

Attachment B1 – Hearing Panel -Decisions- Amended

District Wide Provisions

Notes:

1. **Red text** represents the proposed amendments to the Operative District Plan (at the time of notification). Insertions (as notified) are identified using underline and deletions are identified using ~~strikethrough~~.
2. **Blue text** represents the Hearing Panel's amendments to the notified provisions for Plan Change 54.

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 lands, water, sites, waahi tapu, and other taonga¹ 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, including reverse sensitivity effects.</u>

Policies

<u>Papakāinga-P1</u>	<u>To provide for papakāinga on Māori Freehold Land that is administered under 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 remain be maintained in either Iwi, hapū or² whānau ownership in perpetuity; and</u> c) <u>The scale of the development is compatible with the character of the existing environment.</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>

¹ Submission 26.1

² Submissions 54.4, 5.6 and 54.37

<u>Papakāinga-P4</u>	<u>Papakāinga (including non-residential activities) shall be of a scale, and location that does not adversely affect:</u> a) <u>The safe and efficient operation and functioning of the surrounding transport network; and</u> b) <u>The functioning of legitimate land uses on adjacent sites.</u>
<u>Papakāinga-P5</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-P6</u>	<u>To promote on-site amenity through setbacks, landscaping, open space and communal areas.</u>
<u>Papakāinga-P7</u>	<u>To ensure an integrated and sustainable management approach to development by requiring the preparation of Papakāinga Development Plans.</u>
<u>Papakāinga-P8</u>	<u>Subdivision of papakāinga shall only occur where:</u> a) <u>It can be demonstrated that the papakāinga will remain in either lwi, hapū or³ whānau 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>

³ Submissions 54.4, 5.6 and 54.37

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.^b~~

~~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 (although the development may be staged) and shall include where relevant:~~

- ~~i. A site plan demonstrating compliance or otherwise with the relevant performance standards and development controls of the District Plan.~~
- ~~ii. The bulk, scale and location of existing, proposed and future buildings and structures.~~
- ~~iii. The location of solid waste storage areas and a statement as to how waste shall be managed.~~
- ~~iv. The location of any archaeological site, heritage site, waahi tapu site, or any other scheduled site or⁴ item under the District Plan.~~
- ~~v. How the development will be serviced with three waters infrastructure, electricity and telecommunications.~~
- ~~vi. Compliance with the transportation provisions, including parking, location and formation of vehicle crossings and access arrangements.~~
- ~~vii. Location of overflow parking for events or commercial activities.~~
- ~~viii. Landscaping and communal areas.~~
- ~~ix. Any proposed staging for the development.~~

~~*Note: The Papakāinga Development Plan is required to ensure an integrated approach to development (including future development) is achieved. This is only required where two or more residential units on a site are proposed.*~~

~~*If subdivision is envisaged, this should be considered at the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place (in accordance with MPZ-P8).*~~

1.4.30 Papakāinga

~~In assessing any resource consent application for Papakāinga, Council shall have regard to the following matters (in addition to those matters as required as part of the Papakāinga Development Plan). However, for discretionary and non-complying activities, there is no limit or restriction on the matters or effects that may be assessed.~~

- ~~i. How the papakāinga will be retained-remain in either Iwi, hapū or⁵ whānau ownership in perpetuity.~~
- ~~ii. Any proposed Whether any management structure exists for the papakāinga and how this management will retain to manage the quality and amenity of the existing~~

⁴ Submission 54.22 (Consequential amendment for consistency)

⁵ Submissions 54.4, 5.6 and 54.37

- environment.⁶
- iii. The benefits of the activity in providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- iv. Whether any landscaping or design feature is proposed to provide on-site amenity and/or mitigate adverse effects of the development.
- v. Whether the bulk, scale and location of the papakāinga is compatible in the context of the site and receiving environment.
- vi. Any⁷ adverse effects on archaeological sites, heritage sites, waahi tapu sites, or any other feature protected under the District Plan.
- vii. Whether there are any capacity issues where public reticulation is proposed to service the site.
- viii. The ability to provide on-site wastewater, stormwater and water servicing, including⁸ any input, advice or consents for wastewater, stormwater and water provided by the Waikato Regional Council.
- ix. The potential for reverse sensitivity effects.
- x. Adverse effects on the transportation network as a result of the proposed activity.
- xi. Construction related effects.

2.1 Guide to the Activity Table

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

1. Rural;
2. Rural-Residential;
3. Residential;
4. Industrial;
5. Business;
6. Kaitiaki (Conservation)
7. Settlements Zone
8. 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, wharehenui 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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⁶ Submissions 5.7 and 54.39

⁷ Submission 54.39

⁸ Submission 54.39

Key						
P Permitted activity	C Controlled activity					
D Discretionary activity	RD Restricted Discretionary activity					
N/C Non-Complying activity	PRHB Prohibited activity					
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for.						
* 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 .						
Activity	Zones					
	Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
1. General						
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
2. Community related activities						
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
3. Dwellings and dwelling based activities (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.)						
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"> • Within 500 metres of an existing intensive farm as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> • Within 250 metres of an existing litter poultry farm as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> • Within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> • Within the Reverse Sensitivity Areas for the Motumaoho Quarry as shown in Appendix 8 as at 13 May 2005. • 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. • See Rule 1.4.28 for Assessment Criteria 	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
4. Scheduled sites only. See Schedule 5.						
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
5. Industrial based activities						
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 ² .	P	N/C	N/C	P	P	N/C
5.7 Packhouses, coolstores greater than 150m ² .	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
6. Marae, whare-nui and housing development						
6.1 Iwi housing and marae subject to an Iwi Housing and Marae Development Plan. See 4.4.	P	P	P	N/C	D	N/C
6.2 Preparation and variation of an Iwi housing and Marae Development Plan.	D	D	D	N/C	D	N/C
6.3 Marae, wharenui and housing developments where there is no approved Iwi Housing and Marae Development Plan or where the development is not in accordance with an approved Plan.	D	D	D	N/C	D	N/C
6. Papakāinga (refer to activity related performance standards in Rule 4.4 and the development controls in Rule 3.2)						
6.1 Papakāinga on land that was Māori Freehold Land at or before 21 December 2022						
6.1.1. <u>One kāinga per hectare, up to a maximum of five kāinga (residential units) per site where:</u> <u>(i) the title was issued prior to 21 December 2022; and</u> <u>(ii) For the purpose of calculating maximum density, one duplex building, up to 120 m² total floor area comprised of</u>	<u>P</u>	<u>P</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>

two kaumatua units is equivalent to one kāinga.⁹						
6.1.2. More than five kāinga (residential units), or up to five kāinga (residential units) that exceeds the density limits specified in rule 6.1.1.	<u>D</u>	<u>D</u>	See residential rules	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
6.1.3. Marae	<u>P</u>	<u>P</u>	<u>RD</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
6.1.4 Ahumahi -ā- kāinga (home businesses)	<u>P</u>	<u>P</u>	See residential rules	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
6.1.5. Communal living arrangement	<u>D</u>	<u>D</u>	<u>D</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
6.2 Papakāinga on General Land owned by Māori, Treaty Settlement Land, or land converted to Māori Freehold Land after 21 December 2022						
6.2.1. Two or more kāinga (residential units) per site	<u>D</u>	<u>D</u>	See residential rules	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
6.2.2 Ahumahi -ā- kāinga (home businesses)	<u>P</u>	<u>P</u>	See residential rules	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
6.2.3 Communal living arrangement	<u>D</u>	<u>D</u>	<u>D</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>

7. Reserve and Kaitiaki (Conservation) Zones

⁹ Submissions 54.32, 54.41 and 54.42

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

Kaitiaki (Conservation) zone only - All other zones the Performance Standards (Section 5) apply.						D
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 - The clearing of trees or other vegetation, or - Earthworks, excavation, including the depositing of spoil, soil, or other materials.						D
7.8 The construction of any permanent building or structure not otherwise referred to in this table or any other table.						D
8. Retailing and office-based activities						
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	
9. Rural based activities						

9.1 Clean fill activities involving the depositing of less than 1000m ³ 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 ³ 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	N/C	N/C	N/C	N/C	N/C	N/C
been voluntarily offered by an adjacent landowner.						
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

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 (except where the building is part of a papakāinga)

Rural – Residential front yard – 10m

Rural – Residential side and rear yards – 5m

River protection yard – 20m

Side and rear yards where the building is part of a papakāinga – 20m.

Note: Where a building is part of a Papakāinga that spans multiple Records of Title a minimum of 1.5m from the Record of Title boundary is required.

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 4000m² 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 (delete entire section)

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 Performance Standards: Permitted Activities

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

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 (although the development may be staged) and must include:
 - i. A site plan demonstrating compliance with the relevant performance standards and development controls. **This includes, but is not limited to, requiring a site suitability report as per Rule 1.2.2(vii) and 11.3.¹⁰**
 - ii. The bulk, scale and location of existing, proposed and future buildings and structures.
 - iii. The location of solid waste storage areas and a statement as to how waste shall be managed.
 - iv. The location of any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan.
 - v. How the development will be serviced with three waters infrastructure, electricity and telecommunications.
 - vi. Compliance with the transportation provisions, including parking, location and formation of vehicle crossings and access arrangements.
 - vii. Landscaping and communal areas.
 - viii. Any proposed staging for the development.

Note: The Papakāinga Development Plan is required to ensure an integrated approach to development (including future development) is achieved. This is only required where two or more residential units on a site are proposed.

If subdivision is envisaged, this should be considered at the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place (in accordance with MPZ-P8).

2. The maximum building coverage shall not exceed 10% 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. Each kāinga (residential unit) shall have a service area which meets the following:
 - i. Has a minimum area of 3m²-10m², with a minimum dimension of 3m¹¹.

¹⁰ Submission 2.5

¹¹ Submissions 54.18 and 54.27

- ii. Is readily accessible from the residential unit.
 - iii. Rubbish and/or refuse storage shall be¹² is screened from a public road or other public place.
 - iv. Is set back 10m from the boundary of another property.
5. 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 60m² floor area. This may include up to 20m² 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 10m² 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.
 - x. All vehicle loading and parking shall be provided on-site.

4.4.2 Performance Standards: General Land Owned by Māori, Treaty Settlement Land, or land converted to Māori Freehold Land after 21 December 2022

1. Papakāinga on General Land owned by Māori, Treaty Settlement Land, or land converted to Māori Freehold Land after 21 December 2022 must comply with the following standards:
- i. The land must be ancestral Māori land; and
 - ii. An appropriate legal mechanism(s) must be in place to ensure that the land ~~is~~ maintained remains in either Iwi, hapū or¹³ whānau ownership in perpetuity.

Activities that fail to comply with Rule 4.4.2(1) will require resource consent for a non-complying activity.

4.4.3 Matters of Discretion

In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:

- (a) The adverse effects on the amenity values of nearby residents, including outlook, privacy and shading.
- (b) The ability to mitigate adverse effects, including through landscaping.
- (c) Effects on the transportation network.
- (d) In relation to the river protection yard, any adverse effects on the river environment.
- (e) On site amenity values.
- (f) Adverse effects relating to the bulk and dominance of buildings and structures.
- (g) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites.

¹² Submissions 54.18 and 54.27

¹³ Submissions 54.4, 5.6 and 54.37

- (h) Management of waste.
- (i) The effect of increase coverage on the ability to effectively dispose of stormwater within the boundaries of the site.
- (j) The effect of increased coverage on the ability to effectively treat and dispose of wastewater within the boundaries of the site.
- (k) Whether the site suitability report demonstrates that the land is suitable for the proposed activities, including building areas free from flooding or inundation, instability, erosion, subsidence or thermal ground. ¹⁴

4.4.4 Assessment Criteria

In considering any application for discretionary and non-complying activities, Council shall have regard to the matters outlined in Section 1.4.30 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.

1.9 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 ²
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 ² 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 ²
5.	Any zone	Temporary signs for tradesman's/ consultants construction sites.	3.0m ²
6.	Residential zone	A sign stating name, profession, occupation or trade or property name.	0.3m ²
7.	Rural, Rural-Residential zone <u>and Māori Purpose Zone</u>	A sign stating name, profession, occupation or trade or property name.	1.5m ²

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>1.0m² 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"> - For each site frontage less than or equal to 24.0m: 6.0m² - For each site frontage greater than 24.0 metres: 0.25m² for every metre of site frontage up to a maximum of 16m². <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: 12.0m².</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"> - 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. - They are not located in a public place, on public buildings or any road reserve. - Consent of property owner is obtained. <p>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</p>	3.0m ²

		from any road (includes both state highways and local roads).	
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 ² per metre of site frontage in the case of signs attached to or forming part of the principal building to its walls or canopies.

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.

Note: Compliance with the Waikato Regional Council Stormwater Management Guidelines is recommended.

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.

Note: The design and construction of wastewater treatment and disposal facilities shall ensure adequate provision is made to meet public health standards and must comply with the Waikato Regional Council standards.

- iv. On site detention and disposal of stormwater.

(b) All kāinga (residential units) within a papakāinga development shall be connected to the following infrastructure services:

- i. Electricity; and
- ii. Telecommunications.

(c) The performance standards for transportation set out in Section 9 must be met.

6 Subdivision

		KEY						
P Permitted activity		C Controlled activity						
D Discretionary activity		RD Restricted Discretionary activity						
N/C Non Complying activity		PRHB Prohibited activity						
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5								
Type of subdivision	Zones							
	Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki	<u>Māori Purpose Zone</u>	
1	All Zones							
(a)	Boundary Adjustment	C	C	C	C	C	C	<u>C</u>
(b)	Bonus Protection Lots	D	D	D	D	D	D	<u>D</u>
(c)	Works and Network Utilities.	C	C	C	C	C	C	<u>C</u>
(d)	Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> • Within a National Grid Subdivision Corridor; • Within 20m either side of the centreline of a sub-transmission line. 	RD	RD	RD	RD	RD	RD	<u>RD</u>

(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> • Any state highway, or • A railway line included in the definition of "regionally significant infrastructure" 	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12
(f)	Subdivision of Scheduled Sites				D			

9	Subdivision of papakāinga							
(a)	Subdivision of papakāinga	<u>D</u>	<u>D</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>D</u>

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 standards:

- (a) A mechanism must be put in place to ensure the lots remain in **iwi, hapū or¹⁵** whānau ownership in perpetuity.
- (b) The Record of Title for the allotment to be subdivided must have been issued prior to 21 December 2022.
- (c) The subdivision shall be in accordance with a Papakāinga Development Plan.

Activities that fail to comply with Rule 6.3.13(i) will require resource consent for a non-complying activity.

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

ii. Assessment Criteria

In assessing an application for subdivision of papakāinga, Council shall take into account the following in addition to the general assessment criteria under Section 1.4 of the District Plan:

- 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.

¹⁵ Submissions 54.4, 5.6 and 54.37

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

8 Works and network utilities

8.1 Telecommunications

8.1.1 Activity Table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	<u>Rural and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
1. Underground telecommunication lines.	P	P	P	P	P	P	P	P
2. Overhead connections from buildings and structures and sites to telecommunication lines, where the existing distribution network is overhead.	P	P	P	P	P	P	P	P
3. Temporary overhead telecommunication lines to construction sites or short term recreational venues subject to Council being formally notified of the route, and date by which it will be removed.	P	P	P	P	P	P	P	P
4. Extension, addition, and upgrading of overhead telecommunication lines and associated utility structures where: <ul style="list-style-type: none"> the existing line network is above ground; and: there is no increase in the number of utility structures that 	P	P	P	P	P	P	P	P

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
<p>support the overhead lines; and:</p> <ul style="list-style-type: none"> the increase in the height of the utility structures that support the overhead lines is no more than 1m. 								
5. Co-location of telecommunication lines onto existing electricity infrastructure.	P	P	P	P	P	P	P	P
6. Radiofrequency fields complying with Regulation 4(3)–4(5) of the NES-TF	P	P	P	P	P	P	P	P
<p>7. Extension, addition, and upgrading of overhead telecommunication lines and associated utility structures where:</p> <ul style="list-style-type: none"> the existing line network is above ground and: there is an increase in the number of utility structures that support the overhead lines; and/or: there is an increase of more than 1m in the height of the utility 	D	D	D	D	P	D	Same activity status as in the adjacent zone.	Same activity status as in the adjacent zone.

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
structures that support the overhead lines.								
8. New overhead telecommunication lines and associated utility structures where the existing line network is underground.	D	D	D	D	P	D	Same activity status as in the adjacent zone.	Same activity status as in the adjacent zone.
9. Telecommunication cabinets, antennas, and utility structures that do not meet the permitted standards in Regulations 7–9 of the NES-TF.	N/A	N/A	N/A	N/A	N/A	N/A	RD	N/A
10. Telecommunication kiosks/payphones.	P	P	P	P	P	P	P	P
11.1 Minor telecommunication buildings and structures and associated equipment outside of the reserve of a formed road not exceeding a “footprint” of 1.4m ² and a height of 1.8m.	P	P	P	P	P	P	N/A	P
11.2 Telecommunication buildings and structures and associated equipment outside of the reserve of a formed road.	D	D	P	P	P	D	N/A	D
12. Installation and operation of additional equipment within existing telecommunication buildings and structures.	P	P	P	P	P	P	P	P

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ- PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ- PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
13.1. A maximum of three antennae attached to any building or structure where the face of each antenna does not exceed 1.2m ² , or 1.2m in diameter for dish antennae. (Excludes private television antennae and satellite dishes – see 8.9.1.2.)	P	P	P	P	P	P	D	D
13.2 More than three antennae attached to any building or structure where the face of each antenna does not exceed 1.2m ² , or 1.2m in diameter for dish antennae. (Excludes private television antennae and satellite dishes – see 8.9.1.2.)	D	D	P	P	P	D	D	D
14. Radio and telecommunication masts with a maximum diameter of 1.5m and a maximum height of 25m metres and associated: Antennae and dishes fitting within a cylindrical shape not exceeding: 5m in diameter when measured along the centreline of the mast; and: A vertical dimension not exceeding a height of 25m above ground level; Weather radar;	D	D	P	P	P	D	D	D

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
Guy wires; Lightning rods; Wooden or steel support poles; Small buildings/ cabinets not exceeding 10m ² of gross floor area.								
15. Radiofrequency fields not complying with Regulation 4(3)–4(5) of the NES-TF.	N/C	N/C	N/C	N/C	N/C	N/C	N/C	N/C

8.2 Electricity transmission and distribution activities

8.2.1 Activity Table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
1. Underground electrical cables and ancillary electrical equipment	P	P	P	P	P	P	P	P
2. Overhead connections from buildings, structures, or sites to	P	P	P	P	P	P	P	P

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
electrical lines where the existing distribution network is overhead.								
3. Temporary overhead electrical lines to construction sites or short term recreational venues subject to Council being formally notified of the route, and date by which it will be removed.	P	P	P	P	P	P	P	P
4. Minor upgrading of electrical lines.	P	P	P	P	P	P	P	P
5. Overhead electrical lines up to and including 110kV and associated support structures.	D	D	RD	RD	P	D	Same activity status as in the adjacent zone.	Same activity status as in the adjacent zone.
6. High voltage electrical transmission lines greater than 110kV including support structures.	D	D	D	D	D	D	D	D
7. Pole mounted transformers	D	P	P	P	P	P	P	P

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
and switching gear.								
8. Single transformers and associated switching gear and ancillary electrical equipment conveying electricity at a voltage of up to and including 11kV not exceeding a gross floor area of 4m ² and a height of 2m.	D	P	P	P	P	P	P	P
9. New and extensions to existing transformers, substations, and switching stations conveying electricity at a voltage up to and including 66kV and ancillary buildings (not otherwise provided for in Activity Table 8.2.1).	D	D	P	P	P	D	The same activity status as the adjoining zone. If there are more than one adjoining zone, the most restrictive activity status shall apply	The same activity status as the adjoining zone. If there are more than one adjoining zone, the most restrictive activity status shall apply
10. New and extensions to existing substations and switching stations conveying electricity at a voltage	N/C	D	D	P	D	D	D	D

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
including and in excess of 110kV and ancillary buildings.								
11. Electrical depots for maintenance, upgrading, alteration, construction, or security of lines or pylons provided they are situated within a substation property.	RD	RD	P	P	RD	RD	RD	RD
12. Electricity transmission and distribution activities that emit electromagnetic field emissions not complying with ICNIRP guidelines as recognised by the NZ Ministry of Health.	N/C	N/C	N/C	N/C	N/C	N/C	N/C	N/C

8.3 Renewable energy generation activities

8.3.1 Activity Table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) and MPZ-<u>PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural and MPZ-<u>PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
1. Small-scale renewable energy generation.	P	P	P	P	P	P	D	D
2. Community-scale renewable energy generation.	RD	RD	P	P	P	RD	D	D
3. Large-scale wind farms.	D	N/C	RD	RD	RD	N/C	N/C	N/C
4. Research and exploratory-scale investigations for renewable electricity generation activities.	RD	RD	RD	RD	P	RD	D	D
5. Other renewable energy generating facilities.	N/C	N/C	D	D	D	N/C	D	D

8.3.2 Performance standards

iii. Free-standing wind turbines for small-scale renewable electricity generation must comply with the following table:

- a. Free-standing wind turbines for small-scale renewable electricity generation must comply with the following table.

Zone	Maximum height	Maximum rotor diameter
Residential Rural-Residential Kaitikai (Conservation)	10m	2.5m
Industrial Business	12m	3m
Rural Māori Purpose Zone	15m	5m

8.4 Liquid fuels and gas transmission and distribution

8.4.1 Activity Table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) and MPZ-PREC2	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural and MPZ-PREC1	Public Reserves	Formed Roads	Unformed Roads
1. Connections from buildings, structures and sites to gas reticulation, including fittings, meters and protective surrounds.	P	P	P	P	P	P	P	P
2. Underground gas distribution pipelines at a gauge pressure not exceeding 2,000kPa including ancillary	P	P	P	P	P	P	P	P

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Formed Roads	Unformed Roads
underground equipment and fittings, and aerial crossings of bridges, structures, and streams.								
3. Underground gas distribution regulator stations.	P	P	P	P	P	P	P	P
4. Underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2,000kPa.	D	D	D	D	D	D	D	D
5. Above ground gas distribution regulator stations.	RD	RD	P	P	P	D	RD	RD
6. Above ground gas and petroleum product transmission regulator or pump stations.	D	D	D	D	D	D	D	D

8.5 Water, wastewater and stormwater

8.5.1 Activity table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
1. Water, wastewater, and stormwater connections to public networks.	P	P	P	P	P	P	P	P
2. Ventilation, drop shafts and manholes.	P	P	P	P	P	P	P	P
3. Underground pipelines and fittings for the conveyance of water, wastewater, and stormwater.	P	P	P	P	P	P	P	P
4. Above ground pipelines and fittings for the conveyance of water, wastewater and stormwater, attached to existing bridges or structures.	P	P	P	P	P	P	P	P
5. Above ground pipelines and fittings for the conveyance of water, wastewater, and stormwater, not attached to existing bridges or structures.	RD	RD	RD	RD	RD	RD	RD	RD
6. Wastewater pump stations.	P	P	P	P	P	P	P	P
7. Water storage tanks.	RD	P	P	P	P	P	P	P
8. Water reservoirs.	RD	RD	RD	P	P	RD	D	D
9. Water treatment plants.	D	RD	D	P	P	RD	D	D

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
10.1 Stormwater detention ponds and similar facilities to reduce stormwater runoff volume, flow, and contaminant loads prior to discharge, excluding: <ul style="list-style-type: none"> rain gardens infiltration trenches wetlands domestic-scale on-site stormwater management and disposal systems. 	RD	RD	RD	RD	P	RD	RD	RD
10.2 Stormwater detention by means of: <ul style="list-style-type: none"> Rain gardens; Infiltration trenches; Wetlands; All stormwater detention facilities and ponds on sites subject to a DCP. 	P	P	P	P	P	P	P	P
11. Domestic-scale on-site stormwater management and disposal systems. (See Waikato Regional Plan for consent requirements).	P	P	P	P	P	P	P	P
12. Secondary flow paths.	RD	RD	RD	RD	RD	RD	RD	RD

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
13. Water and irrigation races, open drains, and channels (not being secondary flow paths).	RD	P	P	P	P	P	P	P
14. Wastewater treatment plants (exclusive of domestic-scale on-site wastewater disposal systems).	D	D	D	RD	RD	D	D	D
15. Domestic-scale on-site wastewater disposal systems. (See Waikato Regional Plan for consent requirements.)	P	P	P	P	P	P	D	D
16. Erosion protection, culverts, measuring devices (flow structures) and water quality monitoring devices.	RD	P	P	P	P	P	P	P

8.6 Transportation network

8.6.1 Activity table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
1. Operation, maintenance, and safety works relating to existing public roads and state highways. (See advice notes below.)	N/A	N/A	N/A	N/A	N/A	N/A	P	N/A
2.1 New public roads, and public car parks, not part of a subdivision.	D	D	D	D	D	D	D	D
2.2 New cycleways and walkways not part of a subdivision or included in a Reserve Management Plan.	D	P	P	P	P	D	P	P
2.3 New cycleways and walkways not part of a subdivision, but included in Reserve Management Plan.	D	P	P	P	P	P	P	P
3. New public roads, service lanes, cycleways,	See Rule 9.1.2(v) – Roads, private ways and access legs within a new subdivision							

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
walkways, and public car parks, as part of a subdivision.								
4. New state highways.	D	D	D	D	D	D	D	D
5. New railway network and ancillary equipment (outside of Designation 88).	D	D	D	D	D	D	D	D

8.7 Stock movements and stock crossings

8.7.1 Activity table

All activities not listed in the Activity Table are deemed to be discretionary.	
Activity	Rural, Kaitiaki (Conservation), <u>Māori Purpose</u> and Rural-Residential Zones
1. Regular stock movement within an unformed road, excluding a state highway.	P
2.1. Construction and use of a stock underpass, excluding under a state highway or an intersection with a state highway.	P
2.2. Encroachment of wing walls and retaining structures associated with the construction and use of a stock underpass into the front yard of the site on which the underpass is located.	P
3. Crossing stock over a railway reserve.	P

All activities not listed in the Activity Table are deemed to be discretionary.

Activity	Rural, Kaitiaki (Conservation), <u>Māori Purpose</u> and Rural-Residential Zones
4. Crossing stock over the carriageway of a formed road where Appendix 4 does not require an underpass to be provided, excluding a state highway or an intersection with a state highway.	P
5. Crossing stock over the carriageway of a formed road where Appendix 4 requires an underpass to be provided, excluding a state highway or an intersection with a state highway.	D
6. Regular stock movement along the berm of a formed road, including a state highway.	D
7. Regular stock movement along the carriageway of a formed road, including a state highway.	N/C
8. Regular stock movement within an unformed state highway.	D
9. Construction and use of a stock underpass under a state highway or an intersection with a state highway.	D
10. Crossing stock over the carriageway of a state highway or an intersection with a state highway.	D

8.8 Flood control works

8.8.1 Activity table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precincts)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
1. Flood control, maintenance, unscheduled, and storm response works undertaken	P	P	P	P	P	P	P	P

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precincts)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
by or on behalf of the Waikato Regional Council on the drainage, flood control, and erosion protection assets in the Waihou Valley/Piako River Flood Protection Schemes.								
2. New capital works relating to Waikato Regional Council's drainage, flood control, and erosion protection assets in the Waihou Valley/Piako River Flood Protection Schemes, including flood control dams, flood gates, stopbanks, channels, and culverting of waterways.	D	D	D	D	D	D	D	D

8.8 Miscellaneous works and network utilities

8.9.1 Activity table

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
1. Diesel or petrol electricity generators used for the emergency back-up of any work or network utility.	P	P	P	P	P	P	P	P
2. Private (for residential and recreational purposes) radio and telecommunication antennas (being no greater than 2m ² in area) and aerials (being no greater than 80mm in diameter).	P	P	P	P	P	D	D	D
3. Trig Station/Beacons.	P	P	P	P	P	P	P	P
4. Air quality and meteorological monitoring structures and devices.	D	P	P	P	P	P	P	P
5. Nautical aids and beacons subject to the approval of Maritime NZ and/or the Waikato Regional Council.	P	P	P	P	P	P	D	D
6. Helipads	D	D	D	D	D	D	D	D
7. Recycling operations.	N/C	N/C	D	D	D	N/C	N/C	N/C

Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts) <u>and MPZ-PREC2</u>	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural <u>and MPZ-PREC1</u>	Public Reserves	Reserve of formed roads	Reserve of unformed roads
8. Solid Waste management and disposal sites and composting.	N/C	N/C	N/C	N/C	D	N/C	N/C	N/C
9. Solid waste management and disposal sites involving the disposal of hazardous substances.	N/C	N/C	N/C	N/C	N/C	N/C	N/C	N/C

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 movements
 Provided 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 within a papakāinga development for 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.

9.1.4 On-site parking

i. Every person who proposes to erect, re-erect, construct or substantially reconstruct, alter or add to a building on a site or who changes the use of any land or building, shall provide suitable areas for the parking of vehicles as required below:

Activity	Parking spaces required
Accommodation facilities including:	
Dwellings (being one household unit) / <u>residential units (kāinga)</u>	2 spaces per dwelling Note: One may be “stacked” where it does not interfere with shared access
Iwi housing and marae subject to an Iwi Housing and Marae Development Plan	In accordance with the Development Plan; refer to relevant activities for guidance.
<u>Marae</u>	<u>No specific number of carparks is required, however sufficient area shall be available to ensure that all carparking and loading is contained within the site boundaries. All vehicles shall be required to enter and exit the site in a forwards direction.</u>

Home occupations / home businesses (Ahumahi -ā-kāinga) involving retailing where the total area set aside for retail sales, storage and display exceeds 10m ²	4 spaces (to be located adjacent to the retail area)
Home occupations / home businesses (Ahumahi -ā-kāinga) not involving retailing or where retailing does not exceed 10m ²	1 space per two persons employed, in addition to the requirements for the principal dwelling
Visitor accommodation including motels	1 space per unit/room plus 1 space per two staff members
Camping grounds/caravan parks	1 per unit, campsite, or caravan
Hostels, boarding houses	1 space for every three persons designed to be accommodated plus 1 space per two staff members
Nursing and convalescent homes	Visitor parking at a ratio of 1 space per ten beds, plus 1 space per two employees, plus 1 space per ambulance
Places of assembly including:	
Restaurants/licensed premises	1 space per 10m ²
Theatres, halls, community centres, churches, funeral directors	1 space per five persons the facility is designed to accommodate
Buildings serving recreation reserves and indoor recreation buildings, including gymnasiums	1 space per 25m ²
Recreational and community activities with no buildings including playing fields and outdoor courts	1 space per ten persons the facility is designed to accommodate
Education facilities (whare akomanga) including:	
Childcare centres	1 space for every four children, plus 2 spaces for every three full-time staff equivalents
Schools	1 space per full-time equivalent staff member, plus 1 space per ten students accommodated in Years 11 to 13, plus 1 drop-off space per twenty students, plus 1 bus space per 200 students (excluding Year 11 – 13 students).
Business activities including:	
Health care services (doctors/dentists) / Healthcare facilities (Whare Hauora)	3 spaces per consultant

13 Other methods

13.6 Tangata whenua

Council will liaise with the tangata whenua with regard to any activity being undertaken on a site that includes or may include features of cultural significance.

Methods of doing this may include, but are not necessarily limited to:

- [Iwi housing and marae Papakāinga](#) development plans
- Landcare accords.

15 Definitions

- **[Accessory building \(in the Māori Purpose Zone\):](#) means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.**
- **[Ahumahi -ā-kāinga / Home business \(in the Māori Purpose or part of a papakāinga\):](#) means a commercial activity that is:

 - a) [undertaken or operated by at least one resident of the site; and](#)**

- b) incidental to the use of the site for a residential activity.
 - **Building (in the Māori Purpose or part of a papakāinga):** means a temporary or permanent movable or immovable physical construction that is:
 - a) partially or fully roofed; and
 - b) 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.
 - **Building coverage (in the Māori Purpose Zone):** means the percentage of the net site area covered by the building footprint.
 - **Building footprint (in the Māori Purpose Zone):** means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.
 - **Commercial activity (in the Māori Purpose Zone):** means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).
 - **Communal living arrangement:** Living accommodation which is served by one or more communal living areas, including kitchens and provides for more than one immediate family unit. For example: a communal kitchen and bathroom which services individual cabins / bedrooms.
 - **Earthworks (in the Māori Purpose Zone):** means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.
 - **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.
 - **Gross floor area (in the Māori Purpose Zone):** means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells) measured:
 - (a) where there are exterior walls, from the exterior faces of those exterior walls;
 - (b) where there are walls separating two buildings, from the centre lines of the walls separating the two buildings;
 - (c) where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.
 - **Height (in the Māori Purpose Zone):** means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.
 - **Height in relation to boundary (in the Māori Purpose Zone):** means the height of a structure, building or feature, relative to its distance from either the boundary of:
 - (a) a site; or
 - (b) another specified reference point.
 - **Marae:** A communal facility and traditional meeting place hosted by local whānau, hapū or iwi (predominantly hapū led). A marae complex comprises a whareniui (meeting hall), whare tūpuna, whare moe wharekai (dining hall) and marae ātea (open courtyard).
 - **Marae-related activities:** Traditional cultural activities and events undertaken on a marae that could include: whānau, 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.
 - **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.
- Note: for the avoidance of doubt, tangata whenua is not limited to iwi or hapū organisations. It ~~and~~ includes:
- Māori landowners who whakapapa to the whenua and their whānau; and
 - Individuals and whānau who are part of a member of iwi or hapū who are tangata

whenua.¹⁶

- **Kāinga / 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.
- **Kaumātua unit:** means a self-contained one or two bedroom unit that is primarily occupied by a kaumātua couple or an individual kuia or koroua¹⁷.
- **Service area** means an area of outdoor space for the exclusive use of the residential unit for domestic requirements, such as rubbish storage or a clothes line. It excludes any space required for outdoor living space, parking, manoeuvring, or buildings.¹⁸
- **Site (in the Māori Purpose Zone):** means:
 - a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or;
 - b) 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
 - c) 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.
- **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.

- **Urupā:** A cemetery or burial site.
- **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.
- **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.

¹⁶ Submission 6.4.

¹⁷ Submission 54.32, 54.41 and 54.42

¹⁸ Submissions 54.18 and 54.27