

**DECISION REPORT ON SUBMISSIONS TO THE WAIKATO DISTRICT PLAN**

**– PLAN CHANGE 14: RAGLAN REZONE –**

**FROM:** The Hearing Commissioners for the Waikato District Council being Dr Phil Mitchell (Chair), Cr Dynes Fulton and Cr Janet Gibb

**DATE:** 5 September 2016

**SUBJECT:** Waikato District Plan – Plan Change 14: Raglan Rezone

**HEARING DATE:** 7 July 2016

**SUMMARY OF DECISIONS:** The Commissioners have decided that:

- (a) Plan Change 14 is approved subject to the amendments described in this report; and
- (b) The submissions be accepted, accepted in part or rejected in accordance with the reasons set out in this report.

## SUMMARY OF PLAN CHANGE

<b>Relevant Regional or District Plan/s</b>	Waikato District Plan: Waikato Section
<b>Status of document</b>	Operative
<b>Number and name of Plan Change</b>	Plan Change 14: Raglan Rezone
<b>Type of Change</b>	Council-initiated
<b>Date of notification of proposed Plan Change</b>	18 December 2015
<b>Submissions received</b>	7
<b>Date summary of submissions notified</b>	8 April 2016
<b>Number of further submissions received</b>	3
<b>Main issues or topics emerging from all submissions</b>	<ul style="list-style-type: none"> <li>▪ The appropriateness of rezoning properties on Wallis Street from Living Zone to Business Zone with a Town Centre Overlay.</li> <li>▪ The appropriateness of a Business Overlay on properties in the Living Zone on Bankart Street and 8, 10 and 12 Wainui Road .</li> <li>▪ The appropriateness of rezoning the property at 75 Wallis Street from Living Zone to Business Zone.</li> <li>▪ The appropriateness of the proposed planning framework for the Nau Mai Business Park.</li> </ul>

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## **APPENDICES**

1. Decision Version of Plan Change 14

# 1. INTRODUCTION

This decisions report relates to Plan Change 14: Raglan Rezone (hereafter referred to as “**PC14**”) to the Waikato District Plan: Waikato Section and addresses the submissions that were received in respect of it. Seven submissions and three further submissions were received on PC14.

The background to PC14 and a summary of its contents are provided in Section 2 of this report, while Section 3 sets out the statutory requirements of the Resource Management Act 1991 (“**RMA**”) in respect of plan changes. Sections 4 summarises the various submissions and further submissions, while Section 5 summarises the hearing (and subsequent adjournment). Our evaluation of the submissions and further submissions are set out in Section 6. Our decisions on whether the relief sought in the submissions /further submissions has been accepted, accepted in part, or rejected is provided at the conclusion of each submission topic. Our formal decision comprises Section 7.

Where amendments have been made to PC14, these are included as red tracked changes to the notified PC14 text in **Appendix 1**.

## 2. PURPOSE OF PLAN CHANGE 14

### 2.1 Background

The Waikato District Plan (“**District Plan**”) was made operative on 5 April 2013.

The Waikato District Council (“**District Council**” or “**WDC**”) proposed PC14 in order to introduce the following rezoning of land in Raglan into the District Plan:

- a) Numbers 9, 11, 13, 14, 15A, 15B, 17, 17A, 17B, 18 and 19 Wallis Street to be rezoned from Living Zone to Business Zone with a Town Centre overlay;
- b) 222 Wainui Rd (Rakanui 2A Block, adjacent to the Poihakena Marae) to be rezoned from Coastal to Pa Zone;
- c) Numbers 113 – 117 Wainui Road (Rakanui 1B Block, adjacent to the Poihakena Marae) to be rezoned from Coastal to Pa Zone;
- d) Numbers 2, 4, 6, 8, 8A, 10, 10A, 12, 12A, 14A, 14B, 14C and 14D Bankart Street to retain existing Living Zone with the establishment of a new Business Zone overlay (Schedule 21D<sup>1</sup>);
- e) Numbers 8, 10 and 12 Wainui Road to retain existing Living Zone with the establishment of a new “Business Zone” overlay (Schedule 21D);
- f) Proposed rezoning of 75 Wallis Street from Living Zone to Business Zone; and
- g) Proposed rezoning of consented light industrial precincts of the Nau Mai Business Park from Rural Zone to Industrial Zone and the introduction of a specific schedule in the District Plan (Schedule 24F) containing the regulatory framework for the new zoning.

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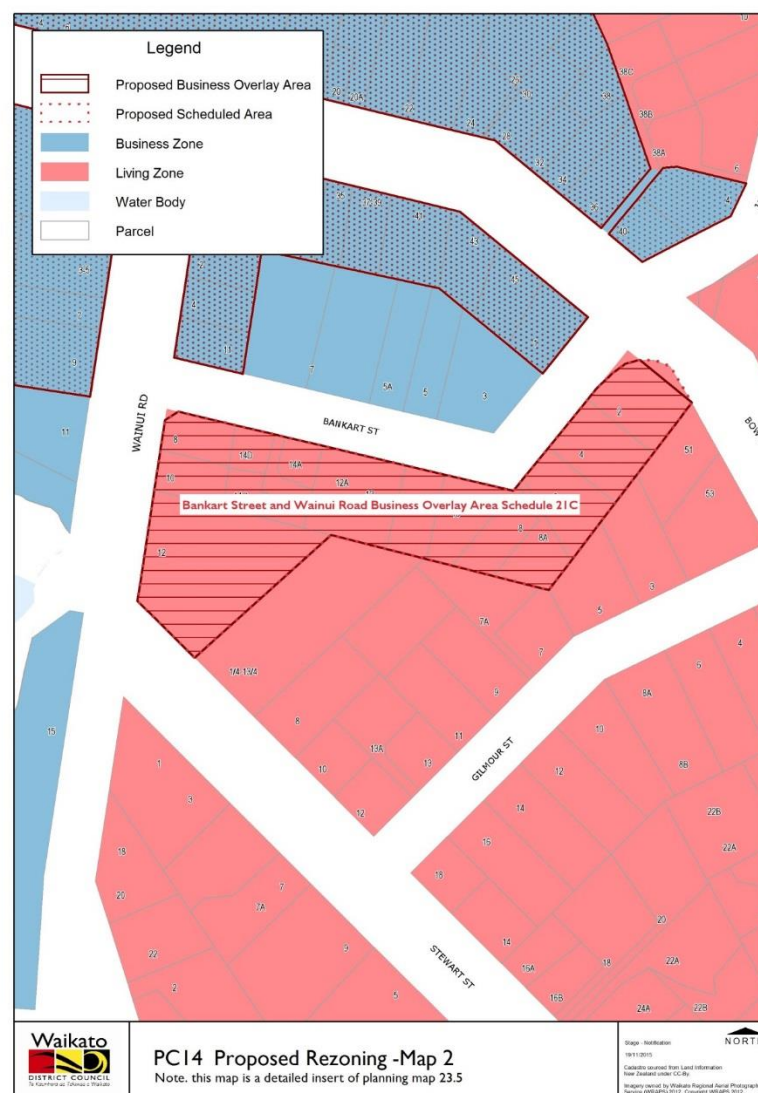
<sup>1</sup> The notified Plan Change 14 incorrectly labelled this Schedule 21D. We have corrected this and referred to Schedule 21D throughout this decision report

## 2.2 Summary of PC14

**Business overlay on southern side of Bankart Street and 8, 10 and 12 Wainui Road**

PC14 proposes to establish a Business overlay on properties 2, 4, 6, 8, 8A, 10, 10A, 12, 12A, 14A, 14B, 14C and 14D Bankart Street and 8, 10 and 12 Wainui Road but retains the existing Living Zone. This includes the establishment of a new schedule in the District Plan (Schedule 21D) that provides specific performance standards to be met for the use of the subject properties for business use and/or the redevelopment of the subject properties. Furthermore, Schedule 21D also governs the activities that can establish on the subject properties as a permitted activity.

Map 2 below outlines the properties subject to the proposed new Business overlay.



The reason for the Business Overlay approach over the existing zoning and not a straight rezoning to Business is due to the feedback from the community who favour retaining the current zoning but allowing a mechanism to enable future business development and use.

Many of the subject properties are currently used for non-residential uses either as a permitted activity or through an approved land use consent including hairdressing, beauty therapy and massage. Additionally, properties on the other side of Bankart Street are already zoned Business/Town Centre and utilised for a variety of purposes including a supermarket, motel and retail activities.

The properties subject to the Business Overlay Area adjoin properties zoned Living on Stewart Street and Gilmour Street. The community feedback supported the use of a specific schedule in the Living Zone chapter of the District Plan to ensure that any business development and use on these properties is controlled to ensure any adverse effects on the residential amenity of the properties along Stewart Street and Gilmour Street are mitigated.

PC14 includes a new schedule 21D that provides specific rules controlling the permitted activities and business development within the Business Overlay area. The rules in the Living Zone chapter would still apply to any development except if they are specifically excluded and are covered by Schedule 21D.

The rules contained in Schedule 21D include:

- A more flexible type of activity rule as a permitted activity that includes the establishment of office and retail activities
- Establishing restrictions of hours for servicing;
- A higher permitted activity threshold for daily vehicle movements;
- Fifty percent building coverage as a permitted activity compared to forty percent for the Living Zone; and
- A minimum three metre road setback compared to six metres in the Living Zone.

Having to still comply with the existing Living Zone rules ensures that any permitted development within the Business Overlay area is consistent with the development of a Living Zone property in the district including:

- a) 7.5m height limit (compared to 10m height limit in the Business Zone);
- b) Height in relation to boundary (not applicable in the Business Zone); and
- c) Minimum setbacks from boundaries such as the three metre minimum compared to the six metre minimum in the Living Zone.

### **Wallis Street rezoning from Living to Business**

A number of properties along Wallis Street are proposed to be rezoned from Living Zone to Business Zone with a new Town Centre overlay. Eight of these properties are located on the southern side of Wallis Street adjoining existing Business zoned properties whilst two properties are located on the north western side of Wallis Street. The total area proposed to be rezoned comprises 9379m<sup>2</sup> and is illustrated on Map 1 on the following page.



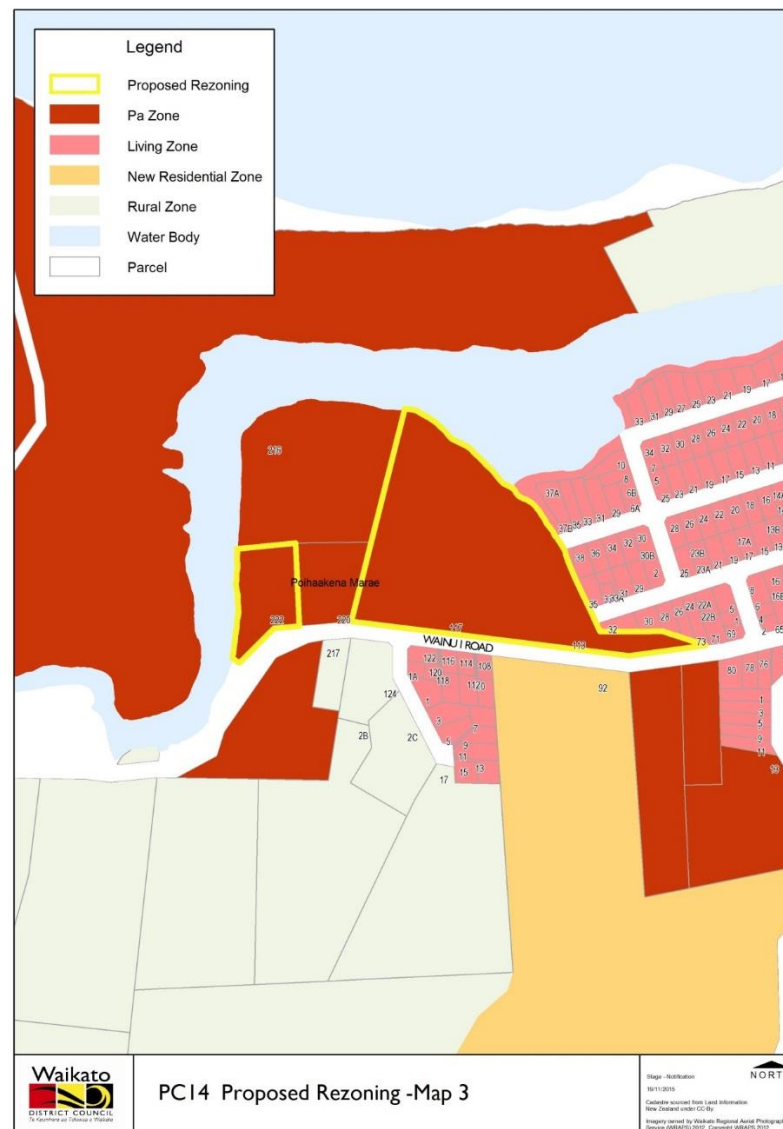
The establishment of non-residential activities on the subject properties in the Living Zone is regarded as a natural progression of development where Living and Business zones are in close proximity. Furthermore, it provides the opportunity for business owners to live in the dwelling while operating their business from part of the dwelling, providing cost efficiencies for their business operation.

It is important to note that the property at 9 Wallis Street, currently zoned Living, but proposed to be rezoned to Business, adjoins the Business Zone, and has an approved land use consent issued on 18 December 2014 for the construction and operation of a new medical centre. This involves the demolition of the existing dwelling on the property and construction of a purpose built single storey building with car parking fronting Wallis Street. This approved consent reflects the natural progression of the establishment of business activities within the Living Zone. However to require a land use consent to do so does not provide any assurances for the landowners. A change in zoning to Business zone would enable greater flexibility in the use of the properties and/or redevelopment of the properties for business purposes.



### Rezoning of 113 to 117 and 222 Wainui Road from Coastal Zone to Pa Zone

Two properties along Wainui Road are proposed to be rezoned from Coastal zone to Pa Zone as demonstrated by Map 3 below.

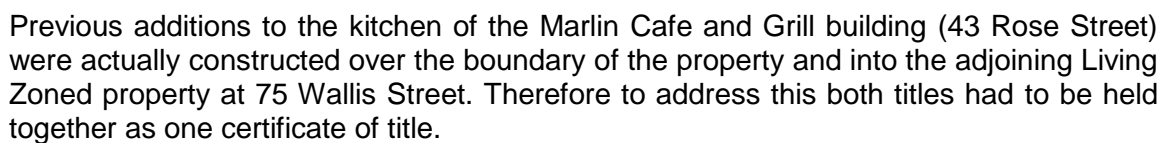


The proposed zone change not only reflects the location of each property being on each side of the Poihakena Marae but reflects the cultural aspirations of the owners to be able to use the properties in accordance with their tradition and culture. The land blocks are Maaori freehold with multiple ownership.

The Pa Zone status would enable more flexibility for the whanau to return and utilise the land for housing should they wish to, and have better interaction with the Marae.

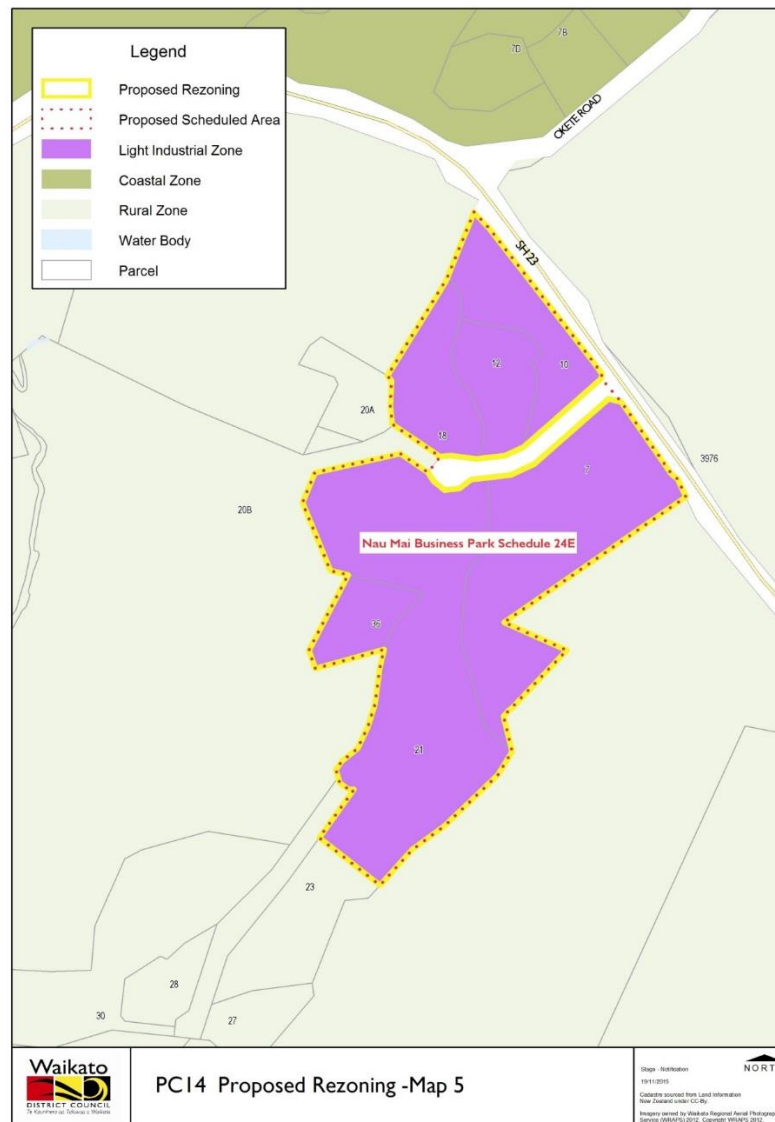
### Rezoning of 75 Wallis Street from Living Zone to Business Zone

Originally, the property at 75 Wallis Street was held in two separate certificates of title with one title (comprising the Marlin Cafe and Grill) being zoned Business whilst the adjoining property accommodating an older dwelling is zoned Living. Map 4 on the following page details the subject property.



This historical situation has created an anomaly where technically the property, held in one title, has a split zoning with part zoned Business and part zoned Living. PC14 simply seeks to change the zoning of 75 Wallis Street to reflect the previous and existing business use of the property that cannot be operated independently from the adjoining property at 43 Rose Street.

The Nau Mai Business Park located 3.8 kilometres out of Raglan is currently operating under a land use consent. Map 5 on the following page shows the extent of the proposed rezoning.



This consent was issued on 5 August 2010 and provides the consent holder with the ability to establish and operate listed industrial activities within a number of lots whilst also allowing for subdivision of a number of rural residential allotments. It is important to highlight that the consent is a land use consent only and therefore the existing Rural Zone remains in place.

The consent includes a suite of conditions that not only lists a number of activities that are authorised to operate on the industrial sites, but also controls future subdivision, traffic movements and road development. There are a number of conditions ensuring extensive mitigation planting to aid in the mitigation of adverse effects from activities on the site. The consent approved the use of a number of precincts (now lots) for industrial use with all lots being relatively large in area ranging from 0.6 hectares to 3.41 hectares.

The consent holder's aspirations is to not to have to rely on a consent for the continued operation of the industrial lots but to have the industrial lots rezoned from the current Rural Zone to Industrial Zone. This would provide greater flexibility for the establishment and operation of the industrial lots.

The consent was granted as a result of a publicly notified application and now has a number of restrictions on the operation of the industrial lots via conditions of the consent.

PC14 proposes to both rezone the consented industrial lots from Rural Zone to Industrial Zone and include a new schedule 24F in Chapter 24 Industrial Zone of the District Plan. The new schedule contains specific rules solely applicable to the operation of the industrial lots in the Nau Mai Business Park and supersedes some of the rules in Chapter 24. We discuss specific details later in Section 6

### 3. STATUTORY REQUIREMENTS

The matters to be considered by a territorial authority in preparing or changing a district plan are set out in section 74 of the RMA. Section 74(1) requires the territorial authority to carry out this duty in accordance with its functions as set out under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32 and any regulations. More specifically, section 74(2) sets out the matters to which regard shall be had when preparing or changing a district plan:

- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
  - (a) any—
    - (i) proposed regional policy statement; or
    - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
  - (b) any—
    - (i) management plans and strategies prepared under other Acts; and
    - (ii) [Repealed]
    - (iia) relevant entry in the Historic Places Register; and
    - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—  
to the extent that their content has a bearing on resource management issues of the district; and
  - (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

In accordance with section 75 of the RMA, a district plan must give effect to any national policy statement, any New Zealand coastal policy statement and any regional policy statement. It must also not be inconsistent with a water conservation order or a regional plan.

The functions of a territorial authority are set out in section 31(1) of the RMA which include the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district.

Section 32 of the RMA seeks to ensure that the costs and benefits of proposed plan provisions are considered and that the proposed controls are justified. Each objective that is proposed has to be examined with regard to the extent to which it is the most

appropriate way to achieve the purpose of the RMA, taking into account the benefits and costs of the proposed policies, rules or other methods and the risk of acting, or not acting, if there is uncertain or insufficient information about the subject matter of those policies, rules or other methods. Any rules or other methods should be aimed at achieving the objectives and policies. A section 32 assessment was prepared and made available as part of the public notification process for PC14.

The process for plan changes is set out in the First Schedule of the RMA. Clause 10 of the First Schedule states a local authority must give a decision on the provisions and matters raised in the submissions and must include the reasons for accepting or rejecting any submissions. However, it is not required to address each submission individually.

All of the above is guided by the overarching purpose and principles of the RMA as set out in Part 2 of the RMA.

## 4. SUBMISSIONS AND FURTHER SUBMISSIONS

PC14 attracted 7 submissions and 3 further submissions from the following parties:

Submission Number	Submitter Name
1	Rodger Gallagher
2	Waikato District Council
3	Whaingaroa Environmental Defence Incorporated
4	Raglan Chamber of Commerce
5	Tasman Lands Limited
6	Peter Lind
7	New Zealand Transport Agency

Further Submission Number	Further Submitter Name
1	New Zealand Transport Agency
2	Tasman Lands Limited
3	Whaingaroa Environmental Defence Incorporated

The section 42A report broke down the various submission and further submissions and the relief sought into 7 discrete topics, as follows.

## TOPIC 1

### Rezoning of properties on Wallis Street from Living Zone to Business Zone with Town Centre overlay

Submitter	Submission point number	Reason Submission for	Decision requested	Further submission
Rodger Gallagher	1.1	Raglan is growing and needs a bigger business area	Adoption of the plan change.	
Whaingaroa Environmental Defence Inc	3.1	Do not understand why CBD is expanding when Wi Neera Street remains largely unused.	Not stated	
Whaingaroa Environmental Defence Inc	3.2	Obnoxious businesses such as pubs and nightclubs should be kept away from the proposed rezoning.	Not stated	
Whaingaroa Environmental Defence Inc	3.3	With the proposed rezoning parking will be a problem.	Not stated.	
Whaingaroa Environmental Defence Inc	3.7	Shows a desire to put property owners' interests ahead of community interests by providing greater flexibility, particularly number 9 Wallis Street that has consent for a new medical centre.	Not stated.	
Raglan Chamber of Commerce	4.3	Submitter hopes to see a clear plan for the use and/or development of the vacant spaces within the existing CBD in the near future.	Needs to be a clear plan for the use and/or development of the existing vacant spaces in the CBD.	
Raglan Chamber of Commerce	4.9	The plan change overlooks the utilisation of the existing vacancies in the existing CBD.	Look at the utilisation of existing spaces in the CBD particularly in Wi Neera St and the former Bow St Motors site.	

**TOPIC 2****Business overlay on Living Zoned properties in Bankart Street and 8, 10 and 12 Wainui Road**

<b>Submitter</b>	<b>Submission point number</b>	<b>Submission</b>	<b>Decision requested</b>	<b>Further submission</b>
Whaingaroa Environmental Defence Inc	3.4	It is not clear what different businesses could establish compared to the existing situation.	Retain existing Living Zoning	
Whaingaroa Environmental Defence Inc	3.5	Concerned how the proposed overlay will affect rates.	Not stated	
Whaingaroa Environmental Defence Inc	3.6	Needs to be strict rules governing height, style, use and parking to protect the residential amenity of Gilmore and Stewart Street.	Not stated.	
Whaingaroa Environmental Defence Inc	3.8	Provides even more relaxed rules than the Living Zone rules as there is little restriction on noise or hours.	Tighter rules around future use.	
Raglan Chamber of Commerce	4.2	Expanding into existing residential areas close to the existing CBD will reduce the availability of housing close to the CBD.	Not stated.	
Peter Lind	6.1	<p>Oppose the proposed rezoning and support retention of the existing Living Zone as per feedback from the community.</p> <p>Traffic on Bankart St is increasing. Adding more businesses will make this worse as there is not enough carparking on Bankart St now. With the new Four Square right on the corner this has made traffic worse and surely this site would have been better used for a business with less traffic. Why is the CBD being expanded into</p>	Retain existing Living Zoning	

Submitter	Submission point number	Submission	Decision requested	Further submission
		Bankart St when Wi Neera St in the existing CBD remains largely unused. This suggests there is no need for the rezoning.		
Peter Lind	6.2	The new parking areas in James Street need sign posting so visitors know they are there. This would help take vehicles off Bankart St and in the CBD. Why is more not being done to direct traffic through Stewart St via Gilmour St. The north side of Stewart St could be developed for carparking.	Additional signage and carparks will alleviate the current shortage of carparks on Bankart St and in the CBD.  New signage for James St carparks and more carparks on the northern side of Gilmour St.	

### TOPIC 3

#### Proposed rezoning of 75 Wallis Street from Living Zone to Business Zone

Submitter	Submission point number	Submission	Decision requested	Further submission
Whaingaroa Environmental Defence Inc	3.9	There has been a lack of enforcement for this premise as since the s32 was written there has been a fire and a new cafe has opened suggesting that the supposed reason for the rezoning did not prevent the establishment of the new cafe.	Not stated	

### TOPIC 4

#### Nau Mai Business Park expansion

Submitter	Submission point number	Submission	Decision requested	Further submission
Tasman Lands Limited	5.1	The land contained within stage 2 shown on the plan provided by the submitter should also be rezoned from Rural to Light Industrial.	Rezone the area identified as stage 2 on the plan as Light Industrial.	FS 7.2 New Zealand Transport Agency  Oppose



Submitter	Submission point number	Submission	Decision requested	Further submission
		<p>Stage 2 land has attributes that support rezoning as:</p> <p>The land is gently rolling allowing greater potential for development yield; Ability to provide usable and desirable allotment shapes;</p> <p>Is adjacent to existing light industrial;</p> <p>Only minor earthworks required to create appropriate sites for use and therefore less effect on the environment.</p> <p>Supports the economic analysis that more light industrial land is required by 2033;</p> <p>Current uptake of consented land reflects future shortage will occur; and</p> <p>Land can be subject to the proposed Schedule 24F and amendments sought in this submission.</p> <p>The Market Economics report concludes that expected Raglan demand for light industrial land to be 5.6ha and that the 8.42ha of consented land in Nau Mai Business Park will be sufficient to meet future needs. However, of the total consented land area of 12.2ha only 5ha is effective land area that is available for economic development.</p>		<p>FS 3.1 Whaingaroa Environmental Defence Inc</p> <p>Oppose</p>

## Topic 5

### New Schedule 24F for Nau Mai Business Park

Submitter	Submission point number	Submission	Decision requested	Further submission
Whaingaroa Environmental Defence Inc	3.13	<p><u>Rule 24F.17: Landscaping</u></p> <p>Landscaping provides failure to comply as requiring resource consent. This has not stopped the developer in the past.</p>	Not stated.	
Whaingaroa Environmental Defence Inc	3.14	<p><u>Rule 24F.44: Building coverage</u></p> <p>There is no evidence provided that the 50 percent maximum building coverage will not dominate the site.</p>	Not stated.	
Tasman Lands Limited	5.3	<p><u>Rule 24F.10.1: List of activities</u></p> <p>The list of permitted activities is supported subject to the following amendment:</p> <p>Insert at the front of the rule:</p> <p>“Examples of suitable activities are as follows”</p>	The list of activities should be used as examples of suitable activities that can operate at the Nau Mai Business Park and not as an all inclusive list. The additional wording proposed by the submitter brings consistency with the wording of the Land Use Consent Appendix 1 for the property.	<p>FS 3.2 Whaingaroa Environmental Defence Inc</p> <p>Oppose</p> <p>FS 7.3 New Zealand Transport Agency</p> <p>Oppose</p>
Tasman Lands Limited	5.4	<p><u>All land use rules:</u></p> <p>Amend the default activity status from non-complying to restricted discretionary. It is inappropriate and onerous that failure to comply with any permitted condition be subject immediately to a non complying activity status that implies no industrial activities should be established in an industrial zone. There are very rare exceptions where other zones in the District Plan</p>	Amend the default activity status from non-complying to restricted discretionary activity.	<p>FS 3.3 Whaingaroa Environmental Defence Inc</p> <p>Oppose</p>

Submitter	Submission point number	Submission	Decision requested	Further submission
		<p>requires a single failure of a permitted condition to fall directly to non complying.</p> <p>Where the environmental bar is lifted too high within a zone that would expect such activities to be established, the longer term result is that Raglan will not be supported by a light industrial economy.</p>		
Tasman Lands Limited	5.5	<p><u>Rule 24F.10.29:</u></p> <p>This rule should be deleted in part to delete the words "authorised by Waikato District Council consent LUC0177/07"</p> <p>There is no need for reference to a former land use consent because the activity will be authorised by the District Plan.</p>	Delete reference to the consent number so the rule would just read "Mini mix plant".	<p>FS 3.4 Whaingaroa Environmental Defence Inc</p> <p>Not stated.</p>
Tasman Lands Limited	5.6	<p>The proposed rule 24F.18.1 does not reflect the consented noise rule for the current operation of the business park.</p> <p>Delete the proposed Rule 24F.18.1(a)(i)-(iii) inclusive and replace with amended wording as this rule does not reflect the consented (LUC0071/10) noise rule.</p>	<p>Delete Rule 24F.18.1 (a)(i)-(iii) inclusive and replace with:</p> <p>"Noise from the activity measured at any other Light Industry site does not exceed: (i) 65dBA (L10) at all times."</p>	
Tasman Lands Limited	5.7	<p>All platform works requiring imported fill has or will shortly be completed by the landowner so there will not be the requirement for larger volumes of infill to be used. Furthermore, the terminology used by the proposed rule is potentially confusing and technically incorrect. The zone does not contain areas of significant indigenous vegetation or habitat as per the District Plan.</p> <p>Amend the rule to delete the requirement that the fill is not into an area of</p>	<p>In Rule 24F.26.1(b)(ii) delete "that" so that Rule 24F.26.1(b)(ii) would read:</p> <p>"is not part of a building work: does not include a building platform; and does not exceed 20m<sup>3</sup> in one year, and</p> <p>Amend Rule 24F.26.1(b)(iii) delete :an area of</p>	

Submitter	Submission point number	Submission	Decision requested	Further submission
		significant indigenous vegetation.	significant indigenous vegetation: so the rule would read:  "Does not include placing fill into landscaped areas or instream habitat"	
Tasman Lands Limited	5.8	<u>Rule 24F.42.2: Building Height</u>  The starting activity status for this rule should be permitted and not restricted discretionary.	Amend by replacing "restricted discretionary" with "permitted" so Rule 24F.42.2 reads as follows:  "Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity".	FS 3.5 Whaingaroa Environmental Defence Inc  Oppose
Tasman Lands Limited	5.9	<u>Rule 24F.44.1: Building Coverage</u>  This rule requires amendment to reflect changes in plan numbers.	Rule 24F.44.1(a) to be amended as follows:  "Total building coverage does not exceed 50% of the effective areas as shown on the McCracken Surveys Limited Plan 14126 Sheet 1"  AND  Delete Rule 24F.44.1(b) in its entirety.	
Tasman Lands Limited	5.10	<u>Rule 24F.45.1: Building setbacks</u>  A consequential change to the rule is required to reflect updated plans.	Amend Rule 24F.45.1(c) so it reads as follows:  "Buildings are located within the effective areas as shown on McCracken Surveys Limited Plan 14126 Sheet 1"	

Submitter	Submission point number	Submission	Decision requested	Further submission
Tasman Lands Limited	5.11	<p><u>Rule 24F.70: Allotment size</u></p> <p>This rule is supported</p>	Retain rule as notified.	
Tasman Lands Limited	5.12	<p><u>Rules 24F.70 to 24F.79 inclusive and 24F.70.2 to 24F.79.2 inclusive.</u></p> <p>Amend the starting activity status for all subdivision rules from Discretionary activity to Controlled activity and amend the activity status of failing to comply with the standards from Non complying activity to Restricted Discretionary activity.</p>	<p>The activity status for all subdivision rules is amended from a Discretionary activity to a Controlled activity; and</p> <p>That failure to comply with the standards is amended from a non-complying activity as notified to a restricted discretionary activity.</p>	<p>FS 7.4 New Zealand Transport Agency Oppose</p> <p>FS 3.6 Whaingaroa Environmental Defence Inc Oppose</p>
New Zealand Transport Agency	7.1	<p>The amended conditions of the landuse consent require the applicant to review the adequacy of works on the Nau Mai Road - SH23 intersection once traffic volumes using Nau Mai Road reach 595 vehicles per day or 2 years following the completion of the intersection.</p> <p>Traffic numbers on Nau Mai Road have not reached 595 vehicles per day and Council has confirmed that the 2 year period will lapse prior to PC14 becoming operative. Hence the review condition does not need to be included in Schedule 24F.</p>	Retain Schedule 24F as notified.	<p>FS 5.3 Tasman Lands Limited Support</p>

**TOPIC 6****Nau Mai Business Park miscellaneous matters**

<b>Submitter</b>	<b>Submission point number</b>	<b>Submission</b>	<b>Decision requested</b>	<b>Further submission</b>
Rodger Gallagher	1.2	Raglan is growing and needs a bigger industrial area	Adoption of the plan change	FS 5.1 Tasman Lands Limited Support
Waikato District Council	2.1	There needs to be a new objective and policy to support the proposed Industrial zoning and schedule for the Nau Mai Business Park.	Establish a new objective and policy in the District Plan to support the Nau Mai Business Park.	FS 7.1 New Zealand Transport Agency Support  FS 5.2 Tasman Lands Limited Support
Waikato District Council	2.2	This figure demonstrates the area proposed to be rezoned from Rural (with consented industrial uses) to light industrial. However there is an error as the text within the Figure states: "Nau Mai Business Park Schedule 24E".	The schedule is 24F and therefore the text in Figure 24F.1 should read "Nau Mai Business Park Schedule 24F".	
Whaingaroa Environmental Defence Inc	3.10	The concerns raised during consultation have not been addressed. These were: 1. Concerns on total impact of noise, traffic, visual and pollution of the existing consent;  2. Alarmed that the existing consent conditions would be lost if the rezoning proceeds;  3. Rezoning is unnecessary, unjustified and unwanted; and  4. Site is not earmarked for future industrial and at no stage did the development follow correct procedures.	Retain existing Rural zoning and rely on the approved consent	FS 5.4 Tasman Lands Limited  Oppose

Submitter	Submission point number	Submission	Decision requested	Further submission
Whaingaroa Environmental Defence Inc	3.11	The proposed rezoning of 8.4ha is excessive.	Previous industrial proposals in Raglan West with less impact on neighbours and visibility have foundered due to access problems to Raglan West. This has been resolved for the Rangitahi Peninsula so that constraint no longer exists and those sites should be reassessed.	
Whaingaroa Environmental Defence Inc	3.12	The lower than expected traffic counts for Nau Mai Road and SH23 reflect the lack of demand for sites as it is too far out of town.		
Tasman Lands Limited	5.2	<p>The area shown as 12 south on the plan provided by the submitter to be excluded from the proposed rezoning and retain the current Rural zoning.</p> <p>This area is unsuitable and uneconomic to develop as light industrial land due to it being a steep ridgeline and the extent of earthworks to form suitable platform(s) within 12 south is prohibitive. Furthermore the ridgeline of 12 south effectively provides a visual and topographical separation between light industrial land and the consented and adjacent rural residential lots.</p>	Retain the current Rural zoning for the area identified as 12 south.	

## 5. THE HEARING

A hearing for PC14 was held on 7 July 2016 in the Council Chamber, Waikato District Office, 15 Galileo Street, Ngaruawahia.

The District Council were represented at the hearing by their consultant planner, Mr Troy Martin and policy planner Ms Betty Connolly.

The only submitter present at the hearing was Tasman Lands Limited ("**Tasman Lands**"), who were represented by Managing Director, Mr Bob Carter, and consultant planner, Mr Philip Barrett.

A letter from the New Zealand Transport Agency ("**NZTA**") dated 4 July 2016 was tabled at the commencement of the hearing. That letter stated that NZTA agreed with the recommendations contained in the section 42A report, and, as such, did not wish to appear at the hearing.

Mr Martin gave a verbal precis of the section 42 report and its key recommendations, including the reasons for making those recommendations. We address the matters raised in the section 42A report when we address the various submission points.

For Tasman Lands, Mr Carter provided a written statement that:

- Explained that the District Council had commenced investigations to find suitable industrial land in and around Raglan in 1992.
- Tasman Lands started discussions with WDC about the Nau Mai Business Park land more than 10 years ago.
- After many delays associated with district planning processes, resource consent applications were sought and granted in 2010 which enabled development of the business park land.
- Stated that his company had invested heavily in the development of the subject land.
- Explained that a number of the proposed provisions of PC14 were overly restrictive and should be amended.

The consultant planner for Tasman Lands, Mr Barrett, also provided a written statement of evidence. That evidence outlined a number of concerns, most notably:

- PC14 must reflect the historical progress and expectations for the Nau Mai land.
- It omits an "important resource consent permitted statement (or preamble)".
- All light industrial activities should reasonably be expected to be permitted activities in an industrial zone, or the point of the zone is lost.
- The list of allowed light industrial activities in the 2010 resource consents provide certainty and need to be retained.
- Activities that do not meet the standards for permitted activities should not default to non-complying status.



- Subdivision should be a controlled activity, defaulting to discretionary activity status, consistent with other industrial zones in the district.
- There is nothing “special or sensitive” about the surrounding rural land that warrants the approach taken, especially in respect of activity status.

We asked a number of questions of Mr Martin and Mr Barrett about their respective statements and it became apparent that the positions of the District Council and Tasman Lands were not as divergent as the written material provided to the hearing might indicate.

At our suggestion, the parties agreed that the hearing should be adjourned for 6 weeks to enable further and better consultation about the drafting of the provisions of PC14 relating to the Nau Mai business park land. Following that period we received a revised set of provisions that identified:

- Revisions that were agreed between them.
- Where agreement had not been reached.

In summary, the position between the District Council and Tasman Lands is that they have now agreed on all matters, other than in respect of the matters over which discretion should be restricted for sub-divisions in the Nau Mai Business Park.

## 6. DETERMINATION OF SUBMISSIONS

For the purpose of our evaluation, we have considered the submissions and further submissions on PC14 by topic, the same headings used in the section 42A report and in our Section 4 above, as follows:

<b>Number</b>	<b>Topic</b>
1	Rezoning of properties on Wallis Street from Living Zone to Business Zone with Town Centre overlay
2	Business overlay on Living Zoned properties in Bankart Street and 8, 10 and 12 Wainui Road.
3	Proposed rezoning of 75 Wallis Street from Living Zone to Business Zone
4	Nau Mai Business Park expansion
5	New Schedule 24F for Nau Mai Business Park
6	Nau Mai Business Park miscellaneous matters.

Given the agreements reached between the District Council and Tasman Lands, we have decided to consider Topics 4, 5 and 6 together.

## **6.1 Topic 1: Rezoning of properties on Wallis Street from Living Zone to Business Zone with Town Centre overlay**

### **6.1.1 Evaluation**

The section 42A report addressed Topic 1 as follows<sup>2</sup>:

The submissions received both support and oppose the rezoning of the Living Zoned properties to Business Zone with the Town Centre overlay. The submitters in opposition raise the following issues:

- Concerns about expanding the CBD when current vacancies exist in the CBD;
- Preventing obnoxious activities such as pubs and nightclubs from establishing in the rezoned area due to the potential adverse effects on the surrounding residential area;
- The rezoning puts property owners' interests ahead of community interests; and
- Parking issues.

Submission points 3.1 and 4.9 both raise concerns with regard to the existing vacancies within the existing Business Zone. It is acknowledged that there are some existing vacancies within the existing CBD, particularly the large consented but undeveloped site on Wi Neera Street. The subject site at Wi Neera Street holds consent for the development of new retail units but has not yet been constructed. It is also acknowledged that there are some vacancies along Bow Street. The reasons for these vacancies are primarily due to matters within the control of the owners but could be due to the seasonal nature of Raglan as a tourist destination and the effect on the success of businesses and/or the desirability or otherwise of lease terms and rates associated with each tenancy.

It is important to highlight that the rezoning provides the opportunity for zoned Business use to service the long term growth of Raglan. It is recognised that Raglan will continue to grow and become more popular for holiday homes, permanent residents working in Raglan or in Hamilton and as a tourist destination. Associated with this is basic demand and supply with the additional growth demanding additional services or an expansion of the existing services offered by the Raglan CBD. Therefore the rezoning (along with the Business overlay on Bankart Street and 8, 10 and 12 Wainui Road) would provide for the long term growth of the Raglan CBD whilst providing the opportunity for additional locations adjacent to the Raglan CBD for the establishment and operation of businesses.

The rezoning of the subject properties on Wallis Street also acknowledges that there has been a natural progression of the establishment of business activities within some of the subject properties on Wallis Street. Such businesses have been established either via resource consent or as a home occupation within the Living Zone. This indicates that there is not only demand for office or business activities on Wallis Street but also that such use provides the opportunity for many businesses to live and work within the same premises reducing their operating costs and making their business more viable. The rezoning would still allow the live and work opportunity but would provide for the additional capacity of the Raglan town centre adjoining the existing zoned CBD area should it be warranted in the future.

Submission point 3.2 raises a valid point that activities that have the potential to result in adverse effects for the adjoining residential environment, either adjacent or across the road from Wallis Street and along nearby James Street, should not be able to establish within the rezoned area of Wallis Street. Commonly such activities are pubs and nightclubs that not only are associated with noise during the hours of operation but also social effects from the visitors to these establishments. The properties proposed to be rezoned are located both adjacent to and across the road from Living Zoned properties utilised for residential purposes. Therefore, significant potential would exist for adverse effects on the Living Zone from such establishments within the new Business Zone.

In the Business Zone, Rule 23.10 of the District Plan specifies those activities that can establish and operate as a permitted activity. This rule is re printed below:

ITEM	PERMITTED	RESOURCE CONSENT
23.10 Type of activity	<p>23.10.1</p> <p>Any activity that complies with all effects and building rules is a permitted activity except:</p> <p>(a) an industrial activity, other than</p> <p>i. deleted</p> <p>ii. servicing of boats at Raglan Wharf, and</p> <p>(b) hazardous waste storage, reprocessing or disposal, and</p> <p>(ba) an extractive industry, and</p> <p>(bb) a wind energy facility</p>	<p>23.10.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity except:</p> <p>(a) an extractive industry</p> <p>23.10.3</p> <p>Any activity that does not comply with a condition for a discretionary activity is a non complying activity.</p>

As outlined in 23.10.1 above, any activity could establish within the Business Zone as a permitted activity provided it is not exempt and the activity complies with all relevant effects and building rules of the Business Zone of the District Plan. This is of upmost importance as it is the other relevant effects and building rules within the District Plan that seek to reduce potential adverse effects on neighbouring property owners. An important example of this is Rule 23.18: servicing hours. This rule requires that for a Business Zone adjoining a Living Zone to retain a permitted activity status, the activity does not load or unload vehicles or receive deliveries before 7:30am or after 8:30pm. Failure to comply with this standard requires consent as a full discretionary activity.

Furthermore and more importantly for the submitters concerns, Rule 23.20.1 sets out the noise limits for permitted activities in a Business Zone. This rule states that any activity is a permitted activity if noise from the activity in the Business Zone does not exceed:

- a) 65dBA ( $L_{10}$ ), 7am to 11 pm every day, and
- b) 55dBA ( $L_{10}$ ) Friday and Saturday, 11pm to 1am the next day, and
- c) 45dBA ( $L_{10}$ ) all other times, and
- d) 85dBA ( $L_{max}$ ) 11pm to 7am the next day, and

In the Living Zone, noise must not exceed the following limits to be a permitted activity:

- a) 55dBA ( $L_{10}$ ), 7am to 7pm, and
- b) 50dBA ( $L_{10}$ ), 7pm to 10pm, and
- c) 45dBA ( $L_{10}$ ) and 75dBA ( $L_{max}$ ) 10pm to 7am the next day.

If the proposed activity does not comply with the noise limits above then the activity requires resource consent as a discretionary activity. As a full discretionary activity, all effects of the proposed activity (including a pub or nightclub if the noise standards cannot comply) would be assessed by Council including the potential effects on the adjoining Living Zone environment. Should the activity not meet the permitted noise limits, there is the potential during the resource consent assessment that owners of properties within the Living Zone and within a pre-determined area from the subject site, may be consulted and be asked by the applicant to provide their written approval to the proposed activity.

Furthermore, as a discretionary activity there is the potential that the application may be notified, whether limited or full notification, providing the opportunity for neighbouring property owners into Living Zone to be involved in the consent process. It is considered the reliance on the existing performance standards of the Business Zone, particularly the noise standards, provide protection for the neighbouring Living Zoned properties on Wallis Street and James Street in terms of their residential amenity from activities such as pubs and nightclubs establishing in the rezoned Business area as a permitted activity.

Submission point 3.7 states that the rezoning puts property owners' interests ahead of community interests as the rezoning would benefit the property owners of the subject properties along Wallis Street. It is acknowledged that the rezoning will provide greater flexibility and opportunities for the property owners of the subject properties as it provides the opportunity for redevelopment or use for business purposes as a permitted

activity, subject to compliance with the relevant performance standards of chapter 23. However, as previously stated, the primary purpose of the rezoning is to provide for the future town centre growth of Raglan as it is acknowledged that in the next 20 to 30 years Raglan will continue to grow and this demand will require greater goods and services to be supplied from Raglan. Therefore this plan change has a long term community interest and benefit as over time, additional goods and services will be provided from the Raglan CBD reducing the reliance that many Raglan residents place on Hamilton to service their needs.

Submission point 3.3 states that the expansion of the town centre into the subject properties on Wallis Street will create more car parking problems for the area. Carparking shortfalls have always been raised as an issue for the Raglan town centre. During the week days car parking in the town centre is not considered an issue. Issues with car parking arise at weekends during the summer months. During these times carparking is at capacity so people are not able to park outside the shop they wish to visit but instead have to walk into the town centre.

It is important to highlight that Council has recently established additional car parks along James Street that adjoin the Raglan town centre. There are also sealed carparks along the road reserve of Gilmore Street and Stewart Street. However, the issue for many people is that these carparks are located a few minutes walk from the town centre and not located right outside the shop they wish to visit.

In terms of the carparking matters raised in submission point 3.3 it is important to highlight that any activity that wishes to establish in the Business Zone as a permitted activity must comply with the relevant performance standards of chapter 23 of the District Plan. Rule 23.16.1 requires that the activity is a permitted activity if the parking on site complies with the required parking spaces in Table 1 of Appendix A of the District Plan. As an example, Table 1 requires the following carparking to be provided for a retail unit:

“1 car space per 45 m<sup>2</sup> GFA including indoor and outdoor retail area”.

Failure to comply with the parking requirements of Table 1 requires that the activity apply for resource consent as a restricted discretionary activity pursuant to Rule A11.2 of the District Plan. It is during the assessment of the resource consent application that all effects of the carparking shortfall are assessed and the consent application is assessed on a case by case basis.

The section 42A report recommended as follows:

- That submissions 3.1, 3.3, 3.7 and 4.9 be rejected
- That submissions 1.1 and 3.2 be accepted
- That submission 4.3 be accepted in part.

We accept the evaluation and recommendation in the section 42A report.

### **6.1.2 Decision**

That submissions on Topic 1 be accepted or rejected to the extent described above and set out in Appendix 1.

## **6.2 Topic 2: Business overlay on Living Zoned properties in Bankart Street and 8, 10 and 12 Wainui Road**

### **6.2.1 Evaluation**

The section 42A report addressed Topic 2 as follows<sup>3</sup>:

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<sup>3</sup>

Two submitters (submitters 3 and 6) provided comments on the proposed establishment of a Business overlay and retention of the existing Living Zone compared to a straight Business rezoning. The concerns of these submitters are:

- What will be the effect on the rates of the subject properties?
- The overlay provides more relaxed rules than the current Living Zone rules as there is little restriction on noise and hours of operation;
- Reduced availability of housing close to the CBD;
- Traffic using Bankart Street is increasing particularly with the new supermarket on the corner; and
- There is already a shortfall of carparking on Bankart Street.

With reference to the first point above, the issue of the effect of the proposal on the rates charged for the properties has been raised during consultation. The general feedback from consultation was not to rezone from Living Zone to Business Zone but to retain the Living Zone and allow for Business use as a way of trying to address the potential upward pressure on property rates. As a general rule rate increases occur every year and by establishing a Business overlay over the existing Living Zone this does make the subject properties more flexible in terms of their use and therefore potentially more valuable. This could potentially result in upward pressure on the rates of the subject properties. However many of the subject properties proposed for the Business overlay already operate as a business either as a home occupation or through an approved consent. As consents are linked with a property (provided the consent has not lapsed) then obtaining consent for the establishment and operation of a business activity on a Living Zoned property does make the subject property more valuable come re sale time and therefore could also have upward pressure on the rates of the property.

Submission point 3.8 is concerned that Schedule 21C provides more relaxed rules than the Living Zone rules as there is little restriction on noise or hours. This submission is accepted in part as the rules in schedule 21C are more relaxed than the relevant rules in Chapter 21 of the District Plan for the Living Zone.

Schedule 21C has been developed so that the majority of the existing rules in Chapter 21 continue to apply to the properties within the Business overlay, however specific rules listed in Schedule 21C replace the corresponding rules in Chapter 21. With regards to noise, there is no new noise rule proposed in Schedule 21C. The reason for this is that it is considered the more restrictive noise limits of Rule 21.28.1 for the Living Zone are the most appropriate given the adjoining Living Zone environment of Gilmore and Stewart Street. The noise limits are re printed below:

1. 50dBA ( $L_{10}$ ), 7am to 7pm, Monday to Saturday, and
2. 45dBA ( $L_{10}$ ), 7pm to 10pm, Monday to Saturday, and
3. 40dBA ( $L_{10}$ ), and 65dBA ( $L_{max}$ ) all other times and public holidays.

The noise limits for the Business Zone (Rule 23.20.1) are more flexible and if included within Schedule 21C would have greater potential to result in adverse effects for the adjoining Living Zone. Therefore the application of Rule 21.28.1 to any new business activity within the Business overlay then this ensures that as a permitted activity the new activity must not generate any noise above what is provided for within the Living Zone. This will ensure that any new business activity will not generate noise effects above what can already occur as a permitted activity in the Living Zone.

Regarding hours of operation, it is acknowledged that the submitter has raised a valid point that there are no restrictions in Schedule 21C on the hours of operation for a new business activity. The reason for this is that there is no relevant rule in the Living Zone as any effects generated from a permitted activity in the Living Zone as a result of hours of operation (principally noise) would have to meet the noise limits of Rule 21.28.1 that have been established to minimise potential adverse noise effects on adjoining residential environments. This rule continues to apply for any new business activity in the Business overlay.

It is acknowledged that associated with business activities is the delivery and loading of goods and services that can have an adverse effect on the amenity of the neighbouring environment particularly the Living Zone of Gilmore and Stewart Streets. To address this, a new rule 21C.16A has been included in Schedule 21C that provides limits on the loading and unloading of vehicles as a permitted activity. Should the business activity

wish to load or unload vehicles outside of the permitted activity limits then consent is required as a discretionary activity that provides the opportunity for any adverse effects to be fully assessed by Council.

Submission point 4.2 states that the Business overlay will reduce the availability of housing close to the CBD. The properties subject to the Business overlay are predominantly residential dwellings and are currently used for either business use (home occupation or granted under consent) or are utilised for residential purposes. The Business overlay will provide greater opportunity for the use and/or redevelopment of the properties for business use that will reduce the number of properties to be used for residential purposes. However, through the consenting process for the redevelopment of a property, there is the potential for a property to be used for both business and residential purposes helping the supply of residential living close in the CBD.

Submission points 6.1 and 6.2 raise concerns that at present traffic using Bankart Street is increasing and with the Business overlay this will increase further. Additionally, the submitter states that there is already a carparking shortfall on Bankart Street and the Business overlay will add to this existing problem. It is acknowledged that Bankart Street provides a short cut for traffic wishing to travel on Wainui Road towards Raglan West and with the new supermarket operation on Bankart Street this has increased the traffic volumes. Furthermore, as previously raised there are already a number of businesses operating from the subject properties on Bankart Street that also contribute to the traffic generation and car parking.

The issue of carparking has been raised by other submitters and has been discussed in topic 1 of this report. Any new activity seeking to establish in the Business overlay will have to comply with the permitted activity carparking requirements of Table 1 of Appendix A of the District Plan. It is important to note that the requirements in Table 1 are for carparks on the subject property itself and not on the road or nearby areas. Failure to comply with these requirements will require an application for resource consent where the effects of the carparking shortfall will be assessed by Council. There are also sealed carparks around the corner on Gilmore Street as well as the carpark next to the Raglan Fire Station. It should be noted that car parking during peak times has always been and will continue to be a problem. This is due to the nature of the town and its focus as a holiday destination. Car parking is an issue at any holiday destination and any resolution is beyond the scope of this plan change.

Submission point 3.4 seeks clarification as to the differences for landowners between the current Living Zone and the proposed Business overlay. The key differences are outlined below:

- The new type of activity rule in Schedule 21C allows more flexibility for the operation of certain business activities as a permitted activity;
- There is a restriction on the hours for servicing which is absent from the Living Zone rules;
- Allowance for up to 100 vehicle movements with a maximum of six heavy vehicles as a permitted activity compared to 30 vehicle movements and a maximum of four heavy vehicles in the Living Zone;
- An additional ten percent building coverage as a permitted activity; and
- A 3 metre minimum road boundary setback compared to 6m in the Living Zone.

Submission point 3.6 states that there will need to be strict rules governing height, style, use and parking of the Business overlay properties to protect the residential amenity of the neighbouring Gilmore and Stewart Streets. This is a valid point and it is acknowledged. As previously discussed, Schedule 21C has been developed to provide additional rules and protection for the development of the Business overlay properties whilst protecting the residential amenity of the adjoining Gilmore and Stewart Streets.

It is important to outline that all other rules of Chapter 21 of the District Plan continue to apply to the overlay area. Schedule 21C was developed in this way because it ensures that the majority of the performance standards for the Living Zone including height, height in relation to boundary and noise still apply to the Business overlay properties. Therefore this essentially means that the bulk and form of any redeveloped Business overlay property is consistent with the permitted bulk and form allowed for a Living Zone property. For example, the maximum permitted height is 7.5 metres which is the same as the Living Zone, and any new building will have to comply with height in relation to boundary of the Living Zone. Both standards seek to ensure that any new building is

consistent with the permitted building envelope of a Living Zone and therefore any adverse effects on a Living Zone are minimised.

The section 42A report recommended as follows:

- That submissions 3.8, 6.1, 6.2 and 3.4 be rejected
- That submission 4.2 be accepted
- That submissions 3.5 and 3.6 be accepted in part.

We accept the evaluation and recommendation in the section 42A report.

### **6.2.2 Decision**

That submissions on Topic 2 be accepted or rejected to the extent described above and set out in Appendix 1.

## **6.3 Topic 3: Proposed rezoning of 75 Wallis Street from Living Zone to Business Zone**

### **6.3.1 Evaluation**

The section 42A report addressed Topic 3 as follows<sup>4</sup>:

One submission point was received on the rezoning of 75 Wallis Street from Living Zone to Business Zone. The submission point states that there is an issue with the reasoning for the rezoning as due to a recent fire this resulted in a new cafe establishing on the premises without any requirements for a resource consent.

The purpose of the rezoning is to legitimise the previous and current use of the property and the adjoining property that is held together as one certificate of title. Council's concern was that if the previous operation (Marlin Cafe and Grill) ceased to operate and given the operation uses part of a Living Zoned property there may be an issue with requiring a resource consent for the establishment of a new cafe. However, as raised by the submitter, this does not appear to be the case.

In this case, it is important to note that there are existing use rights for the property as the property has been used as a cafe, therefore provided the existing use rights do not lapse and the new activity falls within the same classification as the previous activity, then a resource consent is not required and the property can continue to operate under existing use rights.

Whilst the point by the submitter is acknowledged it is still considered appropriate to rezone the subject property to Business from Living Zone given the property is used for Business purposes and is held together with the neighbouring property which is zoned Business. Furthermore, given the current layout of the existing building with the kitchen area being on 75 Wallis Street, it is not currently possible for the cafe operation to continue operating without the use of 75 Wallis Street as the configuration of the building on the adjoining property would have to be undertaken to ensure the kitchen is contained solely within the neighbouring property.

We accept the evaluation and recommendation in the section 42A report.

### **6.3.2 Decision**

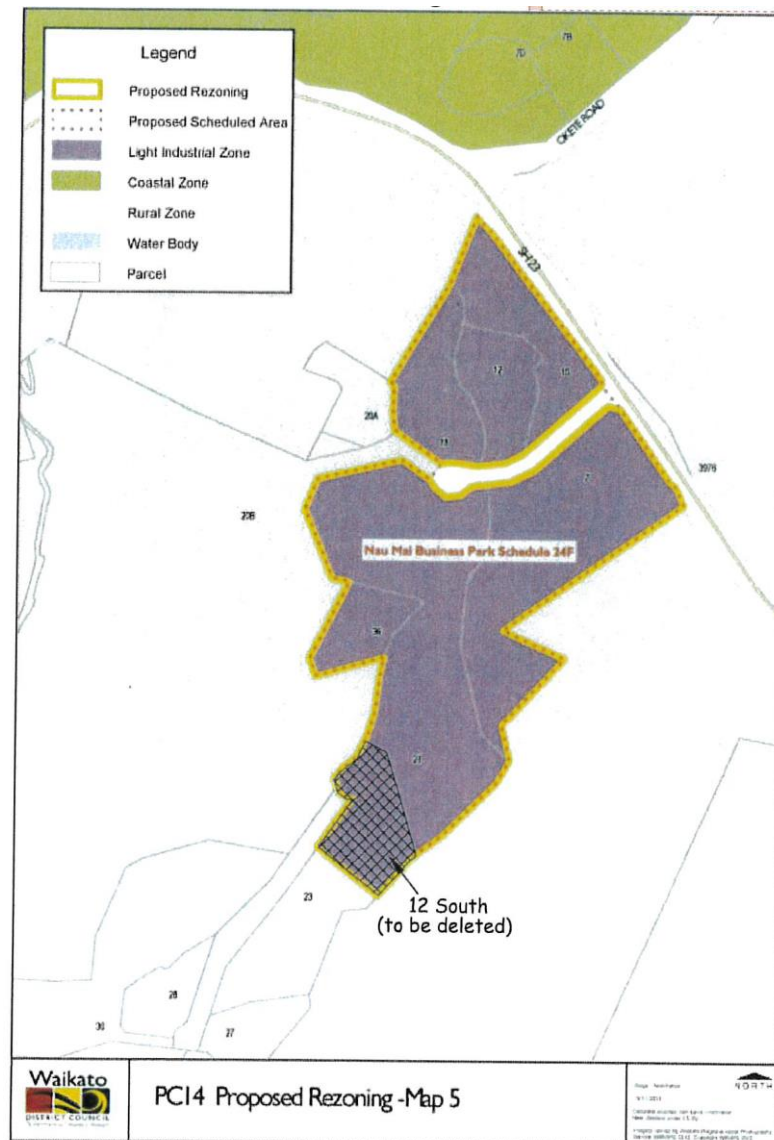
That the submission on Topic 3 be accepted to the extent described above and as set out in Appendix 1.

## 6.4 Topic 4: Nau Mai Business Park expansion

### 6.4.1 Evaluation

The now agreed position between the District Council and Tasman Lands is that the area of the Nau Mai Business Plan will not be expanded. As such, the submission of Tasman Lands is no longer being pursued and the opposition of NZTA and Waingaroa Environmental Defence Society contained in their respective further submissions has, in effect, been accepted by the parties.

In that regard, Tasman Lands is now actually seeking an uncontested small exclusion from the notified area of the Business Park, as shown below:



### 6.4.2 Decision

That the submissions on Topic 4 be accepted to the extent described above and as set out in Appendix 1.



## 6.5 Topic 5: New Schedule 24F for Nau Mai Business Park

### 6.5.1 The Revised Proposal

Following further discussions between the District Council and Tasman Lands while the hearing was adjourned on 29 August 2016 they jointly submitted an amended “colour coded” Schedule 24F that recorded all matters that they had resolved by agreement and where agreement had not been reached they each identified their own version of the proposed text.

The document also included the following comments which explained Tasman Lands’ position on three rules (these being the only matters which had not been agreed between the District Council and Tasman Lands):

“24F.72.1 Frontage : TLL wording is consistent with the existing industrial zone and is sufficient to cover any effects associated with frontage. Access, and manoeuvring, lot size, shape and boundaries are existing separate criteria already assessed under 24F.70.1 not requiring repeat here. Road efficiency and safety are relevant criteria when considering frontage.

24F.73.1 Road Access: TLL wording is consistent with the existing industrial zone and is sufficient to cover any effects associated with road access to Nau Mai Road and SH 23. There is no requirement to specifically address SH 23. This is because NZTA and Council accept the resource consent traffic evidence (that includes a peer review) which confirms the constructed intersection of Nau Mai Road with SH 23 can accommodate between 2500 and 3673dvm. The current estimated 80 dvm is significantly less than the consented review trigger of 595dvm. NZTA in its submission agreed that the trigger not be incorporated in the plan change because dvm do not exceed the trigger.

When the existing resource consent is eventually surrendered, the traffic information will remain relevant when council uses its discretion. Moreover, the subdivision rules are very unlikely to generate sufficient lots that subsequent land use activities will exceed the dvm range.

24F.79.1 Traffic Generation: TLL is consistent in opposing specific SH 23 criteria for the reasons explained in 24F.73.1.”

The amended Schedule 24 F we received is set out verbatim below<sup>56</sup>, with the colour coding being as follows:

- Red** Is the notified version
- Green** Is amended text that is agreed
- Blue** Is the District Council version of text that is not agreed
- Purple** Is the Tasman Lands version of text that is not agreed

## Schedule 24F – Nau Mai Business Park - Rules

### 24F.1 Application of the Schedule

**In this Schedule:**

- **This Schedule applies only to the Nau Mai Business Park as defined in Figure 24F.1.**

<sup>5</sup> For ease of reading, we have however removed the cross referencing to individual submission points, and corrected several numbering anomalies.

<sup>6</sup> We have also omitted the associated figures from what is presented here, but do included them in Appendix 1

## 24F.2 Application of Industrial Rules

The following rules in Chapter 24: Industrial Zone do not apply to the Nau Mai Business Park area:

~~Rules 24.10, 24.17, 24.18, 24.22, 24.23, 24.25, 24.26, 24.31, 24.39, 24.41, 24.41A, 24.42, 24.44, 24.45, 24.48A, 24.70, 24.71, 24.72, 24.73, 24.74, 24.75 and 24.79.~~

Rules:

24.10: Type of activity

24.17: Landscaping

24.18: Noise Light Industrial Zone

24.22: Glare and lighting

24.23: Dust, smoke, fumes or odour or ground level

24.25: Earthworks

24.26: Earthworks: Filling using imported fill

24.31: Hazardous substances

24.39: Signs: advertising signs

24.41: Outdoor storage

24.41A: Indigenous vegetation clearance: Landscape Policy Area

24.42: Building height

24.44: Building coverage

24.45: Building setbacks

24.48A: Aerials

24.70: Allotment size

24.71: Allotment boundaries

24.72: Frontage

24.73: Road access

24.74: Earthworks

24.75: On site services; and

24.79: Traffic generation

All other Rules in Chapter 24: Industrial Zone apply to the Nau Mai Business Park.

## Prohibited Activities

**24F.5** The following activities in the Nau Mai Business park are prohibited activities for which no resource consent shall be granted:

### *Land use*

a residential activity except for a dwelling for a caretaker or security personnel in accordance with Rule ~~24E.10.1.9~~ 24F.10.1.(f)

b. The storage or use of fireworks

## Other Activities

### **Editorial Note:**

For rules for Telecommunication Facilities on Road Reserves see the National Environmental Standards in Appendix Od.

For rules for Electricity Transmission Activities see the National Environmental Standards in

**Appendix Oe.**

For rules for the following activities which are proposed to occur on land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken, or where it is more likely than not that a HAIL activity is being or has been undertaken, see the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of:

- Removing or replacing a fuel storage system;
- Sampling soil;
- Disturbing soil;
- Subdividing land; or
- Changing the use of land.

ITEM	PERMITTED	RESOURCE CONSENT
<p>24F.10</p> <p>Type of activity</p>	<p>24F.10.1</p> <p>Any activities, including (a) to (m) listed activities, are a permitted activity if they comply with the relevant performance standards of this Schedule and the performance standards in the Industrial Zone: including:</p> <ul style="list-style-type: none"> <li>(a) Timber and hardware merchant;</li> <li>(b) Farming supplies merchant;</li> <li>(c) Plant nurseries permanently contained in buildings or outdoor enclosures;</li> <li>(d) Landscape supplies;</li> <li>(e) Retail activities that are ancillary to any permitted activity. Retail activities shall not exceed 20 % of the floor area of the associated industrial building and the goods sold must be manufactured or stored within the site/lot excluding those activities (a), (b), (c) and (d) listed in this rule that have higher inherent retail component;</li> <li>(f) Dwelling for caretaker or security personnel (one dwelling per lot with a maximum 70m<sup>2</sup> habitable floor area);</li> <li>(g) Veterinary practice;</li> <li>(h) Boarding kennels or catteries permanently contained in buildings or outdoor enclosures;</li> <li>(i) Research and technology activities involved in the research, development, manufacture and commercial application of advanced technology including but not limited to: agritechnology, energy technology, transportation technology, manufacture technology, soils/water/air resources;</li> <li>(j) An educational institution involving no more than 10 students;</li> <li>(k) Food outlet less than 200m<sup>2</sup> GFA;</li> <li>(l) Office that is ancillary to any permitted activity;</li> <li>(m) Plant and equipment hire.</li> </ul> <p><del>1. Depots for rural, roading, building contractors and building sub-contractors;</del></p> <p><del>2. Light engineering, manufacturing and sheet metal fabrication;</del></p> <p><del>3. Woodworking, including but not limited to: kitchen manufacturing, pre-nailing of timber trusses and frames and furniture making including upholstery;</del></p>	<p>24F.10.2</p> <p>Any activity that is not listed in 24F.10.1 or does not comply with a condition for a permitted activity is a discretionary <del>non-complying</del> activity.</p>

ITEM	PERMITTED	RESOURCE CONSENT
	<p><del>4. Panel beating and auto trimming;</del></p> <p><del>5. Spray painting;</del></p> <p><del>6. Vehicle disassembly within a building;</del></p> <p><del>7. Transport depot;</del></p> <p><del>8. Research and technology activities involved in the research, development, manufacture and commercial application of advanced technology including but not limited to: agritechnology, energy technology, transportation technology, manufacture technology, soils/water/air resources;</del></p> <p><del>9. Dwelling for caretaker or security personnel (one dwelling per lot with a maximum 70m<sup>2</sup> habitable floor area);</del></p> <p><del>10. An educational institution involving no more than 10 students;</del></p> <p><del>11. Office that is ancillary to any permitted activity;</del></p> <p><del>12. Retail activities that are ancillary to any permitted activity. Retail activities shall not exceed 20% of floor area of the associated industrial building and the goods sold must be manufactured or stored within the site/lot or associated industrial building excluding those activities list in this rule that have a higher inherent retail component;</del></p> <p><del>13. Food outlet less than 200m<sup>2</sup> GFA;</del></p> <p><del>14. Plant nurseries permanently contained in buildings or outdoor enclosures, boarding kennels or catteries;</del></p> <p><del>15. Veterinary facilities;</del></p> <p><del>16. Vehicle and machinery hire;</del></p> <p><del>17. Plant and equipment hire;</del></p> <p><del>18. Self storage facilities</del></p> <p><del>19. Vehicle and engine repair activities including but not limited to maintenance, testing and certification;</del></p> <p><del>20. Timber and hardware merchant;</del></p>	

ITEM	PERMITTED	RESOURCE CONSENT
	<p><del>21. Farming supplies merchant;</del></p> <p><del>22. Boat repair, building, servicing, storage and chandlery, including bait, ice and tackle;</del></p> <p><del>23. Refuelling depot (diesel) — contractors only not general public;</del></p> <p><del>24. Produce storage;</del></p> <p><del>25. Fertiliser storage;</del></p> <p><del>26. Landscape supplies;</del></p> <p><del>27. Clothing manufacture;</del></p> <p><del>28. Pump shed;</del></p> <p><del>29. Mini mix plant authorised by Waikato District Council consent LUC0177/07;</del></p> <p><del>30. Salvaged vehicle compound provided salvaged vehicles are not visible from SH23;</del></p> <p><del>31. Manufacturing of concrete and clay products, surf boards and sails;</del></p> <p><del>32. Pastoral farming and/or cropping on unused areas of the industrial lots;</del></p> <p><del>33. Any combination of the above listed uses;</del></p>	

<u>ITEM</u>	<u>PERMITTED</u>	<u>RESOURCE CONSENT</u>
<p>24F.17</p> <p>Landscaping</p>	<p>24F.17.1</p> <p>Any activity is permitted if:</p> <p>(a) parking areas and storage areas adjacent to roads are separated from the roads by a 2m planted strip of land, and</p> <p>(b) Landscape planting and mitigation is <del>consistent</del> in general accordance with the <del>Bernard Brown Associated Ltd report entitled</del> “Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept” dated March 2009, contained at the end of Schedule 24F.</p>	<p>24F.17.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ visual effect</li> <li>▪ alternative ways to achieve screening</li> <li>▪ vegetation species</li> <li>▪ safe site ingress and egress</li> <li>▪ preservation of sight distances</li> <li>▪ height of landscaping</li> <li>▪ growth rate of species</li> <li>▪ planting plan</li> </ul>

ITEM	PERMITTED	RESOURCE CONSENT
<p><u>24F.18</u></p> <p><u>Noise</u></p> <ul style="list-style-type: none"> <li>▪ Light Industrial Zone</li> </ul>	<p><u>24F.18.1</u></p> <p>Any activity in the Light Industrial Zone of the Nau Mai Business Park is a permitted activity if it is designed and conducted so that</p> <p>(a) noise from the activity measured at any other Light Industrial site does not exceed:</p> <p style="padding-left: 40px;"> <del>(i) 75dBA(L<sub>10</sub>), 7am to 10pm;</del>  <del>(ii) 45dBA(L<sub>10</sub>), 10pm to 7am the following day; and</del>  <del>(iii) 75dBA (L<sub>max</sub>), 10pm to 7am the following day;</del>  <u>(i) 65dBA(L<sub>10</sub>) at all times.</u> </p> <p>(b) Noise at any notional boundary of an adjoining Rural Zone lot does not exceed:</p> <p style="padding-left: 40px;">           (i) 55dBA(L<sub>10</sub>), 7am to 10pm;            (ii) 40dBA(L<sub>10</sub>), 10pm to 7am the following day;            (iii) 70dBA (L<sub>max</sub>), 10pm to 7am the following day         </p> <p>(c) Any caretakers flat shall be designed and constructed to achieve the following standards:</p> <p style="padding-left: 40px;">           (i) An internal noise level of 35dBA(L<sub>10</sub>) for any bedroom; and            (ii) 40dBA(L<sub>10</sub>) in all other habitable rooms; and            (iii) Ventilation complies with the requirements of Clause G4 of the New Zealand Building Code.         </p> <p>Despite Rule 24F.18.1 a), b) and c), construction noise and emergency sirens are not subject to this rule.</p> <p>Noise levels shall be measured in accordance with the requirements of New Zealand Standard NZS 6801:1991 "Measurement of Sound" and assessed in accordance with the requirements of New Zealand Standard NZS 6802:1991 "Acoustics Environmental noise"</p>	<p><u>24F.18.2</u></p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ hours of operation</li> <li>▪ location of noise sources in relation to boundaries</li> <li>▪ frequency or other special characteristics of noise</li> <li>▪ mitigation measures</li> <li>▪ noise levels and duration</li> </ul>



<u>ITEM</u>	<u>PERMITTED</u>	<u>RESOURCE CONSENT</u>
<p>24F.22</p> <p>Glare and lighting</p>	<p>24F.22.1</p> <p>Any activity is a permitted activity if light spill from artificial lighting, other than a streetlight, navigation light or traffic signal:</p> <p>(a) does not exceed 10 lux measured vertically at any Light Industrial site and any adjoining Rural Zone or consented rural residential site.</p>	<p>24F.22.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ light spill levels on other sites</li> <li>▪ road safety.</li> <li>▪ duration and frequency</li> </ul>
<p>24F.23</p> <p>Dust, smoke, fumes, or odour</p>	<p>24F.23.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) there is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site; and</p> <p>(b) stockpiles of loose material must be contained or maintained to prevent dispersal of the material into the air, stormwater system or waterways; and</p> <p>(c) there is no incineration of rubbish, waste and recreational fires.</p>	<p>24F.23.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values of any other zone, particularly sensitive activities</li> <li>▪ mitigation measures</li> <li>▪ effects on public safety</li> </ul>

<u>ITEM</u>	<u>PERMITTED</u>	<u>RESOURCE CONSENT</u>
24F.25 Earthworks	<p>24F.25.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> <li>(a) comply with Appendix B (Engineering Standards), and</li> <li>(b) within 5m of the site boundary, including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and</li> <li>(c) do not remove material from the site, except topsoil, and</li> <li>(d) retain sediment on the site through implementation and maintenance of sediment controls, and</li> <li>(e) do not adversely affect other land through changes in natural water flows or established drainage paths, and</li> <li>(f) the area of earthworks does not exceed 1ha.</li> </ul> <p>Despite (f), the following earthworks are permitted if they comply with (a) to (fc):</p> <ul style="list-style-type: none"> <li>(g) the work: <ul style="list-style-type: none"> <li>(i) is part of an approved subdivision, or</li> <li>(ii) is necessary for building works authorised by a building consent, and the area of earthworks is no more than 150% of the area of those building works or occurs on land with an average gradient no steeper than 1:8, or</li> <li>(iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or</li> <li>(iv) is for construction and maintenance of existing public roads.</li> </ul> </li> </ul>	<p>24F.25.2</p> <p>Any activity that does not meet 24F.25. a), b) and c) is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• effects on amenity values</li> <li>• visual effects</li> <li>• mitigation measures including sediment control</li> <li>• matters listed in Appendix B</li> <li>• effects on land utilisation</li> <li>• effects on erosion</li> <li>• effects on cultural values</li> </ul> <p>24F.25.3</p> <p>Any activity that does not meet 24F.25.1 (d), (e) and (f) is a discretionary activity.</p>

<u>ITEM</u>	<u>PERMITTED</u>	<u>RESOURCE CONSENT</u>
<p><b>24F.26</b></p> <p>Earthworks</p> <ul style="list-style-type: none"> <li>▪ filling using imported fill</li> </ul>	<p><b>24F.26.1</b></p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) all material for filling is clean fill, and</li> <li>(b) filling               <ul style="list-style-type: none"> <li>(i) that is part of building work approved by a building consent is carried out in accordance with NZS4431:1989 Code of Practice for earth fill for residential development, or</li> <li>(ii) that is not part of building work; does not include a building platform and does not exceed 20m<sup>3</sup> per calendar year and</li> <li>(iii) does not include placing fill into a landscaped area or instream habitat of significant indigenous vegetation or habitat</li> </ul> </li> </ul>	<p><b>24F.26.2</b></p> <p>Any activity that does not comply with 24F.26.1 (b) (i) or (ii) is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ visual effects</li> <li>▪ sediment control and other mitigation measures</li> <li>▪ matters listed in Appendix B</li> <li>▪ effects on land utilisation</li> <li>▪ effects on erosion</li> <li>▪ effects on cultural values</li> </ul> <p><b>24F.26.3</b></p> <p>Any activity that does not comply with 24F.26.1 a) or b) (iii) is a discretionary activity.</p>
<p><b>24F.31</b></p> <p>Hazardous substances</p>	<p><b>24F.31.1</b></p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) storage or use of hazardous substances complies with Appendix H (Hazardous Substances), or</li> <li>(b) the hazardous substances stored or used on the site are:               <ul style="list-style-type: none"> <li>(i) domestic storage and use of consumer products for domestic purposes, or</li> <li>(ii) consumer products, held for resale to the public and stored in the manufacturers' packaging, or</li> <li>(iii) fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines, or</li> <li>(iv) fire-fighting substances on emergency vehicles.</li> </ul> </li> </ul>	<p><b>24F.31.2</b></p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

<p><b>24F.39</b></p> <p><b>Signs</b></p> <ul style="list-style-type: none"> <li>▪ advertising signs</li> </ul>	<p><b>24F.39.1</b></p> <p>Any activity is a permitted activity if either:</p> <p>(a) an advertising sign (free standing or attached to a building) visible from a public place other than State Highway 23:</p> <ul style="list-style-type: none"> <li>(i) does not exceed 10m in height, and</li> <li>(ii) is not on or above the road reserve, other than a traffic sign or safety sign erected by a public authority, and</li> <li>(iii) does not exceed an area of 3m<sup>2</sup> for one sign per site, and</li> <li>(iv) is set back a minimum of 5 metres from the boundary of a Rural Zone, and</li> <li>(v) if illuminated, must not have a light source that flashes or moves, and</li> <li>(vi) must not imitate the content, colour or appearance of traffic control signs, and</li> <li>(vii) does not obscure sight lines of drivers turning into or out of entrances on any site.</li> </ul> <p>Or</p> <p>(b) one free standing advertising sign sited adjacent to State Highway 23:</p> <ul style="list-style-type: none"> <li>(i) does not exceed 6m in height, and</li> <li>(ii) is not on or above the road reserve, and</li> <li>(iii) does not exceed an area of 8m<sup>2</sup>, and</li> <li>(iv) is located within the eastern corner of Lot 1 DP 454300 (and any subdivision thereof), and</li> <li>(v) if illuminated, does not have a light source that flashes or moves, and</li> <li>(vi) does not imitate the content, colour or appearance of traffic control signs, and</li> <li>(vii) can be viewed by drivers for a minimum of 250m, and</li> <li>(viii) has lettering that is a minimum of 120mm in height, and</li> <li>(ix) does not obscure sight lines of drivers turning into or out of entrances on any site, and</li> <li>(x) only relates to goods or services available on the site or is a property name sign.</li> </ul>	<p><b>24F.39.2</b></p> <p>Any advertising sign that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>▪ amenity values, streetscape and character of the locality.</li> <li>▪ glare and light spill</li> <li>▪ traffic safety</li> </ul>
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<p>24F.41 Outdoor storage</p>	<p>24F.41.1 Any activity is a permitted activity if outdoor stacks or stockpiles of goods or materials:</p> <ul style="list-style-type: none"> <li>(a) do not exceed a height of 9m, and</li> <li>(b) do not exceed 30% site coverage, and</li> <li>(c) are screened from view from State Highway 23.</li> </ul>	<p>24F.41.2 Any activity that does not comply with a condition for a <del>restricted discretionary</del> permitted activity is a discretionary activity.</p>
<p>24F.41A Shading</p>	<p>24F.41A.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) any shelter belt, landscape mitigation, planting or hedge will not cast a shadow longer than 12m onto an adjoining Rural Zone site at midday on the shortest day of the year.</li> </ul>	<p>24F.41A.2 Any condition that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on the amenity of neighbouring property</li> <li>▪ future management of the vegetation</li> <li>▪ admission of daylight and sunlight to the site and adjoining Rural Zone site.</li> </ul>
<p>24F.42 Building height</p>	<p>24F.42.1 Construction or alteration of a building or structure is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) the height does exceed 10m, or</li> <li>(b) for Lot 1 DP 454300 the height shall not exceed 5m at the 15m setback from State Highway 23 to a maximum height of 10m, and</li> <li>(c) roofing shall be in receding colours, and</li> <li>(d) no bare galvanised iron is to be used for roofing, cladding or fencing.</li> </ul>	<p>24F.42.2 Any activity that does not comply with a condition for a <del>restricted discretionary—activity</del> permitted activity is a discretionary activity.</p>

<p><b>24F.44</b> Building coverage</p>	<p><b>24F.44.1</b> Construction or alteration of a building is a permitted activity if:</p> <p>(a) Total building coverage does not exceed 50% of the effective precinct areas as shown on the <del>McCracken Surveys Ltd Plan 08157</del> Effective Building Areas Plan contained at the end of Schedule 24F; or</p> <p>(b) Deleted</p> <p>(c) No single building has a gross floor area exceeding 800m<sup>2</sup>.</p>	<p><b>24F.44.2</b> Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ building form, bulk, location, external cladding and colour</li> <li>▪ extent of area of non-compliance</li> <li>▪ effects on adjacent sites</li> <li>▪ effects on streetscape</li> <li>▪ stormwater management</li> <li>▪ onsite parking provision</li> <li>▪ landscape planting and other visual mitigation measures</li> </ul>
<p><b>24F.45</b> Building setbacks</p>	<p><b>24F.45.1</b> Construction or alteration of a building is a permitted activity if the building is:</p> <p>(a) 7.5m from the Nau Mai Road internal road boundary and zone boundaries; and</p> <p>(b) 15m from the boundary with State Highway 23; and</p> <p>(c) Buildings are located within the effective areas as shown on the <del>McCracken Surveys Ltd Plan 08157</del> Effective Building Areas Plan contained at the end of Schedule 24F.</p>	<p><b>24F.45.2</b> Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on land in other zones</li> <li>▪ effects on amenity values</li> <li>▪ effects on streetscape</li> <li>▪ road safety.</li> </ul>
<p><b>24F.48A</b> Aerials</p>	<p><b>24F.48A.1</b> Despite rule 24.42.1 (b), (c), (d) and (e), and 24.43, construction or alteration of an aerial and its support structures is a permitted activity if:</p> <p>(a) the height of the aerial or support structures does not exceed:</p> <ul style="list-style-type: none"> <li>(i) 15m, or</li> <li>(ii) 5m more than the height of a building the aerial is mounted on, and</li> </ul> <p>(b) no dish antenna exceeds 5m in diameter and no panel antenna exceeds 2.5m in any dimension.</p>	<p><b>24F.48A.2</b> Any aerial or support structure that does not comply with a condition for a permitted activity is a discretionary activity.</p>

## Subdivision

### Editorial Note:

Any subdivision application relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of.

- NOTE: All landscaping as referred to in the following rules is in general accordance with the Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept, dated March 2009, as attached to the Schedule 24F.

ITEM	<del>DISCRETIONARY</del> RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<b>24F.70</b> Allotment size	<b>24F.70.1</b> Subdivision is a <del>restricted</del> discretionary activity if: (a) every new allotment created in the Light Industrial Zone has a net site area of at least 1000m <sup>2</sup> , excluding an access allotment or utility allotment. Discretion restricted to: <ul style="list-style-type: none"> <li>Access and manoeuvring</li> <li>Site layout including lot size, shape and configuration</li> <li>Extent of compliance with performance standards</li> <li>Visual and amenity effects are in general accordance with the "Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept" dated March 2009.</li> <li><del>Landscaping and visual treatment</del></li> </ul>	<b>24F.70.2</b> Subdivision that does not comply with a condition for a <del>restricted</del> discretionary activity is a <del>non-complying</del> discretionary activity.
<b>24F.71</b> Allotment boundaries	<b>24F.71.1</b> Subdivision is a <del>restricted</del> discretionary activity if the boundary of every allotment is drawn so that: (a) existing buildings comply with the permitted activity rules relating to building coverage, set backs, and daylight angles, except to the extent of any non-compliance that existed lawfully prior to the subdivision, and (b) no area of significant indigenous vegetation and habitat, hazard area, contaminated land, dune land, heritage item, site of significance to Maori, or wetland is divided between allotments. Discretion restricted to: <ul style="list-style-type: none"> <li>Visual and amenity effects are in general accordance with the "Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept" dated March 2009;</li> <li>Boundary location</li> </ul>	<b>24F.71.2</b> Subdivision that does not comply with a condition for a <del>restricted</del> discretionary activity is a <del>non-complying</del> discretionary activity.

ITEM	<del>DISCRETIONARY</del> RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>24F.72 Frontage</p>	<p>24F.72.1 Subdivision is a <del>restricted</del> discretionary activity if:</p> <p>(a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least 15m.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Access and manoeuvring</li> <li>• Lot size shape, boundary location and configuration</li> <li>• Extent of compliance with performance standards</li> <li>• Road efficiency and safety</li> </ul>	<p>24F.72.2 Subdivision that does not comply with a condition for a <del>restricted</del> discretionary activity is a <del>non-complying</del> discretionary activity.</p>
<p>24F.73 Road access</p>	<p>24F.73.1 Subdivision is a <del>restricted</del> discretionary activity if:</p> <p>(a) every allotment is provided with vehicle access to a public road, and</p> <p>(b) the vehicle access complies with Appendix A (Traffic) and Appendix B (Engineering Standards).</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Traffic effects</li> <li>• Internal road layout</li> <li>• Access and manoeuvring</li> <li>• Effect on function and safety of SH23</li> <li>• Adequacy of the access for its intended use</li> <li>• Road efficiency and safety</li> </ul>	<p>24F.73.2 Subdivision that does not comply with a condition for a <del>restricted</del> discretionary activity is a <del>non-complying</del> discretionary activity.</p>
<p>24F.74 Earthworks</p>	<p>24F.74.1 Subdivision is a <del>restricted</del> discretionary activity if:</p> <p>(a) earthworks comply with Appendix B (Engineering Standards).</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Visual and amenity effects are in general accordance with the “Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept” dated March 2009;</li> <li>• Extent of compliance with Appendix B</li> </ul>	<p>24F.74.2 Subdivision that does not comply with a condition for a <del>restricted</del> discretionary activity is a <del>non-complying</del> discretionary activity.</p>



<p>24F.75 On-site services</p>	<p>24F.75.1 Subdivision is a <b>restricted</b> discretionary activity if, for every allotment other than a utility or access allotment:</p> <ul style="list-style-type: none"> <li>(a) provision is made to connect to an energy supply network, and</li> <li>(b) subject to (d) below provision is made to connect to a telecommunications network either by underground connection or by the availability of cellular and/or wireless network, and</li> <li>(c) either <ul style="list-style-type: none"> <li>(i) provision is made to connect to reticulated water supply, stormwater, land drainage and wastewater disposal networks where available, or</li> <li>(ii) an alternative method of water supply, stormwater, land drainage and wastewater disposal that complies with Appendix B (Engineering Standards) is provided, and</li> </ul> </li> <li>(d) services must be placed underground where <ul style="list-style-type: none"> <li>(i) a new road is required as part of the subdivision, or</li> <li>(ii) existing services to the land are already placed underground.</li> </ul> </li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Wastewater treatment and disposal of stormwater</li> <li>• Extent of compliance with Appendix B</li> </ul>	<p>24F.75.2 Subdivision that does not comply with a condition for a <b>restricted</b> discretionary activity is a <del>non-complying</del> <b>discretionary</b> activity.</p>
<p>24F.79 Traffic generation</p>	<p>24F.79.1 Subdivision is a <b>restricted</b> discretionary activity if:</p> <ul style="list-style-type: none"> <li>(a) traffic generated by land uses following the subdivision does not alter the status or function of roads in the road hierarchy identified in Appendix A (Traffic).</li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Safety and efficiency of road network including the intersection with SH23</li> <li>• Extent of compliance with Appendix A</li> <li>• Effect on function and safety of SH23</li> </ul>	<p>24F.79.2 Subdivision that does not comply with a condition for a <b>restricted</b> discretionary activity is a <del>non-complying</del> <b>discretionary</b> activity.</p>

## 6.5.2 Evaluation

We deal firstly with the submissions by parties other than the District Council and Tasman Lands, and our evaluation of them is as follows:

NZTA's position aligns with the District Council's and we address those submissions when addressing the matters raised by the District Council.

The Whaingaroa Environmental Defence Society opposes the proposed Light Industrial Zoning in its entirety. It submits that the zoning should remain Rural and the existing resource consent held by Tasman Lands relied upon.

The section 42A report rejected all the Society's submissions on Schedule 24 F and presented the following analysis <sup>7</sup>when doing so:

Submission point 3.13 comments on Rule 24F.17: Landscaping. The wording of this rule like all other rules of the schedule requires that failure to comply with the standard of the rule requires an application for resource consent. The submitter states that failure to undertake landscaping in accordance with the conditions of the approved consent has not stopped the developer in the past. As previously stated, this property is associated with considerable history and any issues associated with the consent process in 2010 or compliance with consent conditions is outside of the realm of this plan change. Rule 24F.17 has been inserted in the schedule to ensure that any future activity or development on the industrial lots must comply with the landscaping requirement. If not then resource consent is required.

Submission point 3.14 provides comment on Rule 24F.44 building coverage advising that there is no evidence provided that the 50 percent maximum building coverage per lot will not result in adverse dominance effects. As stated, the performance standards of the schedule have come directly across from the conditions of the 2010 consent and condition 25 of the performance standards of the consent states a 50 percent maximum building coverage per precinct.

We accept this evaluation and recommendation in the section 42A report and because the amendments agreed between the District Council and Tasman Lands do not affect the submissions and further submissions of the Whaingaroa Environmental Defence Society and the analysis in the section 42A report no further commentary is required.

As set out above, the District Council have agreed all matters save for the wording of three sub-division related rules. We attend to those shortly, but first address the agreed version of proposed permitted activity Rule 24F.10.1, which we consider to be problematic. The preamble to proposed Rule 24F.10.1 states:

24F.10.1

Any activities, including (a) to (m) listed activities, are a permitted activity if they comply with the relevant performance standards of this Schedule and the performance standards in the Industrial Zone: including:

and then proceeds to list a number of activities.

Aside from the drafting not being clear (we presume that the final use of the word "include" is superfluous), we do not accept that a list of permitted activities can include a non-inclusive list of activities.

To be valid, it is well established that rules need to be clear on their face and not create confusion as to what is and isn't covered by the rule. The use of the word "including" in Rule 24F.10.1 clearly offends that principle, because it is not clear at all what activities (other than those listed) would be permitted activities. Additionally, proposed Rule 24F.10.2 clearly does not anticipate any additional activities that are not listed in Rule 24F.10.1 being permitted activities, because it expressly states that *"[any] activity not listed 24F.10.1 or does not comply with a condition for a permitted activity is a discretionary activity is a discretionary activity"*.

Accordingly, we consider that Rule 24F.10.1 should read:

24F.10.1

Any activity listed below is a permitted activity if it complies with the relevant performance standards of this Schedule and the performance standards of the Industrial Zone:

Proposed Rules 24F.17, 24F.70, 24F.71 and 24F.74, and the explanatory text relating to subdivision (all of which are agreed between the District Council and Tasman Lands) all make reference to activities being permitted if they “are in general accordance” with a specified plan. We understand that this is intended to provide a degree of flexibility, but for the reasons set out earlier when dealing with Rule 24F.10.1, we do not consider that such provisions would ordinarily be lawful. We are however mindful of the fact that much of the landscape planting required by the existing resource consent has already been implemented and that whilst it is “generally” in accordance with the subject plans it may not necessarily follow that plan exactly. We would be concerned, as not doubt Tasman Lands would too, if the plan were to be drafted in a way that might create the possibility of existing planting having to be removed and then re-established, solely to enable strict compliance with the existing landscape plan. Although not ideal, we have determined that because Tasman Lands and the District Council have agreed to the use of the term “in general accordance” and understand how it will be applied in practice, we have retained the agreed wording.

Proposed Rule 24F.72.1 (which addresses frontage considerations when sub-dividing) is not agreed. The respective versions are as follows<sup>8</sup>.

24F.72.1

Subdivision is a restricted discretionary activity if:

- (a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least 15m.

Discretion restricted to:

- Access and manoeuvring
- Lot size shape, boundary location and configuration
- Extent of compliance with performance standards
- Road efficiency and safety

Tasman Lands’ reasoning for the purple text are set out at the beginning of this section of our decision. We accept Tasman Land’s reasoning and consider that the issues around frontage (which is the sole subject of this rule) are adequately addressed by their proposal, and that the version proposed by the District Council is unnecessarily restrictive, such that it is not justified.

Proposed Rule 24F.73.1 relates to road access when sub-dividing. It is not agreed and the respective versions are as follows<sup>9</sup>

24F.73.1

Subdivision is a restricted discretionary activity if:

- (a) every allotment is provided with vehicle access to a public road, and
- (b) the vehicle access complies with Appendix A (Traffic) and Appendix B (Engineering Standards).

<sup>8</sup> The blue text is proposed by the District Council and the purple by Tasman Lands  
<sup>9</sup> ditto

Discretion restricted to:

- Traffic effects
- Internal road layout
- Access and manoeuvring
- Effect on function and safety of SH23
- Adequacy of the access for its intended use
- Road efficiency and safety

We are very mindful of the submissions of NZTA, given their role in managing the State Highway network. We are satisfied that the version proposed by Tasman Lands is sufficient to ensure that the matters raised in NZTA's submission are adequately recognised and are sufficient to ensure that the road access related effects of any subdivision proposal are able to be adequately considered and addressed. We are satisfied that the ability to consider "road efficiency and safety" to be sufficient in that regard.

Proposed Rule 24F.79.1 relates to traffic generation as a consequence of sub-dividing. It is not agreed and the respective versions are as follows<sup>10</sup>

24F.79.1

Subdivision is a restricted discretionary activity if:

- (a) traffic generated by land uses following the subdivision does not alter the status or function of roads in the road hierarchy identified in Appendix A (Traffic).

Discretion restricted to:

- Safety and efficiency of road network including the intersection with SH23
- Extent of compliance with Appendix A
- Effect on function and safety of SH23

The safety of traffic on State Highway 23 is of paramount importance. Again, we consider the District Council additions to be unnecessary. We are satisfied that the ability to consider the "safety and efficiency of the road network" to be sufficient in that regard.

### 6.5.3 Decision

That the submissions on Topic 5 be accepted to the extent described above and as set out in Appendix 1.

## 6.6 Topic 6: Nau Mai Business Park miscellaneous matters

### 6.6.1 Evaluation

These matters have been addressed in Section 6.5 above, other than in respect of those of Mr Gallagher and the Whaingaroa Defence Society.

Mr Gallagher supports the plan change and we have addressed his submission when addressing the matters in Topic 5 raised by Tasman Lands.

The Whaingaroa Environmental Defence Society's submissions are summarised in Section 4 above. In rejecting them, the section 42A report stated<sup>11</sup>:

<sup>10</sup> District Council additions are shown in blue  
<sup>11</sup> Pages 63 - 64

Submission point 3.10 raises that the issues raised during the consultation have not been addressed, particularly;

- Concerns on total impact of noise, traffic, visual and pollution of the existing consent;
- Alarmed that the existing consent conditions would be lost if the rezoning proceeds;
- Rezoning is unnecessary, unjustified and unwanted; and
- Site is not earmarked for future industrial and at no stage did the development follow correct procedures.

As previously discussed, the site is associated with a long history that includes a complex and contentious publically long notified resource consent application. During the resource consent process all adverse effects including noise, traffic, visual and pollution were assessed and the consent was issued with strict conditions to mitigate any adverse effects.

With regard to the current consent conditions, as stated in this report and in the s32 report, the rezoning matches the area currently consented for light industrial use with no additional area being rezoned. Furthermore, Schedule 24F has been developed to match the relevant conditions of the approved consent; therefore the conditions of the consent have been transferred into Schedule 24F as performance standards that an activity must comply with as a permitted activity.

With reference to the rezoning being unnecessary, unjustified and unwanted, the s32 report details the assessment prepared by Market Economics Limited that concludes that the rezoned area is necessary and justified to service the growing demand for industrial services in Raglan now and into the future.

With reference to the last point by the submitter, the site is earmarked for industrial use given it has an active consent allowing for this activity. This consent was granted following an extensive public process.

Submission point 3.10 considers that the rezoning of 8.4ha is excessive. During the drafting of the plan change Council engaged Market Economics to undertake an assessment of whether there is any demand for industrial land in Raglan. This information is provided in the s32 report as well as in section 5.1 of this report but briefly the table below illustrates the current and predicted demand for industrial land to service the Raglan area. PC14 meets this demand and is not excessive.

	2015	2018	2023	2028	2033
Industrial Employment	137	149	171	200	235
Industrial Land Area (ha)	3.3	3.6	4.1	4.8	5.6

Submission point 3.12 states that the lower than expected traffic counts on Nau Mai Road and SH23 reflect the lack of demand for the sites as the location is too far from town. This comment is acknowledged and staff have been advised by the property owner that there is demand for the consented industrial sites however, with the consent only approving large industrial lots and the ability to subdivide under the current Rural Zone being limited, it is acknowledged that these factors have restricted the opportunity for local businesses to establish in the business park.

### 6.6.2 Decision

That the submission on Topic 6 be accepted to the extent described in Sections 6.5 and 6.6.1 above and as set out in Appendix 1.

## 7. DECISIONS

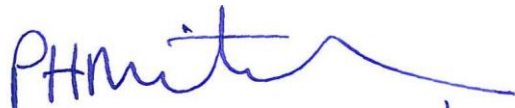
Pursuant to clause 10 of the First Schedule of the RMA, we have decided that:

- (a) **Plan Change 14 to the Waikato District Plan is approved with amendments, as set out in Appendix 1; and**
- (b) **The submissions seeking changes to Plan Change 14 be accepted, accepted in part or rejected;**

for the reasons set out in this decision.

For the avoidance of doubt we confirm that we have considered the submissions, further submissions and drafting amendments in accordance with sections 32 and 32AA of the RMA. Having done so, we are satisfied that the section 32 report prepared by the Council is appropriate and can be relied upon. This decision has only served to refine the drafting of some specific aspects relating to the Nau Mai Business Park, virtually all of which were not specifically referred to in submissions, and we are satisfied that the provisions set out in Appendix 1 meet the requirements of section 32AA.

Signed by:



**For and on behalf of Dr P H Mitchell, Cr D Fulton and Cr J Gibb**

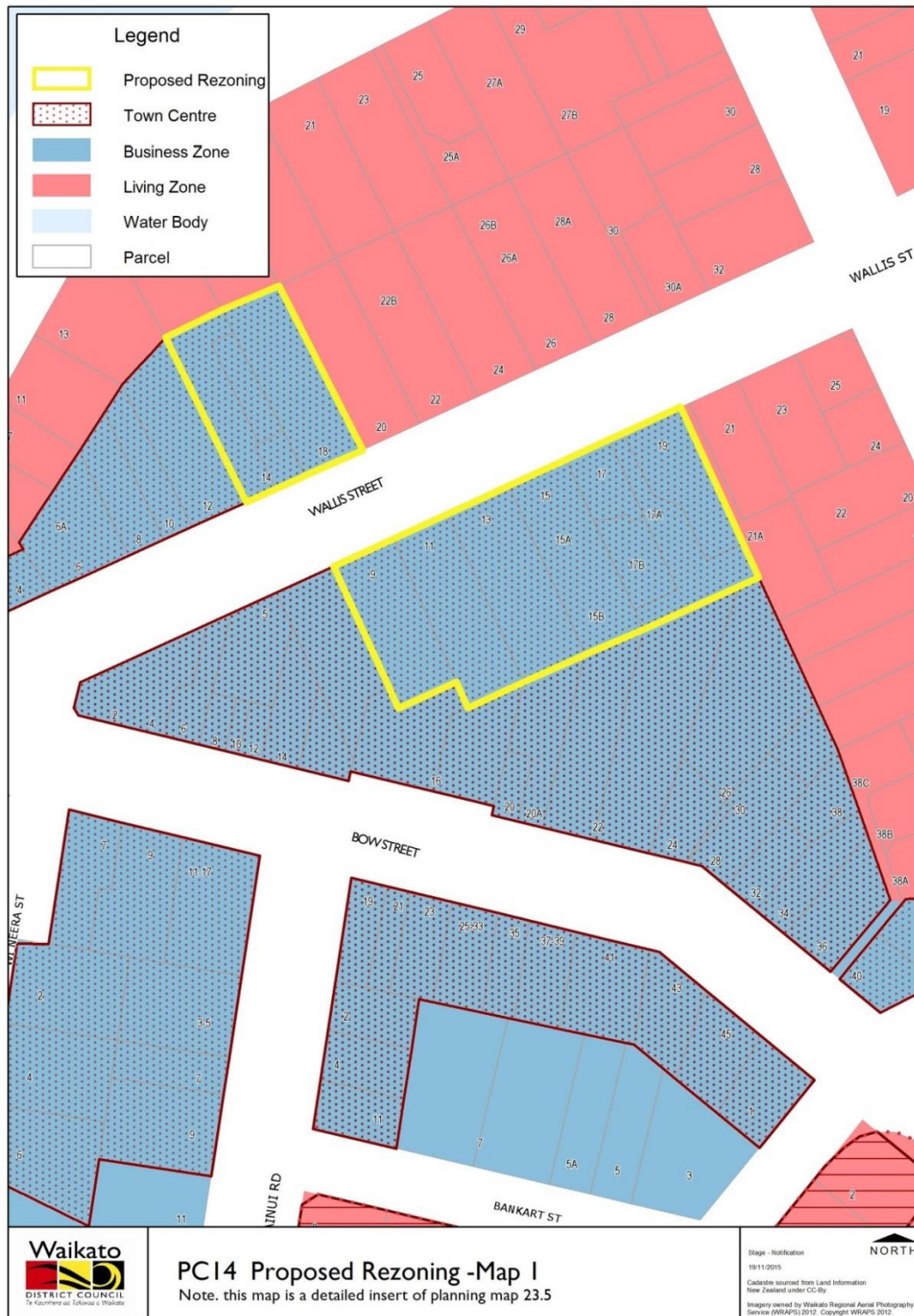
## **APPENDIX 1**

### **Decision Version of Plan Change 14**

Amend the Waikato District Plan as follows:

**1. Rezoning of 9, 11, 13, 14, 15A, 15B, 17, 17A, 17B, 18 and 19 Wallis Street from Living Zone to Business with Town Centre overlay.**

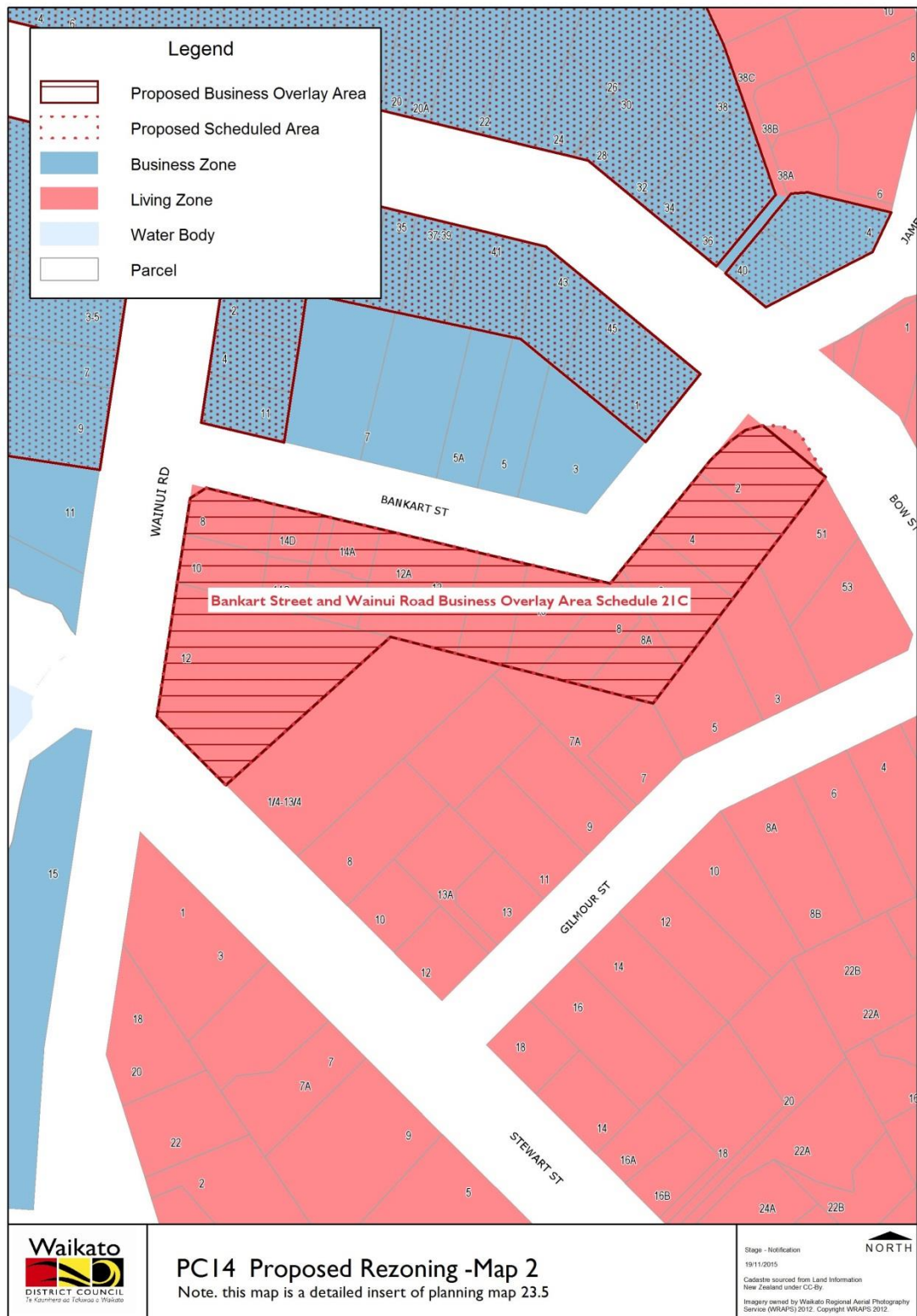
Insert the following detailed insert to Planning Map 23.5





**2. Proposed establishment of Business overlay over 2, 4, 6, 8, 8A, 10, 10A, 12, 12A, 14A, 14B, 14C, 14D Bankart Street and 8, 10 and 12 Wainui Road**

**2.1 Insert the following detailed insert to Planning Map 23.5**



## 2.2 Include the following new Schedule 21D

### **SCHEDULE 21D – BANKART STREET AND WAINUI ROAD BUSINESS OVERLAY AREA - RULES**

#### **21D.1 Application of the Schedule**

In this Schedule:

- The Schedule applies to the Bankart Street and Wainui Road Business Overlay Area only as identified on Planning Map 23.5.
- “Bankart Street and Wainui Road Business Overlay Area” means the defined area of land shown on Planning Map 23, 23.2, 23.3, 23.5 and 24 and as indicated in further detail in Figure 21D.1.

#### **21D.2 Application of Living Zone Rules**

The following rules in Chapter 21: Living Zone do not apply to the Bankart Street Business Overlay Area:

Rules:

- 21.10 – Type of activity
- 21.16 – Access, vehicle entrance, parking, loading and manoeuvring space
- 21.17 – Vehicle movements
- 21.46 – Building coverage
- 21.46A – Non-residential building; and
- 21.49 – Building set back – road boundary

All other Rules in Chapter 21: Living Zone apply to the Bankart Street Business Overlay Area.

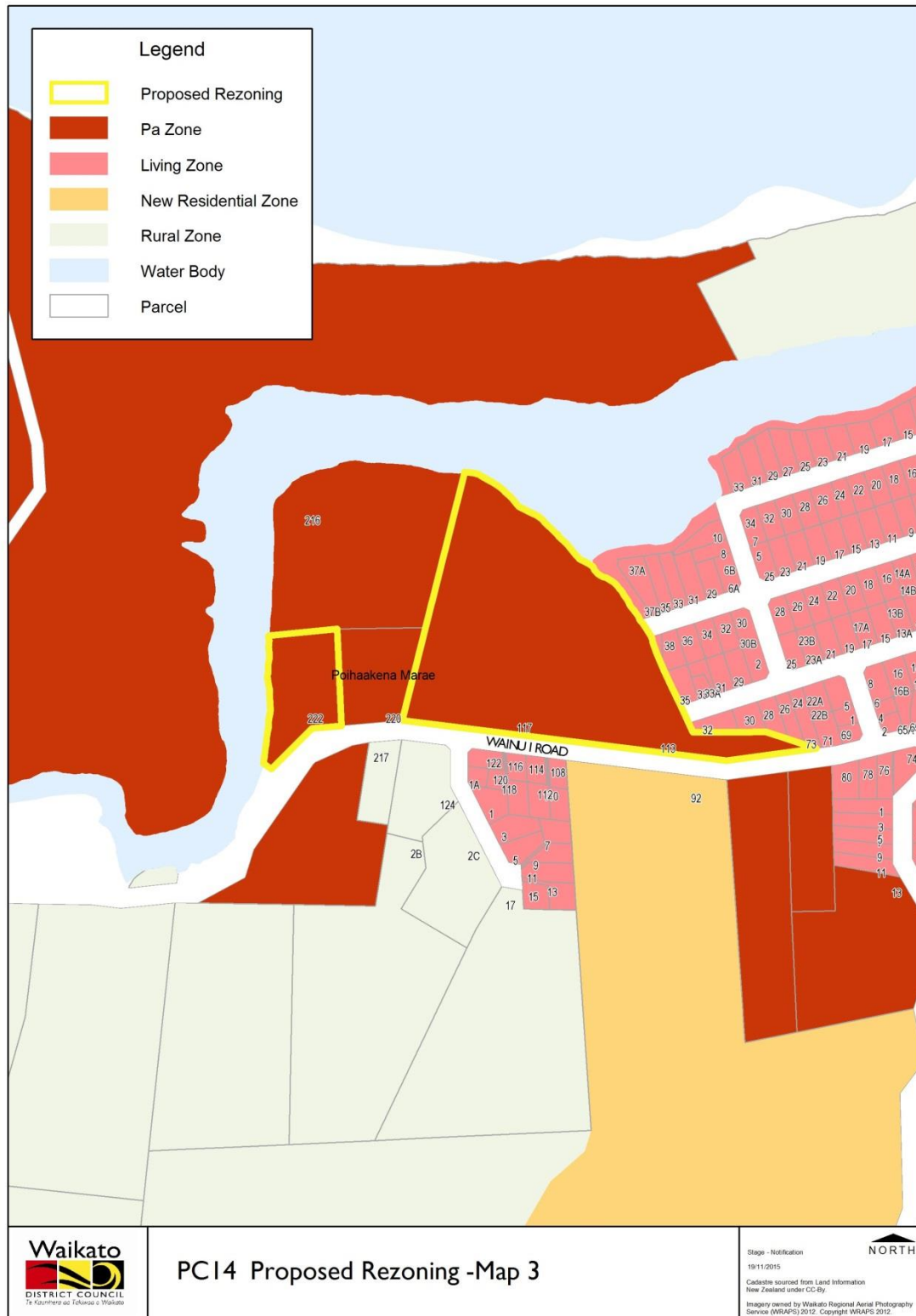
#### **Land Use – Activities**

<b><u>ITEM</u></b>	<b><u>PERMITTED</u></b>	<b><u>RESOURCE CONSENT</u></b>
<u>21D.10</u> <u>Type of activity</u>	<u>21D.10.1</u> <u>Any activity that complies with all the effects and building rules is a permitted activity if it is a:</u> <ul style="list-style-type: none"> <li>(a) <u>Residential activity, or</u></li> <li>(b) <u>Home occupation that meets the conditions for a permitted activity, or</u></li> <li>(c) <u>Temporary event that meets the conditions for a permitted activity, or</u></li> <li>(d) <u>Network utility, or</u></li> <li>(e) <u>Home stay that provides accommodation for no more than 4 temporary residents and meets the conditions for a home occupation, or</u></li> <li>(f) <u>Office, or</u></li> <li>(g) <u>Retail activity.</u></li> </ul>	<u>21D.10.2</u> <u>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</u>

<u>21D.16</u> <u>Access, vehicle</u> <u>entrance, parking,</u> <u>loading and</u> <u>manoeuvring space</u>	<u>21D.16.1</u> <u>Any activity is a permitted activity if:</u> (a) <u>access, vehicle entrance, parking, loading,</u> <u>queuing, and manoeuvring space is provided in</u> <u>accordance with Appendix A (Traffic).</u>	<u>21D.16.2</u> <u>Any activity that does not comply</u> <u>with a condition for a permitted</u> <u>activity requires resource consent</u> <u>as stated in the appendix, or is a</u> <u>discretionary activity if not</u> <u>otherwise specified.</u>
<u>21D.16A</u> <u>Servicing hours</u>	<u>21D.16A.1</u> <u>Any activity is a permitted activity if:</u> (a) <u>the activity does not load or unload vehicles or</u> <u>receive deliveries before 7.30am or after</u> <u>6.30pm.</u>	<u>21D.16A.2</u> <u>Any activity that does not comply</u> <u>with a condition for a permitted</u> <u>activity is a discretionary activity.</u>
<u>21D.17</u> <u>Vehicle movements</u>	<u>21D.17.1</u> <u>Any activity is a permitted activity if:</u> (a) <u>it does not involve more than 100 vehicle</u> <u>movements per day, and</u> (b) <u>no more than 6 of these vehicle movements are</u> <u>heavy vehicle movements.</u>	<u>21D.17.2</u> <u>Any activity that does not comply</u> <u>with a condition for a permitted</u> <u>activity is a discretionary activity.</u>
<u>21D.46</u> <u>Building coverage</u>	<u>21D.46.1</u> <u>Construction or alteration of a building is a permitted</u> <u>activity if:</u> (a) <u>the total building coverage does not exceed</u> <u>50%.</u>	<u>21D.46.2</u> <u>Any activity that does not comply</u> <u>with a condition for a permitted</u> <u>activity is a non-complying</u> <u>activity.</u>
<u>21D.49</u> <u>Building set back</u> <u>road boundary</u> <u>(local and collector)</u>	<u>21D.49.1</u> <u>Construction or alteration of a building is a permitted</u> <u>activity if it is set back at least:</u> (a) <u>3m from the road boundary of the site.</u>	<u>21D.49.2</u> <u>Any activity that does not comply</u> <u>with a condition for a permitted</u> <u>activity is a discretionary activity.</u>

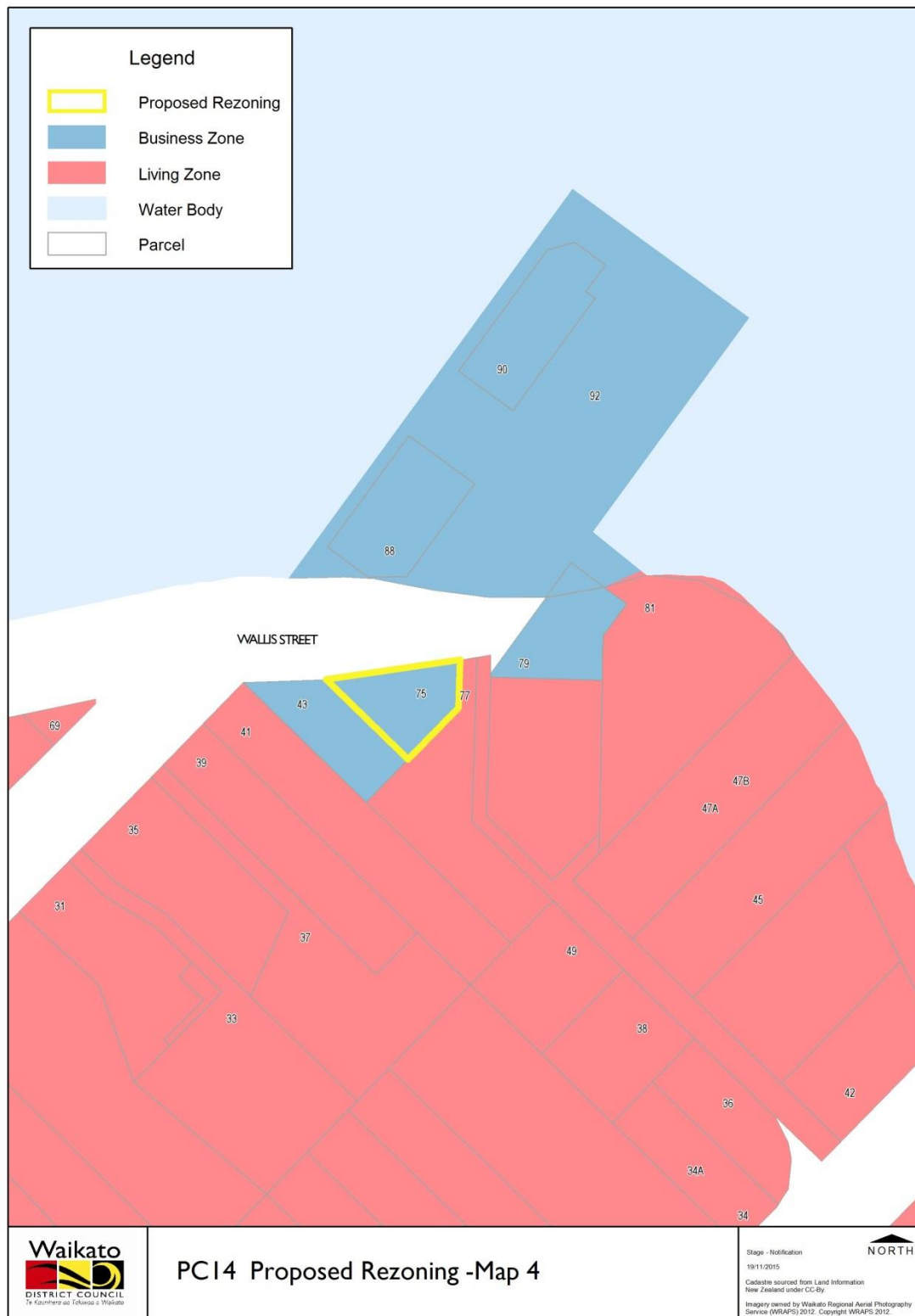
3. **Proposed rezoning of 113 – 117 and 222 Wainui Road from Coastal Zone to Pa Zone**

Insert the following Planning Map



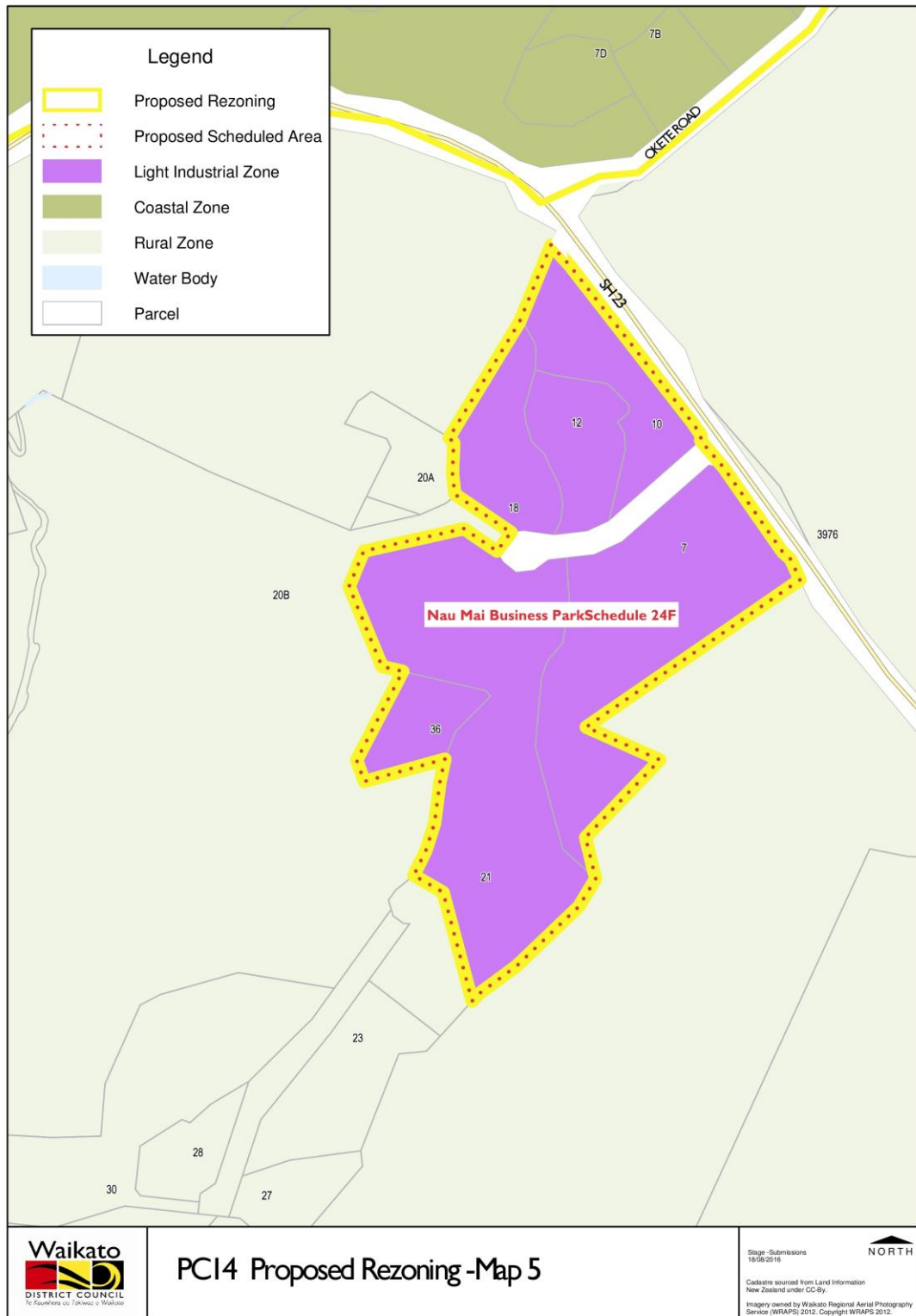
#### 4. Proposed rezoning of 75 Wallis Street from Living Zone to Business Zone

Insert the following Planning Map



**5. Proposed rezoning of consent light industrial lots of the Nau Mai Business Park from Rural Zone to Light Industrial Zone.**

**5.1 Insert the following Planning Map**





## 5.2 Include the following new Schedule 24F

### **Schedule 24F – Nau Mai Business Park - Rules**

#### 24F.1 Application of the Schedule

In this Schedule:

- This Schedule applies only to the Nau Mai Business Park as defined in Figure 24F.1.

#### 24F.2 Application of Industrial Rules

The following rules in Chapter 24: Industrial Zone do not apply to the Nau Mai Business Park area:

Rules:

- 24.10: Type of activity
- 24.17: Landscaping
- 24.18: Noise Light Industrial Zone
- 24.22: Glare and lighting
- 24.23: Dust, smoke, fumes or odour or ground level
- 24.25: Earthworks
- 24.26: Earthworks: Filling using imported fill
- 24.31: Hazardous substances
- 24.39: Signs: advertising signs
- 24.41: Outdoor storage
- 24.41A: Indigenous vegetation clearance: Landscape Policy Area
- 24.42: Building height
- 24.44: Building coverage
- 24.45: Building setbacks
- 24.48A: Aerials
- 24.70: Allotment size
- 24.71: Allotment boundaries
- 24.72: Frontage
- 24.73: Road access
- 24.74: Earthworks
- 24.75: On site services; and
- 24.79: Traffic generation

All other Rules in Chapter 24: Industrial Zone apply to the Nau Mai Business Park.

#### Prohibited Activities

**24F.5 The following activities in the Nau Mai Business park are prohibited activities for which no resource consent shall be granted:**

##### ***Land use***

**a residential activity except for a dwelling for a caretaker or security personnel in accordance with Rule 24F.10.1.(f)**

**b. The storage or use of fireworks**

#### Other Activities

##### **Editorial Note:**

**For rules for Telecommunication Facilities on Road Reserves see the National Environmental Standards in Appendix Od.**

**For rules for Electricity Transmission Activities see the National Environmental Standards in Appendix Oe.**

**For rules for the following activities which are proposed to occur on land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken, or where it is more likely than not that a HAIL activity is being or has been undertaken, see the Resource Management (National Environmental Standard for Assessing and Managing**

**Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of:**

- Removing or replacing a fuel storage system;
- Sampling soil;
- Disturbing soil;
- Subdividing land; or
- Changing the use of land.



ITEM	PERMITTED	RESOURCE CONSENT
<p>24F.10</p> <p>Type of activity</p>	<p>24F.10.1</p> <p>Any activity listed below is a permitted activity if it complies with the relevant performance standards of this Schedule and the performance standards of the Industrial Zone:</p> <ul style="list-style-type: none"> <li>(a) Timber and hardware merchant;</li> <li>(b) Farming supplies merchant;</li> <li>(c) Plant nurseries permanently contained in buildings or outdoor enclosures;</li> <li>(d) Landscape supplies;</li> <li>(e) Retail activities that are ancillary to any permitted activity. Retail activities shall not exceed 20 % of the floor area of the associated industrial building and the goods sold must be manufactured or stored within the site/lot excluding those activities (a), (b), (c) and (d) listed in this rule that have higher inherent retail component;</li> <li>(f) Dwelling for caretaker or security personnel (one dwelling per lot with a maximum 70m<sup>2</sup> habitable floor area);</li> <li>(g) Veterinary practice;</li> <li>(h) Boarding kennels or catteries permanently contained in buildings or outdoor enclosures;</li> <li>(i) Research and technology activities involved in the research, development, manufacture and commercial application of advanced technology including but not limited to: agritechology, energy technology, transportation technology, manufacture technology, soils/water/air resources;</li> <li>(j) An educational institution involving no more than 10 students;</li> <li>(k) Food outlet less than 200m<sup>2</sup> GFA;</li> <li>(l) Office that is ancillary to any permitted activity;</li> <li>(m) Plant and equipment hire.</li> </ul>	<p>24F.10.2</p> <p>Any activity that is not listed in 24F.10.1 or does not comply with a condition for a permitted activity is a discretionary activity.</p>

<p>24F.17 Landscaping</p>	<p>24F.17.1 Any activity is permitted if:</p> <p>(a) parking areas and storage areas adjacent to roads are separated from the roads by a 2m planted strip of land, and</p> <p>(b) Landscape planting and mitigation is in general accordance with the "Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept" dated March 2009, contained at the end of Schedule 24F.</p>	<p><u>24F.17.2</u> Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ visual effect</li> <li>▪ alternative ways to achieve screening</li> <li>▪ vegetation species</li> <li>▪ safe site ingress and egress</li> <li>▪ preservation of sight distances</li> <li>▪ height of landscaping</li> <li>▪ growth rate of species</li> <li>▪ planting plan</li> </ul>
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<p><u>24F.18</u></p> <p><u>Noise</u></p> <ul style="list-style-type: none"> <li>▪ Light Industrial Zone</li> </ul>	<p><u>24F.18.1</u></p> <p>Any activity in the Light Industrial Zone of the Nau Mai Business Park is a permitted activity if it is designed and conducted so that</p> <p>(a) noise from the activity measured at any other Light Industrial site does not exceed:</p> <p style="padding-left: 40px;">(i) 65dBA(L<sub>10</sub>) at all times.</p> <p>(b) Noise at any notional boundary of an adjoining Rural Zone lot does not exceed:</p> <p style="padding-left: 40px;">(i) 55dBA(L<sub>10</sub>), 7am to 10pm;</p> <p style="padding-left: 40px;">(ii) 40dBA(L<sub>10</sub>), 10pm to 7am the following day;</p> <p style="padding-left: 40px;">(iii) 70dBA (L<sub>max</sub>), 10pm to 7am the following day</p> <p>(c) Any caretakers flat shall be designed and constructed to achieve the following standards:</p> <p style="padding-left: 40px;">(i) An internal noise level of 35dBA(L<sub>10</sub>) for any bedroom; and</p> <p style="padding-left: 40px;">(ii) 40dBA(L<sub>10</sub>) in all other habitable rooms; and</p> <p style="padding-left: 40px;">(iii) Ventilation complies with the requirements of Clause G4 of the New Zealand Building Code.</p> <p>Despite Rule 24F.18.1 a), b) and c), construction noise and emergency sirens are not subject to this rule.</p> <p>Noise levels shall be measured in accordance with the requirements of New Zealand Standard NZS 6801:1991 "<i>Measurement of Sound</i>" and assessed in accordance with the requirements of New Zealand Standard NZS 6802:1991 "<i>Acoustics Environmental noise</i>"</p>	<p>24F.18.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ hours of operation</li> <li>▪ location of noise sources in relation to boundaries</li> <li>▪ frequency or other special characteristics of noise</li> <li>▪ mitigation measures</li> <li>▪ noise levels and duration</li> </ul>
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<p>24F.22</p> <p>Glare and lighting</p>	<p>24F.22.1</p> <p>Any activity is a permitted activity if light spill from artificial lighting, other than a streetlight, navigation light or traffic signal:</p> <p>(a) does not exceed 10 lux measured vertically at any Light Industrial site and any adjoining Rural Zone or consented rural residential site.</p>	<p>24F.22.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ light spill levels on other sites</li> <li>▪ road safety.</li> <li>▪ duration and frequency</li> </ul>
<p>24F.23</p> <p>Dust, smoke, fumes, or odour</p>	<p>24F.23.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) there is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site; and</p> <p>(b) stockpiles of loose material must be contained or maintained to prevent dispersal of the material into the air, stormwater system or waterways; and</p> <p>(c) there is no incineration of rubbish, waste and recreational fires.</p>	<p>24F.23.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values of any other zone, particularly sensitive activities</li> <li>▪ mitigation measures</li> <li>▪ effects on public safety</li> </ul>

<p>24F.25 Earthworks</p>	<p>24F.25.1</p> <p>Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> <li>(a) comply with Appendix B (Engineering Standards), and</li> <li>(b) within 5m of the site boundary, including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and</li> <li>(c) do not remove material from the site, except topsoil, and</li> <li>(d) retain sediment on the site through implementation and maintenance of sediment controls, and</li> <li>(e) do not adversely affect other land through changes in natural water flows or established drainage paths, and</li> <li>(f) the area of earthworks does not exceed 1ha.</li> </ul> <p>Despite (f), the following earthworks are permitted if they comply with (a) to (fc):</p> <ul style="list-style-type: none"> <li>(g) the work: <ul style="list-style-type: none"> <li>(i) is part of an approved subdivision, or</li> <li>(ii) is necessary for building works authorised by a building consent, and the area of earthworks is no more than 150% of the area of those building works or occurs on land with an average gradient no steeper than 1:8, or</li> <li>(iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or</li> <li>(iv) is for construction and maintenance of existing public roads.</li> </ul> </li> </ul>	<p>24F.25.2</p> <p>Any activity that does not meet 24F.25. a), b) and c) is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• effects on amenity values</li> <li>• visual effects</li> <li>• mitigation measures including sediment control</li> <li>• matters listed in Appendix B</li> <li>• effects on land utilisation</li> <li>• effects on erosion</li> <li>• effects on cultural values</li> </ul> <p>24F.25.3</p> <p>Any activity that does not meet 24F.25.1 (d), (e) and (f) is a discretionary activity.</p>
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<p>24F.26</p> <p>Earthworks</p> <ul style="list-style-type: none"> <li>▪ filling using imported fill</li> </ul>	<p>24F.26.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling</p> <p>(i) that is part of building work approved by a building consent is carried out in accordance with NZS4431:1989 Code of Practice for earth fill for residential development, or</p> <p>(ii) that is not part of building work; does not include a building platform and does not exceed 20m<sup>3</sup> per calendar year and</p> <p>(iii) does not include placing fill into a landscaped area or instream habitat of significant indigenous vegetation or habitat</p>	<p>24F.26.2</p> <p>Any activity that does not comply with 24F.26.1 (b) (i) or (ii) is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ visual effects</li> <li>▪ sediment control and other mitigation measures</li> <li>▪ matters listed in Appendix B</li> <li>▪ effects on land utilisation</li> <li>▪ effects on erosion</li> <li>▪ effects on cultural values</li> </ul> <p>24F.26.3</p> <p>Any activity that does not comply with 24F.26.1 a) or b) (iii) is a discretionary activity.</p>
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<p>24F.31 Hazardous substances</p>	<p>24F.31.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) storage or use of hazardous substances complies with Appendix H (Hazardous Substances), or</li> <li>(b) the hazardous substances stored or used on the site are: <ul style="list-style-type: none"> <li>(i) domestic storage and use of consumer products for domestic purposes, or</li> <li>(ii) consumer products, held for resale to the public and stored in the manufacturers' packaging, or</li> <li>(iii) fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines, or</li> <li>(iv) fire-fighting substances on emergency vehicles.</li> </ul> </li> </ul>	<p>24F.31.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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<p>24F.39</p> <p>Signs</p> <ul style="list-style-type: none"> <li>▪ advertising signs</li> </ul>	<p>24F.39.1</p> <p>Any activity is a permitted activity if either:</p> <p>(a) an advertising sign (free standing or attached to a building) visible from a public place other than State Highway 23:</p> <ul style="list-style-type: none"> <li>(i) does not exceed 10m in height, and</li> <li>(ii) is not on or above the road reserve, other than a traffic sign or safety sign erected by a public authority, and</li> <li>(iii) does not exceed an area of 3m<sup>2</sup> for one sign per site, and</li> <li>(iv) is set back a minimum of 5 metres from the boundary of a Rural Zone, and</li> <li>(v) if illuminated, must not have a light source that flashes or moves, and</li> <li>(vi) must not imitate the content, colour or appearance of traffic control signs, and</li> <li>(vii) does not obscure sight lines of drivers turning into or out of entrances on any site.</li> </ul> <p>or</p> <p>(b) one free standing advertising sign sited adjacent to State Highway 23:</p> <ul style="list-style-type: none"> <li>(i) does not exceed 6m in height, and</li> <li>(ii) is not on or above the road reserve, and</li> <li>(iii) does not exceed an area of 8m<sup>2</sup>, and</li> <li>(iv) is located within the eastern corner of Lot 1 DP 454300 (and any subdivision thereof), and</li> <li>(v) if illuminated, does not have a light source that flashes or moves, and</li> <li>(vi) does not imitate the content, colour or appearance of traffic control signs, and</li> <li>(vii) can be viewed by drivers for a minimum of 250m, and</li> <li>(viii) has lettering that is a minimum of 120mm in height, and</li> <li>(ix) does not obscure sight lines of drivers turning into or out of entrances on any site, and</li> <li>(x) only relates to goods or services available on the site or is a property name sign.</li> </ul>	<p>24F.39.2</p> <p>Any advertising sign that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>▪ amenity values, streetscape and character of the locality.</li> <li>▪ glare and light spill</li> <li>▪ traffic safety</li> </ul>
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24F.41 Outdoor storage	24F.41.1 Any activity is a permitted activity if outdoor stacks or stockpiles of goods or materials: (a) do not exceed a height of 9m, and (b) do not exceed 30% site coverage, and (c) are screened from view from State Highway 23.	24F.41.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.
24F.41A Shading	24F.41A.1 Any activity is a permitted activity if: (a) any shelter belt, landscape mitigation, planting or hedge will not cast a shadow longer than 12m onto an adjoining Rural Zone site at midday on the shortest day of the year.	24F.41A.2 Any condition that does not comply with a condition for a permitted activity is a restricted discretionary activity.  Discretion restricted to: <ul style="list-style-type: none"> <li>▪ effects on the amenity of neighbouring property</li> <li>▪ future management of the vegetation</li> <li>▪ admission of daylight and sunlight to the site and adjoining Rural Zone site.</li> </ul>
24F.42 Building height	24F.42.1 Construction or alteration of a building or structure is a permitted activity if: (a) the height does exceed 10m, or (b) for Lot 1 DP 454300 the height shall not exceed 5m at the 15m setback from State Highway 23 to a maximum height of 10m, and (c) roofing shall be in receding colours, and (d) no bare galvanised iron is to be used for roofing, cladding or fencing.	24F.42.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

<p>24F.44 Building coverage</p>	<p>24F.44.1 Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) Total building coverage does not exceed 50% of the effective precinct areas as shown on the Effective Building Areas Plan contained at the end of Schedule 24F; or</li> <li>(b) Deleted</li> <li>(c) No single building has a gross floor area exceeding 800m<sup>2</sup>.</li> </ul>	<p>24F.44.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on amenity values</li> <li>▪ building form, bulk, location, external cladding and colour</li> <li>▪ extent of area of non-compliance</li> <li>▪ effects on adjacent sites</li> <li>▪ effects on streetscape</li> <li>▪ stormwater management</li> <li>▪ onsite parking provision</li> <li>▪ landscape planting and other visual mitigation measures</li> </ul>
<p>24F.45 Building setbacks</p>	<p>24F.45.1 Construction or alteration of a building is a permitted activity if the building is:</p> <ul style="list-style-type: none"> <li>(a) 7.5m from the Nau Mai Road internal road boundary and zone boundaries; and</li> <li>(b) 15m from the boundary with State Highway 23; and</li> <li>(c) Buildings are located within the effective areas as shown on- Effective Building Areas Plan contained at the end of Schedule 24F.</li> </ul>	<p>24F.45.2 Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>▪ effects on land in other zones</li> <li>▪ effects on amenity values</li> <li>▪ effects on streetscape</li> <li>▪ road safety.</li> </ul>

<p>24F.48A Aerials</p>	<p>24F.48A.1 Despite rule 24.42.1 (b), (c), (d) and (e), and 24.43, construction or alteration of an aerial and its support structures is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(a) the height of the aerial or support structures does not exceed: <ul style="list-style-type: none"> <li>(i) 15m, or</li> <li>(ii) 5m more than the height of a building the aerial is mounted on, and</li> </ul> </li> <li>(b) no dish antenna exceeds 5m in diameter and no panel antenna exceeds 2.5m in any dimension.</li> </ul>	<p>24F.48A.2 Any aerial or support structure that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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## Subdivision

### Editorial Note:

Any subdivision application relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of.

- NOTE: All landscaping as referred to in the following rules is in general accordance with the Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept, dated March 2009, as attached to the Schedule 24F.

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
24F.70 Allotment size	<p>24F.70.1</p> <p>Subdivision is a restricted discretionary activity if:</p> <p>(a) every new allotment created in the Light Industrial Zone has a net site area of at least 1000m<sup>2</sup>, excluding an access allotment or utility allotment.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Access and manoeuvring</li> <li>• Site layout including lot size, shape and configuration</li> <li>• Extent of compliance with performance standards</li> <li>• Visual and amenity effects are in general accordance with the "Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept" dated March 2009.</li> </ul>	<p>24F.70.2</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>
24F.71 Allotment boundaries	<p>24F.71.1</p> <p>Subdivision is a restricted discretionary activity if the boundary of every allotment is drawn so that:</p> <p>(a) existing buildings comply with the permitted activity rules relating to building coverage, set backs, and daylight angles, except to the extent of any non-compliance that existed lawfully prior to the subdivision, and</p> <p>(b) no area of significant indigenous vegetation and habitat, hazard area, contaminated land, dune land, heritage item, site of significance to Maori, or wetland is divided between allotments.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Visual and amenity effects are in general accordance with the "Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept" dated March 2009;</li> <li>• Boundary location</li> </ul>	<p>24F.71.2</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>24F.72 Frontage</p>	<p>24F.72.1 Subdivision is a restricted discretionary activity if: (a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least 15m. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Extent of compliance with performance standards</li> <li>• Road efficiency and safety</li> </ul>	<p>24F.72.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>
<p>24F.73 Road access</p>	<p>24F.73.1 Subdivision is a restricted discretionary activity if: (a) every allotment is provided with vehicle access to a public road, and (b) the vehicle access complies with Appendix A (Traffic) and Appendix B (Engineering Standards). Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Adequacy of the access for its intended use</li> <li>• Road efficiency and safety</li> </ul>	<p>24F.73.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>
<p>24F.74 Earthworks</p>	<p>24F.74.1 Subdivision is a restricted discretionary activity if: (a) earthworks comply with Appendix B (Engineering Standards). Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Visual and amenity effects are in general accordance with the "Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept" dated March 2009;</li> <li>• Extent of compliance with Appendix B</li> </ul>	<p>24F.74.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

<p>24F.75 On-site services</p>	<p>24F.75.1 Subdivision is a restricted discretionary activity if, for every allotment other than a utility or access allotment:</p> <ul style="list-style-type: none"> <li>(a) provision is made to connect to an energy supply network, and</li> <li>(b) subject to (d) below provision is made to connect to a telecommunications network either by underground connection or by the availability of cellular and/or wireless network, and</li> <li>(c) either <ul style="list-style-type: none"> <li>(i) provision is made to connect to reticulated water supply, stormwater, land drainage and wastewater disposal networks where available, or</li> <li>(ii) an alternative method of water supply, stormwater, land drainage and wastewater disposal that complies with Appendix B (Engineering Standards) is provided, and</li> </ul> </li> <li>(d) services must be placed underground where <ul style="list-style-type: none"> <li>(i) a new road is required as part of the subdivision, or</li> <li>(ii) existing services to the land are already placed underground.</li> </ul> </li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Wastewater treatment and disposal of stormwater</li> <li>• Extent of compliance with Appendix B</li> </ul>	<p>24F.75.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>
<p>24F.79 Traffic generation</p>	<p>24F.79.1 Subdivision is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> <li>(a) traffic generated by land uses following the subdivision does not alter the status or function of roads in the road hierarchy identified in Appendix A (Traffic).</li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>• Safety and efficiency of road network</li> <li>• Extent of compliance with Appendix A</li> </ul>	<p>24F.79.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>



