:
  - a) It meets the standards in Table 4 at the end of Section 57; and
  - b) It is not located in the 'Beach Amenity' shown on the Planning Maps.
2. The Council restricts its discretion to matters 2-5 and 13 in Table 5 at the end of Section 57.
3. A residential care facility that is not a restricted discretionary activity under Rule 16.1 is a discretionary activity

#### **Rule 17: Produce stall**

1. A produce stall is a restricted discretionary activity provided:
  - a) It meets the standards in Table 4 at the end of Section 57; and
  - b) The maximum gross floor area is no greater than 30 m<sup>2</sup>; and
  - c) No additional vehicle crossings are required.
2. The Council restricts its discretion to matters 2 and 3 in Table 5 at the end of Section 57.
3. A produce stall that is not a restricted discretionary activity under Rule 17.1 is a discretionary activity

## Rule 18: Comprehensive residential development

1. A comprehensive residential development is a restricted discretionary activity provided:
  - a) It is not located in the 'Beach Amenity' shown on the Planning Maps; and
  - b) It is not located within Pauanui; and
  - c) Each dwelling has an outdoor space, or balcony if the dwelling has no ground floor, for its exclusive use that:
    - i) Has direct door access from the dwelling's main living room; and
    - ii) Receives a minimum of three hours per day direct sunlight at the shortest day of the year in the centre of the space/balcony.
  - d) It meets the standards in Table 3.
2. The Council restricts its discretion to matters 2-8, 10, 11 and 13 in Table 5 at the end of Section 57.
3. A resource consent application under Rule 18.1 shall be assessed without public or limited notification under Sections 95, 95A and 95B of the RMA.
4. A comprehensive residential development that is not a restricted discretionary activity under Rule 18.1 is a discretionary activity.
5. A resource consent application under Rule 18.4 shall be assessed without public or limited notification under Sections 95, 95A and 95B of the RMA if it is discretionary only because it does not meet one or more of the standards in Table 3.2 Space per dwelling standards.

**Table 3 – Comprehensive residential development standards**

### 1. Standards

- a) Front yard is 3 m.
- b) Side/rear yard of the site is 1.5 m.
- c) One building per boundary with an adjoining site may encroach a yard, provided:
  - i) A habitable room is not within the encroachment; and
  - ii) The building fits within a 2 m and 45° height in relation to the boundary; and
  - iii) The maximum building length parallel to the boundary is  $\leq 6.6$  m.
- d) Beachfront yard is 7.5 m
- e) Garage door yard is 5 m.
- f) Maximum building height is 8 m.
- g) Maximum height in relation to site boundary is 3 m & 45°.
- h) Minimum average site area per dwelling is 285 m<sup>2</sup>
- i) Maximum site coverage is 50 %.
- j) Privacy buffer is 8 m.
- k) Maximum fence height is 2 m.
- l) Maximum solid fence height in a front yard, or a side yard within 10 m from the front boundary that adjoins a public walkway or Recreation Area is 1.2 m.
- m) Maximum lux level received at any point within a notional boundary beyond the site, as measured vertically in accordance with professional illumination engineering practice is 3 lux.

### 2. Space per dwelling standards

- a) Minimum area and minimum width of one outdoor space that must be provided per dwelling with a ground floor. It must not be located in the front yard. Some or all of the areas may be combined to form a communal outdoor space.

**Table 3 – Comprehensive residential development standards**

- i) **1 or 2 habitable rooms:** 20 m<sup>2</sup> & 4 m
  - ii) **3 habitable rooms:** 30 m<sup>2</sup> & 4 m
  - iii) **4 habitable rooms:** 40 m<sup>2</sup> & 4 m
- b) Minimum area and minimum width of one balcony that must be provided when the dwelling has no ground floor.
- i) **1 or 2 habitable rooms:** 6 m<sup>2</sup> & 2 m
  - ii) **3 habitable rooms:** 8 m<sup>2</sup> & 2 m
  - iii) **4 habitable rooms:** 10 m<sup>2</sup> & 2 m
- c) Minimum gross floor area excluding garage
- i) **1 or 2 habitable rooms:** 40 m<sup>2</sup>
  - ii) **3 habitable rooms:** 70 m<sup>2</sup>
  - iii) **4 habitable rooms:** 90 m<sup>2</sup>
- d) Maximum % of total dwellings on-site with < 55 m<sup>2</sup> gross floor area is 30 %.

**Note:**

1. *The assessment of the comprehensive residential development application will ensure that any future subdivision of the site into freehold, cross lease or unit title lots can proceed without adverse effects from the subdivision.*

**Rule 19: Two or more dwellings per lot**

1. Two or more dwellings per lot (excluding a comprehensive residential development – see Rule 18) is a restricted discretionary activity provided:
  - a) Each dwelling is within a minimum exclusive area (MEA) that meets the standards, as if each MEA were a lot, in:
    - i) Table 4 at the end of Section 57; and
    - ii) Section 41 Subdivision Table 3.12 Residential Zone; and
  - b) Within each MEA less than 500 m<sup>2</sup>, an outdoor space that is not located in the front yard is provided with a minimum area of 40 m<sup>2</sup> and a minimum width of 4 m; and
  - c) Each dwelling has legal vehicle access to a formed road.
  - d) The lot is not located in the ‘Beach Amenity’ shown on the Planning Maps.
2. The Council restricts its discretion to matters 4, 8, 10-13 in Table 5 at the end of Section 57; and
3. A resource consent application under Rule 19.1 shall be assessed without public notification under Sections 95 and 95A of the RMA.
4. Two or more dwellings per lot that is not a restricted discretionary activity under 19.1 is a discretionary activity.

## 57.6 Discretionary Activities

### Rule 20: Activities not provided for in the Plan

1. An activity not listed in the Activity Table at the beginning of Section 57, and not in the Activity Summary Table (in Section 1.8) is a discretionary activity.

### Rule 21: Commercial recreation/event facility; Community facility; Formal recreation; Restaurant

1. An activity listed in Rule 21 is a discretionary activity.

## 57.7 Non-Complying Activities

### Rule 22: Activities not provided for in this section

1. An activity that is not listed in the Activity Table at the beginning of Section 57, but is listed in the Activity Summary Table (in Section 1.8) and is not a district-wide activity is a non-complying activity.

## 57.8 Assessment Standards, Matters and Criteria

Table 4 – Standards

### 1. General Standards

- a) Front yard is 3 m.
- b) Beachfront yard is 7.5 m.
- c) Garage door yard is 5 m.
- d) Conservation Zone yard is 5 m.
- e) Industrial Area yard is 5 m.
- f) Canal frontage yard is 8 m.
- g) Side/rear yard is 1.5 m.
- h) One building per lot may encroach into one side/rear yard provided:
  - i) A habitable room is not within the encroachment; and
  - ii) The building fits within a 2 m and 45° height in relation to the boundary; and
  - iii) The maximum building length parallel to the boundary is ≤ 6.6 m.
- i) Maximum building height unless j) applies is 8 m.
- j) Maximum building height in 'Beach Amenity' shown on the Planning Maps is 7 m
- k) Maximum height in relation to boundary of the lot is 3 m & 45°.
- l) Maximum site coverage is 35 % or 40 % for Lifemark™ design certified buildings or other certification that it is functional for elderly and disabled residents.
- m) Maximum fence height unless n) applies is 2 m.
- n) Maximum solid fence height in a front yard, or a side yard within 10 m from the front boundary that adjoins a public walkway or Recreation Area is 1.2 m.
- o) Maximum lux level received at any point beyond the site, as measured vertically and horizontally is 3 lux

**Table 4 – Standards**

**2. Pauanui Standards**

- a) Maximum number and area of accessory buildings per lot is 1 at  $\leq 50 \text{ m}^2$  and any  $\leq 5 \text{ m}^2$ .
- b) Maximum number of storeys when the main roof slope is greater than  $25^\circ$  is 3.
- c) Maximum number of storeys when the main roof slope is no greater than  $25^\circ$  is 2.
- d) Maximum site coverage for lots adjoining a canal is 45%

**Note:**

- 1. *Pauanui Standards only apply to Residential Zone lots that are within Pauanui. These standards override the other Standards in Table 4 to the extent of any conflict.*
- 2. *Refer to the Lifemark™ Design Standards Overview October 2014 for information on having building plans certified.*

**Table 5 – Restricted Discretionary Activity Matters**

**1. Effects of not meeting the standard(s)**

- a) Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) are appropriate and effective.

**2. The suitability of the site for the scale of the proposed activity.**

- a) Whether the site can accommodate all aspects of the activity while maintaining amenity values.
- b) Whether the site is an appropriate location for the activity, and what alternatives have been considered.
- c) The location of noise sensitive activities in relation to the proposed activity and the extent to which they will be affected.
- d) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the event.

**3. Positive and adverse effects on adjacent sites and the local community**

- a) The extent to which any adverse effects from the activity do not affect adjacent sites, such as: odour, fumes, dust, smoke, liquid, spray, vibration, bulk, glare or stormwater runoff.
- b) The extent to which positive effects from the activity affect adjacent sites.
- c) Whether the frequency and duration of the activity and any effects in 3 a) are tolerable.
- d) Whether these effects are appropriate to occur in the Residential Zone, or in whichever zone the effects are received.

**4. Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications**

- a) Whether the provision and location of infrastructure on-site is appropriate.
- b) Whether the provision and location of utility infrastructure will constrain future planned development.
- c) The extent to which the activity may impact on the capacity of reticulation networks.

**Table 5 – Restricted Discretionary Activity Matters**

- d) The extent to which cumulative adverse visual effects of additional infrastructure has on the existing character of the area.
- e) Whether the activity should be connected to existing reticulation networks.
- f) The extent to which the proposed infrastructure improves the resilience and security of the network.
- g) Whether easements are appropriate.
- h) Whether there is technical and practical potential for co-location of infrastructure on a site.
- i) The extent to which regard has been given to the technical and operational requirements of the network utility infrastructure.
- j) The extent to which the utility infrastructure contributes to the functioning and well-being of the community.
- k) Whether the extension of existing above ground utility infrastructure is appropriate.
- l) The extent to which the activity will contribute to central and regional government energy policy objectives and renewable energy targets.

**5. Screening of outdoor storage and service areas**

- a) Whether outdoor storage and service areas are effectively screened so that they are not visible to the public or residents in other dwellings.

**6. Passive surveillance of publicly accessible areas**

- a) The extent to which lighting increases the safety of publicly accessible areas.
- b) The extent to which landscaping, urban design and on-site activities provide for passive surveillance of publicly accessible areas

**7. Quality of outdoor spaces for comprehensive residential development**

- a) Whether there is sufficient privacy within dwelling outdoor spaces.
- b) The extent to which the dwelling outdoor space requirement in a comprehensive residential development can be functionally provided as a communal contiguous open space on-site.
- c) Whether any communal outdoor space is centrally located and accessible by all dwellings.
- d) Whether the communal outdoor space is landscaped for residents' use and enjoyment.
- e) The extent to which a dwelling's open space and amenity does not rely on private outdoor spaces of neighbouring sites. For example, a balcony should not overhang an adjacent site's back yard to gain a better "quality" outlook. Instead, it should overlook its own private space, a communal space within the site, a reserve or a road.

**8. Future provision of esplanade reserve**

- a) Whether buildings should be excluded within 20 m of a river or coastal marine area when no esplanade reserve, esplanade strip or other reserve exists along the river/coastal marine area.
- b) Whether future subdivision is likely to result in buildings located more than 20 m from a river or coastal marine area.

**Table 5 – Restricted Discretionary Activity Matters**

**9. Off-site effects from earthworks**

- a) The extent to which changes in water drainage to and from adjacent sites because of the earthworks causing adverse effects, such as ponding, erosion, drainage or flooding is avoided or remedied.
- b) Whether mitigation measures avoid earthwork debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.

**10. Extent of stormwater mitigation measures**

- a) The extent to which stormwater generated by the development beyond the permitted baseline is mitigated through use of permeable ground surfaces, water retention or detention ponds or tanks, or other stormwater mitigation measures.

**11. Privacy of neighbouring dwellings**

- a) The extent to which the design of the dwelling minimises privacy impacts on neighbouring sites, including overlooking and direct cross-visibility between rooms.

**12. Inundation and land instability**

- a) Whether the development's inundation risk, including coastal inundation over the next 100 years, and/or land instability risk, is acceptable (see Section 10.1 Natural Hazards Background).

**13. Internal access and private way**

- a) The extent to which effects from additional traffic movements and any related nuisance factors affect shared users of an existing internal access or private way.

**14. Rooding, vehicle parking and access**

- a) Whether the site can provide adequate parking for the size of the activity or whether offsite parking arrangements are appropriate.
- b) Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the roading network.
- c) Whether consultation and approval is needed from the roading authority.
- d) Where the activity involves the use of roads, whether an approved traffic management plan is in place.

**15. New permanent buildings**

- a) Whether the building/s have a viable use beyond the festival, event.
- b) The extent to which the building/s comply with the standards in Table 4.

**Table 5 – Restricted Discretionary Activity Matters**

**16. Canal Frontage Yard at Pauanui**

- a) Whether the proposed activity can be sited in an alternative location on the site; and
- b) The extent to which the proposed activity will have adverse visual and amenity effects on the existing character of the area; and
- c) Whether the proposed activity will have adverse effects on the integrity (i.e engineering design) of the revetment wall of the canal; and
- d) Whether the proposed activity will have adverse effects on the management and operation of the canal.

**Table 6 – The hygiene station must include the following materials:**

- i) a container to enable the cleaning of hand-held equipment, clothing and footwear; and
- ii) clean water and spray bottles; and
- iii) implements capable of removing soil from hand-held equipment, clothing and footwear; and
- iv) paper towels; and
- v) clean plastic bags for removed clothing and footwear; and
- vi) 2% Sterigene or 70% methylated spirits for spraying cleaned hand-held equipment, clothing and footwear; and
- vii) alcohol wipes for wiping down sensitive electronic equipment.

**Table 7 – The Kauri Dieback Disease Risk Management Plan shall include the following matters:**

- 1. The purpose of the management plan setting out the procedures that will be followed to avoid the risk of the spread of kauri dieback disease where the soil and organic matter from earthworks within the kauri hygiene zone is proposed to be confined in a larger kauri dieback disease containment zone; and
- 2. The management plan must contain:
  - a) The objectives of the management plan; and
  - b) A map or maps showing:
    - i) The area that the management plan applies to; and
    - ii) The location of each kauri tree within that area and its associated kauri hygiene zone; and
    - iii) Locations where access to the kauri hygiene zone will be prevented (e.g. by fencing off, covering the soil with a protective surface); and
    - iv) The boundary of the kauri dieback disease containment zone beyond which soil and organic material from a kauri hygiene zone will not be transported; and
    - v) Equipment and vehicle cleaning points (which are to be located within the kauri dieback disease containment zone); and
    - vi) Any water bodies, fences, roads, tracks or structures within the kauri dieback disease containment zone; and
    - vii) Location of any bund(s) or other means to be used if necessary to prevent washdown water entering any stream or flowing to any adjoining kauri trees.
  - c) The method by which the boundaries of any kauri hygiene zone and kauri dieback disease containment zone will be clearly marked out; and

**Table 7 – The Kauri Dieback Disease Risk Management Plan shall include the following matters:**

- d) The procedures to be followed to ensure that any vehicles, equipment and personnel are cleaned of all soil and organic material prior to entry into or exit from the kauri dieback disease containment zone; and
  - e) The procedures to ensure that any soil, sludge or organic material not retained within the kauri hygiene zone is either stored within the kauri dieback disease containment zone or transported in a sealed vehicle to an approved Kauri Dieback Programme landfill; and
  - f) The water management procedures to be used:
    - i) Can washdown at this site occur at least 30 m from a water course? Yes/No
    - ii) Can water at this site be drained away from any neighbouring kauri trees? Yes/No
- If 'No' to either of the above, the procedures required will be one of the following:
- (a) A bund or bunds will be provided to ensure washdown water does not enter streams or drain toward any neighbouring kauri trees (as shown on the map(s) under b) above; or
  - (b) Washdown will be undertaken at an identified facility where water does not enter the stormwater system; and
- g) The contact details of the person responsible for the implementation of the management plan.

#### **Method 1: Measures to prevent the spread of kauri dieback disease**

Earthworks within three times the maximum radius of the canopy dripline of a New Zealand kauri tree (“kauri hygiene zone”) commenced or undertaken after this District Plan comes into effect may require a resource consent from the Council.

Where earthworks within a kauri hygiene zone have existing use rights under section 10 RMA or an Existing Use Certificate issued under section 139A RMA, they may be continued within the limits authorised by section 10 or section 139A RMA. Establishing whether such earthworks are authorised can be a demanding process. Landowners who intend continuing earthworks within a kauri hygiene zone in reliance on section 10 RMA may wish to take professional advice so they are aware of applicable parameters.

Persons undertaking earthworks within a kauri hygiene zone in reliance of section 10 and/or section 139A RMA are also strongly encouraged to make themselves familiar with the kauri dieback disease hygiene disposal procedures - including information on approved disposal sites for soil and organic material – at the following website.

<https://www.kauriprotection.co.nz/resources/best-practice-guides>

Further information on responsible management of earthworks for kauri dieback purposes may be obtained from the Thames-Coromandel District Council, Waikato Regional Council or Department of Conservation.

Where persons proceed in reliance on section 10 and/or section 139A RMA they are strongly encouraged to apply the following checklist.

<b>Table 8 – Checklist for earthworks undertaken within a kauri hygiene zone</b>	
Clearly define kauri hygiene zone, entry and exit points	YES/NO
List all vehicles, machinery and equipment to be used	YES/NO
Has all equipment and footwear been cleaned of soil and organic material and sprayed with Sterigene before entering the kauri hygiene zone?	YES/NO
For washdown on-site define the appropriate washdown facility	YES/NO
Is the washdown facility within the kauri hygiene zone?	YES/NO
Is the washdown facility at least 30 m away from a water course or waterbody?	YES/NO
Is the wash down facility draining away from any kauri trees?	YES/NO
Will a bund be used because drainage is not practicable?	YES/NO
Will all soils and mud be physically removed by brush or compressed air before washdown?	YES/NO
Will soil and organic material be left on site within the kauri hygiene zone?	YES/NO
For off-site washdown is the vehicle or trailer to be used to transport machinery sealed?	YES/NO
Will washdown occur in a purpose-built washdown facility?	YES/NO
Does the facility to be used drain its wastewater into the stormwater system?	YES/NO
Will a truck wash facility be used?	YES/NO
Will the washdown water be used to irrigate farmland?	YES/NO
Will a Council depot be used for washdown?	YES/NO
Will the truck or trailer be cleaned and sprayed with Sterigene and will liners be disposed of?	YES/NO