

Attachment 4

Recommended amendments to Chapter 21 in response to submissions and
evidence 13 January 2020

Chapter 21: Heavy Industrial Zone

~~Heavy~~ [697.678]

Proposed Waikato District

Plan Stage I

(Notified version)



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Key to use of colour

Black text – retained as notified

Red ~~struckthrough~~ or underlined – Recommended amendments from s42A report

Blue ~~struckthrough~~ or underlined – Recommended amendments from s42A officer rebuttal evidence

Chapter 21: Heavy Industrial Zone ~~Heavy~~ – Rules [697.678]

- (1) The rules that apply to activities in the Heavy Industrial Zone are contained in **Rule 21.1** Land Use – Activities, **Rule 21.2** Land Use – Effects and **Rule 21.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Heavy Industrial Zone ~~Heavy~~ are contained in **Rule 21.4**.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Heavy Industrial 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

21.1 Land Use – Activities

21.1.1 Permitted Activities [465.1, 302.5]

- (1) The following activities are permitted activities if they meet all the following: [697.680]
 - (a) Activity-specific conditions
 - (b) Land Use – Effects rules in **Rule 21.2** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply); and
 - (c) Land Use – Building rules in **Rule 21.3** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply).

Activity		Activity specific conditions
P1	Industrial Activity	Nil
P2	Trade and industry training activity	Nil
P3	Truck stop for refuelling	Nil
P4	Office ancillary to an industrial activity	Less than 100m ² , or 30% <u>gross floor area</u> of all buildings on the site. [697.682]
P5	Food outlet	Less than 200m ² gfa- <u>gross floor area</u> [697.683]
P6	Ancillary retail	Does not exceed 10% of all building on the site.
<u>P7</u>	<u>Emergency services training and management activities</u>	<u>Nil</u> [378.108, FS/035.215]
<u>P8</u>	<u>Ancillary activity</u>	<u>Nil</u> [581.23, FS/134.81, FS/306.33, FS/341.40, 302.51]
<u>P9</u>	<u>Construction or demolition of, or alteration or addition to, a building</u>	<u>Nil</u> [465.1, 302.5]
<u>P10</u>	<u>Electricity generation on the Huntly</u>	<u>Nil</u>

Power Station site	
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21.1.1A Restricted Discretionary Activities [697.684]

The activity listed below is restricted discretionary activity.

Activity		Matters of discretion
RD1	<p><u>One residential unit on a site for a caretaker or security personnel that meets the following condition:</u></p> <p style="padding-left: 40px;">(i) <u>Does not exceed 70m² gross floor area</u></p>	<p>Council’s discretion is restricted to the following matters:</p> <p style="padding-left: 40px;">(i) <u>reverse sensitivity effects including noise, odour, dust, glare and light spill</u></p>

21.1.2 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with the Land Use – Effects Rule 21.1 or Land Use – Building Rule 21.3 unless the activity is specified as a controlled, restricted discretionary or non-complying activity.
D2	A waste management facility
D3	Storage , processing or disposal of hazardous waste
D4	An extractive industry
D5	An office
D6	A retail activity

21.1.3 Non-complying Activities [697.608]

(I) The activities listed below are non-complying activities.

NCI	Any activity that is not listed as a permitted, <u>restricted discretionary</u> or discretionary activity.
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21.2 Land Use Effects

~~21.2.1 Servicing and hours of operation [697.610]~~

PI	Servicing and operation of any industrial activity adjoining any Residential, Village or Country Living Zone may load or unload vehicles, or receive customers or deliveries between 7.30am and 6.30pm.
RD1	(a) Servicing and operation of any industrial activity which does not comply with Rule 21.2.1 PI.

	<p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) distance to nearest dwelling; (iii) hours and days of operation; (iv) nature and frequency of the after hours activity; (v) noise, lighting and glare; and (vi) type of vehicles involved.
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21.2.2 Landscape planting [581.24, FSI306.34, FSI341.41]

CI	<p>(a) Any activity on a lot that has a side and/or rear boundary adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear boundary; and</p> <p>(b) Any activity on a lot that contains, or is adjacent to, a river or a permanent or intermittent stream shall provide an 8m 4m wide landscaped strip measured from the top edge of the closest bank and extending across the entire length of the watercourse.</p> <p>(c) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) the adequacy of the width of landscaping strip; (ii) type, density and height of plantings conducive to the location; (iii) maintenance measures; (iv) amenity values; and (v) natural character and cultural values of a river or stream.
RD I	<p>(a) Any activity that does not comply with Rule 21.2.2 CI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) adequacy of the width of landscaped strip; (ii) type, density and height of plantings conducive to the location; (iii) maintenance measures; (iv) amenity values; and (v) natural character and cultural values of a river or stream.

21.2.3 Noise

- (1) Rule 21.2.3.1 Noise – General provides permitted noise levels in the Heavy Industrial Zone.
- (2) Rule 21.2.3.2 Noise – Huntly Power Station provides permitted noise levels for activities occurring on the Huntly Power Station site.
- (3) Rule 21.2.3.3 Noise – Construction provides the permitted noise limits for construction activities.

21.2.3.1 Noise – General [697.688, 697.689, 697.690]

P1	Noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any other site:</p> <ul style="list-style-type: none"> (i) In the Heavy Industrial Zone must not exceed: <ul style="list-style-type: none"> A. 75dB (LA_{eq}) at any time. (ii) In the Industrial Zone must not exceed: <ul style="list-style-type: none"> A. 75dB (LA_{eq}); 7am to 10pm; and B. 55dB (LA_{eq}) and 85dB (LA_{max}) 10pm to 7am the following day.

	<p>(b) <u>Noise measured within a site in any zone, other than the Heavy Industrial Zone and Industrial Zone, must not exceed the permitted noise levels for that zone.</u></p> <p>(c) <u>Noise levels must be measured in accordance with the requirements of NZ 6801:2008 "Acoustics Measurements of Environmental Sound"</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental Noise"</u></p>
P3	(a) Noise measured within any site in any zone, other than the Heavy Industrial Zone, must meet the permitted noise levels for that zone.
P4	(e) Noise levels must be measured in accordance with the requirements of [REDACTED] (f) Noise levels must be assessed in accordance with the requirements of [REDACTED].
RDI	<p>(a) Noise that does not comply with <u>Rule 21.2.3.1 P2, P3 or P4</u> P1 or P2</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of operation; (iii) location of noise sources in relation to any <u>boundary</u>; (iv) frequency or other special characteristics of noise; (v) mitigation measures; and (vi) noise levels and duration.

21.2.3.2 Noise – Huntly Power Station [697.691]

PI	Noise generated by emergency generator s and emergency sirens.
P2	<p>(a) Noise measured at the notional boundary within any site in the Rural Zone must not exceed:</p> <ul style="list-style-type: none"> (i) 55dB (LA_{eq}) 7am to 10pm; and (ii) 45dB (LA_{eq}) and 75dB (LA_{max}) 10pm to 7am the following day. <p>(b) <u>Noise measured within any site in the Residential Zone must not exceed the permitted noise levels for that zone.</u></p> <p>(c) <u>Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics Measurement of Environmental Sound”</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of NZS 6802: 2008 “Acoustics Environmental Noise”</u></p>
P3	(a) Noise measured within any site in the Residential Zone must meet the permitted noise levels for that zone.
P4	(a) Noise levels must be measured in accordance with the requirements of [REDACTED]. (b) Noise levels must be assessed in accordance with the requirements of [REDACTED].
RDI	<p>(a) Noise that does not comply with Rule 21.2.3.2 PI, or P2, P3 or P4.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of operation; (iii) location of noise sources in relation to any boundary; (iv) frequency or other special characteristics of noise; (v) mitigation measures; and (vi) noise levels and duration.

21.2.3.3 Noise – Construction [697.692]

PI	<p>(a) Construction noise must meet the limits in [REDACTED].</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of [REDACTED].</p> <p><u>Noise from any construction, maintenance, and demolition activity must be measured, assessed, managed and controlled in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise.</u></p>
RDI	<p>(a) Construction noise that does not comply with Rule 21.2.3.3 PI.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; and (v) methods of construction.

21.2.4 Glare and Artificial Light Spill [697.693]

PI	Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site not located in the Heavy Industrial Zone or Industrial Zone.
RD1	<p>(a) Illumination that does not comply with Rule 21.2.4 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) light spill levels on another site; (iii) road safety; (iv) duration and frequency; (v) location and orientation of the light source; and (vi) mitigation measures.

21.2.5 Earthworks [697.694]

- (1) Rules 21.2.5.1 Earthworks - General provides the permitted rules for earthwork activities in the Heavy Industrial Zone. This rule does not apply to areas specified in Rule 21.2.5 (2).
- (2) There are specific standards for earthworks within rules:
- (a) Rule 21.2.5.2 Earthworks – Significant Natural Areas
 - (b) Rule 21.2.5.3 Earthworks – Landscape and Natural Character Areas

21.2.5.1 Earthworks – General [581.27, 581.28, 697.696, 697.697, 697.698, 697.621, 697.622, 785.20, 785.18, 785.22, 986.111]

P1	Earthworks within a site, that may or may not involve the importation of clean fill material, for the purpose of creating a building platform and/or ancillary hardstand area.
P1-P2	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) not exceed a volume of more than 250m³; 500 10,000m³; (iii) not exceed an area of more than 1000m² 10,000m² over any single consecutive within a 12 month period; (iv) the total depth of any excavation or filling does not exceed 1.5m above or below ground level level; (v) the slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) earthworks are set back at least 1.5m from all boundaries; (vii) 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; (viii) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and (vix) do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material, must meet the following condition:</p> <ul style="list-style-type: none"> (i) be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.

P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) must not exceed a total volume of 500 10,000m³; (ii) must not exceed a depth of 1m 1.5m; (iii) the slope of the resulting filled area in stable ground to must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) fill material is set back at least 1.5m from all boundaries; (viii) 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; (vii) sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and (vi) do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RDI	<p>(a) Earthworks that do not comply with Rule 21.2.5.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <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; and (xi) land instability, erosion and sedimentation.

21.2.5.2 Earthworks – within Significant Natural Areas [697.623, 697.624, 697.625]

P1	<p>(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area and must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Maximum volume of 50m³ in a single consecutive 12 month period; (ii) Maximum area of 250m² in a single consecutive 12 month period; and (iii) Not include importing any fill material. (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal); (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows; water bodies or established drainage paths.
RDI	<p>(a) Earthworks that do not comply with Rule 21.2.5.2 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat; (ii) The protection of adverse effects on the Significant Natural Area values.
D+	<p>Earthworks within an identified Significant Natural Area not provided for in Rule 21.2.5.2 P1 or RDI.</p>

21.2.5.3 Earthworks - Landscape and Natural Character Areas

P1	<p>(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions;</p>
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	(i) The earthworks are undertaken within a single consecutive 12 month period;											
	(ii) The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period:											
	<table border="1"> <thead> <tr> <th>Landscape or Natural Character Area</th> <th>Area (m²)</th> <th>Volume (m³)</th> </tr> </thead> <tbody> <tr> <td>Significant Amenity Landscape sand dune</td> <td rowspan="6">50</td> <td rowspan="6">250</td> </tr> <tr> <td>High Natural Character or Outstanding Natural Character area of the coastal environment</td> </tr> <tr> <td>Outstanding Natural Feature sand dune</td> </tr> <tr> <td>Outstanding Natural Feature</td> </tr> <tr> <td>Outstanding Natural Landscape</td> </tr> <tr> <td></td> </tr> </tbody> </table>	Landscape or Natural Character Area	Area (m ²)	Volume (m ³)	Significant Amenity Landscape sand dune	50	250	High Natural Character or Outstanding Natural Character area of the coastal environment	Outstanding Natural Feature sand dune	Outstanding Natural Feature	Outstanding Natural Landscape	
	Landscape or Natural Character Area	Area (m ²)	Volume (m ³)									
	Significant Amenity Landscape sand dune	50	250									
	High Natural Character or Outstanding Natural Character area of the coastal environment											
Outstanding Natural Feature sand dune												
Outstanding Natural Feature												
Outstanding Natural Landscape												
(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;												
(iv) The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);												
(v) Areas exposed by the earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks ;												
(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls;												
(vii) The earthworks do not divert or change natural water flows, water bodies or established drainage paths.												
DI	Earthworks that do not comply with Rule 21.2.5.3 PI .											

21.2.6 Hazardous substances [697.602]

PI	(a) The use, storage or disposal of any hazardous substance where: (i) the aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for the Heavy Industrial Zone Heavy in Table 5.1 contained within Appendix 5 (Hazardous Substances) .
P2	(a) The storage or use of radioactive materials is: (i) an approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017 .
CI	(a) The storage of the following maximum volumes of fuel for retail sale within a service station: (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 reserves its control over the following matters: (i) The proposed site design and layout in relation to: 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; B. interaction with natural hazards (flooding, instability), as applicable. proposed emergency

	management planning (spills, fire and other relevant hazards); (ii) Procedures for the monitoring and reporting of incidents.
DI	The use, storage or disposal of any hazardous substance that does not comply with Rules 21.2.6 PI, P2 or C1.

21.2.7 Signs

- (1) **Rule 21.2.7.1 Signs – General** provides permitted standards for any sign, including real estate signs, across the entire Heavy Industrial Zone.
- (2) **Rule 21.2.7.2 Signs – Effects on traffic** apply specific standards for signs that are directed at road users.

21.2.7.1 Signs – General [697.628, 697.629, 742.216, 581.29, FS1306.39, FS1341.46, FS1345.60, 697.704, 697.705]

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ol style="list-style-type: none"> (i) The sign height does not exceed 15m; (ii) An illuminated sign must: <ol style="list-style-type: none"> A. not have a light source that flashes or moves; and B. not contain moving parts or reflective materials; and C. be set back at least 15m from a state highway or the Waikato Expressway; (iii) Where the sign is attached to a building, it must: <ol style="list-style-type: none"> A. not extend more than 300mm from the building wall; and B. not exceed the height of the building; (iv) Where the sign is a freestanding sign, it must: <ol style="list-style-type: none"> A. not exceed an area of 3m² for one sign per site, and 1m² for any other one additional freestanding sign on the site; and B. be set back at least 5m from the boundary of any site in any Residential or Reserve Zone; and <u>C. be set back at least 15m from the boundary of a state highway;</u> (v) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation; (vi) 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; (vii) The sign relates to: <ol 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> <ol style="list-style-type: none"> (i) the sign relates to the sale of the site on which it is located; (ii) there is are no more than 1 3 signs per site agency; (iii) the sign is not illuminated; (iv) the sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials, <p><u>(v) The sign shall not exceed dimensions of 1800mm x 1200mm</u></p>
RD1	<p>(a) A sign that does not comply with Rule 21.2.7.1 P2 or P3, [785.66]</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) visual amenity; (ii) character of the locality; (iii) effects on traffic safety; (iv) glare and artificial light spill; (v) content, colour and location of the sign. (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.

21.2.7.2 Signs - effects on traffic [697.707, 697.630, 697.631]

PI	<p>(a) 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 another advertising sign; (iii) not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) contains no more than 40 characters and no more than 6 symbols; (v) have lettering that is at least 150mm high; and (vi) be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 21.2.7.2 PI.

~~**21.2.8 Outdoor storage of goods or materials [FS1345.80]**~~

PI	<p>(a) Outdoor storage of goods or materials must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) be associated with the industrial activity operating from the site; (ii) not encroach on required parking or loading areas; (iii) not exceed a height of 9m; (iv) not exceed 30% site coverage; (v) be set back at least 3m from the boundary of any: <ul style="list-style-type: none"> A. public road; B. Reserve Zone; C. Residential Zone; D. Village Zone; E. Country Living Zone; F. Business Town Centre Zone; and (vi) be screened from any public road, public reserve and adjoining site in another zone, other than the Industrial Zone, by the following: <ul style="list-style-type: none"> A. a landscaped strip consisting of plant species that achieve a minimum height of 1.8m at maturity; or B. a close boarded or solid fence or wall to a height of 1.8m.
RDI	<p>(a) Outdoor storage of goods or materials that does not comply with Rule 21.2.8 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) visual amenity; and (ii) traffic and pedestrian safety.

21.2.9 Indigenous vegetation clearance inside a Significant Natural Area

PI	<p>(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:</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; (v) Gathering plants in accordance with Maaori customs and values.
P2	Removal 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 and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of 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: (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 250m ² .
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: (i) There is no alternative development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded: A. 1500m ² for a Marae complex, including areas associated with access, parking and manoeuvring; and B. 500m ² per dwelling, including areas associated with access, parking and manoeuvring; and C. 500m ² for a papakainga building including areas associated with access, parking and manoeuvring.
P5	(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) for any of the following purposes: (i) Removing vegetation that endangers human life or an existing building 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.
P6	Removal of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes and arts or 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 21.2.9 P1, P2, P3, P4, P5 or P6.

21.3 Land Use - Building

21.3.1 Building Height –General [697.717, 697.718]

PI	(a) The maximum height of any building may be up to: shall be: (i) 35m for 2% of the net site area; and (ii) 20m over the balance of the net site area.
RDI	(a) A building that does not comply with Rule 21.3.1 PI (b) Council's discretion is restricted to the following matter: (i) effects on amenity.

21.3.5 Building, structure or vegetation within battlefield Viewshafts [697.726]

PI	(a) A building, structure or vegetation within a battlefield viewshaft identified on the planning maps must not obscure views of: (i) the Waikato River; or (ii) the Whangamarino Redoubt from Meremere Paa/Redoubt.
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DI	A building or structure that does not comply with Rule 21.3.5 PI
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21.3.2 Building height in an Outstanding Natural Feature or Significant Amenity Landscape.

PI	The maximum height of a building must not exceed 5m in an Outstanding Natural Feature .
P2	The maximum height of a building must not exceed 7.5m in a Significant Amenity Landscape .
DI	A building that does not comply with Rule 21.3.2 PI or P2 .

21.3.3 Daylight admission [581.31, FS1306.41, FS1341.48]

PI	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials must not protrude through a height control plane rising at an angle of:</p> <p>(i) 45 degrees commencing at an elevation of 2.5m above ground level at every boundary of the Heavy Industrial Zone with any other zone;</p> <p>(ii) 37 degrees commencing at an elevation of 2.5m above ground level at every boundary of the Heavy Industrial Zone with any other zone between south-east or south-west of the building, structure, sign, stack or stockpile.</p> <p><u>(a) A building must not project beyond a 45 degree height control plane measured from a point 3 metres above natural ground level along the boundary of a site located outside of a Heavy Industrial Zone or Industrial Zone.</u></p>
RD1	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials that does not comply with Rule 21.3.3 PI.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effect on amenity.</p>

21.3.4 Building setbacks

- (1) **Rule 21.3.4.1** provides the permitted building setbacks from all boundaries.
- (2) **Rule 21.3.4.2** provides the permitted building setbacks from water bodies.

21.3.4.1 Building setbacks – all boundaries

PI	<p>(a) A building must be set back at least:</p> <p>(i) 5m from a road boundary; and</p> <p>(ii) 7.5m 5m from any other boundary where the site adjoins another zone, other than the Industrial Zone.</p>
RD1	<p>(a) A building that does not comply with Rule 21.3.4 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) effects on amenity values;</p> <p>(ii) effects on streetscape; and</p>

(iii) traffic and road safety.

21.3.4.2 Building setback – water bodies

P1	(a) Any building must be set back a minimum of 30m from: (i) the margin of any: A. lake; B. wetland; and C. river bank, other than the Waikato River and Waipa River.
P2	Any building must be set back at least 50m from the bank of the Waikato River and Waipa River.
P3	Any building must be set back a minimum of 10m from the bank of a perennial or intermittent stream.
P4	A public amenity of up to 25m ² , or a pump shed within any building setback identified in Rules 21.3.4.2 P1, P2 or P3.
D1	Any building that does not comply with Rules 21.3.4.2 P1, P2, P3 or P4.

21.4 Subdivision [697.728]

- (1) Rules 21.4.1 Subdivision - General provides for subdivision density within the Heavy Industrial Zone
- ~~(2) Other subdivision provisions are contained in: Rule 21.4.1 is also subject to compliance with the following rules:~~
- (a) Rule 21.4.2 Subdivision – Boundaries for Records of Title
 - (b) Rule 21.4.3 Subdivision – Road Frontage
 - (c) Rule 21.4.4 Subdivision - Esplanade Reserves and Esplanade Strips
 - (d) Rule 21.4.5 Subdivision – Significant Natural Areas

21.4.1 Subdivision – General [378.113, FS1388.74, 302.22]

RD1	(a) Subdivision must comply with all of the following conditions: (i) proposed lots must have a minimum net site area of 1000m ² ; (ii) proposed lots must have an average net site area of at least 2000m ² ; and (iii) no more than 20% rear lots are created; and (iv) <u>proposed lots must be connected to public-reticulated water supply and wastewater</u>
RD2	(a) (b) Council's discretion is restricted to the following matters: (i) the extent to which a range of future activities can be accommodated; and (ii) amenity values (ii) provision of infrastructure; and (iii) provision of water supply for firefighting where practicable; and (iv) the extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure. [405.65]
D1	<u>Subdivision that does not comply with any standard in Rule 21.4.1. RD1(a)</u>

21.4.2 Subdivision – Boundaries for Records of Title

RDI	<p>(a) Any boundary of a proposed lot must be located so that:</p> <ul style="list-style-type: none"> (i) Any existing building complies with the permitted activity rules relating to setbacks and daylight admission, except to the extent of any non-compliance that existed lawfully prior to the subdivision; and (ii) no contaminated land, archaeological site, or wetland is divided between any proposed lots. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) amenity; (ii) effects on contaminated land; (iii) effects on any wetland; (iv) effects on any archaeological site; and (v) the extent to which a range of future activities can be accommodated.
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21.4.3 Subdivision - Road frontage

RDI	<p>(a) Any proposed lot must have a road frontage of least 15m.</p> <p>(b) Rule RDI (a) does not apply to a proposed rear lot or to a proposed access allotment.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) traffic effects; and (ii) amenity and streetscape.
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21.4.4 Subdivision - Esplanade Reserves and Esplanade Strips [697.737]

RDI	<p>(a) Subdivision must create an esplanade reserve or strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) <u>that is required to be created from every proposed lot shall vest in Council where any of the following situations apply:</u></p> <ul style="list-style-type: none"> (i) less than 4ha and within 20m of any: <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; or (ii) 4ha or more and within 20m of mean high water springs; or a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) Council's discretion is restricted 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 boundary fencing and the removal of structures and debris; and (vi) costs and benefits of acquiring the land. (vii) layout and design in regard to the effects on the operation, maintenance, upgrading and development of existing infrastructure assets; (viii) topography, the location of existing buildings, or alternative methods of securing ecological protection, that would justify a reduction in width or not requiring esplanade reserves or strips to be taken.
DI	Subdivision that does not comply with Rule 21.4.4 RDI .

21.4.5 Subdivision - Significant Natural Areas

RDI	(a) Subdivision of a site containing a Significant Natural Area , must not divide the Significant Natural
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	<p>Area.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effects on the Significant Natural Area</p>
NCI	<p>Subdivision that does not comply with Rule 21.4.5 RDI.</p>