

### 15. RESIDENTIAL ZONE

#### 15.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.6 and Chapters 21, 22, 23 and 24.

- (a) Residential activities.
- (b) Accessory buildings.
- (c) Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
- (d) Visitor accommodation for up to four persons per site within any residential dwelling unit and/or family flat.
- (e) Home occupations.
- (f) Open space.
- (g) The construction, alteration of, and addition to, and demolition of buildings and structures for any permitted activity.
- (h) Use of existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.
- (i) The following types of signs:
  - (i) Advertising signs located on the site to which the activity relates, including public facility or information signs identifying a building, property or business.
  - (ii) Official signs.
  - (iii) Temporary signs.
  - (iv) Signs advertising sale or auction of land or premises.
  - (v) Health and safety signs.
- (j) The following network utilities and energy activities:
  - (i) The construction, operation, maintenance and upgrading of network utilities.
  - (ii) Domestic scale renewable energy devices.
- (k) Within the Flood Hazard Overlay Areas only, the following activities:
  - (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of supervised by, Horizons Regional Council.
  - (ii) Maintenance or minor upgrading of existing network utilities.

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- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles.
- (v) New network utility masts.
- (vi) New network utility cabinets/buildings.

Notes:

- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
  - Refer to rules in Horizons Regional Council's Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers ~~zoned for river and flood control~~, all land use activities in the coastal marine area, coastal foredunes, areas with flood control and drainage schemes, and erosion protection works that cross or adjoin mean high water springs.
- (l) Where a building or structure is listed in Schedule 2 – Historic Heritage, the following are permitted activities:
- (i) The maintenance, redecoration and repair of the interior and exterior of a Group 1 or 2 building or structure.
  - (ii) Internal alteration of a Group 2 building.
- (m) Where a site is listed in Schedule 2 – Historic Heritage, the following are permitted activities:
- (i) Maintenance and repair of existing lawns, gardens, structures (including fences), buildings and signage on any site.
  - (ii) Removal of vegetation on any site.
- (n) Where a tree is listed in Schedule 3 – Notable Trees the following are permitted activities:
- (i) The removal or partial removal of a Notable Tree.
  - (ii) Any activities within the drip line of a Notable Tree.
  - (iii) Any trimming and maintenance of a Notable Tree.
- Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 15.6.30.*
- (o) Temporary activities.
- (p) Temporary military training activities.
- (q) State Integrated Schools listed in Schedule 4.
- (r) Earthworks (Refer to Rule 15.4(i)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure and Rule 15.4(j)(ii) Earthworks within a site that is listed in Schedule 2 – Historic Heritage).

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- (s) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

National Environmental Standards:

- For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.
- For any activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation, refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009. The regulations contain a separate code of rules for those activities listed. Except as provided for by the regulation, no rules in this District Plan apply to such activities.

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### 15.2 CONTROLLED ACTIVITIES

The following activities are controlled activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.7 and Chapters 21, 22, 23 and 24. Refer to Rule 15.7 for matters of control and conditions:

- (a) The placement of any relocated building and/or accessory building on any site. (Refer Rule 15.7.1)

Except

Any relocated buildings up to and including 40m<sup>2</sup> in gross floor area.

- (b) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage. (Refer Rule 15.7.2)
- (c) Any temporary filming activity that does not comply with the permitted activity duration conditions in Rule 15.6.32(b)(i). (Refer Rule 15.7.3)
- (d) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 15.6.33. (Refer Rule 15.7.4)
- (e) Any subdivision of land, ~~except within the Tararua Road Growth Area Overlay.~~ (Refer Rule 15.7.5)
- (f) Any boundary adjustment subdivision within a Flood Hazard Overlay Area. (Refer Rule 15.7.6)
- (g) Any dwelling within the Fairfield Road Special Residential Overlay Area. (Refer Rule 15.7.7)

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### 15.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.8. Refer to Rule 15.8 for matters of discretion and conditions.

- (a) Any permitted activity which does not comply with any conditions in Rule 15.6 and Chapters 21, 22, 23 and 24. (Refer Rule 15.8.1)
- (b) Any controlled activity which does not comply with any conditions in Rule 15.7. (Refer Rule 15.8.2)
- (c) Within Flood Hazard Overlay Areas any permitted activities that do not comply with the permitted activity conditions in Rule 15.6.16. (Refer Rule 15.8.6)
- ~~(d) Any subdivision of land within the Tararua Road Growth Area Overlay. (Refer Rule 15.8.7)~~
- (e) Any subdivision where the lots would not be serviced by a reticulated wastewater system. (Refer to Rule 15.8.11)
- (f) Any Medium Density Development within the Medium Density Overlay Area in Levin, Foxton Beach and Waitarere Beach. (Refer Rule 15.8.9)
- (g) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 15.8.12)
- (h) Any signs attached to, or within the heritage setting of, a building, structure or site listed in Schedule 2 – Historic Heritage that do not comply with the relevant permitted activity conditions. (Refer Rule 15.8.13)
- (i) Remote advertising signs. (Refer Rule 15.8.14)
- (j) Community Entrance signs. (Refer Rule 15.8.14)

Note: Refer to Chapter 25 for Assessment Criteria as a guide for preparing an assessment of environmental effects to accompany a resource consent application for any of the above activities.

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### 15.4 DISCRETIONARY ACTIVITIES

The following activities are discretionary activities in the Residential Zone:

- (a) Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity.
- (b) Any subdivision that is not in accordance with the requirements as specified in a Structure Plan in Schedule 8.
- (c) Two or more residential dwelling units/family flats per site.

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- (d) Any Medium Density Development within the Medium Density Overlay in Levin, Foxton Beach and Waitarere Beach that does not comply with the restricted discretionary activity conditions in Rule 15.8.9.
- (e) New community facilities or additions and alterations to existing community facilities (including education facilities and grounds) for community activities including services having a social, community ceremonial, educational, recreational, worship, or spiritual purpose.
- (f) Community Entrance signs that do not comply with the restricted discretionary activity conditions in Rule 15.8.13(b)(i).
- (g) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (h) Any activities within the Flood Hazard Overlay Areas that are not listed as a permitted or restricted discretionary activities, including but not limited to the following:
  - (i) Any erection, placement, alteration of, or addition to, any habitable building or structure.
  - (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 15.1(j)).
  - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 15.2(f)).
  - (iv) Any activity involving storage of hazardous substances.
  - (v) Visitor accommodation.
- (i) Where a building or structure is listed in Schedule 2 – Historic Heritage the following are discretionary activities:
  - (i) Alteration to, or relocation of, a Group 1 or 2 building or structure.
  - (ii) Demolition of a Group 2 building or structure.
  - (iii) Subdivision within the heritage setting of a Group 1 or 2 building or structure.
  - (iv) New building or additions to an unlisted building located within the heritage setting of a Group 1 or 2 building or structure.
  - (v) Earthworks within the heritage setting of a Group 1 or 2 building or structure.
- (j) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
  - (i) New building or the extension of the footprint of an existing building or structure on a site.
  - (ii) Earthworks.
  - (iii) Subdivision of land.

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- (k) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 15.6.30.
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### 15.5 NON-COMPLYING ACTIVITIES

The following activities are non-complying activities in the Residential Zone:

- (a) ~~Any new vehicular access to State Highway 57 within the Tararua Road Growth Area Overlay.~~
- (b) Any Medium Density Development outside the Medium Density Overlay Area.
- (c) Demolition or destruction of a Group 1 building, structure or a site listed in Schedule 2 – Historic Heritage.
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### 15.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

#### 15.6.1 Number of Residential Dwelling Units and Family Flats

- (a) One residential dwelling unit per site.
- (b) One family flat of up to 50m<sup>2</sup> in maximum gross floor area plus a covered verandah up to 10m<sup>2</sup> per site.

#### 15.6.2 Maximum Building Height

- (a) No part of any building shall exceed a height of 8.5 metres.

Except

No part of any accessory building or family flat shall exceed 4.5 metres in height.

#### 15.6.3 Daylight Setback Envelope

- (a) No part of any building shall encroach outside an envelope created, in relation to each site boundary except a boundary with a street, by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope) inwards from that point.

#### 15.6.4 Building Setback From Boundaries

- (a) No building shall be located closer than 4 metres from any road boundary, except that a 5 metre long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle where the vehicle takes direct access to the structure from the road.

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- (b) No building shall be located closer than 1.5 metres from any other site boundary.

Except

Accessory buildings shall be located no closer than 1 metre from any other site boundary unless adjoining landowners' written consent is obtained.

- ~~(c) Within the Tararua Road Growth Area Overlay the following additional building setbacks apply:~~

~~(i) No building shall be located closer than 10 metres from the State Highway 57 road boundary; and~~

~~(ii) No building shall be located closer than 8 metres from an Industrial Zone boundary.~~

- (d) Within the Fairfield Road Special Residential Overlay Area the following additional building setback applies:

(i) No building shall be located closer than 3 metres from any other site boundary.

Note: Refer to Rule 15.6.24 for vehicle access space requirements.



### 15.6.5 Separation Distance Between Detached Residential Dwelling Units

- (a) No detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit.

### 15.6.6 Private Outdoor Living Area

- (a) All residential dwelling units shall have a private outdoor living area which is at least 40m<sup>2</sup> in area and capable of containing a circle 4 metres in diameter.

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### 15.6.7 Maximum Building Coverage

- (a) On sites greater than 500m<sup>2</sup> the proportion of any net site area covered by buildings shall not exceed 35%.
- (b) On sites 500m<sup>2</sup> or smaller the proportion of any net site area covered by buildings shall not exceed 40%.
- (c) There shall be no building coverage requirements for network utilities on sites less than 200m<sup>2</sup>.

### 15.6.8 Accessory Buildings

- (a) On sites less than 710m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 60m<sup>2</sup>.
- (b) On sites between 710m<sup>2</sup> and 1,000m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 8.5% of the net site area.
- (c) On sites greater than 1,000m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 85m<sup>2</sup>.
- (d) Accessory buildings shall not project forward of a principal residential dwelling unit;

Except

Where there is no demonstrable area to the side or rear of a principal residential dwelling unit to accommodate an accessory building, an accessory building with a maximum gross floor area of 36m<sup>2</sup> is permitted forward of the principal residential unit.

### 15.6.9 Fencing

- (a) Front Road Boundary
  - (i) The maximum height of a fence or wall sited on the boundary or within 1 metre from the boundary shall comply with at least one of the following:
    - 1.5 metres where the fence or wall fronts a front road boundary; or
    - 2 metres where the fence or wall fronts a front road boundary and at least the upper 0.5 metres of the fence is at least 50% transparent.
- (b) Other Boundaries
  - (i) The maximum height of a fence or wall sited on the boundary or within 1 metre from the boundary shall not exceed 2 metres.

### 15.6.10 Home Occupations

- (a) ~~A home occupation shall not exceed 50m<sup>2</sup> of total floor area dedicated to this activity.~~ The total floor area dedicated to home occupations on a site shall not exceed 50m<sup>2</sup>.



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### 15.6.11 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point within any other site:
- (i) On any day -
- 7.00am – 7.00pm: 55dB  $L_{Aeq(15mins)}$
  - 7.00pm – 10.00pm: 50dB  $L_{Aeq(15mins)}$
  - 10.00pm – 7.00am: 40dB  $L_{Aeq(15mins)}$
  - 10.00pm – 7.00am: 65dB  $L_{max}$
- (b) Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.
- (c) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (d) The noise limits in Rule 15.6.11(a) and (b) shall not apply to the following activities:
- (i) Fire and civil emergency sirens.
- (ii) Construction, maintenance and demolition work.
- (iii) The operation of the Main North Island Trunk Railway.
- (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential activity.
- (v) Temporary military training activities.
- (vi) Temporary events.

Notwithstanding the above rules, Section 16 of the RMA imposes a duty on every occupier of land and any person carrying out an activity in, on or under a water body to adopt the best practicable option to avoid unreasonable noise.

### 15.6.12 Vibration

- (a) No activity shall create any vibration which exceeds the limits in the following standards:
- (i) AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.
- (ii) AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and Shock-Induced Vibration in Buildings (1 to 80 Hz).
- (iii) DIN 4150-3:1999 Effects of vibration on structures.

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- (iv) NZS 4403:1976 Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments.

### 15.6.13 **Noise Insulation**

- (a) Any habitable room in a new noise sensitive activity or any alteration(s) to an existing noise sensitive activity constructed within 30 metres (measured from the nearest edge of the rail corridor) of the North Island Main Trunk Railway shall be designed, constructed and maintained to meet an internal noise level of:
  - (i) 35dBA L<sub>Aeq</sub> (1 hour) inside bedrooms.
  - (ii) 40dBA L<sub>Aeq</sub> (1 hour) inside other habitable rooms.

Compliance with this Rule shall be achieved by, prior to the construction of any noise sensitive activity, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels will be achieved.

### 15.6.14 **Light Spill**

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (lumens per square metre) when measured at the boundary of an adjoining residential site. The maximum lux shall be measured horizontally or vertically at the site boundary.

### 15.6.15 **Odour**

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in the Residential Zone.

Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

### 15.6.16 **Flood Hazard Overlay Area**

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m<sup>3</sup> per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

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- (b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of, or addition to any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m<sup>2</sup> per site.

Except the above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizons Regional Council.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m<sup>2</sup> gross floor area.

### 15.6.17 Storage of Goods and Materials

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining residential properties and from roads.

### 15.6.18 Unsightly Buildings

- (a) No building shall be left unfinished, ~~or constructed,~~ or be permitted to deteriorate such become in such a state so that its external appearance adversely affects the amenity ~~is a distraction from the amenities~~ of the neighbourhood in which it is situated.

### 15.6.19 Wrecked Motor Vehicles

- (a) No wrecked and/or unroadworthy vehicle or vehicles shall be placed or located on a residential property where any such vehicle may be viewed from any public place or road.

For the purpose of this condition:

- “Vehicle” shall include any car, bus, truck, van, motorcycle, trailer or house bus or caravan, and
- “Wrecked and Unroadworthy” shall include any of the above which is unregistered and/or unwarranted and/or beyond reasonable repair and includes vehicles being stripped for sale or disposal of parts.

### 15.6.20 Water Supply

- (a) All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site in accordance with Chapter 24.

### 15.6.21 Wastes Disposal

- (a) All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids any significant adverse effects or nuisance for adjoining properties.

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### 15.6.22 Surfacewater Disposal

- (a) All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance.

### 15.6.23 Engineering Works

- (a) All activities, subdivisions and developments shall comply with the permitted activity conditions in Chapter 24.

### 15.6.24 Vehicle Access

- (a) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21.
- (b) Where no garage or carport exists, space shall be retained to enable the future development of vehicle access no less than 2.5 metres wide between the road and the rear of the site.

### 15.6.25 Vehicle Parking, Manoeuvring, and Loading

- (a) All activities, ~~except network utilities on sites less than 200m<sup>2</sup>~~, shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 21.

### 15.6.26 Safety and Visibility at Road and Rail Intersection

- (a) No building or structure shall be erected, no materials shall be ~~placed~~deposited, or vegetation planted that would obscure the railway level crossing approach sight triangles~~distances from any road and rail intersection as detailed shown in Diagram 4 (Rule 21.1.11 in Chapter 21 – Traffic Sight Lines at Road and Rail Intersections)~~.

### 15.6.27 Network Utilities and Energy

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.
- (b) All other relevant conditions specified in this part of the District Plan shall also apply to any network utility or associated structures.

### 15.6.28 Hazardous Substances

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Residential Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

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### 15.6.29 Signs

- (a) All signs shall comply with the Maximum Face Area set out in Table 15-1.

**Table 15-1: Maximum Face Area for Signs**

Type of Sign	Maximum Face Area (m <sup>2</sup> ) per site
Official signs	N/A
Temporary signs	3m <sup>2</sup>
Signs advertising the sale or auction of land or premises	2m <sup>2</sup> (combined total area of signs)
<del>Advertising</del> <u>Public information</u> signs, located on the site to which the activity relates identifying the building, property or business which can include a sign attached to the building	1m <sup>2</sup>
A permanent free standing sign, which may be double sided, for each frontage of the site	1m <sup>2</sup> (on one side)
Public facility signs including any church, school or hall	2m <sup>2</sup>
<u>Health and safety signs</u>	<u>N/A</u>

- (b) Any temporary sign shall be displayed for no longer than two (2) calendar months ~~in every calendar year~~ of a 12 month period and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
- (c) Signs advertising the sale or auction of land or premises shall be removed within 10 days of the property being sold, leased or withdrawn from the market.
- (d) All signs shall comply with the height, and where applicable, recession plane requirements, but shall not be required to comply with rules relating to setbacks from road boundaries.
- (e) No sign shall be illuminated.
- (f) No signs attached to a building shall exceed the highest point of the roof.
- (g) No sign shall be erected on or adjacent to a road which will:
- (i) obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
  - (ii) obstruct, obscure or impair the view of any traffic sign or signal;
  - (iii) physically obstruct or impede traffic or pedestrians;
  - (iv) resemble or be likely to be confused with any traffic sign or signal;
  - (v) use reflective materials that may interfere with a road user's vision;

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- (vi) use flashing or revolving lights; or
  - (vii) project light onto the road so as to cause a hazard or distraction to users of the road (including pedestrians).
- (h) The minimum lettering sizes in Table 15-2 below shall apply to all signs located within 15 horizontal metres of a road:

**Table 15-2: Minimum Lettering Sizes for Signs**

	<b>Posted speed limit 70kph and above</b>
Maximum number of words	6 or symbols
Maximum number of characters	40
Minimum lettering height	160mm

### 15.6.30 Notable Trees

- (a) Any removal or partial removal of a tree listed in Schedule 3 - Notable Trees shall comply with the following conditions:
- (i) Council has confirmed the tree is dead; or
  - (ii) Removal or partial removal is required as an emergency work to safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist).
- (b) Within the drip line of any tree listed in Schedule 3 - Notable Trees, any activities shall not involve the following works:
- (i) The construction of any building or structure.
  - (ii) The laying of overhead or underground services.
  - (iii) Any sealing, paving, soil compaction, or any other impervious surfaces.
  - (iv) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling.
  - (v) The discharge of any toxic hazardous substance.
- (c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
- (i) Minor trimming necessary to maintain the health of the tree where the work is carried out by, or under the supervision of, a qualified arborist who has advised the Council in advance of the work to be carried out.
  - (ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.

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- (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
- (iv) Required as an emergency work.

### 15.6.31 Sites of Significance to Tangata Whenua

- (a) No activity or development shall ~~lead to the modification, demolition or removal of~~ modify, demolish or remove any sites of significance to Māori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed.

### 15.6.32 Temporary Activities

- (a) In addition to the other permitted activity conditions, temporary events, including, but not limited to, festivals, sports events, and markets; shall comply with the following conditions:
  - (i) the duration of any temporary event shall not exceed seven (7) consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day;
  - (ii) any temporary event shall operate between the hours of 7.00am – 10.00pm;
  - (iii) the duration of a series of temporary events shall not exceed a cumulative period of 30 days in a calendar year;
  - (iv) all temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in 15.6.2 and 15.6.7; and
  - (v) noise from any temporary events shall not exceed the following noise levels, at any site in the Residential Zone, at the notional boundary of any noise sensitive activity within the Rural Zone, or anywhere within the site boundary of any noise sensitive activity within the Commercial, Industrial, Open Space or Greenbelt Residential Zones:
    - Amplified Sound including sound testing: 80dB<sub>L<sub>Aeq</sub></sub> (10 mins).
    - Activities other than amplified sound: 70dB<sub>L<sub>Aeq</sub></sub> (10 mins).
    - Crowd noise is exempt from these limits.
- (b) In addition to the other permitted activity conditions, temporary filming activities, shall comply with the following:
  - (i) The total occupation of the site for filming activities shall not exceed seven (7) consecutive days.
  - (ii) All temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in 15.6.2 and 15.6.7.

### 15.6.33 Temporary Military Training Activities

- (a) All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:

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- (i) No permanent structures shall be constructed.
- (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
- (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any noise sensitive activity.

Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.

~~Noise resulting from the use of explosives and small arms shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~

- (v) Noise generated from any fixed source (other than weapons firing and/or use of explosives) shall not exceed the following limits when measured at the site boundary:

- On any day -
  - 7.00am – 7.00pm: 55 dB  $L_{Aeq(15min)}$
  - 7.00pm – 10.00pm: 50 dB  $L_{Aeq(15min)}$
  - 10.00pm – 7.00am: 45 dB  $L_{Aeq(15min)}$
  - 10.00pm – 7.00am: 75 dB  $L_{AFmax}$

Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.

- (vi) Noise generated from the use of helicopters shall be assessed in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and comply with the limits set out therein.

Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

- (vii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:
  - The separation distances identified in Table 15-3; or
  - If minimum separation distances in Table 15-3 cannot be met:
    - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the site boundary; and



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- Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at the site boundary; and
- Provided the New Zealand Defence Force produces and undertakes the activity in accordance with a Noise Management Plan submitted to the Council at least 15 working days prior to the activity being undertaken (refer 28.2.6 for information requirements for Noise Management Plan).

**Table 15-3: Separation Distances for Temporary Military Training Activities involving explosives and/or weapons.**

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any site within the Residential Zone</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>7.00am to 7.00pm (daytime hours)</u>	<u>At least 1500m</u>
	<u>7.00pm to 7.00am (night time hours)</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>7.00am to 7.00pm (daytime hours)</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time hours)</u>	<u>At least 2250m</u>

### 15.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

The matters over which Council has reserved its control and the conditions are detailed below for each controlled activity:

#### 15.7.1 Relocated Buildings (Refer to Rule 15.2(a))

- (a) Matters of Control
- (i) The length of time taken to re-construct, repair, or refurbish the building.
  - (ii) Conditions for upgrading the exterior of the building and upgrading and reinstating the site, including any one or more of the following:
    - redecoration or reinstatement of any roof or exterior cladding;

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- reinstatement of any porches, terraces, baseboards and steps;
  - replacement of broken window panes, broken or rotten timber, guttering, drainpipes;
  - reinstatement of that part of a dwelling where a chimney has been removed;
  - reinstatement of the site and access to the site; or
  - details and length of time to complete site landscaping.
- (iii) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond shall be paid prior to the movement of the building to its new site, and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.
- (b) Conditions
- (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the District Plan.
- (c) Non-Notification
- (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 15.7.1 shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95A(4), or
  - The applicant requests public notification (pursuant to Section 95A(2)(b)

### 15.7.2 Historic Heritage – Buildings (Refer to Rule 15.2(b))

- (a) Matters of Control
- (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

### 15.7.3 Temporary Filming Activities (Refer to Rule 15.2(c))

- (a) Matters of Control
- (i) The hours of operation of the temporary filming activity.
- (ii) The size and positioning of temporary buildings and structures.
- (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public.

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- (iv) Where appropriate, the provision of safe pedestrian entry and exit.
  - (v) The provision for waste collection, storage and site cleanup.
  - (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects.
  - (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects.
  - (viii) The actual and potential adverse effects on recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) The duration of the temporary filming activity shall not exceed 31 consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
  - (ii) Submit a draft management plan demonstrating how the temporary filming activity avoids, remedies or mitigates adverse effects on local amenity. The scale and detail of this draft management plan is to be commensurate with the scale of the temporary filming activity and the nature of the potential effects on local amenity.

### 15.7.4 Temporary Military Training Activities (Refer to Rule 15.2(d))

- (a) Matters of Control
- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~
  - (ii) The size and positioning of buildings and structures;
  - (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation;
  - (iv) Methods to manage effects on the amenity and character of the area as a result of non-compliance with the noise and duration permitted activity conditions;
  - (v) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
  - (vi) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

### 15.7.5 Subdivision of Land (Refer to Rule 15.2(e))

- (a) Matters of Control
- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.

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- (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
  - (iii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.
  - (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.
  - (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
  - (vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
  - (vii) Site contamination remediation measures and works.
  - (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
  - (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
  - (x) Staging of the subdivision.
  - (xi) In accordance with any applicable Structure Plan in Schedule 8.
  - (xii) Compliance with the Council’s Subdivision and Development Principles and Requirements (Version: November 2012).
  - (xiii) Those matters described in Sections 108 and 220 of the RMA.
- (b) Conditions
- (i) Minimum Allotment Area and Shape

Each allotment shall comply with the following site area and shape factor standards for each settlement set out in below.

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Table 15-4: Standards Applying to Subdivision and Residential Dwelling Units

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Minimum Average Site Area	Minimum Shape Factor
<b>Levin, Foxton, Foxton Beach and Shannon</b>			
Residential Allotments (other than infill subdivision allotments)	Nil	330m <sup>2</sup> provided that the average area of all allotments which are available for residential purposes shall be not less than 600 square metres. In calculating this averaged area, any allotment or balance area having an area larger than 680 square metres shall be counted as having 680 square metres. Averaging applies only to subdivisions creating more than 2 new allotments.	18 metres diameter
Residential Infill Allotments	The allotment being subdivided shall be contained in a Certificate of Title issued before 1.3.91; and  Shall have no more than 1200 square metres area and contain no buildings; or	330m <sup>2</sup>	13 metres diameter
	Shall have no more than 2025 square metres area and shall contain a residential building or buildings.  Subdivisions shall not create more than 3 infill allotments.		
Shannon Special Residential Zone Thomson Street/ Nathan Terrace	Nil	2,000m <sup>2</sup>	20 metres diameter
Fairfield Road Special Residential Overlay	Nil	1,000m <sup>2</sup> provided that the average area of all allotments which are available for residential purposes shall be not less than 1500m <sup>2</sup> .	20 metres diameter
Residential Allotments Within the Low Density Overlay	Nil	1,000m <sup>2</sup> provided that the average area of all allotments which are available for residential purposes shall be not less than 2,000m <sup>2</sup> .	18 metres diameter

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Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Minimum Average Site Area	Minimum Shape Factor
<b>Waitarere Beach, Mangaore and Tokomaru</b>			
Residential Allotments	Where reticulated sewerage disposal is available	800m <sup>2</sup>	18 metres diameter
Low Density Area	Where reticulated sewerage disposal is available	1,000m <sup>2</sup> Minimum average site area of 2,000m <sup>2</sup>	18 metres diameter
<b>Hokio Beach and Waikawa Beach</b>			
Residential Allotments	Where reticulated sewerage disposal is <del>not</del> available	800m <sup>2</sup>	18 metres diameter
<u>Boundary Adjustment</u>	<u>Where reticulated sewerage disposal is not available</u>	<u>800m<sup>2</sup></u>	<u>18 metres diameter</u>
Low Density Area	Where reticulated sewerage disposal is not available	1,000m <sup>2</sup> Minimum average site area of 2,000m <sup>2</sup>	18 metres diameter
<b>Ohau and Manakau</b>			
Residential Allotments (Ohau West and Manakau)	Where reticulated sewerage disposal is <del>not</del> available	2,000m <sup>2</sup>	18 metres diameter
<u>Boundary Adjustment</u>	<u>Where reticulated sewerage disposal is not available</u>	<u>2,000m<sup>2</sup></u>	<u>18 metres diameter</u>
Residential Allotments (Ohau East)	Where reticulated sewerage disposal is not available	85,000m <sup>2</sup>	18 metres diameter

Note: In calculating the minimum average site area, any allotment or balance area having an area larger than 5000m<sup>2</sup> shall be counted as having 5000m<sup>2</sup>.

(ii) Water Supply Disposal, Wastewater and Other Services

All subdivisions shall comply with the requirements as specified set out in Chapter 24.

(iii) Roads and Access

All subdivisions shall comply with the requirements as specified in Chapter 21.

(iv) Network Utilities

There shall be no minimum site area requirements for lots for network utility purposes.

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### (v) Structure Plans

Where any land is within a Structure Plan area in Schedule 8, all subdivisions shall be in accordance with the requirements as specified in the Structure Plan.

### 15.7.6 Boundary Adjustment - Flood Hazard Overlay Areas (Refer Rule 15.2(f))

#### (a) Matters of Control

- (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
- (ii) The location, nature, scale and design of the allotments, their intended use, and the degree to which people or property are put at risk as a result of the subdivision.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects of the mitigation measures in terms of any increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude on the site and to other properties which may or may not currently be at risk from the effects of the natural hazards.

### 15.7.7 Fairfield Road Special Residential Overlay Area (Refer Rule 15.2(g))

#### (a) Matters of Control

- (i) The protection of the seventeen Phoenix Palms and yew hedge on the site, including in relation to the siting of any dwelling, except where the palms and the hedge have to be removed to accommodate one single road (including road reserve) into the property.

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## 15.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

The matters over which Council has restricted its discretion for each restricted discretionary activity, and the conditions for each activity, are detailed below:

### 15.8.1 Non-compliance with Permitted Activity Conditions (Rule 15.6) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer to Rule 15.3(a)):

#### (a) Matters of Discretion

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

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### 15.8.2 Non-Compliance with Controlled Activity Conditions Rule 15.7 (Refer to Rule 15.3(b))

- (a) Matters of Discretion
- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

### 15.8.3 Non-Compliance with Road Setback Rule 15.6.4(a) (Refer to Rule 15.3(a))

- (a) Matters of Discretion
- (i) The effect of the design and appearance of the building on the overall streetscape, amenities and character of the locality.
- (ii) The effect of the proposal on the safety, efficiency, or convenience of any adjoining road or footpath.
- (iii) Where the building is intended to house vehicles, the ability to gain access into and out of the building from the road without interfering with the safety or convenience of any road or footpath user.
- (iv) The effect of the building's location on opportunities for access to the rear of the site.
- ~~(v) Within the Tararua Road Growth Area Overlay, effect on the residential amenity given the noise, vibration and air pollution effects of State Highway 57. In assessing effects full consideration will be given to the noise and vibration standards contained in Rules 15.6.11 and 15.6.12.~~

### 15.8.4 Non-Compliance with Fencing Rule 15.6.9 (Refer to Rule 15.3(a))

- (a) Matters of Discretion
- (i) The height, design and visual appearance of the fence
- (ii) The impact of the fence on the existing street character
- (iii) The visual contribution the fence makes to the streetscene
- (iv) The impact that the fence may have on the perceived safety of motorists and pedestrians
- (b) Non-Notification
- (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.4 shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95A(4)), or
  - The applicant requests public notification (pursuant to Section 95A(2)(b)).



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### 15.8.5 Non-Compliance with Home Occupations Rule 15.6.10 (Refer to Rule 15.3(a))

- (a) Matters of Discretion
  - (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that are not met.
- (b) Conditions
  - (i) ~~A home occupation shall not exceed 70m<sup>2</sup> of total gross floor area dedicated to this activity. The total floor area dedicated to home occupations on a site, shall not exceed 70m<sup>2</sup>.~~

### 15.8.6 Flood Hazard Overlay Areas (Refer to Rule 15.3(c))

- (a) Matters of Discretion
  - (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
  - (ii) The location, nature, scale and design of the buildings, earthworks or allotments, its intended use, including whether the building, earthworks or use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.
  - (iii) Avoidance or mitigation measures to address the risks from natural hazards.
  - (iv) The effects the mitigation measures in terms of increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude, including to other properties which may or may not currently be at risk from the effects of the natural hazards.
  - (v) The effects on the effectiveness of existing flood hazard avoidance or mitigation measures, including works and structures within river and drainage schemes, natural landforms that protect against inundation, and overland stormwater flow paths.

### ~~15.8.7 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 15.3(d))~~

- ~~(a) Matters of Discretion
  - ~~(i) Those matters specified in Chapters 21 and 24.~~
  - ~~(ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events.~~
  - ~~(iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider.~~
  - ~~(iv) The design and layout of proposed urban areas.~~~~

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- ~~(v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57.~~
- ~~(vi) The amenity effects on existing and proposed residential areas (should design standards contained in the Design Guide not be complied with or should proposals not be in accordance with the Structure Plan – Schedule 5).~~
- ~~(vii) The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide – Schedule 5.~~

### ~~15.8.8 Land use within the Tararua Road Growth Area Overlay (Refer to Rule 15.3(a))~~

#### ~~(a) Matters of Discretion~~

- ~~(i) Any permitted or controlled activity within the Tararua Road Growth Area Overlay, which does not comply with any condition in Rules 15.6 and 15.7 and Chapters 21, 22, 23 and 24, the matters over which Council will exercise its discretion shall be restricted to the following:~~
  - ~~• Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met.~~
  - ~~• The design and layout of proposed urban areas.~~
  - ~~• The amenity effects caused by noise, vibration and air pollution effects of State Highway 57 at the boundary of residential properties.~~
  - ~~• The amenity effects on existing and proposed residential areas (should design standards contained in Schedule 5 – Tararua Growth Area Design Guide not be complied with or should proposals not be consistent with the Structure Plan).~~
  - ~~• The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in Schedule 5 – Tararua Growth Area Design Guide.~~

### **15.8.9 Medium Density Development within Levin, Foxton Beach and Waitarere Beach (Refer to Rule 15.3(f))**

#### **(a) Matters of Discretion**

- (i) Matters in Schedule 10 - Medium Density Residential Design Guide.**
- (ii) The site layout and configuration of residential units.**
- (iii) The provision of quality on-site amenity.**
- (iv) The management of stormwater, wastewater, water supply and other servicing.**
- (v) The design and appearance of buildings, fencing and hard surfacing, and their maintenance.**

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- (vi) The maintenance of amenity values at the site boundary and management of adverse effects on adjoining and adjacent properties.
  - (vii) The potential visual effects of the development and level of change to the character of the existing urban environment.
  - (viii) The design and ongoing maintenance of landscaping within the site.
  - (ix) The provision of adequate carparking, manoeuvring and safe access to the site.
  - (x) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
  - (xi) The contribution to the range and type of residential dwelling units to the settlement.
- (b) Conditions
- (i) Minimum average net site area of 225m<sup>2</sup> per residential dwelling unit.
  - (ii) Compliance with the Permitted Activity Standards, except where specifically identified in other rules below.
  - (iii) Building Setback From Boundaries:
    - no building shall be located closer than 4 metres from any road boundary, except that a 5 metres long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle where the vehicle takes direct access to the structure from the road; and
    - no building shall be located closer than 3 metres on one external side (or rear) site boundary and 1.5 metres on all other remaining site boundaries.
  - (iv) Separation Distance Between Detached Residential Dwelling Units:
    - no detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit on the site.
  - (v) No more than two residential dwelling units shall share a common side wall.
  - (vi) All ground floor residential dwellings units shall have private outdoor living area which meets the following requirements:
    - minimum area: 20m<sup>2</sup>;
    - minimum dimension: 2.5 metres diameter circle;
    - directly accessible from the main living area of the residential dwelling unit; and
    - kept free of access to other units, driveways, manoeuvring areas, parking spaces, dedicated utility space and accessory buildings.

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- (vii) All above ground residential dwelling units shall have a balcony or deck for a private outdoor living area which meets the following requirements:
- minimum areas: 15m<sup>2</sup>;
  - minimum dimension: 2.5 metres diameter circle;
  - directly accessible from the main living area of the residential unit; and
  - kept free of access to other units and dedicated utility space.
- ~~(viii) All residential dwelling units shall be provided with a utility space of at least 10m<sup>2</sup> and an outdoor lockable storage compartment of at least 3m<sup>2</sup> which meets the following requirements:~~
- ~~• Minimum dimension: 1 metre; and~~
  - ~~• Kept free of access to other unit's driveways, manoeuvring areas, parking spaces, private outdoor space and accessory buildings.~~
- (ix) The proportion of any site covered by buildings shall not exceed 50%.
- (x) A concurrent subdivision application for a fee simple or unit title mechanism is required to provide for the individual titles and the collective management of the common areas.
- (c) Non-Notification
- (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.9 shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95A(4)), or
  - The applicant requests public notification (pursuant to Section 95A(2)(b)).

### 15.8.10 Non-Compliance with Allotment Size (Rule 15.7.5(b)(i)) Within Tokomaru, Mangaore, Waitarere Beach, Hokio Beach, Ohau, Waikawa Beach and Manakau (Refer Rule 15.3(b))

- (a) Matters of Discretion
- (i) Where the area of any allotment is reduced to less than the minimum standard:
- The soil conditions of the allotment(s) and capacity for satisfactory drainage from existing or anticipated effluent soakage fields; and
  - Whether or not the overall low-density character of the area will be compromised by the proposed subdivision and subsequent development, having regard to the topography of the locality and the proposed configuration of allotments.

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- Additional traffic generated by subdivision relative to capacity of existing roads.

### 15.8.11 **Subdivision where reticulated wastewater is not available Hokio Beach, Waikawa Beach, Manakau and Ohau (West) (Refer Rule 15.3(e))**

(a) Matters of Discretion

- (i) The ability to provide on-site effluent disposal and meet environmental standards required by Horizons Regional Council.

(b) Conditions

- (i) Demonstrate compliance with the Minimum Net Site Area/Minimum Average Site Area as set out in Table 15-4 Standards Applying to Subdivision and Residential Dwelling Units (Rule 15.7.5(b));
- (ii) Demonstrate compliance with the servicing, road, access, network utility and structure plan conditions set out in Rule 15.7.5(b)(ii) – (v).

### 15.8.12 **Historic Heritage – Buildings (Refer Rule 15.3(g))**

(a) Matters of Discretion

- (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

### 15.8.13 **Historic Heritage – Signs (Refer Rule 15.3(h))**

(a) Matters of Discretion

- (i) The colour and materials of any sign.
- (ii) The design of any sign.
- (iii) The location of any sign.
- (iv) The size of any sign.
- (v) The number of any signs.

### 15.8.14 **Signs (Refer Rule 15.3(i) and 15.3(j))**

(a) Matters of Discretion

- (i) The size, siting, design and content of the sign.
- (ii) The effects on character and amenity values.
- (iii) The likely duration that the sign will be in place.
- (iv) The impact of the sign on traffic safety and the efficiency of the transport network.

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- (v) The approval of NZTA where the sign fronts a State Highway.
- (vi) Cumulative effects arising from other signs in the vicinity.
- (b) Conditions
  - (i) The maximum face area of a Community Entrance sign is 9.0m<sup>2</sup>.
- (c) Non-Notification:
  - (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.13 shall not be publicly notified, except where:
    - The Council decides special circumstances exist (pursuant to Section 95A(4)), or
    - The applicant requests public notification (pursuant to Section 95A(2)(b)).

Note: For consent applications involving activities close to State Highways, NZTA may be an affected party for the purposes of limited notification.

### 15.8.15 Temporary Activities (Refer Rule 15.3(a) and 15.3(b))

- (a) Matters of Discretion
  - (i) The duration of the temporary activity, including daily hours of operation.
  - (ii) The size and positioning of temporary buildings and structures.
  - (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public.
  - (iv) Where appropriate, the provision of safe pedestrian entry and exit.
  - (v) The provision for waste collection, storage and site cleanup.
  - (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;
  - (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects.
  - (viii) The actual and potential adverse effects on the recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
  - (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.

## 15.9 RESIDENTIAL (DEFERRED) ZONE

Areas of Residential (Deferred) Zone are identified on the Planning Maps.

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Until such time that deferred status is uplifted, the rules of the Rural Zone shall apply within any area identified as Residential (Deferred) Zone on the Planning Maps.

Residential (Deferred) Zone will cease to have effect and the Residential Zone provisions will apply when either of the following occurs:

- For an area not covered by a Structure Plan in the District Plan, a District Plan Change is approved incorporating a Structure Plan for the area; or
- For an area covered by a Structure Plan in the District Plan, the passing of a Council resolution that there is adequate capacity in a local-authority operated reticulated infrastructure to service the particular area of land subject to the Residential (Deferred) Zones.

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