

## 28 Recreation Zone Rules

### 28.1 to 28.3 Introduction

#### 28.1

The rules in this chapter apply in the Recreation 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.

#### 28.2

The Recreation Zone comprises land owned by Waikato District Council for the purposes of public sports grounds that have clubrooms and other large scale recreational and sports facilities. The Council will manage activities under the Reserves Act. Small neighbourhood parks and reserves are not included in the zone. Rules seek to manage activities so that any adverse effects do not detract from the amenity values of each locality. Mitigation of impacts on surrounding Living Zone areas is provided for.

#### 28.3

See [Chapter 18](#) for 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 3 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 table 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.

28.5 Prohibited Activities

**28.5**

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

- (a) **Construction or alteration of a building or structure that obscures the sight lines of the Raglan navigation beacons for vessels entering Raglan Harbour (Whaingaroa)**

28.10 to 28.70 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.

**28.10 and 28.11 Land Use - Activities**

**28.10 Activities generally**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.10 Activities generally</p>	<p>28.10.1 Any activity that complies with all the effects and building rules is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) it is identified and carried out in accordance with a Reserve Management Plan approved under the Reserves Act 1977, or</li> <li>(b) it is informal recreation, or</li> <li>(c) it is a temporary event that meets the conditions for a permitted activity <u>or</u>, (ca) it is a network utility.</li> </ul>	<p>28.10.2 Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

**28.11 Temporary events**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.11 Temporary events</p>	<p>28.11.1 A temporary event is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) the event occurs no more than 15 times per year, 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>28.11.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.12 to 28.36 Land Use - Effects**

**28.12 On-site services**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.12 On-site <a href="#">services</a></p>	<p>28.12.1 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) utilities are placed underground where reticulated utilities are already underground.</li> </ul>	<p>28.12.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.13 Network utility (excluding aerials)**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.13 Network utility (excluding aerials)</p>	<p>28.13.1 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> <ul style="list-style-type: none"> <li>(i) pipes and cables are located underground, or</li> <li>(ii) above ground structures for electricity, gas and telecommunications (excluding aerials):                             <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 deleted</li> <li>• deleted</li> <li>• do not compromise road or pedestrian safety, and</li> </ul> </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>28.13.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.13A Existing electricity and telecommunications lines**

ITEM	PERMITTED	RESOURCE CONSENT
28.13A Existing electricity and telecommunications lines	28.13A.1 Despite rules <a href="#">28.13.1(b)</a> , <a href="#">28.37.1(a)</a> , <a href="#">28.38</a> and <a href="#">28.41</a> , the operation, maintenance, minor upgrading and removal of existing electricity and telecommunications lines is a permitted activity if:  (a) the existing voltage is not increased, and  (b) the height of support structures (excluding earthwires, earthpeaks and lightning rods) is not increased, and  (c) the ground is reinstated on completion of works.	28.13A.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28.14 Deleted**

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

ITEM	PERMITTED	RESOURCE CONSENT
28.15 Access, vehicle entrance, parking, loading and manoeuvring space	28.15.1 Any activity is a permitted activity if:  (a) access, vehicle entrance crossing, parking, loading, queuing and manoeuvring space is provided in accordance with <a href="#">Appendix A</a> (Traffic).	28.15.2 Any activity that does not comply with a condition for a permitted activity requires resource consent as stated in the appendix, or is a discretionary activity if not otherwise specified.

Waikato District Plan - Waikato Section

**28.16 Noise**

ITEM	PERMITTED	RESOURCE CONSENT
28.16 Noise	<p>28.16.1</p> <p>Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured at any site in another zone does not exceed:</p> <p>(a) 55dBA(L<sub>10</sub>), 7am to 7pm, and</p> <p>(b) 45dBA(L<sub>10</sub>), 7pm to 10pm, and</p> <p>(c) 40dBA(L<sub>10</sub>) and 65dBA(L<sub>max</sub>), 10pm to 7am the following day.</p> <p>Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	<p>28.16.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.17 Construction noise**

ITEM	PERMITTED	RESOURCE CONSENT
28.17 Construction noise	<p>28.17.1</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>28.17.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.18 Vibration**

ITEM	PERMITTED	RESOURCE CONSENT
28.18 Vibration	<p>28.18.1</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>28.18.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>



**28.19 Glare and lighting**

ITEM	PERMITTED	RESOURCE CONSENT
28.19 Glare and lighting	28.19.1 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.	28.19.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

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

ITEM	PERMITTED	RESOURCE CONSENT
28.20 Dust, smoke, fumes, odour or ground level	28.20.1 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 material into the air, and  (ba) earthworks undertaken within 20m of the centreline 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.	28.20.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28.21 High frequency electromagnetic field**

ITEM	PERMITTED	RESOURCE CONSENT
28.21 High frequency electromagnetic field	28.21.1 Any activity is a permitted activity if:  (a) any electromagnetic field does not exceed the maximum exposure level in New Zealand Standard 2772.1:1999 Radiofrequency Fields Part I: Maximum exposure levels 3kHz - 300GHz when measured in accordance with New Zealand Standard 6609.2:1990.	28.21.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

28.22 Earthworks

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.22 Earthworks</p>	<p>28.22.1 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 28.24, and,                             <ul style="list-style-type: none"> <li>(aa) are not in the Huntly East Mine Subsidence 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) delete</li> </ul> </li> <li>(h) do not disturb or move more than 1000m<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 does not exceed 3m, and</li> <li>(j) do not exceed 1 ha.</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 is                             <ul style="list-style-type: none"> <li>(i) part of an approved subdivision, or</li> <li>(ii) necessary for building works authorised by a building consent, and the area of earthworks is no more than 150% of the area of those building works or occurs on land with an average gradient no steeper than 1:8 or</li> <li>(iii) a backfilled trench for network utilities, and original ground levels</li> </ul> </li> </ul>	<p>28.22.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

Waikato District Plan - Waikato Section

	<p>are reinstated, (such trenches are also exempt from (d)), or</p> <p>(iiia) for the maintenance of existing farm tracks or for the formation of farm drains, or</p> <p>(iiib) for turf management of parks and reserves, or</p> <p>(iiic) for construction and maintenance of existing public roads.</p>	
--	--	--

**28.23 Earthworks - filling using imported fill**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.23 Earthworks</p> <ul style="list-style-type: none"> <li>• filling using imported fill</li> </ul>	<p>28.23.1 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 NZS 4431:1989 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 200m<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>28.23.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.24 Filling - Flood Risk Area**

ITEM	PERMITTED	RESOURCE CONSENT
------	-----------	------------------

Waikato District Plan - Waikato Section

<p>28.24 Filling</p> <ul style="list-style-type: none"><li>• Flood Risk Area</li></ul>	<p>28.24.1 Any activity in a Flood Risk Area is a permitted activity if:</p> <p>(a) filling is no more than is necessary to:</p> <ul style="list-style-type: none"><li>(i) provide a foundation for building approved by a building consent, and access to that building, <u>or</u></li><li>(ia) enable minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>.</li></ul>	<p>28.24.2 Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>
--	--	---

28.25 Deleted

28.26 Contaminated land - remediation

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.26 Contaminated land</p> <ul style="list-style-type: none"> <li>• remediation</li> </ul>	<p>28.26.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) remediation of contaminated land</p> <p style="padding-left: 40px;">(i) does not cause a greater risk to the environment than if the work was not done, and</p> <p style="padding-left: 40px;">(ii) is not within:</p> <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> <p style="padding-left: 40px;">(iii) disposes of removed material in a location approved for the receipt of such material, and</p> <p style="padding-left: 40px;">(iv) is reported to the Council by the land owner at the completion of the work detailing:</p> <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> </ul>	<p>28.26.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity except</p> <p>(a) where compliance with 28.26.1(b)(ii) is not achieved the activity status is determined by the NES.</p>

Waikato District Plan - Waikato Section

	<ul style="list-style-type: none"><li>• as built plans and specifications of any permanent containment structure and</li></ul> <p>(b) the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in <a href="#">Appendix Of</a></p> <ul style="list-style-type: none"><li>(i) does not apply to the activity, or</li><li>(ii) does apply and the activity meets the permitted activity requirements set out in Regulation 8.</li></ul>	
--	--	--

**28.27 Hazardous substances**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.27 Hazardous substances</p>	<p>28.27.1 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) road 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 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>28.27.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>



**28.28 Radioactive materials**

ITEM	PERMITTED	RESOURCE CONSENT
28.28 Radioactive materials	<p>28.28.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or</li> <li>(b) radioactive materials are confined to domestic appliances.</li> </ul>	<p>28.28.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <ul style="list-style-type: none"> <li>(a) radioactivity does not exceed 10 terabecquerels.</li> </ul> <p>28.28.3</p> <p>Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

**28.29 Wastewater treatment**

ITEM	PERMITTED	RESOURCE CONSENT
28.29 Wastewater treatment	<p>28.29.1</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) ponds used for processing or storing wastewater are set back at least                             <ul style="list-style-type: none"> <li>(i) 300m from a dwelling, and</li> <li>(ii) 30m from the site boundary, or</li> </ul> </li> <li>(b) a wastewater plant serving 3 or more dwellings, where wastewater treatment is fully enclosed, is set back at least                             <ul style="list-style-type: none"> <li>(i) 30m from a dwelling, and</li> <li>(ii) 15m from the site boundary.</li> </ul> </li> </ul>	<p>28.29.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.30 Plant or animal effluent disposal**

ITEM	PERMITTED	RESOURCE CONSENT
28.30 Plant or animal effluent disposal	28.30.1 Any activity is a permitted activity if: (a) treatment and application of whey or liquid effluent derived from plants or animals (including disposal onto land by spray irrigation):  (i) is set back at least 200m from a habitable building, educational facility, marae or community hall, and  (ii) is operated at times and in wind conditions so as to mitigate adverse effects.	28.30.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28.31 Notable tree - removal or destruction**

ITEM	PERMITTED	RESOURCE CONSENT
28.31 Notable tree • removal or destruction	28.31.1	28.31.2 Removal or destruction of a tree identified in <a href="#">Appendix F</a> (Notable Trees) is a discretionary activity.

**28.32 Notable tree - trimming**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.32</p> <p>Notable tree</p> <ul style="list-style-type: none"> <li>• trimming</li> </ul>	<p>28.32.1</p> <p>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 watershoots 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>28.32.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.33 Notable tree - activities within the dripline**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.33</p> <p>Notable tree</p> <ul style="list-style-type: none"> <li>activities within the dripline</li> </ul>	<p>28.33.1</p> <p>Any activity within the dripline 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>28.33.2</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>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>

**28.34 Sale of liquor**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.34</p> <p>Sale of liquor</p>	<p>28.34.1</p> <p>Any activity is a permitted activity if the sale of liquor:</p> <p>(a) is authorised by a special licence, or</p> <p>(b) in the case of any other licence, does not occur:</p> <p>(i) between 10pm and 7am, and</p> <p>(ii) (on a site within 50m of land in the Living Zone, or</p> <p>(iii) on a site within 50m of a dwelling in the Pa, Rural, Coastal, Country Living or Recreation Zones</p>	<p>28.34.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

**28.35 Signs - advertising signs**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.35 Signs</p> <ul style="list-style-type: none"> <li>• advertising signs</li> </ul>	<p>28.35.1</p> <p>Any activity is a permitted activity if an advertising sign:</p> <ul style="list-style-type: none"> <li>(a) is an interpretive or instructional sign, or a Health and Safety Sign and</li> <li>(b) does not exceed 3m in height, and</li> <li>(c) does not exceed                             <ul style="list-style-type: none"> <li>(i) 3m<sup>2</sup> for one sign per site, and</li> <li>(ii) 1m<sup>2</sup> for any other sign containing advertising on the site up to a maximum of 5 signs, and</li> </ul> </li> <li>(d) is not on or above road reserve, and</li> <li>(e) is set back at least 5m from the boundary of the Living Zone, and</li> <li>(f) attached to a building                             <ul style="list-style-type: none"> <li>(i) does not extend more than 300 mm from the building wall, and</li> <li>(ii) does not exceed the height of the building, and</li> </ul> </li> <li>(g) that is illuminated                             <ul style="list-style-type: none"> <li>(i) does not have a light source that flashes or moves, and</li> <li>(ii) does not contain moving parts or reflective materials, and</li> </ul> </li> <li>(h) is not attached to a heritage item listed in <a href="#">Appendix C I</a> (Historic Heritage Items), 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>28.35.2</p> <p>Any advertising sign that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• amenity values, streetscape and character of the locality</li> <li>• traffic safety</li> <li>• effects on heritage values of any heritage item due to the size, location, design and appearance of a sign.</li> </ul>

**28.36 Signs - effects on traffic**

ITEM	PERMITTED	RESOURCE CONSENT
28.36 Signs • effects on traffic	28.36.1 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 obscure sight lines of drivers turning into or out of entrances on any site.	28.36.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28.37 to 28.49A Land Use - Building**

**28.37 Building height**

ITEM	PERMITTED	RESOURCE CONSENT
28.37 Building height	28.37.1 Construction or alteration of a building (excluding goalposts) is a permitted activity if: (a) height does not exceed 10m, and (b) the building or structure does not protrude into the Raglan Navigation Beacons height restriction plane identified on the planning maps and in <a href="#">Appendix J</a> (Raglan Navigation Beacons Height Restriction Plane).	28.37.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.  Note: Some buildings that protrude into the Raglan Navigation Beacons height restriction plane may be prohibited. See rule <a href="#">28.5</a> for prohibited activities.

**28.38 Daylight admission**

ITEM	PERMITTED	RESOURCE CONSENT
28.38 Daylight admission	28.38.1 Construction or alteration of a building is a permitted activity if:  (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.	28.38.2 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>• 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>

**28.39 Building coverage**

ITEM	PERMITTED	RESOURCE CONSENT
28.39 Building coverage	28.39.1 Construction or alteration of a building is a permitted activity if:  (a) total building coverage does not exceed 5%.	28.39.2 Any activity that does not comply with a condition for a permitted activity is a non-complying activity.

**28.40 Building floor area**

ITEM	PERMITTED	RESOURCE CONSENT
28.40 Building floor area	28.40.1 Construction or alteration of a building is a permitted activity if:  (a) gross floor area does not exceed 250m <sup>2</sup> .	28.40.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28.41 Setbacks**

ITEM	PERMITTED	RESOURCE CONSENT
28.41 Setbacks	28.41.1 Construction or alteration of a building or structure is a permitted activity if it is set back at least:  (a) 6m from any road boundary, and  (b) 6m from any boundary with the Living Zone, and  (c) 3m from any boundary with any other zone.	28.41.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28.42 Building near a lake or river**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.42 Building near a lake or river</p>	<p>28.42.1 Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) the building is set back at least 32m from                             <ul style="list-style-type: none"> <li>(i) the margin of any lake with a bed area of 8ha or more, and</li> <li>(ii) the bank of any river whose bed has an average width of 3m or more and</li> </ul> </li> <li>(aa) the building is set back at least 37m from the Waikato River and the Waipa River, and</li> <li>(ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.</li> </ul> <p>Despite the above, a public amenity of up to 25m<sup>2</sup> on an esplanade reserve, a public walkway, a pump shed or boat launching facilities are not subject to this rule.</p> <p>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.</p>	<p>28.42.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>



**28.43 Buildings near the coast**

ITEM	PERMITTED	RESOURCE CONSENT
28.43 Buildings near the coast	<p>28.43.1</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least 32m from mean high water springs, and</p> <p>(b) the floor level of any habitable room is at least 3.7m above Moturiki Datum.</p>	<p>28.43.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

**28.44 Building in Flood Risk Area**

ITEM	PERMITTED	RESOURCE CONSENT
28.44 Building in Flood Risk Area	<p>28.44.1</p> <p>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:</p> <p>(a) the floor level of any habitable room is at least 0.3m above the 1% design flood level, and</p> <p>(b) the floor level of any non-habitable room is at or above the 1% design flood level, and</p> <p>(c) wastewater and stormwater disposal systems comply with <a href="#">Appendix B</a> (Engineering Standards).</p>	<p>28.44.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

**28.44A Aerials**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28.44A Aerials</p>	<p>28.44A.1 Despite rules <a href="#">28.37.1(a)</a>, <a href="#">28.38</a>, and <a href="#">28.42</a>, construction or alteration of an aerial and its support structures is a permitted activity if:</p> <p>(a) the height of aerials or support structures does not exceed 15m, and</p> <p>(b) no dish antenna exceeds 5m diameter, and no panel antenna exceeds 2.5m in any dimension, and</p> <p>(c) 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>28.44A.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>

**28.45 Deleted**

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

ITEM	PERMITTED	RESOURCE CONSENT
28.46 Group A heritage item <ul style="list-style-type: none"> <li>demolition, removal or relocation</li> </ul>	28.46.1	28.46.2 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.

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

ITEM	PERMITTED	RESOURCE CONSENT
28.47 Group B heritage item <ul style="list-style-type: none"> <li>demolition, removal or relocation</li> </ul>	28.47.1	28.47.2 Demolition, removal or relocation of any Group B heritage item listed in <a href="#">Appendix C1</a> (Historic Heritage Items) is a discretionary activity.

**28.48 All heritage items - alteration - addition**

ITEM	PERMITTED	RESOURCE CONSENT
28.48 All heritage items <ul style="list-style-type: none"> <li>alteration</li> <li>addition</li> </ul>	28.48.1 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.	28.48.2 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>

**28.48A All heritage items - maintenance - repair**

ITEM	PERMITTED	RESOURCE CONSENT
28.48A All heritage items <ul style="list-style-type: none"> <li>• maintenance</li> <li>• repair</li> </ul>	28.48A.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>(a) no significant feature of interest is destroyed or damaged, and</li> <li>(b) replacement materials are the same as, or similar to, the original with the original form, style and appearance.</li> </ol>	28.48A.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>

**28.49 All heritage items - site development**

ITEM	PERMITTED	RESOURCE CONSENT
28.49 All heritage items <ul style="list-style-type: none"> <li>• site development</li> </ul>	28.49.1 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>(a) deleted</li> <li>(b) it is set back at least 10m from the heritage item, and</li> <li>(c) a building is not located between the front of the heritage item and the road.</li> </ol>	28.49.2 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>

**28.49A Relocated building**

ITEM	PERMITTED	RESOURCE CONSENT
28.49A Relocated building	<p>28.49A.1</p> <p>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>28.49A.2</p> <p>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>

**28.70 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	PERMITTED	RESOURCE CONSENT
28.70 Subdivision	28.70.1	28.70.2 Subdivision is a non-complying activity.

## **Schedule 28A: Tamahere Recreation Zone and Village Green Rules**

### **28A.1 Application of the Schedule**

The rules in this schedule apply to the Tamahere Recreation Zone and Village Green, which is located within the Tamahere Structure Plan area as shown on the [Planning Map](#). The schedule also includes design guidelines to facilitate future development.

### **28A.2 Rules applying in the Tamahere Recreation Zone and Village Green**

In addition to the following rules, all rules in [Chapter 28: Recreation Zone](#) also apply in the Tamahere Recreation Zone except for rules [28.10](#), [28.38](#), [28.39](#), [28.40](#) and in Village Green, [28.10](#), [28.15](#), [28.35](#), [28.37](#), [28.38](#), [28.39](#), [28.40](#), [28.49A](#).

### **28A.3 Tamahere Recreation Zone and Village Green**

Schedule 28A sets out rules which provide for development within the Tamahere Recreation Zone and the Village Green. The schedule provides for the land to be developed in accordance with the relevant rules in both the schedule and, where not specifically excluded, the Recreation Zone rules in [Chapter 28](#). The schedule also requires development to be in accordance with the [Tamahere Village Design Guide](#) and [Tamahere Village Concept Plan](#).

The Tamahere Recreation Area and the Village Green are identified on the [planning map](#) as 'Information Only' for clarification of the location and extent of the area.

It is envisaged that a community recreational area, including a village green, will be developed that will integrate with the adjoining retail development and support an attractive and lively community hub. Recreation facilities should be attractively designed, easily accessible and physically and visually connected to the surrounding environment. The recreational facilities will be developed as and when the community requires them.

The Village Green is a Council owned facility which forms part of the Tamahere Recreation Area and will provide for a town square or piazza style development. The Village Green will complement the Tamahere Village Business Zone and will be designed and constructed in accordance with the [Tamahere Village Design Guide](#) and [Concept Plan](#). This will enable consistency with building and landscape design in relation to the adjoining recreation and retail developments and will ensure the open space character of the Village Green is achieved and maintained.

It is anticipated that the Village Green will be developed at the same time as the first stage of any retail development. The purpose of the Village Green is that it will be utilised by the community as a public facility for everyday use, providing a community hub melding the business and recreation areas, as well as providing for temporary events such as market days and festivals.

The land within the Tamahere Recreation Zone will be vested as recreation reserve and be subject to a Reserve Management Plan.

Waikato District Plan - Waikato Section

**28A.10 Land Use - Activities**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28A.10 Activities</p> <ul style="list-style-type: none"> <li>• Tamahere Recreation Area and Village Green</li> </ul>	<p>28A.10.1</p> <p>Any activity that complies with all the effects and building rules is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) in the Tamahere Village Recreation Area or Village Green,                             <ul style="list-style-type: none"> <li>(i) development is in accordance with the <a href="#">Tamahere Village Design Guide</a> and <a href="#">Concept Plan</a> in Schedule 23B, and</li> </ul> </li> <li>(b) it is identified and carried out in accordance with a Reserve Management Plan approved under the Reserves Act 1977, or</li> <li>(c) it is informal recreation, or</li> <li>(d) it is a temporary event that meets the conditions for a permitted activity or,</li> <li>(e) it is a network utility.</li> </ul>	<p>28A.10.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>



**28A.11 and 28A.12 Land Use - Effects**

**28A.11 Landscaping - Village Green**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28A.11 Landscaping</p> <ul style="list-style-type: none"> <li>• Village Green</li> </ul>	<p>28A.11.1 Landscaping within the Village Green is a permitted activity if it:</p> <p>(a) is in accordance with the <a href="#">Village Design Guide</a> and <a href="#">Concept Plan</a> in Schedule 23B.</p>	<p>28A.11.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• consistency with the approved Development Plan for the Tamahere Village Business Zone</li> <li>• consistency with the <a href="#">Tamahere Village Design Guide</a></li> <li>• consistency with the <a href="#">Tamahere Village Concept Plan</a></li> <li>• physical and visual connectivity with the Tamahere Village commercial development and adjoining recreation reserve</li> <li>• landscaping design and materials</li> <li>• plant species and specific locations</li> </ul>

28A.12 Signs - Village Green

ITEM	PERMITTED	RESOURCE CONSENT
<p>28A.12 Signs</p> <ul style="list-style-type: none"> <li>• Village Green</li> </ul>	<p>28A.12.1</p> <p>Any activity is a permitted activity if an advertising sign visible from a public place:</p> <p>(a) is in accordance with the <a href="#">Tamahere Village Design Guide</a>, and</p> <p>(b) is attached to a building and</p> <ul style="list-style-type: none"> <li>(i) does not exceed an area of 2m<sup>2</sup>, and</li> <li>(ii) does not extend more than 300mm from the building wall, and</li> <li>(iii) does not exceed the height of the building, or</li> </ul> <p>(c) is attached to a verandah and</p> <ul style="list-style-type: none"> <li>(i) is no deeper than 400mm, and</li> <li>(ii) does not obscure any notable architectural feature of the building, and</li> <li>(iii) does not project beyond the roof or fascia of the verandah more than 100mm in any direction, and</li> <li>(iv) allows clearance of at least 2.5m above any pedestrian access, or</li> </ul> <p>(d) is a free standing sign and</p> <ul style="list-style-type: none"> <li>(i) does not exceed 1.5m in height, and</li> <li>(ii) does not exceed an area of 1 m<sup>2</sup>, or</li> </ul> <p>(e) is a signage wall and</p> <ul style="list-style-type: none"> <li>(i) does not exceed 1.2m in height, and</li> <li>(ii) does not exceed an area of 4m<sup>2</sup>, and</li> </ul> <p>(f) is an illuminated sign and is not a neon sign, does not have a light source that flashes or moves, does not contain moving parts or reflective materials, and is positioned to ensure it does not spill light beyond the sign.</p>	<p>28A.12.2</p> <p>Any advertising sign 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 and streetscape</li> <li>• traffic safety</li> <li>• glare and light spill</li> <li>• number of signs</li> <li>• design and location of sign</li> <li>• consistency with <a href="#">Tamahere Village Design Guide</a></li> <li>• matters referred to in permitted activity standards</li> </ul>

## Waikato District Plan - Waikato Section

Despite (a) the following advertising signs are permitted if they comply with (d) and (f):

- (g) a sign advertising a community event that is a free standing sign on display for no more than one month prior to the event.

**28A.13 to 28A.15 Land Use - Building**

**28A.13 Buildings - Tamahere Recreation Area**

ITEM	PERMITTED	RESOURCE CONSENT
28A.13 Buildings <ul style="list-style-type: none"> <li>• Tamahere Recreation Area</li> </ul>	28A.13.1 Construction or alteration of a building is a permitted activity if: (a) it is in accordance with the <a href="#">Tamahere Village Design Guide</a> and <a href="#">Concept Plan</a> in Schedule 23B, and (b) the total building coverage does not exceed 4%.	28A.13.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28A.14 Buildings - Village Green**

ITEM	PERMITTED	RESOURCE CONSENT
28A.14 Buildings <ul style="list-style-type: none"> <li>• Village Green</li> </ul>	28A.14.1 Construction or alteration of a building or structure in the Village Green is a permitted activity if it: (a) is in accordance with the <a href="#">Tamahere Village Design Guide</a> and <a href="#">Concept Plan</a> in Schedule 23B, and (b) the total building coverage does not exceed 170m <sup>2</sup> , and (c) height does not exceed 6m.	28A.14.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

**28A.15 Relocated building - Village Green**

ITEM	PERMITTED	RESOURCE CONSENT
<p>28A.15 Relocated building</p> <ul style="list-style-type: none"> <li>• Village Green</li> </ul>		<p>28A.15.1 Relocation of a used building to a new site is a restricted discretionary activity if:</p> <p>(a) it is in accordance with the <a href="#">Tamahere Village Design Guide</a> and <a href="#">Concept Plan</a> in Schedule 23B, and</p> <p>(b) the building is delivered to its final position on the site, and connected to its new foundations within 7 days of arrival.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• the intention of the <a href="#">Tamahere Village Design Guide</a>;</li> <li>• accordance with the <a href="#">Tamahere Village Concept Plan</a>;</li> <li>• physical and visual connectivity with the Tamahere Village Business Zone and adjoining recreation reserve;</li> <li>• external appearance;</li> <li>• consistency in design with development in the Tamahere Village Business Zone;</li> <li>• character and architectural style of building consistent with heritage values as described in <a href="#">Tamahere Village Design Guide</a>;</li> <li>• scale, form and materials;</li> <li>• effects on amenity values;</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>28A.15.2 Any activity that does not comply with conditions for a restricted discretionary activity is a discretionary activity.</p>