

H9: Business Zones - Appendix 6

Chapter 19: Business Zone Tamahere

Proposed Waikato District

Plan Stage 1

(Notified version)

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

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Chapter 19: Business Zone Tamahere Rules

- (1) The rules that apply to activities in the Business Zone Tamahere are contained in **Rule 19.1** Land Use – Activities, **Rule 19.2** Land Use – Effects and Rule **19.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Business Zone Tamahere are contained in **Rule 19.4 and the relevant rules in 14 Infrastructure and Energy and 15 Natural Hazards and Climate Change (Placeholder)**.
[s42A Report – Section 102 – Chapter 19: Business Zone Tamahere -Corrections]
- (3) The activity status tables and standards in the following chapters also apply to activities in the Business Zone Tamahere:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) P Permitted activity
 - (b) C Controlled activity
 - (c) RD Restricted discretionary activity
 - (d) D Discretionary activity
 - (e) NC Non-complying activity

19.1 Land Use – Activities

19.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Activity specific conditions; and**
 - (b) Land Use – Effects rules in **Rule 19.2** (unless the activity **specific** rule and/or **activity specific** conditions identify a condition(s) that does not apply);
 - (c) Land Use – Building rules in **Rule 19.3** (unless the activity **specific** rule and/or **activity specific** conditions identify a condition(s) that does not apply);
 - ~~(d) Activity specific conditions.~~

[s42A Report – Section 104 – Chapter 19: Business Zone Tamahere – 19.1.1 Permitted activities]

Activity		Activity specific conditions
P1	Retail activity	Nil
P2	Office	Located above ground floor level
P3	Health facility	Excluding day hospitals
P4	Commercial Activity	Nil
P5	Community facility	Nil
P6	Temporary event	<ol style="list-style-type: none"> (a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: <ol style="list-style-type: none"> (i) erected no more than 2 days before the event occurs; (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.

P7	Emergency services training and management activities	Nil
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[s42A Report – Section 104 – Chapter 19: Business Zone Tamahere – 19.1.1 Permitted activities]

19.1.2 Restricted Discretionary Activities

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

Activity	Conditions	Matters of Discretion
RD1	<p>(a) Development within the Business Zone Tamahere shall comply with the following conditions:</p> <ol style="list-style-type: none"> (i) A Development Plan is submitted with the application for resource consent to develop within the Business Zone Tamahere; and (ii) Land Use – Effects in Rule 19.2; and (iii) Land Use - Buildings in Rule 19.3. 	<ol style="list-style-type: none"> (i) Council's discretion is restricted to the following matters: (ii) The degree to which the development is consistent with the Tamahere Village Design Guide (Appendix 3.2.2); (iii) The degree to which the development is consistent with the Tamahere Village Concept Plan (Appendix 3.2.2); (iv) The degree to which the Development Plan addresses all the matters listed in the Tamahere Business Zone Development Plan Guideline (Appendix 3.2.3); and (v) Physical and visual connectivity with the Village Green and adjoining recreation reserve; (vi) Landscaping; (vii) Entrance crossings and sight lines; (viii) Parking capacity and location; (ix) Access and traffic flow within the site; (x) Shape, size and location of individual leasable units; (xi) Variation in leasable unit sizes; (xii) Staging of development; (xiii) Use of low impact design principles; (xiv) Stormwater and wastewater management and disposal.

19.1.3 Discretionary Activities

(1) Activities listed below are discretionary activities

D1	Any permitted activity that does not comply with one or more of the activity-specific conditions in Rule 19.1.1.
D2	Any restricted discretionary activity that does not comply with Rule 19.1.2 RDI.

[s42A Report – Section 106 – Chapter 19: Business Zone Tamahere – 19.1.3 Discretionary activities]

19.1.4 Non-Complying Activities

(1) Activities listed below are non-complying activities

NC1	Residential activity
NC2	An overnight health facility
NC3	Travellers' accommodation
NC5	Drive-through services
NC6	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.

19.2 Land Use - Effects

19.2.1 Noise

- ~~(1) Rules 19.2.1.1 and 19.2.1.2 provide the permitted noise levels for noise generated by land use activities.~~
- (2) Rule 19.2.1 Noise – General provides permitted noise limits in the Business Zone Tamahere.
- (3) Rule 19.2.1.2 Noise – Construction provides the noise limits for construction activities.

19.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within the Business Zone Tamahere must not exceed:</p> <p>(i) 65dB $(L_{Aeq})L_{Aeq(15min)}$, 7am to 11 pm every day; and</p> <p>(ii) 55dB $(L_{Aeq})L_{Aeq(15min)}$, 11pm Friday to 1am Saturday; and</p> <p>(iii) 55dB $(L_{Aeq})L_{Aeq(15min)}$, 11pm Saturday to 1am Sunday; and</p> <p>(iv) 45dB $(L_{Aeq})L_{Aeq(15min)}$ 1am to 7am every day, and</p> <p>(v) 75dB $(L_{Amax})L_{Amax}$, 11pm to 7am every day.</p> <p>(b) Noise measured at the notional boundary within any site in the Country Living Zone, must not exceed:</p> <p>(i) 50dB $(L_{Aeq})L_{Aeq(15min)}$, 7am to 7pm every day;</p> <p>(ii) 45dB $(L_{Aeq})L_{Aeq(15min)}$, 7pm to 10pm every day; and</p> <p>(iii) 40dB $(L_{Aeq})L_{Aeq(15min)}$, 10pm to 7am every day; and</p> <p>(iv) 65dB $(L_{Amax})L_{Amax}$, 10pm to 7am every day.</p> <p>(c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 'Acoustics Measurement of Environmental Sound' and</p> <p>(d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 'Acoustic Environmental noise'.</p>
P3	(a) Noise measured at the notional boundary within any site in the Country Living Zone, must not exceed: (v) 50dB (L_{Aeq}), 7am to 7pm every day; (vi) 45dB (L_{Aeq}), 7pm to 10pm every day; and (vii) 40dB $(L_{Aeq,r})$ and 65dB $(L_{Amax,r})$, 10pm to 7am every day.
P4	(a) Noise levels must be measured in accordance with the requirements of [REDACTED] and [REDACTED] (b) Noise levels must be assessed in accordance with the requirements of [REDACTED].
D1	Noise that does not comply with Rule 19.2.1.1 P2, P3 or P4 .

19.2.1.2 Construction noise

P1	<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>
D1	Construction noise that does not comply with Rule 19.2.1.2 P1 .

[s42A Report – Section 107 – Chapter 19: Business Zone Tamahere – 19.2.1 Noise]

19.2.2 Servicing hours

P1	Loading or unloading of vehicles or receiving deliveries must not take place before 7.30am or after 8.30pm.
D1	Loading or unloading of deliveries that do not comply with Rule 19.2.2 P1 .

19.2.3 Glare and artificial light spill

P1	Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site .
D1	Illumination from glare and artificial light spill that do not comply with Rule 19.2.3 P1 .

19.2.4 Earthworks

P1	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Earthworks must be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Earthworks must not exceed a volume of more than 5000m³ and an area of more than 1,000m² within a site; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are 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; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls.
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>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>
P3	<p>(a) Earthworks using the importation of fill material to a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill); (ii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1m vertical to 2m horizontal); (iii) Fill material is setback at least 1.5m from all boundaries; (iv) 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; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
D1 RDI	<p>Earthworks that do not comply with Rule 19.2.4 P1.</p> <p>(a) Earthworks that do not comply with Rules 19.2.4.1 P1, 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 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 in relation 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; (xii) Proximity to underground services and service connections.

[s42A Report – Section 108 – Chapter 19: Business Zone Tamahere – 19.2.4 Earthworks]

19.2.5 Hazardous Substances

PI	(a) The use, storage or disposal of any hazardous substance where: <ul style="list-style-type: none"> (i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the Business Zone Tamahere in Table 6.1 contained within Appendix 6 (Hazardous Substances); (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
DI	Any activity that does not comply with Rule 19.2.5 PI

19.2.6 Signs

- (a) **Rule 19.2.6.1 Signs – General** provides permitted standards for any **sign**, including real estate signs, across the entire Business Zone Tamahere.
- (b) **Rule 19.2.6.2 Signs – Effects on traffic** apply specific standards for any **sign** that is directed at road users.

19.2.6.1 Signs – General

PI	A public information sign erected by a government agency.
P2	(a) Any sign must comply with all of the following conditions: <ul style="list-style-type: none"> (i) There are no more than two signs per leasable area; (ii) The sign is wholly contained on the site; (iii) Where the sign is attached to a building, it must not exceed: <ul style="list-style-type: none"> A. An area of 2m²; and B. More than 300mm from the building wall; and C. The height of the building; (iv) Where the sign is attached to a verandah, it must: <ul style="list-style-type: none"> A. Be no deeper than 400mm; and B. Not obscure any notable architectural feature of a building; and C. Not project beyond the roof or fascia of the verandah more than 100mm in any direction; and D. Allow clearance of at least 2.5m above any pedestrian access; (v) Where it is a freestanding sign, it must not exceed: <ul style="list-style-type: none"> A. 1.5m in height; and B. An area of 1 m²; (vi) Where it is a signage wall, it must not exceed: <ul style="list-style-type: none"> A. 1.2m in height; and B. An area of 4m²; (vii) Where it is an illuminated sign, it must: <ul style="list-style-type: none"> A. Not be a neon sign; and B. Not have a light source that flashes or moves; and C. Not contain moving parts or reflective materials; and D. Be focused to ensure it does not spill light beyond the site.
P3	(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: <ul style="list-style-type: none"> (i) The sign relates to the sale of the site on which it is located; (ii) There is no more than + 3 signs per agency site;

	<ul style="list-style-type: none"> (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (v) The sign does not project into or over road reserve.
DI	Any sign that does not comply with Rules 19.2.6.1 P2 or P3.

[s42A Report – Section 109 – Chapter 19: Business Zone Tamahere – 19.2.6 Signs]

19.2.6.2 Signs - Effects on traffic

PI	<p>(a) Any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be at least 60m from controlled intersections, pedestrian crossings and another sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 symbols; (v) Have lettering that is at least 150mm high; and (vi) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 19.2.6.2 PI.

[s42A Report – Section 109 – Chapter 19: Business Zone Tamahere – 19.2.6 Signs]

19.2.7 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) Not exceed a height of 2m; (ii) Be limited to one 25m² storage area over the entire Business Zone Tamahere site (iii) Be screened from view by a close boarded fence or wall to height of 1.8m from: <ul style="list-style-type: none"> A. A public road; B. Public reserve; and C. An adjoining site in another zone.
DI	Any outdoor storage area that does not comply with Rule 19.2.7 PI.

[s42A Report – Section 110 – Chapter 19: Business Zone Tamahere – 19.2.7 Outdoor storage]

19.3 Land Use – Buildings

19.3.1 Height – Building general

PI	(a) The maximum height of any building must not exceed 10m. (b) The maximum height of hose drying towers associated with emergency service facilities must not exceed 15m.
DI	Any building that does not comply with Rule 19.3.1 PI.

[s42A Report – Section 111 – Chapter 19: Business Zone Tamahere – 19.2.7 Outdoor storage]

19.3.2 Buildings, structures, and vegetation and objects within an airport obstacle limitation surface

PI	Any building, structure or vegetation must not protrude through any airport obstacle limitation surface 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 19.3.2 PI.

[s42A Report – Section 112 – Chapter 19: Business Zone Tamahere – 19.3.2 Buildings, structures, vegetation and objects within an airport obstacle limitation surface]

19.3.3 Daylight admission

PI	Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the boundary of a site within the Business Zone Tamahere adjointing the Country Living Zone.
RD1	(a) Any building that does not comply with Rule 19.3.3 PI. (b) Council's discretion is limited to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Extent Level of shading on and other adjacent sites; (iv) Effects on Privacy of other sites; (v) Effects on Amenity values of other sites the locality.

[s42A Report – Section 113 – Chapter 19: Business Zone Tamahere – 19.3.3 Daylight admission]

19.3.4 Gross Floor Area

PI	The total gross floor area of all buildings within the Business Zone Tamahere must not exceed 3000m ² .
DI	The total gross floor area of all buildings that does not comply with Rule 19.3.4 PI.

19.3.5 Gross Leasable Floor Area

PI	(a) Any Every individual tenancy must have a gross leasable floor area between 70m ² and 350m ² ; (b) There must be no more than four individual tenancies, each with a gross leasable floor area between 250m ² and 350m ² .
DI	Any Every individual tenancy that does not comply with Rule 29.3.5 PI except where Rule 29.3.5 NCI applies.
NCI	Any Every individual tenancy that has a gross leasable floor area over 350m ² .

[s42A Report – Section 114 – Chapter 19: Business Zone Tamahere – 19.3.5 Gross Leasable Floor Area]

19.3.6 Building setbacks

PI	(a) TheAny building must be set back a minimum of at least: (i) 12m from the Country Living Zone boundary ; (ii) 20m from any road boundary ; and (iii) 2m from the boundary of the Recreation Zone.
DI	Any building that does not comply with Rule 19.3.6.1 PI .

[s42A Report – Section 115 – Chapter 19: Business Zone Tamahere – 19.3.6 Building setbacks]

19.4 Subdivision

19.4.1 Subdivision – Restricted Discretionary Activities

RD1	(a) Subdivision of individual leasable units must: (i) Have a Code of Compliance Certificate issued for each building included in the subdivision ; and (ii) Create a Communal Management Structure in accordance with Appendix 3.2.2 for the ongoing use, operation, management and maintenance of land, buildings and infrastructure in common ownership. (b) Council's discretion is restricted to the following matters: (i) The type and terms of the legal framework for managing and maintaining common facilities; (ii) Matters referred to in Appendix 3.2.3 Tamahere Business Zone - Development Plan Guidelines ; (iii) Consistency with building design and individual unit layout, as shown in the previously-approved development plan; (iv) Continuation of access to common land and infrastructure ; (v) Consistency with any staged development proposal as shown in the previously-approved development plan; (vi) Consistency with the Communal Management Structure (Appendix 3.2.2) that shows ownership, benefits of the common facilities, adequate funding for indefinite operation; (vii) Terms of the legal framework for each owner of a unit within the Communal Management Structure (Appendix 3.2.2) .
DI	Subdivision that does not comply with Rule 19.4.1 RD1 .