

## Section 6 - Commercial Zone

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### 6.1 Introduction

6.1.1 Over time the central business districts of Te Awamutu and Cambridge have developed into the primary commercial centres of the District. The retail, office and commercial service needs they provide, along with social functions are important to the District as a whole. Currently, not all of the District's commercial needs are met by the existing businesses and services located within the central business districts, resulting in commercial leakage and commuter trips, particularly to Hamilton. Over the life time of this Plan it is anticipated that the amount of retail leakage will reduce and that the primary commercial centres of the District will become increasingly self-sufficient with a consequential reduction in commuter trips.

6.1.2 The Commercial Zone is located in Te Awamutu and Cambridge and also in Pirongia, Kihikihi and Ōhaupo. The central business districts of Cambridge and Te Awamutu provide the primary retail, office and commercial service areas in the District. Within Cambridge, the central business district is supported by an existing neighbourhood centre at Leamington and in the future by new neighbourhood centres in Cambridge North (as part of the C1 Structure Plan area). While not zoned, there is also an important network of local shops that provide for peoples' day to day needs. In Te Awamutu the central business district is supported by a large format retail centre and also by a network of local shops. The Commercial Zones in Kihikihi, Pirongia and Ōhaupo, provide smaller scale services to support the day to day needs of those communities. These tiers form the commercial hierarchy within the District, which are:

- (a) The District wide primary commercial centres - the central business districts of Cambridge and Te Awamutu.
- (b) The village commercial centres located in Kihikihi, Pirongia and Ōhaupo.
- (c) The neighbourhood centres - located in Leamington, Cambridge North (C1 Structure Plan).
- (d) The large format centre - located on Cambridge Road, Te Awamutu.
- (e) Local shops - existing shops providing a local need within their immediate area.

The maintenance of this hierarchy and the functions that each centre serves is a key issue for this Plan.

6.1.3 A variety of activities are promoted within the Commercial Zone. Pedestrian frontages have been identified within the primary commercial centres and village commercial centres to reinforce the pedestrian focus and vibrancy of these areas. Larger scale commercial activities including those that are vehicle orientated are encouraged within the Commercial Zone outside of the pedestrian frontage areas. This outcome is achieved through the status of activities and the rules (relating to bulk, location and design) that apply in each area of the zone.

6.1.4 People living within the Commercial Zone are important for maintaining and enhancing vibrancy and activity; however, this needs to be balanced against the demand for commercial activities. In order to support this outcome, residential activities are provided for throughout the Commercial Zone provided they are located above ground floor level, have appropriate on site amenities, and are able to manage the potential impact of locating near commercial activities.

- 6.1.5 The built character of the District's commercial areas is distinctive and is characterised by its history. Within the Commercial Zone there are a number of significant heritage buildings that have been identified and listed for protection in this Plan. There are also other buildings that through their design, building bulk and colour, support this character. In order to maintain the existing character of each place, character precincts have been identified within the Commercial Zones of Cambridge, Te Awamutu, Kihikihi, Ōhaupo and Pirongia. Within the character precinct areas, resource consent will be required for the construction, alteration and addition to buildings. Assessment of developments within these locations will be based on the character statements and guidelines in Appendix DG2 to DG6 of this Plan. Some sites in the Commercial Zone in Te Awamutu and Cambridge are located in close proximity to rivers. There are opportunities to increase community access and to positively address the relationship between buildings and rivers.
- 6.1.6 With the anticipated growth in population there will be demand for new commercial development. It is anticipated that most of the new commercial development will support the economic and social function of existing centres, and be accommodated within the primary commercial centres of the District located in the central business districts of Cambridge and Te Awamutu. It is also anticipated that within new growth areas there will be new local shops that are accessible and provide for the day to day needs of residents. Possible locations for future local shops have been identified within the Town Concept Plans. Providing opportunities for commercial development within the District will also decrease the need for commuter trips into Hamilton. Two opportunities for new commercial growth areas for the District, both located in Cambridge, have been identified and are described below.
- 6.1.7 The Carters Flat location is currently zoned Industrial, adjoins the central business district of Cambridge, and has a range of industrial and commercial activities located within it. The area is identified as a Deferred Commercial Zone in the Plan. It is intended that this area be developed for commercial activities that are vehicle oriented, provided that alternative locations for industrial development are provided within Cambridge and the Cambridge Bypass is constructed. It is intended that Carters Flat will be rezoned to the Commercial Zone once these matters have been addressed.
- 6.1.8 A neighbourhood centre within Cambridge North provided for within the C1 growth cell to the west of Victoria Road (refer to the C1 and C2/C3 Structure Plans). The scale and rate of development is intended to be commensurate with residential development in the Cambridge North, C1 and C2/C3 Structure Plan Areas.

## **6.2 Resource Management Issues**

- 6.2.1 There are insufficient employment opportunities within the District which necessitates people commuting to Hamilton for work.
- 6.2.2 Commercial developments located outside of the primary commercial centres have the potential to undermine the economic and social function that these centres serve, and compromise the function of the Hamilton Central Business District.
- 6.2.3 While it is important to provide opportunities for further commercial development within village commercial centres, neighbourhood centres, and to make provision for local shops; these opportunities need to be balanced against demand within the area they are located, and the catchment they are intended to serve.

- 6.2.4 The character and amenity of the District's primary commercial centres and village commercial centres can be affected by inappropriate activities. In particular, the maintenance of the vibrancy of the identified pedestrian frontage areas can be affected by large scale buildings that dominant road frontages and by vehicle orientated commercial activities.
- 6.2.5 The design of buildings in the Commercial Zone can adversely affect character and amenity both within the zone and in the surrounding environment. There is the potential for new developments to positively interact with and enhance the community's relationship the surrounding environment including lakes and water bodies.
- 6.2.6 Noise from activities within the Commercial Zone can adversely affect the amenity values of occupants in neighbouring buildings and zones.
- 6.2.7 Signs can play an important role in creating a vibrant commercial area; however the quality of signs, particularly due to design, appearance, and lack of maintenance can have adverse visual effects on character and amenity.
- 6.2.8 Earthworks have the potential to generate adverse visual effects, and dust can affect the level of amenity in Commercial Zones, particularly within the identified pedestrian frontages, where a high level of amenity is anticipated.
- 6.2.9 Temporary activities can play an important role in creating a vibrant area; however, they can also generate adverse effects, particularly on the amenity values of residents and adjacent landowners.

## 6.3 Objectives and Policies

*Please also refer to the objectives and policies of Part C, Part E and Part F as relevant.*

### **Objective - Role and function of commercial centres**

- 6.3.1 To maintain the commercial hierarchy of the District while providing for increased levels of self-sufficiency.

*Policy - Self-sufficiency*

- 6.3.1.1 To promote developments within the Commercial Zone that increase the range of employment opportunities within the District, while maintaining the commercial hierarchy.

*Policy - Commercial hierarchy: primary commercial centres*

- 6.3.1.2 To strengthen the role of the central business districts of Cambridge and Te Awamutu as the primary retail, office and commercial service areas of the District.

*Policy - Commercial hierarchy: village commercial centres*

- 6.3.1.3 To enable commercial development in a way and at a rate that supports the needs of the communities of Pirongia, Ōhaupo and Kihikihi.

*Policy - Commercial hierarchy: neighbourhood centres*

- 6.3.1.4 To provide for commercial development in a way and at a rate that meets the needs of the catchments they are intended to serve.

*Policies - Commercial hierarchy: neighbourhood centres - Cambridge North Neighbourhood Centre*

- 6.3.1.5 To enable a single commercial neighbourhood centre at Cambridge North (as part of the C1 Structure Plan Area), provided that:

- (a) The scale of the Cambridge North Neighbourhood Centre and any activities within the centre are appropriate to the Cambridge North area and the catchment that it serves being the residential area in Cambridge north of the town belt; and
- (b) The centre and any proposed activities do not impact on the function and vibrancy of the primary commercial centre of Cambridge; and
- (c) Building design and site layout reflects and incorporates key elements of Cambridge's character, given its gateway location; and
- (d) Development of the neighbourhood centre is in general accordance with a Neighbourhood Centre land use consent and the relevant C1 Structure Plan Guidelines.

- 6.3.1.6 To enable activities in the Cook Street/Shakespeare Street/Wordsworth Street Commercial Zone, where they do not affect the function of the primary commercial centres or the neighbourhood centres.

**Objective - Vibrancy, design and character**

- 6.3.2 To achieve vibrant and active centres which have a distinctive character.

*Policy - Pedestrian frontages: social heart*

- 6.3.2.1 To maintain the identified pedestrian frontages of the Commercial Zone as vibrant active places that support social and community well-being through building designs and activities that reinforce a pedestrian oriented retail environment.

*Policy - Activities outside pedestrian frontages*

- 6.3.2.2 Outside of the identified pedestrian frontage enable larger scale retail activities, commercial service and vehicular orientated activities, where the activity does not impact on the role and function of the identified pedestrian frontages, including the vibrancy, amenity and social and community function of those areas.

*Policy - Pedestrian frontages: active street frontages*

- 6.3.2.3 To ensure the incorporation of active street frontages in the design or redesign of buildings within the pedestrian frontage area by avoiding car parking and accessways, and through the provision of:

- (a) Passive surveillance; and
- (b) Verandahs.

*Policy - Residential activities and Residential Based Visitor Accommodation*

- 6.3.2.4 To enable residential activities and Residential Based Visitor Accommodation within Commercial Zones provided they are not located at ground level (except for the Cook Street/Shakespeare Street area).

*Policies - Commercial Zone: Cook Street/Shakespeare Street*

- 6.3.2.5 In that part of the Commercial Zone in Cook Street/Shakespeare Street that directly adjoins reserves along the Waikato River, residential activities and Residential Based Visitor Accommodation at ground level are enabled where the residential activity or Residential Based Visitor Accommodation faces and relates to the Waikato River, meets the principles of CPTED, and where practicable provides public access to the Waikato River.

- 6.3.2.6 To provide for activities, buildings, and fencing in the Cook Street/Shakespeare Street Commercial Zone adjoining the reserves along the Waikato River, where activities and/or building design and layout results in an improved public interface with the Waikato River and meets the principles of CPTED.

*Policy - Character precincts*

- 6.3.2.7 To maintain and where possible enhance the existing character of the character precinct areas in Cambridge, Te Awamutu, Kihikihi, Pirongia and Ōhaupo, by ensuring that new buildings; additions, or alterations to existing buildings, and signs make a positive contribution to the identified character of these areas, including by having architecturally detailed building frontages that incorporate appropriate designs and architectural features.

Advice Note: The Character Descriptions in Appendix DG2 to DG6 contain a description of the existing character of each precinct area and a series of design statements. Section 21.2.6.1 contains the information requirements for a Site Analysis Statement: Precinct Areas.

*Policy - Building design and site layout adjoining lakes and water bodies*

- 6.3.2.8 To ensure that developments adjoining the Waikato River, Waipā River, Lake Te Ko Utu and the Mangapiko Stream provide vistas, increase public access, and positively address the adjoining lakes and/or water bodies.

*Policy - Building height*

- 6.3.2.9 To ensure buildings are of a height that is in character with existing buildings, particularly within the character precinct areas and where adjacent buildings are listed in Appendix N1 – Heritage Items.

*Policy - Outside pedestrian frontage areas: landscaping*

- 6.3.2.10 Outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.

*Policy - Street corners*

- 6.3.2.11 To ensure that buildings positively reinforce corner locations through building design, the position of the building on the site, architectural details, and by having prominent building entrances.

*Policy - Maintain amenity: Residential Zone*

- 6.3.2.12 To maintain the amenity of adjoining Residential Zoned properties, by requiring buildings within the Commercial Zone to be setback from boundaries and screened.

*Policy - Subdivision and development adjoining Category A heritage items*

- 6.3.2.13 To ensure that subdivision and development adjoining Category A heritage items does not result in adverse effects on the listed heritage building including its setting, vistas to the building, and from associated earthworks.

*Policy - Relocated buildings*

- 6.3.2.14 Relocated buildings shall not detract from the amenity of the area they are located within by ensuring that exterior maintenance and painting is undertaken.

**Objective - Noise**

- 6.3.3 To manage adverse noise effects between activities and sites.

*Policy - Commercial*

- 6.3.3.1 To ensure that activities in the Commercial Zone do not result in adverse noise effects on adjoining properties.

*Policy - Noise sensitive activities*

- 6.3.3.2 To reduce the potential for reverse sensitive effects by requiring noise sensitive activities in Commercial Zones to provide sufficient acoustic treatment to ensure an acceptable internal noise environment is achieved.

**Objective - Signs**

- 6.3.4 To ensure that signs do not have an adverse impact on the amenity values of the environment in which they are located, or on public safety.

*Policy - Signs to reflect local character*

- 6.3.4.1 To ensure that signs reflect local character, the amenity values of the surrounding environment, and the nature of the adjacent transport environment.

*Policy - Site related signs*

- 6.3.4.2 To enable the establishment of signs on sites where the signs are directly associated with the activity carried out on that site.

*Policy - Avoid adverse effects of signs*

- 6.3.4.3 To avoid the establishment of signs that are illuminated, moving, flashing, or which are likely to create a visual hazard or interfere with the safe and efficient use of roads, railways, airports, and pedestrian ways.

*Policy - Size and number of signs*

6.3.4.4 To ensure that signs do not create or contribute to visual clutter on buildings or sites.

*Policy - Temporary signs*

6.3.4.5 To minimise adverse effects on local amenity values by restricting the quantity of temporary signs per site, and the duration a sign can remain on site.

**Objective - Earthworks**

6.3.5 To ensure that earthworks are carried out in a manner that avoids adverse effects between properties, and on water bodies.

*Policy - Avoid adverse effects*

6.3.5.1 To ensure that when earthworks are carried out there are no adverse effects on adjoining properties and water bodies, including from dust and stormwater run-off.

## 6.4 Rules

*The rules that apply to activities are contained in:*

- (a) *The activity status tables and the performance standards in this zone; and*
- (b) *The activity status tables and the performance standards in Parts E District Wide Provisions and Part F District Wide Natural and Cultural Heritage of the Plan.*

*Development within a structure plan area identified on Planning Maps is required to be in general accordance with an approved structure plan. Refer to Rule 15.4.2.69 Infrastructure, Hazards, Development and Subdivision.*

*For any activity within the Commercial Area within the C1 Structure Plan area the Commercial Zone rules below shall apply; provided that the neighbourhood centre overlay shall be subject to Rule 15.4.2.62.*

Advice Notes:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.
2. Vegetation to be planted within or near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

### 6.4.1 Activity Status Tables

6.4.1.1	Permitted activities The following activities must comply with the performance standards of this zone			
		Within the Pedestrian Frontage Area	Outside the Pedestrian Frontage Area	Commercial Zone Shakespeare Street/ Cook Street / Wordsworth Street
(a)	Dwellings situated above ground level.	P	P	P
(b)	Dwellings at ground level within the Commercial Zone between Shakespeare Street and Cook Street that do not directly	NA	NA	P

6.4.1.1	Permitted activities The following activities must comply with the performance standards of this zone			
		Within the Pedestrian Frontage Area	Outside the Pedestrian Frontage Area	Commercial Zone Shakespeare Street/ Cook Street / Wordsworth Street
	adjoin the Waikato River (refer also to 6.4.1.3(e) below).			
(c)	Places of assembly.	P	P	P
(d)	Education facilities.	P	P	P
(e)	Medical centres.	P	P	Refer Rule 6.4.1.4(e)
(f)	Offices	P	P	Refer Rule 6.4.1.4(e)
(g)	Laboratories, research establishments.	Refer Rule 6.4.1.5(c)	P	P
(h)	Visitor accommodation situated above ground level.	P	P	P
(i)	Visitor accommodation at ground level.	Refer Rule 6.4.1.5(c)	P	P
(j)	Service stations.	Refer Rule 6.4.1.5(c)	P	P
(k)	Emergency service facilities.	Refer Rule 6.4.1.5(c)	P	P
(l)	Licensed premises, cafés, restaurants, takeaway food outlets.	P	P	Refer Rule 6.4.1.4(e)
(m)	Wholesale shops.	Refer Rule 6.4.1.5(c)	P	P
(n)	Trade suppliers, yard based facilities and Building Improvement Centres.	Refer Rule 6.4.1.5(c)	P	P
(o)	Any retail activity subject to Rule 6.4.2.13 and Rule 6.4.2.14.	P	P	Refer Rule 6.4.1.4(e)
(p)	Accessory buildings to any permitted activity.	P	P	P
(q)	Relocated buildings, except for those listed in Appendix N1.	P	P	P
(r)	Demolition and removal of buildings and structures, except those listed in Appendix N1 - Heritage Items.	P	P	P
(s)	Tourism facilities.	P	P	P
(t)	Earthworks	P	P	P
(u)	Temporary buildings including ablution and storage sheds incidental to a construction project.	P	P	P
(v)	Temporary events.	P	P	P
(w)	Signs	P	P	P
(x)	Department Stores.	P	Refer Rule 6.4.1.5(d)	Refer Rule 6.4.1.4(e)
(y)	Supermarkets	P	P	Refer Rule 6.4.1.4(e)
(z)	Residential Based Visitor Accommodation situated above	P	P	P



6.4.1.1	Permitted activities			
	The following activities must comply with the performance standards of this zone			
		Within the Pedestrian Frontage Area	Outside the Pedestrian Frontage Area	Commercial Zone Shakespeare Street/ Cook Street / Wordsworth Street
	ground level			
(aa)	Residential Based Visitor Accommodation situated at ground level in that part of the Commercial Zone in Cook Street/Shakespeare Street that directly adjoins reserves along the Waikato River	NA	NA	P

6.4.1.2	Controlled activities			
	The following activities must comply with the performance standards of this zone			
(a)	<p>Any development in general accordance with the Te Awamutu Large Scale Retail Development Concept Plan SK1-13 prepared by Woodhams/Meikle/Zhan Architects dated 21-04-06 as contained in Appendix S6, and which satisfies the conditions included in the approved application.</p> <p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> <li>▪ Traffic safety and road improvement works (with reference to the Traffic Impact Assessment submitted with the application documents for Plan Change 53 to the Operative District Plan, dated 1997); and</li> <li>▪ Noise; and</li> <li>▪ Glare and lighting; and</li> <li>▪ Landscaping; and</li> <li>▪ Car parking, loading and vehicle manoeuvring; and</li> <li>▪ Signs; and</li> <li>▪ Stormwater (with reference to the Stormwater Assessment submitted with the application documents for Plan Change 53 to the Operative Waipa District Plan); and</li> <li>▪ Soil remediation/mitigation in accordance with the Statement of Evidence of Kevin Wood dated 6 November 2006 and to the satisfaction of the Principal Administrative Officers (or their delegate) of both the Waikato Regional Council and the Waipa District Council; and</li> <li>▪ Colour, location, design and siting of buildings with reference to the visual impact report prepared by Connell Wagner and the Development Concept Plan.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>			

6.4.1.3	Restricted discretionary activities			
	The following activities must comply with the performance standards of this zone			
(a)	Any permitted activity or controlled activity that does not comply with a performance standard in 6.4.2, except for those specified in Rule 6.4.1.4(a), or as specified in 6.4.2.			
(b)	<p>The erection of new buildings, relocated buildings, and additions or alterations to the front façade of existing buildings, including the painting of buildings located within the Character Precinct Areas as identified on the Planning Maps in:</p> <ul style="list-style-type: none"> <li>(i) Cambridge A; or</li> <li>(ii) Central Te Awamutu; or</li> <li>(iii) Kihikihi; or</li> <li>(iv) Ōhaupo; or</li> <li>(v) Pirongia; or</li> <li>(vi) Cambridge North (C1)</li> </ul>			

6.4.1.3	<p><b>Restricted discretionary activities</b></p> <p>The following activities must comply with the performance standards of this zone</p>
	<p>Provided that the re-painting of existing buildings in the same colour or tonal colour match and similar light reflectance value as the existing building are exempt from this provision.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Existing built character (Refer to the character descriptions in Appendices DG2 to DG6); and</li> <li>▪ Building exterior design, scale, materials, colour and siting (Refer to character descriptions in Appendices DG2 to DG6); and</li> <li>▪ Effects on public spaces; and</li> <li>▪ Visual amenity and effects on streetscape; and</li> <li>▪ Location, colour, size and content of signs; and</li> <li>▪ Movement, access and parking within the Cambridge North Neighbourhood Centre.</li> </ul> <p>In addition to the matters above, for relocated buildings only:</p> <ul style="list-style-type: none"> <li>▪ Condition of the exterior of the building; and</li> <li>▪ Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and</li> <li>▪ Reinstatement works; and</li> <li>▪ Timing for completing any required works.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(c)	<p>The erection of new buildings within the Cambridge B Character Precinct Area as identified on the Planning Maps.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Existing built character (Refer to the character descriptions in Appendices DG2 to DG6); and</li> <li>▪ Building design, scale, materials, colour and siting (Refer to the character descriptions in Appendices DG2 to DG6); and</li> <li>▪ Effects on public spaces; and</li> <li>▪ Visual amenity and effects on streetscape; and</li> <li>▪ Location, colour, size and content of signs.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(d)	<p>Any addition or alteration to the front façade of any buildings within the Cambridge B Character Precinct Area as identified on the Planning Maps, constructed after 30 May 2014.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Existing built character (Refer to the character descriptions in Appendices DG2 to DG6); and</li> <li>▪ Building exterior design, scale, materials, colour and siting (Refer to the character descriptions in Appendices DG2 to DG6); and</li> <li>▪ Effects on public spaces; and</li> <li>▪ Visual amenity and effects on streetscape; and</li> <li>▪ Location, colour, size and content of signs.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(e)	<p>Dwellings at ground level in the Commercial Zone located between Shakespeare Street, Cook Street and the Waikato River that directly adjoin the Waikato River.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Improvement of public interface with the Waikato River; and</li> <li>▪ CPTED.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>

6.4.1.3	<b>Restricted discretionary activities</b> The following activities must comply with the performance standards of this zone
(f)	The development of land in the Cambridge North Neighbourhood Centre.
	<p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ The extent to which the development responds to the Neighbourhood Centre outcomes and guidelines detailed within the C1 and C2/C3 Structure Plans; and</li> <li>▪ Building exterior design, scale, materials, colour and siting; and</li> <li>▪ Effects on public spaces; and</li> <li>▪ Visual amenity and effects on streetscape; and</li> <li>▪ Location, colour, size and content of signs; and</li> <li>▪ Movement, access and parking within the Cambridge North Neighbourhood Centre.</li> </ul> <p>An application for a land use consent shall be for the use and development of land for a neighbourhood centre in its entirety; however development of the site may proceed in stages.</p>

Advice Note: The Character Descriptions in Appendix DG2 to DG6 contain a description of the existing character of each precinct area and a series of design statements. Section 21.2.6.1 contains the information requirements for a Site Analysis Statement: Precinct Areas.

6.4.1.4	<b>Discretionary activities</b>
(a)	<p>Any permitted, controlled or restricted discretionary activity not complying with the following rules:</p> <ul style="list-style-type: none"> <li>(i) Rule 6.4.2.1 - Pedestrian frontages building setbacks from road boundaries</li> <li>(ii) Rule 6.4.2.2 - Minimum building setback from internal site boundaries</li> <li>(iii) Rule 6.4.2.3 - Maximum height</li> <li>(iv) Rule 6.4.2.4 - Daylight control</li> <li>(v) Rule 6.4.2.5 - Storage and service areas</li> <li>(vi) Rule 6.4.2.7 - Design and layout of development adjoining water bodies and reserves</li> <li>(vii) Rules 6.4.2.10 to 6.4.2.12 - Landscaping</li> <li>(viii) Rule 6.4.2.13 - Pedestrian frontages: Maximum floor space</li> <li>(ix) Rules 6.4.2.15 and 6.4.2.16 - Cambridge North Neighbourhood Centre</li> <li>(x) Rule 6.4.2.21 - Identified pedestrian frontages</li> <li>(xi) Rule 6.4.2.24 - Noise</li> <li>(xii) Rule 6.4.2.25 - Noise insulation: noise sensitive activities</li> <li>(xiii) Rules 6.4.2.28 and 6.4.2.29 - Signs</li> <li>(xiv) Rule 6.4.2.30 - Earthworks</li> </ul>
(b)	Hospitals - outside the pedestrian frontage area.
(c)	Warehouse - outside the pedestrian frontage area.
(d)	Construction of new buildings on a site that adjoins a Category A listed heritage item in Appendix N1, where the building(s) is within 20m of the common boundary.
(e)	Any activity not listed as a permitted activity in the area identified in the Shakespeare Street/Cook Street/Wordsworth Street area identified on the Planning Maps, except for listed prohibited activities.

6.4.1.5	<b>Non-complying activities</b>
(a)	Dwellings at ground floor level.
(b)	<p>Any departure from a Structure or Development Concept Plan contained in Appendix S6 Te Awamutu Large Format Retail which falls under one or more of the following categories:</p> <ul style="list-style-type: none"> <li>(i) Any development which does not satisfy the conditions in Rule 6.4.2.22; or</li> <li>(ii) Any development which seeks a greater number of buildings than is identified on a Structure or Development Concept Plan (excluding the area shown as 'Non-Core Retail').</li> </ul>

6.4.1.5	<b>Non-complying activities</b>
(c)	The following activities within the identified Pedestrian Frontage Area: (i) Laboratories, Research establishments. (ii) Visitor accommodation at ground floor level. (iii) Service stations. (iv) Emergency service facilities. (v) Wholesale shops. (vi) Trade suppliers, yard based facilities and Building Improvement Centres.
(d)	All other activities not included in activity status table Rules 6.4.1.1 to 6.4.1.4.
(e)	Any commercial activity within the Cambridge North Neighbourhood Centre (within the C1 Structure Plan Area) where the total floor area of that Centre exceeds 6,500m <sup>2</sup> GFA.
(f)	Any of the following activities within the Cambridge North Neighbourhood Centre: (i) Service Stations (ii) Drive through fast food facilities (iii) Trade suppliers, yard based facilities and building improvement centres (iv) Department stores (v) Offices, laboratories and research establishments at ground floor (vi) Wholesale shops

6.4.1.6	<b>Prohibited activities</b> The following activities are prohibited and no resource consent will be approved
(a)	Fortified sites.

## 6.4.2 Performance Standards

*The following rules apply to activities listed as permitted, controlled or restricted discretionary.*

*Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies. In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.*

### Rule - Pedestrian frontages building setback from road boundaries

- 6.4.2.1 All new buildings within a pedestrian frontage area must be constructed on the road boundary of the site, provided that buildings on rear sites are exempt from this rule.

Advice Note: Refer to Rule 6.4.2.11 Landscaping for areas outside of pedestrian frontages.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### Rule - Minimum building setback from internal site boundaries

- 6.4.2.2 The minimum building setback, measured from the outer edge of the eave, from internal site boundaries shall be:

- |     |  |    |
|-----|--|----|
| (a) | Adjoining a Residential Zone               | 3m |
| (b) | In all other instances, no minimum setback | 0m |

Provided that no building or eave shall encroach into any access, driveway, or other vehicle entrance.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### Rule - Maximum height

6.4.2.3 Buildings must not exceed 14m in height and must be no more than three floors, except that:

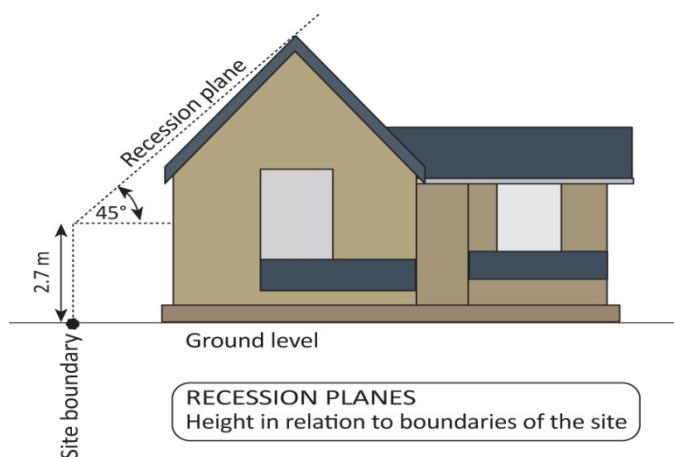
- (a) On the land subject to the Te Awamutu Large Scale Retail Development Concept Plan contained in Appendix S6, no building or other structure shall penetrate a height plane of 15m and the building structure associated with units 12 – 14 shown on that Plan must not exceed 8m in height and the Bulk Retail Timber Merchant must not exceed 12m in height.
- (b) The maximum height for hose drying towers associated with fire stations is 15m.
- (c) The maximum height within the Cambridge North Neighbourhood Centre shall be 13m.

Advice Note: Activities within a character precinct area are identified as restricted discretionary activities and the height of development may need to be lower than 14m to respond to the existing built character.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### Rule - Daylight control

6.4.2.4 Where a site adjoins the Residential Zone, no building or stored materials shall penetrate a recession plane at right angles to the Residential Zone boundary inclined inwards at an angle of 45° from 2.7m above ground level.



Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### Rule - Storage and service areas

6.4.2.5 Any storage or service area (including mechanical, electrical and utility equipment, refuse, and recycling activities) not enclosed within a building or where a shipping container is being used for storage, shall be fully screened by landscaping or solid walls or fences not less than 1.8m in height.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### Rule - Site layout

- 6.4.2.6 Except on rear sites, the main public entrance into a building must be orientated so that it is parallel to the road boundary of the site.

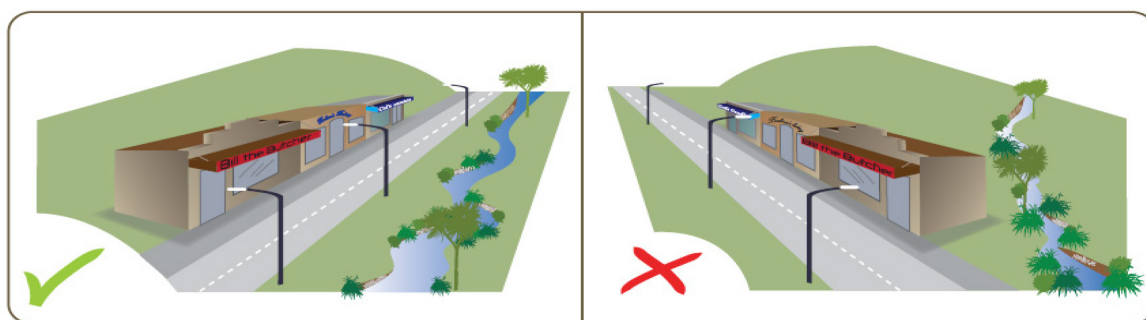
Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visibility of the public entrance of the building from the road.

These matters will be considered in accordance with the assessment criteria in Section 21.

### Rule - Design and layout of development adjoining water bodies and reserves

- 6.4.2.7 Within the Commercial Zone the design and layout of buildings shall ensure that adjoining water bodies and reserves are fronted by a transparent display window comprising clear glass or similar to provide active engagement with the feature.



*Development should front natural features such as water bodies and reserves.*

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### Rules - Walls and fencing

- 6.4.2.8 Walls and fences over 1.8m in height must be setback a minimum of 5m from the road boundary unless a landscaping strip of a minimum of 2m wide is provided on the external side of the fence.
- 6.4.2.9 Walls and fences along any road or reserve must not exceed 1.6m in height, except where at least 40% of the fence is visually permeable, in which case the fence may be constructed to a maximum height of 1.8m.

Activities that fail to comply with Rules 6.4.2.8 and 6.4.2.9 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects; and
- CPTED.

These matters will be considered in accordance with the assessment criteria in Section 21.

### Rules - Landscaping and Screening

- 6.4.2.10 Where an internal site boundary adjoins a Residential Zone, the internal boundary of the site adjoining the Residential Zone shall be screened by a solid fence or wall 1.8m in height.

- 6.4.2.11 Outside of the pedestrian frontage area where a site adjoins a road, the road boundary must be landscaped to a minimum depth of 2m, except for the required access and egress points.
- 6.4.2.12 Where landscaping is required pursuant to Rules 6.4.2.8 and 6.4.2.11 the landscaping must consist of a combination of groundcovers, shrubs and trees, with at least one tree planted for every 10m of road frontage, at a grade no less than PB95. For the avoidance of doubt, road frontages up to 10m wide will require one tree at a grade no less than PB95 at the time of planting.

Advice Note: PB95 is equivalent to a tree that is 1.5m to 2m in height at the time of planting.

Activities that fail to comply with Rules 6.4.2.10 to 6.4.2.12 will require a resource consent for a discretionary activity.

#### **Rule - Pedestrian frontages: maximum floor space**

- 6.4.2.13 Within the pedestrian frontage area, any new building or activity located at ground floor level must not exceed 1,000m<sup>2</sup> GFA, provided that the following are exempt from this rule:
- (a) Department stores and supermarkets, and
  - (b) Buildings on rear sites.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

#### **Rule - Outside pedestrian frontages: GFA retail floor space**

- 6.4.2.14 Outside the pedestrian frontage area any retail activity in a single tenancy or ownership must be greater than 1,000m<sup>2</sup> GFA, provided that the following are exempt from this rule:
- (a) Trade suppliers, yard based suppliers, building improvement centres, service stations, licensed premises, restaurant, cafes and other eating places; and
  - (b) Cambridge North Neighbourhood Centre.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

#### **Rules - Cambridge North Neighbourhood Centre**

- 6.4.2.15 Any development of land in the Cambridge North Neighbourhood Centre (as part of the C1 Structure Plan Area) adjoining Victoria Road shall be in general accordance with the Concept Plan in Appendix S15.
- 6.4.2.16 The floor areas of the Cambridge North Neighbourhood Centre (as part of the C1 Structure Plan Area) shall be:
- (a) Maximum total commercial retail and services floor area of 4,600m<sup>2</sup> GFA; and
  - (b) Each individual retail and services tenancy shall have a floor area of not more than 250m<sup>2</sup> GFA, provided that one retail shop (a supermarket) may have a floor area of more than 250m<sup>2</sup> GFA and not more than 3,400m<sup>2</sup> GFA and it shall primarily sell pre-prepared fresh food/groceries and beverages, together with other non-food goods in an ancillary capacity and one licensed premises may have a floor area of no more than 450m<sup>2</sup> GFA.

- (c) Community amenities and facilities, administration offices and professional offices are excluded from the above floor areas.

Activities that fail to comply with Rules 6.4.2.15 and 6.4.2.16 will require a resource consent for a discretionary activity.

**Rule - Building and activities adjoining reserves along the Waikato River in Shakespeare Street/Cook Street**

6.4.2.17 Cafes, restaurants, education facilities, tourism facilities, places of assembly, and visitor accommodation activities along the Waikato River in the Shakespeare Street/Cook Street area shall:

- (a) Be located in buildings which have a minimum area of glazing on the front façade(s) of at least 50%.

Provided that:

- (i) The front façade(s) of a building shall be all the sides of a building that face the reserve; and
- (ii) Where the front façade(s) of a building is not parallel to reserve, the minimum area of glazing shall only apply to the longest wall facing the reserve; and
- (iii) Where the front façade(s) of a building is not parallel to a reserve and the façades facing the reserve are of equal length, then the façade at the least acute angle to the reserve shall be deemed to be the front façade and the 50% glazing requirement shall only apply to that façade; and
- (iv) The percentage area of glazing shall be measured as the framed wall opening size to accommodate the entire window.
- (b) Have fences and hedges between buildings on the site and any reserve of no more than 1.2m in height if not visually permeable, or no more than 1.8m in height if visually permeable.
- (c) Have no more than 10 parking spaces between the building and the reserve.

Provided that any other activity is a restricted discretionary activity.

Advice Note: Residential activities are a restricted discretionary activity in this location. Refer to Rule 6.4.1.3(e).

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effect; and
- Design and layout of the building or activity; and
- Landscaping; and
- Safety and Crime Prevention through Environmental Design.

These matters will be considered in accordance with the assessment criteria in Section 21.

**Rule - Residential activities**

6.4.2.18 All residential activities must be located above ground floor level, except for any access provided to the upper floor levels.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.



## Rules - Minimum floor areas and outdoor living areas for dwellings

6.4.2.19 Each dwelling shall have a minimum GFA and outdoor living area as follows:

Dwelling type	Minimum floor area of unit	Minimum outdoor living area for above-ground level units	Minimum outdoor living area dimensions for above ground level units
Studio units and 1 bedroom dwelling	50m <sup>2</sup>	10m <sup>2</sup>	2m
2 bedroom dwelling	70m <sup>2</sup>	12m <sup>2</sup>	2m
3 bedroom dwelling	95m <sup>2</sup>	14m <sup>2</sup>	2m

6.4.2.20 Each dwelling shall have an outdoor living area which:

- (a) Is for the exclusive use of the dwelling, and is contained within the area or unit site area; and
- (b) Is oriented to the north, east or west of the dwelling, but not south of east or west measured from the southern most part of the dwelling; and
- (c) Is directly accessible from the main living area; and
- (d) Is free of buildings, driveways, manoeuvring areas, parking spaces and outdoor storage areas; and
- (e) Is located and/or screened so that at least 50% of the outdoor living area has complete visual privacy from the living rooms and outdoor living spaces of other dwellings on the site, and must be screened from adjoining sites.

Activities that fail to comply with Rules 6.4.2.19 and 6.4.2.20 will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Adequacy of the outdoor living area; and
- Adequacy of GFA; and
- Outlook and privacy; and
- Access to sunlight and daylight; and
- CPTED.

These matters will be considered in accordance with the assessment criteria in Section 21.

### Rule - Identified pedestrian frontages

6.4.2.21 Every new building, and additions/alterations to the front façade of existing buildings, which adjoins a pedestrian frontage area indicated on the Planning Maps shall:

- (a) Provide transparent display windows extending over at least 75% of the area of the ground floor façade, comprising clear glass; and
- (b) Not have a vehicle crossing over the front boundary, provided that existing vehicle crossings may be retained; and
- (c) Provide a verandah designed in relation to its neighbours that:
  - (i) Provides a continuous verandah along the entire length of the property frontage that provides a waterproof connection to the verandah of the adjoining property; and

- (ii) Has a minimum depth of 3m and stops at least 0.5m short of the road kerb, except that where the distance between the building and road kerb is less than 3.5m, the verandah depth must be narrower to enable it to stop 0.5m short of the kerb; and
- (iii) Does not penetrate a height plane 4m parallel to the ground; and
- (iv) Has a minimum ground level stud height of 3m.

Except that a verandah will not be required on a historic building listed in Appendix N1 where a verandah was not part of the original design of the building.

Provided that, the existing supermarket activity on Lots 1 and 2 DPS 28552 is exempt from this rule.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

#### **Rules - Te Awamutu large format retail**

6.4.2.22 Any development in general accordance with the Te Awamutu Large Scale Retail Development Concept Plan SK1-13 prepared by Woodhams/Meikle/Zhan Architects dated 21-04-06 as contained in Appendix S6 and which satisfies the following conditions:

- (a) The aggregate GFA of the development must not exceed that shown on the Development Concept Plan (being 7,284m<sup>2</sup>) and the aggregate GFA of buildings 1-12 must not exceed 12,174m<sup>2</sup> within which the GFA of building one (including internal mezzanine areas) must not exceed 6,200m<sup>2</sup> and the aggregate GFA of buildings 2-12 must not exceed 6,420m<sup>2</sup>; and
- (b) The GFA to be developed for retail activities within buildings 1-12 must not exceed 12,000m<sup>2</sup> and within buildings 2-12 must not exceed 6,000m<sup>2</sup>, provided that:
  - (i) No more than four (4) individual retail tenancies of less than 400m<sup>2</sup> gross leaseable floor area (excluding the service station and restaurant) shall be permitted; and
  - (ii) The maximum size of any individual retail activity shall be 1,500m<sup>2</sup> gross leaseable floor area (excluding the supermarket); and
  - (iii) There shall be a maximum of one (1) supermarket within the development; and
  - (iv) There shall be a maximum of two (2) restaurants or cafes within the development, not contributing to the limit in (2); and
  - (v) Activities within the threshold (1) that fall outside those provided for in (2), (3) and (4) above include automatic teller machines, external yard display space for otherwise controlled activities, health care services, child care facilities and indoor recreational activities; and
  - (vi) No building shall be located closer to the external legal boundaries of the land over and above that shown on the concept plan; and
  - (vii) The provision of on-site car parking must not be less than one car park per 26m<sup>2</sup> of GFA; and
  - (viii) Compliance with the permitted activity development control standards set for the Commercial Zone.

- 6.4.2.23 For the avoidance of any doubt, a development will be considered to be in general accordance with the Development Concept Plan, provided the amended development satisfies the conditions in 6.4.2.22 and notwithstanding changes to the number of tenancies proposed or minor changes:
- (a) To the layout of any particular building; or
  - (b) To the location of buildings (provided the change does not decrease the shortest distance between the building and external boundaries of the development site as indicated on the Development Concept Plan); or
  - (c) To on-site vehicle circulation, precise car parking and loading locations/dimensions or to the western accessway involving the use of the existing right of way shown on the Development Concept Plan.

Activities that fail to comply with Rules 6.4.2.22 and 6.2.4.23 will require a resource consent for a non-complying activity.

#### **Rule - Noise**

- 6.4.2.24 Activities must be conducted and buildings located, designed and used to ensure that they do not exceed the following limits at the boundary of the site:
- (a) 50dBA (Leq) at a Residential Zone or Large Lot Residential Zone boundary; and
  - (b) 55dBA (Leq) in all other instances.

Providing that:

- (i) No night time, 10.00pm to 7.00am single noise event level exceeds 70dBA (Lmax).
- (ii) This rule shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency vehicles.

All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

#### **Rule - Noise insulation: noise sensitive activities**

- 6.4.2.25 Where a noise sensitive activity is proposed to be located within the zone, it shall be insulated so that it achieves the following noise levels:
- (a) Inside bedrooms 35dBA Leq
  - (b) Inside other habitable rooms 40dBA Leq

Advice Note: A report from an acoustic engineer shall be submitted at the time of application to demonstrate compliance with this rule.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### **Rule - Vibration**

- 6.4.2.26 Vibration emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 Code of Practice for Storage, Handling, and Use of Explosives.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Safety; and
- Time and duration of effect; and
- Effects on buildings and structures, either on site or on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

### **Rule - Construction noise**

- 6.4.2.27 Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Time and duration of effect; and
- Effects on surrounding buildings and properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

### **Rules - Signs**

- 6.4.2.28 The following signs are permitted:

- (a) A sign giving information such as the name or street number of premises, the business, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign shall exceed 3m<sup>2</sup> and the total area of permanent signs on one site must not exceed 5m<sup>2</sup>.
- (b) Signs advertising that the land or premises are for sale or lease. The maximum size of each sign must be no more than 2m<sup>2</sup> and no more than four signs are permitted on a site at any one time.
- (c) A sign erected on a construction site giving details of the project. The maximum total area of the sign must be no more than 2m<sup>2</sup> and no more than one sign is permitted on a site at any one time.
- (d) Any sign erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (e) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) All signs other than temporary signs must relate to activities authorised under the District Plan and must be located on the site to which they relate; and
- (ii) Signs must not be internally illuminated, flashing, incorporate fluorescent or incorporate moving materials such as flags or be painted in colours that are used on traffic signals; and

- (iii) All signs must be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and
- (iv) No sign shall be placed above a verandah; and
- (v) Where signs are placed under the verandah, they must be at right angles to the street and the bottom level of the sign must be at least 2.4m above the level of the kerb and the maximum length of the sign must not exceed 2.4m, provided that no sign is to be attached to the façade of a listed heritage item in Appendix N1; and
- (vi) A freestanding sign must be placed so that no part is more than 4m above ground level; and
- (vii) Signs must be placed so that they do not block sight distances at entranceways and must be no closer than 20m to a road intersection; and
- (viii) Signs must be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

6.4.2.29 Signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation; as long as signs shall not exceed a combined total area of 3m<sup>2</sup> visible in all directions and shall be setback 15m from the State Highway.

Provided that in all cases:

- (a) Signs shall not be internally illuminated, flashing, incorporate fluorescent materials such as flags or be painted in colours that are used on traffic signals; and
- (b) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and
- (c) A freestanding sign shall be placed so that no part is more than 2m above ground level; and
- (d) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and
- (e) Signs shall be removed within three days of the conclusion of the event.

Provided that the relevant zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 6.4.2.28 and 6.4.2.29 will require a resource consent for a discretionary activity.

#### **Rule - Earthworks**

6.4.2.30 Unless incidental to a building consent or a resource consent, earthworks shall not exceed a total volume of 25m<sup>3</sup> or a total area of 250m<sup>2</sup> in a single activity or in cumulative activities in any one calendar year.

Advice Notes:

1. In the event that any artefacts, human remains or evidence of historic human activity are discovered, there remains a procedure under the Heritage New Zealand Pouhere Taonga Act 2014 that must be followed.
2. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of lakes or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

### Rules - Temporary construction buildings

- 6.4.2.31 Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on the same site as the construction project or on a site adjoining the construction project. For the avoidance of doubt, temporary construction buildings must not be as a dwelling or for residential activities.
- 6.4.2.32 Temporary construction buildings are only permitted for one calendar year.

Activities that fail to comply with Rules 6.4.2.31 and 6.4.2.32 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects.

These matters will be considered in accordance with the assessment criteria in Section 21.

### Rules - Temporary events

- 6.4.2.33 All temporary buildings and works associated with a temporary event shall be removed and the site returned to its original condition within five working days of the temporary event ceasing.
- 6.4.2.34 A temporary event that is likely to attract more than 200 vehicles will require a Traffic Management Plan. The Traffic Management Plan must be submitted to, and approved by the relevant road controlling authority no less than one month prior to the event commencing.
- 6.4.2.35 Temporary events shall not:
- (a) Occur more than two times per calendar year cumulatively on any one site or holding; and
  - (b) Exceed the following durations individually or cumulatively:
    - (i) Motorised sport or amplified outdoor musical events or concerts - one days duration (excluding preparation time; or
    - (ii) Other activities two days duration (excluding preparation time); and
  - (c) Occur outside of the hours of 7.00am to 10.00pm; and
  - (d) Occur on a site within 500m of a Residential Zone or Large Lot Residential Zone boundary.

Advice Note: Refer to the New Zealand Building Code – G1 – Personal Hygiene for the minimum number of toilets that should be provided, and for rubbish disposal provisions.

Activities that fail to comply with Rules 6.4.2.33 to 6.4.2.35 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Noise; and
- Traffic.

These matters will be considered in accordance with the assessment criteria in Section 21.

### **Rule - Relocated buildings**

6.4.2.36 A relocated building over 40m<sup>2</sup> GFA shall meet the following requirements:

- (a) A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:
  - (i) A Waipa District Council Building Compliance Officer (or equivalent); or
  - (ii) A member of the New Zealand Institute of Building Surveyors; or
  - (iii) A licensed building practitioner (carpenter or design category); or
  - (iv) A building inspector from the local authority where the building is being relocated from; and
- (b) If the Building Relocation Inspection Report has been prepared by a person other than a Waipa District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipa District Council Building Compliance Officer (or equivalent position) by undertaking an on-site inspection of the relocated building once it has been relocated; and should the Waipa District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:
  - (i) The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.
- (c) All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and
- (d) The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site.

Provided that this rule shall not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.

**Advice Notes:**

1. Relocated buildings less than 40m<sup>2</sup> are not required to comply with this rule but are required to comply with the relevant rules in 6.4.2.
2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.
3. The onsite inspection by a Waipa District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building Consent process, and will not incur additional costs.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

These matters will be considered in accordance with the assessment criteria in Section 21.

#### **Rule - Residential Based Visitor Accommodation**

- 6.4.2.37 The use of a dwelling as a Residential Based Visitor Accommodation is permitted if it accommodates no more than:
- (a) Three people in a one bedroom dwelling; or
  - (b) Five people in a two bedroom dwelling; or
  - (c) Seven people in a three bedroom dwelling; or
  - (d) No more than 10 people in a dwelling with four or more bedrooms.
- 6.4.2.38 Where a Sleep Out is used it will be considered as one bedroom.
- 6.4.2.39 Where there are permanent residents staying on site they will be included in the maximum number of people able to be accommodated overnight in the dwelling.
- (a) No paying overnight visitors are to be accommodated in temporary living spaces, such as tents, caravans, motor vans or campervans.
- 6.4.2.40 Residential Based Visitor Accommodation at ground level in that part of the Commercial Zone in Cook Street/Shakespeare Street that directly adjoins reserves along the Waikato River must face and relate to the Waikato River, meet the principles of CPTED, and where practicable provide public access to the Waikato River

Activities which fail to comply with this rule will require a resource consent for a discretionary activity.

## **6.5 Assessment Criteria**

### **6.5.1 Controlled activities and Restricted Discretionary activities**

*For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved. The relevant assessment criteria are contained in Section 21.*

### **6.5.2 Discretionary activities**

*For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.*