

H9: Business Zones – Appendix 3
Council Rebuttal Evidence

Chapter 17: Business Zone

Proposed Waikato District Plan
Stage I
(Notified version)

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

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Chapter 17: Business Zone Rules

- (1) The rules that apply to activities in the Business Zone are contained in **Rule 17.1** Land Use – Activities, **Rule 17.2** Land Use – Effects and **Rule 17.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Business zone are contained in **Rule 17.4** and the relevant rules in **14 Infrastructure and Energy**, and **15 Natural Hazards and Climate Change (Placeholder)**.
[s42A Report – Section 46 – Chapter 17: Business Zone – Corrections]
- (3) The activity status tables and standards in the following chapters also apply to activities in the Business Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity
- (5) The Business Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. **Rule 17.5** manages all land use, building and subdivision in this location. **Rule 17.5.1** sets out how to apply rules to the Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Business Zone.

17.1 Land Use – Activities

17.1.1 Prohibited Activities

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

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

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

[s42A Report – Section 47 – Chapter 17: Business Zone – 17.1.2 Permitted Activities]

Activity		Activity-specific conditions
P1	Commercial activity	Nil Any individual tenancy must have a gross floor area of greater than 500m ²
P2	Commercial services	Nil
P3	Community activity	Excluding a cemetery
P4	Residential activity	Located above ground floor level
P5	Education facility	Nil
P6	Child care facility	Nil
P7	Office	Nil
P8	Public amenity	Nil
P9	Place of assembly	Nil
P10	Health facility	Nil
P11	Hauroa	Nil
P13	Traveller's accommodation	Nil
P14	Public transport facility	Nil
P15	Servicing of boats at Raglan Wharf	Nil
P16	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	<p>(a) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; and (ii) A Licence to Occupy. <p>(b) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; and (ii) A lease, or an Occupation Order of the Māori Land Court. <p>(c) The following Land Use – Effects rules in Rule 17.2 do not apply:</p> <ul style="list-style-type: none"> (i) Rule 17.3.8 (Dwelling); (ii) Rule 17.1.4 (Multi-unit development).
P17	Temporary event	<p>(a) The event occurs no more than 3 times per consecutive 12 month period;</p> <p>(b) The duration of each event is less than 72 hours;</p> <p>(c) It may operate between 7.30am and 8:30pm Monday to Sunday;</p> <p>(d) Temporary structures are:</p> <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs; and

		(ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
P18	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P19	Emergency services facilities, training and management activities	Nil
P20	Community corrections activity	Nil

[s42A Report – Section 47 – Chapter 17: Business Zone – 17.1.2 Permitted Activities]

17.1.3 Restricted Discretionary Activities

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

Activity		Matters of Discretion						
RDI	<p>(a) A multi-unit development that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) Land Use – Effects rules in Rule 17.2; (ii) Land Use – Building rules in Rule 17.3, except the following rules do not apply: <ul style="list-style-type: none"> (i) Rule 17.3.8 Dwelling; (ii) Rule 17.3.9 Living court; (iii) The multi-unit development must be located above the ground floor level; (iv) A detailed site plan depicting the proposed lot record of title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule 17.4.2 (Subdivision of multi-unit housing developments); (v) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation), Table 14; (vi) A communal service court is provided comprising: <ul style="list-style-type: none"> A. a minimum of 20m²; and B. a minimum dimension of 3m; (vii) Living court areas are provided above ground floor level to meet the following minimum requirements for each residential unit: <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Residential Unit</th> <th>Minimum Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>2m</td> </tr> </tbody> </table>	Residential Unit	Minimum Area	Minimum Dimension	Studio unit or 1 bedroom	10m ²	2m	<p>(a) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3; (ii) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4; (iii) The extent to which the development contributes to and engages with adjacent streets and public open space; (iv) The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials; (v) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles; (vi) Amenity values for
Residential Unit	Minimum Area	Minimum Dimension						
Studio unit or 1 bedroom	10m ²	2m						

		2 or more bedroom	15m2	2m	<p>occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>(vii) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner;</p> <p>(viii) Avoidance or mitigation of natural hazards;</p> <p>(ix) Geotechnical suitability for building.</p> <p>(x) Design measures to minimise reverse sensitivity effects.</p>
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[s42A Report – Section 48 – Chapter 17: Business Zone – 17.1.3 Restricted Discretionary Activities]

17.1.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

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

[s42A Report – Section 49 – Chapter 17: Business Zone – 17.1.4 Discretionary Activities]

17.1.5 Non-Complying Activities

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

NC1	Multi-unit development that does not comply with a condition for a restricted discretionary activity under Rule 17.1.3(a)(iii).
NC2	Residential activity that does not comply with an activity-specific condition for a permitted activity under Rule 17.1.2 P4.
NC3	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.

17.2 Land Use – Effects

17.2.1 Noise

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

17.2.1.1 Noise – General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any site:</p> <ul style="list-style-type: none"> (i) In the Business Zone must not exceed: <ul style="list-style-type: none"> A. 65dB (LAeq $L_{Aeq(15\ min)}$), 7am to 11pm every day; and B. 55dB (LAeq $L_{Aeq(15\ min)}$), 11pm to 7am the following day; and C. 85dB (LAmx L_{Amx}), 11pm to 7am the following day; (ii) In the Residential or Village Zone must not exceed: <ul style="list-style-type: none"> A. 55dB (LAeq $L_{Aeq(15\ min)}$), 7am to 7pm; B. 50dB (LAeq $L_{Aeq(15\ min)}$), 7pm to 10pm; C. 45dB (LAeq $L_{Aeq(15\ min)}$) 10pm to 7am the following day and D. 75dB (LAmx L_{Amx}), 10pm to 7am the following day. <p>(b) Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustics - Environmental noise”.</p>
P3	(a) Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.
P4	(a) Noise levels must be measured in accordance with the requirements of [REDACTED] (b) Noise levels must be assessed in accordance with the requirements of [REDACTED]
D1	Noise that does not comply with Rule 17.2.1 P2, P3 or P4.

[s42A Report – Section 51 – Chapter 17: Business Zone – 17.2.1 Noise]

17.2.1.2 Noise – Construction

PI	<p>(a) Construction noise must meet not exceed the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.</p>
RD1	<p>(a) Construction noise that does not comply with Rule 17.2.1.2 P1.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on amenity values; (ii) Hours and days of construction; (iii) Noise levels;

	(iv) Timing and duration; and (v) Methods of construction.
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[s42A Report – Section 51 – Chapter 17: Business Zone – 17.2.1 Noise]

17.2.2 Servicing and hours of operation

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

[s42A Report – Section 52 – Chapter 17: Business Zone – 17.2.2 Servicing and hours of operation]

17.2.3 Onsite parking areas - Landscaping -

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

[s42A Report – Section 53 – Chapter 17: Business Zone – 17.2.3 Onsite parking areas - Landscaping]

17.2.4 Glare and artificial light spill

PI	Illumination from glare and artificial light spill shall must not exceed 10 lux measured horizontally and vertically at any point within any other site zoned Residential, Village or Country Living Zone .
RDI	(a) Glare and artificial light spill that does not comply with Rule 17.2.4 PI . (b) Council's discretion is limited to the following matters: (i) Effects on amenity values; (ii) Light spill levels on other sites ; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; (vi) Mitigation measures.

[s42A Report – Section 54 – Chapter 17: Business Zone – 17.2.4 Glare and artificial light spill]

17.2.5 Earthworks

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

17.2.5.1 Earthworks – General

P1	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site over any single consecutive 12 month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are set back at least 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement cessation of the earthworks or finished with a hardstand surface; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths. ;
P2	<p>(a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is:</p> <ul style="list-style-type: none"> (i) subject to an approved building consent; and (ii) the earthworks occur wholly within the footprint of the building. <p>(b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall.</p> <p>(c) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</p>
P23	<p>(a) Earthworks using tThe importation of fill material to a site must meet all of the following conditions in addition to Rule 17.2.4 P1:</p> <ul style="list-style-type: none"> (i) Does Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill); (ii) Is fit for compaction; (iii) The heightslope of the resulting batter face filled area in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Fill material is setback at least 1.5m from all boundaries; (v) Does not restrict the ability for land to drain; (vi) Is not located within 1.5m of public sewers, utility services or manholes; (vii) The sediment from fill material is retained on the site. (viii) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks; (ix) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (x) Do not divert or change the nature of natural water flows, water bodies or

	established drainage paths.
RD1	<p>(a) Earthworks that do not comply with Rule 17.2.4.1 P1 or P2</p> <p>(b) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; and (xii) Proximity to underground services and service connections.

[s42A Report – Section 55 – Chapter 17: Business Zone – 17.2.5 Earthworks]

17.2.5.2 Earthworks - Maori Sites and Maori Areas of Significance

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

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

17.2.5.4 Hazardous substances

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

17.2.6 Notable trees

- (I) **Rules 17.2.6.1 – 17.2.6.3** provide permitted rules for notable trees, which are identified in **Schedule 30.2 (Notable Trees).**
- (a) **Rule 17.2.6.1** (Removal or destruction);
- (b) **Rule 17.2.6.2** (Trimming);
- (c) **Rule 17.2.6.3** (Activities within the dripline).

17.2.6.1 Notable tree – removal or destruction

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from a works arborist that states that the tree is dead, dying, diseased or unsafe.
CI	<p>(a) Removal or destruction of a tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 17.2.6.1 PI.</p> <p>(b) Council's control is limited to the following matters:</p> <p>(i) Timing and manner in which the activity is carried out;</p> <p>(ii) Effects on amenity values; and</p> <p>(iii) Effects on heritage values.</p>

17.2.6.2 Notable tree – trimming

PI	<p>(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either:</p> <p>(i) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or</p> <p>(ii) The maximum branch diameter does not exceed 50mm at the point of severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.</p>
RD I	<p>(a) The trimming of a notable tree that does not comply with Rule 17.2.6.2 PI.</p> <p>(b) Council's discretion is limited to the following matters:</p>

	<ul style="list-style-type: none"> (i) Timing and manner in which the activity is carried out; and (ii) Effects on amenity values.
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17.2.6.3 Notable tree – activities within the dripline

PI	<ul style="list-style-type: none"> (a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not: <ul style="list-style-type: none"> (i) Involve excavation, compaction, sealing or soil disturbance and placement of fill material, except for the sealing of an existing road or footpath; (ii) Involve parking or storage of materials, vehicles or machinery; (iii) Discharge of an eco-toxic substance; and (iv) Involve construction of structures.
RDI	<ul style="list-style-type: none"> (a) Any activity within the dripline of a notable tree that does not comply with Rule 17.2.6.3 PI. (b) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (i) Location of the activity in relation to the tree; (ii) Timing and manner in which the activity is carried out; (iii) Remedial measures; (iv) Effect on the health of the tree; (v) Amenity values.

17.2.7 Signs

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

17.2.7.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign is wholly contained on the site; (ii) The sign height must not exceed 10m; (iii) Where the sign is illuminated it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; B. Not contain moving parts or reflective materials; and C. Be focused to ensure that it does not spill light beyond the site; (iv) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (v) Where the sign is a freestanding sign, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the Residential Zone; (vi) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (vii) The sign is not attached to on the site of and for the purpose of identification and interpretation of a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation; (viii) The sign is not attached to a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation; (ix) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It relates to the sale of the site on which it is located; (ii) There is no more than 1 3 signs per agency site; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.
RD1	<p>(a) A sign that does not comply with Rule 17.2.7.1, P2 or P3.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values; (ii) Effects on traffic safety; (iii) Effects of glare and artificial light spill; (iv) Content, colour and location of the sign; (v) Effects on notable trees; (vi) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (vii) Effects on cultural values of any Maaori Site of Significance; (viii) Effects on notable architectural features of the building.

[s42A Report – Section 56 – Chapter 17: Business Zone – 17.2.7 Signs]

17.2.7.2 Signs - Effects on traffic

PI	<p>(a) Any sign directed at road land transport users must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iv) Contain no more than 40 characters and no more than 6 words and/or symbols; (v) Have lettering that is at least 150mm high; and (vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance. <p>(b) Rule PI(a) does not apply to site identification signs.</p>
DI	Any sign that does not comply with Rule 17.2.7.2 PI.

[s42A Report – Section 56 – Chapter 17: Business Zone – 17.2.7 Signs]

17.2.8 Outdoor storage

PI	<p>(a) Outdoor storage of goods or materials must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; (iii) Rules 17.3.1 Height and 17.3.2 Daylight admission; and (iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: <ul style="list-style-type: none"> A. Public road; B. Public reserve; and C. Adjoining site in another zone.
RD1	<p>(a) Outdoor storage of materials that does not comply with Rule 17.2.8 PI.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; and (iv) Measures to mitigate adverse effects.

[s42A Report – Section 57 – Chapter 17: Business Zone – 17.2.8 Outdoor storage]

17.2.9 Indigenous vegetation clearance inside a Significant Natural Area

PI	<p>(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for any of the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences;
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	(v) Gathering plants in accordance with Maaori customs and values.
P2	Removing of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes or arts and craft, provided the removal will not directly result in the death, destruction or irreparable damage to any other tree, bush or plant.
P3	(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions: (i) There is no alternative development area on the site outside the Significant Natural Area; and (ii) The total indigenous vegetation clearance does not exceed 250m ² .
P4	(a) On Maori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where: (i) There is no alternative development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded: A. 1500m ² for a Marae complex, including areas associated with access parking and manoeuvring; and B. 500m ² per dwelling, including areas associated with access parking and manoeuvring; and C. 500m ² for a papakaainga building including areas associated with access parking and manoeuvring.
P5	(a) On Maori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for any of the following purposes: (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Maaori customs and values.
P6	On Maori Freehold Land or Maaori Customary Land removing of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes or arts and crafts, provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.
D1	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 17.2.9 P1, P2, P3, P4, P5 or P6.

17.3 Land Use – Building

17.3.1 Height

- (1) Rules 17.3.1.1 and 17.3.1.2 provide permitted heights for buildings, structure or vegetation.
- (2) Rule 17.3.1.1 Height – Building general provides permitted height levels across the entire Business Zone.
- (3) Rule 17.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface.

- (4) Where sites are located within the **Raglan Navigation Beacons** height restriction plane as identified on the planning maps and **Appendix 7 (Raglan Navigation Beacon)**, the prohibited activity rule, **Rule 17.1.1 PRI** may apply.

17.3.1.1 Height – Building General

PI	(a) The maximum height of any building must not exceed 12 +0m . (b) The maximum height of hose drying towers associated with emergency service facilities must not exceed 15m.
DRDI	(a) Any building that does not comply Rule 17.3.1.1 PI . (b) The Council’s discretion shall be restricted to any of the following matters: (i) Height of the building; (ii) Design and location of the building (iii) Extent of shading on an adjoining site; (iv) Privacy on adjoining sites.

[s42A Report – Section 59 – Chapter 17: Business Zone – 17.2.3 Height]

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

PI	Any building , structure, tree or other vegetation must not protrude through the airport obstacle limitation surfaces as shown identified on the planning maps and defined in Section E Designation N Waikato Regional Airport.
DI	Any building , structure or vegetation that does not comply with Rule 17.3.1.2 PI .

[s42A Report – Section 59 – Chapter 17: Business Zone – 17.2.8 Outdoor storage]

17.3.2 Daylight admission

PI	(a) Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m 3.0m above ground level at the site boundary where it adjoins a: (i) Residential Zone; (ii) Village Zone; (iii) Country Living Zone; or (iv) Reserve Zone.
RD I	(a) Any building that does not comply with Rule 17.3.2 PI . (b) The Council’s discretion shall be limited restricted to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Level of shading on any other sites adjoining site; (iv) Privacy on other site; (v) Amenity values of the locality.

[s42A Report – Section 60 – Chapter 17: Business Zone – 17.3.2 Daylight admission]

17.3.4 Building setbacks

- (1) **Rules 17.3.4.1 and 17.3.4.2** provide the permitted **building** setback distances for buildings from zone boundaries and environmental features.

- (2) **Rule 17.3.4.1** Building setback – zone boundaries provides permitted setback distances on any site within the business zone where the site adjoins a different zone. Different setback distances are applied based on the zone.
- (3) **Rule 17.3.4.2** Building setbacks – water bodies including lake, wetland, river and coast.

17.3.4.1 Building setbacks - Zone boundaries

PI	<p>(a) Any building must be set back a minimum of at least:</p> <ul style="list-style-type: none"> (i) 7.5 3.0m from rear and side boundaries adjoining the: <ul style="list-style-type: none"> A. Residential Zone; B. Village Zone; C. Country Living Zone; or D. Reserve Zone; and (ii) 1.5m from rear and side boundaries adjoining the: <ul style="list-style-type: none"> A. Rural Zone; or B. Industrial Zone. (iii) 15m from SH23 for any site between Greenslade Road and Hills Road, Raglan.
D+ RDI	<p>(a) Any building that does not comply with Rule 17.3.4.1 PI.</p> <p>(b) Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Height, design and location of the building relative to the boundary; (ii) Impacts on the privacy for adjoining site(s); (iii) Impacts on amenity values, including main living areas, outdoor living space of adjoining sites(s); and (iv) Landscaping and/or screening.

[s42A Report – Section 61 – Chapter 17: Business Zone – 17.3.4 Setbacks]

17.3.4.2 Building setbacks - Water bodies

PI	<p>(a) Any building must be setback a minimum of:</p> <ul style="list-style-type: none"> (i) 23 27.5m from the margin of any: <ul style="list-style-type: none"> A. Lake; B. Wetland. (ii) 23 27.5m from the bank of any river (other than the Waikato River and Waipa River); and (iii) 23 32.5m from the margin of either the Waikato River and the Waipa River; (iv) 23 27.5m from mean high water springs (v) 10m from any artificial wetland .
P2	A public amenity of up to 25m ² or a pump shed (private or public) within building setback identified in Rule 17.3.4.2 PI .
D1	Any building that does not comply with a condition in Rule 17.3.4.2 PI or P2 .

[s42A Report – Section 61 – Chapter 17: Business Zone – 17.3.4 Setbacks]

17.3.5 Horotiu Acoustic Area

PI	Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area must be designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) - Table 8 I I .
D	<p>(a) Construction, addition to or alteration of a building that does not comply with Rule 17.3.4.3 5PI.</p> <p>(b) The Council’s discretion shall be limited to the following matters:</p>

RD I	<ul style="list-style-type: none"> (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the dwelling; (iii) Timing and duration of noise received at the notional boundary of the dwelling; (iv) Potential for reverse sensitivity effects.
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[s42A Report – Section 62 – Chapter 17: Business Zone – 17.3.5 Horotiu Acoustic Area]

17.3.6 Dwelling

PI	<ul style="list-style-type: none"> (a) One dwelling on the CFR record of title must comply with all of the following conditions: <ul style="list-style-type: none"> (i) The dwelling must not be located at ground level; (ii) The dwelling is designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation) – Table 8 I4. (b) Rule 17.3.6(a) does not apply to multi-unit development (refer to Rule 17.1.1 (Multi-Unit Development)).
DI	A residential activity that does not comply with conditions of Rule 17.3.6 PI .
NCI	A dwelling that does not comply with Rule 17.3.6 PI.

[s42A Report – Section 63 – Chapter 17: Business Zone – 17.3.6 Dwelling]

17.3.7 Living court

PI	<ul style="list-style-type: none"> (a) A living court shall must be provided for each dwelling that meets all of the following conditions: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the dwelling; (ii) It is readily accessible from a living area of the dwelling; and (iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m.
DI	A living court that does not comply with Rule 17.3.7.1 .

[s42A Report – Section 64 – Chapter 17: Business Zone – 17.3.7 Living court]

17.3.8 Heritage

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

17.3.8.1 Group A heritage item - Demolition, removal or relocation

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

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

PI	<ul style="list-style-type: none"> (a) Alteration of or addition to a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: <ul style="list-style-type: none"> (i) No significant feature of interest is removed, destroyed or damaged; and
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	(ii) Alterations or additions are not visible from a public place.
RD1	(a) Alterations or additions to a heritage item that does not comply with Rule 17.3.8.3 PI. (b) The Council's discretion shall be limited to the following matters: (i) Form, style, materials and appearance; (ii) Effects on heritage values.

17.3.7.4 All heritage items – Maintenance or repair

PI	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) No significant feature of interest is destroyed or damaged; and (ii) Replacement materials are the same as, or similar to, the originals in terms of form, style and appearance.
RD1	(a) Maintenance or repair of a heritage item that does not comply with a condition of Rule 17.3.8.4 PI. (b) The Council's discretion shall be limited to the following matters: (i) Form, style, materials and appearance; (ii) Effects on heritage values

17.3.7.5 All heritage items – All site development

PI	(a) Development on the site containing a heritage item listed in Schedule 30.1 (Heritage Items) shall: (i) Be set back at least 10m from the heritage item; and (ii) Not locate a building between the front of the heritage item and the road.
RD1	(a) Any activity that does not comply with Rule 17.3.8.5 PI (b) The Council's discretion shall be limited to the following matters: (i) Effects on the values, context and setting of the heritage item; (ii) Location, design, size, materials and finish; (iii) Landscaping; (iv) The relationship of the heritage item with the setting including the area between the heritage item and the road.

17.4 Subdivision Rules

- (1) Rule 17.4.1 provides for subdivision density within the Business Zone.
- (2) Rules 17.4.1 and Rule 17.4.1.1 apply across the Business Zone.
- (3) The following rules apply to specific activities:
 - (a) Rule 17.4.1.2 1 (Subdivision – Multi-unit development).
- (4) Rules 17.4.1 are also subject to compliance with the following rules subdivision controls:
 - (i) Rule 17.4.1.3 2 – subdivision boundary adjustments
 - (ii) Rule 17.4.1.4 3 – subdivision amendments and updates to cross lease flats plans
 - (iii) Rule 17.4.1.5 4 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maori
 - (iv) Rule 17.4.1.6 5- subdivision of land containing heritage items
 - (v) Rule 17.4.1.5A – subdivision of land within the National Grid Corridor
 - (vi) Rule 17.4.1.7 6 – subdivision road frontage
 - (vii) Rule 17.4.1.8 7- subdivision esplanade reserves and esplanade strips.

17.4.1 Subdivision General subdivision

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

[s42A Report – Section 65 – Chapter 17: Business Zone – 17.4 Subdivision & 17.4.1 General subdivision]

17.4.1.1 Subdivision - Multi-unit development

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

[s42A Report – Section 66 – Chapter 17: Business Zone – 17.4.1.1 Subdivision – Multi-unit development]

17.4.1.2 Subdivision – Boundary adjustments

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

[s42A Report – Section 67 – Chapter 17: Business Zone – 17.4.1.2 Subdivision – Boundary adjustment]

17.4.1.3 Subdivision - Amendments and updates to cross lease flats plans

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

[s42A Report – Section 68 – Chapter 17: Business Zone – 17.4.1.3 Subdivision – Amendments and updated to cross lease flats plans]

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

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

17.4.1.5 Subdivision - land containing heritage items

RD1	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items) where the heritage item is wholly contained within one lot.</p> <p>(b) The Council’s discretion shall be limited to the following matters:</p> <p>(i) Effects on heritage values;</p>
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	(ii) Context and setting of the heritage item; (iii) The extent to which the relationship of the heritage item with its setting is maintained within one lot.
NCI	Subdivision that does not comply with Rule 17.4.1.4 5 RDI.

[s42A Report – Section 70 – Chapter 17: Business Zone – 17.4.1.5 Subdivision – Land containing heritage items]

17.4.1.5A Subdivision of land within the National Grid Corridor

RDI	<p>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</p> <p>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</p> <p>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</p> <p>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</p> <p>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</p> <p>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</p>
NCI	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 17.4.1.5A RDI.

[s42A Report – Section 65 – Chapter 17: Business Zone – 17.4 Subdivision & 17.4.1 General subdivision]

17.4.1.6 Subdivision - Road frontage

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

[s42A Report – Section 71 – Chapter 17: Business Zone – 17.4.1.6 Subdivision – Road frontage]

17.4.1.7 Subdivision - Esplanade reserves and esplanade strips

RDI	<p>(a) Subdivision must create a An esplanade reserve or esplanade strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) is required to be created and vested in Council from every subdivision where the land being subdivided is proposed lot:</p>
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	<ul style="list-style-type: none"> (i) less than 4ha and within 20m of any: <ul style="list-style-type: none"> A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; and (ii) 4ha or more and located within 20m of: <ul style="list-style-type: none"> A. mean high water springs; or B. a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) The Council’s discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip; (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris; (vi) Costs and benefits of acquiring the land.
DI	<p>Subdivision that does not comply with Rule 17.4.1.7 RDI.</p>

[s42A Report – Section 72 – Chapter 17: Business Zone – 17.4.1.7 Esplanade reserves and esplanade strips]

17.5 Specific Area: Lakeside Te Kauwhata Precinct

17.5.1 Application of rules

- (1) Rules 17.5.2, 17.5.3 and 17.5.4 apply in the Lakeside Te Kauwhata Precinct in addition to the activity rules in 17.1.2 (Permitted Activities), 17.1.3 (Restricted Discretionary Activities), 17.1.4 (Discretionary Activities) and 17.1.5 (Non-Complying Activities).
- (2) The rules that apply to a permitted activity in Rule 17.5.2 PI-PI7 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows:
 - (a) Rule 17.2 (Land use – Effects), except:
 - (i) Rule 17.2.5.1 (Earthworks - General) does not apply where earthworks consent has been obtained under Rule 17.5.2 (Comprehensive Land Development Consent);
 - (b) Rule 17.3 (Land use – Building), except:
 - (i) Rule 17.3.2 (Daylight admission) does not apply and Rule 17.5.5 applies instead.
 - (ii) Rule 17.3.4 (Building setbacks) does not apply and Rule 17.5.8 applies instead.
 - (c) Rule 17.5.6 (Gross floor area);
 - (d) Rule 17.5.7 (Gross leasable floor area).
- (3) Rule 17.5.9 applies in addition to Rule 17.4 (Subdivision) for subdivision within the Lakeside Te Kauwhata Precinct.
- (4) Precinct Plans 1-3 are contained in Rule 16.5.1(3).

17.5.2 Restricted Discretionary Activities

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

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

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

NC1	A CLDC that does not meet the requirements of Rule 17.5.2 RD1 (b) relating to Infrastructure requirements.
NC2	A CLDC that does not meet the conditions for a discretionary activity outlined in Rule 17.5.3 D1.

17.5.5 Daylight admission

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

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

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

17.5.7 Gross leasable floor area

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

17.5.8 Building setbacks

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

17.5.9 Subdivision

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

NC2	A CS that does not meet any of the parameters for a discretionary activity outlined in 17.5.9 DI.
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