

## Section 9 - Mystery Creek Events Zone

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### 9.1 Introduction

- 9.1.1 This zone principally recognises the existing facilities of the Mystery Creek Events Centre, and the Gun and Go Kart Clubs. Located within the 'core activity area' these facilities provide for local and international scale events and exhibitions and recreational activities. Land that adjoins the core area has the potential to be developed for activities that support the event focus of the zone. This land has been identified as the rural activities policy overlay. For these properties, the provisions of the Rural Zone also apply. For the zone as a whole the Plan provisions provide for the existing level of activity, as well as enabling further opportunities to hold activities and events, providing adverse effects, such as traffic and noise, can be appropriately mitigated.
- 9.1.2 The location of the zone adjoining the Waikato River means that Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River is of particular importance. The purpose of the Vision and Strategy is to restore and protect the health and well-being of the Waikato River for future generations, while providing for specific customary activities. The land that is zoned Mystery Creek Events Zone is of strategic importance because it provides a means of access to the Waikato River, and is on the route of the Te Awa Cycleway.
- 9.1.3 The rules within the zone provide for activities and events in certain locations subject to the compliance with performance standards. Any activity or event that attracts less than 5,000 patrons within the Lower Terrace Area of the Mystery Creek Events Centre (i.e. a sporting event within the main pavilion) is provided for without the need for resource consent. Any event or activity held within the lower terrace area that is likely to attract more than 5,000 patrons will require an approved Traffic Management Plan before it can occur as a permitted activity. Additionally, events that exceed the permitted noise standards for the zone are provided for on the Mystery Creek Events Centre and Go Kart sites as an 'activity day' and are noted on an annual calendar of events.
- 9.1.4 The rules of the zone also enable a concept plan to be applied for. The concept plan enables building footprints to be approved for development under one resource consent, without the need for subsequent resource consents.
- 9.1.5 The Agri-Activities Overlay located adjacent to State Highway 21 is a defined area which has the capacity to be developed for agricultural or farming research, innovation, education and training type activities which also complement the events focus of the Mystery Creek Events Zone.

### 9.2 Resource Management Issues

- 9.2.1 The Mystery Creek Events Centre, Gun and Go Kart Clubs are important event and exhibition sites, and recreation and tourism features for the region. The continued operation and further development of these facilities is important for the local and regional economy. Activities on surrounding sites may result in reverse sensitivity effects on the operation and development of activities within the zone (refer to Section 15 – Infrastructure, Hazards, Development and Subdivision and in particular Policy 15.3.2.4 and associated assessment criteria in Section 21 – Assessment Criteria and Information Requirements).

- 9.2.2 While the activities and events undertaken within the zone are significant to the regional economy there is the potential for adverse effects, particularly as they relate to noise and traffic effects. The potential effects need to be appropriately managed to ensure they do not compromise the surrounding environment including the transport network.
- 9.2.3 The Waikato River Vision and Strategy promotes access to and along the Waikato River. Controls are necessary to ensure that development within the Mystery Creek Events Zone does not unnecessarily compromise those access opportunities.
- 9.2.4 Signs are an important component of recreation and tourism events, which if unmanaged have the potential to result in adverse effects on rural character, and transportation safety.
- 9.2.5 The nature, location and scale of earthworks can have significant adverse visual effects and adversely affect vegetative cover, the soil profile, the nature of stormwater runoff and downstream water quality.

*Agri-Activities Overlay*

- 9.2.6 The Agri-Activities Overlay has the potential to support events within the Mystery Creek Events Zone relating to agricultural or farming research, innovation, education and training, providing that it is of a limited scale and recognising that it is not part of the Hamilton Airport Strategic Node.
- 9.2.7 There is a risk that ad-hoc development could compromise the potential for the Agri-Activities Overlay area to be effectively serviced (public or private) and efficiently developed.

## **9.3 Objectives and Policies**

*Please also refer to the objectives and policies of Part C, Part E and Part F as relevant. For the rural activities policy overlay the objectives and policies of Section 4 – Rural Zone will also be relevant.*

### **Objective - Encouraging major events, exhibitions and recreation areas**

- 9.3.1 To enable the operation and further development of the zone as a major events, exhibitions and recreation area.

*Policy - Continued operation and further development of existing activities and clubs*

- 9.3.1.1 To provide for the continued operation and further development of activities and clubs in the Mystery Creek Events Zone, whilst mitigating any on-going adverse effects to the extent practicable from activities undertaken.

*Policy - Economic importance*

- 9.3.1.2 Within prescribed limits, provide an environment which enables Mystery Creek Events Centre to host activities and events that are of a scale commensurate with a national events centre of significant economic importance.

*Policy - Concept plans*

- 9.3.1.3 To promote the adoption of concept plans for building development within the zone where the concept plan is comprehensively designed, incorporates appropriate levels of mitigation and provides for the future development of the Mystery Creek Events Zone.

### **Objective - Appropriate mitigation of adverse effects**

9.3.2 To appropriately mitigate adverse effects while recognising the nature and purpose of the zone.

#### *Policy - Scale and configuration of buildings*

9.3.2.1 To encourage development in a manner that retains the open rural visual character as viewed from Mystery Creek Road and State Highway 21.

#### *Policy - Noise*

9.3.2.2 To minimise the adverse noise effects on the amenity of neighbouring properties, whilst recognising that provision needs to be made for increased noise levels associated with major events within the zone.

#### *Policy - Traffic and parking*

9.3.2.3 To minimise as far as practicable, adverse traffic and parking effects associated with major events, on the wider amenity values and on the safety and efficiency of the transport network.

#### *Policy - Noise management plans*

9.3.2.4 To effectively manage noise effects at the time of events through use and adoption of noise management plans.

#### *Policy - External facing signs*

9.3.2.5 Control signs at the interface of the zone, particularly State Highway 21, Mystery Creek Road and adjacent to rural properties and residential activities.

#### *Policy - Internal facing signs*

9.3.2.6 To ensure that minimal restrictions are placed on signs located internal to the site.

#### *Policy - Waikato River Vision and Strategy*

9.3.2.7 To ensure that any development gives effect to the objectives and strategies in the Waikato River Vision and Strategy through building setbacks, appropriate mitigation of earthworks, and by not restricting existing access to the Waikato River. Opportunities to enhance access will be supported.

#### *Policy - Earthworks*

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

#### *Policy - Relocated buildings*

9.3.2.9 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 - Agri-Activities Overlay

9.3.3 To enable limited development within the Agri-Activities Overlay for agricultural or farming research, innovation, education and training activities and tourism activities which complement the Mystery Creek Events Zone.

### *Policy - Character*

9.3.3.1 To encourage the development of the Agri-Activities Overlay area in a manner, which creates a precinct that, comprises large areas of open space and low density of development.

### *Policies - Scale and type of development*

9.3.3.2 To enable the limited development of a precinct by requiring that an appropriate scale and intensity is detailed through the comprehensive development plan process.

9.3.3.3 To allow other activities such as visitor accommodation and tourism facilities where they are ancillary to the events focus of the zone.

9.3.3.4 To ensure that the final design of individual sites provides a high standard of amenity.

## 9.4 Rules

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

- (a) *For sites identified in the core area of this zone, the activity status tables and the performance standards of this zone; and*
- (b) *For sites located within the rural activities overlay of the Mystery Creek Event Zone, the activity status rules tables and performance standards of the Rural Zone shall apply. In addition to this the permitted activities listed in 9.4.1.1 shall also apply. For an activity listed in 9.4.1.1 the relevant zone performance standards shall be those of the Mystery Creek Events Zone; and*
- (c) *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. For that part of the zone located within the rural activities policy overlay the relevant activity status table and performance standard shall be those of the Rural Zone.*
- (d) *Activities in the Agri-Activities Overlay area are not subject to the performance standards 9.4.2.1 to 9.4.2.14 of this zone once a comprehensive development plan has been approved or the concept plan requirements of 9.4.1.4(b) have been met.*

### 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.

### 9.4.1 Activity Status Tables

9.4.1.1	Permitted activities The following activities shall comply with the performance standards of this zone
(a)	Establishment and operation of Mystery Creek Major Event Days, Kart Activity Days and Day/Night Time Activity Days.
(b)	Building development in accordance with an approved concept plan.
(c)	The following activities located solely within the Lower Terrace Area as identified on the Planning Maps:

9.4.1.1	<p><b>Permitted activities</b></p> <p>The following activities shall comply with the performance standards of this zone</p>
	<p>(i) Events, exhibitions, shows, expos, displays, product launches; and</p> <p>(ii) Places of assembly; and</p> <p>(iii) Conferences and functions.</p>
(d)	Sporting activities within the core area of the zone identified on the Planning Maps.
(e)	Camping, including campervans and mobile homes.
(f)	Mobile catering, cafés, commercial kitchens, and restaurants.
(g)	Vehicle parking, loading and drop off facilities, including associated ticketing booths.
(h)	Passive recreational use.
(i)	Relocated buildings, except for those listed in Appendix N1 within the Lower Terrace Area.
(j)	Earthworks
(k)	Temporary buildings.
(l)	Signs
(m)	<p>The following activities located solely within the Agri-Activities Overlay:</p> <p>(i) Demolition of buildings and structures.</p> <p>(ii) Ancillary Activities (including offices).</p> <p>(iii) Accessory buildings.</p> <p>(iv) Any permitted rural activity until such time that a comprehensive development plan is approved and implemented.</p>
(n)	Demolition and removal of buildings and structures, except those listed in Appendix N1 Heritage Items.

9.4.1.2	<p><b>Controlled activities</b></p> <p>The following activities shall comply with the performance standards of this zone</p>
(a)	<p>The following activities where located within the Agri-Activities Overlay provided that a comprehensive development plan has been approved:</p> <p>(i) Rural Research Facility; and</p> <p>(ii) Laboratories that process farm and agricultural products; and</p> <p>(iii) Agricultural/Farming Education and Training Facilities.</p> <p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> <li>▪ Extent to which the development conforms to the approved comprehensive development plan; and</li> <li>▪ Site design and layout.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>

9.4.1.3	<p><b>Restricted discretionary activities</b></p> <p>The following activities shall comply with the performance standards of this zone</p>
(a)	Failure to comply with Rule 9.4.2.27 – Relocated buildings.

9.4.1.4	<p><b>Discretionary activities</b></p>
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with a performance standard in 9.4.2.
(b)	Development of a concept plan for building development on the site.
(c)	<p>The following activities located outside of the Lower Terrace Area as identified on the Planning Maps:</p> <p>(i) Events, Exhibitions, shows, expos, displays, product launches.</p> <p>(ii) Places of Assembly.</p> <p>(iii) Conferences and functions.</p>
(d)	Visitor accommodation (excluding camping, campervans and mobile homes).
(e)	Tourism facilities where in the Agri-Activities Overlay.

9.4.1.5	<b>Non-complying activities</b>
(a)	Failure to comply with Rule 9.4.2.1 – Minimum building setback from road boundaries.
(b)	Any other activity not listed in activity status table Rules 9.4.1.1 to 9.4.1.4.
(c)	Any Controlled or Discretionary activity located within the Agri-Activities Overlay area until such time as a comprehensive development plan has been approved.

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

## 9.4.2 Performance Standards

*The following rules apply to activities listed as permitted, controlled and restricted discretionary activities. Where there is an approved concept plan, the applicable standards are Rules 9.4.2.7 to 9.4.2.8 Scale of activities (excluding Mystery Creek Major Event Days, Day Night Activity Days & Kart Activity Days), Rules 9.4.2.10 to 9.4.2.14 Mystery Creek Major Event Days and Kart Activity Days, Rules 9.4.2.15 to 9.4.2.18 Noise, and Rules 9.4.2.21 to 9.4.2.22 Signs only.*

*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 - Minimum building setback from road boundaries

9.4.2.1 The minimum building setback from road boundaries shall be:

- |     |                                |     |
|-----|--------------------------------|-----|
| (a) | From State Highways            | 25m |
| (b) | From all other road boundaries | 15m |

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

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

9.4.2.2 The minimum building setbacks from internal site boundaries shall be:

- |     |  |     |
|-----|--|-----|
| (a) | For all buildings, including temporary buildings, from the river (excluding any structure or part of any structure erected in, on, under or over the bed of any river or lake for which a resource consent has been granted by the Waikato Regional Council) | 23m |
| (b) | For buildings housing animals  | 20m |
| (c) | In all other circumstances   | 15m |

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

### Rule - Site layout

- 9.4.2.3 No building or activity associated with an event shall be located within 50m of Mystery Creek Road or State Highway 21, provided that this rule does not apply to car parking, signs, entry management activities, and camping.

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

### Rule - Maximum building size

- 9.4.2.4 No building shall exceed a maximum GFA of 400m<sup>2</sup>, except that buildings within the Lower Terrace Area shall not exceed a maximum GFA of 800m<sup>2</sup>.

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

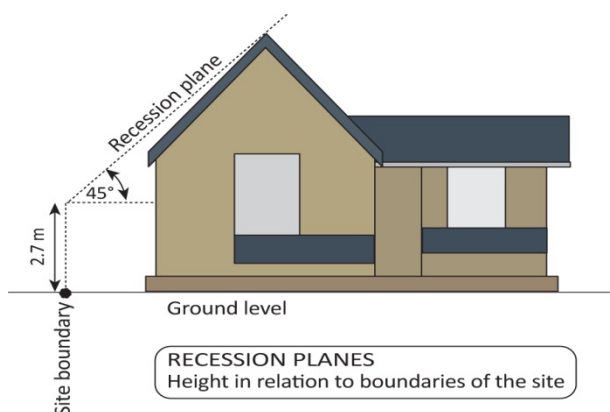
### Rule - Height of buildings

- 9.4.2.5 Buildings shall not exceed 16m in height, provided that:
- (a) Within 50m of the boundaries of the Mystery Creek Events Zone, buildings and other structures (with the exception of chimneys, cyclones, flagpoles and aerials) and stored material such as containers must not exceed 12m.
  - (b) Temporary stages up to a maximum height of 17m provided the stage is located more than 50m from the zone boundary.

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

### Rule - Daylight control

- 9.4.2.6 No building shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 2.7m above the ground level of the road boundary or internal boundaries of a site.



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

### **Rules - Scale of activities (excluding Mystery Creek Major Event Days, Day Night Activity Days & Kart Activity Days)**

- 9.4.2.7 Events, exhibitions, shows, expos and product launches shall be wholly located within the Lower Terrace Area as identified on the Planning Maps, or within a defined location identified on an approved concept plan in accordance with Rule 9.4.1.1(b).
- 9.4.2.8 Notwithstanding Rule 9.4.2.7, parking may be accommodated within the upper terrace or anywhere within the lower terrace, or within the rural activities policy overlay provided that access is gained through existing formed vehicle entrances on Mystery Creek Road, or via any approved alternative access road from State Highway 21.
- 9.4.2.9 For events which are planning for and/or are capable of exceeding 5,000 patrons per day, a Traffic Management Plan appropriate to the scale and nature of the event must be prepared by an experienced practitioner in consultation with the New Zealand Transport Agency, New Zealand Police, and Waipa District Council as appropriate. The Traffic Management Plan shall be submitted to, and approved by the relevant road controlling authority no less than one month prior to the event commencing.

Advice Note: Refer to Definitions, and Section 21 - Assessment Criteria and Information Requirements for the matters a Traffic Management Plan is required to address.

Activities that fail to comply with Rules 9.4.2.7 to 9.4.2.9 will require a resource consent for a discretionary activity.

### **Rules - Mystery Creek Major Event Days & Kart Activity Days (MED & KAD)**

- 9.4.2.10 Mystery Creek Major Event Days (MED) and Kart Activity Days (KAD) shall be considered to be Activity Days, and shall only be provided for within either the Lower Terrace Area of the Mystery Creek Events Zone, or on the Kart Club site.
- 9.4.2.11 The maximum number of MED days shall be 25 per annum and shall be allocated to the Mystery Creek Exhibition Centre site, twelve (12) of which may be Day/Night Activity Days (DNAD). DNAD are activities which continue through night time (midnight to 7.00am).
- 9.4.2.12 No maximum Kart Activity Days (KAD) shall apply, except with respect of meeting the following:
- (a) The date of the activity does not fall within the period from the Monday following the second weekend of December in any year, to midday on 31 December in the same year; and
  - (b) The number of weekends on which activities proceed does not exceed a maximum of three per month; and
  - (c) Activities will not occur on more than 50 weekdays (being the days Monday through to Friday inclusive) per calendar year.
- 9.4.2.13 For any MED, DNAD, or KAD as detailed in Rules 9.4.2.11 and 9.4.2.12 the following shall apply:
- (a) A single calendar of proposed Activity Days (MED, KAD and DNAD) must be prepared annually and submitted jointly by the proprietors of the Hamilton Kart Club and the Mystery Creek Events Centre. The calendar must be submitted by 30 September of each calendar year. Where a specific date for an event is provisional, this should be clearly identified and additional notification provided to Council confirming the actual date for the activity at least 30 days prior to the event being held; and



- (b) Once an Activity Day has been fixed in accordance with Rules 9.4.2.11 and 9.4.2.12, and an activity occurs on that day, that day shall continue to be regarded as an Activity Day for the purposes of the calculations contemplated by these rules, notwithstanding that the actual noise levels on the Activity Day may in fact not have exceeded those specified in Rule 9.4.2.16; and
- (c) New additions to an Activity Day calendar are provided for, subject to notification of the additional Activity Day being given to Council at least 30 days prior to the event being held, and providing the total number of Activity Days does not exceed that permitted by Rules 9.4.2.11 and 9.4.2.12.

9.4.2.14 Notwithstanding Rules 9.4.2.11 to 9.4.2.13, car parking and ancillary activities associated with MED and KAD may be provided for throughout the zone in accordance with the provisions of the activity status table.

Activities that fail to comply with Rules 9.4.2.10 to 9.4.2.14 will require a resource consent for a discretionary activity.

### Rules - Noise

#### *Non Activity Days*

9.4.2.15 All activities not conducted on an Activity Day (MED, DNAD or KAD) must be conducted and buildings located, designed and used to ensure that noise levels within the notional boundary of any dwelling located outside of the Mystery Creek Events Zone core area identified on the Planning Maps shall not exceed the following limits:

Location	Monday to Saturday 7.30am to 8.00pm	Sunday 8.00am to 8.00pm	Monday to Saturday 8.00pm to 11.00pm	At all other times
Within the notional boundary of any dwelling within the Waipā District territorial boundary	LAeq 55dB	LAeq 55dB	LAeq 45dB	LAeq 45dB
Within the notional boundary of any dwelling within the Waikato District territorial boundary	LAeq 50dB	LAeq 50dB	LAeq 40dB	LAeq 40dB

Provided that all noise levels must 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.

#### *Noise - Activity Days*

9.4.2.16 All activities on MED Days, including DNAD, must be conducted and buildings located, designed and used to ensure that:

- (a) Between 7.30am and midnight, noise levels shall not exceed LAeq 55dB on or beyond the Mystery Creek Noise Contour identified on the Planning Maps; and

- (b) Between midnight and 12.30am noise levels must not exceed LAeq 50dB on or beyond the Mystery Creek Noise Contour identified on the Planning Maps; and
- (c) Between 12.30am and 7.30am, noise levels must not exceed LAeq 45dB within the notional boundary of any dwelling within the Waipā District territorial boundary, and LAeq 40dB within the notional boundary of any dwelling within the Waikato District territorial boundary.

9.4.2.17 A noise management plan shall be approved by Council prior to the activity being undertaken. The noise management plan must be provided to Council for approval not less than 30 days prior to the activity commencing.

9.4.2.18 All activities on Kart Activity Days (KADs), must be conducted and buildings located, designed and used to ensure that noise levels shall not exceed the limits within Rule 9.4.2.16, with the following exception:

Day Time 9.00am to 5.00pm
55dBA(Leq)

Activities that fail to comply with Rules 9.4.2.16 to 9.4.2.18 will require a resource consent for a discretionary activity.

**Rule - Vibration**

9.4.2.19 Vibration emanating from a site must 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 discretionary activity.

**Rule - Construction noise**

9.4.2.20 Construction noise emanating from a site must 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 discretionary activity.

**Rules - Signs**

9.4.2.21 The following signs are permitted:

- (a) Where visible from State Highway 21, or where located within 50m from the boundary of Mystery Creek Road, the maximum total area of a permanent sign is 2m<sup>2</sup>, and the total number of permanent signs must not exceed three per site entrance.
- (b) Where not visible from the roads or locations in Rule 9.4.2.21(a) there shall be no size restrictions on signs located elsewhere on the site.
- (c) 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.

- (d) 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.
- (e) Signs of any materials erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (f) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) All signs must relate to activities authorised under the District Plan and must be located on the site to which they relate; and
- (ii) Outside of the lower terrace area no sign shall 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) Outside of the lower terrace area 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) Outside of the lower terrace area a freestanding sign must be placed so that no part is more than 4m above ground level; and
- (v) 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.

9.4.2.22 Outside of the core area 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 provided that the sign does not exceed 3m<sup>2</sup> and is setback 15m from any strategic road.

Provided that in all cases:

- (a) Signs shall not be internally illuminated, flashing, incorporate fluorescent materials or be painted in colours that are used on traffic signals.
- (b) 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.
- (c) A freestanding sign must be placed so that no part is more than 4m above ground level.
- (d) 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.
- (e) Signs shall be oriented towards the road from which the site obtains its vehicular access.
- (f) Signs shall be removed within three days of the conclusion of the event.

Provided that relevant the 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 9.4.2.21 and 9.4.2.22 will require a resource consent for a discretionary activity.

### **Rule - Earthworks**

- 9.4.2.23 Earthworks shall not exceed a total volume of 1,000m<sup>3</sup> in a single activity or in cumulative activities in any one calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

#### 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**

- 9.4.2.24 Temporary construction buildings must only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project. For the avoidance of doubt, temporary construction buildings must not be used as an accessory building for the day to day storage needs of domestic goods, or for the storage of home occupation equipment.

- 9.4.2.25 Temporary construction buildings are only permitted for one calendar year and must comply with the minimum setback requirements for the Mystery Creek Events Zone.

Activities that fail to comply with Rules 9.4.2.24 and 9.4.2.25 will require a resource consent for a discretionary activity.

### **Rule - Temporary buildings and activities**

- 9.4.2.26 All temporary buildings and works associated with an event shall be removed and the site returned to its original condition within five days after the event has ceased.

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

### **Rule - Relocated buildings**

- 9.4.2.27 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 factory made prefabricated buildings.

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 9.4.2.
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.

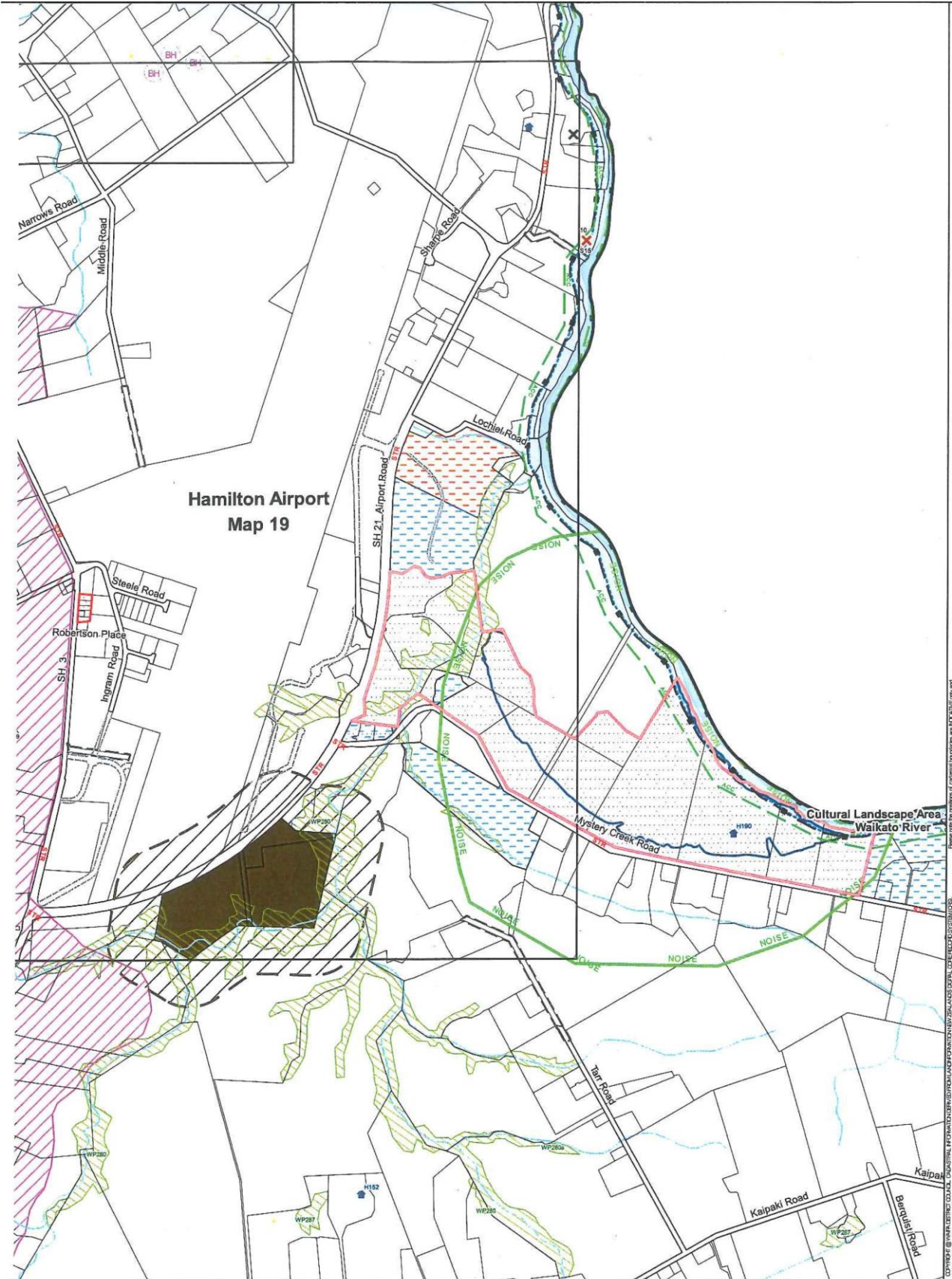
## 9.5 Assessment Criteria

### 9.5.1 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.*

9.5.2 **Discretionary activities**

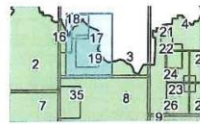
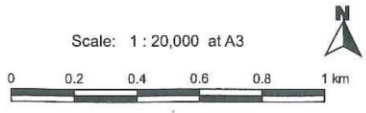
*For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.*



**Hamilton Airport  
Map 19**

Note: The boundaries of Council boundaries are shown in black. The boundaries of the Waikato Regional Council are shown in red. The boundaries of the Waikato Regional Council are shown in red. The boundaries of the Waikato Regional Council are shown in red.

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**Policy Areas 17**

Note: The boundaries of Council boundaries are shown in black. The boundaries of the Waikato Regional Council are shown in red. The boundaries of the Waikato Regional Council are shown in red.