

Appendix 3

Chapter 29: MMUZ – Matangi Mixed Use Zone

Proposed Waikato District Plan

Stage I

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

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Chapter 29: MMUZ – Matangi Mixed Use Zone

Introduction

- (1) The rules that apply to activities in the Matangi Mixed-Use Zone are contained in Rule 29.1 Land Use – Activities, Rule 29.2 Land Use – Effects and Rule 29.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Matangi Mixed Use-Zone are contained in Rule 29.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Matangi Mixed-Use Zone:
 - 14 Infrastructure and Energy as specified in Rule 27.2;
 - 15 Natural Hazards and Climate Change
 - 29 Appendix 1 Acoustic Insulation
 - 29 Appendix 5 Hazardous Substances
- (4) The following symbols are used in the tables:
 - (a) PER- Permitted activity
 - (b) CON- Controlled
 - (c) RDIS- Restricted discretionary activity
 - (d) DIS- Discretionary activity
 - (e) NC- Non-complying activity
- (4) The Matangi Mixed-Use Zone rules apply in association with the Commercial Area attached in Appendix (insert **WDC Appendix or ref**)’.

29.1 Land Use – Activities

29.1.1 Permitted Activities

- (1) The following activities are permitted activities if they comply with all of the:
 - (a) Land Use – Effects rules in R23-43 and Land Use – Building rules in R44-70 (unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply); and
 - (b) Activity-specific conditions.

Advisory Note: Rules R1- R16 apply to the full extent of the MMUZ.

Table 29.1.1 - Permitted Activities

Activity		Activity-specific conditions
MMUZ -R1	<p>Commercial activity (within Commercial area) (see map)</p> <p>Means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices)</p>	<p>(a) Maximum floor area total of 1600m² GFA within the MMUZ.</p> <p><i>Excludes existing commercial activities authorised by resource consent at the time when plan becomes operative.</i></p> <p>Note: Commercial activities that are ancillary to Matangi Light industry (R4) excluded from cumulative site area constraints by this rule.</p>

MMUZ -R2	<p>Office (within Commercial area) (see map)</p> <p>Means premises used for an administrative or professional service where people work primarily sitting at desks, for example accounting or legal services</p>	(a) Maximum floor area per tenancy 300m ² up to a total of 1600m ² GFA within the MMUZ.
MMUZ -R3	<p>Community facility means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility</p>	Nil
MMUZ -R4	<p>Matangi Light industry: Means small scale manufacturing, warehouse, bulk storage, service and repair activities which do not involve the use of heavy machinery, are carried out indoors that can contain ancillary retail. They include but limited to the following: printing works, brewery, furniture manufacture, car repairs, light engineering, tradesmen's depots and the like.</p>	<p>(a) Ancillary retail associated with Matangi Light Industry is limited to the greater of 150m² per tenancy or 20% of the total gross floor area per tenancy.</p> <p><i>Note: Ancillary retail is excluded from the allocation of commercial floor area in R1.</i></p>
MMUZ -R5	<p>Child care facility</p> <p>Means any land or buildings used for teaching or training of predominantly pre-school children and it includes a playcentre, kindergarten or daycare.</p> <p>It excludes:</p> <ul style="list-style-type: none"> (a) Children residing overnight on the property; and (b) A school 	(a) Maximum gross floor area to be no greater than 300m ² .
MMUZ -R6	<p>Educational Facility</p> <p>Means land or buildings used for teaching or training by childcare services, schools, and tertiary</p>	(a) For no more than 9 students

	education services, including any ancillary activities.	
MMUZ -R7	<p>Home occupation</p> <p>Means an occupation, or trade/craft, or profession, excluding panel beating or car wrecking, where the principal use of the site is for residential activities and the principal operator of the home occupation is a permanent resident on-site.</p>	<p>(a) It is wholly contained within a residential unit</p> <p>(b) No more than 2 people who are not permanent residents of the site are employed at any one time</p> <p>(c) Unloading or loading of vehicles and receiving of customers or deliveries only occur between 7.30am and 7.00pm on any day.</p> <p>(d) Machinery may be operated between 7.30am and 9pm on any day.</p>
MMUZ -R8	<p>Public amenity</p> <p>Means facilities continuously offered to the general public for their use with or without charge. It includes restrooms, information displays, shelters, drinking fountains, outdoor seating or viewing platforms.</p>	Nil
MMUZ -R9	<p>Health facility</p> <p>Means a facility for the care or welfare of people. It includes non-residential day hospitals or facilities used by any of the following people:</p> <p>(a) Medical practitioners;</p> <p>(b) Dentists;</p> <p>(c) Optometrists;</p> <p>(d) Acupuncturists;</p> <p>(e) Osteopaths; or</p> <p>(f) People involved in alternative forms of medicine</p>	Nil
MMUZ -R10	<p>Temporary event</p> <p>Means a social, cultural or recreation event. It includes entertainment events, carnivals, festivals, fairs, markets, or exhibitions, and associated temporary buildings or car parks.</p>	<p>(a) The event occurs no more than 4 times per consecutive 12 month period;</p> <p>(b) It may operate between 7.30am and 8:30pm Monday to Sunday;</p> <p>(c) Temporary structures are:</p> <p>(i) erected no more than 2 days before the event occurs; and</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(d) The site is returned to its previous condition no more than 3 days after the end of the event;</p>
MMUZ -R11	<p>Visitor Accommodation</p>	<p>(a) Maximum occupancy <u>per building</u> shall be 6 guests</p>

MMUZ -R12	Apartments	(a) Located outside the commercial area (see map)									
MMUZ - R13	<p>Multi unit development (outside of the Commercial Area)</p> <p>Means multiple residential units or buildings, being attached or detached, which are planned and designed in an integrated and comprehensive manner, and achieve compatibility between all buildings on a single or multiple sites. It includes:</p> <ol style="list-style-type: none"> 1. An apartment; 2. A duplex; 3. Terraced housing; and 4. Town houses <p>It excludes:</p> <ol style="list-style-type: none"> 1. Retirement villages 2. Papakaainga housing development; and 3. Papakaainga building 	<p>(a) Every residential unit provides a net floor area of at least</p> <ol style="list-style-type: none"> i. For studio or 1 bedroom- 45m² ii. For 2 bedrooms- 55m² iii. For 3 bedrooms- 70m² iv. For more than 3 bedrooms- 70m² plus 12m² additional for each additional bedroom <p>(b) Living court areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" data-bbox="831 539 1437 824"> <thead> <tr> <th>Residential Unit</th> <th>Minimum Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit and 1-2 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>3 or more bedroom</td> <td>5m² for every additional room over 2</td> <td>2.4m</td> </tr> </tbody> </table> <p>The living court shall be readily accessible from a living area inside the residential unit</p> <p>(c) Every unit is provided with a minimum service area of 10m² with a minimum dimension of 1.5m.</p> <p>(d) Where a garage or carport is to be located between any residential unit and a transport corridor, it must be located behind the front building line of the residential unit.</p> <p>(e) Residential activities in a multi-unit development must be located above ground floor. <i>(This rule does not apply to stand alone residential units).</i></p>	Residential Unit	Minimum Area	Minimum Dimension	Studio unit and 1-2 bedroom	8m ²	2m	3 or more bedroom	5m ² for every additional room over 2	2.4m
Residential Unit	Minimum Area	Minimum Dimension									
Studio unit and 1-2 bedroom	8m ²	2m									
3 or more bedroom	5m ² for every additional room over 2	2.4m									
MMUZ - R14	Residential unit	<p>(a) Located outside of the commercial area</p> <p>(b) Up to 7 residential units in <u>total</u> within Records of Title: Lot 1 DPS 61203 and SEC 2 SOP 465505; Lot 2 DPS 72565 and SEC. 1 SOP 465505; Lot 2 DPS 319280</p>									
MMUZ -R15	Minor residential unit	<p>(a) One minor residential unit not exceeding 70m² gross floor area.</p> <p>(b) Where there is an existing residential unit located within a lot:</p> <ol style="list-style-type: none"> (i) The minor residential unit must be located within 20m of the residential unit; (ii) The minor residential unit must share a single driveway access with the existing residential unit. 									
MMUZ- R16	Construction, demolition, relocation, addition or alteration of buildings.	Nil									

29.1.2 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 of discretion set out in the following table.

Table 29.1.2 - Restricted Discretionary Activities

Activity		Matters of Discretion						
MMUZ – R17	(a) Any activity that does not comply with one or more activity-specific conditions for a permitted activity under MMUZ - Table 29.1.1	(a) Council's discretion is limited to the following matters: <ol style="list-style-type: none"> (i) The extent to which the effects resulting from an activity not complying with any relevant standard(s) in this District Plan (ii) The extent to which any adverse effects would be offset by benefits to the community or the natural environment. (iii) The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting. (iv) The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic context. 						
MMUZ – R18	(a) A multi-unit development or apartment development within the commercial area or is unable to meet any of the following standards: <ol style="list-style-type: none"> (i) Land Use – Effects rules in MMUZ – R 23 - 43 ; (ii) Land Use – Building rules in MMUZ - R 44-70 (iii) Every unit must provide a net floor area of at least: <ol style="list-style-type: none"> v. For studio and 1 bedrooms- 45m² vi. For 2 bedrooms- 55m² vii. For 3 bedrooms- 70m² viii. For more than 3 bedrooms- 70m² plus 12m² for each additional bedroom <table border="1" data-bbox="411 1877 922 1960" style="margin-left: 40px;"> <thead> <tr> <th>Residential Unit</th> <th>Minimum Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Residential Unit	Minimum Area	Minimum Dimension				(a) Council's discretion is limited to the following matters: <ol style="list-style-type: none"> (i) The extent to which the development is consistent with CPTED principals. (ii) The extent to which the development contributes to and engages with adjacent streets and public open space; (iii) 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; (iv) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles; (v) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout.
Residential Unit	Minimum Area	Minimum Dimension						

	<table border="1" data-bbox="414 174 922 448"> <tr> <td data-bbox="414 174 587 291">Studio unit and 1-2 bedroom</td> <td data-bbox="587 174 774 291">8m²</td> <td data-bbox="774 174 922 291">2m</td> </tr> <tr> <td data-bbox="414 291 587 448">3 or more bedroom</td> <td data-bbox="587 291 774 448">5m² for every additional room over 2 bedrooms</td> <td data-bbox="774 291 922 448">2.4m</td> </tr> </table> <p data-bbox="406 459 922 846">(iv) Living court areas are provided to meet the following minimum requirements for each residential unit: The living court shall be readily accessible from a living area inside the residential unit</p> <p data-bbox="406 660 922 750">(v) Every unit is provided with a minimum service area of 10m² with a minimum dimension of 1.5m</p> <p data-bbox="406 750 922 846">(vi) Multi-Unit development or apartment development must be located above ground floor.</p>	Studio unit and 1-2 bedroom	8m ²	2m	3 or more bedroom	5m ² for every additional room over 2 bedrooms	2.4m	<p data-bbox="981 174 1513 353">(vi) (For multi-unit developments only) Consistency with the matters contained, and outcomes sought, in Chapter 29 Appendix 3.4 (Multi-unit development guideline) where relevant;</p>
Studio unit and 1-2 bedroom	8m ²	2m						
3 or more bedroom	5m ² for every additional room over 2 bedrooms	2.4m						
MMUZ -R19	<p data-bbox="351 846 922 913">Commercial activity unable to comply with MMUZ - R1 or outside of the Commercial Area.</p>	<p data-bbox="933 846 1513 913">(a) Council's discretion is limited to the following matters:</p> <p data-bbox="981 940 1513 1097">The extent to which the proposed commercial activity (having regard to its size, composition and characteristics), in conjunction with other established or consented retail or office activity:</p> <p data-bbox="981 1131 1513 1288">(i) Avoids adverse effects on the vitality, function and amenity of sub-regional centres that go beyond those effects ordinarily associated with competition on trade competitors.</p> <p data-bbox="981 1288 1513 1377">(ii) Minimises conflicts between users both within the site and any adjoining transport corridor.</p> <p data-bbox="981 1400 1513 1534">The extent to which the activity and the traffic (including nature and type of the traffic, volume and peak flows, travel routes) generated by the proposal:</p> <p data-bbox="981 1556 1513 1657">(iii) Requires improvements, modifications or alterations to the transport network and infrastructure to mitigate its effects</p> <p data-bbox="981 1680 1513 1780">(iv) Adversely affects the streetscape amenity, particularly in relation to Tauwhare road frontage.</p>						
MMUZ -R20	<p data-bbox="351 1803 922 1870">Offices unable to comply with MMUZ – R2 or outside of the Commercial Area.</p>	<p data-bbox="933 1803 1513 1870">(a) Council's discretion is limited to the following matters:</p> <p data-bbox="981 1892 1513 1984">The extent to which the proposed offices (having regard to its size, composition and characteristics), in conjunction with other</p>						

		<p>established or consented retail or office activity:</p> <ul style="list-style-type: none"> (i) Avoids adverse effects on the vitality, function and amenity of sub-regional centres that go beyond those effects ordinarily associated with competition on trade competitors. (ii) Minimises conflicts between users both within the site and any adjoining transport corridor. <p>The extent to which the proposal and the traffic (including nature and type of the traffic, volume and peak flows, travel routes) generated by the proposal:</p> <ul style="list-style-type: none"> (iii) Requires improvements, modifications or alterations to the transport network and infrastructure to mitigate its effects (iv) Adversely affects the streetscape amenity, particularly in relation to Tauwhare road frontage.
<p>-R21</p>	<p>A Residential Unit that does not comply with MMUZ – R14</p>	<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 contributes to and engages with adjacent streets and public open space; (ii) 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; (iii) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles; (iv) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout; (v) Extent to which connection to public reticulated infrastructure is provided

29.1.3 Discretionary Activities

(1) The activities listed below are discretionary activities.

Table 29.1.3 - Discretionary Activities

MMUZ – R22	Any activity that is not provided for in MMUZ R1-16
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29.2 Land Use – Effects

29.2.1 Noise

Table 29.2.1 - Noise

MMUZ – R23	Permitted Activity: (a) Noise generated by emergency generators and emergency sirens.
MMUZ – R24	Permitted Activity: (a) Noise measured within any new building within the Matangi Mixed Use Zone must not exceed: A. 75dB (LAeq), (7am to 10pm) B. 55dB (LAeq), and 85Db (L _{Amax}) 10pm to 7am the following day. (b) Exception for R23(a) for existing and new buildings within 20m of the Rail Corridor Boundary Designation (L2)
MMUZ – R25	Permitted Activity: (a) Any new or altered habitable room associated with a noise-sensitive activity shall be protected by noise arising from outside of the building by ensuring the building is designed and constructed to meet an indoor design sound level of 35dB LA _{eq} (24hr). (b) Where the internal noise levels can only be achieved in a habitable room with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 – Ventilation of the New Zealand Building Code 2011. (c) Compliance shall be demonstrated by way of acoustic design certificate prior to the issuing of any building consent.
MMUZ – R26	Permitted Activity: (a) Construction noise must be measured, assessed, managed and controlled in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise.
MMUZ – R27	Permitted Activity: (a) All Noise levels must be assessed and measured in accordance with the requirements of NZS 6801:2008 'Acoustics-Measurement of Environmental Sound'.
MMUZ – R28	Restricted Discretionary Activity: Noise that does not comply with MMUZ – R23-27. (a) Council's discretion is restricted to the following matters: (i) Effects on amenity values; (ii) Noise levels; and

(iii) Timing and duration.

29.2.2 Servicing and hours of operation

Table 29.2.2 – Servicing and hours of operation

MMUZ – R29	Permitted Activity: The loading and unloading of vehicles and the receiving of customers and deliveries associated with any Matangi light industry or commercial activity may occur between 6.00am and 10.30pm.
MMUZ – R30	Restricted Discretionary Activity: Servicing and operation of any Matangi light industry or commercial activity that does not comply with MMUZ - R29. (a) Council's discretion is limited to the following matters: (i) Effects on residential amenity values (ii) Timing, duration and frequency of adverse effects; (iii) The means to avoid, remedy or mitigate adverse effects on adjoining sites.

29.2.3 Onsite parking areas - Landscaping

Table 29.2.3 – Onsite parking areas - Landscaping

MMUZ – R31	Permitted Activity: Onsite car parking area for 5 or more parking spaces located within 6m of a road boundary, 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) The landscaping must comprise of a mix of trees, shrubs and ground cover plants; and (iii) Landscaping shall be selected, located and maintained in a manner so as not to create adverse traffic safety effects.
MMUZ – R32	Restricted Discretionary Activity: Onsite parking areas that do not comply with MMUZ – R31. (a) Council's discretion is limited to the following matters: (i) Effects on amenity values and safety;

29.2.4 Glare and artificial light spill

Table 29.2.4 – Glare and artificial light spill

MMUZ – R33	Permitted Activity: Glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at any point within any other site.
MMUZ – R34	Restricted Discretionary Activity: Glare and artificial light spill that does not comply with MMUZ – R33. (a) Council's discretion is limited to the following matters: (ii) Effects on amenity values; (iii) Light spill levels on other sites; (iv) Road safety; (v) Duration and frequency; (vi) Location and orientation of the light source; (vii) Mitigation measures.

29.2.5 Earthworks

Table 29.2.5 – Earthworks

MMUZ – R35	<p>Permitted Activity:</p> <p>Earthworks within a site must meet the following conditions:</p> <ul style="list-style-type: none"> (i) Not exceed a volume of more than 2,500m³ (ii) Not exceed an area of more than 10,000m² within a 12 month period; (iii) Earthworks associated with any activity requiring building consent (including associated site works shall not exceed 500m³. (iv) any excavation or filling does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (v) Not be located within 1.5m of the KiwiRail designated corridor; (vi) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, or finished with a hardstand surface; (vii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and (viii) Do not divert or change the nature of natural water flows, water bodies.
MMUZ – R36	<p>Permitted Activity:</p> <p>Earthworks Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
MMUZ – R37	<p>Permitted Activity:</p> <p>Earthworks for the purpose of creating a building platform within a site, using imported fill material (excluding cleanfill) must meet the following conditions:</p> <ul style="list-style-type: none"> (i) Must not exceed a total volume of 500m³; (ii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iii) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, or finished with a hardstand surface; (iv) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls;
MMUZ – R38	<p>Restricted Discretionary Activity:</p> <p>Earthworks that do not comply with MMUZ – R35-37</p> <ul style="list-style-type: none"> (a) 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) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (v) Compaction of the fill material; (vi) Volume and depth of fill material; (vii) Geotechnical stability; (viii) Flood risk, including natural water flows and established drainage paths (ix) Land instability, erosion and sedimentation; and (x) Proximity to underground services and service connections.

29.2.6 Signs – General

Table 29.2.6 – Signs – General

MMUZ – R39	<p>Permitted Activity:</p> <p>A public information sign erected by a government agency.</p>
MMUZ– R40	<p>Permitted Activity:</p> <p>A sign must comply with all of the following conditions (excluding where not visible from outside of the site on which they are located):</p> <ul style="list-style-type: none"> a) The sign is wholly contained on the site; b) The sign height must not exceed 10m; c) 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; d) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> A. Not extend more than 400mm from the building wall; and B. Not exceed the height of the building; e) Where the sign is a freestanding sign and can be viewed from a public space, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site, and 1 m² for one additional freestanding sign on the site; and B. Be set back at least 5m from the boundary of any adjoining Living Zone; f) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation; and g) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign (which includes tenants of the site).
MMUZ- R41	<p>Permitted Activity:</p> <p>A real estate 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 3 signs per site; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, florescent, flashing or revolving lights or reflective materials.
MMUZ- R42	<p>Permitted Activity:</p> <p>Any sign directed at road users must meet the following conditions:</p> <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 or at a railway level crossing; (iv) Contain no more than 40 characters and no more than 6 symbols; and (v) Have lettering that is at least 150mm high.
MMUZ- R43	<p>Restricted Discretionary Activity:</p> <p>A sign that does not comply with MMUZ –R39-42</p> <ul style="list-style-type: none"> (a) Council's discretion shall be limited to the following matters: <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 the heritage values of any heritage item due to the size, location, design and appearance of the sign; and (vi) Effects on notable architectural features of the building.

29.3 Land Use – Building

- (I) Buildings are permitted if they comply with all of the Land Use – Building rules in MMUZ section - 29.3.

29.3.1 Tauwhare Road Interface

MMUZ-R44	<p>Permitted Activity:</p> <p>New Buildings within 10m of Tauwhare Road (does not apply to multi-unit developments or minor residential units)</p> <p>(a) At least 50% of the building front facade at ground floor shall be clear glazing</p> <p>(b) At least 25% of the building front facade above ground floor is clear glazing</p> <p>(c) There are no roller doors (except security grills which allow views from the street into the premises) along the site frontage.</p>
MMUZ-R45	<p>Restricted Discretionary Activity:</p> <p>New Buildings that do not comply with MMUZ – R44</p> <p>(a) Council’s discretion is limited to the following matters:</p> <p>(i) 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;</p> <p>(ii) The extent to which the development contributes to and engages with adjacent streets and public open space;</p> <p>(iii) The extent to which new development provides for CPTED principles.</p>

29.3.2 Site Coverage

MMUZ-R46	<p>Permitted Activity:</p> <p>(a) Total site coverage for all buildings within the MMUZ – 70%</p>
MMUZ-R47	<p>Restricted Discretionary Activity:</p> <p>New buildings that are unable to comply with MMUZ – R46</p> <p>(a) Council’s discretion is limited to the following matters:</p> <p>(i) Extent to which development within the MMUZ promotes quality design and layout</p> <p>(ii) Extent to which development within the MMUZ provides for adequate servicing provision</p> <p>(iii) Extent to which development adversely impacts the built heritage within the MMUZ</p>

29.3.3 Building Height

MMUZ-R48	<p>Permitted Activity:</p> <p>(a) Maximum building Height – 15m</p> <p>(b) Maximum building height within 20m of Tauwhare Road Boundary – 12m</p>
MMUZ-R49	<p>Restricted Discretionary Activity:</p> <p>New Buildings that are unable to comply with MMUZ – R48</p> <p>(a) Council’s discretion is limited to the following matters:</p> <p>(i) Extent to which development provides for quality design and layout.</p> <p>(ii) Extent to which development adversely impacts on traffic safety and efficiency</p> <p>(iii) Extent to which the effects of building dominance both cumulatively and individually are mitigated.</p>

29.3.4 Permeable Surfaces

MMUZ-R50	(a) Permeability across the entire MMUZ shall be a minimum of 10%
MMUZ-R51	Restricted Discretionary Activity: New Buildings that are unable to comply with MMUZ – R50 (a) Council's discretion is limited to the following matters: (i) Extent to which development provides for quality design and layout. (ii) Extent to which development can provide for adequate stormwater attenuation and disposal.

29.3.5 Gross Floor Area

MMUZ – R52	Permitted Activity: The <u>combined maximum</u> gross floor area for buildings used for office and commercial activities in the Matangi Mixed Use Zone shall not exceed 3200m ²
MMUZ – R53	Discretionary Activity: Any landuse that does not comply with MMUZ – R52

29.3.6 Daylight admission

Table 29.3.7 – Daylight admission

MMUZ – R54	Permitted Activity: Any building shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above ground level at every point of the site boundary where it adjoins a Living Zone.
MMUZ – R55	Restricted Discretionary Activity: Any building that does not comply with MMUZ – R54 (a) Council's discretion shall be limited to the following matters: (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.

29.3.7 Building setbacks

Table 29.3.8 – Building setbacks

MMUZ – R56	Permitted Activity: (a) New buildings shall be setback a minimum of 3m from side or rear boundaries adjoining a Living or Rural Zone. (b) New Buildings shall be setback a minimum of 5m from the rail corridor boundary. (c) Buildings shall not require a setback from Tauwhare Road
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	(d) Side and rear setbacks of the MMUZ used for new non-residential activities where adjoining the Living Zone shall be planted with an average of 1 tree per 10 metres or planted with a hedge maintained at a minimum height of 2m for the length of the boundary.
MMUZ – R57	Restricted Discretionary Activity: Any building that does not comply with MMUZ – R56 (a) Council’s discretion shall be limited to the following matters: (i) Visual amenity (ii) Design and location of the building; (iii) Character and amenity (iv) Privacy

29.3.8 Outdoor storage

Table 29.3.9 – Outdoor storage

MMUZ – R58	Permitted Activity: Outdoor storage of goods or materials must: (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; and (iii) Not be located between the building and the front boundary. (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.
MMUZ – R59	Restricted Discretionary Activity: Outdoor storage of materials that does not comply with MMUZ – R58 (a) 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; and (iv) Measures to mitigate adverse effects.

29.3.9 New Buildings

Table 29.3.10 – New Buildings

MMUZ – R60	Permitted Activity: (a) New Buildings must provide for onsite WW disposal and treatment within the MMUZ. (b) New Buildings must provide for onsite SW disposal via soakage within the MMUZ
MMUZ – R61	Restricted Discretionary Activity: New Buildings unable to comply with R60. (a) Council’s discretion shall be limited to the following matters: (i) Extent of Network Capacity for WW; (ii) Design and location of the building; and (iii) Extent of Network Capacity for SW.

29.3.10 Heritage

(1) The following rules manage heritage items (buildings):

(a) MMUZ – Table 29.3.10.1 - Group A Heritage item – Demolition, removal or relocation;

- (b) MMUZ – Table 29.3.10.2 – Group B Heritage item – Demolition, removal or relocation
- (c) MMUZ – Table 29.3.10.3 – All Heritage items – alteration or addition
- (d) MMUZ – Table 29.3.10.4 - All Heritage items – maintenance or repair; and
- (e) MMUZ – Table 29.3.10.5 - All Heritage items – all site development.

Table 29.3.10.1 – Group A Heritage item - Demolition, removal or relocation

MMUZ – R62	Non-complying activity: Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items)
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Table 29.3.10.2 – Group B Heritage item – Demolition, removal or relocation

MMUZ – R63	Discretionary activity: Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items)
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Table 29.3.10.3 – All Heritage items – alteration or addition

MMUZ – R64	Permitted Activity: (a) Alteration of, or addition to a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) No significant feature of interest is removed, destroyed or damaged; and (ii) Alterations or additions are not visible from a public place.
MMUZ – R65	Restricted Discretionary Activity: (a) Any activity that does not comply with R65 (b) Council’s discretion shall be limited to the following matters: (i) Form, style, materials and appearance; (ii) Effects on heritage values

Table 29.3.10.4 – All Heritage items – maintenance and repair

MMUZ – R66	Permitted Activity: (a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) No significant feature of interest is destroyed or damaged; and (ii) Replacement materials are the same as, or similar to, the originals in terms of form, style and appearance.
MMUZ – R67	Restricted Discretionary Activity: (a) Maintenance or repair of a heritage item that does not comply with a condition of R67 (b) Council’s discretion shall be limited to the following matters: (i) Form, style, materials and appearance; (ii) Effects on heritage values
MMUZ -R68	Restricted Discretionary Activity: (a) Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B

Table 29.3.10.5 - All Heritage items – All site development

MMUZ – R69	Permitted Activity: Development containing a heritage item listed in Schedule 30.1 (Heritage Items) shall: (i) Be set back at least 10m from the heritage item; and (ii) Not locate a new building within 30m forward of the furthest building line of the heritage item fronting Tauwhare Road.
MMUZ – R70	Restricted Discretionary Activity: (a) Any activity that does not comply with MMUZ – R70 (b) Council's discretion shall be limited to the following matters: (i) Effects on the values, context and setting of the heritage item; (ii) Location, design, size, materials and finish; (iii) Landscaping; (iv) The relationship of the heritage item with the setting including the area between the heritage item and the road.

29.4 Subdivision

- (1) MMUZ – R71 & 77 apply across the Matangi Mixed-Use Zone.
- (2) The following rules apply to specific activities:
 - (a) MMUZ – R73 (Subdivision – Unit Title).
- (3) MMUZ – R72 is subject to the following subdivision controls:
 - (i) MMUZ – R75 – subdivision boundary adjustments
 - (ii) MMUZ – R77 - subdivision of land containing heritage items
 - (iii) MMUZ – R79 – subdivision road frontage.

Table 29.4.1 – Subdivision – Fee Simple

MMUZ – R71	Restricted Discretionary Activity: (a) Subdivision must comply with all of the following conditions: (i) Proposed lots must have a minimum net site area of 1,000m ² , except where the proposed lot is an access allotment or utility allotment or reserve to vest; or where the site area aligns with the notional boundaries of an approved land use consent. (ii) Proposed lots must have an average area of at least 2,000m ² ; and (iii) Proposed lots must be connected to public-reticulated water supply and wastewater; (iv) Proposed lots must provide for onsite SWW disposal via soakage within the MMUZ (b) Council's discretion shall be restricted to the following matters: (i) Subdivision layout; (ii) Shape of lots and variation in lot sizes; (iii) Likely location of future buildings and their potential effects on the environment; (iv) Vehicle and pedestrian networks; (v) Provision of infrastructure; and (vi) The extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure.
MMUZ – R72	Discretionary Activity: Subdivision that does not comply with MMUZ – R71

Table 29.4.2 – Subdivision – Unit Title

MMUZ – R73	Restricted Discretionary Activity: (a) Subdivision of land must comply with all of the following conditions:
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	<ul style="list-style-type: none"> (i) Subdivision for multi-unit developments or apartment developments must include an application for land use consent or been granted resource consent by Council; (ii) Be connected to public wastewater and water reticulation; and <p>(b) Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including notional boundaries for the multi-unit developments or apartment developments; (ii) Provision of common areas for shared spaces, access and services; (iii) Amenity values and streetscape; (iv) The extent to which a range of future business and residential activities can be accommodated. (v) For Multi-Unit Developments, consistency with the matters contained, and outcomes sought, in Chapter 29 Appendix 3.4 (Multi-unit development guideline) where relevant; (vi) Vehicle, pedestrian and cycle networks; (vii) Safety, function and efficiency of road network and any internal roads or accessways.
MMUZ – R74	<p>Discretionary Activity:</p> <p>Subdivision that does not comply with MMUZ – R73</p>

Table 29.4.3 – Boundary Adjustments

MMUZ – R75	<p>Controlled Activity:</p> <p>(a) Boundary adjustments must comply with the following:</p> <ul style="list-style-type: none"> (i) the conditions specified in: <ul style="list-style-type: none"> A. MMUZ – R71 (Subdivision - General); or B. MMUZ – R73 (Subdivision- Unit Title). (ii) Proposed lot must not generate any additional building infringements to those which legally existed prior to the boundary adjustment. <p>(b) Council's control shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of title and variation in title size.
MMUZ – R76	<p>Discretionary Activity:</p> <p>Boundary adjustment that does not comply with MMUZ – R75</p>

Table 29.4.4 – Subdivision – land containing heritage items

MMUZ – R77	<p>Restricted Discretionary Activity:</p> <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) Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on heritage values; (ii) Context and setting of the heritage item; (iii) The extent to which the relationship of the heritage item with its setting is maintained.
MMUZ – R78	<p>Non-complying activity:</p> <p>Subdivision that does not comply with MMUZ – R77</p>

Table 29.4.5 – Subdivision – Road Frontage

MMUZ –R79	<p>Restricted Discretionary Activity:</p> <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) R79(a)(i) does not apply to a proposed access allotment or utility allotment.</p> <p>(c) Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Traffic effects; and
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	(ii) Amenity and streetscape.
MMUZ – R80	Discretionary Activity: Subdivision that does not comply with MMUZ – R79.

29.5 Transportation MMUZ Specific *(to be inserted into City wide)*

Table 29.5.1 – Vehicle movements

MMUZ – R81	<p>Permitted Activity:</p> <p>(a) Any permitted, controlled or restricted discretionary activity within the MMUZ creating between 0-250 vehicle movements (vpd) per day up to a total of 2200 vpd and/or 330 vehicle movements per hour (vph) in the peak periods for all combined activities within the MMUZ.</p> <p>(b) No more than 1% of the volume limits set out in (a) above to provide for Heavy Commercial Vehicles (HCV) per activity.</p>
MMUZ – R82	<p>Restricted Discretionary Activity:</p> <p>(a) Any activity unable to comply with R81 above</p> <p>(b) Any new vehicle crossing within 30 m of the railway level crossing</p> <p>I. Discretion is restricted to demonstration of acceptable mitigation of the cumulative transportation effects, as assessed through an Integrated Transportation Assessment, of the combined trip generation of the proposed activity with all permitted and consented activities on site.</p> <p>II. Discretion is restricted to the potential adverse effects generated by the failure to meet the relevant standard(s).</p>
	<p>Note: Land use activities unable to comply with R81 & R82 shall be accompanied by an Integrated Traffic Assessment (ITA) <i>(to be inserted into the city wide information requirements)</i>.</p>