

Chapter 17: Business Zone

Proposed Waikato District Plan

Stage I

(Notified version)

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

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Chapter 17: Business Zone

- (1) The rules that apply to activities in the 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 Business zone are contained in [Rule 17.4](#).
- (3) The activity status tables and standards in the following chapters also apply to activities in the 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
- (5) The Business Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. [Rule 17.5](#) manages all land use, building and subdivision in this location. [Rule 17.5.1](#) sets out how to apply rules to the Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Business Zone.
- (6) The Business Zone also contains specific provisions for the Business Zone in the Ohinewai Structure Plan Area. Rule 17.6.1 sets out how to apply rules in that Business Zone, including rules that are different from, or are in addition to, rules that apply to the rest of the Business Zone.

17.1 Land Use – Activities

17.1.1 Prohibited Activities

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

PRI	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).
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17.1.2 Permitted Activities

- (1) The following activities are permitted activities if they comply with all of the:
 - (a) Land Use – Effects rules in [Rule 17.2](#) and Land Use – Building rules in [Rule 17.3](#) (unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply); and
 - (b) Activity-specific conditions.

Activity	Activity-specific conditions
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P1	Commercial activity	Nil
P2	Commercial services	Nil
P3	Community activity	Excluding a cemetery
P4	Residential activity	Located above ground floor level
P5	Education facility	Nil
P6	Child care facility	Nil
P7	Office	Nil
P8	Public amenity	Nil
P9	Place of assembly	Nil
P10	Health facility	Nil
P11	Hauroa	Nil
P13	Traveller's 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.	<p>(a) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; and (ii) A Licence to Occupy. <p>(b) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; and (ii) A lease, or an Occupation Order of the Māori Land Court. <p>(c) The following Land Use – Effects rules in Rule 17.2 do not apply:</p> <ul style="list-style-type: none"> (i) Rule 17.3.8 (Dwelling); (ii) Rule 17.1.4 (Multi-unit development).
P17	Temporary event	<p>(a) The event occurs no more than 3 times per consecutive 12 month period;</p> <p>(b) The duration of each event is less than 72 hours;</p> <p>(c) It may operate between 7.30am and 8:30pm Monday to Sunday;</p> <p>(d) Temporary structures are:</p> <ul style="list-style-type: none"> (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; <p>(e) The site is returned to its previous condition no more than 3 days after the end of the event;</p> <p>(f) There is no direct site access from a national route or regional arterial road.</p>

PI8	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
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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									
RDI	<p>(a) A multi-unit development that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) Land Use – Effects rules in Rule 17.2; (ii) Land Use – Building rules in Rule 17.3, except the following rules do not apply: <ul style="list-style-type: none"> (i) Rule 17.3.8 Dwelling; (ii) Rule 17.3.9 Living court; (iii) The multi-unit development must be located above the ground floor level; (iv) A detailed site plan depicting the proposed lot 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 housing developments); (v) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation), Table 14; (vi) A communal service court is provided comprising: <ul style="list-style-type: none"> A. a minimum of 20m²; and B. a minimum dimension of 3m; (vii) Living court areas are provided above ground floor level to meet the following minimum requirements for each residential unit: <table border="1" style="margin-left: 40px; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Residential Unit</th> <th style="width: 30%;">Minimum Area</th> <th style="width: 40%;">Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>2 or more bedroom</td> <td>15m²</td> <td>2m</td> </tr> </tbody> </table>	Residential Unit	Minimum Area	Minimum Dimension	Studio unit or 1 bedroom	10m ²	2m	2 or more bedroom	15m ²	2m	<p>(a) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3; (ii) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4; (iii) The extent to which the development contributes to and engages with adjacent streets and public open space; (iv) 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; (v) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles; (vi) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout; (vii) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner; (viii) Avoidance or mitigation of natural hazards;
Residential Unit	Minimum Area	Minimum Dimension									
Studio unit or 1 bedroom	10m ²	2m									
2 or more bedroom	15m ²	2m									

		(ix) Geotechnical suitability for building.
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17.1.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Land Use – Effects or Land Use –Building rules, unless specified in Rule 17.2 or 17.3 applies.
D2	Any activity that does not comply with one or more activity-specific conditions for a permitted activity under Rule 17.1.2.
D3	Any multi-unit development that does not comply with one or more conditions for a restricted discretionary activity under Rule 17.1.3 RDI.

17.1.5 Non-Complying Activities

(I) 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.
NC3	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.

17.2 Land Use – Effects

17.2.1 Noise

- (1) Rules 17.2.1.1 and 17.2.1.2 provide the permitted noise limits for noise generated by land use activities.
- (2) Rule 17.2.1.1 Noise – general provides permitted noise limits in the Business Zone.
- (3) Rule 17.2.1.2 Noise – Construction provides the noise limits for construction activities.

17.2.1.1 Noise – General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any site: (i) In the Business Zone must not exceed: A. 65dB (LAeq), 7am to 11pm every day; and B. 55dB (LAeq) and 85dB (L _{Amax}), 11pm to 7am the following day; (ii) In the Residential or Village Zone must not exceed: A. 55dB (LAeq), 7am to 7pm; B. 50dB (LAeq), 7pm to 10pm; C. 45dB (LAeq) and 75dB (L _{Amax}), 10pm to 7am the following day.
P3	(a) 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 - Measurement of Environmental Sound". (b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics - Environmental noise".
DI	Noise that does not comply with Rule 17.2.1 P2, P3 or P4.

17.2.1.2 Noise – Construction

PI	(a) Construction noise must meet 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'.
RDI	(a) Construction noise that does not comply with Rule 17.2.2 PI. (b) Council's discretion is restricted to the following matters: (i) Effects on amenity values; (ii) Hours and days of construction; (iii) Noise levels; (iv) Timing and duration; and (v) Methods of construction.

17.2.2 Servicing and hours of operation

PI	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the Residential and Village Zones may occur between 6.30am and 7.30pm.
RDI	(a) Servicing and operation of a commercial activity that does not comply with Rule 17.2.2 PI. (b) Council's discretion is limited to the following matters: (i) Effects on amenity values on adjoining sites within the Residential 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 on adjoining sites; and (v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.

17.2.3 Onsite parking areas - Landscaping -

PI	(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following conditions:
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	<ul style="list-style-type: none"> (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.
DI	Onsite parking areas that do not comply with Rule 17.2.3 PI.

17.2.4 Glare and artificial light spill

PI	Glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at any point within any other site.
RD1	<ul style="list-style-type: none"> (a) Glare and artificial light spill that does not comply with Rule 17.2.4 PI. (b) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (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 Business Zone.
- (2) Specific standards for earthworks are within rules:
 - (i) **Rule 17.2.5.2** – Maaori Sites and Maaori Areas of Significance
 - (ii) **Rule 17.2.5.3** – Significant Natural Areas
 - (iii) **Rule 17.2.5.4** – Landscape and Natural Character Areas

17.2.5.1 Earthworks – General

PI	<ul style="list-style-type: none"> (a) Earthworks within a site must meet the following conditions: <ul style="list-style-type: none"> (i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Not exceed a volume of more than 250m³ 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 re-vegetated to achieve 80% ground cover within 6 months of the commencement 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. ;
P2	<ul style="list-style-type: none"> (a) The importation of fill material to a site must meet all of the following conditions in addition to Rule 17.2.4 PI: <ul style="list-style-type: none"> (i) Does not exceed a total volume of 500m³ per site and a depth of 1m; (ii) Is fit for compaction;

	<ul style="list-style-type: none"> (iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Does not restrict the ability for land to drain; (v) Is not located within 1.5m of public sewers, utility services or manholes; (vi) The sediment from fill material is retained on the site.
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 17.2.4.1 P1 or P2 (b) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (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 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; and (xii) Proximity to underground services and service connections.

17.2.5.2 Earthworks - Maori Sites and Maori Areas of Significance

RD1	<ul style="list-style-type: none"> (a) Earthworks within a Maori site of significance as identified in Schedule 30.3 (Maori site of Significance) as shown on the planning maps.. (b) Earthworks within a Maori area of significance as identified in Schedule 30.4 (Maori area of Significance) as shown on the planning maps. (c) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (i) Location of earthworks in relation to the site; (ii) Effects on heritage and cultural values.
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17.2.5.3 Earthworks – within Significant Natural Areas

PI	<ul style="list-style-type: none"> (a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area must meet all of the following conditions: <ul style="list-style-type: none"> (i) Do not exceed a volume of 50m³ in a single consecutive 12 month period; (ii) Do not exceed an area of 250m² in a single consecutive 12 month period; (iii) Do not include the importation of any fill material.
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 17.2.5.3 P1. (b) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (i) The location of earthworks, taking into account waterways, significant indigenous vegetation or habitat; (ii) The effects on the Significant Natural Area.
DI	Earthworks for any other purpose within an identified Significant Natural Area.

17.2.5.4 Hazardous substances

PI	<ul style="list-style-type: none"> (a) The use, storage or disposal of any hazardous substances must meet the following conditions:
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	<ul style="list-style-type: none"> (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances) (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
CI	<ul style="list-style-type: none"> (a) Service station with a maximum storage for retail sale of: <ul style="list-style-type: none"> (i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; and (iii) 6 tonnes of LPG (single vessel storage). (b) Council's control is limited to the following matters: <ul style="list-style-type: none"> (i) the proposed site design and layout in relation to: <ul style="list-style-type: none"> A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; and B. interaction with natural hazards (flooding, instability), as applicable; C. proposed emergency management planning (spills, fire and other relevant hazards); (ii) proposed procedures for the monitoring and reporting of incidents.
DI	The use, storage or disposal of any hazardous substances that does not comply with Rule 17.2.5.4 PI.
DI	A service station that does not comply with Rule 17.2.4.5 C1.

17.2.6 Notable trees

- (I) 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

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from a works arborist that states that the tree is dead, dying, diseased or unsafe.
CI	<ul style="list-style-type: none"> (a) Removal or destruction of a tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 17.2.6.1 PI. (b) Council's control is limited to the following matters: <ul style="list-style-type: none"> (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

17.2.6.2 Notable tree – trimming

PI	<ul style="list-style-type: none"> (a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either: <ul style="list-style-type: none"> (i) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or
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	(ii) The maximum branch diameter does not exceed 50mm at the point of severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.
RDI	(a) The trimming of a notable tree that does not comply with Rule 17.2.6.2 PI . (b) Council's discretion is limited to the following matters: (i) Timing and manner in which the activity is carried out; and (ii) Effects on amenity values.

17.2.6.3 Notable tree – activities within the dripline

PI	(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not: (i) Involve excavation, compaction, sealing or soil disturbance and placement of fill material , except for the sealing of an existing road or footpath; (ii) Involve parking or storage of materials, vehicles or machinery; (iii) Discharge of an eco-toxic substance; and (iv) Involve construction of structures.
RDI	(a) Any activity within the dripline of a notable tree that does not comply with Rule 17.2.6.3 PI . (b) Council's discretion is limited to the following matters: (i) Location of the activity in relation to the tree; (ii) Timing and manner in which the activity is carried out; (iii) Remedial measures; (iv) Effect on the health of the tree; (v) Amenity values.

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 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	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign is wholly contained on the site; (ii) The sign height must not exceed 10m; (iii) Where the sign is illuminated it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; B. Not contain moving parts or reflective materials; and C. Be focused to ensure that it does not spill light beyond the site; (iv) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the 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 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; (ix) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>(a) A real estate 'for sale' sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It relates to the sale of the site on which it is located; (ii) There is no more than 1 sign per agency; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.
RD1	<p>(a) A sign that does not comply with Rule 17.2.7.1, P2 or P3.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (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

PI	(a) Any sign directed at road users must: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other 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) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.
DI	Any sign that does not comply with Rule 17.2.7.2 PI .

17.2.8 Outdoor storage

PI	(a) Outdoor storage of goods or materials must: <ul style="list-style-type: none"> (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; and (iii) 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: <ul style="list-style-type: none"> 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 PI . (b) The Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; and (iv) Measures to mitigate adverse effects.

17.2.9 Indigenous vegetation clearance inside a Significant Natural Area

PI	(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for any of the following purposes: <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; (v) Gathering plants in accordance with Maaori customs and values.
P2	Removing of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes or arts and craft, provided the removal will not directly result in the death, destruction or irreparable damage to any other tree, bush or plant.
P3	(a) Indigenous vegetation clearance for building , access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions: <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; and (ii) The total indigenous vegetation clearance does not exceed 250m².
P4	(a) On Maaori Freehold Land or Maaori Customary Land , indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:

	<ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded: <ul style="list-style-type: none"> A. 1500m² for a Marae complex, including areas associated with access parking and manoeuvring; and B. 500m² per dwelling, including areas associated with access parking and manoeuvring; and C. 500m² for a papakainga building including areas associated with access parking and manoeuvring.
P5	<p>(a) On Maori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for any of the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Maaori customs and values.
P6	On Maori Freehold Land or Maaori Customary Land removing of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes or arts and crafts, provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.
D1	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 17.2.9 P1, P2, P3, P4, P5 or P6.

RD1	<ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; and (iv) Measures to mitigate adverse effects.
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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 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 PRI may apply.

17.3.1.1 Height – Building General

P1	The maximum height of any building must not exceed 10m.
D1	Any building that does not comply Rule 17.3.1.1 P1.

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

PI	Any building , structure or vegetation must not protrude through the airport obstacle limitation surfaces as shown on the planning maps.
DI	Any building , structure or vegetation that does not comply with Rule 17.3.1.2 PI .

17.3.2 Daylight admission

PI	(a) Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins a: <ol style="list-style-type: none"> (i) Residential Zone; (ii) Village Zone; (iii) Country Living Zone; or (iv) Reserve Zone.
RD1	(a) Any building that does not comply with Rule 17.3.2 PI . (b) The Council's discretion shall be limited to the following matters: <ol style="list-style-type: none"> (i) Height of building; (ii) Design and location of the building; (iii) Level of shading on an adjoining site; (iv) Privacy on other site; (v) Amenity values of the locality.

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 setback – zone boundaries provides permitted setback distances on any **site** within the 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

PI	(a) Any building must be set back at least: <ol style="list-style-type: none"> (i) 7.5m from rear and side boundaries adjoining the: <ol style="list-style-type: none"> A. Residential Zone; B. Village Zone; C. Country Living Zone; or D. Reserve Zone; and (ii) 1.5m from rear and side boundaries adjoining the: <ol style="list-style-type: none"> A. Rural Zone; or B. Industrial Zone.
DI	Any building that does not comply with Rule 17.3.4.1 PI .

17.3.4.2 Building setbacks - Water bodies

PI	(a) Any building must be setback a minimum of: <ol style="list-style-type: none"> (i) 23m from the margin of any:
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	<p>A. Lake;</p> <p>B. Wetland.</p> <p>(ii) 23m from the bank of any river (other than the Waikato River and Waipa River); and</p> <p>(iii) 28m from the margin of either the Waikato River and the Waipa River;</p> <p>(iv) 23m from mean high water springs.</p>
P2	A public amenity of up to 25m ² or a pump shed within building setback identified in Rule 17.3.4.2 PI.
D1	Any building that does not comply with a condition in Rule 17.3.4.2 PI or P2.

17.3.5 Horotiu Acoustic Area

PI	Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic must be designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) - Table 8.
D1	<p>(a) Construction, addition to or alteration of a building that does not comply with Rule 17.3.4.3 PI.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) On-site amenity values;</p> <p>(ii) Noise levels received at the notional boundary of the dwelling;</p> <p>(iii) Timing and duration of noise received at the notional boundary of the dwelling;</p> <p>(iv) Potential for reverse sensitivity effects.</p>

17.3.6 Dwelling

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

17.3.7 Living court

PI	<p>(a) A living court shall be provided for each dwelling that meets all of the following conditions:</p> <p>(i) It is for the exclusive use of the occupants of the dwelling;</p> <p>(ii) It is readily accessible from a living area of the dwelling; and</p> <p>(iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m.</p>
D1	A living court that does not comply with Rule 17.3.7.1.

17.3.8 Heritage

- (I) 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

NCI	Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items)
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17.3.8.2 Group B heritage item - Demolition, removal or relocation

DI	Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items)
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17.3.8.3 All heritage items – Alteration or addition

PI	<p>(a) Alteration of or addition to a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:</p> <p>(i) No significant feature of interest is removed, destroyed or damaged; and</p> <p>(ii) Alterations or additions are not visible from a public place.</p>
RDI	<p>(a) Alterations or additions to a heritage item that does not comply with Rule 17.3.8.3 PI.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) Form, style, materials and appearance;</p> <p>(ii) Effects on heritage values.</p>

17.3.7.4 All heritage items – Maintenance or repair

PI	<p>(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:</p> <p>(i) No significant feature of interest is destroyed or damaged; and</p> <p>(ii) Replacement materials are the same as, or similar to, the originals in terms of form, style and appearance.</p>
RDI	<p>(a) Maintenance or repair of a heritage item that does not comply with a condition of Rule 17.3.8.4 PI.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) Form, style, materials and appearance;</p> <p>(ii) Effects on heritage values</p>

17.3.7.5 All heritage items – All site development

PI	<p>(a) Development on the site containing a heritage item listed in Schedule 30.1 (Heritage Items) shall:</p> <p>(i) Be set back at least 10m from the heritage item; and</p> <p>(ii) Not locate a building between the front of the heritage item and the road.</p>
RDI	<p>(a) Any activity that does not comply with Rule 17.3.8.5 PI</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) Effects on the values, context and setting of the heritage item;</p> <p>(ii) Location, design, size, materials and finish;</p> <p>(iii) Landscaping;</p> <p>(iv) The relationship of the heritage item with the setting including the area between the heritage item and the road.</p>

17.4 Subdivision

- (1) Rule 17.4.1 provides for subdivision density.
- (2) Rules 17.4.1 and Rule 17.4.1.1 apply across the Business Zone.
- (3) The following rules apply to specific activities:

- (a) Rule 17.4.1.2 (Subdivision – Multi-unit development).
- (4) Rules 17.4.1 are subject to the following subdivision controls:
 - (i) Rule 17.4.1.3 – subdivision boundary adjustments
 - (ii) Rule 17.4.1.4 – subdivision amendments and updates to cross lease flats plans
 - (iii) Rule 17.4.1.5 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori
 - (iv) Rule 17.4.1.6 - subdivision of land containing heritage items
 - (v) Rule 17.4.1.7 – subdivision road frontage
 - (vi) Rule 17.4.1.8 - subdivision esplanade reserves and esplanade strips.

17.4.1 General subdivision

RDI	(a) Subdivision of land must comply with all of the following conditions: <ul style="list-style-type: none"> (i) Proposed lots must have a minimum size of 225m² net site area with the exception of access or utility allotments or reserves to vest; (ii) Proposed lots must be connected to public-reticulated water supply and wastewater. (b) The Council’s discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) amenity values; (ii) the extent to which a range of future business activities can be accommodated.
DI	Subdivision that does not comply with Rule 17.4.1 RDI.

17.4.1.1 Subdivision - Multi-unit development

RDI	(a) Subdivision for multi-unit development must comply with all of the following conditions: <ul style="list-style-type: none"> (i) An application for land use consent under Rule 17.1.4 (Multi-unit housing development) must either accompany the subdivision or been granted resource consent by Council; (ii) Be connected to public wastewater and water reticulation; and (iii) Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Unit of Apartment</th> <th style="text-align: center;">Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Studio unit or 1 bedroom unit</td> <td style="text-align: center;">60m²</td> </tr> <tr> <td style="text-align: center;">2 bedroom unit</td> <td style="text-align: center;">80m²</td> </tr> <tr> <td style="text-align: center;">3 bedroom unit</td> <td style="text-align: center;">100m²</td> </tr> </tbody> </table>	Unit of Apartment	Minimum Unit Area	Studio unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 bedroom unit	100m ²
Unit of Apartment	Minimum Unit Area								
Studio unit or 1 bedroom unit	60m ²								
2 bedroom unit	80m ²								
3 bedroom unit	100m ²								
	(b) The Council’s discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Subdivision layout including notional boundaries for the multi-unit development; (ii) Provision of common areas for shared spaces, access and services; (iii) Avoidance or mitigation of natural hazards; (iv) Geotechnical suitability of site for buildings; (v) Amenity values and streetscape; (vi) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-unit development guideline); (vii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (viii) Vehicle, pedestrian and cycle networks; (ix) Safety, function and efficiency of road network and any internal roads or accessways. 								
DI	Subdivision that does not comply with Rule 17.4.1.1 RDI.								

17.4.1.2 Subdivision – Boundary adjustments

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

17.4.1.3 Subdivision - Amendments and updates to cross lease flats plans

CI	<p>(a) An amendment is to convert a cross lease to a fee simple title; or</p> <p>(a) An amendment or update to includes additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners.</p> <p>(b) The Council's control shall be limited to the following matters</p> <p>(i) Purpose of the boundary adjustment;</p> <p>(ii) Effects on existing buildings;</p> <p>(iii) Site layout and design of cross lease or flats plan;</p> <p>(iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.</p>
DI	Any amendment or update to a cross lease flats plan that does not comply with Rule 17.4.1.3 CI.

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

RD1	<p>(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:</p> <p>(i) A Significant Natural Area;</p> <p>(ii) A Maaori Site of Significance as listed in Schedule 30.3;</p> <p>(iii) A Maaori Area of Significance as listed in Schedule 30.4.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) Effects on Significant Natural Areas;</p> <p>(ii) Effects on Maaori Sites of Significance;</p> <p>(iii) Effects Maaori areas of Significance.</p>
NCI	Subdivision that does not comply with Rule 17.4.1.4 RD1

17.4.1.5 Subdivision - land containing heritage items

RD1	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items) where the heritage item is wholly contained within one lot.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) Effects on heritage values;</p> <p>(ii) Context and setting of the heritage item;</p> <p>(iii) The extent to which the relationship of the heritage item with its setting is maintained.</p>
NCI	Subdivision that does not comply with Rule 17.4.1.4 RD1.

17.4.1.6 Subdivision - Road frontage

RDI	<p>(a) Subdivision of land with a road frontage must provide:</p> <ul style="list-style-type: none"> (i) A width along the road boundary of at least 15m; and <p>(b) Rule 17.4.1.6 (a)(i) (a) does not apply to a proposed access allotment or utility allotment.</p> <p>(c) The Council’s discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (ii) Road efficiency and safety; (iii) Amenity and streetscape.
DI	Subdivision that does not comply with Rule 17.4.1.6 RDI .

17.4.1.7 Esplanade reserves and esplanade strips

RDI	<p>(a) Subdivision must create an esplanade reserve or strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas)) from every proposed lot:</p> <ul style="list-style-type: none"> (i) less than 4ha and within 20m of: <ul style="list-style-type: none"> A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; and (ii) 4ha or more within 20m of mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) The Council’s discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (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.
DI	Subdivision that does not comply with Rule 17.4.1.7 RDI .

17.5 Specific Area: Lakeside Te Kauwhata Precinct

17.5.1 Application of rules

- (1) Rules 17.5.2, 17.5.3 and 17.5.4 apply in the Lakeside Te Kauwhata Precinct in addition to the activity rules in 17.1.2 (Permitted Activities), 17.1.3 (Restricted Discretionary Activities), 17.1.4 (Discretionary Activities) and 17.1.5 (Non-Complying Activities).
- (2) The rules that apply to a permitted activity in Rule 17.5.2 PI-P17 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows:
 - (a) Rule 17.2 (Land use – Effects), except:
 - (i) Rule 17.2.5.1 (Earthworks - General) does not apply where earthworks consent has been obtained under Rule 17.5.2 (Comprehensive Land Development Consent);
 - (b) Rule 17.3 (Land use – Building), except:
 - (i) Rule 17.3.2 (Daylight admission) does not apply and Rule 17.5.5 applies instead.
 - (ii) Rule 17.3.4 (Building setbacks) does not apply and Rule 17.5.8 applies instead.
 - (c) Rule 17.5.6 (Gross floor area);
 - (d) Rule 17.5.7 (Gross leasable floor area).
- (3) Rule 17.5.9 applies in addition to Rule 17.4 (Subdivision) for subdivision within the Lakeside Te Kauwhata Precinct.
- (4) Precinct Plans 1-3 are contained in Rule 16.5.1(3).

17.5.2 Restricted Discretionary Activities

Activity	Council's discretion shall be restricted to the following matters:
<p>RD1</p> <p>(a) A comprehensive land development consent (CLDC) that meets all of the following conditions:</p> <ol style="list-style-type: none"> (i) is in accordance with Te Kauwhata Lakeside Precinct Plan 16.5.1 (3)(a); the roading network, walkways and cycleways shown on Precinct Plan 16.5.1 (3)(b); and the open space shown on Precinct Plan 16.5.1 (3)(c) as set out in the precinct parameters below; and <p>(b) A CLDC is in accordance with the Lakeside Precinct Plans identified above if:</p> <ol style="list-style-type: none"> (i) Primary roads are within 50m of the location shown on Precinct Plan 16.5.1 (3)(b); and (ii) Bus route is either on the alignment shown on Precinct Plan 16.5(3)(b) or a continuous alignment that achieves the same circulation; and (iii) Indicative areas of open space are within 200m of the location shown on Precinct Plan 16.5 (3)(b). <p>(c) The following infrastructure requirements are met:</p> <ol style="list-style-type: none"> (i) Demonstrate that adequate capacity within the water, 	<p>(a) Council's discretion is reserved over:</p> <ol style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plans in 16.5.1 (3)(a), 16.5.1 (3)(b) and 16.5.1 (3)(c); (ii) matters identified in the assessment criteria in X; (iii) managing the effects of wastewater and stormwater; (iv) roading network and compliance with a Council-

	<p>stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p> <p>(ii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal, either through a reticulated network or in accordance with Chapter 14.</p> <p>(d) A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the business zone, provided that an individual stage is 5ha or more.</p> <p>(e) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(f) LDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>	<p>approved roading standard;</p> <p>(v) provision and location of existing and future utilities and connections;</p> <p>(vi) location of roads and their connections;</p> <p>(vii) provision of open space, including linkages between residential areas, open space and Lake Waikare;</p> <p>(viii) effects of natural hazards (including flooding), geotechnical suitability and land contamination.</p>
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17.5.3 Discretionary Activities

DI	<p>(a) A CLDC that does not comply with Rule 17.5.2 RD1 and meets all of the following conditions:</p> <p>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1 (3)(b); and</p> <p>(ii) Bus route is either on the alignment shown on Precinct Plan 16.5.3.1 (3)(b) or a continuous alignment that achieves the same circulation; and</p> <p>(iii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1 (3)(c).</p> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
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17.5.4 Non-complying Activities

NC1	A CLDC that does not meet the requirements of Rule 17.5.2 RD1 (b) relating to Infrastructure requirements.
NC2	A CLDC that does not meet the conditions for a discretionary activity outlined in Rule 17.5.3 DI.

17.5.5 Daylight admission

PI	Any building shall not protrude through a height control plan rising at an angle of 45 degrees commencing at an elevation of 3.5m above ground level at every point of the site boundary where it adjoins a residential zone.
RD1	(a) Any building that does not comply with Rule 17.5.5 PI

	<p>(b) Discretion is restricted to:</p> <ul style="list-style-type: none"> (i) height of building; (ii) design and location of the building; (iii) level of shading on an adjoining site; (iv) privacy on other site; (v) amenity values of the locality.
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17.5.6 Gross floor area

PI	Construction or alteration of a building provided that the total gross floor area of all buildings in the zone does not exceed 4000m ² .
RD1	<p>(a) Any building which does not comply with Rule 17.5.6.2 PI.</p> <p>(b) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) height of building; (ii) design and location of building; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other sites; (v) amenity values of the locality,

17.5.7 Gross leasable floor area

PI	<p>(a) Construction or alteration of a building that complies with the following conditions:</p> <ul style="list-style-type: none"> (i) individual leasable retail units have a gross leasable floor area between 70m² and 650m²; (ii) there are no more than two individual leasable units with a gross leasable floor area between 400m² and 650m².
RD1	<p>(a) Construction or alteration of a building that does not comply with 17.5.7 PI.</p> <p>(b) The Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) impact on Te Kauwhata town centre; (ii) design and location of building.

17.5.8 Building setbacks

PI	<p>(a) Construction or alteration of a building that complies with the following condition:</p> <ul style="list-style-type: none"> (i) the building is set back at least 10m from the centerline of an indicative or legal road.
RD1	<p>(a) Construction or alteration of a building that does not comply with 17.5.8 PI.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) streetscape and amenity; (ii) traffic capacity of the road network.

17.5.9 Subdivision

RD1	<p>(a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) is in accordance with Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan 16.5.1(3)(b); and the open space shown on Precinct Plan 15.5.2.3, as set out in the precinct parameters below; and (ii) A CS is in accordance with the Lakeside Precinct Plans identified above if:
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	<p>A. Primary roads are within 50m of the location shown on Precinct Plan 16.5.1(3)(b); and</p> <p>B. Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and</p> <p>(i) Indicative areas of open space are within 200m of the location shown on Precinct Plan 16.5.1(3)(b).</p> <p>(b) The following infrastructure requirements are met:</p> <p>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements;</p> <p>(ii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14.</p> <p>(c) A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the business zone, provided that an individual stage is 5ha or more.</p> <p>(d) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(e) CLDC approval does not constitute authorisation by Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from Waikato District Council prior to any works commencing that affect public roads.</p> <p>(f) Council's discretion is limited to the following matters:</p> <p>(i) consistency with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a),(b) and (c);</p> <p>(ii) matters identified in the assessment criteria in X;</p> <p>(iii) managing the effects of wastewater and stormwater;</p> <p>(iv) roading network and compliance with a Council approved roading standard;</p> <p>(v) provision and location of existing and future utilities and connections;</p> <p>(vi) location of roads and their connections;</p> <p>(vii) provision of open space, including linkages between residential areas, open space and Lake Waikare;</p> <p>(viii) effects of natural hazards (including flooding), geotechnical suitability and land contamination;</p> <p>(ix) provision of the historic lwi overlay area shown on Precinct Plan 16.5.1.3(b).</p> <p>(g) Applications for approval of a CS as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(h) CS approval does not constitute authorisation by Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from Waikato District Council prior to any works commencing that affect public roads.</p>
DI	<p>(a) A CS that does not comply with Rule 17.5.9 RDI and meets all of the following conditions and condition 17.5.9 RDI (c) relating to infrastructure:</p> <p>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(b);</p> <p>(ii) Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation;</p> <p>(iii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(b).</p> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>

NC1	A CS that does not meet the requirements of Rule 17.5.9 RD1 (c) relating to Infrastructure Requirements, shall be a non-complying activity.
NC2	A CS that does not meet any of the parameters for a discretionary activity outlined in 17.5.9 D1.

17.6 Specific Area – Ohinewai Structure Plan Area Business Zone Rules

17.6.1- Land Use – Activities

Activities in the Ohinewai Structure Plan Area Business zone are limited to commercial activities, community activities and public transport facilities which are all Restricted Discretionary Activities in a neighbourhood centre, and a service station area, in accordance with 17.6.2. All of the rules in 17.1.5 NC3, 17.2, 17.3 and 17.4 apply in addition to the rules in 17.6, except where they are inconsistent with a rule in 17.6 in which case only the rule in 17.6 applies.

17.6.2 Restricted Discretionary Activities

<u>RD1</u>	(a) <u>A neighbourhood centre identified on the Ohinewai Structure Plan that comprises a grouping of commercial activities that meet all of the following conditions:</u> (i) <u>Individual leasable retail units shall have a gross leasable floor area of no more than 400m².</u> (ii) <u>Any grocery store (a retail unit primarily selling pre-prepared fresh food/groceries and beverages, together with other non-food goods that are ancillary) shall have a gross leasable floor area of no more than 1,000m².</u> (iii) <u>Offices shall have a gross leasable floor area of no more than 200m².</u> (iv) <u>The total combined gross leasable floor area of commercial activities, excluding any service station, shall not exceed 2,500m².</u> (v) <u>The neighbourhood centre is located in accordance with the Ohinewai Structure Plan.</u>
<u>RD2</u>	<u>A service station, public transport facility and community facilities located in accordance with the Ohinewai Structure Plan.</u>
	<u>The Council’s discretion for RD1 and RD2 above shall be restricted to:</u> (a) <u>The extent of consistency with the Ohinewai Structure Plan.</u> (b) <u>The safety and efficiency of any private vehicle accesses.</u>

17.6.3 Land Use – Effects

<u>RD1</u>	<u>All development must be designed and constructed in accordance with the recommendations of a site-specific geotechnical assessment and include any necessary ground improvement works and specific foundation design.</u>
<u>RD2</u>	<u>All development must include Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the business lot.</u>
<u>RD3</u>	<u>Any activity on a lot that fronts Lumsden Road or Tahuna Road must provide a 3m wide minimum landscaped strip, excluding access, running parallel with the road boundary.</u>

RD4	<p><u>Earthworks that do not comply with rule 17.2.5.1 P1 and P2 are a restricted discretionary activity and are to be designed in accordance with the Ohinewai Structure Plan and must include an Ecological Rehabilitation and Management Plan (ERMP) that includes the following:</u></p> <p>(a) <u>An indigenous fish management plan, including:</u></p> <ul style="list-style-type: none"> (i) <u>a summary of fish habitat and species present;</u> (ii) <u>a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works and identification of indigenous fish release sites;</u> (iii) <u>roles and responsibilities of parties and their reporting requirements;</u> (iv) <u>any specific mitigation measures; and</u> (v) <u>a monitoring programme to enable an assessment of the success of any mitigation measures, including any translocations.</u> <p>(b) <u>A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat;</u></p> <p>(c) <u>An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant control;</u></p> <p>(d) <u>A predator control programme including:</u></p> <ul style="list-style-type: none"> (i) <u>An overarching goal of contributing to the restoration and enhancement of indigenous biodiversity within the site, and therefore indirectly within the adjacent Rotokawau Reserve;</u> (ii) <u>Objectives of increasing Ohinewai Structure Plan occupants' awareness of predator threats, and the need for predator control, including control of domestic cats and dogs, to reduce the threat of predation on indigenous fauna;</u> (i) <u>A predator control strategy designed to achieve the above goal and objectives; and</u> (ii) <u>A monitoring programme to ensure the objectives are being achieved and predator populations are being suppressed sufficiently to achieve biodiversity gains;</u> <p>(e) <u>Provisions for ongoing management and maintenance of wetland areas;</u></p> <p>(f) <u>A description of the proposed ecological monitoring framework;</u></p> <p>(g) <u>Evidence of consistency with the Waikato Regional Pest Management Plan 2014-2024; and</u></p> <p>(h) <u>Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed.</u></p> <p><u>Council's discretion shall be restricted to the following matters, in addition to the matters in rule 17.2.5.1 RDI;</u></p> <p><u>A.The nature and extent of ecological mitigation measures and any residual ecological effects;</u></p> <p><u>B.The extent of consistency with the Ohinewai Structure Plan.</u></p>
RD5	<p><u>Any Restricted Discretionary Activity application for an activity in 17.6.2 RDI and RD2 must include an Integrated Transport Assessment (ITA) that assesses the level of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades and recommends any necessary mitigation measures.</u></p> <p><u>Council's discretion is restricted to effects on the safety and efficiency of the transport network with particular reference to the need for, location of and design of vehicle accesses.</u></p>

17.6.4 Land Use - Building

<u>RD1</u>	<u>Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Business Zone along Lumsden Road and Tahuna Road.</u>
<u>RD2</u>	<u>Any building must be set back at least 15m from the road boundary of Lumsden Road.</u>
<u>RD3</u>	<u>Any building must have a minimum finished floor level of 8.3mRL.</u>

17.6.5 - Subdivision

<u>RD1</u>	<u>All subdivision must be in accordance with the Ohinewai Structure Plan.</u>
<u>RD2</u>	<p><u>All subdivision applications must include a Landscape Concept Plan that includes the following:</u></p> <ul style="list-style-type: none"> <u>(a) Landscape concept design for all areas of open space and stormwater management areas;</u> <u>(b) Details of landscape treatment of streets, footpaths and cycleways;</u> <u>(c) Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u> <u>(d) Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u> <u>(e) Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u> <u>(f) Identification of areas for public access and any areas that are not public and the legal mechanisms to secure and maintain public access;</u> <u>(g) Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u> <u>(h) Details of any tangata whenua inspired artwork or features;</u> <u>(i) Evidence of consistency with any Ecological Rehabilitation and Management Plan;</u> <u>(j) Evidence of consistency with the Waikato District Council Park Strategy 2014, the Urban Design Guidelines; Town Centres, 2018 (Appendix 3.3); and</u> <u>(k) Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>i) effects on amenity values;</u> <u>ii) extent of consistency with any Ecological Rehabilitation and Management Plan;</u> <u>iii) extent of consistency with the Waikato District Council Park Strategy 2014 and the Urban Design Guidelines; Town Centres, 2018 (Appendix 3.3).</u>
<u>RD3</u>	<u>All lots must have building platforms that are above 8.0m RL (ground level).</u>
<u>RD4</u>	<u>Subdivision must be staged in accordance with Table 17.6.4.1 and the Staging Plan (Dwg No P19-176-00-1040-SK). All subdivision applications must include details of infrastructure to be constructed or upgraded prior to s224c RMA approval of any lots in that stage and must be in accordance with the Staging Plan.</u>
<u>RD5</u>	<p><u>All applications for subdivision must be accompanied by a stormwater management report and plans. The report and plans must:</u></p> <ul style="list-style-type: none"> <u>(a) describe how the plans comply with any relevant discharge consent;</u> <u>(b) identify overland flow paths;</u>

	<p>(c) <u>describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site including identification of land areas that are to be allocated to open space to maintain their stormwater function and the methods of protection of them for that purpose;</u></p> <p>(d) <u>if stormwater devices are to be located below 8.0m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities.</u></p> <p><u>Council's discretion shall be restricted to the effects of any inconsistency with any discharge consent and the methods of accessing and maintaining stormwater devices.</u></p>
<u>RD6</u>	<u>All subdivision applications must include lighting design that is sensitive to bat habitat in accordance with any recommendations in any ERMP.</u>

Table 17.6.5.1 – Infrastructure Upgrades

Upgrade required	Staging and Timing
Transport	
(a) <u>Walking and cycling linkages to Ohinewai West over the NIMT and the Waikato Expressway;</u> (i) <u>Construction of a separate shared path bridge to the south of the interchange.</u> (ii) <u>Construction of shared paths and ramps connecting to the bridge.</u>	<u>Stage 2A/ Year 3</u>
(b) <u>Construction of an interim bus stop on Tahuna Road between the Ohinewai interchange and Lumsden Road.</u>	<u>Stage 2A/ Year 3</u>
(c) <u>Tahuna Road upgrade (from Lumsden Road to Access 2);</u> (i) <u>Kerb and channel and street lighting on northern side of the road.</u>	<u>Stage 2A/ Year 3</u>
(d) <u>Construction of Access 2 on Tahuna Road (roundabout);</u> (i) <u>Construction of new intersection to provide access to residential area.</u>	<u>Stage 4/ Year 5</u>
(e) <u>Balemi Road upgrade (to easternmost access);</u> (i) <u>Reconstruction of the road to urbanised industrial cross-section including widening and sealing and kerb and channel on southern side of the road.</u>	<u>Stage F3 plus Rail Siding/Year 6</u>
(f) <u>Lumsden Road upgrade (from Tahuna Road to Access 4);</u> (i) <u>Upgrade to urbanised/industrial cross-section with kerb and channel and graded berms;</u> (ii) <u>Construct 620m of shared path on eastern side of road extending from Tahuna Road to Access 4.</u>	<u>Stage 2B/Year 3</u>

(iii) <u>Street lighting on eastern side of Lumsden Road from Tahuna Road to just north of Balemi Road.</u>	
(g) <u>Construction of Access 1 on Tahuna Road (Left-in, left-out);</u>	<u>Stages 2C and 2D/Year 3</u>
(h) <u>Construction of Access 3 on Lumsden Road (T-intersection).</u>	<u>Stage 3B/Year 4</u>
(i) <u>Construction of Access 4 on Lumsden Road (T-intersection).</u>	<u>Stage 3B/Year 4</u>
(j) <u>Construction of new low speed slip lane from Great South Road to Ohinewai South Road.</u>	<u>Factory Stage F3 and Stage 5B/ Year 6</u>
(k) <u>Lumsden Road realignment;</u> (i) <u>Realignment north of Access 4 with 'S' bends.</u> (ii) <u>Relocation and reconstruction of Lumsden Road/Balemi Road intersection.</u> (iii) <u>Gated speed threshold treatment and speed reduction measures for southbound traffic speed calming.</u>	<u>Factory Stage F3 plus Rail Siding/Year 6</u>
<u>Water & Wastewater</u>	
(a) <u>On-site disposal of wastewater and on-site water supply from bore.</u>	<u>Factory Stage F1/Year 2</u>
(b) <u>Bulk main connections to Huntly Wastewater Treatment Plant and Huntly Water Treatment Plant.</u>	<u>Stage 2/Year 3</u>
(c) <u>Bulk main connections to Huntly Wastewater Treatment Plant and bulk main connections to Huntly and/or Te Kauwhata Water Treatment Plants.</u>	<u>Stage 6/Year 7</u>
<u>Community Infrastructure</u>	
(a) <u>Community centre</u>	<u>Stage 4/Year 5</u>
(b) <u>Sports fields</u>	<u>Stage 4/ Year 5</u>
(c) <u>Central Park wetland/open space</u>	<u>Stage 5C/Year 6</u>
(d) <u>Wetland park/open space</u>	<u>Stage 6/Year 7</u>
(e) <u>Shared recreational paths</u>	<u>Stage 7/Year 8</u>
(f) <u>Market Gardens</u>	<u>Stage 7/Year 8</u>
(g) <u>Orchard/Beehives</u>	<u>Stage 8/Year 9</u>

Note 1: A private developer agreement between the developer and the Council will allocate financial responsibility for the upgrades where there are shared benefits.

Note 2: This table includes all infrastructure upgrades in the Ohinewai Structure Plan Area. The Staging Plan should be referred to when determining which upgrades apply in the Business Zone.

17.6.6 – Discretionary activities

<u>D1</u>	<u>Any activity that does not comply with a condition in 17.6.1, 17.6.2, 17.6.3, 17.6.4 or 17.6.5.</u>
<u>D2</u>	<u>Any development or subdivision that is not in accordance with the Ohinewai Structure Plan.</u>
<u>D3</u>	<u>Any development or subdivision that is not in accordance with the Staging Plan.</u>

Rebuttal Version 24/08/2020