

## PART A: Issues, objectives and policies

### 3 Environment

#### 3.10 Tangata whenua

##### 3.10.1 Significant resource management issues

##### 3.10.2 Papakāinga

###### Objectives

<u>Papakāinga O1</u>	<u>Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land and to enhance their social, economic and cultural wellbeing.</u>
<u>Papakāinga O2</u>	<u>Enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga.</u>
<u>Papakāinga O3</u>	<u>Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment.</u>

###### Policies

<u>Papakāinga P1</u>	<u>To provide for papakāinga on Māori Freehold Land that is administered under the Te Ture Whenua Māori Act 1993.</u>
<u>Papakāinga P2</u>	<u>To provide for papakāinga on general land owned by Māori and Treaty Settlement Land, only where it can be demonstrated that:</u> a) <u>The land is ancestral Māori land; and</u> b) <u>The land will be maintained in whanau ownership in perpetuity.</u>
<u>Papakāinga P3</u>	<u>To maintain rural character and the amenity of adjoining properties by controlling the bulk and location of buildings and structures.</u>
<u>Papakāinga P4</u>	<u>To ensure sites have provision for the treatment and disposal of stormwater and wastewater, and the provision of water, electricity and telecommunications.</u>
<u>Papakāinga P5</u>	<u>To promote on-site amenity through setbacks, landscaping, open space and communal areas.</u>
<u>Papakāinga P6</u>	<u>To ensure an integrated and sustainable management approach to development by requiring the preparation of Papakāinga Development Plans.</u>
<u>Papakāinga P7</u>	<u>Subdivision of papakāinga shall only occur where:</u> a) <u>It can be demonstrated that the papakāinga will remain in whanau ownership in perpetuity; and</u> b) <u>The subdivision will not compromise the functionality of the papakāinga; and</u> c) <u>Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system).</u>

## PART B: Rules

### 1.1 Information requirements for resource consent applications

#### 1.1.1 Written report

~~ii. For all applications for Marae, Wharenui and Housing Developments of a similar nature, and any other applications involving multiple-owned land, the status of the proponents and evidence that the landowners agree with the proposal.~~

### 1.1.2 Plans

~~iii. For all applications for Marae, Wharenui and Housing developments a plan showing:~~

- ~~a. The complete development and general stages of construction including the location of dwellings, marae and garages/carports; and~~
- ~~b. Places, objects, buildings and trees that are protected under the provisions of the District Plan.~~

iii. For any application for resource consent for papakāinga, a Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council. The Plan shall show the entire papakāinga development and shall include where relevant:

- i. A site plan demonstrating compliance or otherwise with the relevant performance standards and development controls;
- ii. The bulk, scale and location of existing, proposed and future buildings and structures;
- iii. The location of any archaeological site, heritage site or waahi tapu site;
- iv. How the development will be serviced with three waters infrastructure, electricity and telecommunications;
- v. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements;
- vi. Location of overflow parking for events;
- vii. Landscaping, vegetation and communal areas; and
- viii. Any proposed staging for the development.

*Note: The Papakāinga Development Plan is required to demonstrate compliance (or otherwise) with the District Plan provisions, as well as ensuring an integrated approach to development is achieved. Applicants are encouraged to consider matters in addition to what is required by the District Plan performance standards and development controls, including landscaping, communal areas, areas of open space and proposed staging. It is also encouraged to consider the potential for subdivision in the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place.*

## 2.1 Guide to the Activity Table

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The District Plan is made up of ~~six~~ seven zones:

1. Rural;
2. Rural-Residential;
3. Residential;
4. Industrial;
5. Business;
6. Kaitiaki (Conservation)
7. Māori Purpose Zone

These zones are shown on the Planning Maps in Part C.

The Activity Table is grouped into nine activity areas.

1. General. These activities apply in all other activity areas;
2. Community related activities;
3. Dwellings and dwelling based activities;

4. Scheduled sites only;
5. Industrial based activities;
6. ~~Marae, wharenui and housing development; Papakāinga development~~
7. ~~Reserve, landscape and conservation activities; Reserve and Kaitiaki (Conservation Zones)~~
8. Retailing and office based activities;
9. Rural based activities;
10. Other Sections of the District Plan. Refer to the separate sections indicated for further information.

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Key						
P Permitted activity	C Controlled activity					
D Discretionary activity	RD Restricted Discretionary activity					
N/C Non-Complying activity	PRHB Prohibited activity					
<i>All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for.</i>						
<i>* Unless otherwise specified (in 4.1 and 4.2 of the table) the activity status in the Industrial zone refers to non-scheduled sites only .</i>						
Activity	Zones					
	Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
<b>1. General</b>						
1.1 Accessory buildings for any permitted or controlled activities.	P	P	P	P	P	N/C
1.2 Activities listed in the Table that are permitted or controlled not complying with the Developmental Controls and Performance Standards, unless otherwise provided.	RD	RD	RD	RD	RD	RD
1.3 Second-hand or pre-used buildings relocated from off-site.	D	D	D	D	D	N/C
1.4 Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3.	P	P	P	P	P	D
1.5 Activities undertaken on known contaminated sites.	D	P	D	D	D	N/C
1.6 Temporary Activities Listed in Rule 4.11.1.	P	P	P	P	P	N/C
1.7 Temporary Activities Listed in Rule 4.11.2.	C	C	C	C	C	N/C

1.8 Temporary Activities Listed in Rule 4.11.3.	D	D	D	D	D	N/C
<b>2. Community related activities</b>						
2.1 Educational facilities to maximum of 10 pupils.	P	P	P	P	P	N/C
2.2 Educational facilities for greater than 10 pupils.	D	D	D	D	D	N/C
2.3 Places of Assembly.	D	D	D	D	P	N/C
2.4 Fire Stations.	N/C		D	P	P	N/C
<b>3. Dwellings and dwelling based activities</b> <u>(rules 3.1 to 3.8 and 3.10 do not apply where the dwelling is part of a papakāinga in the Rural and Rural-Residential Zones, refer to rules 6.1 and 6.2. For the avoidance of doubt, rule 3.9 is still applicable for papakāinga.)</u>						
3.1 One or two dwellings per urban site.	N/C	P	P	N/C	N/C	N/C
3.2 More than two dwellings per urban site.	N/C	D	D	N/C	N/C	N/C
3.3 One dwelling per property except as identified in 3.4 and 3.7 below.	P	C	C	N/C	N/C	N/C
3.4 One dwelling per Certificate of Title for a rural lot (existing at November 1996) less than or equal to 4.2 ha in area.	C	C	C	N/C	N/C	N/C
3.5 One dwelling accessory to an approved dwelling directly associated with farming or production forestry.	C	C	C	N/C	N/C	N/C
3.6 Two or more dwellings accessory to an approved dwelling directly associated with farming or production forestry.	D	D	N/C	N/C	N/C	N/C
3.7 One dwelling for dependent person(s). See 4.7.	P	P	P	N/C	N/C	N/C

3.8 One dwelling per property ancillary to a business or industrial activity within the business or Industrial zone.	N/C	N/C	N/C	P	P	N/C
3.9 New dwellings <ul style="list-style-type: none"> <li>• Within 500 metres of an existing intensive farm as at 1 September 2003.</li> </ul>	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> <li>• Within 250 metres of an existing litter poultry farm as at 1 September 2003.</li> </ul>	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> <li>• Within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou as at 1 September 2003.</li> </ul>	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> <li>• Within the Reverse Sensitivity Areas for the Motumaoho Quarry as shown in Appendix 8 as at 13 May 2005.</li> <li>• Measurement of the separation of Intensive Farming/Litter Poultry Farming is to be from the perimeter of the existing sheds/facilities exclusive of spray irrigation areas.</li> <li>• See Rule 1.4.28 for Assessment Criteria</li> </ul>	RD	RD	RD	N/C	N/C	N/C
3.10 Home occupation. See 4.3	P	P	P	N/C	N/C	N/C

3.11 Accommodation Facilities.	D	D	D	N/C	D	N/C
<b>4. Scheduled sites only. See Schedule 5.</b>						
4.1 Activities complying with a Development Concept Plan unless shown as P, C, D or N/C on the DCP. Scheduled sites only, see Schedule 5.	See DCP	N/C	N/C	C	N/C	See DCP
4.2 Buildings/Activities defined for future development on the DCP unless shown as P, C, D or N/C on the DCP. Defined Scheduled sites only, see Schedule 5 and Rule 3.3.1.	See DCP	N/C	N/C	D	N/C	N/C
<b>5. Industrial based activities</b>						
5.1 Depots.	D	N/C	N/C	P	D	N/C
5.2 Light Industry.	N/C	N/C	N/C	P	P	N/C
5.3 Industry.	N/C	N/C	N/C	P	N/C	N/C
5.4 Industry including activities involving the extraction, processing and packaging of meat, milk, poultry, fish, seafood, animal by-products, beverages, produce, and pulped paper.	N/C	N/C	N/C	D	N/C	N/C
5.5 Mining, Quarrying and Mineral Processing.	D	N/C	N/C	D	N/C	PRHB
5.6 Packhouses, coolstores less than or equal to 150m <sup>2</sup> .	P	N/C	N/C	P	P	N/C
5.7 Packhouses, coolstores greater than 150m <sup>2</sup> .	D	N/C	N/C	P	P	N/C
5.8 Peat processing.	N/C	N/C	N/C	N/C	N/C	PRHB
5.9 Minerals "Prospecting". For permitted activities see Rule 4.9.2.	P	D	D	D	D	P

5.10 Minerals "Exploration". For permitted activities see Rule 4.9.2.	P	D	D	D	D	N/C
5.11 Storage and warehousing.	N/C	N/C	N/C	P	P	N/C
5.12 Offices, canteens, dining rooms, ablution facilities, daycare facilities and recreation facilities ancillary to other activities provided for in the Industrial zone. (Scheduled and non-scheduled sites).	N/C	N/C	N/C	P	D	N/C
<b>6. Papakāinga (refer to activity related performance standards in Rule 4.4)</b>						
<b>6.1 Papakāinga on Māori Freehold Land</b>						
<a href="#">6.1.1. 2 to 5 kāinga (residential units) per site</a>	<u>P</u>	<u>P</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<a href="#">6.1.2. Between 6 to 10 kāinga (residential units) per site</a>	<u>RD</u>	<u>RD</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<a href="#">6.1.3. More than 10 kāinga (residential units) per site</a>	<u>D</u>	<u>D</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<a href="#">6.1.4. Marae</a>	<u>P</u>	<u>P</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<a href="#">6.1.5 Ahumahi -ā- kāinga (home businesses)</a>	<u>P</u>	<u>P</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<b>6.2 Papakāinga on General Land owned by Māori or Treaty Settlement Land</b>						
<a href="#">6.2.1 2 to 5 kāinga (residential units) per site</a>	<u>RD*</u>	<u>RD*</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<a href="#">6.2.2. More than 5 kāinga (residential units) per site</a>	<u>D</u>	<u>D</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<a href="#">6.2.3 Ahumahi -ā- kāinga (home businesses)</a>	<u>P</u>	<u>P</u>	<a href="#">See residential rules</a>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<b>7. Reserve and Kaitiaki (Conservation) Zones</b>						



7.1 Activities (excluding buildings) on public reserves as provided by a Management Plan under the Reserves Act 1977 or by a Conservation Management Strategy under the Conservation Act 1987.	P	P	P	P	P	D
7.2 Activities (excluding buildings) on public reserves not provided by a Management Plan approved under the Reserves Act 1977, or by a Conservation Management Strategy under the Conservation Act 1987, or where there is no Management Plan.	D	D	D	D	D	N/C
7.3 Any buildings on all public reserves.	D	D	D	D	D	N/C
7.4 Wetland and wildlife habitats conservation.	P	P	P	P	P	P
7.5 Wildlife management activities carried out by the Department of Conservation and Fish & Game Council.	P	P	P	P	P	P
7.6 Outdoor informal recreation excluding all water craft in the Kaitiaki (Conservation) zone.  Provided that this rule does not apply to activities under 9.9.	P	P	P	P	P	P
<b>Kaitiaki (Conservation) zone only - All other zones the Performance Standards (Section 5) apply.</b>  7.7 Any alteration to landform, trees or other vegetation or any other physical feature which involves:  - The diversion or modification of natural watercourses, rivers or ponding areas; or						D

- The clearing of trees or other vegetation, or - Earthworks, excavation, including the depositing of spoil, soil, or other materials.						
7.8 The construction of any permanent building or structure not otherwise referred to in this table or any other table.						D
<b>8. Retailing and office-based activities</b>						
8.1 Commercial Services.	N/C	N/C	N/C	N/C	P	N/C
8.2 Medical facilities	N/C	N/C	D	N/C	P	N/C
8.3 Offices.	N/C	N/C	N/C	D	P	N/C
8.4 Retailing.	N/C	N/C	D	D	P	N/C
8.5 Service stations. See 4.10.	N/C	N/C	N/C	P	P	N/C
8.6 Veterinary clinics.	D	D	N/C	N/C	P	N/C
8.7 Activities within Business/Residential Interface Areas					Refer Rule 4.14	
<b>9. Rural based activities</b>						
9.1 Clean fill activities involving the depositing of less than 1000m <sup>3</sup> material (as measured compacted in place) (including scheduled sites in the Industrial zone, see Schedule 5).	P	P	P	P	P	N/C
9.2 Clean fill activities involving the deposit of 1000m <sup>3</sup> or more of material (as measured compacted in place). See 4.12.	D	D	D	D	D	N/C
9.3 Commercial stockyards, saleyards and holding paddocks.	D	N/C	N/C	N/C	N/C	N/C

9.4 Conservation forestry.	P	P	P	P	P	P
9.5 Establishment for the boarding/breeding of domestic pets.	D	D	N/C	N/C	D	N/C
9.6 (a) Intensive Farming.	D	N/C	N/C	N/C	N/C	N/C
*Where an Intensive Farming operation cannot provide 500m separation to site boundaries and 500m separation to a Residential zone and written consent to the potential effects has not been voluntarily offered by an adjacent landowner.	N/C*	N/C	N/C	N/C	N/C	N/C
9.6 (b) Litter Poultry Farming.	D	N/C	N/C	N/C	N/C	N/C
*Where a Litter Poultry Farming operation cannot provide 250m separation to site boundaries and 500m separation to a Residential zone and written consent to the potential effects has not been voluntarily offered by an adjacent landowner.	N/C*	N/C	N/C	N/C	N/C	N/C
9.7 Farming.	P	P	N/C	N/C	N/C	N/C
9.8 Establishing new areas of Plantation Forestry.	P	P	N/C	N/C	N/C	N/C
9.9 Harvesting of Plantation Forests.	C	C	N/C	N/C	N/C	C
9.10 Replanting of Plantation Forests	P	P	N/C	N/C	N/C	P - Subject to rule 4.1.2.
9.11 Use of land for effluent disposal of non-human waste from agricultural activities except as otherwise stated on a DCP.	P	N/C	N/C	N/C	N/C	N/C
9.12 Use of land for effluent disposal of non-human waste from industrial activities except as otherwise stated on a DCP.	C	N/C	N/C	P	N/C	N/C

9.13 Stock movement within road reserves. See 8.7.						
9.14 Aggregation of rural land (refer to 8.7 for the requirements relating to stock crossings and stock underpasses).	P	P	N/C	N/C	N/C	N/C
9.15 Livestock farming in areas of indigenous vegetation over 1 ha.	D	D	N/C	N/C	N/C	N/C

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### 3. Development controls

#### 3.2 Rural and Rural-Residential zones

##### 3.2.1 Building envelope

- i. Maximum height – 10m
- ii. Height relative to site boundary

No part of any building shall exceed a height of 3m plus the shortest distance between that part of the building and the nearest site boundary.

##### iii. Yards

Rural front yards – 25m

Rural side yards – 10m

Rural – Residential front yard – 10m

Rural – Residential side and rear yards – 5m

River protection yard – 20m

Internal side and rear yards where the building is part of a Papakāinga – 1.5m

Note: where the building is part of a Papakāinga, it shall be setback a minimum of 1.5m from boundaries within the same development. The side and rear yards (10m in the Rural Zone and 5m in the Rural-Residential Zone) are applicable setbacks from the boundary of sites that are not part of the Papakāinga.

##### Provided that:

- A. Accessory buildings may be erected on any rear and/or side yard but not the river protection yard so long as the written consent of any affected property owner(s) is obtained and rule 3.2.1 (i) is not compromised;
- B. Any accessory building to be developed in conjunction with an existing dwelling shall be permitted in a front yard provided that it shall be erected behind the front line of the dwelling.

##### 3.2.2 Maximum building coverage

- i. Total building coverage for accessory buildings on lots less than 4000m<sup>2</sup> shall not exceed 10% of the net site area.
- ii. Except that in an identified Structure Plan (refer Activity Table 2.2) total building coverage of the site shall not exceed:
  - 15% of the net site area

iii. Except that where the building is part of a Papakāinga, Rule 4.4.1(2) shall apply.

##### 3.2.3 Development Contributions

A Development Contribution is required to be made in accordance with Section 7.2 (iii) prior to the issue of a building consent for the second or subsequent complying dwelling per lot where a contribution has not been made at the time of the subdivision to create the said lot.

##### 3.2.4 Access, parking, loading and manoeuvring

See Section 9: Transportation and the Development Manual.

## 4. Activity related performance standards

### 4.4 Marae, whare nui and housing developments

#### 4.4 Papakāinga

The unique framework and legislative requirements under Te Ture Whenua Maori Act 1993 are provided for through the district-wide provisions to enable papakāinga development on Māori Freehold Land, general land owned by Māori and Treaty Settlement Land, where they are not identified as part of the Māori Purpose Zone. These provisions are in addition to the relevant zone provisions.

##### 4.4.1 Development

All activities listed as a permitted activity under Rule 6 (activity status table) shall comply with the following performance standards as well as the relevant development controls in Section 3. Where compliance with a performance standard is unable to be achieved, the activity will require a resource consent for a restricted discretionary activity.

1. A Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council prior to (or with) any application for building consent for two or more kāinga (residential units). The Plan shall show the entire papakāinga development and must include:
  - i. A site plan demonstrating compliance with the relevant performance standards and development controls;
  - ii. The bulk, scale and location of existing, proposed and future buildings and structures;
  - iii. The location of any archaeological site, heritage site or waahi tapu site;
  - iv. How the development will be serviced with three waters infrastructure, electricity and telecommunications;
  - v. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements; and
  - vi. Confirmation that the land is Maori Freehold Land (if applicable).

*Note: The Papakāinga Development Plan is required to demonstrate compliance with the District Plan provisions, as well as ensuring an integrated approach to development (including future development) is achieved. This is only required where two or more dwellings on a site are proposed.*

2. The maximum building coverage shall not exceed 20% of the net site area.
3. No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.
4. For Ahumahi -ā- kāinga (home businesses), a maximum of one home business per residential unit is permitted on the site, subject to compliance with the following standards:
  - i. A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit;
  - ii. The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site;
  - iii. The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site;
  - iv. The total area dedicated to a home occupation shall be limited to 60m<sup>2</sup> floor area. This may include up to 20m<sup>2</sup> outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m;
  - v. A maximum outdoor area of 10m<sup>2</sup> for the display of goods for sale in addition to (iv). This rule is a maximum total area for all home businesses on site combined;
  - vi. Includes non-self-contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted;
  - vii. All on site activities must individually and collectively comply with all permitted activity performance standards;

- viii. Shall not involve any pet day care or grooming services; and
- ix. The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday.

#### **4.4.2 Matters of Discretion**

4.4.2.1 In assessing any application for papakāinga under Rule 6.2.1, Council shall have discretion over the following matters:

1. Evidence as to why the land should be considered as ancestral Māori land; and
2. Demonstration of an appropriate legal mechanism(s) to ensure that the land is maintained in whanau ownership in perpetuity; and
3. Compliance with the relevant performance standards and development controls; and
4. The provision of a Papakāinga Development Plan.

\*Applications under Rule 6.2.1 that comply with all District Plan rules shall be precluded from notification.

4.4.2.2 In assessing any application for a restricted discretionary activity (other than as identified in 4.4.2.1), Council shall have discretion over the following matters:

- (a) The extent of non-compliance with any performance standards and the degree to which this adversely affects the amenity and character of the site and surrounding area;
- (b) The degree to which on site amenity is retained for residents, and adjacent properties;
- (c) The extent to which the scale and nature of the proposal including any specific site features or design mitigates the adverse effects of the activity;
- (d) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites;
- (e) Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking;
- (f) The provision of three waters servicing and any capacity issues where public reticulation is proposed to service the site.

### **4.9 Signage – all zones**

#### **3.9.1 Permitted activities**

	Zone	Type of sign permitted	Total site signage
1.	Any zone	Official signs	No maximum
2.	Any zone	Public utility, public information signs, and protected areas and reserve identification signs	3.0m <sup>2</sup>
3.	Any zone	A sign giving name and related information concerning places of assembly, education or accommodation facilities, community facility and marae complex.	2.0m <sup>2</sup> 20% of the sign area may include acknowledgment of a sponsor.
4.	Any zone	Temporary signs for sale of land/buildings and auction.	1.5m <sup>2</sup>

5.	Any zone	Temporary signs for tradesman's/ consultants construction sites.	3.0m <sup>2</sup>
6.	Residential zone	A sign stating name, profession, occupation or trade or property name.	0.3m <sup>2</sup>
7.	Rural, Rural-Residential zone <u>and Māori Purpose Zone</u>	A sign stating name, profession, occupation or trade or property name.	1.5m <sup>2</sup>
8.	Business and Industrial zones	Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities.	<p>1.0m<sup>2</sup> per metre of site frontage in the case of signs attached to or forming part of the principal building to its walls or canopies.</p> <p>In addition, free standing signs are permitted where the surface area viewed from any one direction does not exceed the following:</p> <ul style="list-style-type: none"> <li>- For each site frontage less than or equal to 24.0m: 6.0m<sup>2</sup></li> <li>- For each site frontage greater than 24.0 metres: 0.25m<sup>2</sup> for every metre of site frontage up to a maximum of 16m<sup>2</sup>.</li> </ul> <p>Notwithstanding the above: One planned arrangement of free-standing signs where more than one rear site shares a common accessway, maximum area of sign shall be: 12.0m<sup>2</sup>.</p>
9.	Any zone	Signs whose sole purpose is to direct traffic within a site.	No maximum
10.	Any zone	<p>Temporary signs for local and general elections PROVIDED THAT:</p> <ul style="list-style-type: none"> <li>- They are erected no sooner than two months prior to polling day and removed no later than the close of the day before polling day.</li> <li>- They are not located in a public place, on public buildings or any road reserve.</li> <li>- Consent of property owner is obtained.</li> <li>- Their form and letter height is consistent with the specifications set in Sections 3, 5, 6, 7 and 8 of the Electoral (Advertisements of a Specified Kind) Regulations 2005 for a sign that is visible from any road (includes both state highways and local roads).</li> </ul>	3.0m <sup>2</sup>



11	Neighbourhood Node (refer to relevant Structure Plan in Appendix 9).	Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities	1.0m <sup>2</sup> per metre of site frontage in the case of signs attached to or forming part of the principal building to its walls or canopies.
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## 5.2 Noise

### 5.2.6 Rural, Rural-Residential and Māori Purpose zones

i. The noise level (L10) as measured within any residentially zoned boundary or within the notional boundary of any rural dwelling shall not exceed the following:

- 7.00am to 8.00pm: 50dBA
- 8.00pm to 7.00am: 40dBA

ii. Exclusions

Seasonal or temporarily intermittent noise resulting from agriculture and forestry activities are excluded (e.g. crop spraying, agriculture or forestry harvesting, frost control, etc) consistent with the predominant character of the Rural zone, are permitted provided that:

- The activity is conducted in accordance with good management practice; and
- Machinery is operated in accordance with manufacturers' specifications.

### 5.6.2 Effluent disposal systems

Any effluent disposal system (including disposal onto land by way of spray irrigation) associated with the disposal of non-human waste except those areas shown on a DCP shall comply with the following:

i. Yards

10 metres from a road boundary;

300 metres from a school, marae, papakāinga development, hall or public reserve only from spraying which is associated with or from intensive farming or an industrial use;

300 metres from a Residential zone only from spraying which is associated with or from intensive farming or an industrial use;

150 metres from dwellings;

Provided that the required yards shall be reduced in respect of any school, marae, papakāinga development, hall, public reserve or other facility where all persons owning and occupying those facilities give written consent to a specific reduced yard.

## 5.9 Infrastructure and servicing

### 5.9.1 Performance standards

Any subdivision or development shall provide compliance with the following infrastructure and servicing performance standards.

This section shall not apply to existing or future on-site, self-serviced stormwater, wastewater, water supply, electricity or telecommunications infrastructure on Development Concept Plan sites insofar as this section refers to the Development Manual.

i. Stormwater

The subdivision and development of land shall be carried out so as to provide for effective stormwater management, in compliance with the Development Manual.

ii. Wastewater

Where available within a reticulated area, every allotment or household unit shall be provided with a connection to the Council's wastewater reticulation system, in compliance with the Development Manual.

iii. Water supply

Where available within a reticulated area every allotment or household unit shall be provided with a connection to the Council's water reticulation system, in compliance with the Development Manual.

iv. Transportation

The performance standards for transportation set out in Section 9 Transportation must be met. In addition:

- a. In any subdivision every Certificate of Title shall have access to a formed, legal road in compliance with the Development Manual.
- b. Where a new road is created, street lighting, streetscape planting, and any street furniture shall be designed and provided in compliance with the Development Manual.
- c. Subdivision and development of the Industrial Zone area east of Rockford Street (Lot 2 DP 313622 and Part Lot 4 DPS 803) or any subsequent titles shall not have direct access onto State Highway 24. Failure to comply with this rule will require resource consent as a Non-Complying Activity.

v. Other reticulation

Telecommunication and electricity reticulation shall be provided at the time of subdivision and in accordance with the requirements of the relevant network utility operator in compliance with the Development Manual. Refer also to Section 8: Works and Network Utilities.

vi. Firefighting Water Supply

Where a connection to a reticulated water supply is not possible, adequate provision shall be made for firefighting water supply and access to the supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

vii. Papakāinga

*Note: The papakāinga provisions allow for a higher number of kāinga (residential units) per lot, which may not necessarily be subdivided. The following provisions are therefore applicable to ensure each residential unit is provided with appropriate servicing.*

- (a) Water, wastewater and stormwater connections to public networks from papakāinga developments and developments in the Māori Purpose Zone are subject to capacity of the network. Where a connection is not approved or provided by Council, the following on-site services shall be provided for:
  - i. Access to an adequate water supply for fire-fighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008;
  - ii. Potable water supply for domestic purposes;
  - iii. Wastewater treatment and disposal services within the lot boundary.



	<ul style="list-style-type: none"> <li>Within 20m either side of the centreline of a sub-transmission line.</li> </ul>							
(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> <li>Any state highway, or</li> <li>A railway line included in the definition of "regionally significant infrastructure"</li> </ul>	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	<a href="#">See 6.3.12</a>
(f)	Subdivision of Scheduled Sites				D			
<b>9</b> <a href="#">Subdivision of papakāinga</a>								
(a)	<a href="#">Subdivision of papakāinga</a>	<a href="#">D</a>	<a href="#">D</a>	<a href="#">See residential rules</a>	<a href="#">N/C</a>	<a href="#">N/C</a>	<a href="#">N/C</a>	<a href="#">D</a>

### 6.2.3 Infrastructure and Servicing Standards

i. The standards within Section 5.9 shall apply.

ii. In addition, adequate provision shall be made for on-site wastewater and stormwater disposal for subdivision in the Rural, Rural-Residential [and Māori Purpose](#) zones, [where there is no connection to Council services](#).

### 6.3 Additional Performance Standards by Subdivision Activity

The following additional performance standards will apply in the specific circumstances identified in the specific rule provision and are in addition to the General Performance Standards listed in Section 6.2.

#### [6.3.13 Subdivision of Papakāinga](#)

i. [Additional performance standards](#)

[Subdivision of Papakāinga shall meet the following standard:](#)

(a) [A legal mechanism must be put in place to ensure the lots remain in whanau ownership in perpetuity.](#)

Note: A legal mechanism may include a management structure under Te Ture Whenua Maori Act 1993 (for example an ahu whenua trust or whanau trust). Independent legal advice is recommended.

ii. Assessment Criteria

In assessing an application for subdivision of papakāinga, Council shall take into account:

- a) How the lots will be serviced with three waters infrastructure, electricity and telecommunications;
- b) Access arrangements;
- c) Location of communal areas;
- d) The location of any archaeological site, heritage site or waahi tapu site;
- e) The nature and context of surrounding land use and built form;
- f) Any input, advice or consents for wastewater disposal and treatment provided by the Waikato Regional Council;
- g) How the development will function and be retained as a papakāinga in perpetuity.

iii. Non-compliance

Subdivision that does not comply with Rule 6.3.13(i)(a) shall be a non-complying activity.

Note: Partition (Full or Hapū-) of Māori freehold land are the jurisdiction of the Māori Land Court.

## 8 Works and network utilities

*Amend Tables 8.1.1, 8.2.1, 8.3.1, 8.4.1, 8.5.1, 8.6.1, 8.8.1, 8.9.1 to include Māori Purpose Zone into each Activity Table.*

Activity	Zones							
	<i>Kaitiaki (Conservation), Identified Significant Features</i>	<i>Residential &amp; Rural Residential.</i>	<i>Business</i>	<i>Industrial</i>	<i>Rural and Māori Purpose Zone</i>	<i>Public Reserves</i>	<i>Formed Roads</i>	<i>Unformed Roads</i>

## 9 Transportation

### 9.1.2 Access

iii. Access to significant roads and arterial roads

a. Performance standards

The following performance standards shall apply to vehicle crossings onto significant roads and arterial roads:

- i. No reasonably practicable alternative legal access is available to another road;
- ii. The vehicle crossing shall be, designed, formed and constructed:
  - in accordance with the Development Manual standards for District Roads or such standards as agreed with Council; or
  - if accessing a state highway network in speed environments of 70km/h and over, to the standard required by the NZ Transport Agency as specified in the Development Manual, or such standards as agreed with the NZ Transport Agency.
- iii. There shall be less than an average of 100 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows:

1 car to and from the site = 2 car equivalent movements  
1 truck to and from the site = 6 car equivalent movements  
1 truck and a trailer to & from the site = 10 car equivalent movements  
Provided that a single residential dwelling is deemed to generate 8 car equivalent movements;

- iv. All parking and manoeuvring required by the activity shall be provided on site;
- v. The vehicle crossing shall comply with the minimum sight distances and separation distances contained within the Development Manual.

iv. Access to collector and local roads

a. Performance standards

The following performance standards shall apply to vehicle crossings onto collector and local roads:

- i. The vehicle crossing shall be designed, formed, and constructed in accordance with the Development Manual;
- ii. There shall be less than an average of 250 car equivalent movements per day within any one week using the vehicle crossing where a car equivalent movement is defined as follows:
  - 1 car to and from the site = 2 car equivalent movements
  - 1 truck to and from the site = 6 car equivalent movements
  - 1 truck and a trailer to & from the site = 10 car equivalent movementsProvided that a single residential dwelling is deemed to generate 8 car equivalent movements;
- iii. The vehicle crossing shall comply with the minimum sight distances, and separation distances to intersections, contained within the Development Manual;
- iv. A second or subsequent vehicle crossing serving the same site shall meet the vehicle crossing separation standards in the Development Manual.

v. Roads, private ways and access legs within a new subdivision

a. Performance standards

The following performance standards shall apply:

- i. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall comply with the standards in Table 3.1 of the Development Manual.
- ii. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall be designed, constructed and located in accordance with the Development Manual.
- iii. These performance standards do not apply to private roads or private ways for papakāinga development up to five residential units. If the private road or private way serves more than five kāinga (residential units), it shall be designed, constructed and located in accordance with the Development Manual.

## 15 Definitions

- **Papakāinga:** A development by tangata whenua on ancestral lands in their traditional rohe and established to be occupied by tangata whenua for residential activities and ancillary social, cultural, economic, conservation and/or recreation activities to support the cultural, environmental and economic wellbeing of tangata whenua.
- **Marae-related activities:** Traditional cultural activities and events undertaken on a marae that could include: whanau, hapū and iwi hui, tangi, kapa haka, education visits and overnight accommodation associated with these activities.

- **Māori Freehold Land:** Land where the beneficial ownership has been determined by the Māori Land Court by freehold order. See section 129, Te Ture Whenua Māori Act 1993.
- **General Land owned by Maori:** Land which is an estate in fee simple which is beneficially owned by a Māori or by a group of persons of whom a majority are Māori. See section 129, Te Ture Whenua Māori Act 1993.
- **Treaty Settlement Land:** Land that has been acquired by a post settlement governance entity through treaty settlement legislation.

Reference:

Raukawa Claims Settlement Act 2014

Ngāti Hauā Claims Settlement Act 2014

Ngāti Korokī Kahukura Settlements Act 2014

Ngāti Hinerangi Claims Settlement Act 2021

Note: Does not include land returned through Right of First Refusal or Investment lands

- **Marae:** A communal facility and traditional meeting place hosted by local whānau, hapū or iwi (predominantly hapū led). A marae complex comprises a whareni (meeting hall), whare tūpuna, whare moe wharekai (dining hall) and marae ātea (open courtyard).
- **Building (in the Māori Purpose or part of a papakāinga):** means a temporary or permanent movable or immovable physical construction that is:
  - partially or fully roofed; and
  - fixed or located on or in land;
 but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
- **Ahumahi -ā- kāinga (Home business in the Māori Purpose or part of a papakāinga):** means a commercial activity that is:
  - undertaken or operated by at least one resident of the site; and
  - incidental to the use of the site for a residential activity.
- **Whare Hapori (Community facilities in the Māori Purpose Zone):** means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility. Excludes Marae.
- **Whare Hauora (Healthcare facilities in the Māori Purpose Zone):** Facilities used for the provision of professional and/or associated services to care for the physical and mental well-being of people. Services could include but is not limited to medical practitioners, social workers and counselling, laboratories, midwives, and providers of health and well-being services.
- **Residential unit (in the Māori Purpose Zone):** means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
- **Visitor accommodation (in the Māori Purpose Zone or part of a papakāinga):** means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.
- **Site (in the Māori Purpose Zone):** means:
  - an area of land comprised in a single record of title under the Land Transfer Act 2017; or;
  - an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
  - the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or

- d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

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