

## 22 Pa Zone Rules

### 22.1 to 22.3 Introduction

#### 22.1

The rules in this chapter apply in the Pa Zone. This chapter is divided into:

- Introduction
- Prohibited Activities
- Other Activities
  - Land Use Activities rule table
  - Land Use Effects rule table
  - Land Use Building rule table
  - Subdivision rule table

#### 22.2

The Pa Zone contains mixed uses including marae, residential, cultural, business, light industries and places of assembly. Tangata whenua collectively own the land comprising each pa. Rules leave flexibility for tangata whenua to collectively manage activities and effects within the zone, while avoiding, remedying or mitigating potential adverse effects on surrounding zones.

#### 22.3

See [Chapter 18](#) for an explanation of activity types, applications and assessment procedures. Principal reasons for rules are in [Chapter 29](#).

Any activity is permitted if it is not listed as prohibited, and it complies with conditions for permitted activities stated in every row of the rule tables.

Any activity requires resource consent if it fails to comply with a permitted activity condition in any row of the rule tables, or the rules directly state that a resource consent category applies.

Rule tables consist of horizontal rows. Each row contains three cells. In each row, the left-hand cell indicates the subject matter, the middle cell states conditions that must be satisfied for the relevant activity or effect to be a permitted activity, and the right-hand cell states the kind of resource consent application required, if the permitted activity conditions in that row are not complied with.

The rule tables state matters that control is reserved over, and matters to which discretion is restricted, as appropriate. Additional matters of control and discretion, applicable to every rule are stated in [Chapter 20](#): General Rules.

22.5 Prohibited Activities

**22.5**

The following activities are prohibited activities for which no resource consent shall be granted:

***Land use***

- (a) vegetation that obscures the sight lines of the Raglan navigation beacons for vessels entering Raglan Harbour (Whaingaroa)

***Building***

- (b) construction or alteration of a building or structure that obscures the sight lines of the Raglan navigation beacons for vessels entering Raglan Harbour (Whaingaroa)
- (c) deleted

22.10 to 22.70 Other Activities

**Editorial Note:**

For rules for Telecommunication Facilities on Road Reserves see the National Environmental Standards in [Appendix Od](#).

For rules for Electricity Transmission Activities see the National Environmental Standards in [Appendix Oe](#).

For rules for the following activities which are proposed to occur on land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken, or where it is more likely than not that a HAIL activity is being or has been undertaken, see the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#):

- Removing or replacing a fuel storage system;
- Sampling soil;
- Disturbing soil;
- Subdividing land; or
- Changing the use of land.

**22.10 and 22.11 Land Use - Activities**

**22.10 Type of activity**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.10 Type of activity</p>	<p>22.10.1 Any activity that complies with all the effects and building rules is a permitted activity except:</p> <ul style="list-style-type: none"> <li>(a) an intensive farming activity, and</li> <li>(b) an extractive industry, and</li> <li>(c) a rural industry, and</li> <li>(d) on-site solid waste disposal or storage, and</li> <li>(e) a commercial activity.</li> </ul> <p>Despite (a) – (e), on Riria Kereopa Drive the following activities are permitted:</p> <ul style="list-style-type: none"> <li>• Facilities for surface water activities;</li> <li>• Recreation;</li> <li>• Kohanga reo;</li> <li>• Education facilities;</li> <li>• Public toilets;</li> <li>• Camp site and associated car wash, grocery or boating store and marae;</li> <li>• Restaurant;</li> <li>• Conference facilities;</li> <li>• Travellers' accommodation.</li> </ul>	<p>22.10.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.11 Cultural event**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.11 Cultural event</p>	<p>22.11.1 A cultural event is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) it does not involve motorised outdoor recreation, or outdoor musical events and concerts, and</li> <li>(b) it operates within the hours of:                             <ul style="list-style-type: none"> <li>(i) 7.30am to 10pm Monday to Saturday, and</li> <li>(ii) 7.30am to 6pm Sunday, and</li> </ul> </li> <li>(c) temporary structures are                             <ul style="list-style-type: none"> <li>(i) erected no more than 2 days before the event occurs, and</li> <li>(ii) removed no more than 3 days after the end of the event, and</li> </ul> </li> <li>(d) the site is returned to its original condition no more than 3 days after the end of the event, and</li> <li>(e) there is no direct site access from a national route or regional arterial road.</li> </ul>	<p>22.11.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.12 to 22.37B Land Use - Effects**

**22.12 On-site services**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.12 On-site services</p>	<p>22.12.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) the site is connected to a telecommunications network and energy supply network or has a stand-alone energy supply, and</li> <li>(b) the site is                             <ul style="list-style-type: none"> <li>(i) connected to reticulated water supply, stormwater and wastewater disposal networks where available, or</li> <li>(ii) provided with an alternative method of water supply, stormwater and wastewater disposal that complies with <a href="#">Appendix B</a> (Engineering Standards), and</li> </ul> </li> <li>(c) services are placed underground where reticulated services are already underground.</li> </ul>	<p>22.12.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.13 Network utility (excluding aerials)**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.13 Network utility (excluding aerials)</p>	<p>22.13.1 Any activity is a permitted activity if:</p> <p>(a) it is not a high-pressure gas line with a gauge pressure of 2000 kilopascals or more, and</p> <p>(b) it is not an electricity line of 110kV or more, and</p> <p>(c) either</p> <p style="padding-left: 40px;">(i) pipes and cables are located underground, or</p> <p style="padding-left: 40px;">(ii) above ground structures for electricity, gas and telecommunications (excluding aerials):</p> <ul style="list-style-type: none"> <li>• do not exceed 10m<sup>2</sup> in area and no setback is required, and</li> <li>• in road reserves, do not exceed 2.4m in height, and</li> <li>• outside road reserves, do not exceed 2.8m in height, and</li> <li>• deleted</li> <li>• deleted</li> <li>• do not compromise road or pedestrian safety, and</li> </ul> <p>(d) construction of a road complies with the conditions in <a href="#">Appendix A</a> (Traffic) and the conditions in <a href="#">Appendix B</a> (Engineering Standards).</p> <p>(e) deleted</p>	<p>22.13.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**21.13A Existing electricity and telecommunications lines**

ITEM	PERMITTED	RESOURCE CONSENT
22.13A Existing electricity and telecommunications lines	<p>22.13A.1</p> <p>Despite rules <a href="#">22.13.1(b)</a>, <a href="#">22.40.1(a)</a>, <a href="#">22.41</a> and <a href="#">22.43</a>, the operation, maintenance, minor upgrading and removal of existing electricity and telecommunications lines is a permitted activity if:</p> <p>(a) the existing voltage is not increased, and</p> <p>(b) the height of support structures (excluding earthwires, earthpeaks and lightning rods) is not increased, and</p> <p>(c) the ground is reinstated on completion of works.</p>	<p>22.13A.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.14 Deleted**

**22.15 Access, vehicle entrance, parking, loading and manoeuvring space**

ITEM	PERMITTED	RESOURCE CONSENT
22.15 Access, vehicle entrance, parking, loading and manoeuvring space	<p>22.15.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) access, vehicle entrance crossing, parking, loading, queuing, and manoeuvring space is provided in accordance with <a href="#">Appendix A</a> (Traffic).</p>	<p>22.15.2</p> <p>Any activity that does not comply with a condition for a permitted activity requires resource consent as stated in the relevant appendix, or is a discretionary activity if not otherwise specified.</p>

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**22.16 Noise**

ITEM	PERMITTED	RESOURCE CONSENT
22.16 Noise	<p>22.16.1</p> <p>Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site does not exceed:</p> <p>(a) 50dBA (<math>L_{10}</math>), 7am to 7pm, Monday to Saturday, and</p> <p>(b) 45dBA (<math>L_{10}</math>), 7pm to 10pm, Monday to Saturday, and</p> <p>(c) 40dBA (<math>L_{10}</math>) and 65dBA (<math>L_{max}</math>), all other times and public holidays.</p> <p>Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	<p>22.16.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.17 Construction noise**

ITEM	PERMITTED	RESOURCE CONSENT
22.17 Construction noise	<p>22.17.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) it is designed and conducted so that construction noise from the activity complies with <a href="#">Appendix N</a> (Construction Noise).</p>	<p>22.17.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.18 Vibration**

ITEM	PERMITTED	RESOURCE CONSENT
22.18 Vibration	<p>22.18.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) vibration arising from the activity complies with <a href="#">Appendix I</a> (Ground Vibration).</p>	<p>22.18.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>



**22.19 Glare and lighting**

ITEM	PERMITTED	RESOURCE CONSENT
22.19 Glare and lighting	22.19.1 Any activity is a permitted activity if light spill from artificial lighting, other than a streetlight, navigation light or traffic signal, does not exceed:  (a) 10 lux measured vertically at any other site.	22.19.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.20 Dust, smoke, fumes, odour or ground level**

ITEM	PERMITTED	RESOURCE CONSENT
22.20 Dust, smoke, fumes, odour or ground level	22.20.1 Any activity is a permitted activity if:  (a) there is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site, and  (b) stockpiles of loose material are contained or maintained to prevent dispersal of the material into the air, and  (ba) earthworks undertaken within 20m of the centre line of an electricity transmission line with a voltage of 110kV or more do not generate adverse effects of dust on the transmission lines or raise the ground level.	22.20.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.21 High frequency electromagnetic field**

ITEM	PERMITTED	RESOURCE CONSENT
22.21 High frequency electromagnetic field	22.21.1 Any activity is a permitted activity if:  (a) any electromagnetic field does not exceed the maximum exposure level in NZS2772.1:1999 Radiofrequency Fields Part 1: Maximum exposure levels 3kHz - 300GHz when measured in accordance with NZS6609.2:1990.	22.21.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

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**22.22 Earthworks**

ITEM	PERMITTED	RESOURCE CONSENT
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<p>22.22 Earthworks</p>	<p>22.22.1 Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> <li>(a) are not in the Flood Risk Area except for filling in accordance with rule 22.24, and             <ul style="list-style-type: none"> <li>(aa) are not in the Huntly East Mine Subsidence Area, or Hauraki Gulf Catchment Area, and</li> </ul> </li> <li>(b) comply with Appendix B (Engineering Standards), and</li> <li>(c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and</li> <li>(d) do not remove material from the site, and</li> <li>(e) retain sediment on the site through implementation and maintenance of sediment controls, and</li> <li>(f) do not adversely affect other land through changes in natural water flows or established drainage paths, and</li> <li>(g) deleted             <ul style="list-style-type: none"> <li>(ga) deleted</li> </ul> </li> <li>(h) do not disturb or move more than 100m<sup>3</sup>, within a site in a single calendar year, and</li> <li>(i) in relation to the height of any cut or batter face do not exceed 2m, and</li> <li>(j) do not exceed 1 ha in area.</li> </ul> <p>Despite (h) to (j) the following earthworks are permitted if they comply with (a) to (ga), and</p> <ul style="list-style-type: none"> <li>(k) the work:             <ul style="list-style-type: none"> <li>(i) is part of an approved subdivision, or</li> <li>(ii) is necessary for building works authorised by a building consent, and                 <ul style="list-style-type: none"> <li>• the area of earthworks is no more than 150% of the area of those building works; or</li> <li>• occurs on land with an average gradient no steeper than 1:8, or</li> </ul> </li> <li>(iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or</li> <li>(iiia) is for construction and maintenance of existing public roads.</li> </ul> </li> </ul>	<p>22.22.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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**22.23 Earthworks - filling using imported fill**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.23 Earthworks</p> <ul style="list-style-type: none"> <li>• filling using imported fill</li> </ul>	<p>22.23.1 Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling</p> <p style="padding-left: 40px;">(i) that is part of building work approved by a building consent is carried out in accordance with NZS4431:1989 Code of Practice for earth fill for residential development, or</p> <p style="padding-left: 40px;">(ii) that is not part of building work:</p> <ul style="list-style-type: none"> <li>• does not exceed a volume of 20m<sup>3</sup> and a depth of 1m, and</li> <li>• does not include a building platform, and</li> <li>• does not include placing fill into an area of significant indigenous vegetation or habitat, or</li> </ul> <p style="padding-left: 40px;">(iia) that is for minor upgrading of existing electricity lines does not exceed 50m<sup>3</sup>.</p>	<p>22.23.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.24 Filling - Flood Risk Area**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.24 Filling</p> <ul style="list-style-type: none"> <li>• Flood Risk Area</li> </ul>	<p>22.24.1 Any activity in a Flood Risk Area (excluding Huntly South Assessment Area 1) is a permitted activity if:</p> <p>(a) filling is no more than is necessary to:</p> <p style="padding-left: 40px;">(i) provide a foundation for building approved by a building consent, and access to that building, or</p> <p style="padding-left: 40px;">(iia) enable minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>.</p>	<p>22.24.2 Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

**22.25 Deleted**

**22.26 Contaminated land - remediation**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.26 Contaminated land</p> <ul style="list-style-type: none"> <li>• remediation</li> </ul>	<p>22.26.1 Any activity is a permitted activity if:</p> <p>(a) remediation of contaminated land</p> <ul style="list-style-type: none"> <li>(i) does not cause a greater risk to the environment than if the work was not done, and</li> <li>(ii) is not within                             <ul style="list-style-type: none"> <li>• a significant indigenous vegetation or habitat area, or</li> <li>• the Landscape Policy Area, or</li> <li>• the Flood Risk Area, or</li> <li>• 50m of mean high water springs or a water body, and</li> </ul> </li> <li>(iii) disposes of removed material in a location approved for the receipt of such material, and</li> <li>(iv) is reported to the Council by the landowner at the completion of the work detailing                             <ul style="list-style-type: none"> <li>• the work done and the results obtained, and</li> <li>• the nature and location of remaining contaminated material on-site, and</li> <li>• as-built plans and specifications of any permanent containment structure and</li> </ul> </li> </ul> <p>(b) the Resource Management (National</p>	<p>22.26.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity except</p> <p>(a) where compliance with 22.26.1(b)(ii) is not achieved the activity status is determined by the NES.</p>

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Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#)

- (i) does not apply to the activity, or
- (ii) does apply and the activity meets the permitted activity requirements set out in Regulation 8.

**22.27 Hazardous substances**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.27 Hazardous substances</p>	<p>22.27.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) storage or use of hazardous substances complies with <a href="#">Appendix H</a> (Hazardous Substances), or</li> <li>(b) hazardous substances stored or used on the site are                             <ul style="list-style-type: none"> <li>(i) trade waste in a wastewater or waste treatment facility that complies with <a href="#">Appendix B</a> (Engineering Standards), or</li> <li>(ii) roading materials within a road reserve, or</li> <li>(iii) domestic storage and use of consumer products for domestic purposes, or</li> <li>(iv) consumer products, held for resale to the public and stored in the manufacturers' packaging, or</li> <li>(v) gas or oil pipelines and ancillary equipment, or</li> <li>(vi) fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines, or</li> <li>(vii) small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities, or</li> <li>(viii) fire-fighting substances on emergency vehicles.</li> </ul> </li> </ul>	<p>22.27.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.28 Radioactive materials**

ITEM	PERMITTED	RESOURCE CONSENT
22.28 Radioactive materials	<p>22.28.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or</p> <p>(b) radioactive materials are confined to domestic appliances.</p>	<p>22.28.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <p>(a) radioactivity does not exceed 10 terabecquerels.</p> <p>22.28.3</p> <p>Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

**22.29 Wastewater treatment**

ITEM	PERMITTED	RESOURCE CONSENT
22.29 Wastewater treatment	<p>22.29.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) ponds used for processing or storing wastewater are set back at least</p> <p style="padding-left: 40px;">(i) 300m from a dwelling, and</p> <p style="padding-left: 40px;">(ii) 30m from the site boundary, or</p> <p>(b) a wastewater plant serving 3 or more dwellings, where wastewater treatment is fully enclosed, is set back at least</p> <p style="padding-left: 40px;">(i) 30m from a dwelling, and</p> <p style="padding-left: 40px;">(ii) 15m from the site boundary.</p>	<p>22.29.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>



**22.29A Setbacks - high voltage electricity transmission lines**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.29A Setbacks</p> <ul style="list-style-type: none"> <li>• high voltage electricity transmission lines</li> </ul>	<p>22.29A.1 Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least 20m from the centre line of any electricity transmission line designed to operate at 110kV or more.</p>	<p>22.29A.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• effects of electromagnetic fields</li> <li>• extent to which location and orientation of habitable rooms mitigates effects of the lines</li> <li>• access to transmission lines for maintenance</li> <li>• safety of people and property</li> <li>• amenity values of the site</li> <li>• effects on integrity of electricity supply including                             <ul style="list-style-type: none"> <li>- the extent to which compliance will be achieved with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001</li> <li>- the nature and location of any landscaped amenity areas.</li> </ul> </li> </ul>

**22.30 Plant or animal effluent disposal**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.30 Plant or animal effluent disposal</p>	<p>22.30.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) treatment and application of whey or liquid effluent derived from plants or animals (including disposal onto land by spray irrigation)                             <ul style="list-style-type: none"> <li>(i) is set back at least 300m from a habitable building, educational facility, marae or community hall, and</li> <li>(ii) is operated at times and in wind conditions so as to mitigate adverse effects.</li> </ul> </li> </ul>	<p>22.30.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

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**22.31 Notable tree - removal or destruction**

ITEM	PERMITTED	RESOURCE CONSENT
22.31 Notable tree <ul style="list-style-type: none"><li>removal or destruction</li></ul>	22.31.1	22.31.2 Removal or destruction of a tree identified in <a href="#">Appendix F</a> (Notable Trees) is a discretionary activity.

**22.32 Notable tree - trimming**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.32 Notable tree</p> <ul style="list-style-type: none"> <li>• trimming</li> </ul>	<p>22.32.1 Any activity is a permitted activity if:</p> <p>(a) trimming of a tree identified in <a href="#">Appendix F</a> (Notable Trees) is</p> <p style="padding-left: 40px;">(i) either</p> <ul style="list-style-type: none"> <li>• to remove dead, dying, diseased, crowded, weakly attached, low-vigour branches and water shoots from a tree crown, or</li> <li>• cutting of a branch or root less than 50mm thick (cross section) and no more than 15% of the foliage of the tree is removed, or</li> <li>• the balanced removal of lower branches of a tree on road reserve, and</li> </ul> <p style="padding-left: 40px;">(ii) done in accordance with accepted arboricultural practice, and</p> <p style="padding-left: 40px;">(iii) necessary to protect people's health and safety, or protect structures or utilities.</p>	<p>22.32.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.33 Notable tree - activities within the drip line**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.33 Notable tree</p> <ul style="list-style-type: none"> <li>• activities within the drip line</li> </ul>	<p>22.33.1 Any activity within the drip line of a tree identified in <a href="#">Appendix F</a> (Notable Trees) is a permitted activity if:</p> <p>(a) it does not involve compaction, sealing or soil disturbance except for sealing of an existing road or footpath, and</p> <p>(b) it does not involve parking or storage of materials, vehicles or machinery, and</p> <p>(c) there is no discharge of an ecotoxic substance, and</p> <p>(d) there is no construction of structures.</p>	<p>22.33.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• location of activity in relation to the tree</li> <li>• timing and manner in which the activity is carried out</li> <li>• remedial measures</li> <li>• protection of the tree.</li> </ul>

22.34 Deleted

22.35 Signs - advertising signs

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.35 Signs</p> <ul style="list-style-type: none"> <li>• advertising signs</li> </ul>	<p>22.35.1</p> <p>Any activity is a permitted activity if an advertising sign visible from a public place:</p> <ul style="list-style-type: none"> <li>(a) relates to goods or services available on the site, or is a property name sign, and</li> <li>(b) is the only sign on the site, and</li> <li>(c) is no larger than 0.25m<sup>2</sup>, and</li> <li>(d) is not illuminated, flashing or moving, and</li> <li>(e) does not exceed 2m in height, and</li> <li>(f) is not on a road reserve, except for a traffic sign or a safety sign erected by a public authority, and</li> <li>(fa) is not attached to a heritage item listed in <a href="#">Appendix C1</a> (Historic Heritage Item), site of significance to Maaori, or a tree identified in <a href="#">Appendix F</a> (Notable Trees), except for the purpose of identification.</li> </ul> <p>Despite (a), (b) and (c), the following advertising signs are permitted if they comply with (d) to (f):</p> <ul style="list-style-type: none"> <li>(g) real estate 'for sale' signs relating to the site, provided that there are no more than 3 signs per site and no sign is larger than 1 m<sup>2</sup>.</li> <li>(h) deleted</li> </ul>	<p>22.35.2</p> <p>Any advertising sign that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.36 Signs - effects on traffic**

ITEM	PERMITTED	RESOURCE CONSENT
22.36 Signs • effects on traffic	22.36.1 Any advertising sign directed at drivers is a permitted activity if the sign: (a) does not imitate the content, colour or appearance of traffic control signs, and (b) contains no more than 40 characters or 6 symbols, and (c) has lettering that is at least 124mm high, and (d) it is at least 150m from a site entrance, where the sign directs traffic to an entrance, and (e) does not obstruct sight lines of drivers turning into or out of entrances on any site.	22.36.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.37 Outdoor storage**

ITEM	PERMITTED	RESOURCE CONSENT
22.37 Outdoor storage	22.37.1 Outdoor storage of goods or materials is a permitted activity if stacks or stockpiles: (a) do not exceed 5m high or 30% site coverage, and (b) are screened from view from (i) a public road or reserve, or (ii) an adjoining site in another zone.	22.37.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.37A Indigenous vegetation clearance**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.37A Indigenous vegetation clearance</p>	<p>22.37A.1 Vegetation clearance of indigenous vegetation or habitat of indigenous fauna that is not within 100m of mean high water spring is a permitted activity if:</p> <p>(a) it is for the following purposes</p> <ul style="list-style-type: none"> <li>(i) managing, maintaining or harvesting existing production forests including under-storey clearance and fire break maintenance or fire risk management, or</li> <li>(ii) replanting a production forest or establishing a new land use within 5 years of production forest harvesting on the site, or</li> <li>(iii) harvesting indigenous timber under a Sustainable Management Plan or Permit (under the Forests Act 1949) or</li> <li>(iv) removing vegetation that endangers human life or existing buildings or structures, or poses a risk to the integrity of, the safe use of, or access to existing network utilities, or</li> <li>(v) maintaining or reinstating productive pasture, tracks and fences through the removal of manuka and / or kanuka and / or treeferns that are more than 10m from a water body and less than 15 years old or less than 5m in height and any under-storey under such manuka or kanuka or treeferns growing on land that was previously in productive use, or</li> <li>(vi) stream or river crossings or the formation of farm drains<sup>6</sup>, or</li> <li>(vii) conservation fencing to exclude stock or pests, or</li> <li>(viii) a building platform for a permitted or approved building, or structure(s), or access or gathering of plant matter in accordance with Maaori custom and values up to 3,000m<sup>2</sup> or 1% of</li> </ul>	<p>22.37A.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• effects on landscape values</li> <li>• effects on ecological values</li> <li>• effects on significant indigenous vegetation and habitat</li> <li>• effects on amenity values</li> <li>• effects on natural character of water bodies and the coastal environment</li> <li>• remediation or mitigation measures</li> <li>• effects on social, cultural and economic wellbeing</li> <li>• relocation of species.</li> </ul>



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contiguous indigenous vegetation or habitat of indigenous fauna, whichever is the lesser, per contiguous area per site within any 3-year period, or

- (b) the Council certifies that the vegetation to be cleared is not significant indigenous vegetation or significant habitat of indigenous fauna.<sup>7</sup>

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<sup>6</sup>The Waikato Regional Plan contains rules relating to the clearance of vegetation in “high risk erosion areas”, and adjacent to water courses, and rules relating to tracking and earthworks and works within water courses. Resource consents may be required from the Waikato Regional Council for these activities.

<sup>7</sup> Refer to section [2.4.1\(a\)](#).

**22.37B Indigenous vegetation clearance - coastal margin**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.37B Indigenous vegetation clearance</p> <ul style="list-style-type: none"> <li>• coastal margin</li> </ul>	<p>22.37B.1 Vegetation clearance of indigenous vegetation or habitat of indigenous fauna any activity is a permitted activity if:</p> <p>(a) it is within 100m of mean high water springs, and</p> <p style="padding-left: 40px;">(i) does not exceed 300m<sup>2</sup> per site in any 3-year period, and</p> <p style="padding-left: 40px;">(ii) it is limited to</p> <ul style="list-style-type: none"> <li>• access track development or maintenance, or</li> <li>• conservation fencing to exclude stock or pests, or</li> <li>• removing vegetation that endangers human life or existing buildings or structures or poses a risk to the integrity of, the safe use of, or access to existing network utilities.</li> </ul>	<p>22.37B.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.38 to 22.52A Land Use - Building**

**22.38 Deleted**

**22.39 Minimum site area - dwelling**

ITEM	PERMITTED	RESOURCE CONSENT
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Waikato District Plan - Waikato Section

<p>22.39 Minimum site area</p> <ul style="list-style-type: none"><li>• dwelling</li></ul>	<p>22.39.1 Construction of a dwelling is a permitted activity if:</p> <p>(a) the site is connected to a reticulated wastewater system and there is an average site area of at least 300m<sup>2</sup> per dwelling, or</p> <p>(b) the site is not connected to a reticulated wastewater system and there is an average site area of 2500m<sup>2</sup> per dwelling.</p>	<p>22.39.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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**22.40 Building height**

ITEM	PERMITTED	RESOURCE CONSENT
22.40 Building height	<p>22.40.1</p> <p>Construction or alteration of a building or structure is a permitted activity if:</p> <p>(a) the height does not exceed 10m, and</p> <p>(b) it does not protrude through the obstacle limitation surfaces defined in Chapter 30, <a href="#">Designation NI</a> (Hamilton Airport).</p>	<p>22.40.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**22.41 Daylight admission**

ITEM	PERMITTED	RESOURCE CONSENT
22.41 Daylight admission	<p>22.41.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) the building does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>	<p>22.41.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• height of building</li> <li>• design and location of the building</li> <li>• admission of daylight and sunlight to the site and other sites</li> <li>• privacy on other sites</li> <li>• amenity values of the locality.</li> </ul>

**22.42 Building coverage**

ITEM	PERMITTED	RESOURCE CONSENT
22.42 Building coverage	22.42.1 Construction or alteration of a building is a permitted activity if:  (a) total building coverage does not exceed 50%.	22.42.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.43 Building setback**

ITEM	PERMITTED	RESOURCE CONSENT
22.43 Building setback	22.43.1 Construction or alteration of a building is a permitted activity if the building is set back at least:  (a) 6m from the road boundary of the site, and  (b) 7.5m from all zone boundaries.	22.43.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.44 Setbacks - wastewater treatment**

ITEM	PERMITTED	RESOURCE CONSENT
22.44 Setbacks • wastewater treatment	22.44.1 Construction or alteration of a dwelling is a permitted activity if: (a) it is set back at least 300m from the boundary of a site containing a wastewater treatment plant with oxidation ponds, and (b) it is set back at least 30m from a wastewater treatment plant where the treatment process is fully enclosed, and (c) it is set back at least 15m from the boundary of a site containing a wastewater treatment plant where the treatment process is fully enclosed.	22.44.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.45 Building near a lake or river**

ITEM	PERMITTED	RESOURCE CONSENT
22.45 Building near a lake or river	22.45.1 Construction or alteration of a building is a permitted activity if: (a) the building is set back at least 27.5m from: (i) the margin of any lake with a bed area of 8ha or more, and (ii) the bank of any river whose bed has an average width of 3m or more, and (aa) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.  Despite the above, a public amenity of up to 25m <sup>2</sup> on an esplanade reserve, a public walkway, or a pump shed are not subject to this rule.  Note: Rule 4.2.18.1 Waikato Regional Plan controls building within 10m of artificial watercourses (drains), modified watercourses or rivers within drainage districts and river control scheme areas managed by Waikato Regional Council or Waikato District Council.	22.45.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.46 Building near the coast**

ITEM	PERMITTED	RESOURCE CONSENT
22.46 Building near the coast	22.46.1 Construction or alteration of a building is a permitted activity if:  (a) it is set back at least 23m from mean high water springs, and  (b) the floor level of any habitable room is at least 3.7m above Moturiki Datum.	22.46.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**22.47 Building in Flood Risk Area**

ITEM	PERMITTED	RESOURCE CONSENT
22.47 Building in Flood Risk Area	22.47.1 Construction or alteration of a building on land shown on the <a href="#">Planning Map</a> as a Flood Risk Area or other land that is subject to flood hazards is a permitted activity if:  (a) the floor level of any habitable room is at least 0.3m above the 1% design flood level, and  (b) the floor level of any non-habitable room is at or above the 1% design flood level, and  (c) wastewater and stormwater disposal systems comply with <a href="#">Appendix B</a> (Engineering Standards).	Any activity that does not comply with a condition for a permitted activity is a non-complying activity.

**22.47A Aerials**

ITEM	PERMITTED	RESOURCE CONSENT
<p>22.47A Aerials</p>	<p>22.47A.1 Despite rules <a href="#">22.40.1(a)</a> and <a href="#">22.41</a>, construction or alteration of an aerial and its support structures is a permitted activity if:</p> <p>(a) there are no more than 3 support structures per site, and</p> <p>(b) the height of aerials or support structures does not exceed 15m, and</p> <p>(c) aerials and support structures (except for those on a road) are set back from boundaries at least the distances required for buildings, and</p> <p>(d) no dish antenna exceeds 2m diameter, and no panel antenna exceeds 2.5m in any dimension, and</p> <p>(e) above 10.5m high</p> <p style="padding-left: 40px;">(i) no support structure exceeds 500mm in any cross section dimension, and</p> <p style="padding-left: 40px;">(ii) no dish antenna exceeds 1m diameter, and</p> <p>(f) it is not attached to an historic heritage item listed in <a href="#">Appendix C I</a> (Historic Heritage Items), except for a domestic television reception aerial.</p>	<p>22.47A.2 Any aerial or support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• amenity values</li> <li>• effects on landscape and streetscape</li> <li>• height and setback</li> <li>• design, safety and appearance</li> <li>• location within site</li> <li>• admission of daylight and sunlight to the site and other sites</li> <li>• matters mentioned in conditions not complied with</li> <li>• effects on the values, context and setting of a heritage item.</li> </ul>



**22.48 Deleted**

**22.49 Group A heritage item - demolition, removal or relocation**

ITEM	PERMITTED	RESOURCE CONSENT
22.49 Group A heritage item <ul style="list-style-type: none"> <li>• demolition, removal or relocation</li> </ul>	22.49.1	22.49.2 Demolition, removal or relocation of any group A heritage item listed in <a href="#">Appendix C1</a> (Historic Heritage Items) is a non-complying activity.

**22.50 Group B heritage item - demolition, removal or relocation**

ITEM	PERMITTED	RESOURCE CONSENT
22.50 Group B heritage item <ul style="list-style-type: none"> <li>• demolition, removal or relocation</li> </ul>	22.50.1	22.50.2 Demolition, removal or relocation of any group B heritage item listed in <a href="#">Appendix C1</a> (Historic Heritage Items) is a discretionary activity.

**22.51 All heritage items - alteration - addition**

ITEM	PERMITTED	RESOURCE CONSENT
22.51 All heritage items <ul style="list-style-type: none"> <li>• alteration</li> <li>• addition</li> </ul>	22.51.1 Alteration of, or addition to, a heritage item listed in <a href="#">Appendix C1</a> (Historic Heritage Items), is a permitted activity if: (a) no significant feature of interest is removed, destroyed or damaged, and (b) deleted (c) alterations or additions are not visible from a public place, and (ca) alterations or additions are of similar style, bulk and sympathetic to the original structure.	22.51.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.  Discretion restricted to: <ul style="list-style-type: none"> <li>• form, style, materials and appearance</li> <li>• effects on heritage values.</li> </ul>

**22.51A All heritage items - maintenance - repair**

ITEM	PERMITTED	RESOURCE CONSENT
22.51A All heritage items <ul style="list-style-type: none"> <li>• maintenance</li> <li>• repair</li> </ul>	22.51A.1 Maintenance or repair to a heritage item listed in <a href="#">Appendix C1</a> (Historic Heritage Items) is a permitted activity if: <ol style="list-style-type: none"> <li>no significant feature of interest is destroyed or damaged, and</li> <li>replacement materials are the same as, or similar to, the original with the original form, style and appearance.</li> </ol>	22.51A.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.  Discretion restricted to: <ul style="list-style-type: none"> <li>• form, style, materials and appearance</li> <li>• effects on heritage values.</li> </ul>

**22.52 All heritage items - site development**

ITEM	PERMITTED	RESOURCE CONSENT
22.52 All heritage items <ul style="list-style-type: none"> <li>• site development</li> </ul>	22.52.1 Development on the site of a heritage item listed in <a href="#">Appendix C1</a> (Historic Heritage Items) is a permitted activity if: <ol style="list-style-type: none"> <li>deleted</li> <li>it is set back at least 10m from the heritage item, and</li> <li>a building is not located between the front of the heritage item and the road.</li> </ol>	22.52.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.  Discretion restricted to: <ul style="list-style-type: none"> <li>• effects on the values, context and setting of the heritage item</li> <li>• location, design, size, materials and finish</li> <li>• landscaping</li> <li>• the relationship of the heritage item with the setting.</li> </ul>

**22.52A Relocated building**

ITEM	CONTROLLED	RESOURCE CONSENT
<p>22.52A Relocated building</p>	<p>22.52A.1 Relocation of a used building to a new site is a controlled activity if:</p> <p>(a) the building is delivered to its final position on the site and connected to its new foundations within 7 days of arrival.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>• external appearance</li> <li>• effects on amenity values and natural character of locality</li> <li>• visibility from public places and screening</li> <li>• structural integrity and weatherproofing</li> <li>• maintenance, repair, replacement, or decoration of cladding, roofing, porches, decks, baseboards, steps, windows, chimney spaces, spouting and stormwater drains</li> <li>• stormwater management on the site</li> <li>• timetable for works</li> <li>• bond to secure compliance</li> <li>• matters referred to in <a href="#">Appendix B</a> (Engineering Standards).</li> </ul>	<p>22.52A.2 Any activity that does not comply with conditions for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• matters referred to in conditions for controlled activities</li> <li>• matters that control is reserved over.</li> </ul>

**22.70 Subdivision**

**Editorial Note:**

Any subdivision application relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#).

ITEM	CONTROLLED	RESOURCE CONSENT
22.70 Subdivision generally	22.70.1	22.70.2 Subdivision that is not for the purposes of a hapu partition under Te Ture Whenua Maori Act 1993 is a discretionary activity.