WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 20: Business Zones

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Mr Dynes Fulton

Ms Linda Te Aho

Mr Weo Maag

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Glossary of terms

Council	Waikato District Council
PDP	Proposed Waikato District Plan

1 Introduction

1.1 The subject matter of Hearing 12 was the submissions received by the Waikato District Council (Council) in relation to the provisions on the management of the Business Zone, Business Town Centre Zone and Business Tamahere Zone within the Proposed Waikato District Plan (PDP), now collectively referred to as the 'business zones' in this report. Hearing 12 specifically related to objectives, policies, land use activities, land use effects, building and subdivision within the business zones.

1.2 The purpose of the business zones is to provide the focus for commercial activities to be undertaken primarily in the towns and villages. The business zones also provide for a range of administrative, public transport, service, residential and civic roles.[1]

1.3 The Business Town Centre Zone is located in the centres of Raglan, Huntly, Ngaaruawaahia, Te Kauwhata, Pōkeno and Tuakau, with the Business Zone adjoining and surrounding those town centres. The Business Zone also applies to the commercial areas of the smaller towns and villages.[2]

2 Hearing arrangement

2.1 The hearing was held on Monday 17 February 2020 at Council's office at 15 Galileo Street, Ngaaruawaahia. All of the relevant information pertaining to this hearing (i.e., section 42A report, legal submissions and evidence) is contained on Council's website.

2.2 The Panel heard from the following parties on the business zone provisions of the PDP:

Council	Mr Alan Matheson (author of Section 42A Report on the provisions of the Business and Business Town Centre zones).
Lakeside Developments Limited	Mr Tom Morgan
The Surveying Company	Mr Shane Hartley
Hugh Green Limited	Mr Aaron Grey
Waka Kotahi NZ Transport Agency	Ms Tanya Running and Mr Mike Wood
Ports of Auckland Limited	Mr Mark Arbuthnot
Woolworths NZ Limited	Ms Kay Panther Knight
Kāinga Ora	Ms Alex Devine, Mr Daniel Sadlier, Mr Phil Stickney, Mr Cameron Wallace and Mr Phil Osborne

3 Overview of issues raised in Submissions

[1] Section 42A Report Hearing 9: Business and Business Town Centre Zones dated 18 December 2019, Paragraph 15.
[2] Ibid Paragraph 16.

3.1 In the section 42A report, Mr Alan Matheson set out the full list of submissions on the subject matter of the business zones. In brief, the key matters of relief sought by the submitters included:

a) Clarification and differentiation of land use activities between the Business and Business Town Centre zones to give effect to the objectives and policies of each zone;

b) Deletion of references to character statements and design guidelines in policies and matters for discretion for restricted discretionary activities;

c) Addition of objectives, policies and rules which provide for emergency service facilities;

d) Amendments to policies and rules to provide for supermarkets in the Business Town Centre zone;

e) Amendments to the rule requiring residential development to be located above ground floor;

f) Providing for intensive residential development in the business zones;

g) Clarification of objectives, policies and rules with regard to reverse sensitivity;

h) Clarification of rules applying to imported fill and inclusion of protection of infrastructure;

i) Minor changes to land use effects and building effects standards (such as height, acoustic insulation) to enable development; and

j) Change of activity status from discretionary to restricted discretionary for non-compliance with land use effects and building effects standards.3

4 Overview of submissions

4.1 Mr Campbell Morgan presented planning evidence on behalf of Lakeside Developments Limited (LDL). LDL in their further submission supported changes sought by Kāinga Ora to policies and rules for residential activities above ground floor.[4] Mr Morgan supported this submission and considered that ground floor residential activity is appropriate within the Business Town Centre Zone in areas removed from the core retail frontage.[5]

4.2 Mr Morgan also supported the submission of Kāinga Ora to reduce the subdivision minimum site size from 225m^2 to 200m^2.[6] Mr Morgan considered that this change would encourage the establishment of smaller scale retail and commercial activities. Furthermore, Mr Campbell considered this site size would produce a more effective subdivision pattern with 10m wide frontage and 20m depths.[7]

4.3 Mr Aaron Grey presented planning evidence on behalf of Hugh Green Limited. Mr Grey supported changes by the section 42A author in rebuttal evidence, namely amendments

[3] Ibid Paragraph 20.
[4] Submission Points: 749.7, 749.127, 749.136, and 749.145.
[5] Statement of Evidence of Mr Campbell on behalf of Lakeside Developments Limited, dated 22 January 2020, Paragraph 5.2.
[6] Submission Point: 749.145.
[7] Statement of Evidence of Mr Campbell on behalf of Lakeside Developments Limited dated 22 January 2020, Paragraph 7.

to Policy 4.5.11 related to residential activities on upper floors, and amendments to Rule 18.1.2 to permitted offices at ground floor level where they are not subject to a verandah line.[8]

4.4 Mr Grey's evidence was focused on the following matters:[9]

a) removal of 'retail activity' and 'commercial services' from the list of permitted activities in each zone, with reliance instead on 'commercial activity' to permit these. Mr Grey considered that the commercial activity definition already encompasses both retail and commercial services;[10]

b) changes to Policy 4.5.10 to specify when large-scale activities may be appropriate in the Business Town Centre Zone;

c) a restricted discretionary activity status for infringement of the tenancy area land-use effects standard;

d) that a minimum tenancy area is not appropriate for villages with only the Business Zone. Mr Grey noted that small-scale activities would require resource consent as there is no adjoining Business Town Centre zoning in these villages;

e) a restricted discretionary activity status for residential activities at ground floor with suitable matters of discretion; and

f) providing for an entrance lobby, stairwell or lifts at ground floor for activities otherwise required to be above ground floor level in the Business Zone.

4.5 Ms Tanya Running presented planning evidence on behalf of Waka Kotahi NZ Transport Agency (Waka Kotahi). She stated in the hearing that poorly designed signage or multi-unit developments can negatively affect the safety of the network. Ms Running's evidence was focused on the following matters:

a) inclusion of a matter of discretion in Rule 17.1.3 RD(a) and Rule 18.1.3 RD1(a) for the consideration of effects on the safety and efficiency of the land transport network;

b) that signs be set back at least 15 metres from the boundary of a state highway; and

c) that new buildings be set back 15 metres from a national route or regional arterial, and 25 metres from the designated boundary of the Waikato Expressway.

4.6 Mr Mark Arbuthnot presented planning evidence on behalf of Ports of Auckland Limited (POAL). Mr Arbuthnot stated in the hearing that POAL cannot reasonably internalise its effects. He said that POAL also has elevated noise; large lighting columns; 24-7 operations; and increased truck and rail movements. Despite holding all the necessary consents and complying with the standards of the Operative District Plan, POAL was concerned about complaints with respect to its lighting and effects generated from the stacking of containers.

[8] Summary Statement of Mr Grey on behalf of Hugh Green Limited, dated 12 February 2020, Paragraph 2.1.
[9] Ibid Section 4.
[10] Statement of Evidence of Mr Grey on behalf of Hugh Green Limited, dated 24 January 2020, Paragraphs 5.5 – 5.6.

4.7 Mr Arbuthnot's evidence was focused on the following matters:

a) Inclusion of a matter of discretion regarding reverse sensitivity and the protection of noise sensitive activities from the effects of noise generated by industrial activities as in Rule 17.1.3 RD1 for multi-unit development; and

b) The imposition of no complaints covenants in favour of POAL in respect of activities that are sensitive to noise within the Horotiu Acoustic Area.

4.8 Ms Kay Panther Knight presented planning evidence on behalf of Woolworths New Zealand Limited (Woolworths). Ms Panther Knight's evidence focused on the following matters:

a) Providing for supermarkets in the business zones, primarily the Business Town Centre Zone through amendments of the activity status;

b) Appropriateness of prescriptive urban design controls in business zones, as well as consideration of the appropriate activity status for new buildings;

c) An appropriate activity status for infringing land-use effects and land-use building standards and associated breadth of assessment of effects arising from those infringements; and

d) Inclusion of a definition for supermarkets in the PDP.

4.9 Mr Daniel Sadlier and Ms Alex Devine presented legal submissions on behalf of Kāinga Ora. Mr Phil Osborne also presented expert economic evidence, Mr Cameron Wallace presented expert urban design evidence and Mr Phil Stickney presented planning evidence.

4.10 Mr Sadlier's and Ms Devine's legal submissions focused on the following matters:

a) Lack of alignment between higher level policy and lower order provisions and rules within the PDP; and

b) Existence or otherwise of scope for some appropriate changes to the provisions of the PDP.

4.11 Mr Osborne's economic evidence considered:

a) The diminishing significance of centres within the district as a result of out-of-centre growth; and

b) Activities that would support the growth and sustainability of commercial business within centres.

4.12 Mr Wallace's urban design evidence considered:

a) How ground floor residential activities have been addressed in the Business Town Centre Zone; and

b) Standards applying to multi-unit development in the business zones; and

c) The use and reference to design guidelines and character statements.

4.13 Mr Wallace's evidence concluded that the provisions of the PDP are unlikely to enable residential activities to occur in the business zones and in some instances, will actively

undermine positive urban design outcomes from occurring in and around the district's towns.[11]

4.14 Mr Stickney's planning evidence considered the strategic directions and objectives of the PDP. He identified a misalignment between these provisions which are forward-looking in the outcomes they seek, and the zone-specific policy framework and provisions which essentially seek retention of the status quo.[12]

Tabled evidence and letters

4.15 Mr Matt Allott tabled a letter and planning evidence on behalf of Ara Poutama Aotearoa the Department of Corrections. The letter set out support for the section 42A report recommendations with respect to the activity status for a community corrections activity in the Business Zone and Business Town Centre Zone.[13]

4.16 Ms Pam Butler tabled evidence on behalf of KiwiRail Holdings Limited. Ms Butler's evidence set out support for the section 42A report recommendations with respect to:

a) Policy 4.5.31;

b) The earthworks rules (Rules 17.2.5.1 P1(a)(i), 18.2.4.1 P1(a)(i) and 19.2.4.1 P1(a)(i) and Rules 17.2.5.1 P1(a)(v), 18.2.4.1 P1(a)(v) and 19.2.4.1 P1(a)(iv));

c) The signs rules (Rules 17.2.7.2 and 18.2.7.2).

4.17 In addition to the above, Ms Butler noted points of disagreement with the section 42A report. She noted that KiwiRail sought to include a new rule in all zones with properties adjoining the railway corridor, including the Business and Business Town Centre zones, to require that all new or altered buildings be set back a minimum of 5 metres from the rail corridor boundary.[14] The section 42A report recommended rejecting this submission.

4.18 Mr Mark Tamura tabled at letter on behalf of the Waikato Regional Council (WRC). The letter set out support for the section 42A report recommendations with respect to policies 4.5.1 to 4.5.3, 4.5.4 and 4.5.13 as well as rules 18.1.3 and 19.1.2.[15]

4.19 Ms Nicola Rykers tabled evidence on behalf of Synlait Milk Limited. Ms Rykers' evidence set out support for POAL's submission point 578.84 to include a new matter of discretion to Rule 17.1.3 to enable consideration of reverse sensitivity effects on industrial activities from multi-unit development in the Business Zone.[16]

4.20 Mr Mark Tollemache tabled a letter on behalf of Havelock Village Limited (HVL). This set out support for section 42A report recommendations with respect to the minimum unit area standard and permitted activity rule 17.2.2 P1.[17]

[11] Statement of Evidence of Mr Wallace on behalf of Kāinga Ora, dated 24 January 2020, Paragraph 17.1.
[12] Statement of Evidence of Mr Stickney on behalf of Kāinga Ora, dated 24 January 2020, Paragraph 4.6.
[13] Letter from Matt Allott, regarding Ara Poutama Aotearoa (The Department of Corrections): Proposed Waikato District Plan – Letter to be Tabled at Hearing 9: Chapters 17 & 18, Business & Business Town Centre Zone, dated 12 February 2020.
[14] Evidence in Chief of Pam Butler on behalf of KiwiRail Holdings Limited, dated 28 January 2020, paragraph 3.1.
[15] Letter from Mark Tamura on behalf of the Waikato Regional Council, regarding Hearing 9 – Business and Business Town Centre Zones - Support for s42A recommendations, dated 23 January 2020.
[16] Statement of Evidence of Nicola Rykers on behalf of Synlait Milk Limited, dated 27 January 2020, Paragraph 12.
[17] Letter from Mark Tollemache on behalf of Havelock Village Limited, dated 24 January 2020.

4.21 Ms Kahlia Thomas tabled a letter on behalf of the Oil Companies. The letter set out support for a number of the section 42A report recommendations. Ms Thomas recommended that the section 42A report recommendation for Rules 17.2.5.1 P1 and 18.2.4.1 P1 be rejected and that the rules be amended as follows:

P1 (a) Earthworks within a site must meet all of the following conditions:

(i) Earthworks must be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; …

(v) ~~(iv)~~ Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the ~~commencement~~ cessation of the earthworks, or finished with a hardstand surface;

4.22 Mr Matheson recommended accepting this amendment to Rules 17.2.5.1 P1 and 18.2.4.1 P1 in the section 42A rebuttal report.[18]

4.23 Ms Alec Duncan tabled a letter on behalf of Fire and Emergency New Zealand. The letter set out support for several section 42A report recommendations. In addition to this, Ms Duncan recommended that "and associated facilities" be added to Policy 4.5.2A as follows:[19]

4.5.2A Policy – Emergency services (a) Enable the on-going operation, use and redevelopment of existing and development of new emergency service activities and associated facilities.

4.24 Ms Alec Duncan also tabled a letter on behalf of the Ministry of Education. Ms Duncan noted that their submission on this chapter has not been addressed in the section 42A report. The Ministry sought a new policy to provide for educational facilities and change to Rule 18.1.5 for educational facilities, so that this is a restricted discretionary activity as opposed to a non-complying activity.

4.25 Ms Leigh Shaw tabled a letter on behalf of Brendon John and Denise Louise Strong. She set out support for several section 42A report recommendations. In addition to this, Ms Shaw recommended amendments to the daylight admission rules in both the Business Zone and Business Town Centre Zone to include a 45-degree control plane consistent with the Village Zone recommendations. Ms Shaw did not support changes to the building setback from waterbodies rule, noting that the setbacks proposed are not consistent with other zones and are more onerous than other plans, such as the Auckland Unitary Plan.[20]

4.26 Mr Matheson recommended accepting the amendment to Rule 17.3.2 daylight admission in the section 42A rebuttal report.[21] Mr Matheson did not support the inclusion of the 10-metre setback rule from the bank of a perennial or intermittent stream.[22]

[18] Section 42A Report Rebuttal Evidence Hearing H9: Business and Business Town Centre Zones, dated 10 February 2020, Paragraphs 45 to 48.
[19] Letter from Alec Duncan on behalf of Fire and Emergency New Zealand, dated 17 February 2020.
[20] Letter from Leigh Shaw on behalf of Brendon John & Denise Louise Strong, regarding Hearing 9 – Business and Business Town Centre Zones – Submitter Evidence: The Surveying Company Limited, dated 23 January 2020.
[21] Section 42A Report Rebuttal Evidence Hearing H9: Business and Business Town Centre Zones, dated 10 February 2020, Paragraphs 58 to 66.
[22] Ibid Paragraphs 67 to 68.

4.27 Mr Bevan Houlbrooke tabled a letter on behalf of Mr Greig Metcalfe. He set out support for the section 42A report recommendations and recommended additional refinements to the communal service court and signs rules (to make the signs rule consistent with other zones).[23]

4.28 Ms Pauline Whitney tabled a letter on behalf of Transpower New Zealand Limited (Transpower). Ms Whitney noted that in its further submission, Transpower opposed Council's submissions 697.223 and 697.301, where the relief sought was to essentially replicate the rules for subdivision within the National Grid Corridor that are in Chapter 14 of the PDP into Chapters 17 and 18. Ms Whitney stated that Transpower supports and prefers a standalone set of provisions within Chapter 14 for the reason it provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions.[24]

4.29 Ms Karen Blair tabled a letter on behalf of Z Energy Limited. Ms Blair supported the recommended deletion of Policy 4.5.29 and change to Rule 18.3.5 regarding verandahs.[25]

5 Panel Decisions

5.1 It is noted that 558 separate submission points were considered in the comprehensive section 42A report and as a result a number of changes to the provisions were recommended by the section 42A author. Where we agree with the recommended changes, the matter is not revisited in this report.

5.2 Given the overlap between submitters on a number of outstanding issues before the Panel, the following sub-sections have been grouped by issues.

Differences between the Business Zone and Business Town Centre

5.3 We asked questions during the hearing to understand key differences between the Business Zone and Business Town Centre Zone. These questions focused on whether there is any differentiation in the list of land-use activities and related standards. Council's section 42A author stated that the main difference between the zones is that the Business Town Centre has a more pedestrian focus whereas the Business Zone has a more commercial focus.

5.4 In response to submissions on this matter, the section 42A author recommended changes to further differentiate the two zones and give effect to the objectives and policies for the Business Zone. Namely, the section 42A author supported a minimum tenancy threshold of 500m^2 for commercial activities be included in the Business Zone. The section 42A author stated that there are no standards that support or implement that Policy 4.5.2(a)(ii).

[23] Letter from Bevan Houlbrooke on behalf of Greig Metcalfe, regarding Proposed Waikato District Plan – Stage 1 – Hearing 9 (Business and Business Town Centre Zone) Written Statement for Greig Metcalfe, dated 22 January 2020.
[24] Letter from Pauline Whitney on behalf of Transpower New Zealand Limited, regarding the Hearing on the Proposed Waikato District Plan, dated 14 January 2020.
[25] Letter from Karen Blair on behalf of Z Energy Limited, regarding : Proposed Waikato District Plan Hearing for Chapter 9 – Business and Business Town Centre Zones: Hearing Statement on Behalf Of Z Energy Limited, dated 9 January 2020.

5.5 We agree in principle with the inclusion of a minimum tenancy threshold and that it gives effect to the objectives and policies for the zone. However, we also agree with the evidence of Mr Grey that the inclusion of a 500m^2 threshold in the Business Zone would not permit commercial activities between 350m² and 500m² in any zone.[26] Given this, we amended the minimum tenancy threshold from 500m^2 to 350m^2. We find that this change seeks to encourage larger scale commercial activities to locate in the Business Zone and focus smaller scale retail and commercial activities within an adjoining Business Town Centre zone.

5.6 However, Mr Grey's evidence noted that there are locations where the Business Zone is applied to smaller towns, which do not have an adjoining Business Town Centre zone. The recommended change would require resource consents to be obtained for small-scale commercial activities in these smaller towns.[27]

5.7 Given this issue, we consider it is not appropriate to:

a) Apply a minimum tenancy threshold to smaller towns. These towns provide for the local community's social and economic needs and often include small-scale retail and commercial activities; and

b) Amend the zoning from Business Zone to Business Town Centre Zone, as the town centre provisions require resource consent for new buildings, whereas this is currently permitted by the Business Zone rules.

5.8 For the above reasons, we find that there is a gap in the hierarchy of business zones for the district, and we have decided to include a fourth business zone to address this issue. Given the scope of submissions, the new Local Centre Zone largely replicates the provisions of the Business Zone without the inclusion of a minimum tenancy rule.

5.9 In summary, the amendments to the business provisions include the following:

a) Amended objectives and policies to include a new Local Centre Zone which enables commercial activities which primarily serve local convenience needs;

b) New zone provisions focused on small-scale retail and commercial activities and managing adverse effects on the environment, including effects on amenity; and

c) Spatial application of the Local Centre Zone, to the towns set out in **Attachment 1**. In these towns, their "town centre" will be identified with Local Centre Zone on the planning maps.

Character statements

5.10 With respect to references to character statements, Mr Stickney on behalf of Kāinga Ora recommended replacement of cross references in policies and matters of discretion by a suite of detailed matters of discretion which capture key elements of the character statements. Mr Stickney stated that he does not consider:

a) It appropriate that this level of detail be included at a policy level;

[26] Statement of Evidence of Mr Grey on behalf of Hugh Green Limited, dated 24 January 2020, Paragraph 5.13.
[27] Summary Statement of Mr Grey on behalf of Hugh Green Limited, dated 12 February 2020, Paragraph 4.2(b).

b) That the character statements are not written in a manner that they can easily be considered in the context of a resource consent application; and

c) That matters of discretion and assessment criteria should be capable of individual standing, rather than referencing other documents.[28]

5.11 In response to our questions on cross referencing the design guidance, Mr Matheson stated that the character statements reflect the views of the community and have been developed through a non-statutory process. Mr Matheson did consider however that the references could be amended to not be so directive.

5.12 We agree with the above reasons and accept Mr Stickney's evidence that references to character statements be deleted from both the policies and matters of discretion, and that key elements of the statements be expressed as matters of discretion instead. We accept the recommended changes by Mr Stickney, provided to us following the hearing.[29] We find that expressing the elements of character statements as matters of discretion is the most appropriate method to give effect to the policies given that resource consent for a restricted discretionary activity is required for new buildings in the Business Town Centre Zone.

5.13 Furthermore, we consider that the specific character clauses for each town should also be deleted. We find that it is not appropriate to include this level of detail at a policy level, and instead we have made amendments to include elements of the character statements as matters of discretion for new buildings.

5.14 Given the above, key amendments to the business provisions include:

a) Deletion of references to the character statements and prescriptive character clauses in policies 4.5.14 to 4.5.19; and

b) Replacement of references to the character statements with matters of discretion for Rules 17.1.3 RD1, 18.1.3 RD1 and 18.1.3 RD2.

Supermarkets

5.15 Ms Kay Panther-Knight's evidence on behalf of Woolworths recommended amendments to the Business Town Centre Zone provisions to provide for supermarkets. Ms Panther-Knight's evidence stated that:

a) Supermarkets function as focal points for local community developments and add economic and social value to centres; and

b) That it is preferable that supermarkets are located in centres, as they anchor the centre and attract customers to the area, therefore also supporting the viability of other shops in the centre.[30]

5.16 The section 42A author considered the matter of providing for supermarkets as a permitted activity in the Business Town Centre Zone. The section 42A author accepted that supermarkets could be a suitable activity to be located in the Business Town Centre

[28] Statement of Evidence of Mr Stickney on behalf of Kāinga Ora, dated 24 January 2020, Paragraphs 8.4 to 8.6.
[29] Supplementary Statement of Evidence of Mr Stickney on behalf of Kāinga Ora, dated 24 February 2020, Paragraph 5.2.
[30] Statement of Evidence of Ms Kay Panther Knight on behalf of Woolworths New Zealand Limited, dated 24 February 2020, Paragraph 4.3.

Zone, however, the design, layout, access and other aspects of the activity mean they should be assessed as to their suitability through a resource consent application process.[31]

5.17 We agree with the evidence of Ms Panther-Knight, and find that supermarkets differ from other large format retail activities in that supermarkets commonly locate in town centres. We further agree that there are a number of examples across the district. Given this, we consider that supermarkets should be differentiated from other large format retail.

5.18 We also agree with the evidence of Ms Panther-Knight that the supply of supermarkets is a function of demand, which is tied to population.[32] We find that the scale of a supermarket will be influenced by the size of town centre and its catchment. With respect to the matters raised by the section 42A author concerning effects arising from the design, layout and access to the supermarket, we note that resource consent for a restricted discretionary activity is required for new buildings in the Business Town Centre Zone, and that these matters are captured by the matters of discretion.

5.19 Given the reasons above, we have made the following amendments to the business zone provisions:

a) To recognise the role of supermarkets in Policy 4.5.10; and

b) Provide for supermarkets as a permitted activity in the Business Town Centre Zone and exclude supermarkets from Rule 18.3.3 on gross leasable floor area.

Ground floor residential

5.20 In terms of ground floor residential, Mr Stickney's evidence recommended that a finer grained approach be taken for residential activities within the Business Town Centre Zone. We note that, as notified, ground floor residential is a non-complying activity in the Business Town Centre Zone.

5.21 Mr Stickney was of the view that there is scope for the Business Town Centre Zone to accommodate mixed use and multi-unit development (including at ground floor level) within the zone, and still ensure that the primary retail streets are utilised for commercial activity at the ground floor level.[33] This view was supported by the economic evidence of Mr Osborne who stated that having a greater volume of higher density development (and therefore people) within centres represents a significantly better economic outcome for Council, developers, the community and the centres themselves.[34]

5.22 The section 42A author considered that the purpose of the Business Town Centre Zone is to provide for commercial and other business activities. Providing for residential activities as a permitted activity on the ground floor has the potential for the zone to be developed essentially as a residential zone, which is contrary to the purpose of the zone.[35]

[31] Section 42A Report Hearing 9: Business and Business Town Centre Zones dated 18 December 2019, Paragraph 525.
[32] Statement of Evidence of Ms Kay Panther Knight on behalf of Woolworths New Zealand Limited, dated 24 February 2020, Paragraph 4.9(iv).
[33] Statement of Evidence of Mr Stickney on behalf of Kāinga Ora, dated 24 January 2020, Paragraph 6.3.
[34] Statement of Evidence of Mr Osbourne on behalf of Kāinga Ora, dated 24 January 2020, Paragraph 8.20.
[35] Section 42A Report Hearing 9: Business and Business Town Centre Zones dated 18 December 2019, Paragraph 523.

5.23 We agree with the section 42A author that residential activities on the ground floor should not be provided for as a permitted activity across the Business Town Centre Zone. However, we find that the effects of residential activities on commercial and business activities are well understood and can be expressed as matters of discretion for consideration through a resource consent application.

5.24 Given this, we agree with and accept the evidence of Mr Stickney, Mr Osborne and Mr Grey. We have made the following amendments to the Business Town Centre Zone:

a) Amend the activity status for ground floor residential across the zone from non-complying to restricted discretionary and include new matters of discretion which address effects on commercial activity and key retail frontages; and

b) Retain permitted activity status for residential activities above the ground floor, with the recommended activity specific condition for ground floor access lobbies.

No complaints covenants

5.25 POAL sought the imposition of 'no complaints' covenants in favour of POAL for activities that are sensitive to noise within the Horotiu Acoustic Area. Mr Arbuthnot's evidence included examples of other plans where similar provisions had been included.

5.26 The section 42A author sought legal advice specifically on whether an activity status which can depend on agreement on another party. Ms Parham, Council's legal advisor, stated that the activity status must be clear from the plan provisions and not be dependent on the agreement of another party to determine whether or not an activity was permitted.[36] The section 42A author notes that in this instance, the proposed rule requires an affected party to enter into a covenant with POAL, but there is no requirement that POAL must agree to the covenant.[37]

5.27 We recognise the important economic benefits of POAL's operations, however, we agree with the evidence of the section 42 author and consider that if POAL is compliant with their resource consent conditions, or provisions of the plan, then there is no need for inclusion of provisions imposing covenants in favour of POAL in the PDP.

Setbacks

5.28 Ms Running on behalf of Waka Kotahi recommended changes in her evidence to the setback rules so that new buildings must be further set back from State Highways.

5.29 The section 42A author did not agree with the inclusion of Waka Kotahi's recommended changes. The author then noted that the activities provided for in the zone where reverse sensitivity effects are likely to occur would be multi-unit and residential development. Both activities are required to comply with acoustic insulation treatment.[38]

5.30 We questioned Ms Running on whether a designation could achieve the same protection sought by Waka Kotahi. Ms Running agreed that a designation could be used to achieve this same outcome.

[36] Section 42A Report Rebuttal Evidence Hearing H9: Business and Business Town Centre Zones, dated 10 February 2020, Paragraph 78.
[37] Ibid.
[38] Section 42A Report Hearing 9: Business and Business Town Centre Zones dated 18 December 2019, Paragraph 658.

5.31 Given this, we do not accept the recommended changes set out in Ms Running's evidence. We consider that a Notice of Requirement is a more appropriate method for setting buildings back from a State Highway. We also note that a designation allows an acquisition process for land required for public works under the Public Works Act 1981.

Commercial Services and Retail Activities

5.32 Mr Grey's evidence recommended the removal of retail activity and commercial services from the list of permitted activities in each zone. Mr Grey considered that the commercial activity definition already encompasses both retail and commercial services.[39]

5.33 We have set out the definitions for each below:

> *Commercial activity: means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).*[40]
>
> *Commercial service: Means a business providing personal, property, financial, household, private or business services to the general public. It includes:*
>
> *(a) authorised betting shops;*
>
> *(b) copy and quick print services;*
>
> *(c) financial and banking facilities;*
>
> *(d) postal services;*
>
> *(e) counter insurance services;*
>
> *(f) dry cleaning and laundrette services;*
>
> *(g) electrical goods repair services;*
>
> *(h) footwear and leather goods repair services;*
>
> *(i) hairdressing, beauty salons and barbers;*
>
> *(j) internet and computer services;*
>
> *(k) key cutting services;*
>
> *(l) real estate agents and valuers;*
>
> *(m) travel agencies, airline and entertainment booking services;*
>
> *(n) optometrists;*
>
> *(o) movie and game hire; and*

[39] Statement of Evidence of Mr Grey on behalf of Hugh Green Limited, dated 24 January 2020, Paragraphs 5.5 – 5.6.
[40] National Planning Standards.

> *(p) animal welfare and/or grooming services.*[41]
>
> *Retail activity: Means the sale or hire of goods or services or equipment directly to the public*[42]

5.34 We agree with the evidence of Mr Grey, that *commercial services* and *retail activity* are subsets of the commercial activity definition. These definitions are effectively nested, and we consider that the subset definitions should be removed from the land-use activity list where there is no differentiation of either activity specific conditions or standards applied.

5.35 Furthermore, to remain consistent with the National Planning Standards, we consider that the two definitions for *commercial services* and *retail activity* should be deleted and the National Planning Standards definition of *commercial activity* be included in the PDP.

Unit sizes

5.36 We questioned the inclusion of minimum unit sizes in the PDP. Mr Stickney stated that Kāinga Ora had sought deletion of the minimum unit sizes in the Residential Zone, however had not specifically sought this same deletion in the business zones.

5.37 We have reduced the minimum unit sizes to 35m² for a studio unit and 45m² for a 1 or more bedroom unit. This same rule has been included in the Medium Density Residential zone, and it is considered that the change to minimum unit sizes is consequential in order to maintain consistency across the PDP.

Education facilities

5.38 We accept that evidence of Ms Duncan that education facilities should be included in the activity table as a restricted discretionary activity in the Business Town Centre Zone as opposed to a non-complying activity (by way of not being specifically listed in the activity table). We have amended the PDP accordingly.

Subdivision within the National Grid

5.39 We accept the evidence of Ms Whitney that the National Grid subdivision provisions should not be replicated in the Business Town Centre and Business zones. We note that as part of our exercise to amend the PDP into the National Planning Standards structure that this submission has been addressed by way of moving all the subdivision provisions into one district-wide section.

6 Conclusion

6.1 The Panel accepts the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this Decision.

6.2 Overall, the Panel is satisfied that the business zone provisions as amended (in **Attachments 1-5**) will provide a suitable framework for managing commercial and residential use and development within centres and business areas across the district.

[41] Section 42A Addendum Report: Hearing 5: Chapter 13 Definitions dated 30 April 2020.
[42] Ibid.

For the Hearings Panel

Dr Phil Mitchell, Chair

Dated: 17 January 2022

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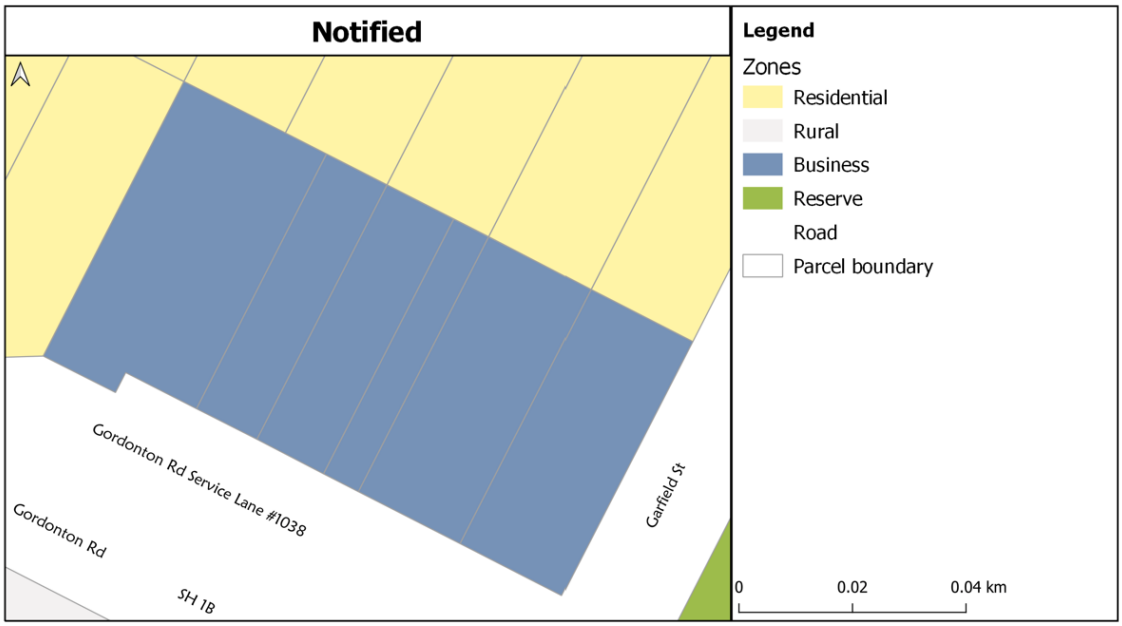
Attachment 1: Application of the Local Centre Zone



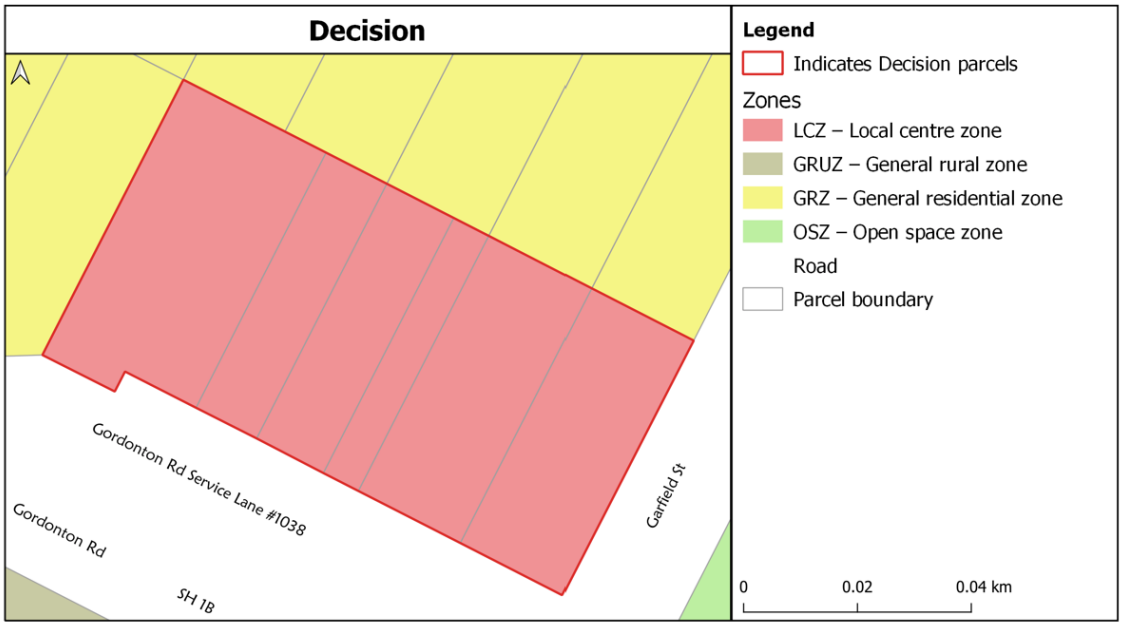


Figure 1: Gordonton

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Figure 2: Horotiu

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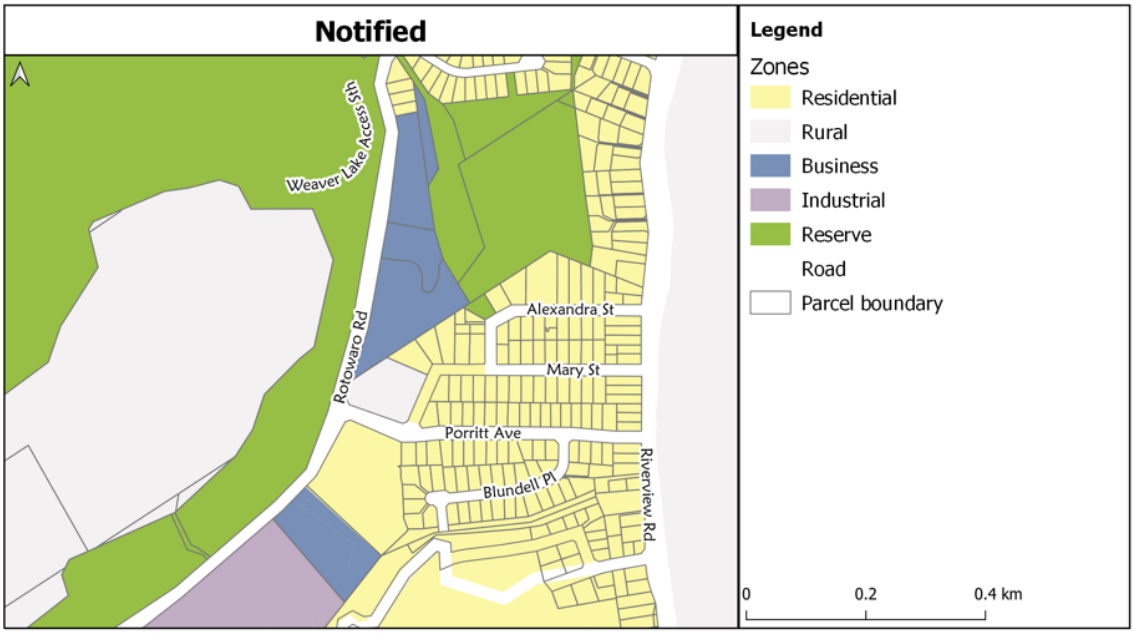

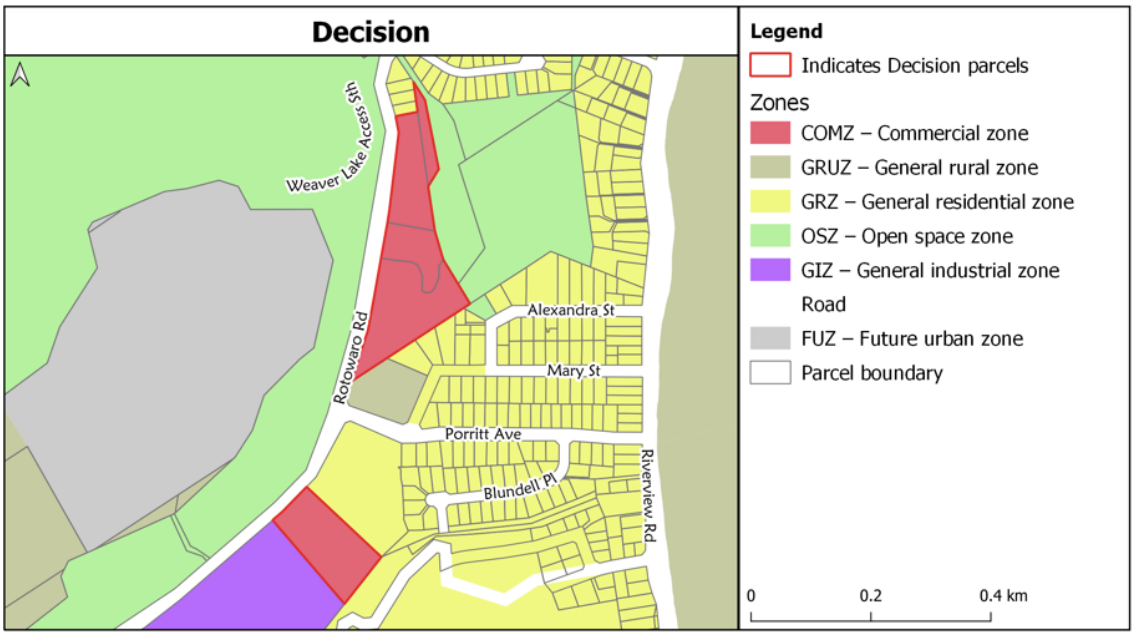

Figure 3: Huntly

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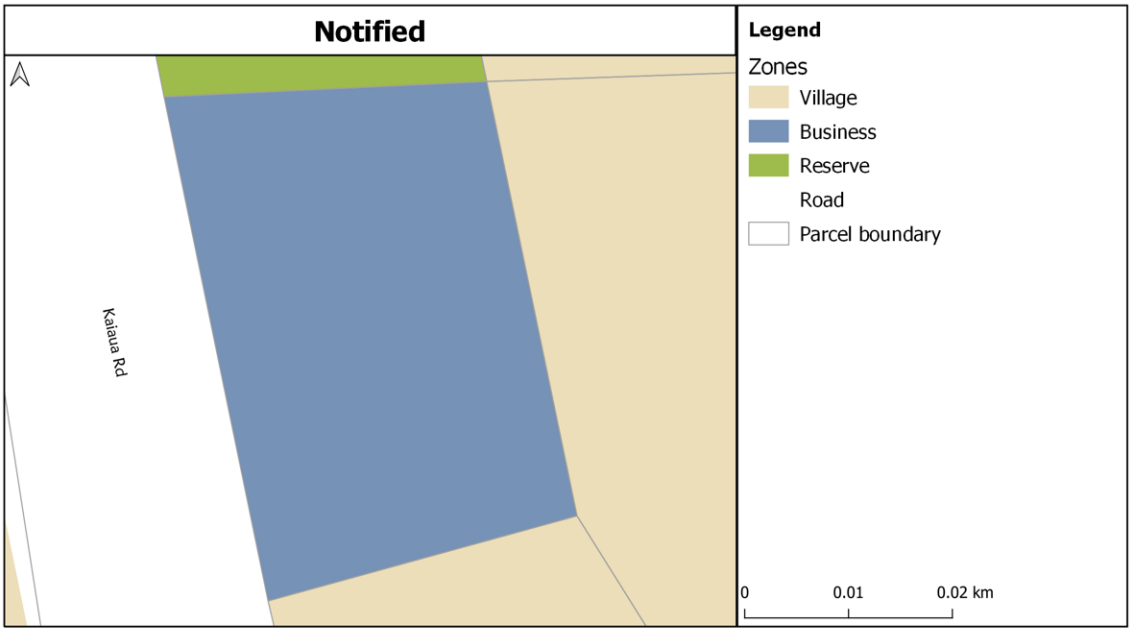

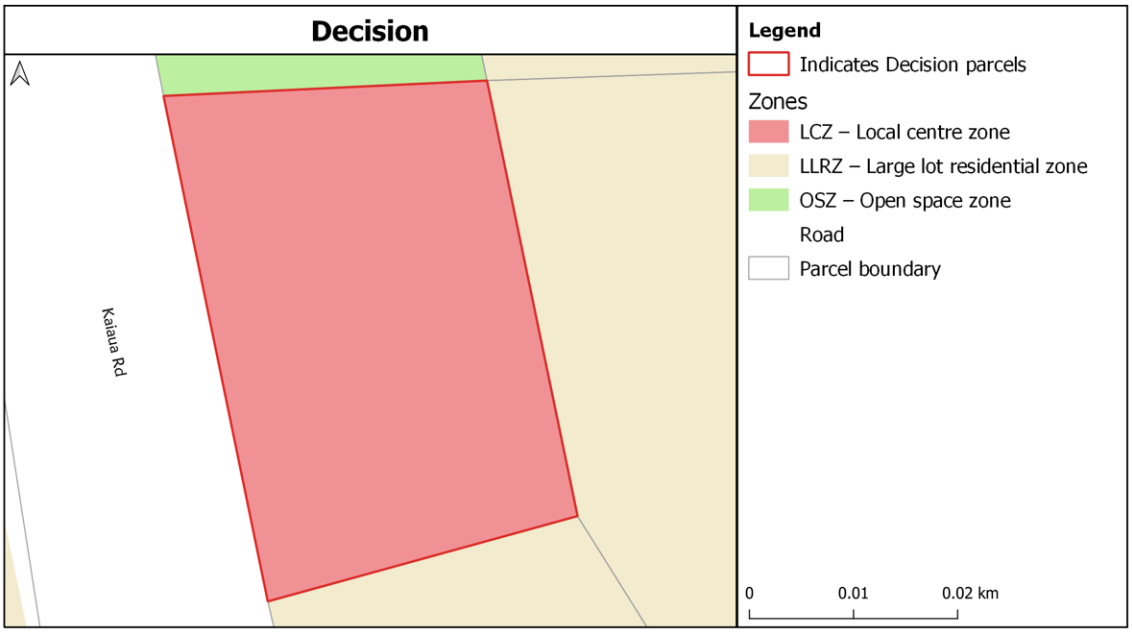

Figure 4: Mangatangi

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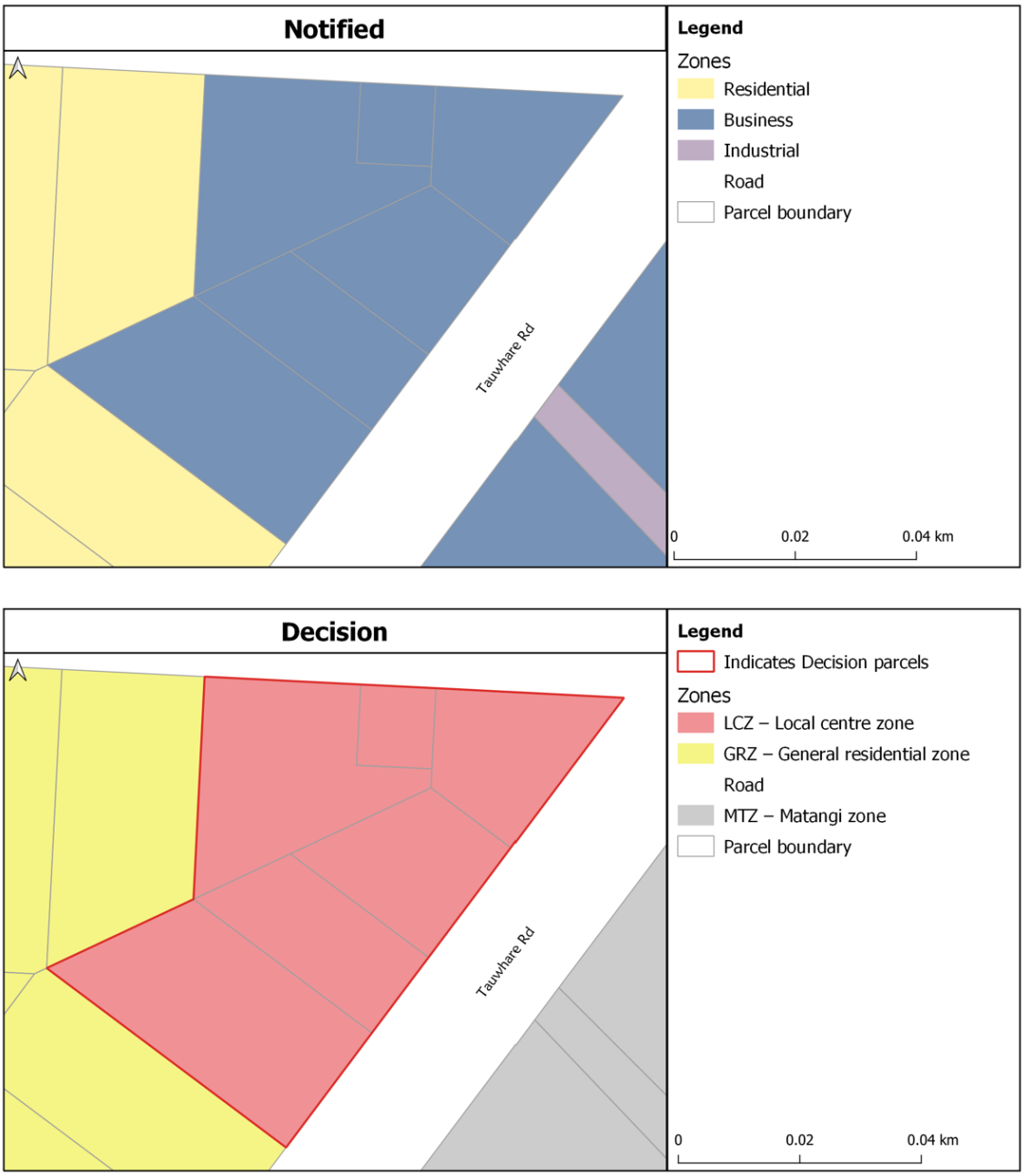

Figure 5: Matangi

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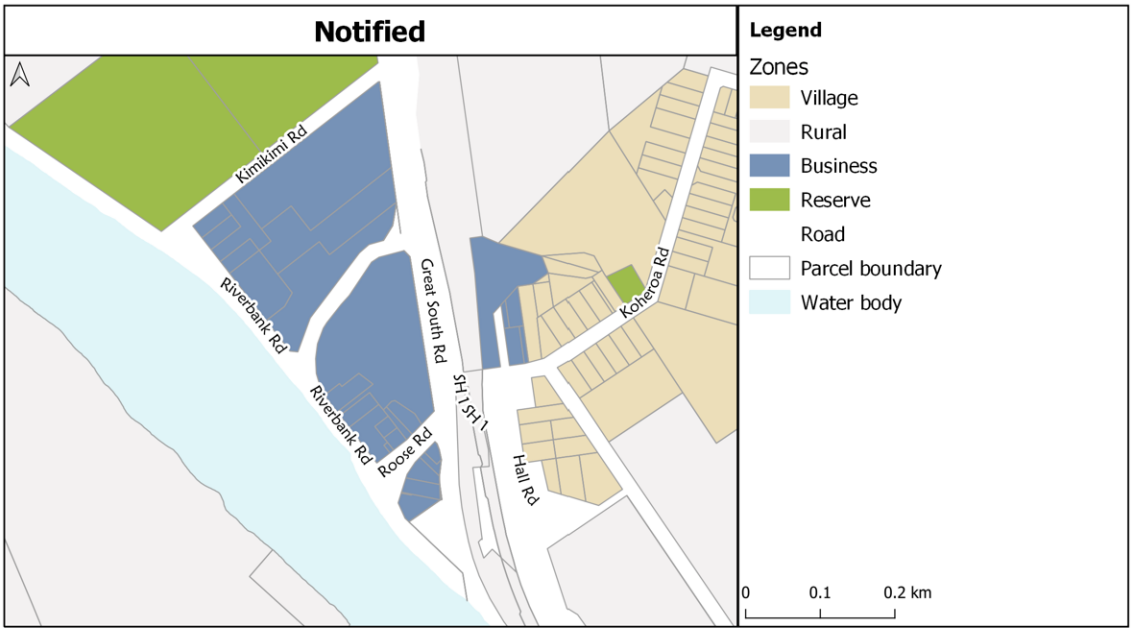

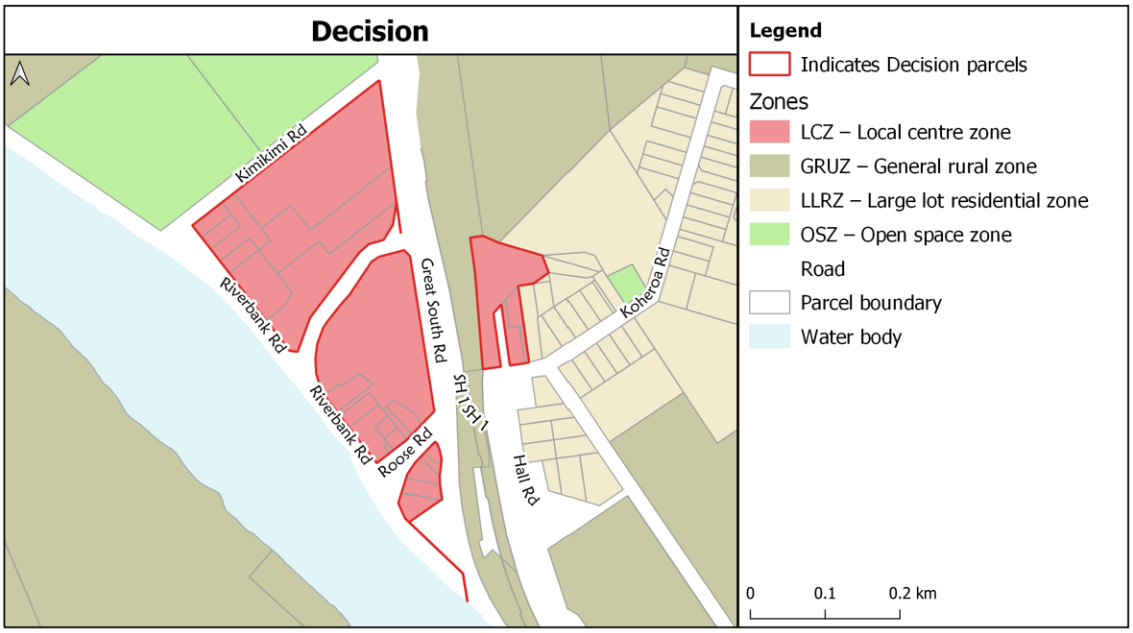

Figure 6: Mercer

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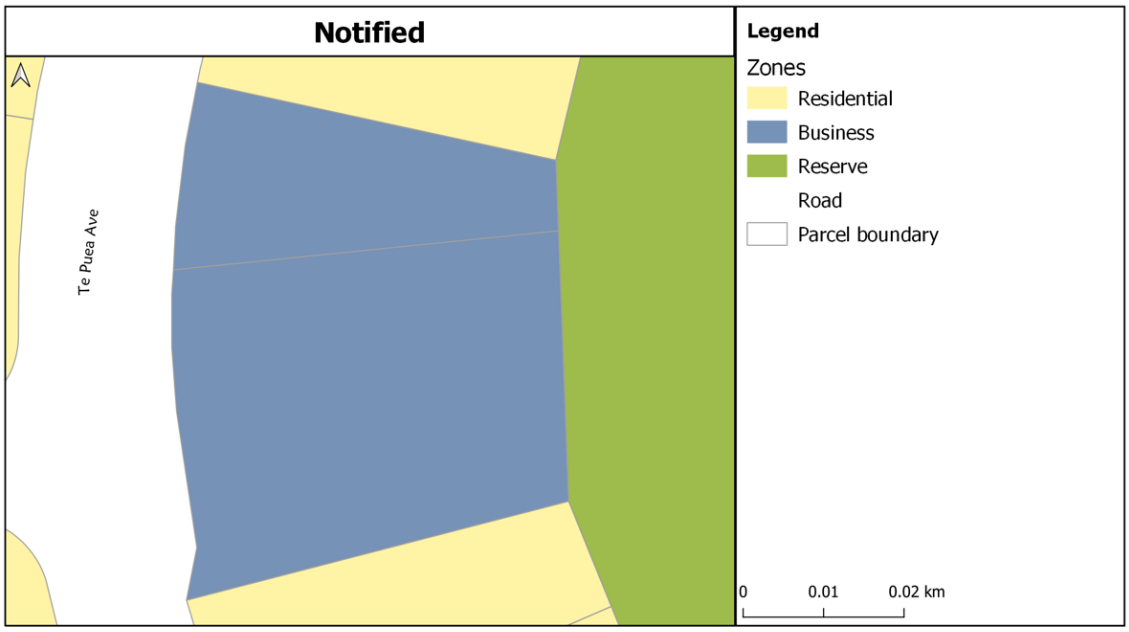

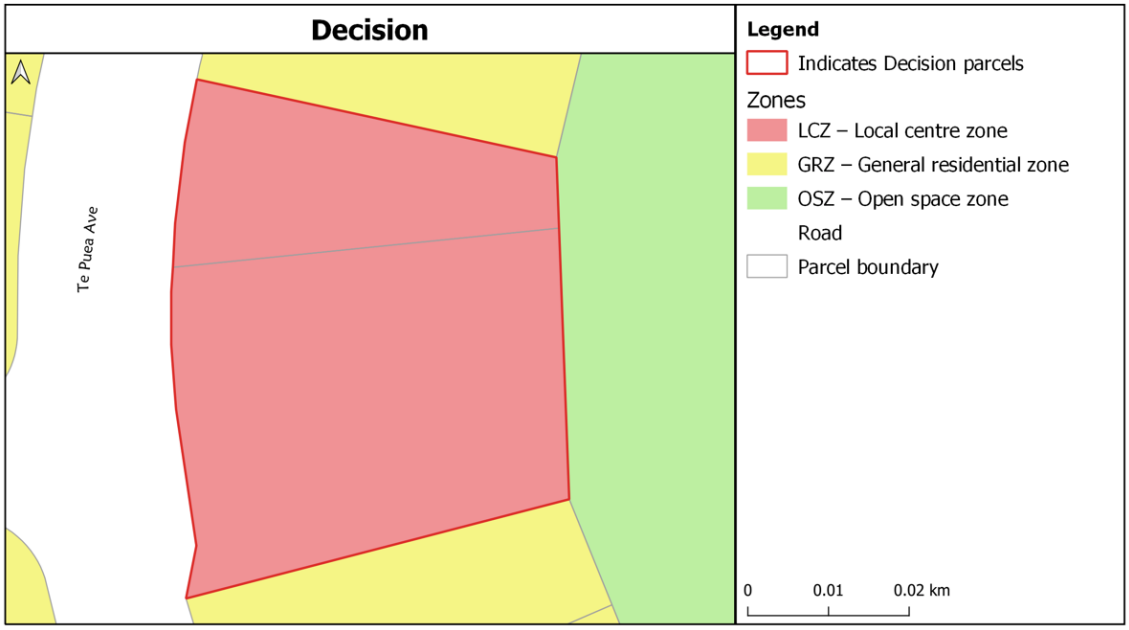

Figure 7: Meremere

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Figure 8: Naike

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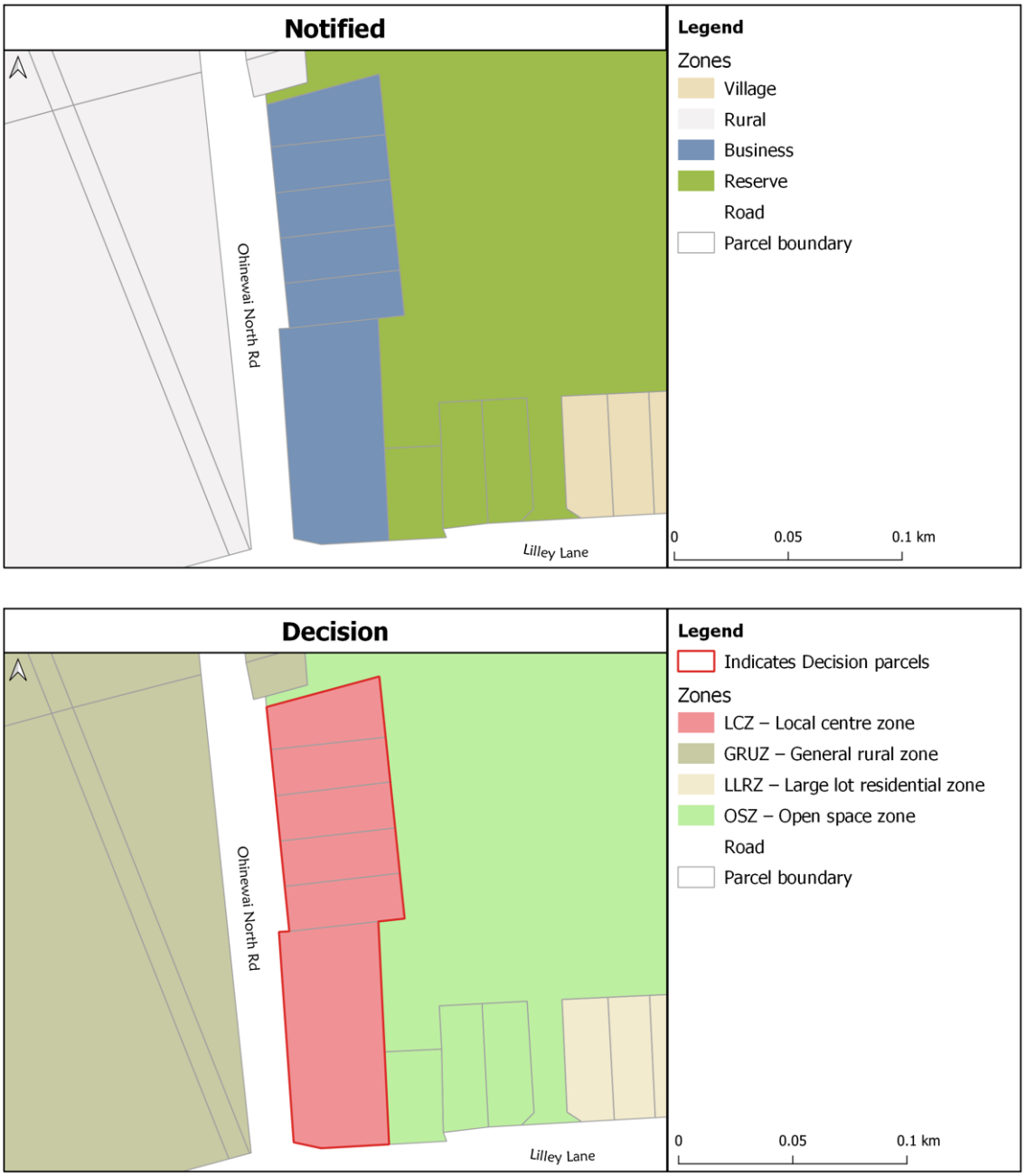

Figure 9: Ohinewai

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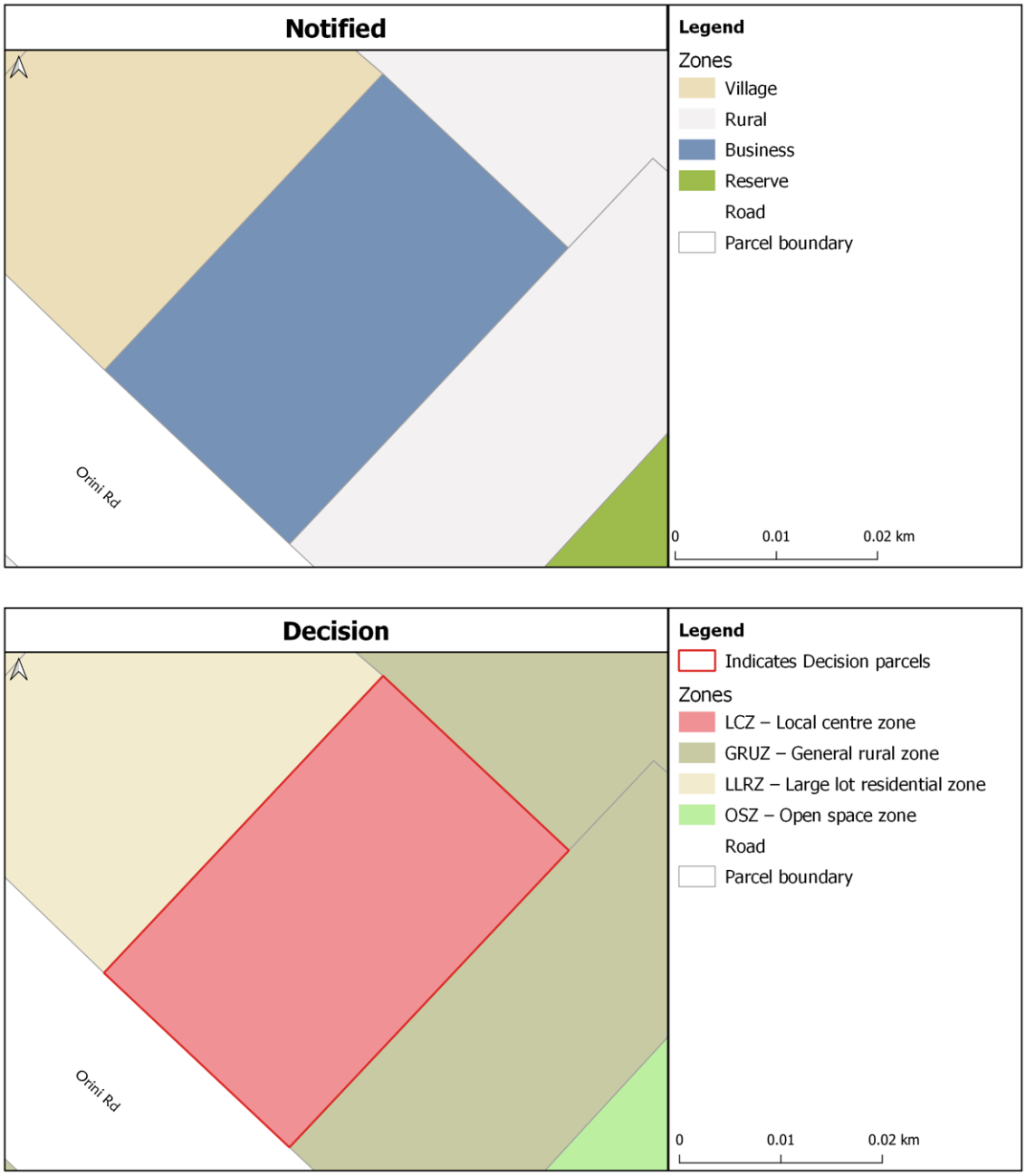

Figure 10: Orini

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Figure 11: Otaua

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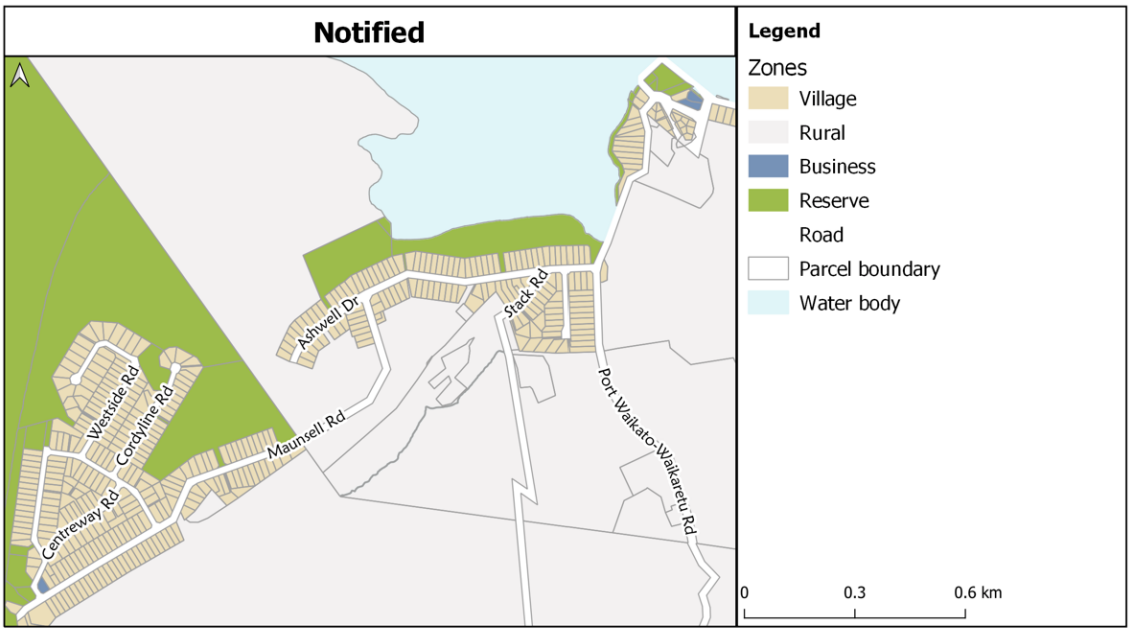


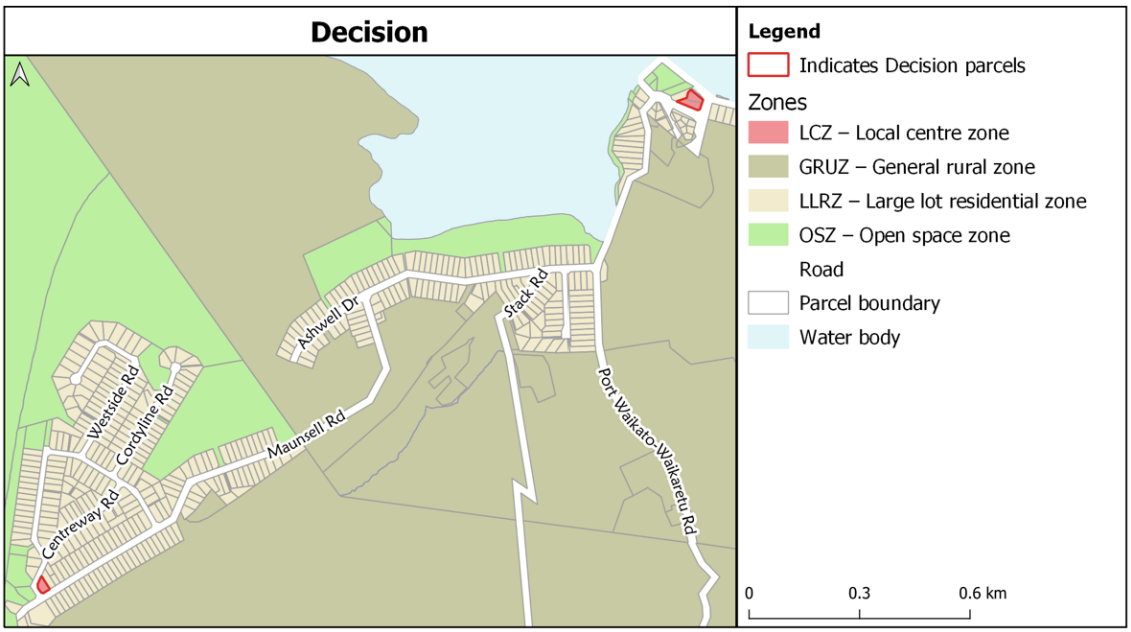
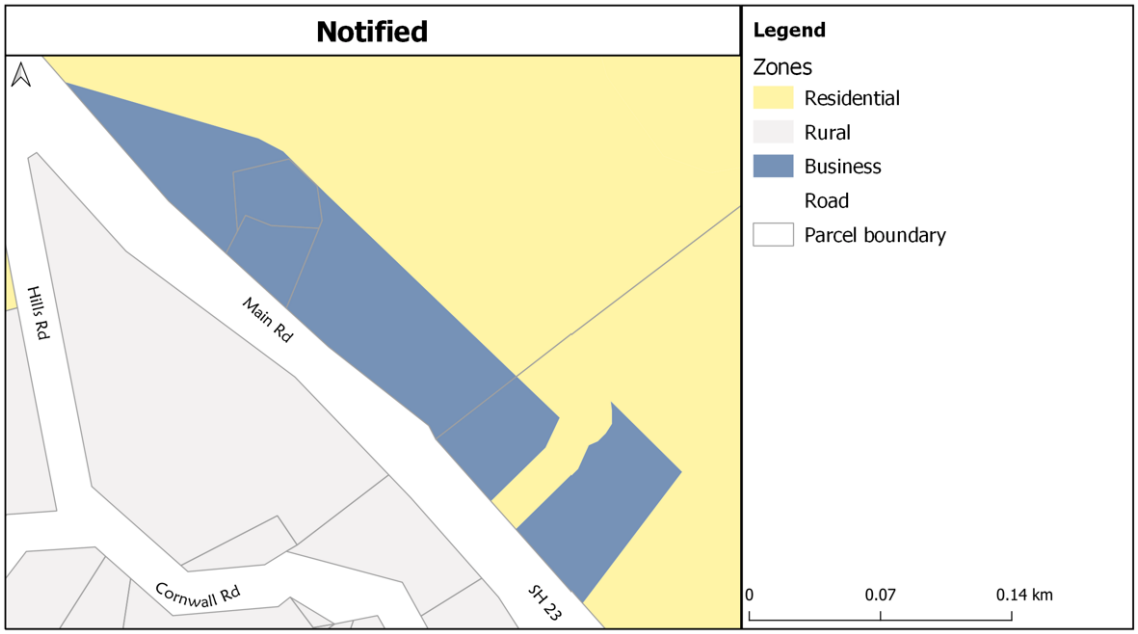


Figure 12: Port Waikato



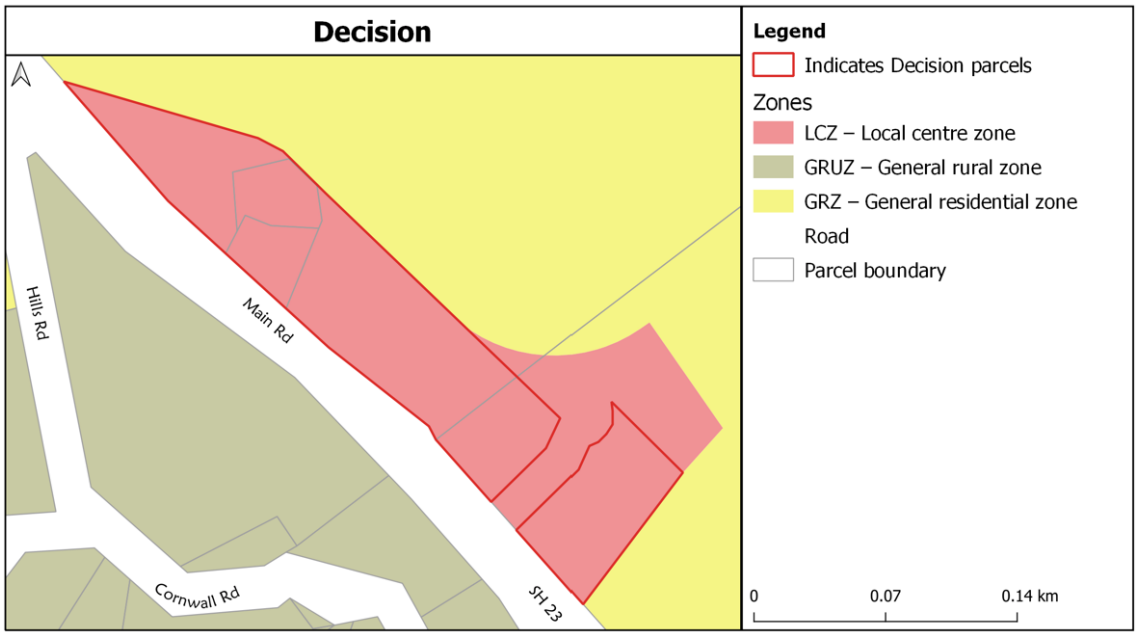


Figure 12: Raglan

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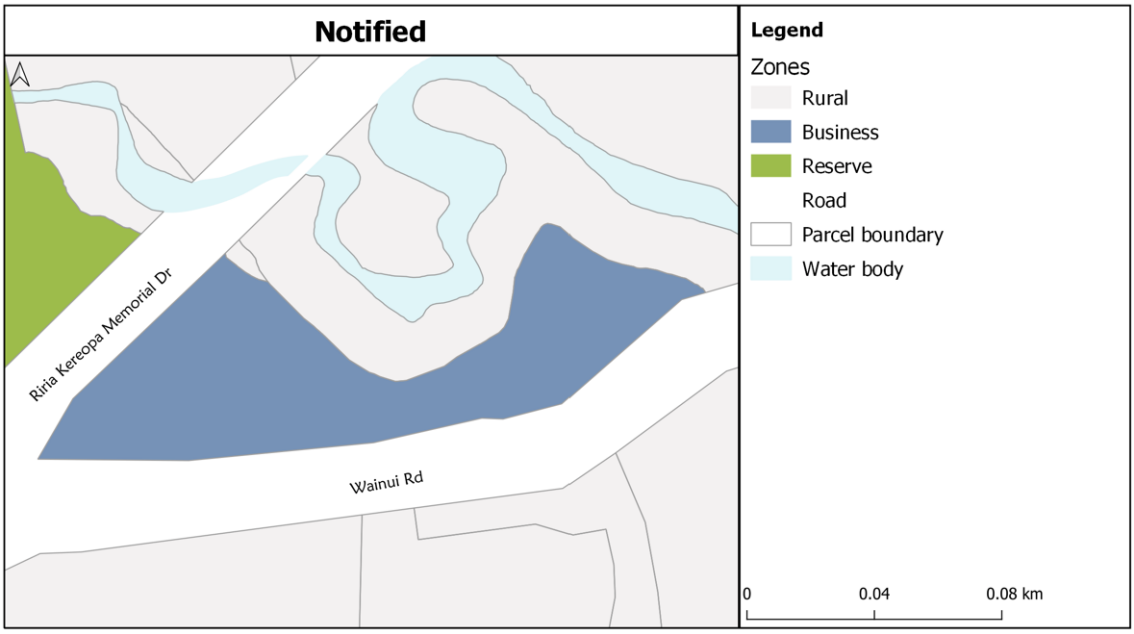

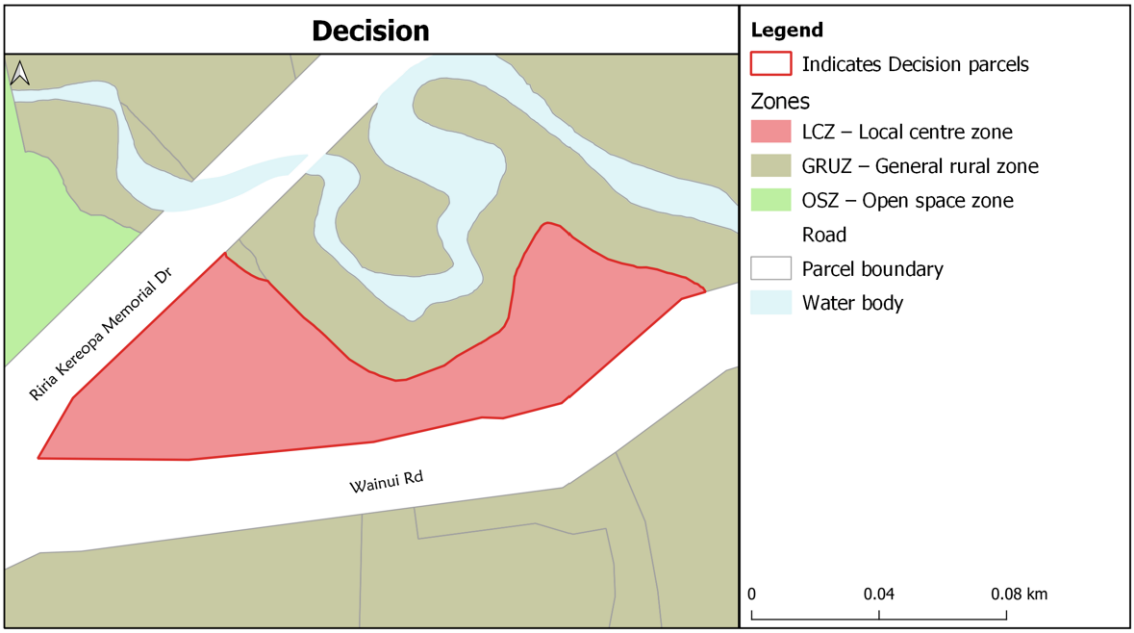

Figure 13: Raglan

Figure 14: Rangiriri

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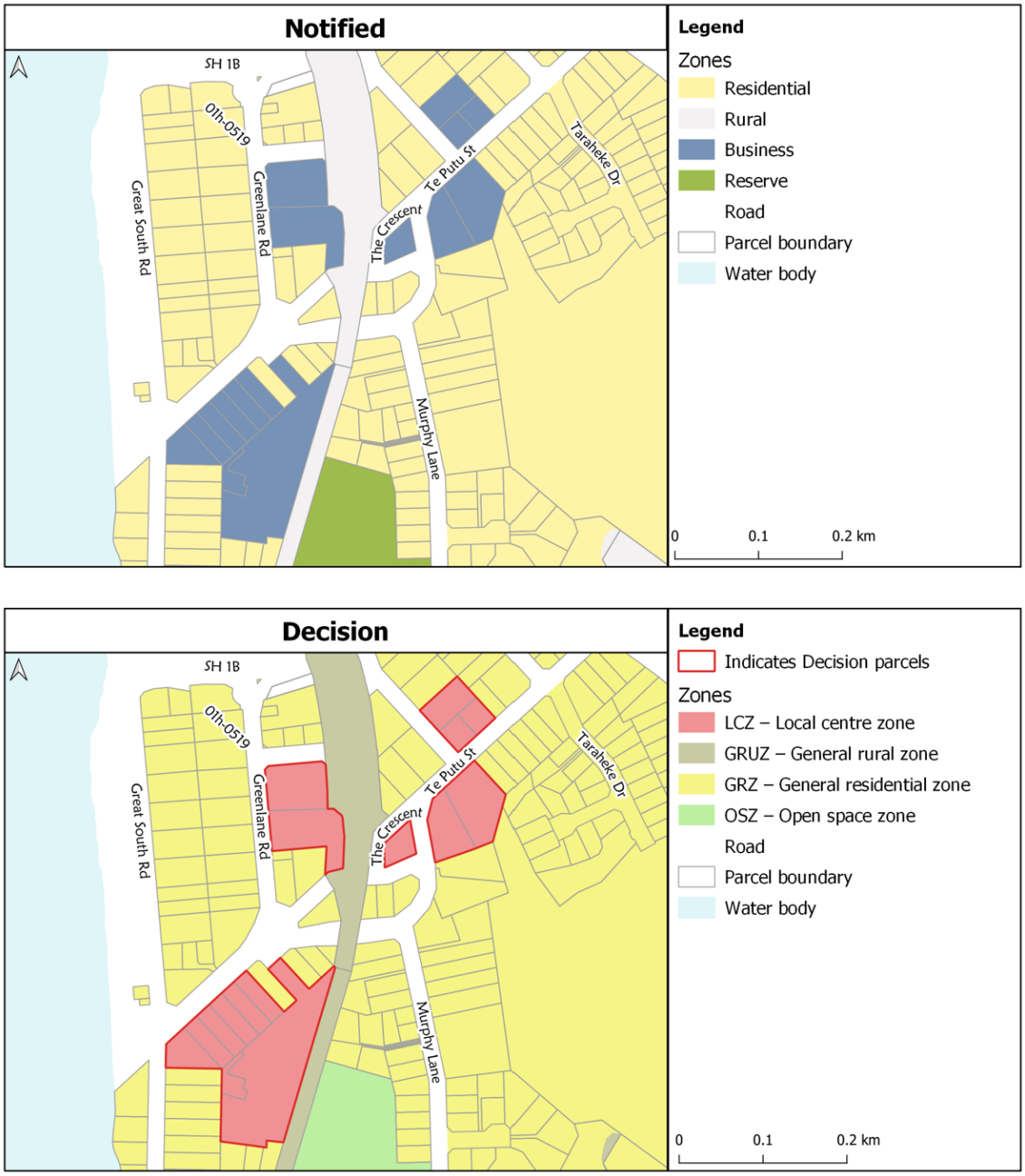

Figure 15: Taupiri

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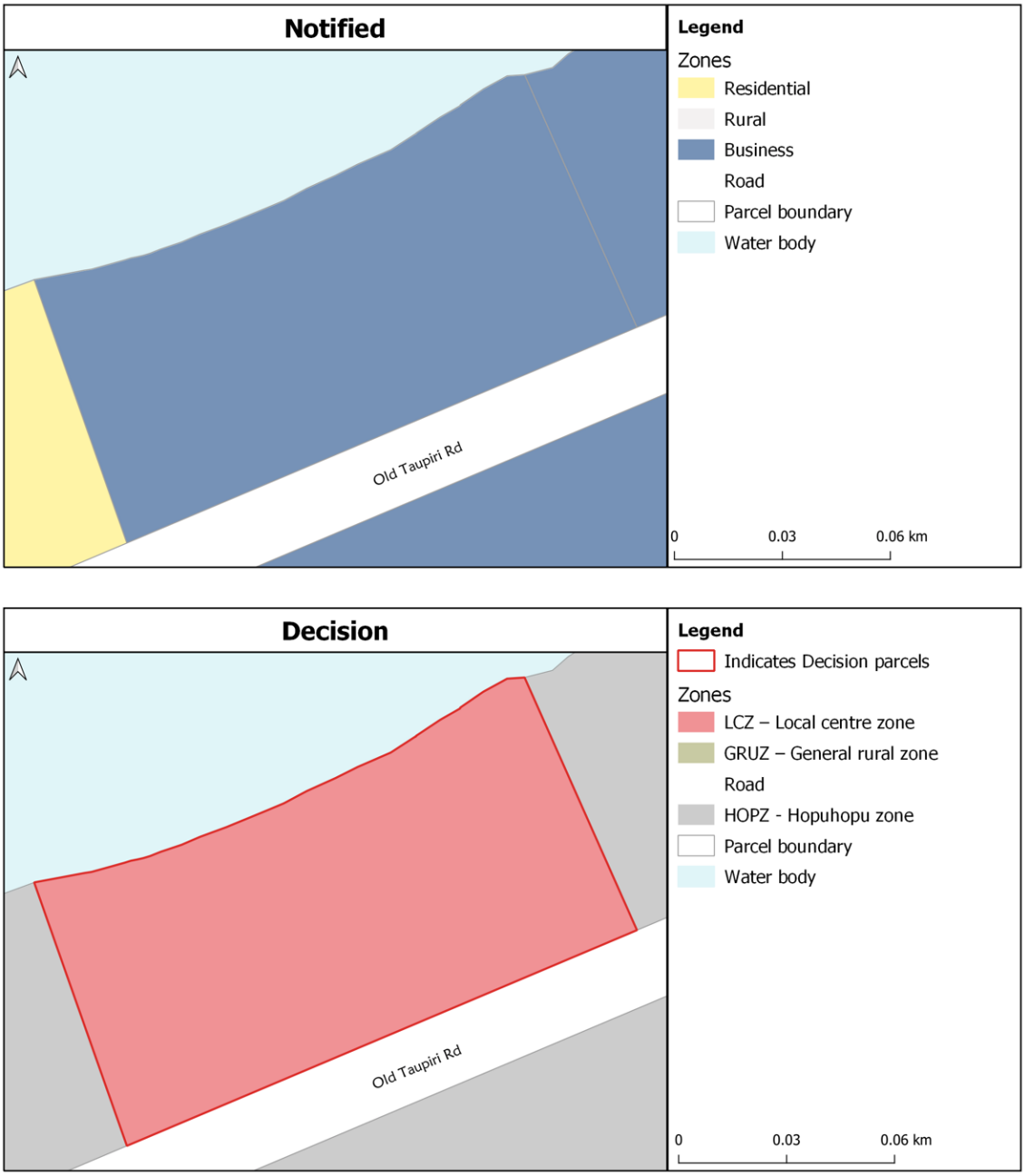
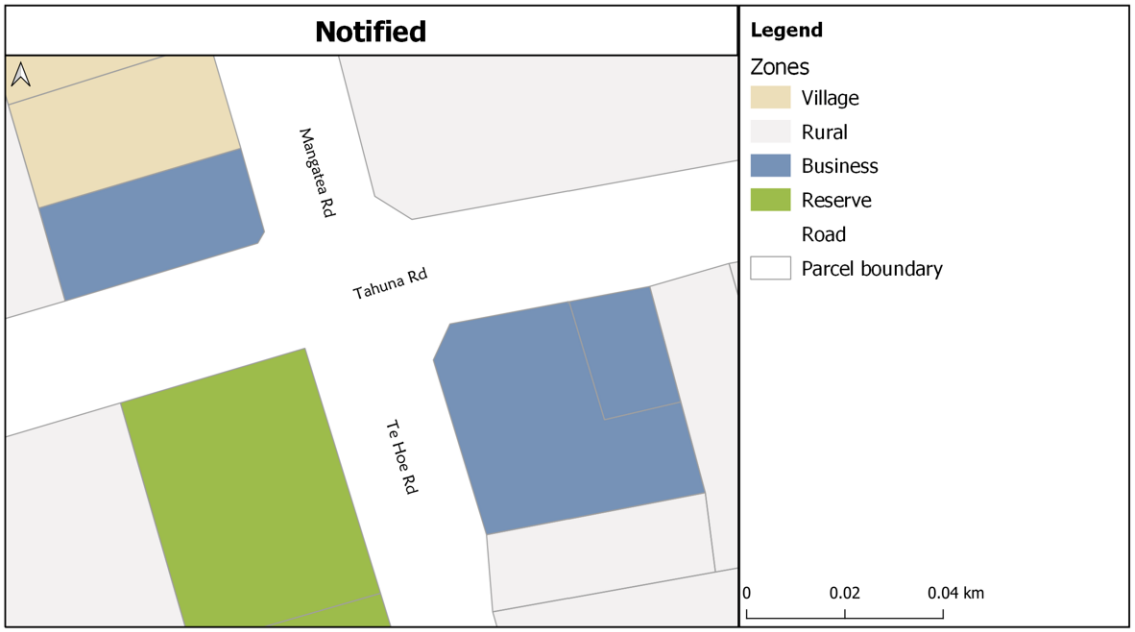


Figure 16: Taupiri



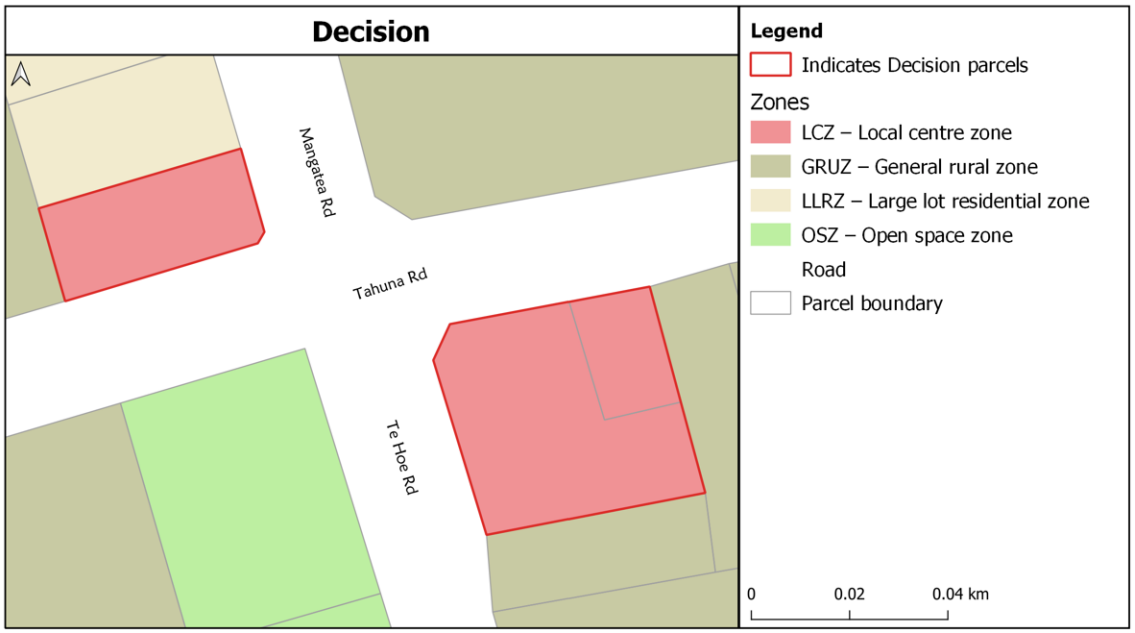


Figure 17: Taupiri

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Figure 18: Te Kauwhata

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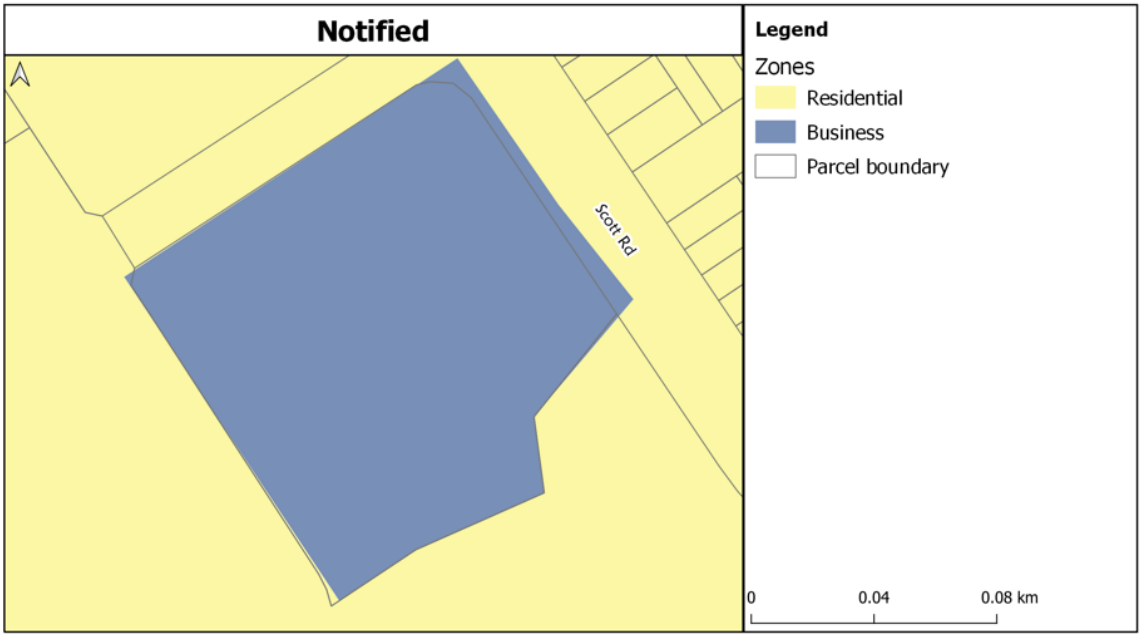

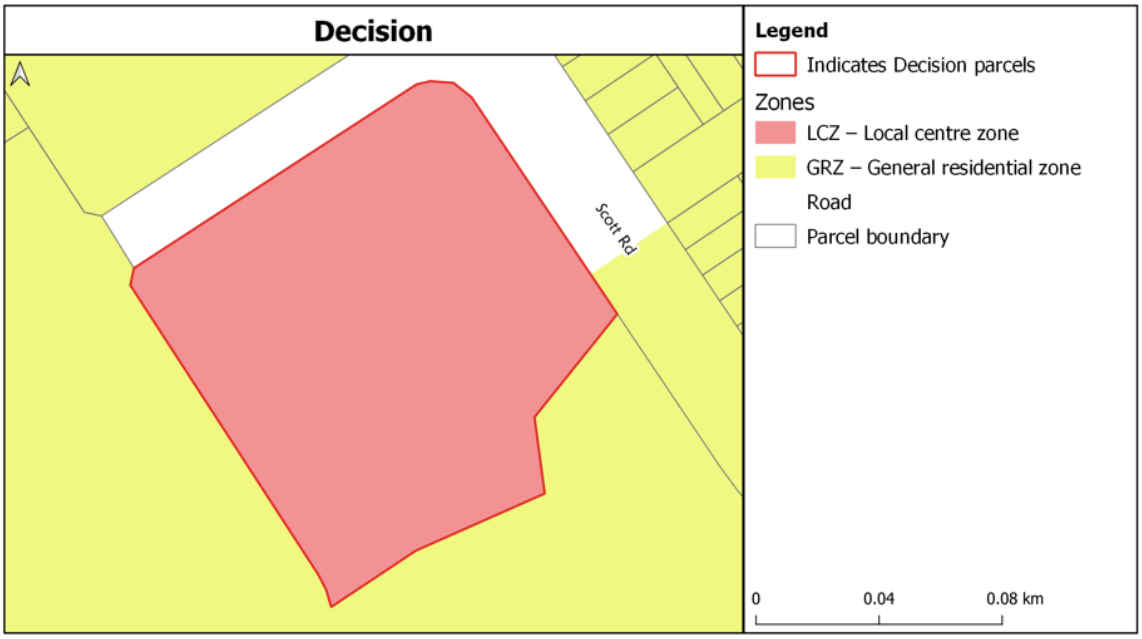

Figure 19: Te Kauwhata

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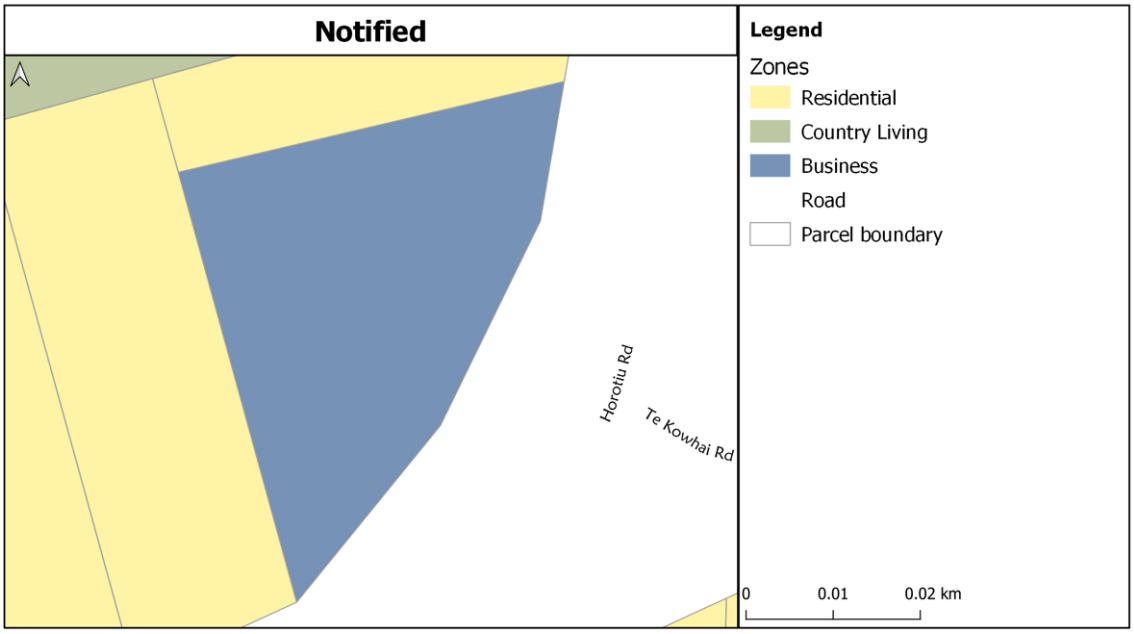

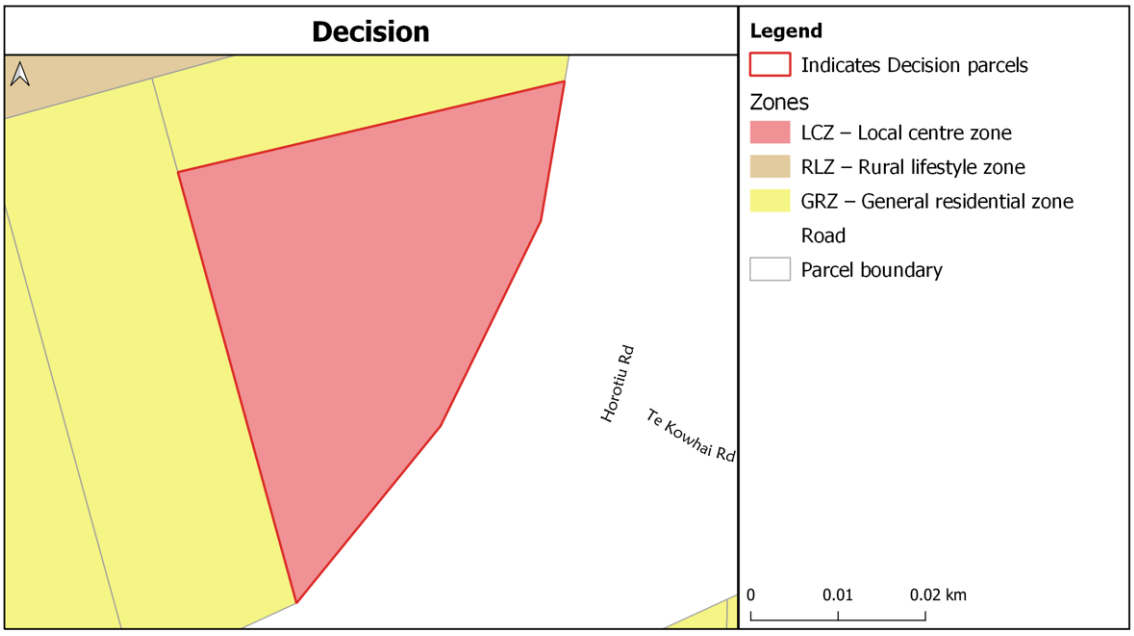

Figure 19: Te Kowhai

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Figure 20: Te Kowhai

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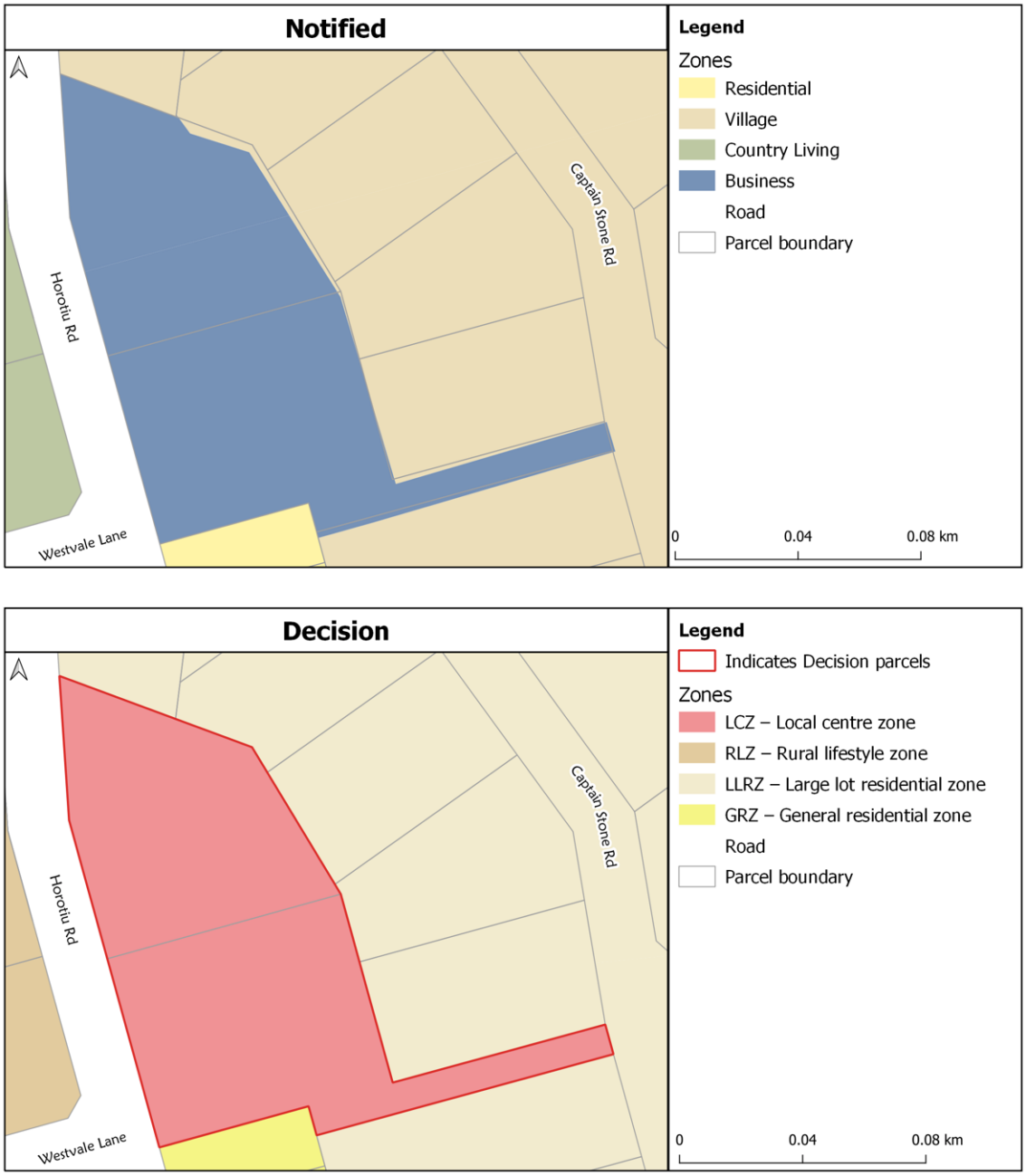

Figure 21: Te Kowhai

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

Figure 22: Whatawhata

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Attachment 2: Changes to Chapter 4.5: Urban Environment

4.5 ~~Business, and Business~~ TCZ – Town Centre zone, LCZ – Local Centre zone, ~~and~~ and COMZ – Commercial zone

4.5.1 Objective – Commercial function and purpose

(a) Commercial activity is focussed within a differentiation of commercial zones ~~and development~~ (comprising the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre zone, the ~~Business~~ COMZ – Commercial Zone, and the BTZ – Business ~~Zone~~ Tamahere Zone ~~and neighbourhood centres~~).

4.5.2 Policy – Commercial function and purpose

(a) ~~Commercial activity develops in a way that:~~

~~(i) Ensures the business town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions;~~

~~(ii) Provides for commercial activities which serve the local convenience needs of the surrounding residential and rural areas, including retail within the LCZ – Local Centre Zone;~~

~~(iii) Provides for larger scale commercial activities within the Business COMZ – Commercial Zone;~~

~~(iv) Provides for small scale convenience retail and community activities within the BTZ – Business Zone Tamahere Zone and neighbourhood centres.~~

TCZ – Town centre zone:

Policy 2 Commercial function and purpose.

(a) Commercial activity develops in a way that ensures the town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions.

LCZ – Local centre zone

Policy 2 Commercial function and purpose.

(a) Provide for commercial activities which serve the local convenience needs of the surrounding areas, including retail within the zone.

COMZ – Commercial zone

Policy 2 Commercial function and purpose.

(a) Larger scale commercial activities are provided for within the zone.

BTZ – Business Tamahere Zone

Policy 2 Commercial function and purpose.

(a) Provide for small scale convenience retail and community activities within the zone.

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4.5.3 Policy – Commercial purpose: Business Town Centre Zone

(a) The role of the business town centres in Raglan, Huntly, Ngaaruawaahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that:
  (i) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and
  (ii) The scale of commercial activities supports their continued viability as the primary retail, administration and commercial service centre for each town; and
  (iii) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.

4.5.X Policy – Commercial purpose: Local Centre Zone

(a) The role of the LCZ - Local Centre Zone is to support the local economy and the needs of businesses by ensuring that:
  (i) The scale of commercial activities supports the local convenience needs of the surrounding residential and rural areas; and
  (ii) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.

4.5.4 Policy – Commercial purpose: ~~Business~~ Commercial Zone

(a) The role of the ~~Business~~ COMZ – Commercial Zone is to support the local economy and the needs of businesses by:
  (i) Providing for a wide range of commercial activities; and
  (ii) Providing for commercial activities at a scale that supports the commercial viability of towns and villages; and
  (iii) Ensuring that commercial activities complement and support the role of business town centres.

4.5.5 Policy – Commercial purpose: Business ~~Zone~~ Tamahere Zone

(a) Ensure that within the BTZ – Business ~~Zone~~ Tamahere Zone commercial development is carried out in a way and at a scale that meets the needs of the community and the catchment it serves.

~~4.5.6 Policy – Commercial purpose: Neighbourhood Ccntres Centres~~

(a) ~~Ensure that within neighbourhood centres convenience retail and commercial activities are carried out in a way that meets the needs of the local communities they are intended to serve.~~

~~4.5.7 Policy – Commercial purpose: Neighbourhood Centres in Structure Plans~~

(a) ~~Neighbourhood centres within new residential areas that are identified through structure plans or master plans are to provide for local scale commercial activities that serve the local communities.~~

4.5.8 Policy – Role and function of the ~~Business~~ Commercial Zone

(a) Ensure the role of the ~~Business~~ COMZ – Commercial zone is complementary to the ~~Business~~ TCZ – Town Centre Zone by:
  (i) Enabling a wide range of commercial activities including large format retail activities within the ~~Business~~ COMZ – Commercial Zone; and
  (ii) Discouraging small scale retail activities, administration and commercial services within the ~~Business~~ COMZ – Commercial Zone.

4.5.9 Policy – Employment opportunities: ~~Business~~ Town Centre Zone, Local Centre Zone and Business Zone

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(a) Commercial development within the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone increases employment opportunities within the district.

4.5.10 Policy – Retail: Business Town Centre Zone, Local Centre Zone and ~~Business~~ Commercial Zone

(a) Locate small scale retail activities within the ~~Business~~ TCZ – Town Centre Zone and LCZ – Local Centre Zone and discourage large scale activities with the exception of supermarkets from establishing within the ~~Business~~ TCZ – Town Centre Zone.
(b) Locate large scale retail and commercial activities ~~to~~ within the ~~Business~~ COMZ – Commercial Zone.

4.5.11 Policy - Residential upper floors: ~~Business~~ Town Centre Zone, Local Centre Zone and ~~Business~~ Commercial Zone

(a) Maintain the commercial viability of the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone while:
    (i) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
    (ii) Avoiding residential activity located at ground level, where it could undermine commercial activity and frontage.

4.5.12 Objective – ~~Business~~ Town Centre - Character

(a) The commercial and mixed use character of Raglan, Huntly, Ngaaruawaahia, Te Kauwhata, Pokeno and Tuakau town centres is maintained and enhanced.
(b) The ~~Business~~ TCZ – Town Centre Zone is promoted as a community focal point.
(c) Development of town centres is designed in a functional and attractive manner serving the needs of the community.

4.5.13 Policy – Town centre built form

(a) The scale and form of new development in the ~~Business~~ TCZ – Town Centre Zone is to:
    (i) provide for a safe, accessible, compact and attractive town centre environment;
    (ii) facilitate the integration of retail shopping, administration and commercial services, residential, civic and community activities;
    (iii) reflect the role and character of the business town centre;
    (iv) increase the prominence of buildings on street corners;
    (v) maintain a low rise built form and small scale, pedestrian focussed retail activities; and
    (vi) manage adverse effects on the surrounding environment, particularly at the interface with residential areas.

4.5.14 Policy – Raglan Town Centre

The provisions notified under this heading are addressed in Decision Report 19: Raglan.

4.5.15 Policy – Huntly Town Centre

(a) Development maintains and enhances the role of the Huntly Town Centre by:
    (i) Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;
    (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; and

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(iii) Providing for a building scale appropriate to the town centre.~~; and~~

~~(iv) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Huntly Town Centre (Appendix 10.3), in particular by:~~

~~A. Providing transparent façades and window displays at ground level;~~

~~B. Providing continuous suspended verandahs sheltering footpaths;~~

~~C. Symmetrical window detailing; and~~

~~D. Promoting active street frontages by developing up to the street boundary.~~

4.5.16 Policy – Ngaaruawaahia Town Centre

(a) Development maintains and enhances the role of the Ngaaruawaahia Town Centre by:

(i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;

(ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;

(iii) Promoting improved pedestrian and cycle linkages with Te Awa River ride, Ngaaruawaahia swimming pool and the town centre; and

~~(iv)~~ Providing for an appropriate building scale with narrow frontages.~~; and~~

~~(v) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Ngaruawahia Town Centre (Appendix 10.2), in particular by:~~

~~A. Recognising and promoting Ngaaruawaahia's cultural and heritage value set within the setting of the Waikato River and Hakarimata Range;~~

~~B. Encouraging the preservation and promotion of Maaori heritage;~~

~~C. Providing transparent façades and window displays at ground level;~~

~~D. Providing continuous suspended verandahs sheltering footpaths;~~

~~E. Providing parking, loading and storage where rear access to buildings exists; and~~

~~F. Promoting active street frontages by developing up to the street boundary.~~

4.5.17 Policy – Te Kauwhata Town Centre

(a) Development maintains and enhances the role of the Te Kauwhata Town Centre by:

(i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;

(ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;

(iii) Providing for an appropriate building scale with narrow frontages; and

~~(iv)~~ Protecting and enhancing the character of existing buildings through new built form. ~~being consistent with the outcomes of the Town Centre Character Statement for Te Kauwhata Town Centre (Appendix 10.5), in particular by:~~

~~A. Providing transparent façades and window displays at ground level;~~

~~B. Providing continuous suspended verandahs sheltering footpaths;~~

~~C. Symmetrical window detailing;~~

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~~D. Promoting mono-pitched sloping flat or low pitched roofs;~~
~~E. Providing parking, loading and storage where rear access to buildings exists;~~
~~F. Promoting mixed-use and residential activities on upper floors;~~
~~G. Recognising the connections between the town centre and the Whangamarino Wetland;~~
~~H. Encouraging the preservation and promotion of cultural features; and~~
~~I. Promoting active street frontages by developing up to the street boundary.~~

4.5.18 Policy – Pokeno Town Centre

(a) Development maintains and enhances the role of the Pokeno Town Centre by:
- (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
- (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
- (iii) Providing for an appropriate building scale with narrow frontages; and
- ~~(iv)~~ Protecting and enhancing the character of existing buildings through new built form. ~~Being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre (Appendix 10.4), in particular by:~~
  - ~~A. Providing transparent façades and window displays at ground level;~~
  - ~~B. Providing continuous suspended verandahs sheltering footpaths;~~
  - ~~C. Providing parking, loading and storage where rear access to buildings exists;~~
  - ~~D. Encouraging the preservation and promotion of cultural features.~~
  - ~~E. Promoting active street frontages by developing up to the street boundary; and~~
  - ~~F. Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance).~~

4.5.19 Policy – Tuakau Town Centre

(a) Development maintains and enhances the role of the Tuakau Town Centre by:
- (i) Maintaining wide open streets, with wide pedestrian footpaths;
- (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; and
- (iii) Providing for an appropriate building scale with narrow frontages.~~; and~~
- ~~(iv) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Tuakau Town Centre (Appendix 10.6), in particular by:~~
  - ~~A. Providing parking, loading and storage where rear access to buildings exists;~~
  - ~~B. Promoting mixed-use and residential activities on upper floors;~~
  - ~~C. Providing transparent façades and window displays at ground level;~~
  - ~~D. Providing continuous suspended verandahs sheltering footpaths;~~
  - ~~E. Encouraging the preservation and promotion of cultural features; and~~

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~~F. Promoting active street frontages by developing up to the street boundary.~~

4.5.20 Policy – Pedestrian frontages: active street frontages – ~~Business~~ Town Centre Zone

(a) Provide for active street frontages in the design or redesign of buildings, and avoid car parking and accessways on sites within the pedestrian frontage area of the ~~Business~~ TCZ – Town Centre zones to enable the maintenance of:
  (i) Passive surveillance;
  (ii) Continuous verandahs;
  (iii) Display windows and building façades;
  (iv) Pedestrian safety; and
  (v) Buildings located up to the street boundary.

4.5.21 Policy - Corner buildings – ~~Business~~ Town Centre Zone

(a) Ensure buildings within ~~Business~~ TCZ – Town Centre Zones positively reinforce corner locations through:
  (i) Building design;
  (ii) The position of the building on the site;
  (iii) Architectural details; and
  (iv) Having prominent building entrances.

4.5.22 Policy – Landscaping - ~~Business~~ Town Centre Zone

(a) Within the ~~Business~~ TCZ – Town Centre Zone and outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.

4.5.23 Policy – Height: ~~Business~~ Town Centre Zone

(a) Ensure the height of new buildings is complementary to, and promotes, the existing character of the business town centre within each town.

4.5.24 Policy – New buildings: ~~Business~~ Town Centre Zone

(a) New buildings within the ~~Business~~ TCZ – Town Centre Zone~~ are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular~~:
  (i) Respond~~s~~ to the specific site characteristics and wider street and town context;
  (ii) Promote~~s~~ architectural form, building features and placement;
  (iii) The design of buildings contributes to vibrancy, character and commercial viability of the town centre;
  (iv) Provide~~s~~ landscape and open space design that responds to the characteristics and qualities of the area;
  (v) Minimise~~s~~ visual and amenity impacts of accessways and parking facilities; and
  (vi) Maximise~~s~~ pedestrian access and safety.

4.5.25 Objective – Local Centre and ~~Business~~ Commercial Zone - Character

(a) The commercial scale, form of buildings and character of the LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone is maintained.

4.5.26 Policy – Landscaping of onsite parking areas – Local Centre and ~~Business~~ Commercial Zone

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(a) Provide a degree of amenity for onsite parking areas within the LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone by ensuring a planting strip is established and maintained.

4.5.27 Policy – ~~Front~~ Strategic infrastructure setback – Local Centre Zone and ~~Business~~ Commercial Zone

(b) Ensure buildings within the LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone are designed and set back from ~~roads~~ strategic infrastructure ~~by:~~
   (i) Retaining the predominant building setback within the street; and
   (ii) Allowing sufficient space for the establishment of landscaping on the site.

4.5.28 Policy – Height: Local Centre Zone and ~~Business~~ Commercial Zone

(a) Ensure the height of new buildings is complementary to, and promotes, the existing character of the LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone and adjoining residential and village zones.

~~**4.5.29 Policy – New buildings: Local Centre Zone and Business Zone**~~

(a) ~~New buildings within the Local Centre Zone and Business Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular:~~
   ~~(i) Responds to the specific site characteristics and wider street;~~
   ~~(ii) Promotes architectural form, building features and placement;~~
   ~~(iii) Provides landscape and open space design that responds to the characteristics and qualities of the area;~~
   ~~(iv) Minimises visual and amenity impacts of accessways and parking facilities; and~~
   ~~(v) Accommodates pedestrian access and safety.~~

4.5.30 Objective – ~~Business~~ Commercial Zone, Local Centre and ~~Business~~ Town Centre Zones – Amenity

(a) The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the ~~Business~~ COMZ – Commercial, LCZ – Local Centre and ~~Business~~ TCZ – Town Centre Zones.

4.5.31 Policy - Reverse sensitivity

(a) Development ~~Reverse sensitivity~~ within ~~Business~~ COMZ – Commercial, LCZ – Local Centre and ~~Business~~ TCZ – Town Centre Zones ~~is managed by ensuring residential activities and development are~~ is acoustically insulated to mitigate the adverse effects of noise.

4.5.32 Policy – Adjoining site amenity

(a) Maintain amenity of adjoining GRZ – General Residential, MRZ – Medium Density Residential or OSZ – Open Space ~~Reserve~~-zoned properties by:
   (i) Requiring buildings within the ~~Business~~ COMZ – Commercial, ~~and Business~~ TCZ – Town Centre and LCZ – Local Centre Zones to be set back from boundaries adjoining GRZ – General Residential, MRZ – Medium Density Residential and Open Space ~~Reserve~~-zoned land; and

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(ii) The progressive reduction in the height of buildings in ~~Business~~ COMZ – Commercial, ~~and Business~~ TCZ – Town Centre and LCZ – Local Centre Zones the closer they are located to boundaries adjoining GRZ – General Residential, MRZ – Medium Density Residential and OSZ – Open Space ~~Reserve~~ Zoned land.

~~**4.5.33 Policy - Reverse sensitivity**~~

(a) ~~Reverse sensitivity is managed by ensuring residential activities and development within the Business Town Centre Zone and Business Zone are acoustically insulated to mitigate the adverse effects of noise.~~

4.5.34 Policy - Temporary events

(a) Enable temporary events and associated temporary structures within the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone, provided any adverse effects on amenity are managed through:
   (i) Limits on the timing, number and duration of events; and
   (ii) Meeting the permitted noise limits for the zone.

4.5.35 Policy – Noise

(a) Adverse effects of noise generated within the ~~Business~~ TCZ – Town Centre , LCZ –Local Centre Zone and ~~Business~~ COMZ – Commercial Zone on sensitive land uses are minimised by:
   (i) Ensuring that the maximum sound levels are compatible with the amenity values of any adjacent General Residential Zone, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone or ~~Village~~ SETZ – Settlement Zone;
   (ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;
   (iii) Maintaining appropriate setback distances between high noise environments and sensitive land uses; and
   (iv) Limiting the timing and duration of servicing and operation of commercial activities;
   (v) Requiring acoustic insulation for dwellings within the ~~Business~~ COMZ – Commercial Zone, ~~and Business~~ TCZ – Town Centre Zone and LCZ – Local Centre Zone.

4.5.36 Policy – Signage

(a) In the ~~Business~~ TCZ – Town Centre, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone provide for:
   (i) The establishment of signs where they are associated with the activity carried out on the site on which they are located;
   (ii) Public information signs that are of benefit to community well-being; and
   (iii) Establishment of signage to support the commercial function and vibrancy of the zones with controls on the size, location, appearance and number of signs to ensure they do not detract from the visual amenity of the surrounding environment.

4.5.37 Policy – Managing the adverse effects of signs

(a) In the ~~Business~~ TCZ – Town Centre, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone ensure that:
   (i) ~~The location, colour, content, and appearance of~~ signs directed at ~~traffic are~~ or visible to road users ~~is~~ are controlled to ensure signs do not

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distract, confuse or obstruct motorists, pedestrians and other road users thereby adversely affecting the safety of road users;

(ii) signs that generate adverse effects from illumination, light spill, flashing, movement or reflection are avoided; and

(iii) the placement of signs do not obstruct the free movement of:

A. Pedestrians along the footpath;

B. Vehicle use of the road carriageway.

4.5.38 Policy – Artificial outdoor lighting

(a) In the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone ensure that:

(i) Artificial outdoor lighting enables night time work, recreation activities, outdoor living, transport and security (including the role of lighting in supporting CPTED);

(ii) The intensity and direction of artificial lighting ~~avoids~~ is managed so that significant glare and light spill to adjacent sites is minimised; and

(iii) Artificial outdoor lighting is installed and operated so that light spill does not compromise the safe operation of the transport network.

4.5.39 Policy – Outdoor storage

(a) The adverse visual effects of outdoor storage in the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone are mitigated through appropriate location, screening or landscaping.

4.5.40 Policy – Objectionable odour

(a) Within the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone ensure that the adverse effects of objectionable odour from activities do not detract from the amenity of other sites.

4.5.41 Policy - Earthworks

(a) ~~Ensure that the adverse effects of~~ Manage earthworks in the ~~Business~~ TCZ – Town Centre Zone, LCZ – Local Centre Zone and ~~Business~~ COMZ – Commercial Zone ~~on adjoining properties and water bodies, are managed~~ to minimise:

(i) the adverse effects ~~and~~ of sediment, ~~of~~ dust and stormwater runoff; and

(ii) adverse effects on heritage.

~~4.5.42 Policy – Adjoining site amenity~~

(a) ~~Maintain amenity of adjoining properties by:~~

~~(i) In the Business Zone:~~

~~A. Requiring buildings to be setback from boundaries adjoining all zones except Industrial and Heavy Industrial Zoned land; and~~

~~(ii) In the Business Town Centre Zones:~~

~~A. Requiring the progressive reduction in the height of buildings the closer they are located to boundaries adjoining all zones except Industrial and Heavy Industrial zoned land.~~

4.5.43 Objective - Emergency services

Recognise the essential support role of emergency services training and management activities and their important contribution to the health, safety and wellbeing of people.

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4.5.44 Policy - Emergency services facilities and activities

Enable the development, operation and maintenance of emergency services training and management facilities and activities within the business zones.

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Chapter 9: Specific Zones

9.4 Business Zone Tamahere

9.4.1 Objective – Community hub

(a) Development within the ~~Business~~ ~~Z~~zone ~~Tamahere~~ contributes to a community hub that is integrated, cohesive and sustainable.

9.4.1.1 Policy - Development

(a) Development within the ~~Business Z~~zone ~~Tamahere~~:
   (i) Is carried out in accordance with the development plan;
   (ii) Is integrated and connected to the ~~Reserve~~ OSZ - Open Space Zone and Village Green;
   (iii) Is at a scale that achieves sustainable economic and environmental out comes;
   (iv) Provides for a compact and commercially vibrant neighbourhood centre consisting of a diverse range of small-scale retail activities; and
   (v) Ensures subdivision takes into account any share facilities that are managed under a communal management structure.

~~**9.4.1.2 Policy – Design guides**~~

~~(a) Ensure new development is complementary to the Tamahere Village Design Guide, and in particular:~~
   ~~(i) Acknowledges local cultural and historic values;~~
   ~~(ii) Achieves consistency of building scale, form, layout and design theme across the Tamahere Business Zone, Reserve Zone and Village Green;~~
   ~~(iii) Promotes a village character;~~
   ~~(iv) Provides amenity planting that minimises the adverse visual effects of hard structures, car parking areas, outdoor storage and servicing areas; and~~
   ~~(v) Promotes vehicle and pedestrian safety.~~

9.4.1.3 Policy – Subdivision

(a) Subdivision of leasable units provides for the ongoing management and use of common facilities.

9.4.2 Objective – Adverse effects of land use

(a) The health, safety and well-being of people, communities and the environment are protected from the adverse effects of land use and development within the ~~Business~~ Zone ~~Tamahere~~.

9.4.2.1 Policy – Noise

(a) Adverse effects of noise on sensitive land uses are minimised by:
   (i) Ensuring that the maximum sound levels are compatible with activities permitted in the BTZ - Business Tamahere Zone and the adjacent RLZ – Rural lifestyle ~~Country Living~~ Zone;
   (ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities; and
   (iii) Limiting the timing and duration of servicing and operation of commercial activities.

9.4.2.2 Policy – Artificial outdoor lighting

(a) Provide for artificial outdoor lighting to enable night time work, recreation activities, outdoor dining, transport and security.
(b) Control the intensity and direction of artificial lighting to avoid significant glare and light spill on adjacent sites.
(c) Ensure artificial outdoor lighting is installed and operated so that light spill does not compromise the safe operation of the transport network.

9.4.2.3 Policy – Outdoor storage

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(a) The adverse visual effects of outdoor storage are managed through screening or landscaping.

9.4.2.4 Policy – Signage

(a) Provide for the establishment of signs where they are directly associated with the activity carried out on the site on which they are located;
(b) Recognise that public information signs provide a benefit to community well-being; and
(c) Enable the establishment of signage to support the commercial function of the BTZ - Business ~~Zone~~ Tamahere zone with controls on the size, location, appearance and number of signs to ensure theydo not detract from the visual amenity and character of the neighbourhood centre.

9.4.2.5 Policy – Managing the adverse effects of signs

(a) The location, colour, content, and appearance of signs directed at traffic are controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road users;
(b) Enable signs in the BTZ - Business ~~Zone~~ Tamahere zone that contribute to an efficient, attractive and vibrantneighbourhood centre;
(c) Avoid signs that generate adverse effects from illumination, light spill, flashing or reflection; and
(d) Ensure that the placement of signs do not obstruct the free movement of:
    (a) pedestrians along the footpath; and
    (b) vehicle use of the road carriageway.

9.4.2.6 Policy – Managing the adverse effects of activities

(a) Avoid activities such as large scale retail and drive through services that will detract from the character and amenity of a small scale neighbourhood centre;
(b) Avoid residential activities, travellers' accommodation and overnight health care facilities given the physical constraints of the land area available for effective wastewater disposal.

9.4.2.7 Policy – Managing effluent disposal

(a) Any effluent disposal system in the ~~Business~~ ~~Z~~zone ~~Tamahere~~ shall be designed, installed and managed to:
    (i) provide a means of treating and disposing of sanitary wastewater to ensure that there is no detectable increase in effluent discharge across the boundary of the site, except where a cross boundary effluent disposal system is agreed between the owner/s of land within the ~~Business Z~~zone ~~Tamahere~~ and Waikato District Council;
        A. reflect the nature of the site conditions and constraints associated with the property and building development, demonstrating that the soil and ground water conditions have been considered in the design;
        B. meet the Australian/New Zealand Standard for Onsite Domestic Wastewater Management AS/NZS 1547:2012; and
        C. demonstrate that ground water and surface water quality is not degraded as a result of the discharge or in combination with other discharges.

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Attachment 3: Changes to Chapter 18: ~~Business~~ TCZ – Town Centre ~~Z~~zone rules

(1) The rules that apply to activities in the ~~Business~~ TCZ – Town Centre ~~Z~~zone are contained in Rule 18.1 Land Use – Activities, Rule 18.2 Land Use – Effects and Rule 18.3 Land Use – Building.
(2) The rules that apply to subdivision in the ~~Business~~ TCZ – Town Centre ~~Z~~zone are contained in Rule 18.4 and the relevant rules in 14 Infrastructure and Energy and 15 Natural Hazards and Climate Change (Placeholder).
(3) The activity status tables and standards in the following chapters also apply to activities in the ~~Business~~ TCZ – Town Centre ~~Z~~zone:
14 Infrastructure and Energy;
15 Natural Hazards and Climate Change (Placeholder).
(4) The following symbols are used in the tables:
(a) PR Prohibited activity
(b) P Permitted activity
(c) C Controlled activity
(d) RD Restricted discretionary activity
(e) D Discretionary activity
(f) NC Non-complying activity.

18.1 Land Use – Activities

18.1.1 Prohibited Activities

(i) The following activity is a prohibited activity. No application for resource consent for a prohibited activity can be made and resource consent must not be granted.

PR1	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 8).

18.1.2 Permitted Activities

(a) The ~~following~~ activities listed below are permitted activities if they meet all of the following:
(i) Activity-specific standards;
(ii) Land Use – Effects rules in Rule 18.2 (unless the activity-specific rule and/or ~~activity specific conditions~~ standards identif~~y~~ies a ~~condition~~ standard(s) that does not apply); and
(iii) Land Use – Building rules in Rule 18.3 (unless the activity-specific rule and/or ~~activity specific conditions~~ standards identif~~y~~ies a ~~condition~~ standard(s) that does not apply).
~~(iv) Activity specific conditions~~

Activity		**Activity-specific ~~conditions~~ standards**
P1	Commercial activity	Nil
P2	Residential activity This includes occupation of a single residential unit for short term rental.	(a) Located above ground floor level (b) The entrance lobby, stairwell or lift may be located on the ground floor level
PX	Supermarket	Nil
~~P3~~	~~Commercial services~~	~~Nil~~
~~P4~~	~~Retail activity~~	~~Nil~~

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P5	~~Travellers'~~ Visitor accommodation	Nil
P6	Community ~~activity~~ facility	Excluding a cemetery
P7	Health facility	Excluding a hospital
P8	Office	Located above ground floor level within the Verandah Line~~'~~ notation
P9	Public transport facility	Nil
P10	A temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: (i) erected no more than 2 days before the event occurs; and (ii) removed no more than 3 days after the end of the event; and (e) The site is returned to its ~~original~~ previous condition no more than 3 days after the end of the event; and (f) There is no direct site access from a national route or regional arterial road.
P11	Emergency services training and management activities	Nil
P12	Additions and alterations to an existing emergency service facility	Nil
P13	Construction or alteration of a building for a sensitive land use	(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.
P14	Community corrections activity	Nil
P15	Construction, demolition, addition, and alteration of a building or structure	

18.1.3 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities.
(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		~~**The Council's discretion shall be limited to the following matters**~~ **Matters of Discretion:**
RD1	(a) A multi-unit development that meets all of the following ~~conditions~~ standards:	~~(a) The extent to which the development is consistent with the Town Centre Guidelines contained in Appendix 3.3;~~

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(i) ~~The~~ Land Use – Effects in Rule 18.2;

(ii) ~~The~~ Land Use – Building in Rule 18.3, except the following rules do not apply;

A. Rule 18.3.9 (~~Dwellings~~ Residential units) does not apply;

B. Rule 18.3.10 (outdoor living space ~~living court~~) does not apply;

C. Rule 18.3.4 (Display Windows and building facades) does not apply;

D. G. Rule 18.3.5 (Verandahs) does not apply

~~(b) The multi-unit development must be located above the ground floor level;~~

~~(c) The entrance lobby, stairwell or lift may be located on the ground floor level;~~

(d) A detailed site plan depicting the proposed record of title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule 18.4.2 (Subdivision of multi- unit developments);

(e) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Appendix 1 (Acoustic Insulation), Table 14;

(f) A communal service court is provided comprising;

(i) minimum area of 20m²; and

(ii) minimum dimension of 3m.

(g) Outdoor living space ~~Living court~~ areas are provided ~~above ground floor level~~ to meet the following minimum requirements for each residential unit:

Residential Unit	Minimum ~~Living Court~~ Outdoor living space Area	Minimum Dimensions
Studio unit or 1 bedroom	10m²	2m
2 or more bedrooms	15m²	2m

~~(b) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4;~~

Design:

(c) The extent to which that portion of the building or site which fronts a road or public space:

(i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels.

(ii) Avoids the use of impermeable screens or fencing that obstruct visual connections.

(iii) Avoids unrelieved and blank façades.

(iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade.

(v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity.

(vi) Minimises vehicle garaging/parking or manoeuvring areas.

(vii) Service Courts are screened or obscured.

On-site Amenity

(d) The extent to which the design:

(i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living spaces.

(ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects.

(iii) Maximises opportunities for passive solar gain within units.

Infrastructure

(e) The extent to which the design can be efficiently serviced with 3 waters infrastructure.

Natural hazards

(f) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.

~~(g) The extent to which the development contributes to and engages with adjacent streets and public open space;~~

~~(h) The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials;~~

~~(i) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles;~~

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<table>
<tr>
<td></td>
<td>(h) Each residential unit must meet the following minimum unit size:
<table>
<tr><td>Unit or Apartment Area</td><td>Minimum Unit</td></tr>
<tr><td>~~Studio Unit or 1 bedroom unit~~</td><td>~~60m²~~</td></tr>
<tr><td>~~2 bedroom unit~~</td><td>~~80m²~~</td></tr>
<tr><td>~~3 bedroom unit~~</td><td>~~100m²~~</td></tr>
<tr><td>Studio Unit</td><td>35m²</td></tr>
<tr><td>1 or more bedroom unit</td><td>45m²</td></tr>
</table>
</td>
<td>~~(j) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;~~
(k) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.
~~(l) Avoidance or mitigation of natural hazards;~~
~~(m) Geotechnical suitability for building;~~
(n) ~~Adequacy of the communal service court for the intended purpose.~~</td>
</tr>
<tr>
<td>RD2</td>
<td>(a) The construction of any new building that meets all of the following ~~conditions~~ standards:
(i) The Land Use – Effects in Rule 18.2;
(ii) The Land Use – Building in Rule 18.3 except;
A. Rule 18.3.9 (~~Dwellings~~ Residential units) does not apply;
B. Rule 18.3.10 (Outdoor living space ~~Living court~~) does not apply;</td>
<td>(a) The Council's discretion shall be limited to the following matters:
(i) The extent to which the building is consistent with the following matters ~~listed in Appendix 3.3 (Town Centre Design Guidelines)~~ including:
A. A site and contextual analysis ~~that identifies and addresses the matters listed in section 3.3~~;
B. A connectivity and movement network analysis ~~that addresses the matters listed in section 4.3~~;
C. A neighbourhood character assessment ~~that identifies and addresses the elements listed in section 5~~; and
D. ~~Detailed d~~Design illustrating how the building will promote these character elements ~~to achieve the outcomes sought in section 5.2 of the design guide~~.
~~(ii) Consistency with the relevant Town Centre Character Statement contained within Appendix 10.1-10.6 (Town Centre Character Statements).~~</td>
</tr>
<tr>
<td>RD3</td>
<td>(a) Offices located at ground floor level within the Verandah Line's notation</td>
<td>(a) The Council's discretion shall be limited to the following matters:
(i) Streetscape effects including ways in which to activate visual connection and interest between pedestrians and the office; and
(ii) Extent of glazing and length of frontage of the office to the street.</td>
</tr>
<tr>
<td>RD4</td>
<td>(a) Residential located at ground floor</td>
<td>(a) The Council's discretion shall be limited to the following matters:
(i) Streetscape effects;
(ii) The extent to which the residential activity effects the primary purpose of the TCZ – Town Centre zone to provide for retail, administration, civic and commercial activities.</td>
</tr>
<tr>
<td>RD4</td>
<td>(a) Educational facility</td>
<td>(a) The Council's discretion shall be limited to the following matters:</td>
</tr>
</table>

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		(i) The extent to which it is necessary to locate the activity with the TCZ – Town Centre Zone; (ii) Reverse sensitivity effects of adjacent activities; (iii) The extent to which the activity may adversely impact on the transport network; (iv) The extent to which the activity may adversely impact on the streetscape; and (v) The effects of noise.
RD5	Construction or alteration of a building for a sensitive land use that does not comply with Rule 18.1.2 P13	Council's discretion shall be restricted to the following matters: a. Effects on the amenity values of the site; b. The risk of electrical hazards affecting the safety of people; c. The risk of damage to property; and (b) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.
RD6	Construction of emergency service facilities	Council's discretion shall be restricted to the following matters: (b) Effects on amenity of the locality. (c) Effects on character. (d) Road efficiency and safety. (e) Building design. (f) Site layout and design; and (f) Privacy on other sites.

18.1.3 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with one or more of the activity-specific ~~conditions~~ standards for a permitted activity (Rule 18.1.2) ~~unless a lesser activity status under Land Use - Effects Rule 18.2 or Land Use - Building Rule 18.3 applies~~.
D2	Any multi-unit development that does not comply with (Rule 18.1.3) unless a stricter activity status applies under Rule 18.1.5.
D3	Emergency service facilities.
D4	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary, Discretionary or Non-Complying.

18.1.5 Non-Complying Activities

(1) The activities below are non-complying activities.

NC1	Construction of a building located on an indicative road.
~~NC2~~	~~Residential activity on the ground floor.~~
~~NC3~~	~~A multi-unit development located on the ground floor.~~

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~~NC4~~	~~Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.~~

18.2 Land Use – Effects

(1) Rules 18.2.1.1 and 18.2.1.2 provide the permitted noise levels for noise generated by land use activities.
(2) Rule 18.2.1.1 Noise – General provides permitted noise levels in the ~~Business~~ TCZ – Town Centre ~~Z~~zone.
(3) Rule 18.21.2 Noise – Construction provides the noise limits for construction activities.

18.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any (i) In the ~~Business~~ TCZ – Town Centre ~~Z~~zone must not exceed: A. 65dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7am to 11pm every day; and B. 55dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~; 11pm to 7am the following day; and C. 85dB L_{Amax} ~~(L_{Amax}),~~ 11pm to 7am the following day; or (ii) In the GRZ – General Residential Zone, MRZ – Medium Density Residential Zone, Large Lot Residential Zone and ~~Village~~ SETZ - Settlement Zone must not exceed: A. 55dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7am to 7pm; and B. 50dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7pm to 10pm; and C. 40dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~,, 10pm to 7am the following day; and D. 65dB L_{Amax} ~~(L_{Amax})~~, 10pm to 7am the following day. (b) Noise measured within any site in any zone other than the TCZ – Town Centre zone, GRZ – General Residential Zone, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone or SETZ - Settlement Zone must meet the permitted noise levels for that zone. (c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound. (d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics - Environmental.
~~P3~~	~~Noise measured within any site in any zone other than the Business Town Centre Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.~~
~~P4~~	~~(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics~~ ~~(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics~~
D1	Noise that does not comply with Rule~~s~~ 18.2.1.1 P2.~~, P3 or P4.~~

18.2.1.2 Noise – Construction

P1	(a) Construction noise must ~~meet~~ not exceed the limits in NZS 6803:1999 Acoustics – Construction Noise; and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.
~~P2~~RD1	(a) Construction noise that does not comply with Rule 18.2.1.2 P1. (b) The Council's discretion is limited to the following matters: (i) Effects on amenity values; (ii) Hours of construction; (iii) Noise levels; (iv) Timing and duration; (v) Methods of construction.

18.2.2 Servicing and hours of operation

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

P1	(a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ - General Residential Zone, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone or SETZ - Settlement Zone ~~and Village~~ Zones must only occur between ~~6.30~~ 6.00am and ~~7.30~~8.00pm.
RD1	(a) Servicing and operation of a commercial activity that does not comply with Rule 18.2.2 P1. (b) The Council's discretion is limited to the following matters: (i) Effects on amenity values on adjoining sites within the GRZ - General Residential Zone, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone or SETZ - Settlement Zone ~~and Village~~ Zone; (ii) Timing, duration and frequency of adverse effects; (iii) Location of activity in relation to zone boundary; (iv) Location of activity in relation to ~~dwellings~~ residential units on adjoining sites; (v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.

18.2.3 Glare and artificial light spill

P1	Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any ~~other~~ site zoned GRZ - General Residential, , MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone, SETZ - Settlement Zone or RLZ – Rural Lifestyle Zone.
RD1	(a) Illumination that does not comply with Rule 18.2.3 P1. (b) The Council's discretion shall be limited to the following matters: (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; (vi) Mitigation measures.

18.2.4 Earthworks

(1) Rule 18.2.4.1 – Earthworks - General provides the permitted rules for earthworks activities within the ~~Business~~ TCZ – Town Centre ~~Z~~zone. This rule does not apply in those areas specified in ~~Rules 18.2.4.1 and~~ Rule 18.2.4.2.

(2) There is a specific standard for earthworks within rule:
   (a) Rule 18.2.4.2 – Maaori Sites and Maaori Areas of Significance.

18.2.4.1 Earthworks – General

P1	(a) Earthworks within a site must meet all of the following ~~conditions~~ standards: (i) Earthworks must be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Earthworks must not exceed a volume of more than 250m^3 and an area of more than 1,000m^2 within a site over any single consecutive 12 month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, ~~not including any surcharge,~~ does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are set back at least 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of ~~the commencement~~ cessation of the earthworks or finished with a hardstand surface; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;

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	(vii) Earthworks must not divert or change the nature of natural water flows, waterbodies or established drainage paths; (viii) Earthworks must not result in the site being unable to be serviced by gravity sewers.
P2	(a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is: (i) subject to an approved building consent; and (ii) the earthworks occur wholly within the footprint of the building. (b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall. (c) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.
P3	(a) Earthworks using t~~T~~he importation of fill material to a site must meet all of the following ~~conditions~~ standards ~~in addition to Rule 17.2.4 P1~~: (i) ~~Does~~ Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill); ~~(ii) Is fit for compaction;~~ (iii) The ~~height~~ slope of the resulting ~~batter face~~ filled area in stable ground must not exceed~~1.5m with~~ a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Fill material is set back at least 1.5m from all boundaries; (v) ~~Does not restrict the ability for land to drain;~~ ~~(vi) Is not located within 1.5m of public sewers, utility services or manholes;~~ ~~(vii) The sediment from fill material is retained on the site.~~ (viii) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks; (ix) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (x) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RD1	(a) Earthworks that do not comply with Rules 18.2.4.1 P1 or P2. (b) The Council's discretion shall be limited to the following matters: (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iii) Contamination of fill material; (iv) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (v) Compaction of the fill material; (vii) Volume and depth of fill material; (vi) Protection of the Hauraki Gulf Catchment Area; (vii) Geotechnical stability; (viii) Flood risk, including natural water flows and established drainage paths (ix) Land instability, erosion and sedimentation; (x) Proximity to underground services and service connections.

18.2.4.2 Earthworks - Maaori Sites and Maaori Areas of Significance

The provisions notified under this heading are addressed in Decision Report 7: Maaori Sites and Areas of Significance

18.2.5 Hazardous substances

The provisions notified under this heading are addressed in Decision Report 11: Hazardous Substances and Contaminated Land

18.2.6 Notable trees

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

18.2.7 Signs

(1) Rule 18.2.7.1 Signs – General provides permitted standards for any sign, including real estate signs, across the entire ~~Business~~ TCZ – Town Centre ~~Z~~zone.
(2) Rule 18.2.7.2 Signs – Effects on traffic apply specific standards for any sign that is directed at road users.

18.2.7.1 Signs – General

P1	A public information sign erected by a government agency.
P2	(a) A sign must comply with all of the following ~~conditions~~ standards: (i) The sign height does not exceed 10m; (ii) Where the sign is illuminated it must: A. Not have a light source that flashes or moves; and B. Not contain moving parts or reflective materials; and C. Be directed to ensure it does not spill light beyond the site; (iii) Where the sign is attached to a building, it must: A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (iv) Where the sign is attached to a verandah, it must: A. Be set back at least 500mm from the road carriageway; and B. Not be more than 500mm high; and C. Not project beyond the roof or fascia of the verandah more than 100mm in any direction; and D. Allow clearance of at least 2.4m above a footpath; (v) Where the sign is a freestanding sign, it must: A. Not exceed an area of 3m2 for one sign, and 1m2 for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the GRZ – General Residential Zone or MRZ – Medium Density Residential Zone; (vi) The sign must be wholly contained on the site except where it is attached to a verandah; (vii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (viii) The sign is not attached to for the purpose identification and interpretation of a heritage item listed in Schedule 30.1(Heritage Items) except for the purpose of identification and interpretation; (ix) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation; (x) The sign relates to: A. Goods or services available on the site; or B. A property name sign.
P3	(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following ~~conditions~~ standards: ~~(i) It relates to the sale of the site on which it is located;~~ (ii) There ~~is~~ are no more than ~~1~~3 signs per ~~agency~~ site; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.
P4	Official sign

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P5	Signs that are located within a building or that are not visible from a road or adjoining site.
RD1	(a) A sign that does not comply with Rules 18.2.7.1 P2 or P3. (b) The Council's discretion shall be limited to the following matters: (i) Effects on amenity and town centre character; (ii) Extent to which the sign is consistent with the character of the town centre in which it is located; ~~(iii) Extent to which the sign is consistent with the Urban Design Guidelines, Town Centres;~~ (iv) Effects on traffic safety; (v) Effects of glare and artificial light spill; (vi) Content, colour and location of the sign; (vii) Effects on notable trees; (viii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (ix) Effects on cultural values of any Maaori site of significance; (x) Effects on notable architectural features of the building.

18.2.7.2 Signs - Effects on traffic

P1	(a) Any sign directed at ~~road~~ land transport users must meet all of the following standards: (i) Not imitate the content, colour or appearance of any traffic control sign; (i) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign; (ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iii) Contain no more than 40 characters and no more than 6 words and/or symbols; (iv) Have lettering that is at least 150mm high; and ~~(v) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.~~ (vi) Rule P1(a) does not apply to site identification signs.
D1	Any sign that does not comply with Rule 18.2.7.2 P1.

18.2.8 Outdoor storage

P1	(a) Outdoor storage of goods or materials must comply with all of the following ~~conditions~~ standards: (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; (iii) Rules 17.3.1 Height and 17.3.2 ~~Daylight admission~~ Height in relation to boundary; and (iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: A. Public road; B. Public reserve; and C. Adjoining site in another zone.
RD1	(a) Outdoor storage of goods or materials that do not comply with Rule 18.2.8. (b) The Council's discretion shall be limited to the following matters: (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; (iv) Measures to mitigate adverse effects.

18.3 Land Use – Building

18.2.4 Height

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

(1) Rule 18.3.1.1 Height – Building general provides permitted height levels across the entire ~~Business~~ TCZ – Town Centre ~~Z~~zone
(2) Where sites are located within the Raglan Navigation Beacons height restriction plane, as identified on the planning maps and Appendix 7 (Raglan Navigation Beacon), the prohibited activity rule, Rule 18.1.1 PR1, may apply.

18.3.1.1 Height – Building general

P1	(a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 12~~10~~m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure; (c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m.
RD1	(a) Any building that does not comply Rule ~~17~~18.3.1.1 P1. (b) The Council's discretion shall be restricted to any of the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on an adjoining site; (iv) Privacy on adjoining sites.

18.3.2 ~~Daylight admission~~ Height in relation to boundary

P1	(a) Any building or structure must not protrude through a height control plane rising at an angle of ~~37~~ 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the: (i) GRZ – General Residential Zone; (ii) MRZ – Medium Density Residential Zone; ~~(iii) Village Zone;~~ LLRZ – Large Lot Residential Zone; (iv) SETZ – Settlement Zone; (v) ~~Country Living~~ RLZ – Rural Lifestyle Zone; (vi) ~~Reserve~~ OSZ – Open Space Zone.
RD1	(a) Any building that does not comply with Rule ~~17~~18.3.2 P1. (b) The Council's discretion shall be ~~limited~~ restricted to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Level of shading on any other sites adjoining site; (iv) Privacy on other site; (v) Amenity values of the locality.

18.3.3 Gross leasable floor area

P1	~~Any~~ Every individual tenancy (excluding supermarkets) must have a gross leasable floor area of no more than 350m^2.
D1	~~Any individual tenancy (excluding supermarkets) with a gross leasable floor area over 350m^2 and no greater than 500m^2.~~ Any individual tenancy that does not comply with Rule 18.3.3 P1.
~~NC1~~	~~Any individual tenancy with a gross leasable floor area over 500m^2.~~

18.3.4 Display windows and building façades

P1	(a) Any new building façade adjoining a road boundary, or alteration of an existing building façade, adjoining a road boundary must comply with the following ~~conditions~~ standards: (i) Not be set back from the road boundary at ground floor level; and

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	(ii) Provide display windows comprising at least 50% of the building façade at ground floor level. (b) Rule 18.3.4 P1(a) does not apply to the entrance lobby, stairwell or lift located at ground floor level that services an above ground level multi-unit development.
RD1	A building that does not comply with Rule 18.3.4 P1. (a) The Council's discretion shall be limited to the following matters: (i) Design and location of the building having regard to the operational and functional requirements of the activity to be accommodated (ii) Extent to which the activity achieves the intent of the control by other means, to enable passive surveillance and promote pedestrian safety (iii) Effects on amenity values and town centre character.

18.3.5 Verandahs

P1	(a) Any new building, or alteration to the frontage of an existing building, on land with a verandah line identified on the planning maps, must be provided with a verandah that complies with the following ~~conditions~~ standards: (i) Is attached to the façade of the building; (ii) Has a height above the footpath of at least 2.5m but not more than 3.5m; (iii) Has a minimum width of 3m; (iv) The outer edge of the verandah is set back 0.5m from the kerb; (v) It is attached to any verandahs on adjoining buildings, so as to provide continuous pedestrian shelter; (vi) It is cantilevered from the building. (b) Rule 18.3.5 P1(a) does not apply to a building included in Schedule 30.1 – Historic Heritage Items.
RD1	(a) Any verandah that does not comply with Rule 18.3.5 P1. (b) The Council's discretion shall be restricted to the following matters: (i) The effects on the amenity of the streetscape, including providing continuous pedestrian shelter and town centre character; (ii) The character and layout of the building; (iii) The nature, design and location of the verandah; and (iv) The functional requirements of the activities that the buildings are intended to (v) accommodate.

18.3.6 Building setbacks - zone boundaries

P1	(c) A building must be set back a minimum of: (i) ~~7.5~~3m from rear and side boundaries adjoining any: A. GRZ – General Residential Zone; B. MRZ – Medium Density Residential Zone ~~Village Zone~~; C. ~~Country Living~~ RLZ – Rural Lifestyle Zone; D. LLRZ – Large Lot Residential Zone; E. SETZ – Settlement Zone; and F. ~~Reserve~~ OSZ – Open Space Zone; (ii) 1.5m from rear and side boundaries adjoining any: A. GRUZ – General Rural Zone; B. GIZ – General Industrial Zone; C. HIZ – Heavy Industrial Zone. Rule 18.3.6 P1 does not apply to a structure which is not a building.
RD1	(a) A building that does not comply with Rule 18.3.6 P1. (b) Council's discretion shall be restricted to the following matters: (i) Height, design and location of the building relative to the boundary; (ii) Impacts on the privacy for adjoining site(s);

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	(iii) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and (iv) Landscaping and/or screening.

18.3.7 Building setbacks – Water-bodies

P1	(a) Any building must be setback a minimum of: (i) ~~23~~ 27.5m from the margin of any: A. Lake; B. Wetland. (ii) ~~23~~ 27.5m from the bank of any river (other than the Waikato River and Waipa River); and (iii) ~~23~~ 32.5m from the margin of either the Waikato River and the Waipa River; (iv) ~~23~~ 27.5m from mean high water springs (v) 10m from any artificial wetland Rule 18.3.7 P1(a) does not apply to a structure which is not a building.
P2	A public amenity of up to 25m2 or pump shed (private or public) within any building setback identified in Rule 18.3.7 P1.
D1	Any building that does not comply with Rules 18.3.7 P1 or P2.

18.3.8 ~~Dwellings~~ Residential units

P1	(a) One ~~dwelling~~ residential unit ~~within a lot~~ on a record of title. (b) The ~~dwelling~~ residential unit must comply with all of the following ~~conditions~~ standards: (i) The ~~dwelling~~ residential unit must not be located at ground level; (ii) The entrance lobby, stairwell or lift may be located on the ground floor level; (iii) The ~~dwelling~~ residential unit must achieve the internal design sound levels specified in Appendix 1 (Acoustic Insulation), Table 14; (iv) Rule 18.3.8 P1(a) does not apply to multi-unit development (refer to Rule 18.1.3 RD1 (Multi-Unit Development).
D1	Any ~~dwelling~~ residential unit that does not comply with Rule 18.3.8 P1.~~(ab)(ii).~~
~~NC1~~	~~Any dwelling that does not comply with Rule 18.3.8(a)(i).~~

18.3.9 ~~Living court~~ Outdoor living space

P1	(a) An outdoor living space ~~living court~~ must be provided for each ~~dwelling~~ residential unit that meets all of the following ~~conditions~~ standards: (i) It is for the exclusive use of the occupants of the ~~dwelling~~ residential unit; (ii) It is readily accessible from a living area of the ~~dwelling~~ residential unit; (iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m.
RD1	(a) An outdoor living space ~~living court~~ that does not comply with Rule 18.3.9 P1. (b) Council's discretion shall be restricted to the following matters: (i) Design and location of the building; (ii) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed; (iii) Privacy on adjoining sites; (iv) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.

18.3.10 Historic Heritage

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

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18.4 Subdivision Rules

(1) Rules 18.4.1 and 18.4.2 provide for subdivision density ~~and apply across~~ within the ~~Business~~ TCZ – Town Centre ~~Z~~zone.
  (a) Rule 18.4.2 (Subdivision – Multi-unit development) supersedes Rule 18.4.1 (General Subdivision).
(2) Subdivision Controls
  (a) Rules 18.4.1 and 18.4.2 are subject to the following subdivision controls:
    (i) Rule 18.4.3 – subdivision boundary adjustments
    (ii) Rule 18.4.4 – subdivision amendments and updates to cross lease flats plans
    (iii) Rule 18.4.5 – subdivision title boundaries, Maaori sites of significance and Maaori areas of significance to Maaori
    (iv) Rule 18.4.6 - subdivision of land containing heritage items
    (v) Rule 18.4.7 - subdivision esplanade reserves and esplanade strips.

18.4.1 Subdivision - general

RD1	(a) Subdivision ~~shall~~ must comply with all of the following ~~conditions~~ standards: (i) ~~Proposed lots~~ The record of title shall have a minimum size of 225m² net site area, with the exception of access or utility allotments or reserves to vest or a Unit Title subdivision of existing lawfully established buildings; (ii) All ~~P~~proposed lots shall be connected to public-reticulated water supply and wastewater. (b) The Council's discretion shall be limited to the following matters: (i) Amenity values; (ii) The extent to which a range of future business activities can be accommodated; (iii) Impact on the operation, maintenance, upgrading and development of existing infrastructure.
D1	Subdivision that does not comply with Rule 18.4.1. RD1.

18.4.2 Subdivision - Multi-unit subdivision

RD1	(a) Subdivision for multi-unit development shall comply with all of the following ~~conditions~~ standards: (i) An application for land use consent under Rule 18.1.3 (Multi-Unit Development) must either accompany the subdivision or have been granted resource consent by Council; (ii) Be connected to public wastewater and water reticulation; (iii) Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size: (b) The Council's discretion shall be limited to the following matters: (i) Subdivision layout including notional boundaries for the multi-unit development; (ii) Compliance with the proposed or approved land use resource consent; (iii) Provision of common areas for shared spaces, access and services; (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape;

Unit of Apartment	Minimum Unit Area
~~Studio unit or 1 bedroom unit~~	~~60m²~~
~~2 bedroom unit~~	~~80m²~~
~~3 bedroom unit~~	~~100m²~~
Studio unit	35m²
1 or more bedroom unit	45m²

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	~~(vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-unit development guideline);~~ (viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres. ~~(ix) Vehicle, pedestrian and cycle networks;~~ ~~(x) Safety, function and efficiency of road network and any internal roads or accessways.~~
D1	Subdivision that does not comply with Rule 18.4.2 RD1.

18.4.1 Subdivision - general

C1	(a) ~~A~~ Bboundary adjustment~~s~~ must comply with the following: (i) The ~~conditions~~ standards specified in either: A. Rule 18.4.1 (Subdivision - General); or B. Rule 18.4.2 (Subdivision- multi-unit development)~~; and~~. (b) Proposed ~~RTs~~ lots must not generate any additional building infringements to those which legally existed prior to the boundary adjustment. (c) The Council's control shall be ~~limited~~ reserved to the following matters: (i) Purpose of the boundary adjustment; (ii) Effects on existing buildings; (iii) Shape of title and variation in lot size
RD1	(a) Boundary adjustment that does not comply with Rule 18.4.3 C1. (b) The Council's discretion shall be restricted to the following matters: (i) Subdivision layout; (ii) Shape of title and variation in title size.

18.4.4 Subdivision - Amendments and updates to cross lease or flats plans

C1	(a) An amendment or update to a cross lease or flats plan where: (i) The purpose is to convert a cross lease or flats plan to a fee simple title; and (ii) ~~The~~ An amendment or update ~~must identify~~ for additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners. (b) The Council's control is limited to the following matters: (i) Purpose of the amendment or update to cross lease or flats plan; (ii) Effects on existing buildings; (iii) Site layout and design of cross lease or flats plan; (iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.
D1	Any amendment or update to a cross lease flats plan that does not comply with Rule 18.4.4 C1.

18.4.5 Subdivision - Title boundaries – Maaori Sites and Maaori Areas of significance to Maaori

The provisions notified under this heading are addressed in Decision Report 7: Maaori Sites and Areas of Significance

18.4.6 Subdivision - land containing heritage items

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

18.4.7 Subdivision - Esplanade reserves and esplanade strips

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

RD1	(a) ~~Subdivision must create an~~An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas) is required to be created and vested in Council from every subdivision where the land being subdivided is ~~proposed lot~~: (i) Less than 4ha and within 20m of any: A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; C. a lake whose bed has an area of 8ha or more; (ii) 4ha or more ~~and~~ and located within 20m of any: A. mean high water springs; or B. water body identified in Appendix 4 (Esplanade Priority Areas). (b) The Council's discretion shall be limited to the following matters: (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip; (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris; (vi) Costs and benefits of acquiring the land.
D1	Subdivision that does not comply with Rule 18.4.7 RD1.

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Chapter XX: LCZ – Local Centre Zone rules

(1) The rules that apply to activities in the LCZ – Local centre zone are contained in Rule XX.1 Land Use – Activities, Rule XX.2 Land Use – Effects and Rule XX.3 Land Use – Building.
(2) The rules that apply to subdivision in the LCZ – Local centre zone are contained in Rule XX.4 and the relevant rules in 14 Infrastructure and Energy, and 15 Natural Hazards and Climate Change
(Placeholder).
(3) The activity status tables and standards in the following chapters also apply to activities in the LCZ – Local Centre Zone:
14 Infrastructure and Energy;
15 Natural Hazards and Climate Change (Placeholder).
(4) The following symbols are used in the tables: (a)
PR Prohibited activity
(b) P Permitted activity
(c) C Controlled activity
(d) RD Restricted discretionary activity
(e) D Discretionary activity
(f) NC Non-complying activity.

XX.1.2 Permitted Activities

(1) The activities listed below are permitted activities if they meet all of the following:
(a) Activity- specific standards;
(b) Land Use – Effects rules in Rule XX.2 (unless the activity-specific rule and/or standards identifies a standard(s) that does not apply); and
(c) Land Use – Building rules in Rule XX.3 (unless the activity-specific rule and/or standards identifies a standard(s) that does not apply).

Activity		**Activity-specific standards**
P1	Commercial activity	Nil
P2	Supermarket	Nil
P3	Community facility	Excluding a cemetery
P4	Residential activity	Located above ground floor level
P5	Educational facility	Nil
P6	Child care facility	Nil
P7	Office	Nil
P8	Public amenity	Nil
P9	Health facility	Nil
P10	Visitor accommodation	Nil
P11	Public transport facility	Nil
P12	Temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are:

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		(i) erected no more than 2 days before the event occurs; and (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
P13	Emergency services facilities, training and management activities	Nil
P14	Additions and alterations to an existing emergency service facility	Nil
P15	Construction of emergency service facilities	Nil
P16	Construction or alteration of a building for a sensitive land use	(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.
P17	Community corrections activity	Nil
P18	Construction, demolition, addition, and alteration of a building or structure	Nil

X.1.3 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities.

(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Activity-specific standards
RD1	(a) A multi-unit development that meets all of the following standards: (i) Land Use – Effects in Rule XX.2; (ii) Land Use – Building in Rule XX.3, except the following rules do not apply; A. Rule XX.3.8 (Residential units) does not apply; B. Rule X.3.9 (Outdoor living space) does not apply; (iii) A detailed site plan depicting the proposed record of title boundaries for each residential unit and any common areas (including access and services)	(b) Council's discretion is limited to the following matters: **Design:** (c) The extent to which that portion of the building or site which fronts a road or public space: (i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels; (ii) Avoids the use of impermeable screens or fencing that obstruct visual connections; (iii) Avoids unrelieved and blank façades; (iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade;

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<table>
<tr>
<td></td>
<td>must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule XX.4.2 (Subdivision of multi- unit developments);
(iv) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Appendix 1 (Acoustic Insulation), Table 14;
(v) A communal service court is provided comprising;
A. minimum area of 20m²; and
B. minimum dimension of 3m.
(vi) Outdoor living spaces are provided to meet the following minimum requirements for each residential unit:
<table>
<tr><th>Residential Unit</th><th>Minimum Outdoor living space Area</th><th>Minimum Dimensions</th></tr>
<tr><td>Studio unit or 1 bedroom</td><td>10m²</td><td>2m</td></tr>
<tr><td>2 or more bedrooms</td><td>15m²</td><td>2m</td></tr>
</table>
(vii) Each residential unit must meet the following minimum unit size:
<table>
<tr><th>Unit or Apartment Area</th><th>Minimum Unit</th></tr>
<tr><td>Studio Unit</td><td>35m²</td></tr>
<tr><td>1 or more bedroom unit</td><td>45m²</td></tr>
</table>
</td>
<td>(v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity;
(vi) Minimises vehicle garaging/parking or manoeuvring areas;
(vii) Service Courts are screened or obscured.
On-site Amenity
(d) The extent to which the design:
(i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living spaces;
(ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects;
(iii) Maximises opportunities for passive solar gain within units.
Infrastructure
(e) The extent to which the design can be efficiently serviced with 3 waters infrastructure.
Natural hazards
(f) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards;
(g) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</td>
</tr>
<tr>
<td>RD2</td>
<td>Residential located at ground floor</td>
<td>(a) The Council's discretion shall be limited to the following matters:
(i) The extent to which the residential activity effects the primary purpose of the LCZ – Local centre zone to provide for commercial activities.</td>
</tr>
<tr>
<td>RD3</td>
<td>Construction or alteration of a building for a sensitive land use that does not comply with Rule XX.1.2 P16</td>
<td>Council's discretion shall be restricted to the following matters:
a. Effects on the amenity values of the site;
b. The risk of electrical hazards affecting the safety of people;
c. The risk of damage to property; and
d. Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</td>
</tr>
</table>

XX.1.3 Discretionary Activities

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with one or more of the Land Use – Effects or Land Use –Building rules, unless specified in Rule XX.2 or XX.3.
D2	Any permitted activity that does not comply with one or more of the activity-specific standards in Rule XX.1.2.
D3	Any multi-unit development that does not comply with one or more standards for a restricted discretionary activity under Rule XX.1.3 RD1.
D4	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary, Discretionary or Non-Complying.

XX.2 Land Use – Effects

(1) Rule XX.2.1.1 Noise – General provides permitted noise levels in the LCZ – Local centre zone.
(2) Rule XX.21.2 Noise – Construction provides the noise limits for construction activities.

XX.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	(b) Noise measured within any: (i) In the LCZ – Local centre zone must not exceed: A. 65dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7am to 11pm every day; and B. 55dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~; 11pm to 7am the following day; and C. 85dB L_{Amax} ~~(L_{Amax})~~, 11pm to 7am the following day; or (ii) In the GRZ – General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone and SETZ - Settlement Zone must not exceed: A. 55dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7am to 7pm; and B. 50dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7pm to 10pm; and C. 40dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 10pm to 7am the following day; and D. 65dB L_{Amax} ~~(L_{Amax})~~, 10pm to 7am the following day. (c) Noise measured within any site in any zone other than the LCZ – Local centre zone, GRZ – General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone or SETZ - Settlement Zone must meet the permitted noise levels for that zone. (d) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound. (e) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics - Environmental.
D1	Noise that does not comply with Rule XX.2.1.1 P2.

XX.2.1.2 Noise – Construction

P1	(a) Construction noise must ~~meet~~ not exceed the limits in NZS 6803:1999 Acoustics – Construction Noise; and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.
P2	(a) Construction noise that does not comply with Rule XX.2.1.2 P1. (b) The Council's discretion is limited to the following matters: (i) Effects on amenity values; (ii) Hours of construction; (iii) Noise levels; (iv) Timing and duration; (v) Methods of construction.

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XX.2.2 Servicing and hours of operation

P1	(a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ – General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone or SETZ - Settlement Zone must only occur between 6.00am and 8.00pm.
RD1	(a) Servicing and operation of a commercial activity that does not comply with Rule XX.2.2 P1. (b) The Council's discretion is limited to the following matters: (i) Effects on amenity values on adjoining sites within the GRZ – General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone or SETZ - Settlement Zone; (ii) Timing, duration and frequency of adverse effects; (iii) Location of activity in relation to zone boundary; (iv) Location of activity in relation to residential units on adjoining sites; (v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.

XX.2.3 Onsite parking areas - Landscaping

P1	(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following standards: (i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points; (ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1 metre.
RD1	(a) Onsite parking areas that do not comply with Rule XX.2.3 P1. (b) Council's discretion is limited to the following matters: (i) Design and location of the parking area and landscaping strip; and (ii) Effects on streetscape amenity.

XX.2.4 Glare and artificial light spill

P1	Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any site zoned GRZ – General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone, SETZ - Settlement Zone or RLZ – Rural Lifestyle Zone.
RD1	(a) Glare and artificial light spill that does not comply with Rule XX.2.4 P1. (b) The Council's discretion shall be limited to the following matters: (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; (vi) Mitigation measures.

XX.2.5 Earthworks

(1) Rules XX.2.5.1 – Earthworks - General provides the permitted rules for earthworks activities for the LCZ – Local centre zone. This rule does not apply in those areas specified in Rules XX.2.5.1A, XX.2.5.2 and XX.2.5.3.

(2) Specific standards for earthworks are within rules:
   (a) Rule XX.2.5.2 – Maaori Sites and Maaori Areas of Significance
   (b) Rule XX.2.5.3 – Significant Natural Areas
   (c) Rule XX.2.5.4 – Landscape and Natural Character Areas.

XX.2.5.1 Earthworks – General

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

P1	(a) Earthworks within a site must meet all of the following standards: (i) Be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site over any single consecutive 12 month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are set back at least 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of cessation of the earthworks or finished with a hardstand surface; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	(a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is: (i) subject to an approved building consent; and (ii) the earthworks occur wholly within the footprint of the building. (b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall. (c) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.
P3	(a) Earthworks using the importation of fill material to a site must meet all of the following standards: (i) Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill); (ii) The slope of the resulting ~~batter face~~ filled area in stable ground must not exceed1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iii) Fill material is setback at least 1.5m from all boundaries; (iv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RD1	(a) Earthworks that do not comply with Rules XX.2.5.1 P1, P2 or P3. (b) The Council's discretion shall be limited to the following matters: (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; (xii) Proximity to underground services and service connections.

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XX.2.5.2 Earthworks - Maaori Sites and Maaori Areas of Significance

The provisions relevant to this heading are addressed in Decision Report 7: Maaori Sites and Areas of Significance

XX.2.5.3 Earthworks – within Significant Natural Areas

The provisions relevant to this heading are addressed in Decision Report 9: Significant Natural Areas

XX.2.5.4 Hazardous substances

The provisions relevant to this heading are addressed in Decision Report 11: Hazardous substances and contaminated land

XX.2.6 Notable trees

The provisions relevant to this heading are addressed in Decision Report 8: Historic Heritage

XX.2.7 Signs

(1) Rule XX.2.7.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire LCZ – Local centre zone.
(2) Rule XX.2.7.2 Signs – effects on traffic provides specific standards for any sign that is directed at road users.

XX.2.7.1 Signs – General

P1	A public information sign erected by a government agency.
P2	(a) A sign must comply with all of the following conditions standards: (i) The sign is wholly contained on the site; (ii) The sign height does not exceed 10m; (iii) Where the sign is illuminated it must: A. Not have a light source that flashes or moves; and B. Not contain moving parts or reflective materials; and C. Be directed to ensure it does not spill light beyond the site; (iv) Where the sign is attached to a building, it must: A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (v) Where the sign is a freestanding sign, it must: A. Not exceed an area of 3m2 for one sign, and 1m2 for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the GRZ – General Residential Zone or MRZ – Medium Density Residential Zone; (vi) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (vii) The sign is on the site of and for the purpose of identification and interpretation of a heritage item listed in Schedule 30.1(Heritage Items); (viii) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation; (ix) The sign relates to: A. Goods or services available on the site; or B. A property name sign.

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P3	(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following standards: (i) There is no more than 3 signs per site; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.
P4	Official sign
P5	Signs that are located within a building or that are not visible from a road or adjoining site.
RD1	(b) A sign that does not comply with Rule XX.2.7.1 P1, P2 or P3. (c) The Council's discretion shall be limited to the following matters: (i) Amenity values; (ii) Effects on traffic safety; (iii) Effects of glare and artificial light spill; (iv) Content, colour and location of the sign; (v) Effects on notable trees; (vi) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (vii) Effects on cultural values of any Maaori Site of Significance; (viii) Effects on notable architectural features of the building.

XX.2.7.2 Signs - Effects on traffic

P1	(a) Any sign directed at ~~road~~ land transport users must meet all of the following standards: (i) Not imitate the content, colour or appearance of any traffic control sign; (i) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign; (ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iii) Contain no more than 40 characters and no more than 6 words and/or symbols; (iv) Have lettering that is at least 150mm high; and (v) Rule XX.2.7.2 P1(a) does not apply to site identification signs.
D1	Any sign that does not comply with Rule XX.2.7.2 P1.

XX.2.8 Outdoor storage

P1	(a) Outdoor storage of goods or materials must comply with all of the following standards: (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; (iii) Rules XX.3.1 Height and XX.3.2 Height in relation to boundary; and (iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: A. Public road; B. Public reserve; and C. Adjoining site in another zone.
RD1	(a) Outdoor storage of materials that does not comply with Rule XX.2.8 P1. (b) The Council's discretion shall be limited to the following matters: (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; (iv) Measures to mitigate adverse effects.

XX.3 Land Use – Building

XX.3.1 Height

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

(1) Rules XX.3.1.1 and XX.3.1.2 provide permitted heights for buildings, structure or vegetation.
(2) Rule XX.3.1.1 Height – Building general provides permitted height levels across the entire LCZ – Local centre zone
(3) Rule XX.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface.
(4) Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and Appendix 7 (Raglan Navigation Beacon), the prohibited activity rule, Rule XX.1.1 PR1 may apply.

XX.3.1.1 Height – Building general

P1	(a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 12m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure; and (c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m.
RD1	(a) Any building that does not comply Rule XX.3.1.1 P1. (b) The Council's discretion shall be restricted to any of the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on an adjoining site; (iv) Privacy on adjoining sites.

XX.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

The provisions relevant to this heading are addressed in Decision Report 26: Te Kowhai Airpark Zone

XX.3.2 Height in relation to boundary

P1	(a) Any building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the: (i) GRZ – General residential zone; (ii) MRZ – Medium density residential zone; (iii) LLRZ – Large lot residential zone; (iv) SETZ - Settlement zone; (v) RLZ – Rural lifestyle zone; (vi) OSZ – Open space zone.
RD1	(a) Any building that does not comply with Rule XX.3.2 P1. (b) The Council's discretion shall be restricted to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Level of shading on any other sites adjoining site; (iv) Privacy on other sites; (v) Amenity values of the locality.

XX.3.4 Building setbacks

(1) Rules XX.3.4.1 and XX.3.4.2 provide the permitted building setback distances for buildings from zone boundaries and environmental features.

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(2) Rule XX.3.4.1 Building setback – zone boundaries provides permitted setback distances on any site within the LCZ – Local centre zone where the site adjoins a different zone. Different setback distances are applied based on the zone.

(3) Rule XX.3.4.2 Building setbacks – water bodies including lake, wetland, river and coast.

XX.3.4.1 Building setbacks - Zone boundaries

P1	(c) A building must be set back a minimum of at least: (i) 3.0 m from rear and side boundaries adjoining any: A. GRZ – General residential zone; B. MRZ – Medium density residential zone; C. LLRZ – Large lot residential zone; D. SETZ - Settlement zone; E. RLZ – Rural lifestyle zone; or F. OSZ – Open space zone. (ii) 1.5m from rear and side boundaries adjoining any: A. GRUZ – General rural zone; B. GIZ – General industrial zone; or C. HIZ – Heavy industrial zone. (iii) 15m from SH23 for any site between Greenslade Road and Hills Road, Raglan. Rule XX.3.4.1 P1 does not apply to a structure which is not a building.
RD1	(a) A building that does not comply with Rule XX.3.4.1 P1. (b) Council's discretion shall be restricted to the following matters: (i) Height, design and location of the building relative to the boundary; (ii) Impacts on the privacy for adjoining site(s); (iii) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and (iv) Landscaping and/or screening.

XX.3.4.2 Building setbacks – Water-bodies

P1	(a) Any building must be setback a minimum of: (i) 27.5m from the margin of any: A. Lake; B. Wetland. (ii) 27.5m from the bank of any river (other than the Waikato River and Waipa River); and (iii) 32.5m from the margin of either the Waikato River and the Waipa River; (iv) 27.5m from mean high water springs (v) 10m from any artificial wetland Rule XX.3.4.2 P1(a) does not apply to a structure which is not a building.
P2	A public amenity of up to 25m^2 or pump shed (private or public) within any building setback identified in Rule XX.3.4.2 P1.
D1	Any building that does not comply with Rules XX.3.4.2 P1 or P2.

XX.3.5 Horotiu Acoustic Area

P1	Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area must be designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) - Table 11.
RD1	(a) Construction, addition to or alteration of a building that does not comply with Rule XX.3.5 P1. (b) The Council's discretion shall be limited to the following matters: (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the residential unit;

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	(iii) Timing and duration of noise received at the notional boundary of the residential unit; (iv) Potential for reverse sensitivity effects.

XX.3.6 Residential units

P1	(a) One residential unit on the record of title must comply with all of the following standards: (b) (i) The residential unit must not be located at ground level; (c) (ii) The residential unit is designed and constructed to achieve the internal design sound levels specified in Appendix 1 (Acoustic Insulation) – Table 14. (d) (b) Rule XX.3.6(a) does not apply to multi-unit development (refer to Rule XX.1.1 (Multi-Unit Development).
D1	A residential activity that does not comply with standards of Rule XX.3.6 P1.

XX.3.7 Outdoor living space

P1	(a) An outdoor living space shall must be provided for each residential unit that meets all of the following standards: (i) It is for the exclusive use of the occupants of the residential unit; (ii) It is readily accessible from a living area of the residential unit; and (iii) It is located on a balcony containing at least 15m^2 and a circle with a diameter of at least 2.4m.
RD1	(a) An outdoor living space that does not comply with Rule XX.3.7.1. (b) Council's discretion shall be restricted to the following matters: (i) Design and location of the building; (ii) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed; (iii) Privacy on adjoining sites; (iv) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.

XX.3.8 Historic Heritage

The provisions relevant to this heading are addressed in Decision Report 8: Historic Heritage

XX.4 Subdivision rules

(1) Rule XX.4.1 provides for subdivision density within the LCZ – Local centre zone.
(2) Rules XX.4.1 and Rule XX.4.1.1 apply across the LCZ – Local centre zone
(3) The following rules apply to specific activities:
  (a) Rule XX.4.1.2 1(Subdivision – Multi-unit development).
(4) Rules XX.4.1 is also subject to compliance with the following rules:
  (a) Rule XX.4.1.2 – subdivision boundary adjustments;
  (b) Rule XX.4.1.3– subdivision amendments and updates to cross lease flats plans;
  (c) Rule XX.4.1.4– subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;
  (d) Rule XX.4.1.5- subdivision of land containing heritage items;
  (e) Rule XX.4.1.6– subdivision road frontage;
  (f) Rule XX.4.1.7- subdivision esplanade reserves and esplanade strips.
  (g) Rule XX.4.1.8 – subdivision of land within the National Grid Corridor.

XX.4.1 Subdivision general

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

RD1	(a) Subdivision must comply with all of the following standards: (i) The record of title must have a minimum size of 225m² net site area with the exception of access or utility allotments or reserves to vest; (ii) All proposed lots must be connected to public-reticulated water supply and wastewater. (b) The Council's discretion shall be limited to the following matters: (i) amenity values; (ii) the extent to which a range of future business activities can be accommodated; (iii) impact on the operation, maintenance, upgrading and development of existing infrastructure.
D1	Subdivision that does not comply with Rule XX.4.1 RD1.

XX.4.1.1 Subdivision - Multi-unit subdivision

RD1	(a) Subdivision for multi-unit development shall comply with all of the following standards: (i) An application for land use consent under Rule XX.1.3 (Multi-unit ~~housing~~ development) must either accompany the subdivision or have been granted resource consent by Council; (ii) Be connected to public wastewater and water reticulation; (iii) (Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size: Unit of Apartment — Minimum Unit Area ~~Studio unit or 1 bedroom unit~~ — ~~60m²~~ ~~2 bedroom unit~~ — ~~80m²~~ ~~3 bedroom unit~~ — ~~100m²~~ Studio unit — 35m² 1 or more bedroom unit — 45m² (b) The Council's discretion shall be limited to the following matters: (i) Subdivision layout including notional boundaries for the multi-unit development; (ii) Compliance with the proposed or approved land use resource consent; (iii) Provision of common areas for shared spaces, access and services; (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape; (vii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres.
D1	Subdivision that does not comply with Rule XX.4.1.1 RD1.

XX.4.1.2 Subdivision – Boundary adjustments

C1	(a) Boundary adjustments must comply with the following: (i) the standards specified in either: A. Rule XX.4.1 (Subdivision - General); or B. Rule XX.4.2 (Subdivision- Multi-unit housing). (ii) Proposed lot must not generate any additional building infringements to those which legally existed prior to the boundary adjustment. (b) The Council's control shall be limited to reserved over the following matters: (i) Subdivision layout; (ii) Shape of title and variation in title size.
RD1	(c) Boundary adjustment that does not comply with Rule XX.4.1.2 C1. (d) The Council's discretion shall be restricted to the following matters: (i) Subdivision layout; (ii) Shape of title and variation in title size.

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XX.4.1.3 Subdivision – Amendments and updates to cross lease or flats plans

C1	(a) An amendment or update to a cross lease or flats plan where: (i) The purpose is to convert a cross lease or flats plan to a fee simple title; or (ii) An amendment or update for additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners. (b) The Council's control is reserved over the following matters (i) Purpose of the amendment or update to the cross lease or flats plan; (ii) Effects on existing buildings; (iii) Site layout and design of cross lease or flats plan; (iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.
D1	Any amendment or update to a cross lease flats plan that does not comply with Rule XX.4.1.3 C1.

XX.4.1.4 Subdivision - Title boundaries – Significant Natural Areas, Maaori Sites and Areas of Significance to Maaori

RD1	(a) Subdivision of land containing a Significant Natural Area, Maaori Sites of Significance or Maaori Areas of Significance must not divide any of the following: (i) A Significant Natural Area; (ii) A Maaori Site of Significance as listed in Schedule 30.3; (iii) A Maaori Area of Significance as identified in Schedule 30.4. (b) The Council's discretion shall be limited to the following matters: (i) effects on Significant Natural Areas; (ii) effects on Maaori Sites of Significance; (iii) effects on Maaori areas of Significance.
~~NC1~~ D1	Subdivision that does not comply with Rule XX.4.1.4 RD1.

XX.4.1.5 Subdivision - land containing heritage items

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage. The same provisions will apply as for the COMZ – Commercial zone.

XX.4.1.6 Subdivision - Road frontage

RD1	(c) Every proposed lot with a road boundary, other than any access or utility allotment, right of way or access leg, must have: (i) a width along the road boundary of at least 15m; and (d) The Council's discretion shall be limited restricted to the following matters: (i) Safety and efficiency of vehicle access and road network; (ii) Amenity and streetscape.
D1	Subdivision that does not comply with Rule XX.4.1.6 RD1.

XX.4.1.7 Subdivision - Esplanade reserves and esplanade strips

RD1	(e) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas) is required to be created and vested in Council from every subdivision where the land being subdivided is: (i) Less than 4ha and within 20m of any: A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; C. a lake whose bed has an area of 8ha or more; (ii) 4ha or more and located within 20m of any: A. mean high water springs; or

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	B. water body identified in Appendix 4 (Esplanade Priority Areas). (f) The Council's discretion shall be limited to the following matters: (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip; (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris; (vi) Costs and benefits of acquiring the land.
D1	Subdivision that does not comply with Rule XX.4.1.7 RD1.

XX.4.1.8 Subdivision of land within the National Grid Corridor

RD1	(a) The subdivision of land within the National Grid Corridor that complies with all of the following standards: (i) All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and (ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. (b) Council's discretion is restricted to the following matters: (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines. (v) The risk to the structural integrity of the National Grid; (vi) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.
NC1	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule XX.4.1.8 RD1.

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Attachment 4: Changes to Chapter 17: ~~Business Zone Rules~~ COMZ – Commercial zone rules

(1) The rules that apply to activities in the COMZ – Commercial ~~Business~~ Zone are contained in Rule 17.1 Land Use – Activities, Rule 17.2 Land Use – Effects and Rule 17.3 Land Use – Building.
(2) The rules that apply to subdivision in the COMZ – Commercial zone~~Business zone~~ are contained in Rule 17.4 and the relevant rules in 14 Infrastructure and Energy and 15 Natural Hazards and Climate Change (Placeholder).
(3) The activity status tables and standards in the following chapters also apply to activities in the COMZ – Commercial zone~~Business zone~~:
   14 Infrastructure and Energy;
   15 Natural Hazards and Climate Change (Placeholder).
(4) The following symbols are used in the tables:
   (a) PR Prohibited activity
   (b) P Permitted activity
   (c) C Controlled activity
   (d) RD Restricted discretionary activity
   (e) D Discretionary activity
   (f) NC Non-complying activity.

17.1 Land Use – Activities

17.1.1 Prohibited Activities

(i) The following activity is a prohibited activity. No application for resource consent for a prohibited activity can be made and resource consent must not be granted.

PR1	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 8).

17.1.2 Permitted Activities

(a) The ~~following~~ activities listed below are permitted activities if they meet all of the following:
   (i) Activity-specific standards;
   (ii) Land Use – Effects rules in Rule 17.2 (unless the activity-specific rule and/or ~~activity specific conditions~~ standards identify~~ies~~ a ~~condition~~ standard(s) that does not apply); and
   (iii) Land Use – Building rules in Rule 17.3 (unless the activity-specific rule and/or ~~activity specific conditions~~ standards identify~~ies~~ a ~~condition~~ standard(s) that does not apply).
   ~~(iv) Activity specific conditions~~

Activity		**Activity-specific ~~conditions~~ standards**
P1	Commercial activity	~~Nil~~ Any individual tenancy must have a gross floor area of greater than 350m^2
PX	Supermarket	Nil
~~P2~~	~~Commercial services~~	~~Nil~~
P3	Community ~~activity~~ facility	Excluding a cemetery
P4	Residential activity	Located above ground floor level
P5	Educational facility	Nil
P6	Child care facility	Nil

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~~P7~~	Office	Nil
P8	Public amenity	Nil
~~P9~~	~~Place of assembly~~	~~Nil~~
P10	Health facility	Nil
P11	Hauroa	Nil
P13	~~Traveller's~~ Visitor accommodation	Nil
P14	Public transport facility	Nil
P15	Servicing of boats at Raglan Wharf	Nil
P16	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	**The provisions notified under this heading have been addressed under Decision Report 6: Tangata Whenua**
P17	A temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: (i) erected no more than 2 days before the event occurs; and (ii) removed no more than 3 days after the end of the event; and (e) The site is returned to its previous condition no more than 3 days after the end of the event; and (f) There is no direct site access from a national route or regional arterial road.
P18	Cultural event on Maaori Freehold Land containing a Marae Complex	**The provisions notified under this heading have been addressed under Decision Report 6: Tangata Whenua**
P19	Emergency services facilities, training and management activities	Nil
P20	Additions and alterations to an existing emergency service facility	Nil
P21	Construction of emergency service facilities	Nil
P22	Buildings, structures and sensitive land use within the National Grid Yard on existing sites as of 18 July 2018	(a) Within National Grid Yard: (i) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or (ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or (iii) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or (iv) Non-habitable horticultural buildings; or

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		(v) Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures); (vi) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and (vii) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks. (b) All buildings or structures permitted by Rule 17.1.2 P22 must: (i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and (ii) Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is: (1) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or (2) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or (3) Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and (iii) Not permanently physically impede existing vehicular access to a National Grid support structure; (c) Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that: (i) Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor; (ii) Are no higher than 2.5m; (iii) Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;

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		(iv) Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.
P23	Construction or alteration of a building for a sensitive land use	(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.
P24	Community corrections activity	Nil
P25	Construction, demolition, addition, and alteration of a building or structure	Nil

17.1.3 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities.
(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Matters of Discretion
RD1	(a) A multi-unit development that meets all of the following ~~conditions~~ standards: (i) ~~The~~ Land Use – Effects in Rule 17.2; (ii) ~~The~~ Land Use – Building in Rule 17.3, except the following rules do not apply; A. Rule 17.3.8 (~~Dwellings~~ Residential units) does not apply; B. Rule 17.3.9 (~~Living court~~ Outdoor living space) does not apply; ~~(iii) The multi-unit development must be located above the ground floor level;~~ (iv) A detailed site plan depicting the proposed record of title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule 17.4.2 (Subdivision of multi- unit developments); (v) Each residential unit must be designed and constructed to achieve the internal design	~~(a)~~ Council's discretion is limited to the following matters: ~~(b) The extent to which the development is consistent with the Town Centre Guidelines contained in Appendix 3.3;~~ ~~(c) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4;~~ **Design:** (d) The extent to which that portion of the building or site which fronts a road or public space: (i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels. (ii) Avoids the use of impermeable screens or fencing that obstruct visual connections. (iii) Avoids unrelieved and blank façades. (iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade. (v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity. (vi) Minimises vehicle garaging/parking or manoeuvring areas. (vii) Service Courts are screened or obscured. **On-site Amenity**

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<table>
<tr>
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sound levels specified in Appendix 1 (Acoustic Insulation), Table 14;
(vi) A communal service court is provided comprising;
A. minimum area of 20m²; and
B. minimum dimension of 3m.
(vii) ~~Living court~~ Outdoor living space areas are provided ~~above ground floor level~~ to meet the following minimum requirements for each residential unit:
<table>
<tr><th>Residential Unit</th><th>Minimum outdoor Living space ~~Court~~ Area</th><th>Minimum Dimensions</th></tr>
<tr><td>Studio unit or 1 bedroom</td><td>10m²</td><td>2m</td></tr>
<tr><td>2 or more bedrooms</td><td>15m²</td><td>2m</td></tr>
</table>
(viii) Each residential unit must meet the following minimum unit size:
<table>
<tr><th>Unit or Apartment Area</th><th>Minimum Unit</th></tr>
<tr><td>~~Studio Unit or 1 bedroom unit~~</td><td>~~60m²~~</td></tr>
<tr><td>~~2 bedroom unit~~</td><td>~~80m²~~</td></tr>
<tr><td>~~3 bedroom unit~~</td><td>~~100m²~~</td></tr>
<tr><td>Studio Unit</td><td>35m²</td></tr>
<tr><td>1 or more bedroom unit</td><td>45m²</td></tr>
</table>
</td>
<td>
(e) The extent to which the design:
(i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living spaces.
(ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects.
(iii) Maximises opportunities for passive solar gain within units.
Infrastructure
(f) The extent to which the design can be efficiently serviced with 3 waters infrastructure.
Natural hazards
~~(g)~~ The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.
~~(i) The extent to which the development contributes to and engages with adjacent streets and public open space;~~
~~(h) The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials;~~
~~(i) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles;~~
~~(j) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;~~
(k) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.
~~(l) Avoidance or mitigation of natural hazards;~~
~~(m) Geotechnical suitability for building;~~
(n) ~~Design measures to minimise reverse sensitivity effects~~
</td>
</tr>
<tr>
<td>RD2</td>
<td>(a) Residential located at ground floor</td>
<td>(a) The Council's discretion shall be limited to the following matters:
(i) The extent to which the residential activity effects the primary purpose of the COMZ – Commercial zone~~Business zone~~ to provide for commercial activities.</td>
</tr>
<tr>
<td>RD3</td>
<td>Construction or alteration of a building for a sensitive land use that does not comply with Rule 17.1.2 P23</td>
<td>Council's discretion shall be restricted to the following matters:
a. Effects on the amenity values of the site;
b. The risk of electrical hazards affecting the safety of people;</td>
</tr>
</table>

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		c. The risk of damage to property; and (b) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.

17.1.3 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with one or more of the Land Use – Effects or Land Use – Building rules, unless specified in Rule 17.2 or 17.3 ~~applies~~.
D2	Any permitted activity that does not comply with one or more of the activity-specific ~~conditions~~ standards ~~for a permitted activity under~~ in Rule 17.1.2.
D3	Any multi-unit development that does not comply with one or more ~~conditions~~ standards for a restricted discretionary activity under Rule 17.1.3 RD1.
D4	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary, Discretionary or Non-Complying.

17.1.5 Non-Complying Activities

(1) The activities below are non-complying activities.

~~NC1~~	~~Multi-unit development that does not comply with a condition for a restricted discretionary activity under Rule 17.1.3(a)(iii).~~
~~NC2~~	~~Residential activity that does not comply with an activity-specific condition for a permitted activity under Rule 17.1.2 P4.~~
~~NC4~~	~~Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.~~
NC5	Buildings, structures and sensitive land use within the National Grid Yard as of 18 July 2018 that do not comply with Rule 17.1.2 P22
NC6	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard
NC7	Any change of use of an existing building to a sensitive land use within the National Grid Yard
NC8	The establishment of any new sensitive land use within the National Grid Yard
NC9	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard

17.2 Land Use – Effects

~~(1) Rules 17.2.1.1 and 17.2.1.2 provide the permitted noise levels for noise generated by land use activities.~~
(2) Rule 17.2.1.1 Noise – General provides permitted noise levels in the COMZ – Commercial zone~~Business zone~~.
(3) Rule 17.21.2 Noise – Construction provides the noise limits for construction activities.

17.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any (i) In the COMZ – Commercial zone~~Business zone~~ must not exceed: A. 65dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7am to 11pm every day; and B. 55dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~; 11pm to 7am the following day; and

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	C. 85dB L_{Amax} ~~(LAmax),~~ 11pm to 7am the following day; or (ii) In the Residential Zone and Village Zone must not exceed: A. 55dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7am to 7pm; and B. 50dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 7pm to 10pm; and C. 40dB $L_{Aeq\ (15min)}$ ~~(L_{Aeq})~~, 10pm to 7am the following day; and D. 65dB L_{Amax} ~~(LAmax)~~, 10pm to 7am the following day. (b) Noise measured within any site in any zone other than the COMZ – Commercial zone~~Business zone~~, GRZ – General Residential Zone, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone or SETZ – Settlement Zone must meet the permitted noise levels for that zone. (c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound. (d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics - Environmental.
~~P3~~	~~Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.~~
~~P4~~	~~(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics~~ ~~(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics~~
D1	Noise that does not comply with Rule~~s~~ 17.2.1.1 P2~~, P3 or P4~~.

17.2.1.2 Noise – Construction

P1	(a) Construction noise must ~~meet~~ not exceed the limits in NZS 6803:1999 Acoustics – Construction Noise; and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.
P2	(a) Construction noise that does not comply with Rule 17.2.1.2 P1. (b) The Council's discretion is limited to the following matters: (i) Effects on amenity values; (ii) Hours of construction; (iii) Noise levels; (iv) Timing and duration; (v) Methods of construction.

17.2.2 Servicing and hours of operation

P1	(a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ - General Residential Zone, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone or SETZ - Settlement ~~and Village~~ Zones ~~may~~ must only occur between ~~6.30~~ 6.00am and ~~7.30~~8.00pm.
RD1	(a) Servicing and operation of a commercial activity that does not comply with Rule 17.2.2 P1. (b) The Council's discretion is limited to the following matters: (i) Effects on amenity values on adjoining sites within the GRZ - General Residential Zone, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone or SETZ - Settlement ~~and Village~~ Zone; (ii) Timing, duration and frequency of adverse effects; (iii) Location of activity in relation to zone boundary; (iv) Location of activity in relation to ~~dwellings~~ residential units on adjoining sites; (v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.

17.2.3 Onsite parking areas - Landscaping

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P1	(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following ~~conditions~~ standards: (i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points; (ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1 metre.
RD1	(a) Onsite parking areas that do not comply with Rule 17.2.3 P1. (b) Council's discretion is limited to the following matters: (i) Design and location of the parking area and landscaping strip; and (ii) Effects on streetscape amenity.

17.2.4 Glare and artificial light spill

P1	Illumination from g~~G~~lare and artificial light spill ~~shall~~ must not exceed 10 lux measured horizontally and vertically at ~~any point within~~ any ~~other~~ site zoned GRZ - General Residential, MRZ – Medium Density Residential Zone, LLRZ – Large Lot Residential Zone, SETZ - Settlement Zone or RLZ – Rural Lifestyle Zone.
RD1	(a) Glare and artificial light spill that does not comply with Rule 17.2.4 P1. (b) The Council's discretion shall be limited to the following matters: (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; (vi) Mitigation measures.

17.2.5 Earthworks

(1) Rules 17.2.5.1 – Earthworks - General provides the permitted rules for earthworks activities for the COMZ – Commercial zone~~Business zone~~. This rule does not apply in those areas specified in Rules 17.2.5.1A, 17.2.5.2 and 17.2.5.3.
(2) Specific standards for earthworks are within rules:
  (a) Rule 17.2.5.2 – Maaori Sites and Maaori Areas of Significance
  (b) Rule 17.2.5.3 – Significant Natural Areas
  (c) Rule 17.2.5.4 – Landscape and Natural Character Areas.

17.2.5.1 Earthworks – General

P1	(a) Earthworks within a site must meet all of the following ~~conditions~~ standards: (i) Be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Not exceed a volume of more than 250m^3 and an area of more than 1,000m^2 within a site over any single consecutive 12 month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, ~~not including any surcharge,~~ does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are set back at least 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of ~~the commencement~~ cessation of the earthworks or finished with a hardstand surface; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.

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P2	(a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is: (i) subject to an approved building consent; and (ii) the earthworks occur wholly within the footprint of the building. (b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall. (c) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.
P3	(a) Earthworks using t~~T~~he importation of fill material to a site must meet all of the following ~~conditions~~ standards ~~in addition to Rule 17.2.4 P1:~~ (i) ~~Does~~ Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill); ~~(ii) Is fit for compaction;~~ (iii) The ~~height~~ slope of the resulting ~~batter face~~ filled area in stable ground must not exceed1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Fill material is setback at least 1.5m from all boundaries; ~~(v) Does not restrict the ability for land to drain;~~ ~~(vi) Is not located within 1.5m of public sewers, utility services or manholes;~~ ~~(vii) The sediment from fill material is retained on the site.~~ (viii) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks; (ix) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (x) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RD1	(a) Earthworks that do not comply with Rules 17.2.5.1 P1 ~~or~~, P2 or P3. (b) The Council's discretion shall be limited to the following matters: (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; (xii) Proximity to underground services and service connections.

17.2.5.2 Earthworks - Maaori Sites and Maaori Areas of Significance

The provisions notified under this heading are addressed in Decision Report 7: Maaori Sites and Areas of Significance

17.2.5.3 Earthworks – within Significant Natural Areas

The provisions notified under this heading are addressed in Decision Report 9: Significant Natural Areas

17.2.5.4 Hazardous substances

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The provisions notified under this heading are addressed in Decision Report 11: Hazardous substances and contaminated land

17.2.6 Notable trees

(1) Rules 17.2.6.1 – 17.2.6.3 provide permitted rules for notable trees, which are identified in Schedule 30.2 (Notable Trees).

(a) Rule 17.2.6.1 (Removal or destruction);
(b) Rule 17.2.6.2 (Trimming);
(c) Rule 17.2.6.3 (Activities within the dripline).

17.2.6.1 Notable tree - removal or destruction

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

17.2.6.2 Notable tree – trimming

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

17.2.7 Signs

(1) Rule 17.2.7.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire COMZ – Commercial zone~~Business zone~~.
(2) Rule 17.2.7.2 Signs – effects on traffic provides specific standards for any sign that is directed at road users.

17.2.7.1 Signs – General

P1	A public information sign erected by a government agency.
P2	(a) A sign must comply with all of the following ~~conditions~~ standards: (i) The sign is wholly contained on the site; (ii) The sign height does not exceed 10m; (iii) Where the sign is illuminated it must: A. Not have a light source that flashes or moves; and B. Not contain moving parts or reflective materials; and C. Be directed to ensure it does not spill light beyond the site; (iv) Where the sign is attached to a building, it must: A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (v) Where the sign is a freestanding sign, it must: A. Not exceed an area of 3m2 for one sign, and 1m2 for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the GRZ – General Residential Zone or MRZ – Medium Density Residential Zone; (vi) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (vii) The sign is ~~not attached to~~ on the site of and for the purpose of identification and interpretation of a heritage item listed in Schedule 30.1(Heritage Items) ~~except for the purpose of identification and interpretation;~~ (viii) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation;

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	(ix) The sign relates to: A. Goods or services available on the site; or B. A property name sign.
P3	(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following ~~conditions~~ standards: ~~(i) It relates to the sale of the site on which it is located;~~ (ii) There ~~is~~ are no more than ~~1~~3 signs per ~~agency~~ site; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.
P4	Official sign
P5	Signs that are located within a building or that are not visible from a road or adjoining site.
RD1	(b) A sign that does not comply with Rule 17.2.7.1, P2 or P3. (c) The Council's discretion shall be limited to the following matters: (i) Amenity values; (ii) Effects on traffic safety; (iii) Effects of glare and artificial light spill; (iv) Content, colour and location of the sign; (v) Effects on notable trees; (vi) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (vii) Effects on cultural values of any Maaori Site of Significance; (viii) Effects on notable architectural features of the building.

17.2.7.2 Signs - Effects on traffic

P1	(a) Any sign directed at ~~road~~ land transport users must meet all of the following standards: (i) Not imitate the content, colour or appearance of any traffic control sign; (i) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign; (ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iii) Contain no more than 40 characters and no more than 6 words and/or symbols; (iv) Have lettering that is at least 150mm high; and ~~(v) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.~~ (vi) Rule P1(a) does not apply to site identification signs.
D1	Any sign that does not comply with Rule 17.2.7.2 P1.

17.2.8 Outdoor storage

P1	(a) Outdoor storage of goods or materials must comply with all of the following ~~conditions~~ standards: (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; (iii) Rules 17.3.1 Height and 17.3.2 Daylight admission; and (iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: A. Public road; B. Public reserve; and C. Adjoining site in another zone.
RD1	(a) Outdoor storage of materials that does not comply with Rule 17.2.8 P1. (b) The Council's discretion shall be limited to the following matters: (i) Visual amenity; (ii) Effects on loading and parking areas;

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	(iii) Size and location of storage area; (iv) Measures to mitigate adverse effects.

17.3 Land Use – Building

17.3.1 Height

(1) Rules 17.3.1.1 and 17.3.1.2 provide permitted heights for buildings, structure or vegetation.
(2) Rule 17.3.1.1 Height – Building general provides permitted height levels across the entire COMZ – Commercial zone~~Business zone~~.
(3) Rule 17.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface.
(4) Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and Appendix 7 (Raglan Navigation Beacon), the prohibited activity rule, Rule 17.1.1 PR1 may apply.

17.3.1.1 Height – Building general

P1	(a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 12~~10~~m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure; (c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m.
RD1	(a) Any building that does not comply Rule 17.3.1.1 P1. (b) The Council's discretion shall be restricted to any of the following matters: (i) Height of the building; (ii) Design and location of the building (iii) Extent of shading on an adjoining site; (iv) Privacy on adjoining sites.

17.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

The provisions notified under this heading are addressed in Decision Report 26: Te Kowhai Airpark Zone

17.3.2 ~~Daylight admission~~ Height in relation to boundary

P1	(a) Any building or structure must not protrude through a height control plane rising at an angle of ~~37~~ 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the: (i) GRZ – General Residential Zone; (ii) MRZ – Medium Density Residential Zone; ~~(iii) Village Zone;~~ LLRZ – Large Lot Residential Zone; (iv) SETZ – Settlement Zone; (v) ~~Country Living~~ RLZ – Rural Lifestyle Zone; (vi) ~~Reserve~~ OSZ – Open Space Zone.
RD1	(a) Any building that does not comply with Rule 17.3.2 P1. (b) The Council's discretion shall be ~~limited~~ restricted to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Level of shading on any other sites adjoining site; (iv) Privacy on other site; (v) Amenity values of the locality.

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17.3.4 Building setbacks

(1) Rules 17.3.4.1 and 17.3.4.2 provide the permitted building setback distances for buildings from zone boundaries and environmental features.
(2) Rule 17.3.4.1 Building setbacks – zone boundaries provide~~s~~ permitted setback distances on any site within the COMZ – Commercial zone~~Business zone~~ where the site adjoins a different zone. Different setback distances are applied based on the zone.
(3) Rule 17.3.4.2 Building setbacks – water bodies including lake, wetland, river and coast.

17.3.4.1 Building setbacks - Zone boundaries

P1	(c) A building must be set back a minimum of at least: (i) ~~7.5~~3.0 m from rear and side boundaries adjoining any: A. GRZ – General Residential Zone; B. MRZ – Medium Density Residential Zone ~~Village Zone~~; C. ~~Country Living~~ RLZ – Rural Lifestyle Zone; D. LLRZ – Large Lot Residential Zone; E. SETZ – Settlement Zone; and F. ~~Reserve~~ OSZ – Open Space Zone; (ii) 1.5m from rear and side boundaries adjoining any: A. GRUZ – General Rural Zone; B. GIZ – General Industrial Zone; C. HIZ – Heavy Industrial Zone. (iii) 15m from SH23 for any site between Greenslade Road and Hills Road, Raglan. Rule 17.3.4.1 P1 does not apply to a structure which is not a building.
RD1	(a) A building that does not comply with Rule 17.3.4.1 P1. (b) Council's discretion shall be restricted to the following matters: (i) Height, design and location of the building relative to the boundary; (ii) Impacts on the privacy for adjoining site(s); (iii) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and (iv) Landscaping and/or screening.

17.3.4.2 Building setbacks – Water-bodies

P1	(a) Any building must be setback a minimum of: (i) ~~23~~ 27.5m from the margin of any: A. Lake; B. Wetland. (ii) ~~23~~ 27.5m from the bank of any river (other than the Waikato River and Waipa River); and (iii) ~~23~~ 32.5m from the margin of either the Waikato River and the Waipa River; (iv) ~~23~~ 27.5m from mean high water springs (v) 10m from any artificial wetland Rule 17.3.4.2 P1(a) does not apply to a structure which is not a building.
P2	A public amenity of up to 25m² or pump shed (private or public) within any building setback identified in Rule 17.3.4.2 P1.
D1	Any building that does not comply with Rules 17.3.4.2 P1 or P2.

17.3.5 Horotiu Acoustic Area

P1	Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area must be designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) - Table ~~8~~11.
RD1	(a) Construction, addition to or alteration of a building that does not comply with Rule 17.3.4~~.3~~5 P1.

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	(b) The Council's discretion shall be limited to the following matters: (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the ~~dwelling~~ residential unit; (iii) Timing and duration of noise received at the notional boundary of the ~~dwelling~~ residential unit; (iv) Potential for reverse sensitivity effects.

17.3.6 ~~Dwelling~~ Residential unit

P1	(a) One ~~dwelling~~ residential unit on the ~~CFR~~ record of title must comply with all of the following ~~conditions~~ standards: (i) The ~~dwelling~~ residential unit must not be located at ground level; (ii) The ~~dwelling~~ residential unit is designed and constructed to achieve the internal design sound levels specified in Appendix 1 (Acoustic Insulation) – Table ~~8~~ 14. (b) Rule 17.3.6(a) does not apply to multi-unit development (refer to Rule 17.1.1 (Multi-Unit Development).
D1	A residential activity that does not comply with ~~conditions~~ standards of Rule 17.3.6 P1.
~~NC1~~	~~A dwelling that does not comply with Rule 17.3.6 P1.~~

17.3.7 ~~Living court~~ Outdoor living space

P1	(a) An outdoor living space ~~court~~ ~~shall~~ must be provided for each ~~dwelling~~ residential unit that meets all of the following ~~conditions~~ standards: (i) It is for the exclusive use of the occupants of the ~~dwelling~~ residential unit; (ii) It is readily accessible from a living area of the ~~dwelling~~ residential unit; and (iii) It is located on a balcony containing at least 15m^2 and a circle with a diameter of at least 2.4m.
RD1	(a) An outdoor living space ~~court~~ that does not comply with Rule 17.3.7.1 P1. (b) Council's discretion shall be restricted to the following matters: (i) Design and location of the building; (ii) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed; (iii) Privacy on adjoining sites; (iv) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.

17.3.8 Historic Heritage

(1) The following rules manage heritage items (buildings and monuments):
- (a) Rule 17.3.8.1 - Group A Heritage item – Demolition, removal or relocation
- (b) Rule 17.3.8.2 - Group B Heritage item – Demolition, removal or relocation
- (c) Rule 17.3.8.3 - All heritage items – Alterations and additions
- (d) Rule 17.3.8.4 - All heritage items – Maintenance or repair
- (e) Rule 17.3.8.5 - All heritage items – site development.

17.3.8.1 Group A heritage item - demolition, removal or relocation

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

17.3.8.2 Group B heritage item - demolition, removal or relocation

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

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17.3.8.3 All heritage items – alteration or addition

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

17.3.8.4 All heritage items – maintenance or repair

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

17.3.8.5 All heritage items – all site development

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

17.4 Subdivision Rules

(1) Rule 17.4.1 provides for subdivision density within the COMZ – Commercial zone~~Business zone~~.
(2) Rules 17.4.1 and Rule 17.4.1.1 apply across the COMZ – Commercial zone~~Business zone~~.
(3) The following rules apply to specific activities:
  (a) Rule 17.4.1.2 1(Subdivision – Multi-unit development).
(4) Rule~~s~~ 17.4.1 ~~are~~ is also subject to compliance with the following rules~~ subdivision controls:~~
  (a) Rule 17.4.1.~~3~~2 – subdivision boundary adjustments
  (b) Rule 17.4.1.~~4~~ 3– subdivision amendments and updates to cross lease flats plans
  (c) Rule 17.4.1.~~5~~ 4– subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori
  (d) Rule 17.4.1.~~6~~ 5- subdivision of land containing heritage items
  (e) Rule 17.4.1.5A – subdivision of land within the National Grid Corridor
  (f) Rule 17.4.1.~~7~~ 6– subdivision road frontage
  (g) Rule 17.4.1.~~8~~ 7- subdivision esplanade reserves and esplanade strips.

17.4.1 Subdivision ~~G~~general ~~subdivision~~

RD1	(a) Subdivision ~~of land~~ must comply with all of the following ~~conditions~~ standards: (i) ~~Proposed lots~~ The record of title must have a minimum size of 225m^2 net site area with the exception of access or utility allotments or reserves to vest; (ii) All ~~P~~proposed lots must be connected to public-reticulated water supply and wastewater. (b) The Council's discretion shall be limited to the following matters: (i) amenity values; (ii) the extent to which a range of future business activities can be accommodated; (iii) impact on the operation, maintenance, upgrading and development of existing infrastructure.
D1	Subdivision that does not comply with Rule 17.4.1 RD1.

17.4.1.1 Subdivision - Multi-unit subdivision

RD1	(a) Subdivision for multi-unit development shall comply with all of the following ~~conditions~~ standards: (i) An application for land use consent under Rule 17.1.3 (Multi-unit ~~housing~~ development) must either accompany the subdivision or have been granted resource consent by Council; (ii) Be connected to public wastewater and water reticulation;

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	(iii) (Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size: Unit of Apartment — Minimum Unit Area ~~Studio unit or 1 bedroom unit~~ — ~~60m²~~ ~~2 bedroom unit~~ — ~~80m²~~ ~~3 bedroom unit~~ — ~~100m²~~ Studio unit — 35m² 1 or more bedroom unit — 45m² (b) The Council's discretion shall be limited to the following matters: (i) Subdivision layout including notional boundaries for the multi-unit development; (ii) Compliance with the proposed or approved land use resource consent; (iii) Provision of common areas for shared spaces, access and services; (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape; ~~(vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-unit development guideline);~~ (viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres. ~~(ix) Vehicle, pedestrian and cycle networks;~~ ~~(x) Safety, function and efficiency of road network and any internal roads or accessways.~~
D1	Subdivision that does not comply with Rule 17.4.1.1 RD1.

17.4.1.2 Subdivision – Boundary adjustments

C1	(a) Boundary adjustments must comply with the following: (i) the ~~conditions~~ standards specified in either: A. A. Rule 17.4.1 (Subdivision - General); or B. B. Rule 17.4.2 (Subdivision- Multi-unit housing). (ii) Proposed lot must not generate any additional building infringements to those which legally existed prior to the boundary adjustment. (b) The Council's control shall ~~be limited to~~ reserved over the following matters: (i) Subdivision layout; (ii) Shape of title and variation in title size.
RD1	(a) Boundary adjustment that does not comply with Rule 17.4.1.2 C1. (b) The Council's discretion shall be restricted to the following matters: (i) Subdivision layout; (ii) Shape of title and variation in title size.

17.4.1.3 Subdivision – Amendments and updates to cross lease or flats plans

C1	(a) An amendment or update to a cross lease or flats plan where: (i) The purpose is to convert a cross lease or flats plan to a fee simple title; or (ii) An amendment or update ~~to includes~~ for additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners. (b) The Council's control ~~shall be limited to~~ is reserved over the following matters: (i) Purpose of the amendment or update to the cross lease or flats plan ~~boundary adjustment~~; (ii) Effects on existing buildings; (iii) Site layout and design of cross lease or flats plan; (iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

D1	Any amendment or update to a cross lease flats plan that does not comply with Rule 17.4.1.3 C1.

17.4.1.4 Subdivision - Title boundaries – Significant Natural Areas, Maaori Sites and Areas of Significance to Maaori

RD1	(a) Subdivision of land containing a Significant Natural Area, Maaori Sites of Significance or Maaori Areas of Significance must not divide any of the following: (i) A Significant Natural Area; (ii) A Maaori Site of Significance as listed in Schedule 30.3; (iii) A Maaori Area of Significance as identified in Schedule 30.4. (b) The Council's discretion shall be limited to the following matters: ~~(~~i) effects on Significant Natural Areas; (ii) effects on Maaori Sites of Significance; (iii) effects on Maaori areas of Significance.
~~NC1~~ D1	Subdivision that does not comply with Rule 17.4.1.4 RD1.

17.4.1.5 Subdivision - land containing heritage items

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage

17.4.1.6 Subdivision - Road frontage

RD1	(a) ~~Subdivision of land~~ Every proposed lot with a road ~~frontage~~ boundary, other than any access or utility allotment, right of way or access leg, must ~~provide~~ have: (i) ~~A~~ a width along the road boundary of at least 15m; and ~~(b) Rule 17.4.1.6 (a)(i) (a) does not apply to a proposed access allotment or utility allotment.~~ (c) The Council's discretion shall be limited restricted to the following matters: (i) ~~Road efficiency and s~~ Safety and efficiency of vehicle access and road network; (ii) Amenity and streetscape.
D1	Subdivision that does not comply with Rule 17.4.1.6 RD1.

17.4.1.7 Subdivision - Esplanade reserves and esplanade strips

RD1	(a) ~~Subdivision must create an~~An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas) is required to be created and vested in Council from every subdivision where the land being subdivided is ~~proposed lot~~: (i) Less than 4ha and within 20m of any: A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; C. a lake whose bed has an area of 8ha or more; (ii) 4ha or more and located within 20m of any: A. mean high water springs; or B. water body identified in Appendix 4 (Esplanade Priority Areas). (b) The Council's discretion shall be limited to the following matters: (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip; (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris; (vi) Costs and benefits of acquiring the land.

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D1	Subdivision that does not comply with Rule 17.4.1.7 RD1.

17.4.1.8 Subdivision of land within the National Grid Corridor

RD1	(a) The subdivision of land within the National Grid Corridor that complies with all of the following standards: (i) All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and (ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. (b) Council's discretion is restricted to the following matters: (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines. (v) The risk to the structural integrity of the National Grid; (vi) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.
NC1	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 17.4.1.8 RD1.

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

Chapter 19: Business Zone Tamahere Rules

(1) The rules that apply to activities in the Business Zone Tamahere are contained in Rule 19.1 Land Use – Activities, Rule 19.2 Land Use – Effects and Rule 19.3 Land Use – Building.

(2) The rules that apply to subdivision in the Business Zone Tamahere are contained in Rule 19.4 and the relevant rules in 14 Infrastructure and Energy and 15 Natural Hazards andClimate Change (Placeholder).

(3) The activity status tables and standards in the following chapters also apply to activities in the Business Zone Tamahere:
14 Infrastructure and Energy;
15 Natural Hazards and Climate Change (Placeholder).

(4) The following symbols are used in the tables:
(a) P Permitted activity
(b) C Controlled activity
(c) RD Restricted discretionary activity
(d) D Discretionary activity
(e) NC Non-complying activity

19.1 Land Use – Activities

19.1.1 Permitted Activities

(1) The following activities are permitted activities if they meet all the following:
(a) Activity specific standards; and
(b) Land Use – Effects rules in Rule 19.2 (unless the activity specific rule and/or ~~activity specific conditions~~ standards identify a ~~condition~~ standard(s) that does not apply);
(c) Land Use – Building rules in Rule 19.3 (unless the activity specific rule and/or ~~activity specific conditions~~ standards identify a ~~condition~~ standard(s) that does not apply);
(d) ~~Activity specific conditions.~~

Activity		**Activity specific ~~conditions~~ standards**
P1	Retail activity	Nil
P2	Office	Located above ground floor level
P3	Health facility	Excluding day hospitals
P4	Commercial Activity	Nil
P5	Community facility	Nil

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P6	Temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event.
P7	Construction or alteration of a building for a sensitive land use	(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.
P8	Emergency services training and management activities	Nil
P9	Additions and alterations to an existing emergency service facility	Nil

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19.1.2 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities.
(2) Discretion to grant or decline consent and impose conditions is restricted to the matters set out in the following table.

Activity	~~Conditions~~ Standards	Matters of Discretion
RD1	(a) Development within the Business Zone Tamahere shall comply with the following ~~conditions~~ standards: (i) A Development Plan is submitted with the application for resource consent to develop within the Business Zone Tamahere; and (ii) Land Use – Effects in Rule 19.2; and (iii) Land Use - Buildings in Rule 19.3.	(i) Council's discretion is restricted to the following matters: (ii) The extent to which the development: 1. Acknowledges local cultural and historic values; 2. Achieves consistency of building scale, form, layout and design theme across the BTZ – Business Tamahere zone, OSZ – Open space zone and Village Green; 3. Promotes a village character ~~(iii) The degree to which the development is consistent with the Tamahere Village Design Guide (Appendix 3.2.2);~~ ~~(iv) The degree to which the development is consistent with the Tamahere Village Concept Plan (Appendix 3.2.2);~~ ~~(v) The degree to which the Development Plan addresses all the matters listed in the Tamahere Business Zone Development Plan Guideline (Appendix 3.2.3); and~~ (vi) Physical and visual connectivity with the Village Green and adjoining recreation reserve; (vii) Landscaping and amenity planting that minimises the adverse visual effects of hard structures, car parking areas, outdoor storage and servicing areas; (viii) Entrance crossings and sight lines; (viii) Parking capacity and location; (ix) Access and traffic flow within the site; (x) Shape, size and location of individual leasable units; (xi) Variation in leasable unit sizes; (xii) Staging of development; (xiii) Use of low impact design principles; (xiv) Stormwater and wastewater

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		management and disposal.
RD2	Construction of emergency service facilities	Council's discretion shall be restricted to the following matters: (a) Effects on amenity of the locality. (b) Effects on character. (c) Road efficiency and safety. (d) Building design. (e) Site layout and design; and (f) Privacy on other sites.
RD3	Construction or alteration of a building for a sensitive land use that does not comply with 19.1.2 P7	Council's discretion shall be restricted to the following matters: a. Effects on the amenity values of the site; b. The risk of electrical hazards affecting the safety of people; c. The risk of damage to property; and Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.

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19.1.3 Discretionary Activities

~~(1)~~ Activities listed below are discretionary activities

D1	Any permitted activity that does not comply with one or more of the activity-specific standards in Rule 19.1.1.
D2	Any restricted ~~ion~~ discretionary activity that does not comply with Rule 19.1.2 RD1.

19.1.4 Non-Complying Activities

~~(1)~~ Activities listed below are non-complying activities

NC1	Residential activity
NC2	An overnight health facility
NC3	~~Travellers'~~ Visitors accommodation
NC5	Drive-through services
NC6	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.

19.2 Land Use - Effects

19.2.1 Noise

~~(1) Rules 19.2.1.1 and 19.2.1.2 provide the permitted noise levels for noise generated by land use activities.~~

~~(2)~~ Rule 19.2.1 Noise – General provides permitted noise limits in the Business Zone Tamahere.

~~(3)~~ Rule 19.2.1.2 Noise – Construction provides the noise limits for construction activities.

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19.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within the BTZ - Business Tamahere Zone ~~Tamahere~~ must not exceed: (i) 65dB ~~(L_{Aeq})~~ $L_{Aeq(15min)}$, 7am to 11 pm every day; and (ii) 55dB ~~(L_{Aeq})~~ $L_{Aeq(15min)}$, 11pm Friday to 1am Saturday; and (iii) 55dB ~~(L_{Aeq})~~ $L_{Aeq(15min)}$, 11pm Saturday to 1am Sunday; and (iv) 45dB ~~(L_{Aeq})~~ $L_{Aeq(15min)}$ 1am to 7am every day, and (v) 75dB ~~(L_{Amax})~~ L_{Amax}, 11pm to 7am every day. (b) Noise measured at the notional boundary within any site in the ~~Country Living Zone~~ RLZ – Rural lifestyle zone, must notexceed: (i) 50dB ~~(L_{Aeq})~~ $L_{Aeq(15min)}$, 7am to 7pm every day; (ii) 45dB ~~(L_{Aeq})~~ $L_{Aeq(15min)}$, 7pm to 10pm every day; and (iii) 40dB ~~(L_{Aeq})~~ $L_{Aeq(15min)}$, 10pm to 7am every day; and (iv) 65dB ~~(L_{Amax})~~ L_{Amax}, 10pm to 7am every day. (c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 'Acoustics Measurement of Environmental Sound' and (d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 'Acoustic Environmental noise'.
~~P3~~	~~(a) Noise measured at the~~ notional boundary ~~within any~~ site ~~in the Country Living Zone~~ RLZ – Rural lifestyle zone, must not~~exceed:~~ ~~(v) 50dB (L_{Aeq}), 7am to 7pm every day;~~ ~~(vi) 45dB (L_{Aeq}), 7pm to 10pm every day; and~~ ~~(vii) 40dB (L_{Aeq}), and 65dB (L_{Amax}), 10pm to 7am every day.~~
~~P4~~	~~(a) Noise levels must be measured in accordance with the requirements of~~ [redacted] ~~and~~ ~~(b) Noise levels must be assessed in accordance with the requirements of~~ [redacted].
D1	Noise that does not comply with Rule 19.2.1.1 P2, P3 or P4.

19.2.1.2 Construction noise

P1	(a) Construction noise must ~~meet~~ **not exceed** the limits in NZS 6803:1999 (Acoustics – Construction Noise); and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.
D1	Construction noise that does not comply with Rule 19.2.1.2 P1.

19.2.2 Servicing hours

P1	Loading or unloading of vehicles or receiving deliveries must not take place before 7.30am or after 8.30pm.
D1	Loading or unloading of deliveries that do not comply with Rule 19.2.2 P1.

19.2.3 Glare and artificial light spill

P1	Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site.
D1	Illumination from glare and artificial light spill that do not comply with Rule 19.2.3 P1.

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19.2.4 Earthworks

P1	(a) Earthworks within a site must meet all of the following conditions: (i) Earthworks must be located more than 1.5m from **infrastructure including** a public sewer, open drain, overland flow path or other **public** service pipe; (ii) Earthworks must not exceed a volume of more than 5000m3 and an area of more than 1,000m2 within a site; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, ~~not including any surcharge~~, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are **stabilised to avoid runoff within 1 month and** re-vegetated to achieve 80% ground cover within 6 months of ~~the commencement~~ **cessation** of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls.
P2	(a) Earthworks for the purpose of creating a building platform within a site (including theuse of imported fill material) that is: (i) subject to an approved building consent; and (ii) the earthworks occur wholly within the footprint of the building. (b) For the purposes of this rule, the footprint of the building extends 1.8m from theouter edge of the outside wall. For the purposes of this rule, this exemption does not apply to earthworks associatedwith retaining walls/structures which are not required for the structural support of the building.
P3	(a) Earthworks using the importation of fill material to a site must meet all of thefollowing conditions: (i) Must not exceed a total volume of 500m^3 per site and a depth of 1m (excludingbackfill); (ii) The slope of the resulting filled area in stable ground must not exceed amaximum slope of 1:2 (1m vertical to 2m horizontal); (iii) Fill material is setback at least 1.5m from all boundaries; (iv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of theearthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
~~D1~~ RD1	~~Earthworks that do not comply with~~ Rule 19.2.4 P1~~.~~ (a) Earthworks that do not comply with Rules 19.2.4.1 P1, P2 or P3. (b) The Council's discretion shall be limited to the following matters: (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenousvegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; (xii) Proximity to underground services and service connections.

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19.2.5 Hazardous Substances

The provisions notified under this heading are addressed in Decision Report 11: Hazardous substances and contaminated land

19.2.6 Signs

(a) Rule 19.2.6.1 Signs – General provides permitted standards for any sign, including real estate signs, across the entire Business Zone Tamahere.
(b) Rule 19.2.6.2 Signs – Effects on traffic apply specific standards for any sign that is directed at road users.

19.2.6.1 Signs – General

P1	A public information sign erected by a government agency.
P2	(a) Any sign must comply with all of the following conditions: (i) There are no more than two signs per leasable area; (ii) The sign is wholly contained on the site; (iii) Where the sign is attached to a building, it must not exceed: A. An area of 2m^2; and B. More than 300mm from the building wall; and C. The height of the building; (iv) Where the sign is attached to a verandah, it must: A. Be no deeper than 400mm; and B. Not obscure any notable architectural feature of a building; and C. Not project beyond the roof or fascia of the verandah more than 100mm in any direction; and D. Allow clearance of at least 2.5m above any pedestrian access; (v) Where it is a freestanding sign, it must not exceed: A. 1.5m in height; and B. An area of 1m$^{2;}$ (vi) Where it is a signage wall, it must not exceed: A. 1.2m in height; and B. An area of 4m$^{2;}$ (vii) Where it is an illuminated sign, it must: A. Not be a neon sign; and B. Not have a light source that flashes or moves; and C. Not contain moving parts or reflective materials; and D. Be focused to ensure it does not spill light beyond the site.
P3	(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located mustcomply with all of the following conditions: ~~(i) The sign relates to the sale of the site on which it is located;~~ ~~(ii)~~ There is no more than ~~1~~ **3** signs per ~~agency~~ **site**;
P4	Official sign
P5	Signs that are located within a building or that are not visible from a road or adjoining site.

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	(iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (v) The sign does not project into or over road reserve.
D1	Any sign that does not comply with Rules 19.2.6.1 P2 or P3.

19.2.6.2 Signs - Effects on traffic

P1	(a) Any sign directed at road users must: (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be at least 60m from controlled intersections, pedestrian crossings and another sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 symbols; (v) Have lettering that is at least 150mm high; and (vi) ~~Be at least 130m from a site entrance, where the sign directs traffic to the entrance.~~
D1	Any sign that does not comply with Rule 19.2.6.2 P1.

19.2.7 Outdoor storage

P1	(a) Outdoor storage of goods or materials must comply with all of the following standards: (i) Not exceed a height of 2m; (ii) Be limited to one 25m² storage area over the entire BTZ - Business ~~Zone~~ Tamahere zone site (iii) Be screened from view by a close boarded fence or wall to height of 1.8m from: A. A public road; B. Public reserve; and C. An adjoining site in another zone.
D1	Any outdoor storage area that does not comply with Rule 19.2.7 P1.

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19.3 Land Use – Buildings

19.3.1 Height – Building general

P1	**(a)** The maximum height of any building measured from the natural ground level immediately below that part of the structure must not exceed 10m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 12m measured from the natural ground level immediately below the structure; (c) The maximum height of hose drying towers associated with emergency servicefacilities measured from the natural ground level immediately below that part of the structure must not exceed 15m.
D1	Any building that does not comply with Rule 19.3.1 P1.

19.3.2 Buildings, structures~~,~~ and vegetation ~~and objects~~ within an airport obstacle limitation surface

P1	Any building, structure or vegetation must not protrude through any airport obstacle limitation surface ~~as shown~~ identified on the planning maps and defined in Section E Designation N Waikato Regional Airport.
D1	Any building, structure or vegetation that does not comply with Rule 19.3.2 P1.

~~19.3.3 Daylight admission~~ Height in relation to boundary

P1	Any building must not protrude through a height control plane rising at an angle of ~~37~~ 45 degrees commencing at an elevation of 2.5m above ground level at every point of the boundary of a site ~~within the Business Zone Tamahere~~ adjoining the RLZ – Rural lifestyle zone.
RD1	(a) Any building that does not comply with Rule 19.3.3 P1. (b) Council's discretion is limited to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) ~~Extent~~Level of shading on any other adjacent sites; (iv) ~~Effects on p~~Privacy ~~of~~on other sites; (v) ~~Effects on~~ Amenity values of ~~other sites~~ the locality.

19.3.4 Gross Floor Area

P1	The total gross floor area of all buildings within the Business Zone Tamahere must not exceed 3000m^2.
D1	The total gross floor area of all buildings that does not comply with Rule 19.3.4 P1.

19.3.5 Gross Leasable Floor Area

P1	(a) ~~Any~~ Every individual tenancy must have a gross leasable floor area between 70m^2 and 350m^2; (b) There must be no more than four individual tenancies, each with a gross leasable floor area between 250m^2 and 350m^2.
D1	~~Any~~Every individual tenancy that does not comply with Rule 29.3.5 P1 except where Rule 29.3.5 NC1 applies.
NC1	~~Any~~Every individual tenancy that has a gross leasable floor area over 350m^2.

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

19.3.6 Building setbacks

P1	(a) ~~The~~Any building must be set back a minimum of ~~at least~~: (i) 12m from the RLZ – Rural lifestyle ~~Country Living~~ Zone boundary; (ii) 20m from any road boundary; and (iii) 2m from the boundary of the OSZ – Open space ~~Recreation~~ Zone. Rule 19.3.6 P1 does not apply to a structure which is not a building.
D1	Any building that does not comply with Rule 19.3.6.1P1.

19.4 Subdivision

19.4.1 Subdivision – Restricted Discretionary Activities

RD1	(a) Subdivision of individual leasable units must: (i) Have a Code of Compliance Certificate issued for each building included in the subdivision; and (ii) Create a Communal Management Structure in ~~accordance with Appendix 3.2.2~~ for the ongoing use, operation, management and maintenance of land, buildings and infrastructure in common ownership. (b) Council's discretion is restricted to the following matters: (i) The type and terms of the legal framework for managing and maintaining common facilities; ~~(ii) Matters referred to in Appendix 3.2.3 Tamahere Business Zone - Development Plan Guidelines;~~ (iii) Consistency with building design and individual unit layout, as shown in the previously-approved development plan; (iv) Continuation of access to common land and infrastructure; (v) Consistency with any staged development proposal as shown in the previously-approved development plan; (vi) Consistency with the Communal Management Structure ~~(Appendix 3.2.2)~~ that shows ownership, benefits of the common facilities, adequate funding for indefinite operation; (vii) Terms of the legal framework for each owner of a unit within the Communal Management Structure ~~(Appendix 3.2.2).~~
D1	Subdivision that does not comply with Rule 19.4.1 RD1.