

Part 27 Residential Zone

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts [7](#), [8](#), [10](#), [11](#), [12](#), [15](#), [22](#), [26](#), [50](#), [51](#), [52](#) and [53](#) of this plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in [Rule 15.4](#).

Refer to [Part 27B](#) for the MEDIUM DENSITY HOUSING provisions.

27.1 Permitted Activities

The activities listed below are Permitted, and do not require a resource consent, if they comply in all respects with [Rule 27.6](#) (STANDARDS FOR PERMITTED ACTIVITIES).

(NOTE: Within the following list, the words in CAPITALS are defined in [Part 50](#).)

- One DWELLINGHOUSE on a SITE;
- MULTI-UNIT HOUSING but not involving more than three (3) ATTACHED UNITS on a SITE complying with [Rule 27.6.1.1A](#) and the PRIVATE WAY (driveway) standards set out in [Part 26](#) (Subdivision).
(Note for the avoidance of doubt: Compliance with [Part 26](#) may mean that no further units can be built without an upgrading of the driveway, possibly involving further land for its formation, and/or a resource consent);
- ACCESSORY BUILDINGS for DWELLINGHOUSES or MULTI-UNIT HOUSING;
- ACCESSORY BUILDINGS or ancillary facilities for any lawfully established activity except DWELLINGHOUSES or MULTI-UNIT HOUSING, not exceeding 75m² GROSS FLOOR AREA;
- Swimming pools ancillary to any lawfully established activity;
- TRADESPERSON'S STORAGE not exceeding 100m² (all of which must be thoroughly screened from adjoining properties and the road) and involving no more than one business vehicle (i.e. with signage) and one business trailer parked on the SITE unless the vehicles are always garaged and not visible from the ROAD or any adjoining property;
- HOME OCCUPATIONS (refer to [Rule 27.6.3](#));
- CHILDCARE AND LEARNING CENTRES meeting all of the following prerequisites:
 - not on a REAR SITE/S;
 - not with the main vehicular access to a no-exit ROAD;
 - not exceeding 200m² total GROSS FLOOR AREA.
- COMMUNITY FACILITIES meeting all of the following prerequisites:
 - not on a REAR SITE/S;

Waikato District Plan - Waikato Section

- not with the main vehicular access to a no-exit ROAD;
 - not exceeding 250m² total GROSS FLOOR AREA;
 - not exceeding 2000m² site area.
- SCHOOLS (includes Kokiri centres) meeting all of the following prerequisites:
 - not on a REAR SITE/S;
 - not with the main vehicular access to a no-exit ROAD;
 - not exceeding 300m² total GROSS FLOOR AREA.
- HEALTH CENTRES meeting all of the following prerequisites:
 - not on a REAR SITE/S;
 - not with the main vehicular access to a no-exit ROAD;
 - no more than two (2) persons practise or offer a service at any one time.
- HOSPITALS meeting all of the following prerequisites:
 - not on a REAR SITE/S;
 - not with the main vehicular access to a no-exit ROAD;
 - not exceeding 250m² total GROSS FLOOR AREA;
 - not exceeding 2500m² site area.
- One SHOW HOME on a SITE meeting all of the following prerequisites:
 - not on a REAR SITE/S;
 - not with the main vehicular access to a no-exit ROAD;
 - for a 'demonstration' period not exceeding 6 months from the date of building consent.
- BUILDINGS and developments on and uses of public reserves complying with operative reserve management plans that have been prepared in consultation with the public provided that where this plan has a more onerous standard, or the reserve management plan does not specify development standards, then the standards of this Plan shall prevail;
- RETAILING ACTIVITIES from sites where retailing is at the date of notification of this plan lawfully established and where the ROAD formation in front of the SITE specifically caters for customer car parking by way of kerb indentation or other permanent means;

27.2 Controlled Activities

- (i) Controlled activities require a resource consent, but the consent shall be granted. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed primarily in terms of the matters set out in [Rule 27.7](#), and any conditions of consent will only relate to those matters (or such other matters as the Act provides).
- (iii) The information submitted with the application must be in terms of [Part 52](#) but only to the extent needed to enable a thorough assessment in terms of [Rule 27.7](#). The application must also clearly demonstrate compliance with the stated standards applicable to the activity.
- (iv) An application for a Controlled activity may be considered without public notification where Council so determines in terms of section 95 of the Act. (This is a non-notified application in terms of the Act.)
- (v) The activities listed below are Controlled activities in the Residential Zone if they comply with [Rule 27.6](#) (STANDARDS).

(NOTE: Within the list, the words in CAPITALS are defined in [Part 50](#).)

- ANTENNA DISHES that are BUILDINGS;
- BUILDINGS ancillary to lawfully established HORTICULTURE where not Permitted by [Rule 27.1](#) above;
- MULTI-UNIT HOUSING where the development includes more than one set of 3 ATTACHED units on the SITE, complying with the relevant prerequisites or standards, [Rule 27.6.1.1A](#) and provided always that the PRIVATE WAY (driveway) standards set out in [Rule 26](#) (Subdivision) and the requirements of [Rule 27.6](#) are complied with.
- (Note for the avoidance of doubt: Compliance with [Rule 26](#) may mean that no further units can be built without an upgrading of the driveway, possibly involving further land for its formation, and/or a resource consent);
- PAPA KAAINGA HOUSING where not provided for as a Permitted activity;
- MARAE where not provided for as a Permitted activity;
- Alterations or additions for lawfully established non-residential activities complying with all the standards for Permitted activities;
- TRAVELLERS' ACCOMMODATION on front or corner SITES, of not more than 5 units including the manager's residence.

27.3 Restricted Discretionary Activities

- (i) Restricted Discretionary activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed primarily in terms of the matters set out in [Rule 27.8](#), and any conditions of consent will only relate to those matters.
- (iii) The information submitted with the application must be in terms of [Part 52](#) but only to the extent needed to enable a thorough assessment in terms of [Rule 27.8](#). The application must also clearly demonstrate compliance with any stated standards applicable to the activity.
- (iv) An application for a Restricted Discretionary activity may be considered without public notification where Council so determines in terms of section 95 of the Act. (This is a non-notified application in terms of the Act).
- (v) The activities listed below are Restricted Discretionary activities in the Residential Zone.

(NOTE: Within the list, the words in capitals are defined in [Part 50](#).)

- Activities provided for by Rules 27.1 and 27.2 above which involve a BUILDING COVERAGE that is more than 40% but no greater than 50%
- With the exception of the above provision for up to 50% BUILDING COVERAGE per SITE, any other activities provided for by Rules 27.1 and 27.2 above which do not comply with the relevant prerequisites or standards.
(Note, for the avoidance of doubt: Where express provision is made in [Rule 27.6](#) for a prerequisite or standard to be reduced or waived, and the terms thereof are satisfied, that activity shall not fall within Rule 27.3);
- MEDIUM DENSITY HOUSING (Refer to [Part 27B](#))
- SPECIAL HOUSING DEVELOPMENTS;
- HORTICULTURE;
- CEMETERIES.

27.4 Discretionary Activities

- (i) Discretionary activities require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed in terms of the matters set out in [Part 53](#), but the Council will first consider the standards and assessment criteria applicable to Permitted, Controlled, and Restricted Discretionary activities in the Zone. In the case of a business activity the Council will be guided by any relevant standards of the Business Zone in terms of establishing appropriate conditions for consent.
- (iii) The information submitted with the application must be in terms of [Part 52](#).
- (iv) An application for a Discretionary activity may be considered without public notification where Council so determines in terms of section 95 of the Act. (This is a non-notified application in terms of the Act.)
- (v) The activities listed below are Discretionary activities in the Residential Zone.

(NOTE: Within the list, the words in CAPITALS are defined in [Part 50](#).)

- DAIRIES not provided for in Rules 27.1, 27.2, or 27.3;
- FUNERAL SERVICES PREMISES,;
- SERVICE STATIONS;
- VETERINARY CENTRES;
- Catteries;
- CAMPING GROUNDS on SITES within 300 metres of mean high water springs;
- Business activities, not otherwise provided for in the zone, on SITES that have a common boundary and stretch of ROAD frontage with SITES zoned Business Zone;
- The sale or supply for consumption on the premises of liquor in conjunction with any activity provided for under Rules 27.1, 27.2, 27.3 or 27.4 and for which a LIQUOR LICENCE is required;
- HOME OCCUPATIONS not complying with Rule 27.6.3.1 provided that the sale of goods is limited to those activities in Rule 27.6.3.1(v).

27.5 Non-Complying Activities

- (i) Non-complying activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed in terms of the matters set out in [Part 53](#), and where consent is granted, conditions of consent may be imposed.
- (iii) The information submitted with the application must be in terms of [Part 52](#).
- (iv) The activities listed below are Non-complying activities in the Residential Zone.

(NOTE: Within the list, the words in CAPITALS are defined in [Part 50](#).)

- Any activity not provided for by Rules 27.1, 27.2, 27.3, or 27.4 above.

27.6 Standards for Permitted Activities

A. All activities in the Residential Zone are required to meet the standards set out in this rule unless they:

- (i) have a resource consent to depart from any one or more of the standards; or
- (ii) are departed from in accordance with any exemption provisions within the particular clause.

B. Unless otherwise stated these standards shall be satisfied prior to commencement of the activity or occupation of the structure notwithstanding that a building consent or other approval may have been obtained.

27.6.1 Standards for all Activities

27.6.1.1 YARDS

1. FRONT YARD and ROAD Interface

- (a) Minimum FRONT YARD: 4 metres
- (b) Garages (detached from, or attached to, the principal dwelling) must be set back at least 6 metres from the ROAD boundary.
- (c) Fences on a ROAD boundary, or between the ROAD boundary and the closest BUILDING on the SITE, shall not exceed 1.2 metres in HEIGHT.

2. SIDE and REAR YARDS

- Minimum SIDE AND REAR YARD: 1 metre
- All yards on REAR SITES shall be REAR YARDS.

Exemption:

- Rainwater tanks which do not constitute a BUILDING are exempt from the REAR and SIDE YARD requirements.
- ATTACHED UNIT/S are exempt from the SIDE YARD requirement between the units.

Explanation:

The FRONT YARD control pertains to the public face of any development – i.e. where it relates to the public street. The intention is to maintain an appropriate relationship between all built development and the street.

Avoiding visual dominance of street elevations by preventing high front fences will contribute to pedestrian and public amenity. Utilising only low (or no) front fences will assist both public experience and public safety by enabling visual surveillance from the house to the street.

In some situations, it may be appropriate to consider other solutions, for example where houses are located on the southern sides of roads, it may be appropriate for the limitation on fencing height to be relaxed across part of the frontage to enable greater on-site privacy.

The REAR and SIDE YARD RULES are intended to provide conventional separation between dwellings.

27.6.1.1A Delineated Area /Notional Lot

A delineated area / notional lot of at least 350m² shall be provided for each permitted DWELLING HOUSE or MULTI-UNIT HOUSING unit. Such delineated area / notional lot shall be shown on plans submitted to Council in support of a building or resource consent application. The delineated area/notional lot shall be retained for the exclusive use of the occupier and comprise the DWELLING HOUSE or MULTI-UNIT HOUSING unit, parking, and private open space but no common driveway or manoeuvring area.

Exemption

I. MEDIUM DENSITY HOUSING (refer to [Part 27B](#)).

Explanation:

The requirement for a delineated area is intended to ensure sufficient space around a single dwelling house where a specific design is unable to be considered.

27.6.1.2 Height

(Refer to definitions of "BUILDING" and "HEIGHT", [Part 50](#))

8 metres maximum.

Explanation:

This limit provides for two storey structures which are typical of residential areas and which are a significant determinant of residential character. It would not allow three levels except in unusual circumstances or areas of steep terrain. Higher structures need to be assessed in terms of visual, shading and view-blocking effects.

27.6.1.3 Height in relation to boundary

(Refer to "BUILDING" and "HEIGHT", [Part 50](#))

No building or part thereof shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary, provided that for boundaries or parts of boundaries that are within the southern quarter as defined by Diagram 27.A, this formula shall be applied using a figure of 2.5 instead of 3 metres. Provided further that:

- (a) where the land abutting a site boundary is part of an entrance strip, right of way, access lot or public pedestrian accessway the far boundary of that land shall be deemed to be the site boundary for the purposes of this standard;
- (b) this standard shall not apply:
 - to boundaries where the abutting site is zoned Business Zone;
 - to the length of common wall between abutting buildings;
 - where the written consent/s of the owners and occupiers of the abutting sites or notional lots that would be directly affected by the encroachment have been obtained.

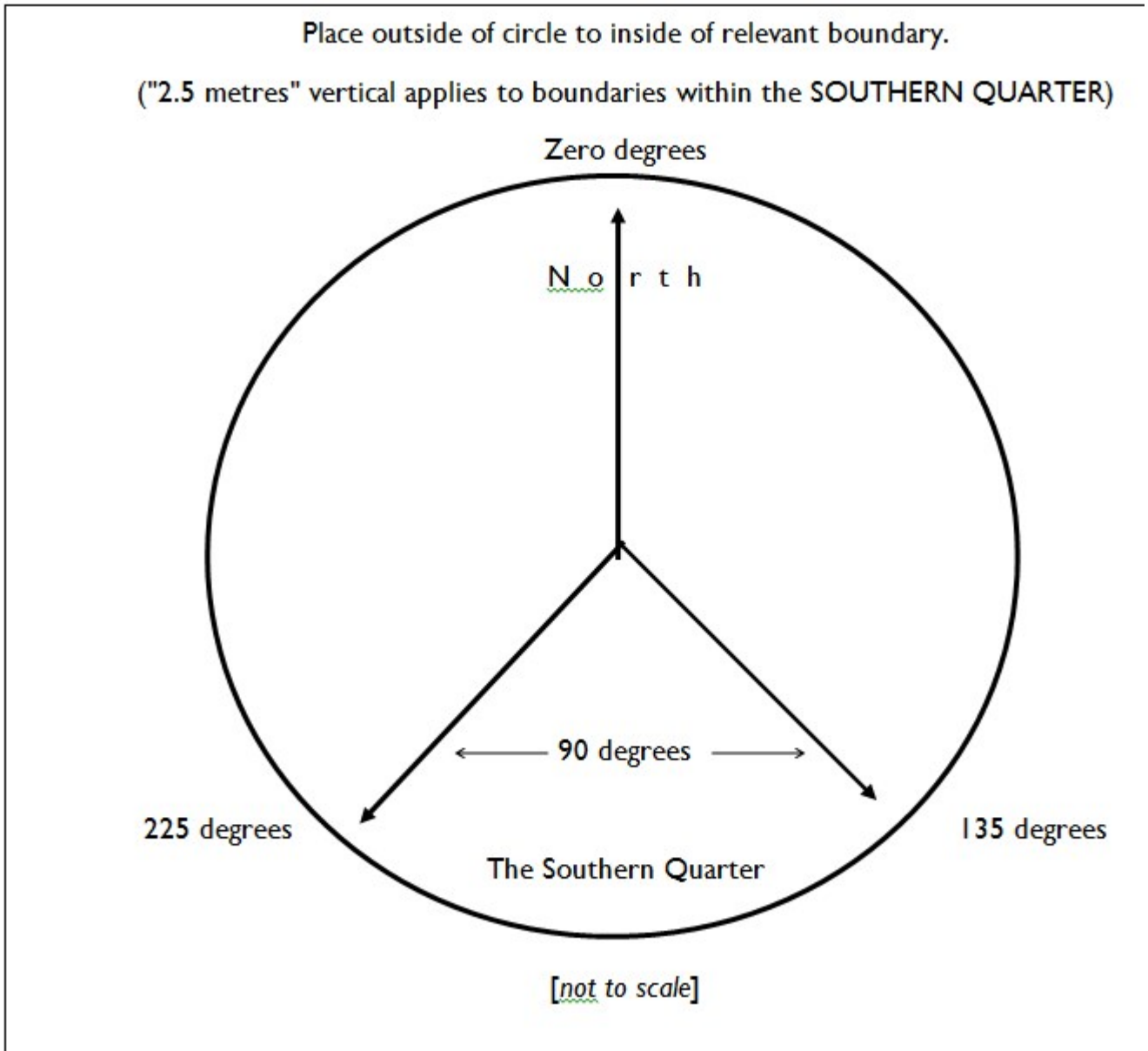
Explanation:

This standard ensures that a building on one site does not unduly restrict the admission of daylight

Waikato District Plan - Waikato Section

or sunlight to an abutting property. Sunlight and daylight are fundamental to living amenity, and can be used in house designs to reduce reliance on reticulated energy sources such as electricity and gas. The effectiveness of the standard will depend on terrain and the orientation of sites. The standard also maintains the character of residential streets by ensuring that the building's bulk does not visually impose on the streetscape.

Diagram 27.A Southern Quarter Defined (Rule 27.6.1.3)



27.6.1.4 [Deleted by Plan Change 30]

27.6.1.5 Coverage of site by buildings

1. For sewered sites: No more than 40% of the surface area of any site shall be covered by buildings.
2. For unsewered sites: No more than 25% of the surface area of any site shall be covered by buildings.

Explanation:

This standard is intended to maintain an open character in residential areas. Indirectly it will provide space for landscaping, planting and outdoor activities. It is anticipated that where compliance with other development standards is achieved, this clause will virtually always be satisfied. The standard has been set to allow smaller freehold lots, which are to be encouraged in this district because of its versatile rural land and soil resources, to be fully developed. A separate standard for unsewered sites is necessary to ensure that the plan does not give a message that conflicts with the need to ensure that adequate effluent field (and reserve) areas are maintained.

27.6.1.6 [Deleted by Plan Change 30]

27.6.1.7 Vehicular access (crossings)

Refer to Council policy (see [Rule 29.5.8](#) - Business Zone)

27.6.1.8 Parking and manoeuvring

Refer to [Part 51](#) of this plan.

27.6.1.9 [Deleted by Plan Change 30]

27.6.1.10 Setback from water

1. No BUILDING, or part thereof may be sited within:
 - 30 metres of mean high water springs; or
 - within 10 metres of the edge of a river, lake, WETLAND (as defined in s2 of the Act), or stream provided that where an esplanade reserve of 20 metres or more is set

aside the set back from it shall be as required to comply with the "height in relation to boundary" standard.

Explanation:

Development near the coast or a river, lake, WETLAND or stream must acknowledge the special character and importance of the land/water interface. A building set back cannot take the place of good design but it can minimise the likelihood that a structure will interfere with the aesthetic coherence and natural functioning of the interface. The set back facilitates the future vesting or purchase of esplanade reserve and essential maintenance work. It may also reduce the risk of damage due to the overtopping of stream banks, unusually high tides (in low lying areas), or coastal erosion. Earthworks over certain limits needs to be assessed on a case by case basis.

27.6.1.11 Signs

Refer to [Part 15.4](#).

27.6.1.12 [Deleted by Plan Change 30]

27.6.1.13 Aerials

1. Subject to compliance with the other controls of this zone, AERIALS must comply with the provisions of [Part 15.1](#) of the plan.
2. Where an AERIAL which does not comply with this plan only affects one abutting property, which shall be deemed to be the case if it is at least 10 metres from all other abutting sites or notional lots, then it is permitted where the written consent/s of the owners and occupiers of the one affected property are obtained and submitted to Council for verification.

Explanation:

Aerials could detract from the pleasantness or outlook of adjoining properties and should be kept within specified limits unless consent is obtained.

27.6.1.14 [Deleted by Plan Change 30]

27.6.1.15 Noise levels

No activity in the Residential Zone shall cause the following sound levels L10 to be exceeded at or within the boundary of any other (affected) site, for the specified times:

Time/hours	"L ₁₀ " (defined Part 50)	"L _{max} " (defined Part 50)
0700 to 2200	45 dBA	75 dBA
2200 to 0700	35 dBA	65 dBA

NOISE shall be measured and monitored in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 Acoustics – Environmental Noise.

Explanation:

These standards are commonly accepted daytime/nighttime levels. Different levels for Sundays and public holidays are no longer considered necessary because of the range of activities now occurring on these days, particularly business activities and formal (commercial) recreational activities. Compliance with these levels does not mean that all sounds will be considered acceptable or reasonable; depending on the types or frequencies, or the background levels in a particular area, enforcement action may still be necessary in some circumstances.

27.6.1.16 Outdoor living court

Every dwellinghouse that has 25 per cent or more of its gross floor area either at or within 2.5 metres of the average ground level of the site shall have an outdoor living court that complies with the following standards:

- AREA: The minimum area for a living court shall be the lesser of 50% of the gross floor area of the house or 60m²;
- SHAPE: The court must have a minimum dimension of 4 metres in any direction and be able to accommodate a circle of 6 metres diameter;
- POSITION: It must be readily accessible from and to the main living or dining area of the house. At least 60% of the area of the court must be in the northern, eastern or western quadrants of the site. It shall not be crossed by any driveway or manoeuvring area nor conflict with the requirements of Rule 27.6.1.9;
- DEVELOPMENT: It may be located wholly or partly above ground level and may incorporate paving, decking, terracing or open structures that do not constitute "buildings";
- FUNCTION: It shall not incorporate any service function such as clothes drying lines, outdoor storage, or rubbish bins, and the Council may request further information or plans to demonstrate that these other functions are catered for elsewhere on the site.

Explanation:

A minimum amount of useable and reasonably private outdoor living space should be provided in connection with every house. This space is important given that the residential subdivision rules allow quite small lots, as has previously occurred under the cross-leasing system.

27.6.1.17 [Intentionally blank]

27.6.1.18 Stormwater management – volume control

All activities shall have a stormwater management system that is deemed to be effective and appropriate by Council. The landowner shall be responsible for the ongoing maintenance of the private on site stormwater system upon its implementation.

Where the activity involves an alteration or addition to an existing activity, the applicant must show that the existing stormwater management system is effective and appropriate. An effective and appropriate stormwater management system shall be achieved by providing for either A, B, C or D following:

Waikato District Plan - Waikato Section

A. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM, which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The detention structure must be able to completely empty via an orifice controlled outlet over a 24 hour period.

OR:

B. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM, which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The soakage system must be able to completely empty via soakage within a 24 hour period.

OR:

C. Where connection to a PUBLIC SYSTEM IS NOT AVAILABLE, the applicant shall provide an on-site soakage system to contain a 5% AEP 10 minute storm event without overflowing, which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The soakage system must be able to completely empty via soakage within a 24 hour period.

OR:

D. An alternative method of stormwater management of the site/s, which achieves a standard of stormwater management equal to or better than that achieved by compliance with A, B or C above, such that the adverse effects of stormwater are avoided, remedied or mitigated.

The stormwater management system shall be maintained to achieve the standard of management provided for under A, B, C or D.

Provided that where land is subject to instability, stormwater discharges directly to ground occur only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the SITE or on neighbouring properties.

27.6.1.19 Minimum Permeable Area

A minimum of 30% of NET AREA shall be retained in a permeable surface.

Explanation:

This control is intended to enable sufficient space on-SITE to achieve useable outdoor spaces for residents to maintain amenity in the area, and to encourage stormwater soakage and reduce runoff.

27.6.2 Special Requirements for Multi-Unit Housing

The requirements of this rule apply to every building proposal on the site of an existing or proposed MULTI-UNIT HOUSING development unless specifically stated otherwise.

27.6.2.1 Notional lot plan (Future Cross Lease Subdivision):

1. Every building proposal on the site of an existing or proposed multi-unit housing activity which is intended to be the subject of a future crosslease subdivision shall be accompanied by a detailed site plan which depicts notional lot boundaries for each unit to which the proposal relates and for each unit which is within 10 metres of that unit on the same site. (Notional lot boundaries are boundary lines that would be drawn around each unit in the case of a freehold subdivision of the land on which the unit/s sits).
2. Where an applicant indicates that the development is not intended to be cross leased in the future the Council may require some evidence that some other form of tenure or occupation is to apply.
3. The notional lot boundaries shall accurately define the areas which are, or are intended to be, used exclusively by the occupants of the unit to which they relate (including restrictive covenant areas), and shall also show all areas which are, or are intended to be, used in common by the occupants of the site, whether for driveway, services, or other purposes.
4. The notional lot boundaries shall be drawn to demonstrate that all of the requirements set out in Rule 27.6.2.2 to 27.6.2.7 are complied with.
5. This site plan shall not be required in terms of this plan where the building proposal is less than 10m² in gross floor area and is at least 15 metres from any part of any other unit on the site.

Explanation:

The notional plan is required to show that at each stage of building, or for every building proposal, the standards for each unit are maintained to the same extent as if the proposal was for a house on its own (freehold) site. Because this plan contains flexible freehold subdivision standards and the same "contribution" requirements for freehold and crosslease subdivisions, it is anticipated that people will increasingly opt for the better quality of title that freeholding creates, thereby avoiding the requirements of this clause.

27.6.2.2 Standards to apply

The following standards of Rule 27.6.1 above shall apply to the notional lot boundaries (required by 27.6.2.1 above) of any unit as if the notional lot boundaries were site boundaries:

- Delineated Area / Notional Lot (Rule 27.6.1.1A);
- YARDS (Rule 27.6.1.1);
- HEIGHT IN RELATION TO BOUNDARY (Rule 27.6.1.3);
- COVERAGE (Rule 27.6.1.5);
- AERIALS (Rule 27.6.1.13);
- STORMWATER MANAGEMENT – VOLUME CONTROL (Rule 27.6.1.18).

Explanation:

This is to ensure that the standards for residential development and the effects of it on adjacent properties and dwelling units are consistent throughout the zone irrespective of the type of land tenure (cross lease or freehold).

27.6.2.3 Parking spaces on site

1. [deleted]

2. [deleted]
3. All spaces must comply with the standards of [Part 51](#) (relating to dimensions and manoeuvring areas).

27.6.2.4 Driveways for units

1. Any driveway or part thereof common to two or more units shall have a permanent, low maintenance surface which is useable prior to the occupation of the second unit to which it relates, and shall be designed and constructed to the standards set out in Rule 26 (which relates to subdivisions). "Permanent, low maintenance" includes paving which permits drainage to the ground underneath, such as gobi-block.
2. The edge of any defined driveway area or part thereof to be used by two or more units shall be at least 1.2 metres from the wall of any unit, or part thereof, provided that where the glazing of any HABITABLE ROOM of any affected unit is not lower than 1.5 metres above the floor level of that room then the 1.2 metres may be waived.

Explanation:

The standards for driveways for multi-unit developments should be the same as for subdivisions. This is particularly so given that cross-leasing (which commonly follows unit developments) is "subdivision" in terms of the Act. The length, gradient and width of driveways should be controlled to ensure that they are adequate for the traffic generated by the units. A separation distance of at least 1.2 metres enables a unit occupier to reduce the effects of passing traffic through plantings or screen fencing.

27.6.2.5 Outdoor living court

Every unit in a multi-unit housing development that has 25 per cent or more of its gross floor area either at or within 2.5 metres of the average ground level of the site shall have an outdoor living court that complies with the following standards:

- **AREA:** The minimum area for a living court shall be the lesser of 50% of the gross floor area of the unit or 60m²;
- **SHAPE:** The court must have a minimum dimension of 4 metres in any direction and be able to accommodate a circle of 6 metres diameter;
- **POSITION:** It must be readily accessible from and to the main living or dining area of the unit. At least 60% of the area of the court must be in the northern, eastern or western quadrants of the site. It shall not be crossed by any driveway, common footpath, or common stairway, nor encroached by any part of an adjoining unit. Where Rule 27.6.2.1 applies, the court must be wholly within the notional lot boundaries for the unit to which it relates;
- **DEVELOPMENT:** It may be located wholly or partly above ground level and may incorporate paving, decking, terracing or open structures that do not constitute "buildings";
- **FUNCTION:** It shall not incorporate any service function such as clothes drying lines, outdoor storage, or rubbish bins, and the Council may request further information or plans to demonstrate that these other functions are catered for elsewhere on the site, or where Rule

27.6.2.1 applies, on the notional lot.

Explanation:

A minimum amount of useable and reasonably private outdoor living space should be provided adjacent to every unit in a multi-unit development. Units that are located wholly above ground floor are very uncommon in this District. It is impracticable to provide other than small (balcony type) spaces for such units. These will generally be built into their design.

27.6.2.6 Distance between units

Where any two units are not attached the distance between them, from wall to wall, will be determined by applying the HEIGHT IN RELATION TO BOUNDARY standard of Rule 27.6.1 to the midpoint between the two units, or in the case where Rule 27.6.2.1 applies, then to the notional lot boundaries, provided that where an outdoor living court is located partly or wholly between two units the separation distance shall be 1.65 metres plus the minimum depth required by the SHAPE (of outdoor living court) standard of Rule 27.6.2.5 above.

Explanation:

Fire rating standards mean that units will generally be at least 2.5 metres apart (wall to wall). For tall buildings the 'height to boundary' standard will ensure adequate daylight is received by each unit and will effectively force them apart to maintain an open appearance.

27.6.2.7 Services

1. Subject to the clauses which follow, each unit shall for the purposes of being reticulated with electricity, gas, water, sewerage, stormwater, and telecommunications services, have independent private service lines from:
 - the road frontage; or
 - a dedicated common area; or
 - a public line (in the case of water, sewerage or stormwater); or
 - a distribution point, pit, pipe or line which the service provider or network utility operator has approved the location of and has accepted, or will accept, financial responsibility for, or for which it has approved a system of joint private-user ownership (in the case of electricity, gas or telecommunication lines); or
 - a combination of the above.

Where Rule 27.6.2.1 applies to the development, these private service lines must not traverse the notional lot/s of any other unit/s on the site.

Exemption from 27.6.2.7:1 may be given, by way of a resource consent to a Restricted Discretionary activity, where the applicant/developer can demonstrate that appropriate legal instruments have been or will be entered into covering the common usage and maintenance of such lines, and the Council may bond the applicant/developer to ensure that this occurs. (Refer to Objective 19.3.5 and Policies 5 and 6).

2. All private service lines shall, unless it is demonstrated to be impracticable and unreasonable in the

circumstances, be placed underground.

3. All existing and proposed reticulation lines, whether overhead or underground, shall be accurately drawn on the drawings or plans submitted for consent or approval in terms of this plan.
4. Water meters shall be positioned at the road frontage unless specific prior authority is obtained from the Council's Chief Executive or officer(s) acting under delegated authority on the basis of exceptional circumstance/s or change in Council policy.

Explanation:

These requirements are to satisfy the plan's Objective of achieving a consistent standard of on-site amenity and servicing for all residential activities.

27.6.3 Standards for Specific Activities

27.6.3.1 Requirements for HOME OCCUPATIONS

A Permitted HOME OCCUPATION is an activity which complies with the following standards:

(i) Area

A HOME OCCUPATION may be carried out either within the DWELLING HOUSE or within an ACCESSORY BUILDING erected or modified for the purpose of accommodating the HOME OCCUPATION or within a defined part of the SITE set aside for the HOME OCCUPATION. HOME OCCUPATIONS (other than HOME STAY or FARM STAY ACCOMMODATION) shall use no more than 75m² of floor area or 50% of the gross floor area of a BUILDING, whichever is the lesser, and no more than 150m² of outdoor space.

(ii) HOUSEHOLD members

A HOME OCCUPATION shall be operated by a member or members of the HOUSEHOLD permanently residing on the property. Not more than three persons outside the residing HOUSEHOLD are to be employed or contracted in the HOME OCCUPATION and no more than five persons in total shall be employed or contracted in the HOME OCCUPATION.

(iii) Number of Guests: HOMESTAY or FARM STAY ACCOMMODATION

No more than eight people may stay or board on the SITE on a fee-paying basis and for no more than 15 consecutive nights.

(iv) Outdoor Storage

No equipment or material for a HOME OCCUPATION shall be stored outdoors unless it is screened from places off site.

(v) Sale of Goods

The selling or offering for sale of goods shall be confined to the area permitted to be used for the HOME OCCUPATION, and the only goods for sale shall be:

- goods substantially manufactured, repaired, renovated, or produced on the SITE (including FARM PRODUCE and HANDCRAFT/S);
- goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier;
- goods ancillary to a service provided by the HOME OCCUPATION.

(vi) Hours of Operation

A HOME OCCUPATION (other than HOME STAY or FARM STAY ACCOMMODATION) shall be carried on only between 0700 hours and 2200 hours.

(vii) Traffic and Car Parking

Waikato District Plan - Waikato Section

(i) A HOME OCCUPATION shall involve no more than:

a. ten car movements per day (in addition to the car movements of employees and the household); and

b. five movements per week of any van, truck or other commercial vehicle carrying raw materials or finished goods.

A movement includes the 'to' and 'from' SITE movements of the vehicle.

(ii) Car parking: [Part 51](#) applies.

(viii) SIGNS

All SIGNS shall meet RULES [15.4.3.1](#) and [15.4.3.3](#).

(ix) NOISE, Odour

- Shall comply with Rule 27.6.1.15 Noise Levels.
- Shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the SITE.

27.7 Assessment of Controlled Activities

A. The Controlled activities listed in [Rule 27.2](#) will be assessed primarily in terms of the following matters over which the Council has reserved control, and conditions of consent will only relate to these matters (or such other matters as the Act provides).

B. Sufficient information shall be submitted to ensure that these matters can be fully evaluated with respect to the proposal:

- The effect on the public services the Council is responsible for in the locality or District and which the residents or occupants of the developed area would make use of, generate a need for, or have an impact on (and for which "contributions" may be required);
- The matters which are the subject of standards for Permitted activities, and the extent to which those standards are complied with; the Council will generally apply those standards as the minimum for a Controlled activity (where they are not already a prerequisite);
- The design and positioning of buildings and other structures, including signs and flagpoles, on the site;
- The space between and about buildings including to those on adjacent sites;
- The location of driveways and parking areas relative to houses or house sites, or other sensitive land uses, on adjacent sites;
- The suitability and adequacy of the design, construction, and number of vehicle crossings, driveways and parking spaces;
- The landscaping provisions of the proposal, and the extent to which they will enhance the appearance of the site, or screen structures which are quite different in style to those of the area;
- The areas for public or common use within the development and the potential for creating adverse effects, or positive effects to counter other adverse effects;
- The extent and impact of any earthworks or vegetation clearance;
- The natural or heritage features of the site which are to be protected or changed;
- The differences between the appearance of the structures proposed and those on adjoining sites or notional lots, particularly building bulk, roof slope and materials, wall claddings, window style and position, and colour scheme;
- The adequacy and positioning of any outdoor living (court), storage or clothes drying areas for the activity and for each self-contained unit on the site;
- The position, direction and intensity of any outdoor lighting;
- The uses to which each building (or part) will be put and the extent to which alternative locations are practicable and would reduce or avoid any adverse effects of these uses;
- The extent to which the following factors of the catchment, subdivision and sites within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse effect on the subdivision and any other site or property;

Waikato District Plan - Waikato Section

- the relationship of the individual site and stormwater system, to the location of other sites and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment;
- the change, from the site prior to development to the site once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system;
- the change, from the site prior to development to the site once it has been developed, in volume and rate of stormwater discharged;
- the potential for an increase in impervious surface cover of the site/s;
- the stability of the site/s;
- natural drainage conditions of the site/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential;
- obstruction of any overland flow-path.

27.8 Assessment of Restricted Discretionary Activities

A. The Restricted Discretionary activities listed in [Rule 27.4](#) will be assessed primarily in terms of the following matters, and conditions of consent will only relate to these matters (or such other matters as the Act provides).

B. Sufficient information shall be submitted to ensure that these matters can be fully evaluated with respect to the proposal:

- The assessment matters set out in Rule 27.7;
- The reasons and explanations given for those standards or prerequisites which the activity does not comply with;
- The way in which the development will integrate with the neighbourhood both visually and functionally. Where the activity incorporates aspects or activities which could result in substandard residential accommodation which could be used on a permanent basis, the Council will impose specific performance conditions, including monitoring and/or reporting conditions, to ensure that this concern does not become a reality, and that any costs of enforcement of these conditions are met fully by the applicant. Substandard in this context means any combination of structures or buildings and associated land areas and ablution facilities which would not satisfy the requirements of this Plan for MULTI-UNIT HOUSING;
- The shape and size of the site, and the location and nature of existing buildings on the site and adjoining sites;
- The extent to which the proposal incorporates other features or designs which would remedy, mitigate or offset other adverse effects, or have a positive environmental effect for the use of the site or adjoining sites;
- The traffic-generating aspects of the activity, especially commercial traffic which may otherwise be absent from an area, and the number of trips, frequency, time of day, and probable routes of generated traffic;
- The appropriateness of any earthworks or vegetation clearance, the timing or staging of the work, the quality of the natural resources affected, the effects on the amenity of the locality, particularly on water and soil resources;
- The extent to which any earthworks would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff;
- The degree of overshadowing or sense of dominance that a structure causes for an adjacent site or public place;
- The loss of visual or aural privacy, or daylight or sunlight, that a building design or windbreak is likely to cause for another site;
- The extent to which a structure or windbreak might unreasonably obstruct views obtained from another site;
- Sound levels and their types and frequencies;
- Odours, vibration, dust or sprays likely to be associated with the activity;

Waikato District Plan - Waikato Section

- Hours of operation;
- The carrying out on the site, or on the boundary, or on a nearby site, or road or reserve, of works which would have positive effects to counter any adverse effects of the activity proposed;
- The cumulative effect/s of any matter listed above, or of any concentration of activities having same or similar effects to those proposed.
- The extent to which BUILDINGS, EARTHWORKS or other modifications of the land or ecosystems will add to or create a natural hazard, or increase the potential effects of a natural hazard.

C. Restricted activity applications infringing rule 27.6.1.5 “Coverage of site by buildings” will be assessed in terms of the following matters, and conditions of consent will only relate to these matters (or such other matters as the Act provides):

- (i) Whether the additional building coverage will adversely affect the residential scale and character of the site and surrounding area.
- (ii) Whether the additional building coverage will adversely affect overall residential amenity values in terms of open space provision, vegetation cover and privacy.
- (iii) Whether the additional building coverage will adversely affect the stormwater drainage system, flooding and overland flow paths.
- (iv) Whether, where the site is substantially smaller than that allowed by the subdivision rules, it is practicable to locate a complying dwelling on the site.